

# Minutes

**Meeting:** Board Meeting  
**Date:** 11 December 2013  
**Time:** 09.30 – 15.00  
**Ref:** YJB (13) 8<sup>th</sup> meeting

## **Attendees**

Frances Done (Chair)	Lucy Dawes
Amanda Sater (Board member)	Martin Skeats
Rob Butler (Board member)	Ray Hill
Seamus Oates (Board member)	Cathy Robinson
John Wrangham (Board member)	Karl Mittelstadt
David Banks (Board member)	Clive Newsome (item 1)
Angela Sarkis (Board member)	Adiza Jimbah (Item 1)
Christine Davies (Board member)	Paul Candler (Ministry of Justice)
Bob Reitemeier (Board member)	Ed Dinsmore (Ministry of Justice – item 5)
Neil Rhodes (Board member)	Nat Defriend (Item 10)
Lin Hinnigan	Manila Nicholas (Item 10)
Dusty Kennedy	David Wells [minutes]

## **Item 1- Risk Workshop**

1. The meeting started with the annual review of risk, introduced by Clive Newsome. The Board were divided into three groups and asked to consider the key risks facing the YJB and any changes that may be a risk – or opportunity – to the YJB over the next three years. The feedback will be written up by the group scribes, circulated to Board members and then put to the Audit and Risk Committee for further consideration.

## **Item 2 – Apologies, register of interests, minutes of previous meetings and matters arising**

2. Apologies were received from Gillian Fairfield. There were no additional declarations of interests to those already included on the register. The minutes of the previous meeting were agreed without change.
3. On the outstanding actions log, item 5 (*Rob Butler and Frances Done to be provided with an agreed YJB line on the need for in-cell telephones*) it was agreed that a more comprehensive note should be provided to that shown in the log, clearly setting out the rationale as to why in-cell telephony is necessary. The note should provide a robust response in the event of the YJB position being challenged, and should be circulated to all members of the Secure Accommodation Committee. The action should remain open until such a time as the Board has agreed that it is closed. Angela Sarkis also highlighted the outstanding action from the Secure Accommodation Committee regarding the YJB position on split youth/adult sites, and asked that a similarly robust briefing note be provided to Board members as soon as possible.

**Action: (i) A more comprehensive note to be provided on the need for in-cell telephony, in line with the paragraph above, and circulated to all members of the Secure Accommodation Committee (ii) a similarly robust note to be provided to Board members on the YJB position in relation to split youth/adult custodial sites.**

### **Item 3 – Chair’s Items**

4. Frances Done stated that the recent Annual Justice Convention had been a great success, with a lot of positive comments given by delegates. Thanks were given to Catherine Worswick and her team for all their efforts. Chris Davies echoed those sentiments, and drew particular attention to the quality of presentations. Lucy Dawes highlighted the positive contribution made by young people. The Board agreed, and stated that the involvement of young people at the convention should be a regular feature, with “the voice of young people” promoted wherever possible.
5. Frances Done stated that it was very pleasing to have the Youth Offending Team Partnership Guidance launched by Ministers at the convention, and that it had been very well received. The Community Division was commended on a very good piece of work.
6. The “*Lessons Learnt: Action Taken*” report on deaths in custody will be published before the next Board meeting. Board members will be provided with a copy once it is finalised.  
**Action: Board members to be provided with a copy of the report into deaths in custody, “*Lessons Learnt: Action Taken*”.**

### **Item 4 – Chief Executive’s Report**

7. Lin Hinnigan’s written report was noted. Lin stated that she met with Ministers on 10 December where discussions included the differences between the adult and youth estates in relation to rewards and sanctions. A review will be held of systems within the youth estate, with a view to standardising current practice. In-cell telephony will be piloted at Cookham Wood.
8. Lin drew the Board’s attention to two reports recently issued by Her Majesty’s Inspectorate of Prisons (HMIP), the first on young people’s perceptions of custody and the second its Annual Report. The first report provided positive news about how well young people feel they are able to navigate through custody, but was less positive about their concerns about leaving custody. Angela Sarkis asked what the YJB could do to improve matters. Frances Done stated that our resettlement work will focus on the issues, and needs to ensure the widest possible reach. Lin Hinnigan stated that there was good evidence that resettlement consortia were working well, but that they only operate in certain areas. There was an announcement at the convention about expansion of the work. It was agreed that the Board should receive a report every six months on progress with resettlement work.  
**Action: The Board to be provided with a report every six months on the progress of resettlement work.**
9. The report also stated that a large number of young people reported not knowing where to go to get the help they need. Chris Davies expressed concern at this statement, and asked what was meant by a “large number”, and whether a comparison existed with previous years. Ray Hill stated that it was an issue that required a fresh look, including around the suitability of staff and social-worker engagement. Lucy Dawes stated that a number of Youth Offending Teams had growing problems around provision of appropriate services to looked after children, due to budget pressures.
10. Lin Hinnigan stated that the HMIP Annual Report recognised the challenges brought about by a smaller youth cohort, including in relation to behaviour management in the

secure estate and the distances from home young people are being placed. Frances Done stated that copies of both reports were available on request.

