

Minutes

Meeting: Board Meeting
Date: 24 July 2013
Time: 09.30 – 15.30
Ref: YJB (13) 5th meeting

Attendees

Frances Done (Chair)	Lucy Dawes
Amanda Sater (Board member)	Martin Skeats
Gillian Fairfield (Board member)	Karl Mittelstadt
Rob Butler (Board member)	Darren Tierney (Ministry of Justice)
Seamus Oates (Board member)	John Hall (Ministry of Justice – item 3 only)
David Banks (Board member)	Carole Oatway (Peer Reviewer – item 3 only)
David Simpson (Board member)	Clive Newsome (item 7 only)
Neil Rhodes (Board member)	Poppy Harrison (items 8 and 9 only)
Christine Davies (Board member)	Cheryl de Freitas (items 8 and 9 only)
Lin Hinnigan	Catherine Worswick (item 10 only)
Dusty Kennedy	David Wells [minutes]
Kate Morris	

Item 1- Apologies and register of interests

1. New Board members Amanda Sater, Neil Rhodes, Seamus Oates and Rob Butler were welcomed to their first YJB Board meeting. Apologies were received from Angela Sarkis, John Wrangham, Bob Reitemeier, Ray Hill and Paul Candler. It was noted that the Register of Interests needs to have entries for Amanda Sater and Neil Rhodes added. Once updated the new register should be posted on the Justice website.
Action: Martin Skeats to ensure that the register of interests is updated with the new version then posted on the Justice website.

Item 2 – Minutes of previous meetings and matters arising

2. The minutes of the previous meeting were agreed without change. It was felt that the regional visit had been a great success, with positive feedback received from stakeholders. Frances Done asked that the Executive consider plans for the next regional Board meeting, to be held in June 2014, and to report back to the Board at its meeting in October.
Action: EMG to consider proposals for the next regional Board meeting in 2014 and to report back to the Board via the Chief Executive's report at the meeting in October 2013.
3. On the outstanding actions log, the following updates were provided:

Item 1: *EMG to ensure a briefing on the demographics of the custodial population/reductions in numbers is provided to Board members - the action remains outstanding. Martin Skeats stated that a draft report has been prepared and is awaiting final clearance;*

Item 2: *The triennial review stage 1 report to be circulated to Board members once issued* - the action has been completed;

Item 3: *Martin Skeats to pursue with the Ministry of Justice the issue of publishing YJB Board minutes on the Justice website* – the minutes are now published on the website. Frances Done stated that they should be added no later than two weeks after clearance at Board meetings;

Item 4: *Stakeholder relationship plan to be amended as outlined above, and Frances Done and David Simpson to discuss future arrangements* – a revised plan has been agreed. It was noted that District Judge Jeremy Coleman has agreed to act as an unpaid advisor to the YJB and assist with stakeholder relationships with the Council of District Judges;

Item 5: *Paper on resettlement to be prepared for the Secure Accommodation Committee* – the actions remains outstanding;

Item 6: *EMG to determine whether the phrase “good practice” or “effective practice” should be used in the corporate governance document set* – Kate Morris stated that she would be discussing the matter with Catherine Worswick shortly.

Item 7: *Kate Morris to consider the potential for including an item about joint enterprise at the next annual convention* – a seminar on the subject will be held.

4. There were no other matters arising.

Item 3 - Triennial Review – Oral Update

5. John Hall from the Ministry of Justice (MoJ) provided the Board with an update on progress with the triennial review and the plans for completing stage 2 of the process. It was noted that stage 1 has been completed, with the conclusion that the functions of the YJB need to continue to be carried out by a non-departmental public body. A series of recommendations have been made which will be considered by the Executive, and progressed under the usual mechanisms in place with the sponsorship team at the MoJ.
6. Stage 2 will consider the governance and control mechanisms in place at the YJB across eleven distinct areas, based on a Cabinet Office template. The MoJ are currently working with YJB staff on the evidence gathering stage of the process. That evidence will then be put to the peer reviewer, Carole Oatway from the Criminal Injuries Compensation Authority, who will consider it before conducting interviews with YJB staff in August. Carole was introduced to the Board and stated that she was looking forward to working with the YJB in a new and interesting area of work.
7. John Hall reported that Ministers are keen to reduce any duplication of function between the YJB and MoJ. A new “relationship web” will help assess MoJ and YJB staff views of how well the two bodies currently work together. The ambition is for the final stage 2 report to be published by the end of October 2013.

