

Minutes



Youth Justice Board
Bwrdd Cyfiawnder Ieuencid

Meeting: **Board Meeting**
Date: **24 February 2016**
Time: **09:30-15:30**
Location: **102 Petty France**
Protective marking: **Official**

Attendees

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)	John Wrangham (Board member)
Neil Rhodes (Board member)	Christine Davies (Board member)
Kate Morris (Director of Operations)	Lin Hinnigan (Chief Executive)
Dusty Kennedy (Director of YJB Cymru)	Louise Falshaw (Director of Partnerships and Performance)
Catherine Worswick (Head of Strategy and Communications)	Kevin Venosi (Director of Commissioning and Change)
David Wells (CEO's Office – minutes)	

Agenda Ref.	Item	Action
1	<p><u>Risk Workshop and Risk Management Framework</u></p> <p>1. The meeting opened with the annual review of the Risk Management Framework and a more general discussion on risk. The Board was first asked to consider its “risk appetite” against a number of tasks, and agreed the following:</p> <ul style="list-style-type: none">- in relation to <i>Risks to safety of children and young people, the public and staff as a policy maker, commissioner of services and as an employer</i>: the risk appetite is “minimalist”. The Board also suggested that the description be rephrased to provide greater clarity;- in relation to <i>Use of financial resources</i>: the risk appetite should be amended to “open”;- in relation to <i>Operation of core functions</i>: the risk	<p>The wording of paragraph 3.3.2 of the Risk Management Framework to be amended to add clarity.</p>

appetite should be amended to “open”;

- in relation to *Policy maker*: the risk appetite should be amended to “hungry”;

- in relation to *Reputational risks*: the risk appetite should be amended to “open”.

2. The Board was asked if it was content to approve changes to the Risk Management Framework, as set out in the paper. Clive Newsome stated that the changes are aimed at reducing unnecessary process, with better targeting of management effort. Rob Butler stated that at the most recent Finance, Audit and Risk Assurance Committee (FARAC) the proposed changes had also been considered, and that agreement to them was contingent upon the document being clearer that there was no lessening of oversight. Lin Hinnigan stated that the document will be reviewed in light of that discussion at FARAC and changes made as necessary, and that it will then be recirculated to the Board. The Board agreed to the proposed changes on the condition that the revised document, once circulated and reviewed, satisfies the points raised at FARAC.

3. The Board was asked to consider any new risks or opportunities that may emerge for the YJB in the next three years. The Board agreed that the most imminent risks relate to ongoing financial cuts (which have already materialised and are being managed, but continue to present a risk to the ongoing ability to sustain operations on both the custodial and community sides) and the outcomes of the youth justice review, including the potential for the YJB to no longer exist, and for the functions that the YJB provides for the youth justice system to no longer be provided without it. Secure estate instability also presents a particular risk, including reputationally.

4. Other risks discussed included the ongoing viability of the private sector model; political continuity; more sophisticated technological risks such as cyber-attacks; data accuracy; the ability for the YJB to be operationally autonomous and to make decisions; the risk of managing transition as the system transforms, particularly in terms of financial and staffing capacity; the YJB’s ability to influence the future; the ability to sustain the current system and functions; and devolution in England. The Board agreed that each of these risks can be recast as opportunities, and that the bedrock assumptions that have existed up until now can no longer be taken as assumptions over the next three years.

An amended Risk Management Framework to be circulated to the Board, taking into account comments made at the last FARAC meeting.

2 **Voice of Young Person Workshop**

5. Dusty Kennedy presented a workshop on including the voices of children and young people in the work of the YJB. Dusty reported against the results of the recent survey undertaken with the Board, the existing processes by which the YJB engages with young people, and proposed next steps, including:

- agreeing a strategic statement;
- drafting a participation plan;
- developing / maintaining priority areas;
- either maintaining, pausing or ceasing lower priority areas, and;
- coordinating engagement activity to get most value from each contact with groups or individuals.

6. John Wrangham suggested that the YJB undertakes some specific work with regard to Looked After Children, stating that opportunities for engagement exist at the local level. Carol Homden emphasised the need to change mind-sets - including that young people are difficult to engage with – and for a child-centred approach. Carol also stated that there is a need to move away from consultation, and to act upon what young people and children are saying. Chris Davies agreed, adding that the YJB ought to be using existing channels and work already undertaken, such as that undertaken by the Office of the Children’s Commissioner. Amanda Sater stated that it would be useful to have some feedback on progress with the use of video technology in the secure estate and courts, and for family visits. Lord McNally suggested that work around young people’s views on reoffending would be useful.

