

Minutes

Meeting: **Board meeting**
Date: **6 May 2015**
Time: **09.00-13.05**
Location: **102 Petty France**
Protective marking: **Official**

Attendees

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)	Gillian Fairfield (Board member)
Neil Rhodes (Board member)	Lin Hinnigan (Chief Executive)
Kevin Venosi (Director of Commissioning and Change)	Luke Taylor (Director, Partnerships and Performance)
Martin Skeats (Head of Finance and Business Assurance)	Dusty Kennedy (Head of YJB Cymru)
Poppy Harrison (Head of Safeguarding and Placements)	Summer Nisar (Head of Strategy and Communications)
Laura Beaumont (Youth Justice Policy Unit)	Catherine Bennion (Head of Strategy and Planning – item 3 only)
Clive Newsome (Head of Assurance and Risk – item 7 only)	Malcolm Potter (Head of North East England Business Area – item 5 only)
David Wells (CEO's Office – minutes)	

Agenda Ref.	Item	Action
1	<p><u>Apologies, and minutes of previous meeting</u> 1. Apologies were received from Christine Davies and Bob Reitemeier. The minutes of the previous meeting were agreed without change.</p> <p><u>Outstanding Actions Log</u> 2. The actions log was reviewed. It was noted that in relation to item 3 the data on violence had been circulated prior to the meeting. Rob Butler stated that there are issues relating to it – for example, on disproportionality – that will need further consideration. On item 7 it was reported that Cheryl de Freitas, the YJB's Safeguarding and Child Protection Manager, has joined the working group</p>	

supporting the Ministerial Board on deaths in custody. The Board agreed that items 2 to 10 could all be closed.

Register of Interests

3. The register was noted. Members were reminded to inform the Chief Executive's Office of any updates. Amanda Sater stated that the register should no longer show her entries for Queen's Club Limited or QC Holdings Limited, and that she is a member of the Independent Out of Court Scrutiny Panel of the British Transport Police, and that this should be added to the "unpaid office in charitable or other body" section.

Performance Committee Report to the Board

4. Lord McNally presented the Performance Committee's report to the Board, having chaired the meeting in Gillian Fairfield's absence. Lord McNally reported that Paul Foweather, the Head of the Youth Justice Estate at the National Offender Management Service, had addressed the meeting to talk about violence in public sector YOIs, the difficulties it causes in enabling a full regime to be provided, and the work being done jointly with the YJB to address it. Lord McNally stated that it is an issue that will need to be brought to the attention of any new Ministerial team. The Board agreed it was a fundamental issue which it needed to stay engaged with. Amanda Sater asked what was being done to address radicalisation in the secure estate. Luke Taylor stated he will come back to the Board with a note of what is being done. Lord McNally stated that the YJB needs to ensure that its voice is heard in relation to counter-terrorism strategies and interventions, particularly in terms of making those involved in developing responses aware of child protection legislation.

5. Lord McNally stated that the Committee had discussed reoffending statistics and the need for the YJB to ensure a full picture is presented to stakeholders using the full range of measures that are available. For example, in numerical terms the figures are down, with 56,779 re-offences in the year to March 2013, a decrease of 21.3% compared to the previous year.

6. It was referenced in the report that a paper on education in Wales was due to be presented at the next Wales Youth Justice Advisory Panel (WYJAP). Dusty Kennedy confirmed that this has been done, and that he would circulate the paper to Board members for information.

Luke Taylor to provide the Board with information on what work the YJB is doing to tackle radicalisation.

Dusty Kennedy to circulate to Board members the recent WYJAP paper on education in Wales.

7. Lord McNally reported that a Memorandum of Understanding with the Independent Monitoring Board has been signed which will provide a means to share information between organisations. Lord McNally cited the work as an excellent example of the YJB building better links with external bodies.

Finance, Audit and Risk Assurance Committee (FARAC) Meeting of 29 April 2015

8. David Banks provided a verbal report of the FARAC meeting that took place the previous week. The Committee's key discussion had been in relation to the 2014/15 underspend, which while preferable to an overspend did raise questions about lost opportunities for investment in the system. To that end, the Committee considered how financial forecasting can be improved.

