

# Minutes



Youth Justice Board  
Bwrdd Cyfiawnder Ieuencid

Meeting: **Board Meeting**  
Date: **26 May 2016**  
Time: **10:00-15:30**  
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)	Christine Davies (Board member)
Gillian Fairfield (Board member)	Lin Hinnigan (Chief Executive)
Kevin Venosi (Director of Commissioning and Change)	Louise Falshaw (Director of Partnerships and Performance)
Dusty Kennedy (Director of YJB Cymru)	Kate Morris (Director of Operations)
Katie Pettifer (MoJ – Director Prisons, Probation, Youth Justice Policy)	Martin Skeats (Head of Finance and Business Assurance)
David Wells (CEO's Office – minutes)	

<b>Agenda Ref.</b>	<b>Item</b>	<b>Action</b>
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<b>1</b>	<p><b><u>Introduction and Business</u></b></p> <p>1. Apologies were received from John Wrangham and Neil Rhodes. The minutes of the meetings of 24 February and 23 March 2016 were agreed without change.</p> <p>2. The outstanding actions log was reviewed. It was noted that items 2-6 have been completed and can be closed. On action 6 (in relation to unannounced secure estate visits) Carol Homden stated that it would be useful to know which establishments have not had any recent visits.</p> <p>3. On action 7 (on alternative secure provision) Lin Hinnigan stated that an additional £6.4m has been secured for spending on YOIs, and there is now a need to understand NOMS' delivery plan for spending it. It was</p>	
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noted that the YJB can make suggestions to that end, and Katie Pettifer stated that joint agreement is needed on how the money is used. Lin Hinnigan stated that a formal delegation letter is still required. Carol Homden stated that an approach to find suitable provision for some individual young people is still needed, and asked if any proposals exist. Lin Hinnigan stated that individual services can be put in place around a placement, but that individual commissioning of places was not part of this £6.4m. Kate Morris added that powers to designate alternative placements as suitable for accommodating young people sentenced or remanded by the courts were in the statute but have not yet been commenced. Carol Homden stated that this is an important point to raise with Charlie Taylor. It was agreed that the work previously done on individual provision will be shared with Charlie Taylor and Board members.

**The previous work carried out on individual provision to be shared with Charlie Taylor and Board members.**

4. It was noted that actions 8-10 have been completed and can be closed.

5. Gillian Fairfield presented the minutes and report from the last Performance Committee. Gillian stated that the Committee's concerns about secure estate performance continue and consideration is being given as to how best to escalate the matter.

6. David Banks presented the minutes from the last Finance, Audit and Risk Assurance Committee (FARAC). The Committee discussed specific risks around Medway STC and reviewed the draft Annual Report and Accounts for 2015/16. The Committee agreed that the performance and achievements sections from the Report will be circulated to the full Board for consideration.

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### **Finance, Audit and Risk Assurance Committee (FARAC) Annual Report to the Board**

7. David Banks presented the Board with FARAC's Annual Report, which describes the work of the committee over the last year. David stated that the YJB's overall risk profile undoubtedly increased during the year, particularly due to concerns over performance in NOMS YOIs and the limited levers available to the YJB to address the issue. Weaknesses in the scrutiny of Medway STC were also exposed during the year, and controls and interventions by the MoJ – especially in relation to subsequent Medway placements – reduced the YJB's ability to operate effectively. Lord McNally stated that both the Performance Committee and FARAC have been warning about YOI performance for some time. Katie Pettifer stated that the

proposal for a youth custody improvement board will hopefully provide the sought-after levers. Carol Homden stated that the intelligence from the YJB ought to be written-in to the improvement board's terms of reference. Kate Morris stated that more than anything solutions need to be provided, as the issues behind the poor performance are already well known.

8. David Banks drew attention to section 4 of the report on Internal Audit, stating that the overall number of days provided had gone down slightly. The internal auditors have also been involved in a lot of work around STCs. The majority of audits undertaken have been given a "moderate" or "substantial" assurance rating. The Medway draft audit report, however, has an "unsatisfactory" rating. Nonetheless, the internal auditor has taken comfort from the steps that are being taken to enhance monitoring and has given an overall "moderate" opinion for the year, the same opinion as in 2014/15.

9. It was noted that the tier 1 audit of Medway had not flagged any serious concerns over scrutiny at the site, and Kate Morris stated that the YJB has questioned the value of tier 1 audits with the Ministry of Justice. David Banks stated that if tier 1 audits were not giving the YJB the assurance sought then there is wider learning to be taken for the MoJ, and that care needs to be taken over what auditors may be conditioned to look for. Lord McNally stated that there are other organisations that have responsibility for the scrutiny of Medway alongside the YJB, and that they need to recognise their failings too. David Banks agreed, adding that there is clearly a need for the totality of evidence to be triangulated in regard to the monitoring of establishments. Carol Homden stated that the point about triangulation of evidence is well made, but that too many young people with complex needs are being put into establishments without the right staff, and the answer to that does not lie in monitoring. Lord McNally stated that the youth justice review is looking to provide those answers.

