

Minutes



Youth Justice Board
Bwrdd Cyfiawnder Ieuencid

Meeting: **Board Meeting**
Date: **7 March 2018**
Time: **10:00-13.00**
Location: **102 Petty France**
Protective marking: **Official**

Attendees

Brian Tytherleigh (Board member)	Keith Towler (Board member)
Alan Wood (Board member)	Neil Rhodes (Board member)
Sharon Gray (Board member)	Neal Hazel (Board member)
Keith Fraser (Board member)	Ben Byrne (Board member)
Colin Allars (Chief Executive)	Ann Skamarauskas (Director of HR)
Stephanie Dilloway (Head of Chief Executive's Office)	Martin Skeats (Director of Finance and Business Assurance)
Louise Falshaw (Director of Partnerships and Performance)	David Wells (CEO's Office – minutes)

Agenda Ref.

Item

Action

1

Apologies, Minutes and outstanding Actions

1. Apologies were received from Charlie Taylor, Gillian Fairfield, Mairead Healy and Dusty Kennedy. Brian Tytherleigh chaired the meeting in Charlie Taylor's absence.

2. The minutes of the previous meeting (17 January 2018) were agreed without change.

3. On the outstanding actions log it was agreed that all items can be closed other than action 4 (the Board to review the YJB high-level structure in 12 months' time).

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

4. The Board noted the Performance Committee minutes of 7 February 2018 and the associated report to the Board. It was suggested that, given the amount of duplication between the minutes and the report, in the

Gillian Fairfield to

future minutes only might suffice, with any areas of specific note to the Board highlighted. Gillian Fairfield's opinion will be sought. In relation to paragraph 4 of the minutes, on the transfer of Child Protection Information reports to the Youth Custody Service, Alan Wood suggested that Directors of Children's Services also be informed that this has taken place. Louise Falshaw stated that she will pick this up. It was also agreed that the YJB should continue to have a presence on the Safeguarding and Public Protection Incidents working group, who can identify any significant issues for the YJB and feedback on the learning, probably via the Performance Committee.

consider the suggestion that a Performance Committee report to the Board is no longer required, with any particular issues that need to be brought to the Board's attention highlighted in the minutes instead.

5. On the Finance, Audit and Risk Assurance Committee (FARAC) it was noted that as the re-scheduled meeting only took place last week the minutes would be circulated outside of the meeting. Brian Tytherleigh reported that the internal audit plan is progressing to timetable; that the Committee received assurances around the separation of functions and the split of resources, with the vast majority of the transitions to be completed by the end of the financial year; that the Committee reviewed the risk register and agreed the need for a separate Board workshop on risk; that it was agreed that with the creation of the Youth Custody Service there is no longer a need for the Committee to receive an annual deaths in custody report; that there was an in-depth discussion on the budget that the Board will discuss further later today; and that the Committee considered both its annual report to the Board and its Terms of Reference, with the Committee agreeing that it wants to focus more on strategic issues and where it can add value, and spend less time noting routine matters where there are no particular issues. Brian added that any Board member is welcome to attend FARAC or Performance Committee meetings, and he would suggest that they do.

6. Keith Towler reported on the Wales Youth Justice Advisory Panel meeting that took place yesterday. The substantive item was around the development of a blueprint for youth justice services in Wales, with a discussion over the main issues that need to be captured. Keith stated that he, Dusty Kennedy and Colin Allars will need to discuss the contents of the blueprint further. Colin Allars stated that the end result has to be to deliver what is right for children in Wales, without having artificial, unnecessary boundaries with England. Keith Towler added that there may be an emphasis on children's rights, and pointed to the different scale in Wales meaning that change can be achieved more rapidly.

7. Louise Falshaw reported that a meeting of the Youth

Panel took place recently, with young people giving feedback on their experiences of court. Some commented that they found bargain pleas humiliating and that they would have preferred a harsher sentence rather than have their history gone over in court. Brian Tytherleigh stated that there is a need to bring the voice of the child to Board meetings.

8. The Board noted the register of interests, the activity schedule and the gifts and hospitality register.

Chief Executive's Report

9. Colin Allars' written report was noted. On item 2, in relation to the Board member remuneration, Colin stated that there is a further discussion to be had with Charlie Taylor to address the concerns raised by some members. It was stated that the principle concern of members is where payments are being made two months in arrears. Colin stated that he will look to address this so far as it is possible, and that he will clarify the process in writing and circulate it to Board members. Brian Tytherleigh suggested that if Board members still have concerns then they put them in writing to Charlie Taylor, copying to Colin.

10. Colin drew particular attention to paragraph 5.3 of the report regarding the letter on the YOT grant that has been sent to local authorities. There has been a significant response, with strong concerns expressed over the delay in informing YOTs of their allocation and any suggestion of top-slicing (a term not used in the letter).

11. In addition to the report, Colin reported that HMI Probation has recently asked for clarification over the YJB's future oversight model for YOTs. A meeting will be arranged with Charlie Taylor.

12. In relation to paragraph 8 of the report, on the secure estate, Colin reported that the first of Richard Heaton's custody boards has taken place, where there was a discussion about the need to bring in the extra staff first announced in 2016. There was also a long discussion about the delivery of secure schools.

