

Sentencing Council

GOVERNANCE SUBGROUP MEETING

RCJ - EB12

Wednesday 28 October 2015 at 3pm

MINUTES

Present:

Mark Castle (MC; Sentencing Council; Chair)
Elaine Lorimer (EL; Law Commission)
Claire Fielder (CF; Head of OSC)
Vicky Hunt (Head of policy)

Apologies:

Sarah Munro (SM; Sentencing Council)

Before discussing the main items on the agenda MC sought the group's agreement to his appointment as chair. This was agreed.

1. Review of actions and approval of July meeting minutes

The minutes of the July meeting were agreed. MC raised a query about item 5 on the minutes regarding the finance and budget. MC sought confirmation from the group that there was sufficient support available to the Council to enable us to confidently manage the budget. CF confirmed there was and there was no need for a forensic accountant. CF explained there have been some problems in this area as Victoria (OSC staff who had been managing the budget) has recently left the Office, and our business partner at MOJ has also recently changed. CF however reassured the group that Caroline (OSC staff) has picked up the role, and will be working with the new business partner to get the budget into the appropriate format.

The Action Log was discussed and it was agreed that all of the closed items on that log could now be removed, and going forward once an item has been closed by the group it will be taken off the log before the next meeting.

AP3 (Action from 1/5/15) this action relates to 'easy read' documents.

MC enquired what was happening with this action as it is 'ongoing'. CF confirmed that there was a discussion with the Chairman at the sub group meeting in May, and a meeting of SMT. Following both of those discussions it had been agreed that we would ensure all our consultations are in plain English, and where we can we will make greater use of interactive videos and blogs. CF also suggested that we could take it back to

Council for further discussion, but given that the main target audience for our guidelines is sentencers there may be little appetite for drafting 'easy read' versions of documents.

MC commented that the main concern would be when the Council produces a consultation, as here we are specifically trying to get engagement from a number of people, not just sentencers. CF agreed, and explained that in the early days of the SC we used to produce two versions of consultation papers; one for the professionals and one for the general public but due to a limited take up of the general public paper the Council stopped producing them. However we have not produced a consultation for some time and we do not intend to adopt a 'one size fits all' approach. Going forward we will consider the issue for each individual guideline and decide what is best. The youth consultation is coming up and that one is likely to have a wide audience, so will require consideration.

MC queried whether we produce our guidelines/ consultation papers in Welsh. CF confirmed that we do not. Given the large volume of material that we produce and because our audience is predominantly sentencers, not the general public, we are exempt from the requirements to do so. However we have been looking at producing some front pages for the website which would include some key information in Welsh and links to further information. MC agreed that this may be desirable as whilst we may not have a statutory requirement we do need to consider how we engage with the public.

AP4 (Action from 1/5/15) this action relates to the Council holding a large scale public engagement event.

MC enquired if there had been any progress on this action. CF confirmed that there has not been, and that given the current climate there was unlikely to be any desire to progress the item. However the Office continues to run small scale consultation events, and undertakes speaking events, with a target that Council or Office members will speak at 20-25 events per year.

2. Risk Register

Risk 2 'Insufficient resources to deliver statutory and Business Plan priorities'.

CF explained SMT had discussed this risk and it was agreed that due to impending budget cuts the risk ought to be higher. The risk has, therefore been increased, and is now red. CF put a paper to Council this month looking at the future work plan with the suggestion that once we know the extent of the budget cuts we can choose either to slow projects down, cease to do some evaluation or even take some guidelines off the work plan. The current work plan includes an expected in year cut of 10% so that level cut would have no impact to the existing work. The Council were content with CF's proposals. CF continues to talk to MoJ to keep up to date with any news.

MC asked whether the Judiciary take opportunities to be vocal about the work of the SC. CF confirmed the LCJ is very protective of the SC and he and those members of the Judiciary that are on the Council take every opportunity to raise our profile in the hope that that will strengthen our position against budget cuts.

EL asked if there was an action to go back to Council once the financial position is known? CF confirmed there was. MC suggested the date of the next meeting (3

February 2016) may be too far off given that we may know the implications of the budget cuts sooner and will need to discuss associated risks.

Action: An additional Governance meeting date to be pencilled into the diaries for January in case it is needed.

Risk 5 'New analytical strategy implemented but unable to meet Council's needs'

CF explained that this risk comes from the A&R sub group and because the risk has gone up, and is now red it has been moved onto the front page of the register. The new analytical strategy is a move away from the old Crown Court Survey to a new data collection within the magistrates' courts. There is a risk that the magistrates may not engage in the collection and we may get insufficient data which will affect our ability to devise evidence based guidelines. In mitigation we have been speaking to lots of groups of magistrates at every opportunity to explain to them why it is so important.

3. Finance and budget:

CF explained that there is a significant under spend in the staff budget. A proportion of this is due to historical errors that have taken months to resolve. In addition the team has been carrying vacancies for a long time, we have had one from April to July and we now have another (Victoria's replacement) that will probably not be filled until at least the end of the year. In addition we have recruited a number of people at the bottom of the pay scale, and in some cases staff are working four days per week not five and so again they are cheaper.

In the non staff areas there is an overspend in the comms budget but that has just because it was misprofiled at the outset. We can easily rectify that by moving some of the A& R under spend across.

The under spend in A&R was in part because money had been allocated to spend on a secondee, but we can not now take on secondees due to the recruitment freeze.

EL agreed that the level of under spend was a concern and that the Office needed to find ways to interpret the spending controls in a way that enables the Office to do the work that it needs to do. CF confirmed that she is going back to MOJ to explain that we need to spend some money in order to comply with our statutory duties, and that includes recruiting a replacement for Victoria. In addition the Office is talking to one of our contractors who we already have a contract with to see if they can take on extra work. There is some analysis that the Office would normally do internally but if the contractor could do it that would free up the staff to do other work.

MC suggested that the under spend should be a separate item on the risk register.

Action: SMT to discuss adding the under spend to the risk register

4. Feed back from other subgroups

VH updated the group on the key items of discussion from each of the other two sub groups.

5. AOB

MC queried whether the changes that the Council proposed making to the work plan should be discussed by the governance group in case there are any associated risks. CF confirmed that the Council were only discussing the possibility of changes to the work plan and that the Office would scope this further to consider the options and present a paper back to Council with a firm proposal. The areas that Lynne Owens suggested are already on the work plan and it may simply be a case of reordering the priorities, which is something we do from time to time. The public version of the work plan is clear that timings can change.

EL commented that the business plan comes at the start of the financial year and it may be beneficial for the group to look at that, to assess whether any alterations to the long term plan have associated risks, in order to provide CF with any support needed. The reason for the governance groups' existence is to provide rigour around the decision making process and provide the chairman with protection.

Action: CF to ensure the subgroup has the opportunity to discuss changes to the business plan at the appropriate time.

The next meeting will be held on Wednesday 3 February 2016 at 3pm in training room 2, Queens Building, RCJ. (Attendees are free to dial in if they would prefer).