7. Dusty Kennedy stated that he will return a strategic statement for the Board, and it was agreed that he should work with Carol Homden to that end.

3 **Introductory Business: Apologies; Minutes; Actions; Board Activities; Committee Minutes; Register of Interests, and; Chair’s Updates.**

8. Apologies were received from Gillian Fairfield. The minutes of the previous meeting (11 November 2015) were agreed without change. On the actions log it was noted that all actions are proposed for closure. However, it was agreed that item 7 (*consideration to be given to using Kahootz as a way for Board members to exchange information*) should remain open as the matter has not yet been determined. Amanda Sater stated that she had a number of corrections to make to the Board activity schedule and that she would pass these to the Chief Executive’s Office outside of the meeting.

A Strategic Statement on the Voice of Young people to be drafted and shared with the Board.

9. The Board noted: the minutes from the Performance Committee meetings of 21 October 2015 (final) and 3 February 2016 (draft), along with the Committee's quarterly report to the Board; the minutes from the Finance Audit and Risk Assurance Committee meetings of 28 October 2015 (final) and 27 January 2016 (draft), and; the Board Register of Interests.

10. Lord McNally provided an update of his recent activity, stating that he met with David Lammy MP following his appointment to lead a review into BAME disproportionality in the justice system. Lord McNally continues to serve on the Laming committee, and stakeholder engagement work continues to be busy, including a recent positive meeting with the Howard League. Lord McNally thanked those Board members who have supported in stakeholder engagement activities. Amanda Sater stated that there is a desire for Board members to undertake unannounced visits of secure establishments. It was agreed that such visits would best be served by combining them with the visits that other YJB staff undertake in the course of their work, and Catherine Worswick stated that she will find a list of opportunities.

Catherine Worswick to provide a list of opportunities whereby Board members can make unannounced visits to secure establishments, accompanying YJB staff in the course of their duties.

4

Chief Executive's Report

11. Lin Hinnigan's written report to the Board was noted. Lin provided updates where relevant, including in relation to Secure Training Centres, stating that the Performance Committee and Finance, Audit and Risk Assurance Committee had both spent a lot of time considering the issues recently. A weekly brief is also being provided to the Secretary of State updating him on the latest developments. Lin stated that she is confident that safety at Medway is at least as good if not better than at other STCs and in YOIs, and that the YJB is keen to start placing again, as the pause in placements is putting pressure elsewhere within the estate.

12. Lin Hinnigan reported that an Emergency Response Group meeting took place last week following a walk-out of staff at Wetherby YOI over concerns of violent incidents against staff. By the time the group had met the staff had returned to work. David Banks asked if there are any lessons to be learned from the episode. Kate Morris stated that she has requested a meeting with senior NOMS colleagues to discuss the matter and learning, and that they will be visiting the site this week. Chris Davies stated that a tipping point is being reached with regards to safety in YOIs and, noting the lack of levers available to the YJB, asked at what juncture the YJB writes formally to the Secretary of State. Kate Morris stated that the YJB

has done that before, not long ago, and Lord McNally added that he and Lin Hinnigan had met with Andrew Selous. Kate Morris added that joint action with NOMS is needed and that she hopes to agree such action at meetings over the coming weeks.

13. The Board agreed that it was keen to move the matter on, either by writing to Ministers or meeting with them again, to alert them of their immediate concerns. Katie Pettifer stated that Andrew Selous was meeting NOMS officials today and that the youth estate is being treated as a priority. Katie added that Ministers are keen to consider alternative provision, and would welcome positive solutions. Seamus Oates suggested that the YJB ought to be in position to explore further any such options. Kevin Venosi stated that a previous plan for an Enhanced Support Unit at Cookham Wood had been shelved, which could be re-examined, but that staffing such a unit would be problematic. Kevin added that the groundwork on developing the model has been done, but funding would be required. Kate Morris added that individual commissioning for young people should be considered on a wider scale. Lord McNally stated that the ideas should be worked-up and put as proposals to Ministers, and that he and Lin Hinnigan should either write to or meet with Andrew Selous. Lin Hinnigan stated that she, Nick Pascoe and Katie Pettifer are meeting with the Minister next week and a decision can be taken after that on the best way to progress the matter. The Board agreed.

14. Chris Davies asked that it be placed on record how grateful the Board is for how Lin Hinnigan and her team have dealt with current exceptional pressures.