Item 4 – Chair’s items

8. Frances Done reported that new Board members have been assigned to sit on the following committees: Community Justice Committee – Amanda Sater and Neil Rhodes; Secure Accommodation Committee – Rob Butler and Seamus Oates. It was

also noted that Gillian Fairfield and Chris Davies will sit on the Remuneration Committee with immediate effect.

Item 5 – Chief Executive’s Report

9. Lin Hinnigan’s written report was noted. Lin drew attention to her meeting with Ministers on 16 July where discussions took place on the next steps in the Transforming Youth Custody proposals. The Board agreed that there needed to be a focus on resettlement, as well as the improvement of provision of education across the secure estate generally. Kate Morris stated that a parallel piece of work is already underway looking at improving resettlement, with proposals due to go to Ministers in September.
10. In relation to item 7, on decommissioning, Lin stated that formal announcements on the withdrawal from girls’ YOI units, and from Hindley, were made a few weeks ago. Extensive discussions have been held with the National Offender Management Service (NOMS) about the YJB’s concern about Hindley being converted to a split-site. Discussions continue, particularly around the future governorship of the site. The Board agreed that a split youth/adult site under a single governor would be a retrograde step and backed the Chair’s stance. A particular concern raised was the potential for such a situation to lead to cross-deployment of staff between the under 18 and over 18 units, with a safeguarding concern over the different rules for restraint in the youth and adult sectors. Plans for future decommissioning at other sites are progressing, with the aim of reducing excess capacity. However, it was noted that the impact on the stability of the estate still needed further consideration in this regard, and no decisions or announcements will be made until further evidence from the coming months is available. The importance of learning the lessons from the decommissioning of Ashfield in any future decommissioning activity was noted.
11. In relation to item 9, on external whistleblowers, it was noted that a policy on how the YJB processes such cases is required. Frances Done stated that the Audit and Risk Committee had already noted the need for such a framework to be developed. In relation to the ongoing cases, Gillian Fairfield asked to see a copy of the terms of reference for the independent reviewer once they have been agreed.
Action: A copy of the terms of reference for the independent review of recent external whistleblowing cases to be provided to Gillian Fairfield once they have been agreed.
12. Chris Davies highlighted the need to form a strong relationship with the Cabinet Office given the information in item 4 of the report which stated that oversight of some aspects of current youth policy will be passing to it from the Department of Education. She also stated that the decision to revise the “Incentives and Earned Privileges” scheme across the prison estate, as reported in item 5, was concerning. Lin Hinnigan stated that the YJB’s advice is that it is not appropriate at this time to make changes to the scheme as it relates to young people.

Item 6 – Minutes of YJB Committee Meetings

13. David Simpson reported that the Audit and Risk Committee on 3 July had considered the question of whether a duplication of oversight existed (with the Secure Accommodation Committee) over the question of safeguarding. David Banks, as the incoming Chair of the Committee, will continue to give thought as to how the subject should be properly monitored at Committee level, and he, Frances Done, Angela Sarkis and Martin Skeats will discuss further. In relation to the action on the riots report, Frances Done stated that the report had been received by the Board but further thought was required in relation to how any risks it uncovered are reflected in the corporate risk

register. A more general discussion was also required on the relationship between the monitoring of risks by each Committee.

