

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

**Newbattle Abbey College, Dalkeith  
Thursday 28 June 2012**

**Present:** Councillor Cath Johnstone (MLC) (**Chair**), Councillor Donald Moffat (SBC), Councillor Ricky Henderson (CEC), Councillor Barry Robertson (WLC), Councillor Donald Grant (ELC).

**In Attendance:** Rob Strachan (CJA), Erica Guiney (CJA), Andrea McLachlan (CJA), Patricia Kaminski (ELC), David Cressey (SBC), Dougie Imery and David Shand (Scottish Courts Service), James Black (CEC), Laura Baxter (Victim Support Scotland), Margaret Brewer (MLC), Julie Murray (NHS Borders), Alan Mordue (NHS Borders), Allister Perston and David Wightman (Audit Scotland), Graeme Stenhouse (CEC), Michelle Miller (CEC), Alan Shand (SACRO), Fiona Allan (Families Outside), Jennifer Scott (WLC), Tim Ward (WLC) Veronica MacMillan (Minute Taker, Scottish Borders Council).

**Apologies:** Jim McGonigle (JCP), Murray Leys (ELC).

**CHIEF OFFICER'S REMARKS**

1. The Chief Officer welcomed everyone to the meeting and advised that nominations would be invited from Veronica MacMillan, Committee and Elections Officer with Scottish Borders Council, for the appointments of Convener and Vice-Convener of the Community Justice Authority. Mr Dougie Imery from the Scottish Courts Service was a newcomer to the meeting and the Chief Officer welcomed him.

**APPOINTMENT OF CONVENER**

2. The Lothian and Borders Community Justice Authority considered the appointment of Convener. Councillor Johnston, seconded by Councillor Moffat, moved that Councillor Johnston be elected. There were no other nominations. Councillor Johnston was duly elected.

**DECISION**

**AGREED that Councillor Johnston be appointed as Convener of the Lothian and Borders Community Justice Authority.**

**APPOINTMENT OF VICE-CONVENER**

3. The Lothian and Borders Community Justice Authority considered the appointment of Vice Convener. Councillor Moffat, seconded by Councillor Johnston, moved that Councillor Moffat be elected. Councillor Grant, seconded by Councillor Robertson, moved that Councillor Grant be elected. Following a show of hands Members voted as follows:-

*Councillor Moffat* - 2 votes  
*Councillor Grant* - 3 votes

Councillor Grant was duly elected.

**DECISION**

**AGREED that Councillor Grant be elected Vice Convener of the Lothian and Borders Community Justice Authority.**

#### **MINUTE**

4. The Minute of the meeting of 23 February 2012 had been circulated. The Convener was advised that Mr David Wightman was in attendance at the meeting but had not been noted as being in attendance, and the Minute would be amended to reflect this. The Convener was further advised that amendments should be made to paragraph 21 which read "Audit Scotland published their 'Report to Members and the Auditor General on the 2009/10 Audit' in October 2011", and should read "Audit Scotland published their 'Report to Members and the Auditor General on the 2010/11 Audit' in October 2011. Paragraph 22 read "Mr Allister Perston from Audit Scotland explained that the Lothian and Borders CJA could face significant challenges delivering the Area Plan 2011-14", and should read "Mr Allister Perston from Audit Scotland explained that the Lothian and Borders CJA could face significant challenges delivering the Audit Plan 2011-14".

#### **DECISION**

**APPROVED and to be added to the CJA website, subject to the above amendments.**

#### **MATTERS ARISING FROM THE MINUTE**

5. The Chief Officer advised the CJA that progress on all matters arising from the February 2012 Board would be reported formally to the CJA at the end of August 2012.

#### **DECISION**

**NOTED.**

#### **CJA GOVERNANCE, PLANNING AND PERFORMANCE – PRIORITIES AND STATUTORY FUNCTIONS**

6. With reference to paragraph 5 of the Minute of 23 February 2012, there had been circulated copies of a report by the Chief Officer recommending approval of three key documents by CJA Board Members: CJA Standing Orders, a protocol for Board Members attendance at meetings, and a Members Code of Conduct. A full report on the status of the three key strands of governance – finance, performance management and risk management – would be provided under the matters arising agenda item at the next CJA Board meeting. These issues would also be extensively covered in the induction programme for Board Members and substitute Members.
7. The Standing Orders regulated the procedures and business of the Authority and covered a range of issues from quorum to meeting procedures to declarations of interest. The Standing Orders stipulated that Members should observe the Councillors Code of Conduct, as adapted for the CJA. The Standing Orders outlined the process for adjournment where attendance was below three members. This protocol attempted to ensure that the CJA would not fall below quorum through notification procedures and arrangements for substitute Members. The Members Code of Conduct had been adapted for the CJA from the Councillors Code of Conduct to ensure consistency in expectations, as governed by the Ethical Standards in Public Life etc (Scotland) Act 2000, and the provisions for dealing with alleged breaches. Subject to agreement of the governance documentation, the CJA Board would begin scrutiny of financial management, performance management and risk management arrangements.

