

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

Newbattle Abbey College, Dalkeith
Thursday 18th August 2016

Present: Councillor Catherine Johnstone (**Chair**), Councillor Donald Grant (MLC), Councillor Ricky Henderson (CEC), Councillor John Mitchell (SBC),

In Attendance: Fiona Young (Chief Officer), Craig Fraser (Finance Officer), Harry Robertson (CEC), Tim Ward (WLC), Andrea McLachlan (CJA), Deirdre Henderson (Sacro), Jim Dustan (SPS), Richard Moran (Police Scotland), John Fyfe (SBC), Bryan Rodgers (Police Scotland), Cristina Ayala (CJA), Hanna Wesemann (CEC), Rhona Hotchkiss (SPS), Jane Moffat (SG), Rosie Kendall (MLC), Hamish Fraser (MLC), Stephen O'Hagan (Audit Scotland), Philip Conaglen (NHS Lothian), Nancy Loucks (Families Outside), Alistair Bowden (Scottish Government)

Apologies: Councillor Tony Boyle (WLC), Councillor Donald Moffat (SBC), Kevin Murray (Sacro), Fiona Duncan (ELC), Fiona Allen (Families Outside), Margaret Brewer (MLC), Laura Baxter (Victim Support Scotland)

DECLARATION OF INTEREST

None

1. WELCOME & INTRODUCTION

The Chair welcomed everyone to the meeting and introduced the presenters.

Presentations

The National Strategy for Community Justice – Alistair Bowden

The strategy is now complete and available on the knowledge hub. The official launch will be in November 2016. The new model for community justice sets out duties on a defined set of statutory community justice partners to plan and report. It also creates a statutory duty on partners to have regard to a national strategy for community justice and the outcomes, performance and improvement framework (OPI). Community Justice Scotland (CJS) will spread best practice and raise the profile of community justice.

The national strategy has been developed following the Angiolini commission report and the Audit Scotland report of 2012.

The strategy was developed with a steering group, evidence and engagement events with key stakeholders and people with convictions and their families.

The vision is:

Scotland is a safer, fairer and more inclusive nation where we prevent and reduce further offending by addressing its underlying causes; and safely and effectively manage and support

those who have committed offences to help them reintegrate into the community and realise their potential for the benefit of all citizens.

Mission Statement

The mission statement adds detail to the vision.

We will achieve this vision by effectively implementing the Scottish Governments plan for penal policy to:

Deliver a decisive shift in the balance between community and custodial sentences by: increasing the use of community-based interventions and reducing the use of short term custodial sentences.

Improve the reintegration from custody to community.

Four priority action areas have been selected by the steering group.

- *Improved community understanding and participation*
This is the area that most interests practitioners, and includes the development of a communications strategy.
- *Strategic planning and partnership working*
Some partners have knowledge of community planning partnerships, but others don't. It is important for partners to recognise common goals and work together.
- *Equal access to services*
There is strong evidence that shows that access to services is vital in helping stop offending behaviour. Every contact in the community justice pathway should be treated as an improvement opportunity.
- *Effective use of evidence-based interventions*
When CJS consider annual reports, this is what they will be looking for.

The most important date to note is 24th November 2016, this will be the launch of the national strategy and the national OPI framework and guidance.

Ms Henderson from Sacro asked how community engagement would be undertaken? Mr Bowden noted that at a national level it would wait until CJS is in place. An implementation group are working to help partners at a local level.

The Chief Officer asked what the feedback had been from people with lived experience of the justice system. Mr Bowden said that stigma had been a big issue, not just for offenders but also their families and victims too.

The Chair thanked Mr Bowden for his presentation.

