

Minutes

Meeting: **Board Meeting**
Date: **6 June 2018**
Time: **10:00-13.00**
Location: **102 Petty France**
Protective marking: **Official**

Attendees

Charlie Taylor (Chair)	Alan Wood (Board member)
Brian Tytherleigh (Board member)	Keith Towler (Board member)
Sharon Gray (Board member)	Neal Hazel (Board member)
Keith Fraser (Board member)	Ben Byrne (Board member)
Mairead Healy (Board member)	Gillian Fairfield (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)
Dusty Kennedy (Director of YJB Cymru)	David Wells (CEO's Office – minutes)
Sarah Henderson (MoJ – ALB Governance)	

Agenda Ref.	Item	Action
1	<p><u>Apologies, Chair's Introduction, Minutes and outstanding Actions</u></p> <p>1. Apologies were received from Neil Rhodes.</p> <p>2. Charlie Taylor reported that the 'how to apply guidance' for secure schools was published last week, representing a positive step in the programme. Charlie also reported that he would shortly be sending a letter to the Secretary of State regarding the performance of the system, and that he will circulate it in draft to Board members.</p> <p>3. The minutes of the previous meeting (7 March 2018) were agreed without change.</p> <p>4. On the outstanding actions log it was noted that all but one of the actions (to review the senior YJB structure in</p>	<p>Charlie Taylor's draft letter to the Secretary of State regarding the performance of the system to be circulated to Board members.</p>

early 2019) have been progressed and can be closed. On action 5 (*Brian Tytherleigh to raise with Charlie Taylor the need for further Board support on the BAME disproportionality programme*) Colin Allars noted that the update stated that “*This was discussed at the Board’s recent workshop*”. Colin asked what the outcome was. Charlie Taylor stated that no additional support will be provided for the immediate future, but that an eye will be kept on it.

5. Charlie Taylor asked that the results of the latest Pulse Survey be circulated to the Board.

The results of the most recent Pulse Survey to be circulated to Board members.

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

6. The Board noted the following:

- the Performance Committee minutes of 25 April 2018 and the associated report;
- the Wales Youth Justice Advisory Panel minutes of 6 March 2018;
- the Finance, Audit and Risk Assurance Committee minutes of 9 May 2018;
- the Board member’s activity schedule;
- the Board member’s register of interests, and;
- the gifts and hospitality register.

7. Keith Fraser asked if there is anything further the Board can do regarding staff communications and briefings, and in getting Board members better known to staff. Charlie Taylor stated that it would be worth co-ordinating the all-staff briefings for times when Board members are already in the London HQ. Colin Allars suggested that Board members may also be able to mentor some of the new senior staff.

8. Mairead Healy asked if minutes from Youth Panel meetings can be circulated with the Board papers in future. It was agreed that this would be done.

Minutes of Youth Panel meetings to be circulated with Board papers.

9. Colin Allars highlighted the importance of registering offers of all gifts and hospitality, regardless of whether they were accepted or not. It was clarified that this should include, for example, receptions involving a glass of wine.

3 **Chief Executive’s Report**

10. Colin Allars’ written report was noted. Colin

highlighted section 2.2 of the paper on the budget, confirming that figures have now been agreed and the fact that the YOT grant allocation is to be matched to last year in cash terms. YOTs are generally pleased with this, although the lateness of the allocation remains an issue. Colin informed the Board that Stephanie Roberts-Bibby has been appointed as the YJB's Chief Operating Officer. Her starting date is yet to be agreed. Colin added that the YJB is to lose a number of senior staff shortly, with Dusty Kennedy, Poppy Harrison and Rob Street – all G6s – set to leave. Options on how to replace them are being considered. In Wales there may be the potential for a different construct.

11. Colin Allars stated that the roll-out of AssetPlus functionality highlighted in paragraph 2.6 of the report represented a significant step, with community and secure estate services now able to see each other's work for the first time ever. On the secure estate more generally, Colin stated that some positive inspection reports are coming out, such as those for Werrington and Wetherby YOIs. Colin then highlighted the fact that the National Probation Service had proposed significant cuts in resource allocation to YOTs but that there had been some subsequent adjustment in the face of representations made.

12. Alan Wood stated that the tone of the report felt somewhat defensive, with some implied criticism of the Board in places. Alan asked what the scale of feedback was from the sector in relation to the budget allocation, and stated that in relation to AssetPlus he has not heard any positive feedback at the local level. In relation to paragraph 2.8 on remand budgets, Alan stated that it would be useful to have more information on the allocation of remand places. In relation to paragraph 2.11, on explaining the YJB's future role to the sector, Alan asked for a sense of the scale of feedback that has been received from the sector, and in relation to the restructure (section 3 of the report) Alan asked for more detail on what the 100 or so YJB staff will be doing in the new structure. Keith Fraser agreed that it would be useful to see more granularity on the new structure.

