

# Minutes



Youth Justice Board  
Bwrdd Cyfiawnder Ieuencid

Meeting: **Board Meeting**  
Date: **11 November 2015**  
Time: **10:30-15:00**  
Location: **102 Petty France**  
Protective marking: **Official**

## Attendees

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Lord Tom McNally (YJB Chair)	Carol Homden (Board member)
Amanda Sater (Board member)	Rob Butler (Board member)
Seamus Oates (Board member)	Tony Sewell (Board member)
David Banks (Board member)	Gillian Fairfield (Board member)
Neil Rhodes (Board member)	Christine Davies (Board member)
John Wrangham (Board member)	Lin Hinnigan (Chief Executive)
Kate Morris (Director of Operations)	Louise Falshaw (Director of Partnerships and Performance)
Dusty Kennedy (Director of YJB Cymru)	Kevin Venosi (Director of Commissioning and Change)
Catherine Worswick (Head of Strategy and Communications)	
David Wells (CEO's Office – minutes)	

<b>Agenda Ref.</b>	<b>Item</b>	<b>Action</b>
<b>1</b>	<b><u>Introduction and Business</u></b>  1. Lord McNally opened the meeting, welcoming new Board members Carol Homden and Tony Sewell to their first formal Board meeting. Apologies were received from Martin Skeats and Laura Beaumont.  2. There were no declarations of interest, and no additions to the register of interests or Board activity schedule.  3. The minutes of the previous Board meetings (5 August 2015 and the exceptional meeting of 28 October 2015) were agreed with one change: Rob Butler asked that the minutes of the August meeting, in relation to serious incident reporting, should clarify that the sentence "...the	

*executive should err on the side of caution when sharing information” means that if there is any doubt then the information should be shared.*

4. The Board noted the other items provided under the ‘business’ section of the agenda.

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### **Business Planning 2016/17 and Benefits Realisation**

5. Ada Simpson and Natalie Sands gave a presentation to the Board on progress with the business planning work for 2016/17 and the development of a benefits realisation strategy for the YJB. It was noted that a draft benefits realisation strategy will be put to the Executive Management Group (EMG) in December, and that the Performance Committee in February 2016 will see some examples of indicators and how it will be intended to report against them. Ada Simpson also reminded the Board that a workshop is to be held in December looking at the longer-term future of the YJB. Lord McNally stated that he would like an additional Board session to be held in January 2016 to consider further the feedback from that workshop, in order that a clear idea of the direction of travel can be established as early as possible. Chris Davies stated that given the timing of the review of youth justice, the Board ought to have a clear idea of its position by Easter 2016.

6. Louise Falshaw introduced the second section of the item, which asked the Board to consider its priorities for 2016/17 within the context of the reductions to the administrative budget that are anticipated from the current Spending Review. Louise stated that the YJB has already streamlined over the last few years and is currently carrying staff vacancies, and the expected further reductions will be on top of the savings already made. The Board were asked what activities it wishes to prioritise to meet the YJB vision. Lord McNally stated that he also wants the Finance, Audit and Risk Assurance Committee to have a specific look at this area. Lord McNally added that the ability to communicate the YJB vision externally must be part of the priorities. John Wrangham asked if anything is known yet regarding the timescale of the cuts. Louise Falshaw stated that it depends on the outcome of the Spending Review, but that it is assumed that cuts to central YJB organisational costs will be “front ended” and begin with the budget allocation for 2016/17.

7. Lord McNally stated that there is a need to challenge the notion held in some quarters that the YJB is staff and admin-heavy. Lord McNally cited the report from Deloitte

**A Board session to be arranged for January 2016 to consider further the outcomes of the December 2016 workshop on the future vision for the YJB.**

**The Finance, Audit and Risk Assurance Committee to give consideration to the Business Planning “resources and prioritisation” work.**

that stated that the YJB could make savings if it did nothing more than its statutory functions. Lord McNally stated that the YJB has to be more than this, and that its most effective role lies both upstream and down from those statutory functions. Chris Davies agreed, adding that the YJB will need to find a way of doing things differently, but that it needs to be the definitive source for effective practice and to be the thought-leaders for the system. Chris also stated that there was duplication with some of the work currently carried out by the Ministry of Justice – for example, in the Youth Justice Policy Unit – and that it will need to do things differently too, with a message put to the Secretary of State that such work should be brought together in one place, and that the YJB should be the leader on policy and practice.

8. Ada Simpson asked the Board if there were any activities that it would want to see put in a “must do” list of priorities. David Banks stated that it was difficult to consider 2016/17 in isolation without thinking further ahead and to the longer-term future of the YJB, and that the priorities may look very different under a devolved model. John Wrangham stated the four proposed priority statutory functions outlined in the paper were largely about process, and that there was no particular reason why another body, rather than the YJB, could not carry them out. John stated that the YJB needs to make the case for its continued existence and to focus on those activities which only the YJB can do and which are critical. Neil Rhodes added that, for him, advising the Secretary of State was that critical function

9. Chris Davies warned against focussing on placements and monitoring, stating that the YJB has to be the voice and advocates for young people. Carol Homden stated that the YJB should focus on knowledge and analysis. Carol also suggested that the YJB could do more to raise funds. Lord McNally stated that outside of the statutory functions the YJB needs to champion those young people on the cusp of joining and leaving the youth justice system. Neil Rhodes agreed that championing young people should be the headline, but that the YJB are also the professionals who advise the Secretary of State, especially in relation to risk. Rob Butler highlighted the need to explain why the YJB has that professional expertise above others. Kate Morris added that the YJB should be more explicit about its role in relation to performance improvement.

