

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

Newbattle Abbey College, Dalkeith
Thursday 21st October 2010

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

In Attendance: Chris Hawkes (CJA), Angela Gentile (CJA), Andrea McLachlan (CJA), Gillian Oghene (WLC), Michelle Miller (CEC), Murray Leys (ELC), Eibhlin McHugh (MLC), Andrew Lowe (SBC), David Cressey (SBC), Phil Mackie (NHS Lothian), Jim Dustan (SPS), Ged McEneaney (Apex), Mary Bowman (Audit Scotland), David Wightman (Audit Scotland), Susan Forsyth (CEC), Sally Crighton (CJA)

Apologies: Monica Patterson (ELC), Colin Anderson (MLC), Jennifer Scott (WLC), Tim Ward (WLC), Dr Eric Bajjal (NHS Borders), Dr Alan Mordue (NHS Borders), Laura Baxter (Victim Support), Joe Connelly (Venture Trust), Fiona Steel (Action for Children) Graeme Stenhouse (CEC), Morag McLaughlin (Crown Office Procurator Fiscal), ACC Iain Livingstone (L&B Police), Fiona Allan (Families Outside), Jim Aitken (Includem)

WELCOME

The Chair welcomed everyone to the meeting.

Before commencing the meeting business, the Chair advised the attendees of the sad and untimely death of Mr Ian Quigley, Head of Social Policy, West Lothian Council. Mr Quigley was the West Lothian Council CJA representative Officer and had recently provided his support and expertise in the CJA Chief Officer selection process. The Chair formally acknowledged the support that Mr Quigley had given to the CJA and on behalf of all Members, passed on their condolences to Mr Quigley's family and colleagues.

DECLARATION OF INTEREST

The Members present confirmed they had no financial or non-financial interest in any matter included in the Agenda for this meeting.

INTRODUCTION

The Chair welcomed and introduced:

- Mary Bowman and David Wightman from Audit Scotland.
- Gillian Oghene who is representing West Lothian Council at today's meeting.
- Susan Forsyth from City of Edinburgh Council who is presenting a paper at today's meeting.
- Andrea McLachlan who has recently joined the CJA staff team.

1. APOLOGIES

The Chair advised the meeting of the apologies for absence.

2. PREVIOUS MINUTE

The Chair requested the Minute of 22nd July 2010 be noted and accepted.

Decision

The Members agreed to:

1. The Minute of the previous meeting of 22nd July 2010 was approved and accepted as an accurate record.

3. MATTERS ARISING

3.1 Integrated Case Management Report for Quarter 1 2010-11

The Chief Officer presented the report to Members. There is a statutory requirement for the Scottish Prison Service to notify local authorities of the Integrated Case Management conferences and for local authorities to attend. The attendance target set by Government is 85%. The Quarter 1 level of attendance by Criminal Justice Social Work staff in Lothian & Borders is 96%.

Decision

The Members agreed to:

1. Note the report.

3.2 East & Midlothian 'Agenda for Change'

The Chief Officer advised Members that further progress had been made on this project since the report was submitted on 7th October. Mr Leys advised the Members that a report will be submitted to both East and Midlothian Councils in the week commencing 25th October as part of a paper on Shared Services. Mr Leys further stated that Criminal Justice shared services would be highlighted as an area of high priority within this paper.

Decision

The Members agreed to:

1. Note the report.
2. Receive a progress report at the next CJA meeting.

3.3 Area Plan 2011-14

The Chief Officer advised Members that the Area Plan 2011-14 had received the approval of the Scottish Government following the Government's scrutiny process. A letter from the Cabinet Secretary for Justice, Kenny MacAskill to the CJA Convenor advised he was content to formally approve the three year plan and noted it was a good plan which was well laid out and comprehensive. The Chief Officer advised the meeting that the full contents of this letter are available on the CJA website. This plan will form the basis of the new priorities to be reported to the CJA from 2011 onwards.

The Chair thanked the Chief Officer for his report and added that he had received additional feedback confirming the Scottish Government were pleased with the report.

Decision

The Members agreed to:

1. Note the positive outcome of the Area Planning process and the formal approval received from the Scottish Government.
2. Receive a revised quarterly report from April 2011 reflecting the new priorities.

3.4 Annual Report 2009-10

The Chief Officer confirmed to Members that the Annual Report 2009-10 had been submitted to the Scottish Government on time and following a recommendation from the local authority Directors last year, it includes a section on local achievements.

Decision

Members agreed to:

1. Note the completion and submission of the Annual report.
2. Receive a further report detailing feedback from the Scottish Government.

3.5 Action Plan 2011-12

The Chief Officer updated Members on the Scottish Government requirement to submit an Action Plan for 2011-12 as part of the scrutiny feedback for the Area Plan 2011-14. The timescales involved did not allow for any partner consultation although the main content has been derived from the Area Plan which did go through a full consultation process.

