

Minutes



Youth Justice Board
Bwrdd Cyfiawnder Ieuencid

Meeting: **Board Meeting**
Date: **14 June 2017**
Time: **10:00-13:00**
Location: **Garden Room, Coram Campus, WC1N 1AZ**
Protective marking: **Official**

Attendees

Charlie Taylor (YJB Chair)	Carol Homden (Board member)
Alan Wood (Board member)	Neil Rhodes (Board member)
David Banks (Board member)	John Wrangham (Board member)
Gillian Fairfield (Board member)	Colin Allars (Chief Executive)
Ann Skamarauskas (Director of HR)	Dusty Kennedy (Director of YJB Cymru)
Louise Falshaw (Director of Partnerships and Performance)	Sara Robinson (Director of Operations and Commissioning – to paragraph 31)
Martin Skeats (Director of Finance and Business Assurance – to paragraph 31)	Katie Pettifer (MoJ, Director Offender and Youth Justice Policy – to paragraph 15)
Stephanie Dilloway (Head of Chief Executive's Office)	Poppy Harrison (Head of Strategy and Safeguarding Governance – to paragraph 31)
David Wells (CEO's Office – minutes)	

Agenda Ref.	Item	Action
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1	<p><u>Introduction, Apologies, Minutes and Actions</u></p> <p>1. Apologies were received from Christine Davies, Rob Butler, Seamus Oates and Tony Sewell.</p> <p>2. Charlie Taylor opened the meeting, stating that since taking up his Chairmanship he has spent as much time as possible meeting stakeholders, including key partners in Wales. Charlie stated that the priorities for the YJB over the coming months are as follows:</p> <ul style="list-style-type: none">- the transfer of functions from the YJB to HMPPS and the MoJ Commissioning team; and- determining how the YJB fulfils its statutory functions in the future.	
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3. Charlie stated that the Board is to have a workshop in July where these issues can be considered further. Charlie added that he wants to introduce a new sub-Committee of the Board that focusses solely on custody, as well as a new Youth Panel made of children and young people who are currently in the youth justice system or who were previously in the system. Charlie is discussing the proposal with Dusty Kennedy who is the EMG lead member for the 'voice of the child'.

4. Charlie reminded the Board of some key upcoming dates as follows:

- 5th July = the next meeting of the Finance, Audit and Risk Assurance Committee;
- 19th July = the next Board workshop;
- 2nd August = the next meeting of the Performance Committee;
- 13th September = the next full Board meeting.

5. Charlie reminded Board members that when they are asked for advice by the MoJ they need to keep the Executive informed, via either Colin Allars or Louise Falshaw.

6. Charlie ended his introduction by stating that since taking up his post he has been struck by the dedication of staff at the YJB and believes that the organisation is in a good place, with exciting times ahead.

7. The minutes of the previous meeting (1 March 2017) were agreed without change, and the updates on the outstanding actions log were noted. In relation to item 5 (a round-table event to be held around children with special educational needs in the youth justice system) it was agreed that the meeting would be better timed taking place in September rather than July, and that Seamus Oates should be invited to attend. Charlie Taylor stated that he will think further on other potential attendees, particularly in relation to education in custody and speech, language and communication needs. It was agreed that Charlie Taylor and Stephanie Dilloway will prepare a short note framing the context of the discussion.

Charlie Taylor and Steph Dilloway to draft a note framing the context of the proposed round-table event on SEN children in the youth justice system, and to think further on potential attendees.

2

Committee Minutes / Board Member Activity Schedule / Register of Interests / Gifts and Hospitality Register

8. The Board noted the following:

- the Performance Committee minutes of 26 April 2017 and the accompanying report;
- the Wales Youth Justice Advisory Panel minutes of 3 May 2017;
- the Finance, Audit and Risk Assurance Committee (FARAC) minutes of 10 May 2017;
- the Board activity schedule;
- the Board member register of interests;
- the gifts and hospitality register.

9. In relation to paragraph 37 of the FARAC minutes, Charlie Taylor stated that the YJB needs to follow-up on the question of sharing intelligence between different parts of the system. Martin Skeats will pick this up further.

3 Youth Justice Reform Programme

10. Katie Pettifer, Director of Offender and Youth Policy at the Ministry of Justice, joined the Board to provide an update on the reform programme. Katie reported that the new Secretary of State has received a high-level briefing on the overall youth justice system, and in around three weeks he will have a strategic briefing and more detailed introduction to the system, including an exploration of the changes in hand.

