

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

**Newbattle Abbey College, Dalkeith
Thursday 30 August 2012**

Present: Councillor Catherine Johnstone (MLC) (**Chair**), Councillor Donald Moffat (SBC), Councillor Donald Grant (ELC), Councillor Bill Cook (CEC), Councillor Tony Boyle (WLC).

In Attendance: Rob Strachan (CJA), Erica Guiney (CJA), Andrea McLachlan (CJA), S. McLean (SACRO), C. Henderson (CEC Internal Audit), Graeme Stenhouse (CEC), Dr Alan Mordue (NHS Borders), David Shand (Scottish Courts Service), Tracey Curran (Victim Support Scotland), T. Ward (WLC), Tony Boyle (WLC), Jim Dustan (SPS), Andrew Lowe (SBC), Steve Harvey (ELC), Allister Perston (Audit Scotland), Dawn Abell (Scottish Government), Margaret Brewer (MLC), Colin Beck (CEC), Michelle Miller (CEC), Councillor Bill Cook (CEC), Veronica MacMillan (Scottish Borders Council, Minute Taker).

Apologies: Councillor Ricky Henderson (CEC),, Laura Baxter (Victim Support Scotland), Linda Irvine (NHS Lothian), Jennifer Scott (WLC), Jim McGonigle (JCP).

CHIEF OFFICER'S REMARKS

1. The Convenor welcomed everyone to the meeting and provided an overview of the items that would be considered at the meeting.

MINUTE

2. The Minute of the meeting of 28 June 2012 had been circulated. The Convenor was advised by Councillor Moffat that amendments should be made to paragraph 10 which read "SBC had previously been allocated more funding than they should have received which was why the funding was now being clawed back from SBC and reallocated to WLC", and should read "SBC's allocation had been agreed at national level and there was a further agreement at local level. Surplus monies were reallocated".

DECISION

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

MATTERS ARISING FROM THE MINUTE

3. **Funding Formula that incentivises prevention and intelligence** – With reference to paragraph 3 of the Minute of 23 February 2012, the Chief Officer advised that the national working group around finance was meeting to agree a funding formula. There were representatives from Lothian and Borders on the working group and developments would be reported to the CJA Board.

DECISION

NOTED.

4. **CPO Cashback initiative** – Mr Graeme Stenhouse, Finance Manager, advised that two bids had been received from City of Edinburgh Council and Scottish Borders Council to build new football pitches. The innovation around cashback funding had been captured in the annual report.

**DECISION
NOTED.**

5. **Discussion with Criminal Justice Board around potential for reducing demand on Criminal Justice Services** – The Chief Officer provided an update on the discussion with the Criminal Justice Board (CJB) around the potential for reducing demand on Criminal Justice Services, and advised that there was a workstream within the action plan that was under development with Mr Dougie Imrey. Ms Michelle Miller from CEC was giving a presentation to the CJB on this topic in the next two weeks.

**DECISION
NOTED the update.**

CJA GOVERNANCE, PLANNING AND PERFORMANCE – PRIORITIES AND STATUTORY FUNCTIONS

6. **Annual Report and Annual Reducing Reoffending Action Plan** - With reference to paragraph 6 of the Minute of 28 June 2012, there had been circulated copies of a report by the Chief Officer providing members with an update on the status of the CJA's Annual Report and Annual Reducing Re-offending Action Plan. The annual report and action plan had been drafted by the Chief Officer with the extensive cooperation of partners and stakeholders, reflecting a fast paced policy and financial climate. The annual report recorded significant progress against each of the key priorities, including area by area and theme by theme achievements. The action plan for 2012-13 was iterative and will require further amendment, to reflect any changes in national policy or feedback from partners or Government. The final draft of the action plan was attached at Annex A to the report. In terms of the annual report, all required information was submitted by partners and drafting was completed by the end of the second week in August. Consequently, feedback from members and partners would be needed before the end of August 2012. The Chief Officer answered members' questions.