Update on Priority Programmes

13. Alan Wood reported that the "Safety in Custody" priority programme is now "Safety and Education in Custody". Initial discussions have taken place to scope the work and it is agreed that the YJB's role is to provide expertise, including a landscape view of the system. Alan stated that the challenge will be how to achieve holistic progress across the entire estate. The work is still at an

The process for paying Board members to be clarified in writing and circulated to the Board.

early stage and discussions will be needed with the new YCS lead,. Neal Hazel stated that the priority programmes are inter-related, and that there is need to consider the links between custody and resettlement.

14. On the resettlement programme, Neal Hazel stated that he is pleased with the progress made so far. Paula Williams and Sean Cotter have been working with Neal and Charlie Taylor on the programme and an “options and justification” paper has just been drafted, following a scoping meeting. The early work is focussing on whether the YJB knows the problems, issues and evidence; what needs to change and how, and; how is change measured. The programme will need to form links with other agencies that can assist, such as the Children’s Commissioner. Keith Towler stated that there is a need to think through the issues for Wales, and suggested that he and Neal speak further. Alan Wood stated that resettlement was one of the key issues that was raised at his recent meeting with heads of Secure Children’s Homes, including one local authority that stated that upon release young people were informed to go to the local housing office and present themselves as homeless. Ben Byrne stated that the YJB will need to consider what levers it has with local authorities, and how best to use them.

15. Ben Byrne updated on progress with the Local Services Practice programme. Ben stated that the programme will consider activity in the community, and where YOTs sit in the broader scope of local authority activity and delivery, with a need to integrate with wider children’s services. The YJB will look to support struggling YOTs with best practice, and will look at sector-led and peer-led support for practice improvement. Use of the grant and how it links to YJB priorities will also be considered.. Ben added that he needs to meet further with Lisa Harvey-Messina, Neil Rhodes and Alan Wood as the programme takes shape. Neil Rhodes stated that YOTs can feel isolated within their local authorities, and the programme provides an opportunity to provide greater coherence. Brian Tytherleigh highlighted the need to invest time in a stakeholder communications plan.

16. Brian Tytherleigh reported that substantial progress has been made on the National Standards programme. Louise Falshaw stated that Liza Durkin had done a lot of work around revised standards prior to the programme inception, and that there is a plan to pilot the new standards. Keith Towler, Sharon Gray and Alan Wood all stated that they would like to have some involvement with the programme. Louise Falshaw stated that she can share

Louise Falshaw to share the new National Standards with Keith Towler, Sharon Gray and Alan Wood.

the new standards with them.

17. On the BAME disproportionality programme Keith Fraser stated that the YJB needs to add to the current momentum on the issue. The YJB already has an action plan and a toolkit in place, and Keith has met with the Senior Responsible Officer, Charlie Taylor, Colin Allars and the Ministry of Justice 'Youth Justice Policy Unit' to further scope the work. Keith stated that the issue is complex, and the YJB needs to focus on realistic deliverables and where it can have most impact. Links need to be made with other government departments and, following his recent review, with David Lammy MP. Keith suggested that a gap-analysis of the data needs to take place, and an understanding of any 'pinch points' gained. Keith also stated the YJB needs to utilise the business community, and in particular how black business leaders can assist with mentoring and acting as role-models. Keith emphasised the importance of maintaining interest in the issue,, and stated that he sees three key areas for the work: 1) trust, 2) early intervention and pinch points, and 3) increasing positive outcomes. Keith stated that he would welcome conversations with other Board members.

18. Neal Hazel stated that the YJB needs to be careful around its use of data on disproportionality, including where data is being used to make comparisons. Neal added that there is a need to conduct a wider review of past research. Neil Rhodes stated that this was such an important programme the Board need to ensure that Keith Fraser is given the necessary support, and suggested that a further Board member takes a formal role in the programme. Brian Tytherleigh will raise that point with Charlie Taylor.

19. On a general point about the programmes, Brian Tytherleigh stated that they are the core of the YJB's work going onwards and need to dominate the Board's time. Brian stated that the Board has to make that happen. Colin Allars added that all the programmes will need to be very specific on their deliverables, and will need to concentrate on where the YJB can have the biggest impact. There will also be a vital role for the Performance Committee in providing oversight and a joined-up approach.

Review of Board Effectiveness

20. Robert Hart from the National Audit Office presented the Board with the results of the recent review of effectiveness, conducted at the end of 2017 when the new Board was not yet in place. Page 13 of the presentation included a number of questions for the Board

Brian Tytherleigh to raise with Charlie Taylor the need for further Board support on the BAME disproportionality programme.

to consider.

21. Neil Rhodes stated that the results of the review represent the views of the previous Board, during a period of transition, and that while it provides a useful baseline the new Board will be better reflecting on its effectiveness further on in time, when it has bedded-in. Neal Hazel agreed, and highlighted the fact that the review was completed by 8 people only, across the Board and EMG, and therefore the statistical significance of many of the results/variations in answers is lacking.