Actions: (i) October 2013 Board meeting to include a session on corporate risks, including any that have arisen out of the report into the 2011 riots, and the relationship between the Secure Accommodation Committee, Community Justice Committee, Welsh Youth Justice Advisory Panel and Audit and Risk Committee in terms of risk oversight. (ii) Frances Done, David Banks, Angela Sarkis and Martin Skeats to consider further the correct split of Committee oversight in relation to safeguarding.

14. Kate Morris reported that the Community Justice Committee on 17 July had received a presentation on the current research and evidence base in youth justice, and the future plans for disseminating effective practice. The Committee had agreed with the proposal that it should take a greater role in monitoring and challenging the actual impact and effectiveness of such work. Frances Done added that the Committee is monitoring progress in relation to certain key actions contained within the Corporate Plan.
15. Dusty Kennedy reported that the Welsh Youth Justice Advisory Panel on 18 July had discussed issues around resettlement in Wales, and a pleasing level of engagement was demonstrated by attendees, including the Welsh Government Minister with responsibility for youth justice, Lesley Griffiths, who chaired the first part of the meeting.
16. Gillian Fairfield stated that the minutes for the Board and Committees ought to better reflect the challenges that Board members may raise in discussions, in order that our decision making processes were more transparent and properly evidenced. It was agreed that meeting Chairs should keep this in mind when reviewing draft copies of the minutes.

Item 7 – Quarterly Performance Report

17. Martin Skeats stated that the Executive Management Group has changed its approach to the report this year by looking at a select number of key themes on a monthly basis. Where changes are suggested to the Corporate Plan – which is viewed as dynamic, evolving document – they will be reflected in future reports.
18. Clive Newsome drew attention to the reported overspend in the administration budget on page 16 of the report, although it was noted that the forecast budget presented a better picture. Chris Davies highlighted the risk to the YJB of a resource overspend resulting in a threat to the effective carrying out of functions. Frances Done agreed, and pointed to the need to pick-up on this issue again at the Board meeting in October. Frances also highlighted the importance of the savings that the YJB has secured through decommissioning being recognised by the Ministry of Justice and reflected in the reporting of our budget.
19. It was noted that in the ‘core indicators’ the reoffending rate has failed to reduce in the same way as ‘the first time entrants’ and ‘use of custody’ indicators. Lin Hinnigan stated that it was a long-term issue, and that a three year plan was in place, starting with a programme of data analysis both nationally and locally to understand trends. London, in particular, will be a focus.
20. Rob Butler asked if it was known how many young people on remand ended up receiving a custodial sentence. Kate Morris stated that it could be included in future reports, and Martin Skeats added that a note would be circulated to the Board prior to the next meeting with the current data that is held.

Action: (i) Martin Skeats to circulate to the Board the current data held on the number of young people remanded to custody who go on to receive a custodial sentence (ii) the Quarterly Performance Report to include this data in future editions.

21. On the reporting of progress against key actions, it was noted that where an activity had yet to get underway it was reported as being “green” for on-track, with no forecasting of potential issues that may affect delivery. It was agreed that in future reports the rating would reflect any forecasted issues that may affect delivery.

Action: Future reporting of key actions to include a reflection of forecasted ability to deliver even when activity has yet to commence.

Item 8 – Learning the Lessons from the Deaths of Children in Custody

22. The paper provided Board members with a draft copy of “*Learning the lessons from the deaths of children in custody*” report, asking for their views on the title and contents. The Board recognised the huge amount of work that has gone into the report and this area of work generally, and congratulated Poppy Harrison and her team for their efforts.
23. There was a general agreement with Rob Butler’s comments that the content of the document ought to better reflect what the YJB has done and what lessons have been learnt, with a more dynamic tone. The title of the document ought to be straightforward and upfront, such as “*Deaths in custody: lessons learnt / action taken*”. The content ought to be more focussed and succinct, with less prose and more use of bullet points. An exception to this would be in relation to the proposed table of young people who have died, where it would be more appropriate to instead include a sentence or two about each of them. This reflected the successful use of case studies in the draft report, which were very good although not necessarily in the right places. The opening words of the report ought to emphasise the tragedy of deaths in custody, and the report generally ought to have an emphasis on action and reflect the YJB’s leadership role. The Board suggested there may be a case for an executive summary, with the key messages presented on two to three pages only. The use of photographs should also be given consideration. There was also a question of whether both appendices were necessary, and Poppy Harrison agreed to give that point more thought.
24. On the specific question about whether a section on separation practice ought to be included in the report, the Board agreed that it should not.