DECISION

(a) AGREED

- (i) to a follow up report, upon receipt of feedback from Government; and**
- (ii) to provide feedback, in accordance with the timeline at paragraph 3.**

(b) NOTED:-

- (i) the current status of the annual report and action plan; and**
- (ii) the substantial contribution of partners across the sector to the development of the annual report.**

7. **Performance report for CJA Board Members** – With reference to paragraph 6 of the Minute of 28 June 2012, there had been circulated copies of report by the Chief Officer providing members with an overview of the process for updating the Board on Community Justice Performance and Reducing Reoffending Priorities and Strategies. The performance report would be in two parts. The first part would be a commentary on performance by the Chief Officer, based on the performance reporting format attached at Annex A. In the future, this would be supplemented by commentary by lead Directors for the Board on performance and progress around Reducing Reoffending Priorities and

Strategy paper (at Annex B). The local service performance reporting would begin from the November Board onwards.

8. The Priorities and Strategies paper tested agreed community justice priorities and outcomes against the CJA's statutory and regulatory obligations. The paper needed to reflect the reality of reducing reoffending across Lothian and Borders, including the innovation that was taking hold across a range of complex and challenging areas of public policy. This paper would be subject to ongoing update at the Strategic Officers Group with subsequent reporting to the CJA Board through the performance report (see report 5.2) and lead Director commentary on an exception basis. The Chief Officer discussed the Top-Level Performance Report and provided an explanation of the progress that had been made on all the categories. The Chief Officer was asked if an assessment was made in terms of the nuisance caused to neighbours living next to chaotic and marginalised families and those that had offended. The Chief Officer advised that Victim Support had responsibility for supporting victims of crime, and that there was a focus on victims as well as offenders. The interventions that were put into place were designed to resolve issues within local communities.

DECISION

NOTED the report.

9. **Risk Management report** - With reference to paragraph 6 of the Minute of 28 June 2012 there had been circulated copies of a report by the Chief Officer providing members with an update on CJA risk management following discussions with partners between March and July 2012. Relevant reports had been scanned from Scottish Government, Audit Scotland and others to pinpoint the key risks that should be explored within a partnership context and Chief Officer brought these 'recommended' risks together with the national risks agreed with CJA convenors. These risks were then placed in a single draft risk register, structured along the lines of financial management, communications and the CJA's statutory and regulatory expectations. Initial feedback from partners - SPS, NHS Borders, Scottish Borders Council and West Lothian Council – suggested that the collated risk register was much too long and required substantial streamlining. The Community Justice Strategic Officers Group (CJSOG) provided the forum for this risk management discussion and considered the range of risk that emerged, the severity of the risks identified and agreed how the risks should be mitigated and by whom as well as the regularity of reporting on the relevant risks to the CJSOG and the CJA Board. The Chief Officer answered members' questions.

DECISION

(a) AGREED to APPROVE:-

- (i) that the redrafted risk register attached at Annex A should be subject to assessment once the risks identified had been approved by the CJA Board;**
- (ii) that the CJSOG assumed accountability and responsibility for monitoring and reviewing partnership risks on a regular basis; and**
- (iii) that the Chief Officer reported risks to the CJA Board on an exception basis only, as part of the performance report (Item 5.2).**

(b) NOTED the progress made around risk management.

FINANCE

10. **Financial protocol** - There had been circulated copies of a report by the Chief Officer seeking approval for further consultation on the draft financial protocol between the CJA, the five Councils (Criminal Justice Social Work) and Lothian and Borders Police. The financial protocol had been developed in the spirit of partnership and in response to the CJA Board's decision in May 2011 to accept suggestions by Midlothian, West Lothian and Scottish Borders Councils for the development of an agreed set of principles/protocol that provided the basis for grant allocations between the CJA and local authorities. The protocol had undergone a number of iterations which reflected changing financial, regulatory and policy environment – the draft attached for members' consideration was version 5. However, the protocol was already out of date in light of the Government's financial memorandum with the CJA which had been substantially refreshed and required further redrafting. The Chief Officer answered members' questions.