22. Louise Falshaw stated that the role of EMG members at Board meetings was not entirely clear and should be clarified. Martin Skeats stated that this clarity can be provided in the governance documentation.

23. Colin Allars stated that the timing of the review, during a period of transition, comes through in its results. Keith Fraser agreed, stating that he did not recognise the results of the review, and that, for him, the Board has a different feel to that reflected in the results. Keith added that it was important that the Board reached a view sooner rather than later on what it wants to be, and that a desire has been expressed for it to be more proactive – but what does this mean in practice.

24. Neil Rhodes stated that ultimately it is people that makes things happen, not processes, and that he would welcome the opportunity for the Board to meet more often than every three months, especially having more informal Board time. Alan Wood agreed, adding that there is a difference between managing the business and what the Board does, and there is a question to be asked around how much time the Board spends on the former. Alan stated that the Board needs to focus on its main statutory purposes, such as advising the Secretary of State, and that it needs to do this with an independent voice.

25. Brian Tytherleigh asked if there was support for the Board to spend a day together to discuss these issues in more depth, which could potentially be combined with the risk workshop already planned. The Board agreed to the proposal, and agreed that ideally the meeting would not take place at the Petty France offices. Keith Fraser stated that the questions the Board wants to answer should be worked-out in advance. It was agreed that the meeting should take place sooner rather than later, and preferably in early May 2018.

Budget 2018/19

26. The paper presented the Board with a draft budget for

The EMG role at Board meetings to be clarified in the governance documentation.

The Board to have an additional, informal meeting – potentially combined with the risk review workshop – to further consider its fundamental role and purpose. This will preferably take place in early May 2018.

agreement. However, it was noted that the YJB has not yet received notification of its allocation from the Ministry of Justice and therefore the figures are not final. Colin Allars stated that there may need to be a subsequent meeting (perhaps via dial-in) to agree the final position.

27. Neil Rhodes stated that the budget before the Board today had been discussed by the Finance, Audit and Risk Assurance Committee last week, and represents the best professional judgment of the Executive given the information to hand. Neil stated the budget was reasonable in the circumstances, but will need to be kept under-review in real time.

28. Neil Rhodes stated that there is a piece of work still to complete on the grant review project, and that for now it would be better to have a single YOT grant pot in the budget, and to consult on the proposed changes before making any final decision. Colin Allars stated that there is an issue aligning YJB and local priorities, and that if the YJB were to target money at priorities it would be difficult to do it quickly.

29. Brian Tytherleigh proposed that the Board notes that the budget before it today is interim only; that there is a need to keep it under review on an ongoing basis; that the YOT grant for this year continue as is, but that the YJB will have no choice but to pass on any reductions to its own allocation having made all the savings it can elsewhere.

30. The Board agreed there is a need to understand the exact allocation that the YJB is to receive and to then take stock before any final decisions are taken; and that the Chair, Charlie Taylor, and Chair of the Finance, Audit and Risk Assurance Committee, Brian Tytherleigh, are delegated to agree the final budget following consultation with each of the Board members, potentially as a group-call.

Board Governance

31. The Board noted the suite of governance documents circulated with the papers. It was agreed that the Executive should review and remove information requirements from the FARAC terms of reference no longer relevant to the Committee. With those amendments and the change at paragraph 22 above, the documents are fit for purpose for now, but they should be considered further in the future, either at the Board workshop or at a future meeting. In the meantime, any comments on the documents can be sent in writing to Martin Skeats.

Once the YJB's financial allocation for 2018/19 is known, Charlie Taylor and Brian Tytherleigh to agree the final budget, following consultation with all Board members, potentially on a group-call.

The suite of Governance Documents to be considered further at a future juncture.

Strategic Plan

32. The Board agreed that any comments on the Strategic Plan should be put in writing to Dominic Stevens by no later than Friday 16th March.

Youth Justice System Oversight Group

33. Dominic Stevens gave a presentation to the Board on the new Youth Justice System Oversight Group, to be chaired by Charlie Taylor. The first meeting is set for 19th March 2018.

34. Neal Hazel asked how the priority areas to be discussed by the group will match with the YJB's priority programmes. Dominic Stevens stated that as a cross-government group the YJB will need to negotiate over those priorities with the other members, but that the Group will allow the YJB to promote its priorities. Colin Allars added that where the YJB thinks the group can add value to its priorities then it will take them to it, and that the group has senior buy-in from across Whitehall. Neal Hazel stated that there will be a need to avoid duplication. Ben Byrne suggested that the group could have a representative from local government on it – for example, from the Local Government Association, the Association of Directors of Children's Services, or a chief executive from a local authority. Keith Fraser stated that the YJB should use the group to influence partners in relation to YJB objectives.

35. It was agreed that the dashboard to be used at the Oversight Group should be circulated to the Board.

Any Other Business

36. On behalf of the Board Brian Tytherleigh thanked Louise Falshaw for all her work with the YJB, and wished her the best for her new role. The meeting closed at 13.05.

The dashboards to be used at the Youth Justice System Oversight Group to be circulated to the Board.

**David Wells
Chief Executive's Office
14 March 2018**