

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

Newbattle Abbey College, Dalkeith
Thursday 19th May 2016

Present: Councillor Donald Grant (**Chair**), Councillor Tony Boyle (WLC), Councillor Ricky Henderson (CEC), Councillor Joe Wallace (MLC), Councillor Donald Moffat (SBC)

In Attendance: Fiona Young (Chief Officer), Craig Fraser (Finance Officer), Harry Robertson (CEC), Margaret Brewer (MLC), Tim Ward (WLC), Andrea McLachlan (CJA), Kevin Murray (Sacro), Jim Dustan (SPS), Richard Moran (Police Scotland), Ian Rogan (ELC), Graham Jones (SBC), Colin Gagen (Police Scotland)

Apologies: Councillor Catherine Johnstone (MLC), John Fyfe (SBC), Fiona Duncan (ELC)

DECLARATION OF INTEREST

None

1. WELCOME & INTRODUCTION

The Chair welcomed everyone to the meeting and handed over to Jo Fawcett of Why? Research for her presentation on the evaluation of the Edinburgh Domestic Abuse Court.

In February 2012, a pilot domestic abuse court began in the Edinburgh South and East Police operational command area. In February 2015 the domestic abuse court (DAC) was rolled out to deal with all summary cases in the City of Edinburgh, Midlothian and the former Haddington Sheriff Court district.

There have been some changes in operation between the pilot and the roll-out. The pilot court sat once a fortnight and the DAC now sits every weekday. The Scottish Government have also invested in support for the victims of domestic abuse, including additional funding for the Edinburgh Domestic Abuse Court Support (EDDACS). The pilot also had dedicated Sheriffs, the DAC does not, although all Sheriffs have been given special domestic abuse training.

The aims of the DAC are to increase the efficiency of dealing with domestic abuse cases and to improve the effectiveness of the response to domestic abuse. A multi-agency monitoring group (DAMG) was set up to monitor and review the aims and objectives of the court. The DAMG wished to evaluate whether the DAC was effective from a victims point of view.

The evaluation was carried out using management information pertaining to the workload of the DAC. There were also 39 interviews carried out with victims who had full engagement with EDDACS. There were also interviews with a number of contributors from various agencies involved with the DAC.

Speed of process is a key measure for the DAC. The DAMG monitors the average number of weeks from pleading diet to trial. With the ambition being 8-10 weeks. The average weeks

for the past year have all met the target. However 26% of case took more than 10 weeks to come to trial. With 5% of those taking in excess of 20 weeks. Contributors suggest that specialism has helped with consistency. For example the creation of a specialist marking unit, specialist procurator fiscal deputies and closer working between VIA and other specialists. There is an extremely wide held view that a return to specialist Sheriffs would further improve consistency.

There was surprise from contributors on the outcomes. People commented on the high number of admonished and dismissed and the high number of fines.

Issues for further investigation include looking at the levels of admonished and dismissed and absolute discharge. There was comment that there has been a decline of provision of photographic evidence of injuries and recording of 999 calls. Both of which may impact on outcomes. It would also be helpful to monitor the incidence of early pleas.

There is some concern regarding the level and the long term security of funding for EDDACS, who are deemed to provide a vital service. Lack of access to COP11 is also seen as a major inhibitor for agencies such as EDDACS and VSS.

The specialist training that has been provided to COPFS and Sheriffs is widely praised and valued, and the structure of the DAMG represents a wide range of agencies, however it is thought that Sheriff involvement would improve this.

The next step will be to take the report to the Criminal Justice Board, and will be in the Sheriff Principals hands on how she wishes to present the findings to Sheriffs.

3. PREVIOUS MINUTE

The Chair advised that the draft minute of the previous meeting of February 2016 had been circulated for approval. No amendments were put forward therefore the Chair moved that this Minute be accepted as the approved Minute from this meeting and as such be posted on the CJA website.

Decision

The Members agreed to:

1. Approve the Minute and for it to be added to the CJA website.

3.1 Note of the previous Learning and Innovation Workshop

The workshop was looking at electronic monitoring, which is currently a focus for expansion. The workshop heard a wide discussion of services on the ground, including how it may be expanded to include use with mentoring and support. There seems to be a lot of untapped potential for electronic monitoring.

4. MATTERS ARISING

All matters arising are covered in the agenda.

