

Minutes

Meeting: **Board meeting**
Date: **14 May 2014**
Time: **09:00-13:00**
Location: **Room 5.28B, 102 Petty France**
Reference: **YJB (14) 3⁴d meeting**
Protective marking: **Official**

Attendees

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| Lord Tom McNally (YJB Chair) | Angela Sarkis (Board member) |
| Amanda Sater (Board member) | Rob Butler (Board member) |
| Seamus Oates (Board member) | John Wrangham (Board member) |
| David Banks (Board member) | Neil Rhodes (Board member) |
| Gillian Fairfield (Board member) | Bob Reitemeier (Board member) |
| Chris Davies (Board member) | Dusty Kennedy (Head of YJB Cymru) |
| Kate Morris (Director, Partnerships and Performance) | Lucy Dawes (Director, Operations) |
| Martin Skeats (Director, Corporate Services) | Clive Newsome (Head of Planning, Support and Governance – items 5-6 only) |
| Kevin Venosi (Head of Commissioning and Change) | Amie Wilsdon-Tagg (Head of Chief Executive's Office) |
| Paul Candler (Deputy Director, Youth Justice Policy, MoJ – items 2-5 only) | Brett Greenwood (Project Lead, Commissioning and Change – items 9-10 only) |
| Ami Badmus (Project Manager, Commissioning and Change – items 9-10 only) | Dan O'Connor (Project Manager, Commissioning and Change – items 9-10 only) |
| David Wells (Corporate Governance - Minutes) | |

Ref. Item

Items 1 and 2 - Apologies, register of interests, minutes of previous meetings and matters arising

1. Apologies were received from Lin Hinnigan. Gillian Fairfield stated that her entry in the register of interests needs to reflect that she is no longer Chief Executive of Northumberland, Tyne and Wear NHS Foundation Trust, but Chief Executive of the Pennine Acute Hospitals NHS Trust.

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Register of Interests to be updated as reflected in paragraph 1.

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| <p>2. The minutes of the previous meeting were agreed without change.</p> <p>3. The outstanding actions log was noted. In relation to item 12, on the production of a young person's version of the Corporate and Business Plan, the Board was asked to consider whether it would be better to first consider a plan for engaging with young people more generally. The Board agreed, and asked that a paper on communicating with young people be brought to a future meeting.</p> <p>4. There were no other matters arising.</p> | |
| <p><u>Item 2 – Chair's Items</u></p> <p>5. Lord McNally stated that the effectiveness of the YJB relied on a close and open working relationship between the Board and the Executive. The Executive were asked to consider the expertise of the Board when carrying out work - for example, in relation to contract management, or in providing evidence to Select Committee hearings. The Board should also be involved in 'forward thinking'.</p> <p>6. Lord McNally reported that he had undertaken a number of engagements since taken up his Chairmanship. This included meetings with a wide number of individuals across the justice system and political sphere, as well as a number of site visits such as to youth courts and secure estate establishments.</p> | <p>A paper on communicating with young people to be brought to a future Board meeting for consideration.</p> |
| <p><u>Item 3 – Chief Executive's Report</u></p> <p>7. Lin Hinnigan's written report was noted. Lucy Dawes reported that work continues with the National Offender Management Service (NOMS) to address the issue of staffing in the under-18 YOI estate. Work with MoJ also continues in relation to securing the delivery of the Serco escorts contract. David Banks stated that the management of contracts was a key issue for the Board, particularly in regard to any safeguarding risks. The Board agreed that a paper should be brought back at a future date specifically outlining the options for addressing the staffing situation, and wider concerns, at Feltham YOI. Lord McNally also stated that he would raise the matter with Ministers at his next meeting.</p> <p>8. On the incentives and earned privileges framework, Lucy Dawes stated that an agreement with MoJ has almost been reached, with the YJB arguing strongly that the provision of books should not be withheld under the scheme.</p> | <p>A paper to be submitted to a future Board meeting addressing the staffing situation, and wider concerns, at Feltham YOI, including what levers the YJB has at its disposal.</p> |