10. David Banks drew attention to section 9 of the report, which stated that expenditure to the end of the year was £228.9m against a budget of £226.1m. Both the Ministry of Justice and the National Audit Office have stated that they are comfortable with the overspend and understand the issues behind it. Section 10 of the report provided the Committee's end-of-year opinion on a range of areas including governance, risk management and control. The Committee found that these were largely effective, albeit this is caveated by the failures in relation to Medway.

11. Chris Davies welcomed the report and stated that the YJB finds itself managing risk at a higher level now, with the danger that it focusses on processes and personality. Chris asked that, instead, the YJB keeps higher principles in mind – of courage and integrity, and on the needs of children and young people.

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

12. Lin Hinnigan's written report to the Board was noted. Rob Butler asked, in relation to paragraph 4.3, what the latest news was on the appointment of a Director at Rainsbrook STC. Lin Hinnigan stated that an interim measure has been agreed for a current member of senior management to act as Director while longer-term options and legal advice are explored. It was agreed that the YJB should ask Private Office what the best approach is to raise the risks with Ministers and to ensure that the favoured option is given further consideration.

13. The Board discussed the latest letter from Charlie Taylor about the role of the centre in the future youth justice system. The letter dealt with broad ideas with little detail around them, although it was noted that the review is still considering the matters further. Carol Homden stated that the reference to the adoption system was not wholly accurate, and that there are significant lessons that can be taken from that system such as the existence of a national register, and for each individual child to have an entitlement to certain rights against prescribed timescales. David Banks stated that there were risks in the direction of travel presented, and in the transitional period. David added that it would be useful for the YJB to see an analysis of risks, and to have input. Chris Davies stated that lessons should be taken from the academisation programme, and that intermediate bodies are needed between any devolved structure and the Secretary of State.

14. Seamus Oates stated that he believes secure schools could be set up relatively quickly, but that there are risks attached – including the need for a number of such schools across the country and whether there is enough appetite among providers. The management of transition will also be a challenge, and the YJB should assist in plotting a route to that end. Carol Homden agreed, stating that the Board could prepare a route map across the lifetime of the current Parliament. Tony Sewell stated that there was clearly an opportunity for a body to remain at the centre – in relation to monitoring, for example – and a strategy is needed to realise that opportunity.

**The YJB to raise with Private Office concerns about the appointment of a Director at Rainsbrook, and how best to progress the matter with Ministers.**

15. Gillian Fairfield highlighted the importance of taking into account the needs of those with addiction, mental health needs and learning difficulties in any new system, with the need to link-in to specialist provision. Rob Butler stated that there has been a focus so far on the ambition of the new system with little on costs, and that there is no blank cheque available to make it a reality.

16. Lord McNally stated that the YJB should take up the offer in the last line of Charlie's letter for a meeting with the Board to discuss these matters further. Katie Pettifer stated that the MoJ will be looking for joint working arrangements with the YJB to take forward the process of transition, and that work at official level is required with the review team, including on costs.

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#### **Review of Secure Estate Monitoring**

17. Kate Morris took the Board through a pack of slides showing the work completed to date on the review of secure estate monitoring and current thinking. The intention is for the project to be completed in two phases – (1) review the current system to identify gaps and develop proposals for a new approach and (2) implementation, starting with STCs. The presentation today focussed on phase 1, asking the Board for comments and for its agreement to proceed with phase 2. Adrian Stretch stated that the review is not just about systems and processes but is also about changing culture. Adrian added that a greater emphasis on the voice of young people is needed and to weave the concept of children's rights across the piece.

18. David Banks stated that he was pleased to see recognition that there is no transfer of risk, and that the move to substance and softer areas was useful. David added that the real challenge will be in making cultural changes. Lord McNally asked if the principles outlined in the presentation can be applied to YOIs. Kate Morris stated that they can, and to the SCH sector too, although the detail as to how may differ. Kate added that the detail is still to be worked through.

19. Chris Davies stated that triangulation will be key, and asked which body will be responsible for that. Adrian Stretch stated that it will be the contract manager, with information fed-in from various other bodies. Kate Morris stated that Phase 2 of the project will look at detail such as this, but the current thinking is that there will be a distinct YJB team around scrutiny. Chris Davies suggested that for the most effective triangulation it should be carried out at the local level, by the

establishment Director or the governing body. Kate Morris stated that it is the intention for it to be carried out at each site, with the exact detail on a site by site basis. Chris Davies also stated that while any system of monitoring needs to be thorough, methodical and co-ordinated, ultimately it needs to be as simple as possible. Chris also asked that complaints be welcomed and used as sources of valuable information.

20. Seamus Oates welcomed the work too, stating that it was moving in the right direction. Seamus highlighted the importance of self-evaluation in schools, including with 'challenge partners', and suggested something similar could take place in the secure estate. Seamus also highlighted the importance of moving beyond raw data for measuring success, to something more tangible.