Review of STC Monitoring

15. Peter Savage took the Board through a slide-pack on the review of monitoring in order to inform the discussion, focussing on three areas: why does the YJB monitor? what should drive monitoring? how should the YJB approach monitoring and what specific activities should be undertaken?

16. Neil Rhodes stated that the YJB monitors in order to fulfil its responsibilities to the young people for which the system has “loco parentis”; to ensure contracts are met; to identify risks; to ensure the “spirit” of what it wants to achieve is achieved as well as the contract; and to incentivise those behaviours the YJB wants and prevent those that are not wanted. Carol Homden added that monitoring assures the YJB on practice and compliance, and Rob Butler highlighted its importance in relation to safeguarding. Tony Sewell added that the YJB monitors to

Following Lin Hinnigan’s meeting with Andrew Selous on 2 March 2016, a view to be taken as to how best raise the possibilities for alternative secure provision with Ministers.

ensure the system adheres to its values.

17. The Board was asked what it felt about suggestions that current monitoring is too reliant on self-reporting. David Banks stated that there are two distinct issues: (a) systems and reporting and then (b) confidence in that reporting. David added that self-reporting is a useful concept, and providers should be doing it regardless because it is good management - but there is a need to have confidence in it. Seamus Oates stated that it is expected and works well in the schools system. Seamus stated that the YJB's job is quality assurance, not to replicate provider's systems, and that part of this should be via unannounced visits. Tony Sewell agreed, adding that in schools self-reporting drives up standards and change, but that an additional force is required that has the necessary levers. Carol Homden stated that monitoring must not be used as compensation for insufficient service and needs to be about validation. John Wrangham emphasised the need to avoid a checklist approach, stating that it is about quality assurance. Rob Butler stressed the need to be realistic.

18. Chris Davies stated that the difference between the secure estate and schools is that schools have a Board of Governors which acts as a fundamental check and balance, with statutory responsibility for the establishment. Chris suggested that the secure estate needs that middle layer of management. Carol Homden agreed, adding that there is no reason why the youth justice system should not have such an approach, using the same mechanism that exists for residential settings. Carol stated that independent audit of case files should be expected, and that there is a need for a higher calibre of staff, and to focus on known risk factors with nuanced indicators.

19. Katie Pettifer stated that monitors should have a huge amount of power, given that statutorily they report directly to the Secretary of State. Katie added that monitors should not be getting lost in the minutiae. Lord McNally stated that the YJB needs a more precise form of monitoring, and that he was not convinced that embedded monitoring works. Lord McNally also referenced the statutory point made by Katie, adding that the function need not necessarily be fulfilled by a YJB monitor.

20. Chris Davies stated that there should not be a focus on an individual, stating that a board of individuals is needed. Carol Homden agreed, adding that there is a need for multi-professional eyes, and to avoid individuals becoming too close to establishments. Rob Butler suggested that a hybrid of an Independent Monitoring

Board and a school governing body might work. Lord McNally stated that a radical view and change is needed with uniformity across the estate. David Banks stated that lots of areas come under 'monitoring' and there is a need to see how it all links together to achieve objectives. Neil Rhodes stated that monitoring needs to be underpinned by a set of principles.

21. It was agreed that Kate Morris will bring back a further proposal to the Board based on this discussion. Carol Homden, Gillian Fairfield, Neil Rhodes and John Wrangham will assist.

2016/17 Budget and Business Plan

Budget

22. Katie Pettifer opened the discussion on the budget by explaining that the Ministry of Justice was in a difficult position following the Spending Review settlement, with all areas being asked to find additional, proportionate savings, hence the letter to the YJB asking for a further £16.6m of savings compared to the latest reduced budget bid. The Board will therefore need to consider its priorities. (Katie left the meeting at this point)

23. Lin Hinnigan stated that the financial position had moved on since the discussion at the last Finance, Audit and Risk Assurance Committee, and that the Executive Management Group had since considered where additional savings could be achieved. This included through further decommissioning, and by cutting or reducing spending on YOIs, resettlement, the virtual campus, social workers, as well as the administration budget. Any remaining savings would then need to be taken from the YOT grant. Amanda Sater expressed concern at the suggestion that social workers in the secure estate would not be funded, but noted that the responsibility rightfully falls to local authorities. Kate Morris stated that past experience shows local authorities are unwilling to fund the provision

24. John Wrangham noted that the suggested areas for savings made little impact on the £16.6m requested, and that therefore if such a figure is to be achieved something more radical will be required. Chris Davies stated that the reality is that with the current risks in the secure estate the larger part of the savings would have to come from the YOT grant. However, Chris argued that the YOT grant cannot continually be used as a balance for savings, especially given the reasonable and constructive way the YJB has achieved savings in the past, which have been on the back of successes within the system. Chris highlighted that YOTs face cuts from their other partners

A further proposition on monitoring to return to the Board, taking into account the comments made in paragraphs 15-21.

too, and with a growing population of young people any cuts will severely hamper the ongoing success of the system. Chris stated that the Board should therefore challenge Ministers on the proposed reduction, especially in light of the current reform agenda.