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| | <p>9. Lucy Dawes asked for the Board's view on item 10 of the report, in relation to the identification of young people in court. It was noted that current legislation only provides for anonymity once cases reach court, and not prior to hearings. The Board endorsed the recommendations within the paper:</p> <ul style="list-style-type: none">- that there should be a statutory requirement to notify the YOT of any applications to lift anonymity and allow them to make representations;- that the YJB should issue guidance to YOTs confirming that they should consider the impact of identification on child defendants and include this in pre-sentence reports. <p>10. The Board also agreed that the current gap in the law regarding the stage at which anonymity applies needs to be addressed.</p> | |
| | <p><u>Item 5 – Board Roles and Responsibilities / Review of Governance Documentation</u></p> | |
| | <p>11. Lord McNally introduced the item, which considered the future Committee structure of the YJB, the future role of the Board, particularly in regard to stakeholder management, and included the annual review of governance documentation. Lord McNally stated that the Executive had discussed the issues and favoured the disbanding of the Secure Accommodation and Community Justice Committees, and the creation of a new Performance committee, focussing on delivery of the Corporate and Business Plan. The Board was asked for its view. Martin Skeats added that the paper followed from the Board's review of effectiveness, carried out in March 2014.</p> | |
| | <p>12. Individual Board members had different views about the future Committee structure. There was agreement that the Secure Accommodation and Community Justice committees should be disbanded, and while some members favoured the creation of a new Performance committee others favoured an increase in the number of Board meetings instead. The idea of having time-limited "task and finish" groups, which would have Board members sitting on them, was also mooted. Such groups would be aimed at addressing specific, ad hoc issues as and when required.</p> | |
| | <p>13. The Board agreed with the recommendation in the paper that the Audit and Risk Committee should be given an extended remit to review YJB financial plans and budget, and Lord McNally stated that he saw the Committee as being the 'engine room' of the Board,</p> | |

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| | <p>providing scrutiny and assurance that the YJB was operating properly.</p> <p>14. The paper highlighted areas where the Board could enhance its stakeholder engagement and “ambassadorial” role, including the suggestion of the YJB holding select-committee style enquiries, and Board members representing the YJB more frequently to external audiences. Kate Morris stated that the ideas reflected in the paper were not exhaustive. The Board agreed that better engagement with stakeholders was required.</p> <p>15. After discussion, the Board ultimately agreed the following in respect each of the decisions listed in the paper:</p> <ul style="list-style-type: none">- that the current Remuneration Committee terms of reference are fit for purpose, subject to the overall comment that all YJB terms of reference should be standardised with an introductory paragraph containing a “statement of purpose”;- that the Audit and Risk Committee should become the “Finance, Audit and Risk Committee”, with the suggested terms of reference annexed to the paper agreed subject to the standardisation process outlined in the bullet above;- that the Secure Accommodation and Community Justice committees should be disbanded;- that a new Performance Committee should be created, but that the terms of reference presented with the paper should be revised to further explain the purpose and work of the Committee (and according to the standardised format referenced above); it was also agreed that Martin Skeats would share the revised terms of reference with Gillian Fairfield as they are developed;- in relation to the recommendation that the Board should increase the frequency of its meetings, to discuss “wider strategic and policy issues” (following the disbanding of the Secure Accommodation and Community Justice committees), it was agreed that Lord McNally would discuss the proposal further with Lin Hinnigan and report back at the June 2014 meeting; | <p>Terms of Reference for all YJB Committees to be standardised, including a ‘statement of purpose’.</p> <p>Revised terms of reference for the Performance Committee to be shared with Gillian Fairfield as they are developed</p> <p>Lord McNally to discuss the suggestion for an increase in Board meetings with Lin Hinnigan and report back to the Board in June</p> |