Chair's Items

9. Lord McNally updated the Board on his recent activities. This included attendance at the "Future of Mental Health Services" conference in Salford. Lord McNally stated that the YJB needs to be active in securing any potential funding that is available in this area.

10. Lord McNally visited Oldham Youth Offending Team (YOT) at the end of April, along with Gillian Fairfield. Lord McNally had been struck by the number of Asian young people on the YOT's caseload, and the difficulties that had been reported in engaging with the local Asian population.

11. On 1 May Lord McNally attended the "One Minute In May" launch event at City Hall with Rob Butler. Lord McNally stated that the event was attended by a large Afro-Caribbean contingent, and that the YJB needs to recognise distinct communities in its BME work and associated engagement strategies.

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Chief Executive's Update

12. Lin Hinnigan's written report was noted. Lin drew attention to section 4 of the report in relation to the voice of the young person, and stated that Dusty Kennedy has been appointed as the EMG "champion" for this area. Similarly, Lin Hinnigan will champion BME work and Luke Taylor victims. In relation to the voice of young people, the YJB has approached the British Youth Council, which runs the UK Youth Parliament, and has been asked to provide it with suggestions for areas of debate. Lin requested that any suggestions be sent to her by the end of the week. Angela Sarkis stated that she was

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pleased to learn that EMG had appointed champions for cross-cutting themes, and that the YJB needs to learn lessons from the past in terms of exactly what it is that it wants to achieve, and how.

13. Lin Hinnigan highlighted section 5 of the report and the large amount of work being done in relation to resettlement. Lin stated that real progress was being made, which is starting to be reflected in re-offending statistics for those who have served custodial sentences.

14. It was noted that Kate Morris will return from maternity leave in July and take up her position as Director of Operations. Louise Falshaw, currently Deputy Ombudsman at the Prisons and Probation Ombudsman, will also be joining as Director of Partnerships and Performance. Lin Hinnigan expressed her gratitude to Luke Taylor, who has been filling the Director of Partnerships and Performance role on secondment, for his hard work and achievements in post, a sentiment echoed by the Board.

15. Lord McNally stated that in relation to the new administration following the election, and the potential for aspects of English devolution, the YJB will need to think through the consequences for the youth justice system. Gillian Fairfield highlighted the fact that devolution in respect of health was already happening in Manchester, although the process will take time.

16. Gillian Fairfield welcomed the proposals outlined in section 8 of the report for the commercialisation of YJB products. As well as the financial benefits, the proposal will also be useful in terms of the marketing the YJB.

17. In relation to the entry on the STC re-tendering project, Lord McNally stated that the Board should be afforded the opportunity to discuss any major contracts. Lin Hinnigan stated that STC re-tendering project had been on hold due to the Transforming Youth Custody Project, and was now being led by the Ministry of Justice (MoJ) even though the YJB was the commissioner. Martin Skeats added that the Board's Scheme of Delegation requires it to be involved in early discussions for major contracts, and that the current project started some time ago. David Banks stated that the issue raised a wider question about MoJ governance processes for secure estate commissioning and ensuring appropriate YJB input.

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Board Annual Report to the Secretary of State

18. Catherine Bennion presented the paper which sought the Board's agreement on the structure, style and high level content of its 2015 Annual Report to the Secretary of State for Justice. The intention is for the report to be published in late May/early June, meaning the authors will need to produce it in a matter of weeks. The report will dovetail with the conclusions of the Board YOT visits, which although presented as distinct documents will contain some of the same key messages.

19. Lord McNally stated that he has asked Christine Davies and Amanda Sater to work with the Strategy and Planning team on the production of the report. Lord McNally added that he liked the proposed structure, and emphasised the importance of the document in terms of informing the new administration. In particular, the authors should be mindful of the Harris review into deaths in custody of 18-25 year olds; victims; restorative justice, and; the desire to retain the integrity of a distinct youth justice system in Wales.

20. Seamus Oates stated that each section needed to be produced to the same format, with positive messaging in all areas. Angela Sarkis emphasised the need for the careful use of language in order that the report engages with its audience. David Banks suggested that key points be brought up-front, with the vision and key messages for the future first. Gillian Fairfield added that the report should be as succinct as possible, with an executive summary at the beginning and an impactful ending. Neil Rhodes and John Wrangham agreed, and John warned against the use of jargon, and argued for the need to be brave and to challenge the reader. Rob Butler stated that if the document is more than four pages then it will need an executive summary, and that the document presented a fantastic opportunity to influence the new Ministerial team. Lord McNally added that he and Rob Butler would review a draft version of the report.