11. Lin stated that the issue around the Serco escorts contract had initially been overseen by the Emergency Response Group but had now reverted to business as usual contract management. Regular meetings with Serco continue.
12. On section 5 of the report, Lin stated that the recent violent incidents at Wetherby YOI were a concern, and an indicator of the challenges faced through a reduced secure estate.
13. Bob Reitemeier asked what the implications were of the introduction of the Prison Service Instruction requiring young people to pay for damage caused to YOI property. Lin Hinnigan stated that there were in-built safeguards to ensure that any care issues will take priority, and Ray Hill stated that a pragmatic approach will be taken to any such incidents.
14. On the Secure Children's Home Contract Renewal entry, it was agreed that any Board decisions necessary should be delegated to Frances Done and Angela Sarkis given the challenging timetable.
15. Frances Done stated that she had discussed the potential impact of court closures with Ministers the previous week. Bill Kerslake is monitoring reports of delays in youth cases. The Board asked for a regular report on the number of days between arrest and sentencing. Martin Skeats stated that the data would be added to the regular Corporate Performance Report.  
**Action: The Board to receive data on the length of time youth justice cases are taking to reach a conclusion, via the Corporate Performance Report.**

#### **Item 5 – Transforming Youth Custody**

16. Ed Dinsmore from the Ministry of Justice gave the Board a presentation on the Transforming Youth Custody programme, including an explanation of its objectives, timescales, and progress to date. The Board thanked Ed for his time, and for a very informative session.

#### **Item 6 – Minutes of YJB Committee Meetings**

17. The minutes of the most recent committee meetings were noted. A verbal update of each meeting had been given at the previous Board meeting in October, and each committee Chair confirmed that there was nothing further to report.

#### **Item 7 – YJB Significant Contracts**

18. The paper informed the Board on the operation of significant contracts (i.e., those in excess of £1m per annum, or where performance may have a significant impact on the reputation or good standing of the YJB).
19. David Banks asked whether there were any emerging findings from the PwC audit of Ministry of Justice/YJB contracts with Serco and G4S. Lin Hinnigan stated that the report had only just been received and the contents had not yet been reviewed.
20. In relation to the entry on the provision of mental health services at Parc YOI, Bob Reitemeier felt more explanation could have been provided, with a more robust account of the YJB's stance.

21. Frances Done asked whether alternative providers were being considered in respect of the secure escorts contract. Lin Hinnigan stated that it was an option, although there were very few suppliers. Neil Rhodes stated that it was unusual to have a contract with no defined penalty measures. Lin Hinnigan stated that this was done on advice by MoJ Procurement. However, the addition of penalties will be considered when the contract is reviewed. Frances Done stated that the Audit and Risk Committee needs to consider the issue, and in particular the point that the YJB should be making its own procurement decisions, taking into account MoJ advice, but ultimately using its own judgment.
22. In relation to the entry on future education contracts, David Banks highlighted the desire for a single point of responsibility – preferably the governor of the establishment.
23. Frances Done asked that future versions of the paper include a table or schedule showing all significant contracts.

#### **Item 8 – Triennial Review: YJB Response**

24. The paper provided the Board with the YJB response to the Triennial Review report and recommendations for comment.
25. Frances Done stated that in places the YJB responses were not firm enough. The recommendation that the Ministry of Justice should receive Board papers and attend meetings was something that already happened, and the inference that the YJB was being asked to do something new should be challenged. In relation to item 9, and the suggestion that the YJB should adopt all MoJ policies and procedures - including shared services for transaction work – it was agreed that this should only be done when it represented value for money for the public purse.
26. On item 8, in relation to Board members recording their number of days worked, although Board members are happy to do this, it was felt that MoJ had failed to acknowledge the significant amount of time given by Board members over and above their contracted days.