Item 9 – Safeguarding Strategy

25. Cheryl de Freitas presented the paper which provided the Board with a draft copy of the YJB “Safeguarding Statement” as well as an overview of some of the key developments in safeguarding activity.
26. Gillian Fairfield asked where accountability for safeguarding sat at the highest level, and whether Audit and Risk Committee members had been given specific training over safeguarding matters and whether an Audit and Risk Committee member should be given a specific role in relation to safeguarding. Frances Done stated that these points should be picked up as part of the discussions referenced in the second action at paragraph 13 of these minutes.
27. Chris Davies suggested that the Safeguarding Statement ought to include a reference to our links with Local Safeguarding Children Boards, and that the voice of young people ought to be better reflected. David Banks suggested that the term “Statement” may not be the most appropriate, and that the document ought to better reflect the

YJB's leadership role. Rob Butler suggested the language of the document ought to be stronger, more proactive and more dynamic, with a greater sense of ownership. Dusty Kennedy stated that a specific section on Wales was required. Frances Done asked that use of the phrase "young people" is replaced with "children". On page 7 of the document, in relation to "equality of opportunity", sexual orientation ought to be referenced. It was agreed that the 'Principles' section of the document ought to be moved to a position much nearer to the beginning.

Item 10 – YJB Stakeholder Survey 2012/13 Key Findings

28. Catherine Worswick presented the paper which provided the Board with the key findings and recommendations from the YJB stakeholder perceptions survey 2012/13. The survey in 2012/13 had less response than previously as a result of less resources being available to support it. The paper reported that the key findings were:
- 90% of stakeholders are confident they know what the role of the YJB is, but less certain about the future direction of the YJB;
 - The majority feel the YJB is meeting its four Corporate Objectives;
 - 'Protect the public and support victims' is the lowest ranked corporate objective;
 - The YJB is strongly associated as being 'child focussed' and 'credible', less so as 'authoritative';
 - Stakeholder experiences of receiving timely and useful communications were very positive.
29. An action plan will now be developed by the Communications Team, as part of a wider communications strategy, to address the findings and issues they raise.
30. The Board noted that the results were generally encouraging, especially when compared to previous years, but there was concern at the low response rate from stakeholders (12%). It was noted that only four local authorities had provided feedback, and no private sector organisations. The question was asked as to how much value can be taken from the survey, and whether it is worth doing in future if the sample of stakeholders engaging is so small. Further, there was a question over the definition of 'stakeholder' and whether too many bodies had been engaged. It was suggested that some analysis could be carried out of the type of stakeholders who had responded, with weighting given to their importance.
31. David Simpson stated that direct communications with the courts had always been difficult. Rob Butler asked whether there was merit in a YJB bulletin aimed specifically at magistrates. Frances Done agreed that it is a point that could be raised with the Magistrates Association, although Catherine Worswick stated that there was a preference for communications to be conducted via existing channels. Chris Davies stated that there was a need to think further about improving regular communications with local government.
- Action: Kate Morris to raise issue of potential bulletin for magistrates with John Bache, Chair of the Youth Court Committee at the Magistrates Association.**

Item 11 – AOB

32. On behalf of the Board and the wider YJB, Frances Done thanked David Simpson for all he has done for the YJB and the young people who benefit from our work, stating that it was impossible to measure the scale of his contribution. The Board also wished Kate Morris well for her upcoming period of maternity leave.

David Wells
YJB Corporate Governance
26 July 2013