21. Rob Butler stated that in relation to governing body membership not everyone needs expertise to bring value, and a range of people with different approaches are needed, as well as ways of linking-in with all staff at sites. Rob added that some of the levers in the new proposition still appear to be weak, and that the publication of findings is important. Rob stated that it was also important to get robust evidence to measure success and provide assurance, including for the more immediate changes taking place now.

22. Gillian Fairfield welcomed the proposals. Gillian stated that governing bodies will need a clear remit with associated skills and powers, and agreed that contract managers are not necessarily the best place for triangulation to sit. Gillian also suggested that soft intelligence and non-traditional measures can also be useful measurements to monitor. Gillian also stressed the importance of empowering young people to come forwards, and to recognise what is not acceptable behaviour. Amanda Sater echoed that point, stressing the importance of hearing the child and educating young people on what should be expected and acceptable in terms of staff culture.

23. Tony Sewell asked whether health and psychometric measures will be used to monitor change. Seamus Oates stated that this could be akin to the Pupil Attitude to Staff and School (PASS) Indicators used in the education sector. Dusty Kennedy stated that the YJB could look to build this into the participation strategy.

24. Lord McNally stated that the YJB needs to be in a position to demonstrate change, and to be ready for continued challenge. Kate Morris stated that the proposals

give the YJB more ears and eyes, and a greater diversity of skills, but that there is no ultimate panacea. Lord McNally stated that the Board approves the proposals put forward in the presentation, and thanked the staff involved for their work. Lord McNally added that he is keen for the Board to have access to the whistleblowing material seen by the Improvement Board, and will ask Chris Davies and Gillian Fairfield to review it with him, with Carl Melia acting as secretariat.

## 5 **Stakeholder Engagement Strategy**

25. The paper provided the Board with an updated Board Stakeholder Engagement Strategy following discussion on stakeholder relations at the Board meeting earlier in the year. The Board noted the contents and agreed the need to ensure engagement activities remain focussed on the YJB's priorities.

26. Louise Falshaw stated that it would be helpful to encourage stakeholders to engage with the youth justice review. Amanda Sater stated that the Youth Court Issues Group has been doing this, and that it was helpful to have views reinforced from different areas. Any ideas on this or other stakeholder engagement activity should be passed on to Summer Nisar.

27. The Board agreed it would like to meet with Charlie Taylor again, and the Secretary of State, as soon as possible.

## 6 **Workshop Session: Update on the Overrepresentation of Black, Asian and Minority Ethnic Action Plan**

27. Adam Mooney and Andy Newsam presented the Board with an update on the YJB's BAME action plan, including a sheet of data relating to the journey of BAME young people through the justice system. The Board questioned whether the educational attainment data on that sheet was the most up-to-date available as it was believed that improvements had been seen in recent years. On the data more generally Tony Sewell stated that the picture painted is appalling, and given that the disproportionality in the system is well-evidenced it is something that ought to be tackled. In particular, Tony asked what the YJB can do to influence sentencing, given that disproportionality gets worse the further ones goes into the system. Rob Butler suggested that unconscious bias training should be mandatory for all magistrates. Rob also questioned whether there was any inherent bias in the YOT reports that are used to inform sentencing, and suggested that training could be extended to YOTs too.

Amanda Sater stated that unconscious bias training should also be extended to advocates and lawyers.

28. Chris Davies stated that the YJB should look to draw on evidence and learning from other sectors. Seamus Oates stated that the Department for Education has produced a report on the improvement in educational attainment of BAME young people which may be of use. Seamus stated that the report references improved school leadership and raised expectations, along with removing barriers to learning – such as in respect to those young people for which English is not a first language. Seamus added that the youth justice system needs to address these same issues head on. Tony Sewell stated that the overall data on education can mask some anomalies relating to specific groups, especially boys, and that a handle on the youth justice data is required as well as imaginative solutions. Lord McNally stated that the YJB has been looking at sports and the arts as paths for attainment and for role models, and that a broader range of areas is needed. Chris Davies stated that the National Citizens Service may be one such path, and Seamus Oates suggested the army, dance, and work with farms as further areas for exploration. Rob Butler cited the need for better representation of BAME people in the police, the magistracy and in school governing bodies. David Banks agreed, adding that the secure estate workforce can be added to that list.

29. The workshop ended with a visit from the Rt. Hon. David Lammy MP, who spoke to the Board about his review of racial bias and BAME representation in the criminal justice system. The Board was invited to submit its thinking in this area to the review team, along with any prior work the YJB has conducted on the subject. It was agreed that the pack of data that was presented to the Board as part of the workshop will be provided to the review team.

30. On behalf of the Board Lord McNally thanked David Lammy for his time and wished him every success with the review, adding that the YJB is keen to assist in any way it can.

#### **Any Other Business**

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

**The pack of data on BAME disproportionality to be provided to the Lammy review team.**