Future of the Women's Custodial Estate – Jane Moffat and Rhona Hotchkiss

The changes to the development of the female custodial estate in Scotland began in January 2015 when the Cabinet Secretary for Justice announced the cancellation of building a new female prison at Inverclyde. He wanted something different for women. From January to June 2015 consultations were held to find a new approach to women in custody. In June 2015 the Cabinet Secretary announced that an expert steering group would be set up to take the ideas forward. The plan is to have a small national facility to hold 80 people. This will be on the site of the current HMP Cornton Vale. This will be up and running by 2020. There will also be five community custody units (CCU), which is something new and unique. These

will house around 20 people each. There are also 50 women specific places in HMP Grampian as well as female halls in other prisons.

The CCUs will be in 5 areas across Scotland. There is a shortlist of 9 local authorities for the locations.

They won't look or function like prisons, but they will be run by SPS, as only SPS can legally hold prisoners. There is a model design, although it is adaptable to suit different areas. The CCUs will probably all be new builds. It is likely that they will be built in the areas that the women are from.

Women will not go direct to CCUs, they will initially go to the national facility and be transferred to CCUs from there. The women who go to CCUs will not be determined by length of sentence, it is about risk and needs. The hope is to create an independent living feel. There will be separate flats or houses within the CCU and women will have keys to their own doors. Women will be able to access the community, and it will help minimise the impact of custody on families, as there will be space for children to have overnight visits. Exposure to the community will be graduated, starting with visits with an officer and extending to women being allowed out alone. The CCUs will be opening from 2019 onwards.

At the end of August 100 women will be moving from HMP Cornton Vale to HMYOI Polmont, this will enable the work to begin on closing down parts on Cornton Vale for the new build.

The team are currently meeting with the 9 local authorities to help establish possible sites for the CCUs and the appetite from local partners to be involved. NHS involvement is crucial so contact will also be made with IJBs.

Mr Roberston added that this creates a great opportunity to smooth the pathway between custody and community.

The Chief Officer asked how assessments would be done to decide who would be eligible for a CCU place. Ms Hotchkiss said it was hoped that LSCMI could be used if adapted slightly, as well as risk tools currently used by SPS.

The Chair thanked Ms Hotchkiss and Ms Moffat for their presentation.

3. PREVIOUS MINUTE

The Chair advised that the draft minute of the previous meeting of May 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.

4. MATTERS ARISING

All matters arising are covered in the agenda.

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

5.1 Draft Annual Report 2015/16

This is the last Annual Report that will be produced for a full year. Guidance has just been received from Scottish Government that requests an annual report for 2016/17 to be produced by the end of January 2017. This will be a short report that is expected to highlight good practice and lessons learned.

Members were invited to approve the annual report 2015/16

Decision

The Members agreed to:

1. Approve the Annual Report 2015/16

5.2 Performance Report

The safer lives outcome shows a drop in recorded crime of 3.5%. Victimization rates have reduced from 19.2% to 16.6%, which is in line with the drop in recorded crime.

Cases received by COPFs within 28 days has increased by 3.3% to 83.2%, and is now back above the national target of 80%. Cases taken and implemented by COPFS within 28 days has dropped by 8% on the previous month but at 81.4%, but is still well above that national target of 75%.

Decision

The Members agreed to:

1. Note the content of the report.

5.3 Community Justice Redesign

i. National developments

Discussion on the new funding formula is still ongoing. There is an intention to provide illustrative figures based on this year's allocations as the budget for 2017/18 has not been confirmed yet.

We are also awaiting the announcement of the Chair and Chief Executive of Community Justice Scotland. This is expected soon.

ii. LBCJA Transition issues

We now have guidance from Scottish Government, although it is not complete as we still need more information on final accounts. Most items are already being dealt with.

Decision

The Members agreed to:

1. Note the developments described.

5.4 Shared Priorities

i. Women

West Lothian – The Almond project continues to work well, with high engagement levels and good outcomes.

Midlothian – Spring have just recruited a social worker.

Edinburgh – Willow has been helped by the two tranches of funding recently. It still has a large waiting list.

Scottish Borders – Reconnect is moving to new premises as they have outgrown the previous one, due to the popularity of the service. Women are now self-referring after hearing the benefits of the service.

ii. Young People’s Reintegration Protocol Report

The report was prepared with help from partners and looks at the operation and development of the protocol since it was established. It involved a survey of partners and subsequent discussions. It also utilised data from SPS, Scottish Court and Tribunal Service and criminal justice social work.