#### **Item 9 – Handling of Internal and External Allegations**

27. The paper provided the Board with information about the YJB procedures for handling and investigating internal ('whistleblowing') and external ('allegations') concerns relating to malpractice, misconduct, unlawful activity or the safety of children.
28. The Public Interest Disclosures Act provides protection to whistleblowers. The YJB has an internal Whistleblowing Policy to ensure compliance with the Act, and to ensure that any concerns raised are properly handled. The policy applies to all YJB fixed term, permanent employees and secondees, agency workers, contractors and those providing services under a contract with the YJB in their own premises. Where concerns are raised by external sources they are not, under the terms of the Act, defined as 'whistleblowing' cases.
29. The paper explained the procedures and systems the YJB currently has for handling external allegations, including the Emergency Response Group, secure estate and escort monitors, and the YJB Child Protection Policy.
30. The Board agreed that there was more work to do in defining the procedures for responding to external allegations. While the Board were comfortable with YJB safeguarding procedures, staff needed to know their precise role in relation to other allegations and what they should do if such concerns are raised with them. It was agreed

that a further report should be put to the Audit and Risk Committee. The report should include an explanation of any duties around confidentiality, and how Board members are covered in relation to whistleblowing.

**Action: Further report on handling whistleblowing/externally raised allegations, as set out in paragraph 30 above, to be put to the Audit and Risk Committee.**

### **Item 10 – Addressing the over-representation of Black, Asian and Minority Ethnic (BAME) communities within the youth justice system**

31. The Board were presented with a draft programme of work for consultation with stakeholders which is intended to address the over-representation of young people from Black, Asian and Minority Ethnic (BAME) communities in the youth justice system. The work is divided into a number of strands, summarised as follows:

- data analysis;
- working with Youth Offending Teams, including on resettlement;
- improving outcomes of BAME young people in custody;
- working with statutory partners in the Home Office, the National College of Policing, national Police Lead and Police and Crime Commissioners;
- working with courts and the legal profession;
- working with the voluntary and community sector;
- engaging with other government departments;
- consultation and engagement with BAME young people and their families;
- improvement recruitment, workforce skills and training of staff in the YJB; and
- changing the YJB.

32. Angela Sarkis stated that the youth justice system is not having the same level of success with BAME young people as it has done elsewhere. If the over-representation continues, it could leave the YJB open to serious challenge as to what it is doing about the issue. It is therefore vital that the Board provides strong leadership.

33. John Wrangham stated that there is a danger that people will have their own views on why the over-representation occurs, and that the YJB therefore needs to be very careful about presenting the case, including presentation of the evidence. Bob Reitemeier stated that the incentives for change need to be made explicit, both culturally and tactically. Frances Done stated that the work cuts across all YJB committees and needs Board leadership. Neil Rhodes stated that we need to encourage Youth Offending Teams to do all they can in working with people at the margins of offending. Frances Done agreed, and stated that the importance of early intervention should be flagged-up in the papers going to external bodies.

34. Rob Butler stated that the YJB should be explicit in reminding stakeholders exactly what the over-representation looks like, with the presentation of facts and figures, and should underline the seriousness of the issue with a statement that the whole Board is engaged in the issue. Frances Done added that more thought needs to be given towards internal reporting on the issue. Chris Davies stated that prioritisation was important, with interventions targeted at different periods in the life of a young person, focussing on where the most impact is to be had. The YJB should identify where there are areas that it needs to understand and action more productively, and where other organisations can lead – for example, through the Troubled Families Initiative. Angela Sarkis stated that there are more partners to identify than those listed in the paper.

### **Item 11 – Senior Team Restructure**

35. The Board received a report on the outcome of the consultations relating to the restructure of the Executive Management Team. Following discussion the Board

approved the proposed new structures, both interim and final. The Board requested that when the future, wider staff restructure was brought to the Board it should be accompanied by a full analysis of how the proposed new structure impacted on factors such as budget, staffing numbers and functions delivered. The Board indicated its concern that the Director of Operations post should be sufficiently supported by senior specialist staff in order to underpin a substantial and challenging managerial role.

### **Item 12 – Welsh Government Youth Justice (Wales) Bill**

36. Dusty Kennedy presented the paper which provided the Board with information on Welsh Government plans for legislation to improve services in Wales to better meet the needs of young people in the youth justice system (or those at risk of entering it), and how this relates to the drafting of a joint YJB/Welsh Government youth justice strategy for Wales.
37. Specific proposals for the contents of a Bill have not yet been announced. However, it is likely that it will address the following key areas:
- strengthening cooperation among local and regional devolved partners to address the needs of young people with prolific offending behaviour while serving community sentences;
  - establishing accountability and governance among these partners for the wellbeing of those leaving community and custodial sentences; and
  - improving the way in which young people who are not looked after remain engaged by devolved services during a custodial sentence.
38. The scope of the Bill will be limited to those areas that are considered absolutely necessary for legislation. The remaining policy intent of the Green Paper will be addressed through other means. YJB Cymru is currently working with colleagues in the Community Safety Division to draft a joint strategy that will describe how these measures will be progressed.
39. The Board welcomed the work, agreeing it was very encouraging and with the potential to provide valuable lessons for work in England.

### **Item 13 – Any Other Business**

40. There was no further business.

**David Wells**  
**YJB Corporate Governance**  
**16 December 2013**