25. Rob Butler agreed, highlighting that the £16.6m was so far an indication rather than an instruction, and that the argument should be made that it was not necessarily logical for the department to apply an equal cut across all areas if the risks of doing so are not equal. Martin Skeats added that two further considerations are the fact that the YJB has already taken deeper cuts than other areas, and that the Secretary of State had indicated previously that funding would not be cut further until after the youth justice review. Lin Hinnigan added that there is also a high-level child-protection argument to be made.

26. The Board agreed that Lord McNally should seek an urgent meeting with the Secretary of State to argue the Board's case that the cuts suggested fundamentally undermines the system's ability to deliver, and that he should be accompanied by other Board members. A letter setting out the case in writing should also be delivered at that meeting.

Business Planning

27. Ada Simpson introduced the item, stating that as further pressures are put on the budget and staffing there are growing risks with continuing with a wide range of activity as agreed so far under Business Planning.

28. Ada highlighted page 7 of the paper which referenced the proposed data review, explaining that the YJB collects a large amount of data from YOTs and the secure estate which requires a lot of quality assurance work, often taking months. The data review will consider what is being collected and why, and assess what is absolutely required. Amanda Sater pointed to page 11 of the report and the section on a new model for community oversight, asking for more detail. Kate Morris stated that the intention is to strip-back, with the YJB only intervening where there is failure, via the central team. Dusty Kennedy stated that this is the model already operating in Wales. Carol Homden warned of the danger that the whole system slips, and emphasised the need to reward good performance and incentivise improvement.

29. Ada Simpson stated that the YJB will be looking to be leaner across all areas, and asked if the Board was content with the proposed approach, adding that a final version of the Business Plan will be put to it in March for

An urgent meeting to be arranged with Lord McNally, Board members and the Secretary of State to put forward the case not to further cut funding from the YJB budget on the basis that it will fundamentally undermine the sustainability of the system.

sign-off. The Board agreed that it was content. Lord McNally asked for careful consideration in the drafting of the document, noting that it is a public document. Carol Homden agreed, stressing the need for progressive language. Carol also suggested that it would be useful for Board members to be given a supporting script.

Future Vision for the Youth Justice System

30. The Board was asked to consider the proposed memo to Charlie Taylor setting out the YJB's vision for the future governance and leadership of the youth justice system. Ada Simpson stated that it is the intention to submit it to Charlie by the end of February 2016, and to then move on to wider stakeholder engagement.

31. Amanda Sater suggested drawing out parallels with the education system, and emphasising the importance of a dedicated and skilled workforce. Seamus Oates suggested strengthening the reference to the youth justice review and the fact that the YJB is not looking to be protectionist. Seamus also cautioned against citing the national curriculum, suggesting instead that reference should be to a core curriculum as well as vocational training. Seamus emphasised the importance of developing the workforce, and suggested taken forward something akin to the "Prison First" concept used in the adult sector.

32. Carol Homden suggested that a call for radical market reform be included, up front. Carol also asked that reference to a multi-professional and therapeutic approach be made, with consistent processes and standards in practice which should be expressed as a right for children and young people. Rob Butler highlighted the need for minimum standards, and Lin Hinnigan added that the setting of national standards can be said to preserve children's entitlements. Carol Homden also suggested that more could be said about the need for innovation.

33. Rob Butler suggested that the structure of the document should be given further consideration, questioning whether it should be set out in a single document instead of the current two distinct sections. Rob also suggested that the summary could be made more concise; that care should be taken to remove repetitions; and that the argument for why a central body independent from central government is required should be made stronger. Amanda Sater suggested that the need for vocational training is emphasised, as well as the importance of early intervention and prevention.

34. Lord McNally stated that Charlie Taylor will be invited to the Board in March to respond to the document.

Any Other Business

35. There was no further business. The meeting closed at 15.30.

**David Wells
Chief Executive's Office
4 March 2016**