10. Carol Homden stated that it should be recognised that the YJB is extraordinarily cheap, with the real costs connected with the external running of the system. Neil

Rhodes agreed, stating that most of the costs that the YJB incurs would be required whoever is carrying out the necessary functions (i.e., placements and secure estate costs) but that the cost of actually having a YJB is miniscule when compared to the risks of not having it. Chris Davies stated that the YJB's effective practice work is a "must do". Tony Sewell suggested the YJB could also have a function around education. Lord McNally stated that stakeholder engagement and communications must run through everything the YJB does. David Banks suggested that "strategic partner development" might be a better term than "stakeholder engagement".

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### **Youth Justice Review**

11. Lord McNally welcomed Charlie Taylor to the meeting, who gave a presentation to the Board on his work in relation to the youth justice review to date. Charlie stated that he has immersed himself in the youth justice system as much as possible, including visiting YOTs, the secure estate, lobby groups, politicians and a variety of other stakeholders, including in Wales.

12. Lord McNally stated that the YJB is working on a range of ideas for the future of the system and that it will look to feed them in to the review as soon as possible.

13. The Board were asked whether there were any areas they were particularly keen for the review to address. Gillian Fairfield stated that a more joined up approach is required between the health and justice systems, and that more should be done in regards to diversion and pushing young people towards health. Neil Rhodes stated that tackling BME disproportionality was a key interest for the Board. Tony Sewell agreed, and emphasised the need for an evidence based approach, in relation to both BME disproportionality and gangs.

14. Chris Davies stated that she was keen for the links between community and custody to be strengthened. John Wrangham echoed that point, and stated that it should be remembered how poor the system was for young people pre-1998. John also highlighted the importance of diversion. Carol Homden suggested that consideration be given to social care and innovation, with a need to think about a continuum of care and the spectrum of needs. Carol highlighted the high number of Looked After Children in the justice system and how this pointed to a lack of planning. Rob Butler added that consideration should also be given as to whether the law is currently helping young people. Amanda Sater highlighted the need for a distinct youth courts service.

Seamus Oates stated that he would welcome a focus on education, in its broadest sense, and emphasised the need for a body that champions young offenders as a group. David Banks agreed with that latter point, and highlighted the importance of leadership in any future system.

15. Lord McNally thanked Charlie Taylor for his time and invited him to address the Board again at a future date.

#### **4 Chief Executive's Report**

16. Lin Hinnigan's written report to the Board was noted. Lin provided updates where relevant, stating that she had recently met with Nick Pascoe, who is shortly to take up the post of the Deputy Director Custody for the Young People's Estate at the National Offender Management Service. On the extension of Secure Children's Home contracts, Lin stated that the Executive had recently revisited the decision to reduce the number of beds commissioned in light of YOI instability, but had agreed to progress with the original decision. The trend in population will be monitored closely and the matter will be reconsidered if more beds are needed. Lin stressed that placements decisions will continue to be based on the needs of young people.

17. On secure escorts, the Board noted that agreement has not yet been given to start procurement, with ministers suggesting the YJB should enter into a contract extension with the existing provider. David Banks asked whether, should the procurement proceed, the Executive was satisfied that the proposed terms of the contract offered enough scope for performance management. Kevin Venosi stated that the YJB is keen to strengthen the mechanism, and that a new contract would go some way to increasing the levers currently available. David Banks asked whether extension of the existing contract was also an option. Kevin stated that it was, but that the costs would need to be renegotiated and would be likely to increase as the current provider did not want to continue.

18. Seamus Oates asked whether any conclusions were known yet from the thematic report by HMIP into Minimising and Managing Physical Restraint (MMPR). Kevin Venosi stated that HMIP support the roll-out of MMPR and see it as an entirely beneficial approach, with good governance and systems in place. However, HMIP have raised concerns about the implementation into operational practice. The report is due to be published on 18 November 2015.

19. Chris Davies asked if there were any updates in relation to the deaths of [redacted] and [redacted]. Lin Hinnigan stated that in relation to [redacted] the Prison and Probation Ombudsman's investigation has been ongoing and their report is still awaited. In relation to [redacted], the Coroner's inquest has been completed. However, the Coroner has requested more information before making recommendations on the prevention of future deaths.

20. In relation to the review of children's residential care, Carol Homden asked what engagement the YJB plans to have with Sir Martin Narey. Lin Hinnigan stated that she is planning to arrange a meeting shortly. Louise Falshaw added that the YJB are already linked-in with officials at the Department of Education who are leading on the review. Carol stated that she meets with Sir Martin regularly and may require some briefing for the next time they meet.