13. Colin Allars apologised if the report came across as defensive, stating that this was not the intention. Colin stated that the report was written at a time when the Executive was still getting feedback from the recent Board workshop, and that there had been little detail seen of that session. On the question of feedback from the sector on the grant, Colin explained that this had been received from a range of fora and individuals, with MOPAC and

some YOT Heads of Service expressing concerns about their ability to absorb a late cut in funding. Colin added that he had met three leaders from London this week with the Chair who expressed relief that the level of funding had been maintained albeit there was concern about the late notification. All in all Colin stated that the feedback was strong. In relation to AssetPlus, Colin stated that his report was referring to the roll-out, and not commenting on whether it is or is not the best system. Colin stated that more detail on remand places can be provided if required. Also, in relation to the new structure, Colin stated that more detail can be provided.

14. Gillian Fairfield stated that when she reads the report she does so through the lens of a public document on a public website. Gillian stated that it felt as if it was written to the Board rather than for the Board. Gillian pointed to the areas of the report which asked the Board to “think” or “reflect on this”, stating that if this is the case then a conversation is needed, and that maybe the Board and Executive are not talking to each other as much as they should be. Colin Allars stated that a discussion can be had outside of the meeting about how to get the contents of the “how it feels” section of the report across to the Board if it is not done via the report.

15. Colin Allars stated that there is still some work to do to explain the Board’s approach and future direction to staff and the wider sector, and suggested that this needs fronting and assistance from the Board. Colin stated that on the ground the YJB has started to change the way it works, and has cut-back on some aspects – for example, in relation to circulating press reports. Colin added that the YJB is using the restructure as an opportunity to ensure policies and rules around staff terms and conditions are consistently applied, which has not always been the case in the past. Brian Tytherleigh stated that this was an important point which the Board supports, and asked what exactly was happening. Colin gave an example that the CEO had discretion to vary pay on promotion where there were exceptional circumstances and that it had perhaps been used too liberally in the past. There was also a propensity to offer home-based positions where it would better suit the business if these were office based. Brian asked whether any staff challenging the changes are likely to be successful. Colin stated any appeals will be treated on a case by case basis according to their merits, and that he could not say that there will not be successful appeals. However, the YJB starting position is: what does the policy say? Brian stated that as FARAC Chair he would want to know of any successful appeals.

The Board to receive detail on the allocation of remand places

The Board to receive more detail on the new YJB structure.

Colin Allars to discuss further with Board members the content of the Chief Executive’s report.

Brian Tytherleigh to be informed of any successful appeals in relation to the restructure.

16. Colin Allars then highlighted the three questions put to him by the Board following its workshop (what is meant by 'business as usual'; a request for further information on the governance of the priorities in the future, and; where the Executive anticipates gaps in the future) and to the answers given in the report. On business as usual working Colin stated that this is core activity that is essential to either support the priorities or to discharge expectations around the YJB's responsibilities to the sector and Ministers and for the proper use of public funds. This will include maintaining relationships with key strategic partners, and Colin stated that there may be an opportunity to leverage more from Police and Crime Commissioners, for example. Charlie Taylor asked exactly what the YJB will and will not be doing in relation to work with YOTs. Colin Allars stated that the YJB is trialling a different approach to community monitoring from this month, with full roll-out due for September, and that it will be 'less down in the weeds'. Gillian Fairfield suggested that this be included on the risk register.

17. In relation to paragraph 4.8 of the paper, on the governance of priorities in the future, Gillian Fairfield stated that she had a good meeting with Martin Skeats and Colin Allars. Gillian stated that the proposed approach will need to come to the Board for endorsement.

18. In relation to paragraph 4.3 and the reference to "maintaining relationships with key strategic partners", Brian Tytherleigh stated that this needs to be done for a purpose and around outcomes. Brian added that at a senior level he is uncertain what 'representing the YJB' means at a meeting, and that there is a need to know the Board's view on an issue in order to represent it, otherwise attendance can only be as an observer. Charlie Taylor stated that he and Colin Allars can think this through further. Dusty Kennedy stated that when members of his team attend external meetings the purpose is to further the interests of the youth justice system; to provide a 'helicopter view' of the youth justice system and to give a picture of what's going on; and to bridge policy between different departments. Brian Tytherleigh suggested that there needs to be a strategy around it to make sure it is done well, and to quantify the resource commitment. Ben Byrne stated that Board members need to be the authoritative voice of the YJB, so that the sector and staff know what the YJB is for, and that it may warrant more resource. Ben suggested that some work is required between the Board and the Executive on relationship building, and that a session could be had with senior staff in a less formal forum than

this meeting, with outcomes then articulated more widely. Colin Allars added that staff are eager to know what the Board wants from them and that some further work around this would be welcome. Neal Hazel stated that there is a need to nail down what the Board sees as its role, its “elevator pitch”, and that this needs a common language and understanding of functions and principles.