The Chief Officer, in response to an enquiry from Ms Miller, confirmed that the reports covered in Items 3.3, 3.4 and 3.5 were not being submitted for CJA approval at this meeting, as this had already been obtained, but so that Members could be advised of their submission to the Scottish Government as part of their statutory reporting requirements.

Decision

Members agreed to:

1. Note the submission of the Action Plan 2011-12 to the Scottish Government.

4. FINANCE

4.1 Section 27 2010-11 Update at 30 June 2010

The Chair advised Members that due to Mr Stenhouse being on holiday the Chief Officer would present his report and answer any questions.

The Chief Officer confirmed that all quarter 1 reports had been submitted to the Scottish Government within the agreed timescales.

Councillor Russell stated that the contribution from Midlothian Council to support any potential overspend may not always be forthcoming and asked for greater help from the CJA. The Chair confirmed that this was also the situation for West Lothian Council as it is not possible for them to sustain any further subsidy. Mr Lowe stated that it has been made very clear that they cannot countenance any support in Scottish Borders Council and the service must be operated on that basis.

Decision

The Members agreed to:

1. Note the contents of the report

4.2 Purchased Service Review Final Report

Ms Miller presented a summary of her report to Members. All contracts have now been let and it is anticipated these new contracts will bring greater efficiencies.

Ms Miller agreed to circulate the projected level of savings as was reported at the July CJA meeting.

The Chief Officer suggested that if the process has led to financial savings it would be useful for him, the Members and Directors to discuss the best way of redistributing these savings.

Ms Miller concluded her report by stating that despite the length of time it has taken to conclude this process, the new contracts will only be let for 6 months due to there being no guarantee of funding for 2011 and beyond.

Decision

Members agreed to:

1. Note the report

4.3 Independent Review of Financial Allocation

The Chief Officer presented his report to Members and advised that this report should be taken in conjunction with Item 4.4. The Chief Officer provided the full historical background to the introduction in 1991 of core funding for statutory services and non-core funding for commissioned local services mainly through the third sector. The funding was through a formula agreed by the Scottish Government and local authorities based on an average three year workload and weighting based on geographic areas of deprivation.

Several attempts have been made since 1991 to agree a cost base for services but this has proved not possible. In 2008-09 a review of each core service was carried out and this led to the agreement for the establishment of a cost base for each service. The Directors Group prepared a Principles Paper and following approval from the Scottish Government to vire funds for this work, Baker Tilly were contracted to carry out the cost base review.

The draft report was received on the 22 July and following the circulation of the final report and consideration by the Directors, it had been hoped to present a paper at this meeting recommending future Section 27 allocation.

The Chief Officer advised Members that as the Directors report was received on 14th October and did not contain any recommendation for the future allocation of core services and in addition, as Accountable Officer he must be consulted regarding any change to the funding formula, he has to recommend the continuation of the current funding arrangements.

Councillor Edie stated his dissatisfaction with the outcome of the Baker Tilly report in light of the Directors reporting it did not meet their requirements. Councillor Edie queried how much had been spent on this work and recommended that recompense was sought due to the reported poor quality of the report.

The Chief Officer advised Councillor Edie that he held a different opinion to that reflected in the Directors report and that before any redress was sought an exercise should be carried out to review the report in line with the scope. The total paid to Baker Tilly was £23,000.

The Members discussed approaching Baker Tilly to request financial recompense due to the fact that the Directors and their staff had had to replicate part of the work that Baker Tilly had been asked to do.

The Chief Officer stated that if the CJA wishes Baker Tilly to be approached in this manner then he would take this forward.

Proposal

Councillor Scott advised the Chair that if Councillor Edie was formally proposing that Baker Tilly are approached to discuss recompense in light of their report not meeting the objectives of the Directors then he would second this proposal. Councillor McLeod stated he would support Councillor Edie but it should be noted that it may be a case of the report fulfilling what had actually been asked for. Councillor Russell also indicated her support for this proposal. Councillor Muir was the only Member not to support this proposal.

Decision

Councillor Paul Edie, seconded by Councillor Scott, moved approval for the CJA to write to Baker Tilly to request they make financial recompense due to their report not meeting the objectives as laid out by the Directors in their report submitted under Item 4.4.

Decision

Members agreed to:

1. Note the report.
2. Approve the second half year core allocation commencing in October 2010 on the same basis as the first half year allocation.
3. The CJA through the Chief Officer to contact Baker Tilly to seek financial recompense.

4.4 Lothian & Borders Social Work Services Response to the Baker Tilly Report

Michelle Miller on behalf of the Directors/CSWO group presented the report to Members and reinforced the Group's dissatisfaction with the quality of the report.