DECISION

AGREED to APPROVE:-

- (i) **to be followed by a consultation process for the protocol to ensure that any concerns were addressed;**
 - (ii) **a re-draft of the protocol, and a re-draft of the CJA effectiveness test to reflect the Memorandum from Government;**
 - (iii) **a further report to the Board in November 2012 on the status of the protocol and memorandum from Government;**
 - (iv) **a review of the process put in place, through the Community Justice Strategic Officers Group, and reported on an exception basis to the CJA Board; and**
 - (v) **the testing of the effectiveness of the protocol, once approved, by independent expertise at the end of year 1.**
11. **Section 27 Allocation update – Quarter 1 reporting** – With reference to paragraph 8 of the Minute of the 28 June 2012, there had been circulated copies of a report by Mr Graeme Stenhouse, Finance Manager, informing members of the Quarter 1 position in relation to the Section 27 Criminal; Justice Social Work Service grant for 2012/13 and to highlight areas of significant over or under spend. Scottish Government no longer required reports for Quarters 1 and 2, and instead focused on accurate forecasts to be provided at Quarter 3. This report was for the CJA Board and Chief Officer only. This report focused on the high level forecasts based on expenditure to 30 June 2012, the factors impacting on these forecasts and the risks that could lead to changes during the year. The individual declarations from each authority that highlighted risks and mitigating actions were detailed in Appendix 1 to the report. The summary positions at 30 June 2012 were: CEC, £138k overspend; ELC, £125k overspend; MLC, £30K overspend; WLC, £-----k balanced outturn; SBC, 6k underspend; and CJA, £-----k balanced outturn. CJA wide, there as an £287k overspend. The Finance Manager answered members' questions.

DECISION

NOTED the contents of the report.

12. **Statement of Internal Control** – The Chief Officer provided members with a verbal update on the Statement of Internal Control. The Chief Officer advised that the Annual Assurance Statement work was led by the Internal Audit team at City of Edinburgh Council and was a joint process that involved the completion of an internal control questionnaire which analysed the quality of the CJA governance and processes. There had been a two

pronged approach in terms of carrying out the work. The responses had been collated from the questionnaires and the policy reports had been studied to allow the recommendation of areas of improvement. The Chief Officer answered members' questions.

**DECISION
NOTED the update.**

13. **Annual Audit Plan 2011/12** – With reference to paragraph 12 of the Minute of 28 June 2012, Mr Allister Perston provided members with an update of the progress of the audits that had been undertaken by Audit Scotland. Mr Perston advised that all audits were to be completed by Friday 31 August 2012. The audits would provide a statement of social work spending and Mr Perston would be reporting on the statement of accounts at the next CJA board meeting. An annual report would be produced at the conclusion of the audit.

**DECISION
NOTED the update.**

POLICY ROUND UP

14. The Chief Officer reported that there had been a launch of the Reducing Reoffending Change Fund. Applications would be expected to be compatible with the CJA area and action plans. A set of questions had been developed for applicants to complete as part of the process, which would indicate the applicant's compatibility. The findings from the audit carried out by Audit Scotland that examined the way that Scotland dealt with people that persistently reoffended would be published in November 2012. There were key messages that came out of the workshop that took place earlier today and the Chief Officer would keep members up to date with developments. The Chief Officer advised that induction classes for new elected Members to the CJA would be arranged hopefully before the beginning of November 2012. A visit to the Sheriff Court and Edinburgh's prison would also be organised.

**DECISION
NOTED.**

DATE OF NEXT MEETING

15. The next CJA meeting was scheduled to take place on the 29 November 2012 at Newbattle Abbey College, Dalkeith.

**DECISION
NOTED.**

The meeting concluded at 2.50 p.m.