4 Chief Executive's Report

11. The written report was noted. Colin Allars drew particular attention to the section on restructuring, stating that the YJB/MoJ are working to an agreed date of 1 September 2017 for the transfer of functions and staff. It is envisaged that about 50% of staff will transfer, with the protections offered by TUPE applied and no compulsory redundancies expected. Colin highlighted the recent staff "pulse" survey that was attached as an annex to the report, which had returned generally positive results.

12. Colin reported that the secure estate population is rising, and work is underway to try and understand what is driving the increase. Possibly it is in relation to knife crime, and it appears use of remand has gone up. The situation is not critical as there is headroom in the estate, but recent decommissioning decisions will need to be revisited.

13. Colin highlighted paragraph 8.1 of his report on extremism and counter-terrorism, stating that awareness of the issues are now better than they have been for a

Consideration to be given as to how a more formalised mechanism for sharing intelligence can be established.

A session on counter-terrorism to be had at the next Board

long time. It was agreed that at the next Board meeting a more in-depth discussion will be had about counter-terrorism, and that Marion Sandwell will be invited to attend to explain the work the YJB is doing in this area. Gillian Fairfield highlighted the links between extremism and health.

14. In relation to section 7 of the report on devolution, Colin Allars stated that there are opportunities for devolution to improve the system nationally, and that the YJB needs to be part of the discussions in relation to both London and Manchester.

15. Charlie Taylor welcomed the staff pulse survey and stated that it would be useful to up the number of respondents if possible. Charlie asked that the comments that staff made as part of the survey be shared with the full Board.

16. Carol Homden asked that the Board does not lose sight of BAME over-representation in the youth justice system, stating that it needs to be more central in the Board's thinking.

5 Transfer of Functions / YJB Future Functions and Strategic Priorities

17. Poppy Harrison presented the Board with an update on the work undertaken to date in relation to the transfer of functions from the YJB to HMPPS/the MoJ, and the work to determine the YJB's future functions and strategic priorities. The Board was invited to comment on the current proposals and endorse the proposed direction, as set out in a slide-pack.

18. In terms of future functions, Poppy stated that the starting point is the wording of the 1998 Crime and Disorder Act, which defines the functions of the YJB and uses key concepts and phrases. The Written Ministerial Statement of 27 February 2017 also provides the MoJ's early, high-level thinking of the future split of functions across the system.

19. In relation to the "*Functions of organisations in the new central structure*" slide, Carol Homden stated that both advocacy and the voice of the child are missing. Poppy Harry stated that these are not express, statutory functions of the YJB, and that more consideration will need to be given as to where those aspects sit during the Board workshop in July. John Wrangham stated that the YJB needs to be able to identify issues and where provision has gone wrong, although it will not necessarily be the YJB that fixes those issues. Poppy Harrison stated

meeting, with Marion Sandwell invited to attend to explain the work the YJB is doing in this area.

Staff comments made as part of the pulse survey to be shared with the full Board.

Information on the work already done around future monitoring to be circulated to

that she can circulate to the Board some information on the work that has already been done on future monitoring.

20. Alan Wood stated that it makes sense to go back to the YJB's statutory responsibilities as a starting point, and that there has to be a fundamental realignment of the YJB's direct responsibility for monitoring the system. Carol Homden stated that the YJB will need its independence.

21. In relation to the "*Outline timescales*" slide Carol Homden asked where the YJB's mandate from the sector is coming from, adding that the Youth Justice Convention galvanises the sector, and that it ought to be a key milestone. Charlie Taylor agreed, stating that further consideration needs to be given as to how the convention is used.

22. In connection with the slide titled "*The YJB's duties in legislation*", Martin Skeats stated that the YJB can only operate within its prescribed powers, and that those powers allow the YJB to advise different Secretary of States - for example, Health and Education as well as Justice.

23. On the first discussion point slide, "*Definitions - for the YJB's role*", Neil Rhodes stated that there is a need to determine what sort of Board the future Board will be: a fearless champion for the voice of the child or one that takes more of a background role. Neil added that it should be the former. Neil also stated that there is a need to determine the relationship with the new Youth Custody Service (YCS), including whether the YJB monitors proactively or waits for information to come to it. Neil added that he would favour a proactive monitoring role. Sara Robinson agreed that the relationship with the YCS will be critical. Charlie stated that he envisages two areas of focus: providing an overall view of the system, and identifying the necessary levers to be used when things go wrong. Charlie added that the YJB needs to consider how it raises its voice, how it drives progress and effects change. Gillian Fairfield stated that the YJB needs to monitor what both commissioners and policy makers are doing, and that there is a difference between monitoring, assurance, performance and governance. David Banks stated that "relationships" was missing from the slide, and that the current language used was passive. David stated that it ought to be defined what relationship the YJB will have with others, and how. Carol Homden stated that the word "opinion" should be replaced with "evidence and insight", and added that the YJB needs to be proactive. Alan Wood was content with the reference to "opinion", provided that such opinion is based on the available

evidence.