As one of the Directors involved in the report, Mr Lowe commented that it had been a difficult process from the outset and whilst Baker Tilly were not equipped to do the job well, the Social Work departments had also not performed well in terms of their availability or responsiveness. Mr Lowe welcomed the motion which had been carried in Item 4.3 and further recognised that Baker Tilly will have their own comments to make.

Decision

Members agreed to:

1. Note the submission of the report.
2. The report not being formally presented to the meeting.

5. Working with Women who Offend

The Chief Officer provided Members with a summary of the recent work stream that focussed on the needs of women who offend, which has recently concluded. The Chief Officer stressed the significant level of excellence that had been achieved by the CJA in this work stream and in particular by Kirsty Pate who was seconded from City of Edinburgh Council to lead this work.

Ms Pate has developed a framework for working with women offenders and this has been both disseminated to each council area in Lothian and Borders, to Government and across the CJA Scottish network as an example of best practice. The Chief Officer advised Members that unlike the rest of Scotland, the number of women from Lothian & Borders entering into custody had fallen by 25% in the last 12 months.

The Chief Officer confirmed the framework also includes work with women who re-offend and this is demonstrated by the inclusion of work with women coming out of custody to interrupt the potential for re-offending. This is reflected in the reduction in the number of women in custody.

Members agreed to:

1. Note the contents of the report
2. Note the exceptional work undertaken by Kirsty Pate and the long term potential impact this work will have on women who offend and re-offend.

6. Guidelines for the use of Stable and Acute 2007 (SA07) in the community

Ms Forsyth updated Members on the introduction over the last few years of the accredited group work, known as CSOGP (Community Sex Offender Groupwork Programme), MAPPA (Multi Agency Public Protection Arrangements) and the use of a risk assessment tool for Criminal Justice Social Work and Police Officers.

SA07 was developed in Canada and has the ability to predict the behaviour of sex offenders and the required intervention for each individual. Government has provided support and training has been undertaken over the last 3 years. This is however limited as it was recognised that there was a need to develop structures and consistency in practice for all users.

The offenders who are subject to this risk assessment tool are all offenders on the sex offenders register and under the scrutiny of the Police and Criminal Justice Social Work. The tool can be done pre-sentence, in prison and by Police and is refreshed every 12 months.

Ms Forsyth presented the guidelines to Members for their information and sought support for producing the guidelines as a published document. The Chief Officer requested Ms Forsyth to submit the numbers that would be required to allow for costs to be obtained. Mr Lowe added that the guidelines were encouraging and suggested they may be suitable for e-usage and that desk top publishing may facilitate this as an option.

Councillor Scott queried how the information provided at interview could be guaranteed as true and believable. Ms Forsyth confirmed this was one of the issues that had been recognised and is covered by the training. Whilst skilled interviewing can achieve good quality information further tools are used to verify it. Mr Leys referred Members to Appendix 2 of the Guidelines which provided further information on the 'presumption of answer'.

The Chair thanked Ms Forsyth for presenting her report.

Decision

Members agreed to:

1. Note the contents of the report

7. CJA Groups

Angela Gentile updated Members on the status of all CJA related projects which are currently all on track.

Ms Gentile highlighted 5 key achievements from the Quarter 2 reports:

- Community Service Action Group – Community Service Officers have successfully completed the SVQ module ‘Certificate in Delivering Training’ and received their qualifications at an Awards event on the 7th October.
- Caledonian – An Action Plan has now been developed which includes recruitment of staff.
- DTTO II – This pilot has been extended until 31 December 2012. 61 DTTO II Orders have been made to date, including 17 through JP Courts.
- Growth Funded Projects:
 - Circle – The Minister for Community Safety, Fergus Ewing visited the Circle project staff working on the ‘Meet at the Gate’ project on 18th October. Ms Gentile and the Chief Officer were also in attendance.
 - More Choices More Chances – An appointment has now been made for the project worker who will start in November.
- NHS Sex Offender Liaison Officer (SOLO) – This project has now moved forward and it is anticipated the Psychology Assistant post will be filled by November.

Decision

Members agreed to:

1. Note the contents of the report

8. Chief Officer Recruitment

The Chief Officer confirmed the appointment of Rob Strachan as the Chief Officer designate from 15th November 2010. Mr Strachan will take over as Chief Officer from the 1st January 2011.

The Chief Officer confirmed that introductory meetings have been arranged with both the Members and all key CJA partners including the Directors. Councillor Scott remarked on the high cost of the recruitment advertising. It was noted that this is a reflection of the current cost of newspaper advertising and this medium had been recommended as appropriate for advertising this post in addition to the job websites which were also used.