The Chair and Board to consider further the YJB’s “elevator pitch”, and feedback to the Executive

19. Keith Fraser stated that in terms of what the YJB has stopped doing, what it will be doing, and what needs to come to the Board, that he would have liked to have known more about them before. For example, Keith stated that it seems as though the communications role has stopped, which would be counter-intuitive in a shrinking organisation. Colin Allars stated that only some communications activity has stopped, and that there is a need to think through what needs to be done regarding stakeholder relations going forward and to then develop a plan. Colin added that the previous Board with the current Chair made the decision to step-down work in this area, and that the communications team in the new structure – which the Board signed-off in January - is now smaller. Neal Hazel stated that communications will be key if the YJB wants to be on the front foot, and that there is a need to keep an eye on this and consider if the balance is right.

20. In relation to any anticipated gaps in the future, Colin Allars stated that there may be small numbers of vacant posts, but that he does not think the YJB will be in a position where it has any surplus staff. He noted also that there will be a need to develop skills which is why the Organisational Development Directorate had been included in the structure.

4

Proposed Definition of “Children First, Offenders Second”

21. Neal Hazel presented the paper which addressed the Board’s wish to adopt a principle for the YJB and wider sector to recognise children in the criminal justice system as “children first, offenders second”. The paper presented a proposed definition of what this means in practice, with four principles suggested; a proposed summary position; and suggestions on the next steps to put the principle into practice. Neal stated that in order to do this there is a need to think about all of the research and knowledge that has been collected, to look at it again, and to help the sector translate it.

22. Charlie Taylor welcomed the four proposed principles under the ‘definitions’ section of the paper but suggested that the writing in faint font was not needed. Keith Fraser welcomed the work too, stating that it really helps the YJB

to explain what it is about. Gillian Fairfield endorsed those comments, stating that the definition can be used as a bedrock for YJB work. Gillian suggested that the wording could be amended to the “best interests of *individual* children”. Alan Wood asked whether the principles would be seen as new by the sector, and asked what contribution would be made on the ground and what current practice would change. Dusty Kennedy stated that the ‘child first’ thinking was first included in the 2004 joint YJB/Welsh Government strategy, and that the system has still not caught up to it and is principally driven by risk.

23. Brian Tytherleigh stated that he was excited by the work, and that it needs to be used to drive fundamental change, rather than simply being placed on a website. Brian stated that different language and behaviours are needed, and that there is no quick fix. Brian suggested that, first of all, the YJB needs to consider what it means for it as an organisation. Keith Fraser added that while representing a significant shift it is important not to forget the past, and that the approach needs to build incrementally on past practice. Keith Towler stated that the work is really good, and that he agreed that the wording in the definition in faint font should be removed. Keith stated that in delivering the principles they need to be articulated to children as well as professionals, in a way that they will understand.

24. Charlie Taylor wondered whether something further needed to be added about wider societal benefit, such as creating fewer victims of crime. Neal Hazel stated that the wording has tried to capture that, but that there may be scope to get more in without reverting to ‘offender first’ ideas.

25. The Board agreed that it was content with the proposed definition and summary, with the wording in faint font removed. Charlie Taylor stated that the next step is to communicate this to staff, asking Colin Allars to think through how this is done, including the use of Board members.

26. Martin Skeats asked how this work fits in with the priorities. Charlie Taylor pointed to item 3 in the “next steps” section of the paper, which stated that “*Individual Board members should consider the implications of this and the other principles for approaches to their priority programme areas*”, adding that Board members and officials working on the priority programmes will need to ensure they are compliant with the principles. Martin referenced the statement that “*all youth justice services must.. [follow the principles]*” and asked how this will be

achieved. Charlie Taylor stated that it ties-in to the grant review, and that it needs to be incorporated into how the YJB uses the grant. Martin stated that there is a lot that will flow from that approach, and asked whether it is to become a condition of grant, and if so how the YJB can ensure compliance. Neal Hazel stated that he is happy to think through the issues more widely, including communications with the staff and sector. Gillian Fairfield highlighted the link that can be made with the National Standards. Charlie Taylor stated that the immediate next step is for he, Colin Allars and Neal Hazel to meet and think further how to progress this work.