#### **DECISION**

**APPROVED the three documents governing the conduct of Board Members and the running of the CJA meetings, before any decisions were made on subsequent business.**

## **ORDER OF BUSINESS**

The Chief Officer advised the CJA that the order of business had been changed and this was reflected in the Minute.

## **FINANCE**

8. **Section 27 Update – Draft Outturn for 2011/12** - With reference to paragraph 17 of the Minute of the 23 February 2012, there had been circulated copies of a report by Mr Graeme Stenhouse, Finance Manager, informing members of the draft outturn position in relation to Section 27 Criminal Justice Social Work Services grant for 2011/12, and to highlight the areas of significant over or under spend. Preparation of the Criminal Justice Social Work Section 27 final accounts for 2011/12 was currently underway with submissions due to auditors (copied to CJA Finance) by 29 June 2012. The report reflected the draft outturn position prior to audit and any final accounting adjustments deemed necessary by finance directors for the constituent authorities. The draft returns for each authority were detailed in Appendix 1 to the report. Mr Stenhouse answered Members and Officers questions.

## **DECISION**

**NOTED the contents of the report.**

9. **2012/13 Section 27 Allocations for Approval** – With reference to paragraph 18 of the Minute of the 23 February 2012, there had been circulated copies of a report by Mr Graeme Stenhouse, Finance Manager, informing members of the proposed allocations arising from the Scottish Government Section 27 Criminal Justice Social Work Grant awards for 2012/13, and to highlight material changes measured against 2011/12 allocations. After the moratorium in 2011/12, Scottish Government returned to using the national formula for 2012/13. As a stability measure, a dampening factor was used so that only 25 per cent of the changes from 2011/12 had been applied. This resulted in an increase in Core funding to the Lothian and Borders CJA of £52,000. There was no cost of living increase applied to either Core or Non-core funding. Allocations to each authority for Core Services had been calculated based on the Workload Model previously approved by Lothian and Borders CJA. For Non-core services, the historical percentage basis had been applied. The summary allocations for 2012/13 and 2011/12 comparators were shown in Table 1 of the report, and the breakdown of Core, Non-core Central and Non-core funds to each authority was detailed in Table 2 of the report.
10. Councillor Moffat advised the CJA that Scottish Borders Council (SBC) had concerns about the allocation formula, as it had produced a 23 per cent loss in the SBC Criminal Justice Social Work budget, which had resulted in 7 members of staff being made redundant. The allocation for SBC was to be cut by £19,000 and Councillor Moffat requested that SBC retained the £19,000 as losing this funding would affect the delivery of frontline services within the Scottish Borders. Councillor Moffat suggested that there could be a bi-lateral funding agreement with other local authorities to plug the funding gap. Councillor Robertson advised that previously West Lothian Council (WLC) had been severely disadvantaged in terms of the funding they had received. SBC had previously been allocated more funding than they should have received which was why funding was now being clawed back from SBC and reallocated to WLC. Councillor Moffat recognised that SBC had received more funding than they should have in the past. The allocation formula was meant to rebalance funding between local authorities but the formula had not achieved this for SBC and WLC. With regard to the allocation formula, Councillor Henderson thought that officers had been working to agree an allocation formula which should be accepted, and it was not appropriate to try an amend it. Councillor Moffat advised that he was not attempting to unpick the allocation formula but was requesting to retain the proposed £19,000 cut as this would have an adverse affect on Criminal Justice services in the Scottish Borders. The Chief Officer recommended, as the accountable

officer, that the CJA retained the allocation formula agreed, and the allocations described in the report would proceed, but bi-lateral funding arrangements could take place out with the CJA meeting. The Chief Officer would continue to observe the development of the allocation formula and any possible changes, and would keep the CJA Board fully informed.