24. On the second discussion point slide, "*Definitions – apply to all within the system*", Charlie Taylor stated that 'assurance' and 'governance' need to be added. Gillian Fairfield stated that there is more to 'performance improvement' than that shown on the slide. It was agreed that Gillian will speak to Poppy Harrison outside of the meeting about the contents of this slide.

25. In relation to the "*Principle for change*" discussion slide, the Board agreed that the wording was too heavy and too passive; could refer to "proactively monitoring"; should focus more on objectives and purpose rather than process; should be easily understood by those outside of the YJB; could swap the word "objective" to "purpose"; could be shortened overall; and should also refer to what will be done when an issue is identified. It was also questioned whether a "centre" exists in any meaningful sense, although it was suggested that the Secretary of State for Justice *is* the centre.

26. In relation to the "*Strategic end benefits*" slide, the Board agreed that the four listed strategic end benefits are current and relevant, although they agreed that they relate to the youth justice system as a whole rather than distinctly to the YJB.

6

FARAC Annual Report to the Board

27. David Banks presented the Finance, Audit and Risk Assurance Committee's Annual Report to the Board. David highlighted section 3 of the report on the management of risk, and in particular that "*The Committee has noted that, overall, risk to the YJB has remained high during the course of the year*". In relation to Internal Audit it was noted that all but one of the audits received a 'substantial' or 'moderate' rating. The overall audit opinion for the year was 'moderate', a positive rating.

28. In relation to section 8 on finance, David pointed out that there was an end of year overspend on fiscal resource, due to a failure to take into account the full expenditure at Medway which only came to light near the year end. Colin Allars stated that this caused no particular problem for the MoJ, but was unfortunate.

29. David Banks pointed to section 9 of the report which provided the Committee's opinion across a number of areas, which were by and large positive. Concerns continue, however, in relation to safety in the secure estate.

Gillian Fairfield and Poppy Harrison to discuss the contents of the discussion slide "*Definitions – apply to all within the system*".

30. The Board welcomed the report and thanked David Banks and Committee members for their work. The value of the annual audit on grant expenditure was questioned, especially given that the terms and conditions of the YOT grant and more relaxed now than they have been in the past.

7 **Proposed Strategic Risks for 2017/18 and Risk Appetite**

31. Clive Newsome presented the paper which asked the Board to review the proposed Strategic Risk Register for 2017/18 and to consider its risk appetite.

32. Charlie Taylor stated that it would be useful for the Board to be provided with a definition of a “strategic risk”, and for the criteria for escalating risks to the MoJ to be set out. Colin Allars stated that the YJB has escalated risks to MoJ in the past, and agreed that there should be a process established whereby such escalation goes via the Board.

33. It was noted that risks around the reform programme are not covered in the YJB’s register as they sit with and are owned by the reform programme board.

34. In relation to the proposed Risk 8, Charlie Taylor questioned whether this actually represents a strategic risk for the YJB. Colin Allars stated that there are significant issues on the ground in relation to shared services, including staff not being paid and overtime not being paid, which has caused issues including with the Placements team. Colin agreed, however, that the risk score may be overrated. Carol Homden similarly suggested that the score of Risk 9 may be too high. Colin Allars stated that the YJB is currently in a risky period given the transition of the system, but that the score can be reviewed again. Charlie Taylor suggested that Risk 10 may not be a strategic risk.

35. It was agreed that Charlie Taylor and David Banks will have a further session with EMG to review the register in more detail and consider the points discussed above. A revised register can then be agreed via correspondence with the Board.

36. The Board agreed that its risk appetite should be amended from “minimalist” to “cautious”, as suggested in paragraph 4.6 of the paper.

8 **Any Other Business**

37. There was no further business. The meeting closed at

The Board to be provided with a definition of a “strategic risk”.

The process and criteria for escalating risks to the MoJ to be formalised.

Charlie Taylor and David Banks to further review the proposed Strategic Risk Register with EMG, and for the revised Register to then be agreed with the Board via correspondence.

[Official]

13.00.

David Wells
Chief Executive's Office
27 June 2017