

**MINUTE OF THE MEETING OF THE  
LOTHIAN AND BORDERS COMMUNITY JUSTICE AUTHORITY**

Musselburgh Racecourse, Musselburgh, Thursday, 19<sup>th</sup> February 2009

**Present:** Councillor John Muir, (WLC) (**Chair**), Councillor Kenny McLeod (ELC), Councillor Margot Russell (MLC), Councillor Sandy Scott (SBC), Councillor Paul Edie (CEC)

**In Attendance:** Chris Hawkes (CJA), Dr Sue Ross (ELC), Michelle Miller (CEC), Colin Anderson (MLC), David Cressey (SBC), Tim Ward (WLC), Graeme Stenhouse (CEC), Jim Dustan (SPS), ACC Mike McCormick (L&B Police), Lesley Boal (L&B Police), Angela Ward (Scottish Courts), Phil Mackie (NHS L&B), Janet Fulton (Crown Office Procurator), Marjory Frew (APEX), Keith Hastie (SACRO), Josephine Mackenzie (Victim Support), Howie Armstrong (NCH), Greg Barton (Venture Trust), Joe Connelly (Venture Trust), Fiona Allen (Families Outside), Sally Crighton (CJA)

**Apologies:** Ian Quigley (WLC), Dr Alan Mordue (NHS Borders), Andrew Lowe (SBC), Claire Gibson (Includem)

**Observers:** Keith Willcock (Scottish Government, Criminal Justice Directorate) Jennifer Hill, Partnership Development Manager (CJA/Apex/CJVSF)

**Presenters:** Superintendent Martin Gordon and Inspector Garry Inglis

## **WELCOME**

The Chair welcomed everyone to the meeting with a special welcome to:

- Assistant Chief Constable Mike McCormick and Detective Chief Inspector Lesley Boal who are representing Lothian & Borders Police
- Janet Fulton who is the new Area Business Manager, Crown Office Procurator Fiscal Service. Janet has taken over this role from Bill Comrie who has relocated to the Glasgow Procurator Fiscal office.
- The Chair, on behalf of the CJA, noted thanks to Bill Comrie for all his support during his time in Lothian & Borders.
- Keith Willcock from the Scottish Government, Criminal Justice Directorate, attending in an observing role as part of his Induction.
- The Chair welcomed Superintendent Gordon and Inspector Inglis who presenting to the CJA.

The Chair wished to acknowledge the support and expertise that Grahame Blair, formerly of West Lothian Council has contributed to the CJA and on behalf of the CJA, wished him success with his move to Clackmannanshire Council.

The Chair gave thanks to Councillor Kenny McLeod and East Lothian Council for their kind hospitality in hosting the meeting.

## **1 APOLOGIES**

The Chair advised the meeting of the apologies for absence.

## **PRESENTATION – Rehabilitation of Housebreakers**

The Chair invited Superintendent Gordon and Inspector Inglis to present the ‘Rehabilitation of Housebreakers’ initiative to the CJA.

The presentation highlighted the work that has been done to identify the core group of offenders who are carrying out the majority of housebreaking crimes in the City of Edinburgh (A Division). The presentation discussed engaging with this core group of 42 people, to maximise the impact of reducing re-offending. Within this group the ‘top ten’ offenders are responsible for 1900 crimes in one year.

Superintendent Gordon proposed the CJA consider a housebreaking specific project, initially on a pilot basis in A Division, recognising that the model may have relevance in other areas. The outcome of the project would be to create a single, integrated structure, using the resources from a variety of agencies, to target the relatively few, known individuals responsible for the majority of housebreaking. The range of agencies involved would include Lothian & Borders Police, Local Authority Criminal Justice/Youth Justice Services, Scottish Prison Service, NHS Lothian, Victim Support and where appropriate services from the third sector.

### **Decisions**

The Members agreed to:

1. The creation of a Project Board.
2. Consider the project initiation document.
3. Approve the recommendation to adopt this project as a CJA and submit this to Government as part of the CJA action plan.

## **2 PREVIOUS MINUTE**

The Chair requested that the Minute of 4 December 2008 be noted and accepted.

### **Decision**

The Members agreed to:

1. The Minute of the previous meeting, 4 December 2008, was approved and accepted as an accurate record.

## **3 MATTERS ARISING**

### **3.1 Integrated Case Management (ICM) – Kilmarnock Prison**

Jim Dustan SPS/CJA Liaison Manager advised there are no video conference facilities currently available at Kilmarnock prison, but it was being as part of the Kilmarnock private prison contracting process.

The Chief Officer noted the pressure that local authorities are under in delivering against the 85% ICM target due to the travel distance involved. All local authorities have invested in video conference facilities as it provides a much more time and cost efficient method of participating in ICM conferences.

It was noted there are video conferencing facilities in the new private Addiewell prison. These facilities double as Court facilities.