Decision

The Members agreed to:

1. Note the progress of the YPRP
2. Approve the report.

iii. Prolific Offenders

Alcohol Special Court

The court has around half of the target of 20 orders. An evaluation process has been established to collect outcome information. Scottish Government have shown an interest in the court as it is similar to a pilot in Aberdeen.

Internet Offending Programme

This programme run by Sacro looks to help people who do not have many other offences and tries to get them to break the offending behaviour early. This will be discussed in more detail at the next Strategic Officers Group meeting.

iv. Families

A workshop was held at the beginning of June and the framework is being used more nationally now. Families Outside are currently trying to develop self-assessment tools for use in the community. There is already a one for use in prison. They are also working with Scottish Borders to help develop this.

Families Outside are also working with Barnardo’s to support people with family members convicted of sexual crimes.

They have also produced a new book to help children of prisoners. It will be launched in September 2016.

v. Public Protection

There have been very few new cases resulting from the rollout of the MAPPA extension. Scottish Borders and City of Edinburgh each have one case, with Edinburgh expecting another soon. West Lothian have had two referrals which they declined.

The evaluation of the Edinburgh Domestic Abuse Court has now been approved by the Criminal Justice Board. The DAMG will have a Sheriff representative and the group will look at some of the issues raised in the evaluation.

6. FINANCE

6.1 Annual Accounts 2015/16 and Quarter 1 report

The final accounts for 2015/16 are with the auditor and project a £21,000 overspend. The Quarter 1 report shows a £42,000 over spend. This is £1000 in City of Edinburgh, £13,000 in Midlothian and £29,000 in West Lothian.

Decision

The Members agreed to:

1. Note the content of the report.

6.2 S27 Allocations for 2016/17

The report provided proposed funding allocations for the 5 local authorities to support community sentences provided by Scottish Government for 2016/17, proposals for utilisation of the grant to support community sentences and proposals of the utilisation of the grant to support a reduction in the use of custody for women in 2016/17.

Decision

The Members agreed to:

1. Approve allocations of Section 27 funding to support community sentences.
2. Approve plans from the 5 areas for its utilisation.
3. Approve plans from the 5 areas for utilisation of the grant to reduce the use of custody for women.

6.3 Annual Audit Plan

The auditors will hold a meeting with Scott Moncrieff, the new auditor for 2016/17, to hand over. They will receive guidance on the final audit from Scottish Government in 2016.

6.4 Internal Audit Actions

There were a number of management actions set out in response to the recommendations of the internal audit report. We have confirmation that Scottish Borders Council will retain HR records. All relevant financial records will be transferred/ held by City of Edinburgh Council. Other information on research and development projects will transfer to local partnerships and/or CJS or be placed on the knowledge hub as appropriate.

We have an agreement with Scottish Borders Council on the destruction of records with appropriate certification. Certification will be passed in due course to CJD at Scottish Government.

Scottish Government are producing the necessary statutory instrument to transfer accountable officer duties to the director of finance at City of Edinburgh, including handling the accounts for 2016/17. Guidance on the final Annual Report for 2016/17 has been received and the report is due to be submitted to Scottish Government on 31st January 2017. Reports on key initiatives have been coming to the Board.

7. AOB

There is a formal consultation underway on Scotland's ten year mental health strategy. The CJAs will be providing a joint response to this. This will be shared with partners once produced.

8. DATE OF NEXT MEETING

The next meeting will be held on 17th November 2016. It is possible that the new Chief Executive of Community Justice Scotland may attend.

The final meeting of the CJA will be held on 9th February 2017. We will hear a presentation on problem solving courts at this meeting. It is proposed as this will be the final meeting that we change the format. The meeting will start at 11 am and will be followed by a tour of Newbattle Abbey College, then lunch.

Decision

The Members agreed to:

1. The proposed format for the final meeting.