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| | <ul style="list-style-type: none">- that the terms of reference for the Wales Youth Justice Advisory Panel are still current and fit for purpose, subject to the comments above about standardisation (so far as is possible given the joint-governance arrangements for the panel with the Welsh Government);- that the revisions to the remaining governance documentation presented with the paper (Corporate Governance Overview; Scheme of Delegation; and the Standing Orders) are accepted;- that the Board should put an Annual Report to the Secretary of State for Justice, starting in summer 2014;- that the YJB should instigate select-committee style enquiries (the detail of how and what topics are to be covered will be the subject of further discussion, taking into account other such enquiries taking place at the current time);- that the Board needs to enhance its stakeholder and ambassadorial role, as suggested in the paper, but that the exact means by which this will be achieved should be subject to further discussion at the Board meeting in June 2014. | <p>An annual report from the Board to be put to the Secretary of State for Justice</p> |
| | <p><u>Item 6 – Quarterly Corporate Performance Report</u></p> <p>16. Clive Newsome presented the latest version of the Corporate Performance Report, covering the quarter to the end of 31 March 2014. The cover paper addressed previous comments made by the Board to bring out the key themes and elements of the overall report.</p> <p>17. Headline figures were that:</p> <ul style="list-style-type: none">- there has been a continuing fall in the number of first time entrants (FTEs). In the year to September 2013, there were 24,242 FTEs, representing a 24% fall compared to the previous year;- in the year to June 2012 the reoffending rate was 35.5%, representing a fall of 0.7% compared with the previous year. However, the rate has increased by 1.7% when compared to the year 2000, and has increased since 2007/08. Since that time, however, the overall number of young people in the youth justice system has been falling (almost 50% down since 2000); | |

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| | <ul style="list-style-type: none">- in February 2014 there were 1276 young people in the secure estate, compared to 1424 at the same point last year. <p>18. The Board welcomed the revised format of the cover paper and agreed it was now easier to read, although at times there was still an over-use of technical language. In relation to page 41 of the report, and the issue of the quality of documentation submitted by YOTs to the Placements team, Rob Butler asked what more could be done to improve the situation. Lucy Dawes stated that work is underway in this area, including addressing the issues in those courts that are served by multiple YOTs, and the sharing of best practice from areas with a high success rate, such as Manchester.</p> <p>19. Chris Davies asked about the pace of decommissioning compared to the rate at which custodial numbers are falling. Kevin Venosi stated that decommissioning was necessarily slower, as it is a retrospective process and time is required to assess the need and then plan and implement the changes. David Banks asked whether the 93% occupancy target for the secure estate required revision given the falling numbers of young people currently in custody and the need for sufficient contingency. Lucy Dawes stated that the Executive had given some initial thought to the question recently and agreed that it required further consideration. Kevin Venosi added that such work would take place this year.</p> <p>20. John Wrangham stated that the report overall requires greater scrutiny in order to do it justice, and he supports the suggestion that it gets looked at in greater detail.</p> <p><u>Item 8 – Audit and Risk Committee’s Annual Report to the Board</u></p> <p>21. David Banks presented the first Annual Report of the Audit and Risk Committee. The report provided information on the work of the Committee across the year, including attendance; the standing agenda items and bespoke items addressed in the year; the management of risk; internal and external audit; annual accounts; fraud; sharing of services, and; an opinion of the Committee’s effectiveness. On that last point, the Committee agreed overall that:</p> <ul style="list-style-type: none">- its membership needs to be reviewed, including the possibility of an expanded membership;- the training needs of the Committee need to be considered, particularly in relation to the legislative framework; | |