### **Decision**

Members agreed to:

1. Note the contents of the report
2. Receive confirmation when Video Conferencing Facilities are fully available within HMP Kilmarnock

### **3.2 EXTERNAL AUDIT FINAL REPORT**

The Chief Officer referred to the presented Report and confirmed the external audit carried out by Audit Scotland of the CJA Section 27 and CJA Administration accounts for 2006/07 and 2007/08 received an unqualified opinion from them in respect of the CJA governance and the financial statements. The Final Statement was laid before Parliament on 23 December and is not subject to any Parliamentary procedure.

The Chief Officer listed the risks that were identified by Audit Scotland and the steps that are being taken to minimise and resolve these risks.

#### **Decision**

Members agreed to:

1. A letter being issued by the Convenor to all Directors/Chief Social Work Officers to advise them of the impact of late delivery of accounts.
2. The Chief Officer obtains expert advice on the Pension liability and International Finance Reporting Standards and seeks an update report at the April CJA meeting.
3. Receive a report on the finalised Finance Service Level Agreement at the April CJA meeting.

### **3.3 HIGH RISK OFFENDERS**

The Chief Officer presented his Report which provides Members with the Government response to this issue that was first raised at the September 08 CJA meeting, by Michelle Miller. The Government state that the resourcing of support and accommodation for high risk non statutory offenders does not lie with local authorities and social work.

ACC McCormick advised the Members that the Police would also have an issue regards funding this group in terms of support and accommodation due to the terms of the Police grant. ACC McCormick stated he would raise this issue with ACPOS<sup>1</sup>.

Michelle Miller stressed the excellent joint working that is currently being done to identify and prioritise high risk offenders to ensure community safety is paramount. The non-provision of funding under the current funding legislation undermines this work and ultimately impacts community safety. Ms Miller will raise this issue with ADSW<sup>2</sup>.

Phil Mackie highlighted that under the new Mental Welfare Act individuals can be discharged without challenge from the State hospital. This will impact the NHS in terms of accommodating violent offenders who have had their legal restriction order lifted as they may need to be accommodated in general or local psychiatric hospitals.

#### **Decision**

Members agreed to:

1. Seek an update report at the 23<sup>rd</sup> July CJA meeting.

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<sup>1</sup> ACPOS – Association of Police Commissioners in Scotland

<sup>2</sup> ADSW – Association of Directors of Social Work

### **3.4 GOVERNANCE DOCUMENTS**

The Chief Officer presented his paper detailing the final CJA governance documents which have been prepared for Members approval.

#### **Decision**

Members agreed to:

1. Note the Communication Strategy and request the Chief Officer to arrange for the partner agencies to complete their contact details.
2. Approve the Scheme of Delegation document and request the Chief Officer to formally publish this document on the CJA website.
3. Approve the Risk Register document and request the Chief Officer to formally publish this document on the CJA website.
4. Seek a 6 monthly Risk Register update report for the 23<sup>rd</sup> July CJA meeting.

## **4. FINANCE**

### **4.1 2008/09 SECTION 27 UPDATE**

Graeme Stenhouse presented the Quarter 3 CJA consolidated financial report to Members.

The Chief Officer advised the Government have introduced a division in non-core funding between centrally initiated non-core pilot projects and locally initiated non-core services. The centrally initiated funding can be taken back to the centre should the project or pilot demonstrate an under-spend or be deemed by the CJA to be unsuitable or underperforming. The under-spend which is demonstrated in this report can be directly related to two centrally initiated projects and the Chief Officer will advise Government accordingly.

#### **Decision**

Members agreed to:

1. Note the report

### **4.2 2009/10 SECTION 27 ALLOCATION**

Graeme Stenhouse presented his report on the Section 27 allocation for 2009-10. It was noted that the report will be amended in due course to reflect the administrative error in allocation in respect of Statutory Attendance Orders (SAO).

#### **Decision**

Members agreed to:

1. Note the report

### **4.3 FINANCE REVIEW**

The Chief Officer presented his report which is a formal record of the extraordinary meeting held on 29<sup>th</sup> January, in private, attended by Members, Directors/Chief Social Work Officers and the CJA Finance Manager.

Subsequent to the extraordinary meeting it has been agreed by the Directors/CSWO and the Chief Officer to set up a short term working group to conclude the service reviews and provide recommendations to Members on the 2009-10 core allocation.

#### **4.3 FINANCE REVIEW continued/**

Michelle Miller requested the CJA consider a request to extend the roll forward period for non-core funding as agreed at the 29 January meeting to provide sufficient time for City of Edinburgh Council to review their purchasing policy prior to undertaking any procurement work.

Phil Mackie requested the CJA consider how the joint CJA-NHS funding responsibilities for the support of offenders and the non-core services provided by NHS such as alcohol and drugs are managed in 2009-10.