Lord McNally and Rob Butler to review a draft version of the Board's Annual Report to the Secretary of State

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Finance, Audit and Risk Assurance Committee's Annual Report to the Board

21. David Banks presented the FARAC Annual Report to the Board, stating that the report aims to provide assurance to the Board on behalf of the Committee, following a format advised in the HMT audit and risk assurance committee handbook.

22. The report provided information on the Committee's membership and attendance; the

management of risk; internal and external audit activity; the management of fraud; shared services; assurance mapping; finance; and an opinion of assurances provided in these areas for the year. David Banks highlighted that the conclusions provided in the opinion section had been reviewed by both internal audit and the National Audit Office who agreed with the findings.

23. David Banks stated that the Committee had reviewed its effectiveness earlier in the year, with largely positive conclusions, and that a further review will take place later in the year allowing the newer members of the Committee the opportunity to comment. The review had raised the need for more out of committee discussion and for a greater emphasis on the Committee's role in relation to finance. As a consequence the Committee members now meet prior to the formal meetings for an informal discussion, and more time has been assigned to the finance component of the agenda. David added that the Committee has an annual work programme that steers its work. Rob Butler asked whether a similar forward-looking programme would work for the full Board. David Banks agreed that it would be useful. Rob also asked that the report have an annex of definitions annexed to it. David Banks stated that this will be added to the copy of the report kept on file.

An annex of definitions to be added to the copy of the report kept on file.

5

The YJB's approach to addressing the over-representation of Black and Minority Ethnic young people in the youth justice system

24. The paper outlined the YJB's plan to address the over-representation of Black and Minority Ethnic (BME) young people in the youth justice system and the project management and governance arrangements that will be put in place to support the work. The paper outlined a work programme with eight elements: work with YOTs; work with YOIs; Minimising and Managing Physical Restraint; work with STCs; work with the voluntary and community sector; work with statutory stakeholders; workforce development, and; embedding BME considerations in other priority projects. A steering group will be established to oversee an action plan, chaired by the Chief Executive with representatives from each business priority area who will own the actions in the plan. A copy of the draft plan was handed out to Board members.

25. Malcolm Potter stated that the action plan represented a balance between ambition and realism. Malcolm added that the data collected by the YJB needs to be improved, consolidated and

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considered further, and that staff need to be sensitised to the issues via training. Neil Rhodes stated that consideration of workforce development issues needed greater discussion. Lord McNally added that there were different and distinct issues for different communities, requiring different strategies. Malcom Potter agreed, adding that the level of disproportionality seen varies markedly in different areas. Malcom stated that the YJB needs to carefully articulate what it does and does not have control over, and be candid over the issues that sit outside of the YJB and the youth justice system more generally. Lin Hinnigan stated that the YJB is working with YOTs on local data and needs to support them with local issues, but that the YJB also needs to engage with national groups where possible.

26. Angela Sarkis stated that the draft action plan is a huge improvement on what the YJB had before. However, the YJB needs to be alert to the wider agenda and there needs to be a drive for real achievements. In particular, Angela stated that the YJB needs to look to staff – within the YJB and within YOTs – and how they are engaging with the issues. Angela stated that the YJB needs to be bolder in tackling the issues, and that a more compelling communications strategy is required. Gillian Fairfield welcomed the action plan, and asked who the YJB and Board members need to work with to use their experience. Gillian stated that there are a vast number of community and voluntary sector groups that can assist, and that the YJB needs to be broad in its engagement with others. Rob Butler agreed, stating that the YJB needs to go out to the community and see how the sector works with justice issues. Rob also stated that he would like to take the “unconscious bias” course, and that it could be offered to others as appropriate.

27. Lord McNally highlighted a Parliamentary interest in the over-representation of Gypsy, Romany and Traveller (GRT) young people. Lin Hinnigan stated that it was an issue that required greater understanding, and that so far there was not complete confidence in the data. Malcolm Potter added that ultimately the issue is about the quality of offer to young people, and being sensitive to their individual needs.