Charlie Taylor, Neal Hazel and Colin Allars to meet to discuss how to progress the “children first, offenders second” principles.

5 Finance, Audit and Risk Assurance Committee’s Annual Report to the Board and Accounting Officer

27. Brian Tytherleigh presented the FARAC Annual Report to the Board. Brian stated that given the Committee’s change of chairmanship during the year the report had been shared with David Banks, the previous Chair, who confirmed that he was content with it. It was noted that the YJB’s internal audit opinion for the year is “moderate”, meaning that no systemic weaknesses in governance have been found, but there is room for improvement in places. Brian reported that the external auditors are working on the end of year accounts at the moment and so far no issue of any significance have been found.

28. Brian Tytherleigh highlighted section 8 of the report in which the Committee provides its opinion against a number of HM Treasury pre-defined areas. It was noted that grant funding is now by far the most significant area of YJB expenditure, and Brian stated that this means it is becoming an increasing area of risk. The National Audit Office may therefore scrutinise this area of spending in more detail in the future. Brian stated that the Board needs to understand the collective responsibility of any changes to grant funding.

29. Keith Fraser referred to the underspend shown on page 9 of the report, and asked if this was actual money that can be used now. Martin Skeats stated that the money cannot be carried forward from one year to the next. Keith then referenced Risk 8 in the Strategic Risk Register (which was annexed to the report), on the YOT grant review and the danger that it damages the YJB’s reputation with stakeholders. Keith stated that the late allocation of the grant impacts on planning for YOTs on the ground, and represents a significant risk both locally and for the YJB reputationally. Colin Allars agreed, adding that it also raises a value for money issue, with value harder to achieve the later the money is allocated. Brian

Tytherleigh stated that there is a need to try and get a minimum amount ring-fenced earlier, albeit this was unlikely to happen. Brian added that perhaps the timing of payment could be altered, with an indication nonetheless given in April.

6

Risk Management Framework

30. The Board was asked to endorse the risk management framework and, in particular, to agree its risk appetites. Charlie Taylor stated that the YJB needs to have a high risk appetite at the current time to achieve what it wants to do.

31. The Board endorsed the framework and the proposed risk appetites within it, save that the appetite for 'reputational risks' should be increased from 'open' to 'hungry'.

7

Presentation: Towards a Trauma-Informed Youth Justice System

32. Lynzi Jarman from the YJB Cymru team gave the Board a presentation on the move towards a trauma-informed youth justice system. Charlie Taylor asked that the data on the effect of the work is shared with the Board. Sharon Gray also asked for more information on the Hillside SCH model. Neal Hazel stated that there are some risks around the way messages can be presented, and that care needs to be taken to ensure appropriate nuance. Ben Byrne asked that a copy of the slides be shared with the Board. The Board thanked Lynzi for the presentation.

Any data on the effect of the trauma-approach to be shared with the Board.

More information on the Hillside SCH model to be shared with the Board.

The slides form the trauma-informed approach presentation to be shared with the Board.

8

Presentation: Association of YOT Managers

33. Hannah Doughty and Brendan Finegan from the Association of YOT Managers gave the Board a presentation about the organisation's history and work. The Board welcomed the presentation and thanked Hannah and Brendan for their time, and agreed in particular of the need for high quality, experienced staff to be encouraged into the system. Mairead Healy stated that she would like the Youth Panel to have more of a national presence, and that she will liaise with the AYM to see what it can do to facilitate that. The Board also agreed that it is keen to work with the AYM over what it needs from the YJB, and what assistance the YJB can give to it.

9

Any Other Business

34. Martin Skeats reported that Keith Towler, Sharon Gray and Mairead Healy have been appointed to the Remuneration Committee, joining Brian Tytherleigh who sits on the Committee by virtue of his Chairmanship of FARAC.

35. Stephanie Dilloway asked if a Board member is required to sit on the new Equality and Diversity Working Group. It was agreed that this is not necessary, but Keith Fraser stated that he would be happy to sponsor the group and offer input.

36. On behalf of the Board Charlie Taylor paid tribute to Dusty Kennedy, who was attending his last Board meeting before leaving the YJB, thanking him for all his work and dedication over the years and his contribution to improving the system for the benefit of children.

37. There was no further business. The meeting closed at 13.00.

David Wells
Chief Executive's Office
19 June 2018