#### **Decision**

Members agreed to:

1. Receive and consider the Core Allocation recommendations at the 22 April CJA meeting.
2. Receive and consider a paper at the 22 April CJA meeting from Michelle Miller in respect of City of Edinburgh's purchasing policy review and its potential impact on the purchased service review work.
3. Receive and consider a paper at the 22 April CJA meeting from Phil Mackie on the management of funding of CJA-NHS joint work

#### **5. FAIR, FAST & FLEXIBLE**

The Chief Officer presented his report which provided an up to date position on the "Protecting Scotland's Communities: Fair, Fast & Flexible Justice" report which was published in December 2008, provides the Scottish Government's response to both "Reforming and Revitalising: Report of the Review of Community Penalties" and "Scotland's Choice: Report of the Prisons Commission."

The meeting discussed the planned community sentences which will have the theme of 'payback' and the current issues surrounding drug misuse both in prison and in the community.

The financial implications, in respect of service delivery, of the new Criminal Justice and Licensing Bill are unknown.

#### **Decision**

Members agreed to:

1. Note the contents of the report and to seek further reports from time to time as the new Criminal Justice and Licensing Bill progresses through its various stages.

#### **6. AREA PLAN**

##### **6.1 QUARTER 4 UPDATE**

The Chair presented the report which demonstrates the current progress of all CJA work groups. The Chair highlighted some key developments to Members:

**6.1.1 Opportunity for Change / Transition Service for Young Offenders** – The original capacity was for 10 young offenders to receive this service. It has been agreed that £100,000 will be reallocated from Section 27 funding to increase the capacity of the programme to 20 young people.

## **6.1 QUARTER 4 UPDATE continued/**

**6.1.2 Women Offenders** – Women offenders are receiving a high profile with a Parliamentary Equal Opportunities Commission for female offenders and a recent Newsnight programme on Cornton Vale. The Women Offenders group has achieved a key outcome with the completion of the research study, “Chaotic Lives”, detailing the profile of women offenders in Lothian & Borders. This will be published in March 2008 and distributed nationally. Janet Fulton highlighted the need for women specific services to be available to allow the Procurator Fiscals office to maximise their referrals.

**6.1.3 Health & Wellbeing** – Phil Mackie reported the plans to introduce a pilot Throughcare and Aftercare support service are well advanced and this will sit side by side with the Scottish Prison Service initiative for supportive treatment schemes for individuals with physical problems.

**6.1.4 MAPPA Governance** - The only work group that is recorded as not on track is MAPPA governance. ACC Mike McCormick confirmed this would now be taken forward.

### **Decision**

Members agreed to:

1. Note the content of this report
2. Seek a full end of year report by 31<sup>st</sup> March 2009

## **6.2. NETWORK RAIL**

The Chief Officer presented his report. The Convenor and Chief Officer have met with Network Rail to discuss an event they will be sponsoring in West Lothian targeting rail related crime. This major event will be open to 3000 individuals in July 2009.

### **Decision**

Members agreed to:

1. Seek an update report as this initiative progresses

## **7. ADDIEWELL**

Jim Dustan presented his report on Addiewell, the new private prison, located in West Lothian. This will be a predominantly “Lanarkshire facing” prison with only a small proportion of prisoners with West Lothian addresses. West Lothian Council are providing the prison based Social Work services under contract.

There is no effective bus route available for visitors and families to the prison and this is being investigated by the West Lothian Council Transport manager. Lothian & Borders CJA and Lanarkshire CJA have an excellent working relationship and have met to discuss the transport logistics and other operational issues concerning the new prison.

### **Decision**

Members agreed to:

1. Note the content of the report

## **7. COMMUNITY SERVICE NEWSLETTER**

The Chief Officer presented his report providing the Members with an update on the recently published and distributed Community Service Newsletter 2008. This newsletter provided readers with a visual and informative update on the excellent community payback work that has been achieved throughout the year.

The newsletter was distributed across Lothian & Borders and the Chief Officer was asked to feature in two radio programmes to discuss the community service work.

### **Decisions**

Members agreed to:

1. The production of this newsletter on a six monthly basis and for local authorities to consider other methods of promoting payback to the community.
2. Request the Finance Manager and Chief Officer to identify funding for the production of a bi-annual newsletter

## **8. AOCB**

### **8.1 CJA Meeting Venue**

Councillor Edie proposed that all future meetings are held at Newbattle Abbey College, Dalkeith due to its central location and ease of parking.

### **Decisions**

Members agreed to:

1. CJA meetings to be held at Newbattle Abbey College on 22<sup>nd</sup> April and 22<sup>nd</sup> October 2009 and for all future meetings to be held at this venue wherever possible.
2. Midlothian Council to approach Newtongrange Mining Museum in respect of the 23<sup>rd</sup> July 2009 meeting.

### **8.2 Agenda for Change - East & Midlothian**

Colin Anderson advised the Members of the joint East Lothian and Midlothian agenda that is currently being undertaken to develop a single management agreement and modernisation of services.

### **Decisions**

Members agreed to:

1. Request Colin Anderson and Dr Sue Ross to submit a paper to the 22 April CJA meeting.

## **9. Date of Next Meeting**

The Chair confirmed the next meeting will be held on Thursday 23rd April at 2pm at Newbattle Abbey College, Dalkeith.