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| | <ul style="list-style-type: none">- its terms of reference should be reviewed. <p>22. The Board welcomed the report and noted its contents. Lord McNally stated that he was keen for the Committee to keep a close eye on shared services, in order that the YJB achieves value for money.</p> <p><u>Item 9 – Secure Estate Provision – Girls Needs Assessment</u></p> <p>23. The paper provided the Board with the results of an assessment on the needs of girls within custody, and sought the views of the Board on whether girls should be accommodated within the new secure college model.</p> <p>24. The main findings of the assessment were that:</p> <ul style="list-style-type: none">- gender-specific specifications, provision and interventions should be developed and implemented for all girls accommodated in the secure estate;- minimal mixing with boys should take place to mitigate against disproportionality and promote full engagement with the regime;- girls can be accommodated within the secure college model <i>if a number of parameters are in place</i>;- should the secure college pathfinder accommodate girls, significant considerations will be necessary around the design and build. <p>25. It was noted that in focus groups the girls taking part did not have strong views about being accommodated within the secure college model, but did state a preference for being accommodated in smaller units. Girls also felt that regimes within the secure estate were aimed at boys and did not offer them the breadth of activities they wanted.</p> <p>26. The Board agreed that girls should not miss out on the opportunities offered by the secure college model, but that the wider needs of girls have to be addressed – in relation to self-harm, mental health and substance misuse, for example, which need to be plugged-in to education.</p> <p>27. The Board agreed that the secure college model should not specifically discount the inclusion of girls but that absolute parameters must be guaranteed, as outlined in the cover paper:</p> <ul style="list-style-type: none">- gender-specific specifications, provision and interventions must be established;- a low number of girls are accommodated together | |

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| | <p>(approximately 20);</p> <ul style="list-style-type: none">- total site separation should exist and minimal mixing with boys should take place, supported by comprehensive risk assessments and sufficient staffing;- a dedicated multi-disciplinary staffing group is provided. Positive male and female role models should form the staffing group, who have been appropriately trained and are skilled to work with girls. <p>28. The site-separation mentioned above should include the separation of education. The Board also agreed that this set of principles applied to young children as well as girls.</p> <p><u>Item 10 – Secure College Pathfinder – Design and Build Competition</u></p> <p>29. The paper provided the Board with the developing plans for the design and construction of the secure college pathfinder. It was noted that the design brief builds on the work completed on the Fosse project during 2009/10, prior to the funding being withdrawn. Further learning will be drawn from the Keppel and Waveney Unit designs.</p> <p>30. The Board was concerned and disappointed that the project was starting from an existing building design rather than from an operational solution – an example being that the proposed educational unit appeared to be focussed on a single entrance yet would be serving up to 300 young people. It was agreed that the new proposition should be centred around delivering a <i>secure college</i>, and that the design needed to be based around that concept, not the previous 2009 proposition. Ideally the design process would have the input of the operator, and input from alternative provision experts.</p> <p>31. The Board was also concerned to more fully understand its accountability and the risks associated with it. It was noted that the Ministry of Justice are leading the project, and that the YJB’s role is to input views and influence where it can. It was agreed that that Audit and Risk Committee would consider the risks associated with the project from a YJB perspective more fully and report back to a future Board meeting.</p> <p><u>Item 11 – Delegated authority for the use of the YJB seal</u></p> <p>32. The paper sought the Board's agreement that in future the fixing of the YJB Seal for the purpose of settlement agreements may be authenticated by the signature of the Chief Executive or, in her absence, by</p> | <p>The Audit and Risk Committee to consider the risks associated with the Secure College design project from a YJB perspective more fully and report back to a future Board meeting.</p> |

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| | <p>the Director of Corporate Services (whereas at present the seal can only be affixed with the authority of the Board).</p> <p>33. The Board agreed on the basis that the verbal agreement of the Chair, or the Chair of the Audit and Risk Committee if the Chair is unavailable, is first sought and given.</p> <p><u>Item 12 – Any other business</u></p> <p>34. There was no further business. The meeting closed at 13.00.</p> | |

David Wells
YJB Corporate Governance
28 May 2014