28. Lord McNally highlighted paragraph 4.11 of the paper, which stated that *The involvement of Board members to support this communication and engagement would be a valuable component of this work.*

29. Neil Rhodes stated that the YJB needs to keep a sense of proportion as to what it can do, and to focus on those areas where it has control. Neil added that the workforce needs to be more representative of the community it serves/interfaces with, and stated that thought needs to be given as to how that is achieved. Kevin Venosi agreed, stating that he would like to see secure establishment workforces more representative and that the issue needed to be addressed via the workforce development strategy.

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Stakeholder Engagement Update

30. Luke Taylor and Summer Nisar presented the paper which updated the Board on the progress that has been made on the YJB Stakeholder Engagement Strategy in relation to the key themes that were identified as priority issues at the November 2014 Board meeting. The paper also sought a steer on those stakeholders to be identified for engagement in the period up to the full Board meeting in November 2015.

31. Lord McNally stated that he will be sitting on the Prison Reform Trust review into the over-representation of Looked After Children in custody and will look to the executive for assistance. Lord McNally added that it may be worthwhile liaising with the Standing Committee for Youth Justice on BME over-representation. More generally, Lord McNally stated that he wants the YJB to be outward looking, and to identify the relevant targets for engagement. Specifically on BME engagement, the YJB needs to be prepared to spread the net as wide as possible.

32. Magistrates, the police, Chief Constables and Police and Crime Commissioners (PCCs) were all listed as key stakeholders. Seamus Oates asked that schools and alternative provision be added to the list of key education stakeholders. Lin Hinnigan suggested that Seamus can advise staff on the best way of engaging with those sectors. Lord McNally also highlighted health, and potential funding in relation to mental health, as a key area. Gillian Fairfield stated that a number of key stakeholders in relation to health needed to be added to the list, including local authorities, mental health trusts and the community and voluntary sectors. Rob Butler added that Independent Monitoring Boards would be useful, and that Board members should share with each other information in regards to what they have done and what they have learnt from different groups. It was agreed that Board members should email Luke Taylor and

Board members to email Luke Taylor/Summer Nisar with any key stakeholders that they feel are currently missing from the “priority areas for

Summer Nisar with any other specific suggestions for key targets.

33. Overall, Lord McNally stated the YJB needs to rebuild momentum in regards to stakeholder engagement. Summer Nisar stated that a revised strategy will return to the Board in November 2015 and every six months thereafter. Neil Rhodes suggested that a pack for Board members be created, providing key, standard messages. In regards to PCCs, Kevin Venosi stated that the YJB should engage with ex-Board member and PCC for South Yorkshire Alan Billings, including asking him to appear at the Youth Justice Convention.

engagement” list.

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Board Review of Governance Documentation

34. Clive Newsome presented the annual review of governance documentation. Clive stated that only minor amendments were being suggested, mostly in relation to obsolete terminology. The documents under review were:

- the Terms of Reference for the Finance, Audit and Risk Assurance Committee;
- the Terms of Reference for the Performance Committee;
- the Terms of Reference for the Remuneration Committee;
- the terms of Reference for the Welsh Youth Justice Advisory Panel (WYJAP);
- the Corporate Governance Overview;
- the Scheme of Delegation;
- the YJB Standing Orders, and;
- the Code of Conduct for Board Members

35. The Board agreed all of the proposed changes. Dusty Kennedy stated that in relation to WYJAP it should be noted that a new joint Chair has been appointed, June Milligan, the Welsh Government Director General of Local Government and Communities. Dusty added that the sequencing of the WYJAP terms of reference also needed adjusting.

36. Lord McNally stated that he was very pleased with the way in which the Committees were operating, which was a credit to the executive.

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Any other business

37. Lord McNally stated that Angela Sarkis will represent the YJB at an Equality and Human Rights Commission round-table meeting in June.

38. Gillian Fairfield stated that there is to be a

The YJB to consider having a presence at

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Faculty of Public Health conference in June that will focus on mental health, and that the YJB should have a presence. Lin Hinnigan agreed and stated that it will be explored further.

39. There was no further business. The meeting closed at 13.05.

the Faculty of Public Health conference in June 2015.

**David Wells
CEO's Office
20 May 2015**