#### **DECISION**

##### **AGREED:-**

- (a) the allocations detailed in the 2012/13 Section 27 Allocations Report;**
- (b) that any bi-lateral funding arrangements between local authorities take place out with the CJA meeting; and**
- (c) the Chief Officer would continue to observe the development of the allocation formula and any possible changes, and would keep the CJA Board fully informed.**

11. **Review of Adequacy of the Internal Audit Service 2011/12** – With reference to paragraph 21 of the Minute of 23 February 2012, there had been circulated copies of a letter from Audit Scotland advising members that an assessment of the CJA's internal audit function had been completed. Audit Scotland's Code of Audit Practice (the 'Code') set out the wider dimension of public sector audit. The Code required external auditors to carry out an annual assessment of the adequacy of the internal audit function. Also, based on this assessment Audit Scotland could plan to rely on areas of internal audit work in terms of the International Standard on Auditing 610 (Considering the Work of Internal Audit). The completed assessment of the CJA's internal audit function included a review of the range and quality of work carried out by Internal Audit. The review of the Internal Audit Service concluded that it operated in accordance with CIPFA code of practice for Internal Audit in local government. For financial statements audit responsibilities Audit Scotland planned to place a formal reliance on aspects of Internal Audit's work in the following areas: CJA's Corporate Governance; the reliance on Internal Audit Work in the above areas would allow Audit Scotland to direct their resources to the financial systems and governance areas that were assessed as being of higher audit risk; and completed Internal Audit assignments would continue to be reviewed to ensure that work on which reliance was placed had now been delivered. Any failure to complete areas where formal reliance had been agreed could impact on Audit Scotland's plan or agreed fee.

#### **DECISION**

##### **NOTED the contents of the letter.**

12. **Annual Audit Plan 2011/12** – With reference to paragraph 22 of the Minute of 23 February 2012, there has been circulated copies of the Annual Audit Plan 2011/12. Mr Allister Perston presented the report to the CJA. Based on Audit Scotland's analysis of the risks that faced Lothian and Borders CJA, their planned work in 2011/12 included an audit of the financial statements and provision of an opinion on whether they gave a true and fair view of the financial position of Lothian and Borders CJA as at 31 March 2012 and its income and expenditure for the year then ended, and the accounts had been properly prepared in accordance with the Local Government (Scotland) Act 1973, and the 2011/12 Code of practice on local authority accounting in the United Kingdom. Planned work also included provision of the annual report on the audit addressed to the Accountable Officer/Members of Lothian and Borders CJA and the Auditor General, and a review and assessment of Lothian and Borders CJA governance and performance arrangements in a number of key areas that included a review adequacy of internal audit and the Statement of Internal Control. Mr Perston described the approach that would be taken to auditing

accounts, the responsibilities that Audit Scotland had, audit issues and risk and the risk register, and reporting arrangements. The Chief Officer advised that the CJA did have a risk register but had not tabled it at today's meeting because the details were still being finalised. The risk register would be tabled at the next meeting of the CJA. Mr Perston answered Members and Officers questions.

**DECISION**

**NOTED the contents of the report.**

**UNDERSTANDING THE HEALTH NEEDS OF OFFENDERS**

13. Dr Alan Mordue and Ms Julie Murray from NHS Borders gave a presentation on a project that had been developed to identify the health needs of offenders in the Scottish Borders. The main aims of the project were: to assess the health needs of offenders; identify whether offenders health needs were being met; and map out areas of unmet need in the current provision. Information and data was collected via questionnaires, on-line surveys, interviews, focus groups and social enquiry reports. The findings were consistent with the national needs assessment of offenders. There was a good range of services for offenders except in the following areas: social housing, employability, psychiatry and dentistry. It was identified that improved joint working was required to improve access to these services for offenders. It was also identified that the highest rates of heart disease, epilepsy, asthma and dental problems were found to be amongst offenders. An action plan had been produced to address the gaps in services which was an ongoing piece of work. Dr Mordue and Ms Murray answered Members and Officers questions and the Chief Officer thanked them for their presentation.

**DECISION**

**NOTED the presentation.**

**AOB**

14. The Chief Officer reported that a briefing had been copied to Members on the response of the Scottish Government to Women Offenders ahead of the workshop that would be taking place on 30 August 2012 on Women Offenders. The Strategic Officers Group was collaborating on this issue.

**DECISION**

**NOTED.**

**DATE OF NEXT MEETING**

15. The next CJA meeting was scheduled to take place on 30 August 2012 at Newbattle Abbey College, Dalkeith.

**DECISION**

**NOTED.**

*The meeting concluded at 3.15 p.m.*