5. CJA GOVERNANCE, PLANNING AND PERFORMANCE (Priorities and Statutory Functions)

5.1 Annual Action Plan 2016/17

The Annual Action Plan was submitted to Scottish Government. There has been no feedback so far. Colleagues were thanked for their contributions.

The Annual Report for 2015/16 is due to be submitted to Scottish Government by the end of September 2016. With that in mind we will be sending an information request to partners soon.

5.2 Performance Report

Exceptions highlighted include. The safer lives figures for quarter three of 2015-16 shows a decrease of 6% on the previous year. The number of completed CPO's is 72% a 4% increase on the previous quarter. Crimes involving dishonesty show a decrease of 11% on the same period last year.

Decision

The Members agreed to:

1. Note the content of the report.

5.3 Community Justice Redesign

i. National developments

Community Justice Redesign is a substantive piece of work now that we are in the transition year. The advertisement for the Chief Executive for Community Justice Scotland was published on 18th May. The closing date is 6th June.

The national strategy has yet to be endorsed by the Crown Office and Procurator Fiscal and SCJB. The national strategy, performance framework and guidance are all expected to be formally launched on 1st October 2016

There will be £4 million additional funding in 2016-17 for CJA's to support community sentences this year, we expect to hear our allocation soon.

There is still no news on the new formula, we are unlikely to know how the allocations will look until the end of 2016.

ii. Local Developments

There were no local issues that anyone wished to highlight.

iii. L&B CJA Transition Plan Highlights

There is now a member of the community justice division leading on CJA disestablishment. CJA staff have produced a report to show that we are attending to important elements of the closure.

5.4 Shared Priorities

i. Women

Lothian & Borders CJA received £108,000 of funding from Scottish Government to support diversion services for women. The report details what was achieved with the funding.

There is an event on 25th May to discuss the future of the women's custodial estate

Decision

The Members agreed to:

1. Note the content of the report.

ii. Special Courts

The alcohol court has started on a small scale. There are currently 6 orders in place. The court is using current CPO legislation, with a speedier process. There will be a maximum of 20 people in the pilot. It is early days but the outlook is quite promising. The court does currently have a specialist Sheriff, who would like colleagues to follow the model.

iii. Young People's Reintegration Protocol

An evaluation of the Young People's Reintegration Protocol is underway and the report will be presented to the August CJA Board meeting.

iv. Families

Families Outside with the CJA are holding a training session on the use of the Families Framework on 9th June at Newbattle Abbey College. It will be practitioner focussed training and there are still places available.

6. FINANCE

6.1 End of Year and Quarter 4 2015/16 report

The end of year draft outturn shows an overspend of £7000. £3000 from East Lothian and £4000 from West Lothian.

Decision

The Members agreed to:

2. Note the content of the report.

6.2 S27 Allocation for 2016/17

The Section 27 allocation for 2016/17 is £14.9 million which is an increase of just over 1%. The allocation is split using a formula of 2/3 workload to 1/3 needs. The proposed allocation of Section 27 by area was presented to the Members.

The proposed allocation of Scottish Government grant funding of £187,500 for 2016/17 to support a reduction in the use of custody for women in Lothian & Borders was also presented to Members.

Decision

The Members agreed to:

1. Approve the allocation of the Section 27 funding for and grant funding to support a reduction in the use of custody for women.

6.3 Internal Audit

The Internal Audit report has now been finalised. The audit was focussed on information governance. There were a number of recommendations and management actions proposed. Many of the items have already been taken forward, and all items will be handled in a timely and appropriate manner.

Decision

The Members agreed to:

1. Note the content of the report.

6.4 Audit Scotland – Annual Audit Plan

In line with the cycle of auditors, the CJA has been assigned a new auditor for the final year. The company is Scott Moncrieff, we have not yet had contact from them to discuss taking forward the audit in the final year.

8. POLICY ROUND UP

8.1. Police Scotland Consultation on Strategic Priorities

This report is for information. The CJA will not be providing a formal response to this, as we responded to the earlier consultation.

8.2. Responses to the consultation on the presumption against short sentences

There has been no response from Scottish Government on how they plan to move forward from the consultation, however they have published an analysis of the responses, which shows that most people encourage an extension to 12 months.

8.3. New model for community justice newsletter

Scottish Government have published a newsletter detailing current work on the new model.

9. AOB

None

10. DATE OF NEXT MEETING

The next meeting will be held at Newbattle Abbey College, Dalkeith, on Thursday 18th August 2016.