Decision

Members agreed to:

1. Note the contents of the report
2. An early meeting with the new Chief Officer designate.
3. Join the Chair in thanking the panellists and Scottish Borders Council HR for their time and support.

9. AOCB

(i) Alcohol Pricing Policy

The Chair opened this item by asking all Members to note that this item is a specific request from Councillor McNamara of South West Scotland CJA. Councillor McNamara has recognised a direct link with alcohol and crime and presented this paper to all CJA Convenors on the 18th October. At that meeting it was noted that the Convenors could not agree to a joint statement as the matter was overtly political. Agreement was however reached that each

Convenor would present this paper to their CJA Members at the next available CJA meeting, to establish if Members are in agreement to submitting a position statement for incoming MSPs either as an individual CJA or on a collective basis.

Councillor Russell advised the Chair that the Councillors in her community are aware of the alcohol issues but the mechanism of how to deal with these issues is still being discussed by the Scottish Government. Councillor Russell supports her party's position that taxation is the way forward and has concerns that the CJA is being dragged into a political debate. Councillor Russell stated she would agree to a position statement but would speak out against alcohol pricing.

Councillor Edie stated he has an anti political stance and feels strongly that the political system and alcohol policy has failed in Scotland. Councillor Edie promotes a closer working partnership for all the agencies involved in tackling this issue, such as the CJA model, as there is a need to control demand.

Councillor Scott's personal view is against minimum pricing as this would be detrimental to sensible drinkers and it is the binge drinkers who need to be targeted. Councillor Scott quoted figures on the impact that alcohol pricing would have on individuals and retailers. Councillor Scott stated he could not support the proposal.

Councillor McLeod stated that his personal view was that something needs to be done to tackle the issue but was not convinced that this proposal would achieve it.

Mr Mackie declared his joint interests in this matter as the Deputy Convenor of the Faculty of Public Health in Scotland who have come out strongly in favour of minimum pricing and in his role as Public Health Practitioner for NHS Lothian and as their representative on the CJA. Mr Mackie suggested that this should not be a debate on minimum pricing but whether the CJA Members and statutory agencies wish to prevent alcohol misuse using evidence that is available and agreeing how we can collectively deal with alcohol.

Ms Miller added her concerns that by focussing on only one option such as alcohol pricing other options may be excluded. This is about problematic substance misuse which is a complex issue and if only price is targeted then it is likely the problematic behaviour will continue.

The Chair thanked everyone for their input and recognises that alcohol contributes to offending and re-offending. In light of the debate and Members comments the Chair noted the lack of consensus and advised Members that he will contact Councillor McNamara to confirm that Lothian & Borders CJA is unable to support his proposal.

Decision

Members agreed to:

1. Not submit a Lothian & Borders CJA position statement to all parties seeking election in May 2011 or support a joint statement with other CJAs.
2. Chief Officer to prepare a position statement.

AOCB continued/

(ii) Audit Scotland

The Chair invited Mary Bowman to provide Members with a verbal update on the progress of the 2009-10 Audit. Ms Bowman confirmed the Un-audited Accounts were submitted prior to the submission date of 30th September and the audit is substantially complete.

The ISA 260 Draft Report has been issued to the Chief Officer today. This report sets out the scope of the audit and the draft opinion is an unqualified opinion. The audit is substantially complete with only the City of Edinburgh Council Section 27 Report to be included.

No significant issues have come to light during the course of preparation. The only new item is the accounting policy for fixed assets and depreciation. Representation has been requested from the Chief Officer over the next few days to allow Audit Scotland to sign off the accounts and following this, a Members Report will be produced.

The Chair thanked Ms Bowman for her report and passed on his thanks to the Chief Officer for this successful outcome.

10. DATE OF 2011 MEETINGS

The 2011 meetings will be held at Newbattle Abbey College, Dalkeith, commencing at 2pm.

Dates:

Thursday 17th February 2011

Thursday 19th May 2011

Thursday 18th August 2011

Thursday 17th November 2011

Details are available on the CJA website www.cjalb.co.uk

CLOSING REMARKS

Councillor Muir advised the Members and partners that this was the last CJA meeting for the Chief Officer, Chris Hawkes. Councillor Muir reflected on the first time he and the Members met with Chris to learn what the CJA was all about. Councillor Muir's background in the Police and as a Prison Visitor resulted in him having the CJA as part of his portfolio and Chris has very much acted as his mentor and teacher over the last 4 years.

Chris took up post in November 2006 and Councillor Muir stressed the respect, influence and appreciation Chris has of all CJA Convenors and within the Chief Officers Group as well as from the Civil Servants and Kenny MacAskill.

Councillor Muir asked everyone present to join him in wishing Mr Hawkes all the very best for his retirement.