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### **Annual Safeguarding Report**

21. The paper provided the Board with a report on safeguarding issues, themes and learning, for the period April 2013 to March 2015. The YJB plans to publish the report in December 2015, and annually thereafter.

22. Chris Davies welcomed the report, and stated that it should be circulated to all Chairs of Local Safeguarding Children Boards (LSCBs). Poppy Harrison stated that the report will be posted online, and that she will share it with LSCBs. Rob Butler also praised the report, and stated that the data analysis on pages 12-14 would benefit from the addition of graphs and tables to better illustrate the figures. Rob also suggested that the "Next Steps" chapter needed some more work to explain more fully what the YJB is doing – for example, in relation to tackling overrepresentation.

23. Lord McNally asked that the report be sent to the Ministerial Board on deaths in custody, and to Lord Harris. Lord McNally also emphasised the importance of information exchange in relation to safeguarding. John Wrangham asked whether the YJB has a policy that stipulates what Youth Offending Teams (YOTs) must do in terms of safeguarding and information sharing. Poppy Harrison stated that the YJB has a safeguarding statement which sets out its role and responsibility in regard to safeguarding as well as the expectations of different service providers. It does not put particular requirements on YOTs as these already form part of the local authority's governance structure.

**The Annual Safeguarding Report to be shared with LSCB Chairs, Lord Harris and the Ministerial Board on Deaths in Custody.**

24. Carol Homden suggested that it may be possible to do more to reward compliance and expected behaviours when contracting services, a point that was broader than safeguarding alone. Poppy Harrison stated that in the secure estate the required behaviours are built into expectations, and that the YJB shares best practice between YOTs, but that she can consider the point further with Kevin Venosi.

25. Chris Davies suggested that consideration be given to including something on radicalisation and the Prevent agenda in the YJB Child Protection Policy.

26. Lord McNally stated that when communicating about deaths in custody consideration ought to be given to drawing a distinction between self-inflicted deaths and others. Lord McNally also asked that the minutes record the Board's appreciation and thanks to Poppy Harrison and all other YJB staff who have appeared as witnesses as inquests.

## 6 YJB Work on Child Sexual Exploitation and Abuse

27. The paper provided the Board with an update on the work the YJB is doing to address risks and issues related to the sexual exploitation and abuse of young people in the youth justice system. Poppy Harrison stated that the briefing paper attached as an annex will be shared more widely with YJB staff.

28. Lord McNally asked if there was scope for a proactive publication, bringing together best practice in a single document, which could then be shared with YOTs. Poppy Harrison agreed, stating that she would speak with Louise Falshaw about how to promote it, although Poppy also stated that caution was needed about evidencing best practice. Seamus Oates suggested that any such document could be shared beyond YOTs too, to anyone working with young people.

29. Chris Davies highlighted the importance of record keeping in relation to this area, stating that records need to be kept for many years. Chris suggested issuing a simple set of guidance including a list of "must dos". Gillian Fairfield agreed, stressing the need for a record to be kept of any disclosure. Carol Homden asked where youth justice records are kept. Poppy Harrison stated that multiple records are held by multiple organisations, with YOTs/local authorities having their own policies. Poppy added that the YJB has given advice in this area, and can give out messages as part of the Goddard Inquiry.

**A document of best practice in relation to sexual exploitation and abuse in the youth justice system to be put together and shared with YOTs.**

### **Stakeholder Engagement Strategy**

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30. The Board was presented with an updated Stakeholder Engagement Strategy for comment and sign-off. Lord McNally stated that before the strategy is agreed he wanted to discuss it in more depth with Louise Falshaw, Lin Hinnigan and Rob Butler.

31. Louise Falshaw asked if the Board were happy for the strategy to be reviewed every six months rather than every quarter. The Board agreed. Louise also asked if there were any lead topics against Board members names that were incorrect or missing. Amanda Sater asked that 'courts' be added against her name. Chris Davies asked that 'charity and voluntary sector' be removed from her topics and 'local government' added. Carol Homden stated that she can cover 'charity and voluntary sector' as well as 'routes to alternative funding'. Carol also stated that victims should be referenced as stakeholders, including in the diagram on page 3 of the document.

32. Gillian Fairfield stated that it was important that Board members do not work in isolation, and that there is a need to input into each other's lead areas and to share key messages and information. Carol Homden suggested that the Board agree two or three key messages at the end of every meeting to convey in all forums. Louise Falshaw pointed to the 'core narrative' document that is being updated, that will provide the Board with briefing material and lines to take on 'hot topics'. Neil Rhodes suggested that information sharing could be facilitated using the Kahootz software package. Louise Falshaw stated that consideration will be given as to whether this would be possible.

### **Any Other Business**

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33. On behalf of the Board Chris Davies thanked staff for their papers and work for what had been a very constructive day. The meeting closed at 15.05.

**Lord McNally, Rob Butler, Lin Hinnigan and Louise Falshaw to further discuss the proposed Board Stakeholder Engagement Strategy.**

**Consideration to be given to using Kahootz as a way for Board members to exchange information.**

**David Wells  
Chief Executive's Office  
20 November 2015**