

**Sentencing Council Governance subgroup
Friday 20th October 2023
MINUTES OF MEETING**

Attendees:

Beverley Thompson (BT; Sentencing Council; Chair)
Elaine Lorimer (EL; Revenue Scotland)
Juliet May (JM; Sentencing Council)
Richard Wright (RW; Sentencing Council)
Steve Wade (SW; Office of the Sentencing Council, Head of Office)
Ollie Simpson (OS; Office of the Sentencing Council, Governance secretary)

Apologies: n/a

1. Minutes and action points

The minutes of the July 2023 meeting were agreed. All outstanding action points were completed, with Lauren Maher having provided further details on the People Survey following July's meeting.

2. Risk

OS talked through the current version of the risk register.

Risk 1 on staff/resource was medium and on course, as discussions had been had at Council level about guideline priorities. This would be reviewed in January. Risk 2 on finance was also medium and on course, but was subject to discussion later in the meeting.

Risk 4 on appointments was still regarded as high, even though various non-judicial appointments had gone through with fewer difficulties recently. There was a later discussion about whether the risk could be lowered to medium.

Various corporate-related risks (data protection, fraud and health and safety) were rated as low, on course and would be reviewed at the end of the reporting year. EL asked about assurance regarding health and safety and whether incidents in the office were being recorded. OS confirmed there were systems in place, although he and SW were unaware of any incidents having taken place. Some actions had been undertaken in response to recommendations from the RCJ (like the removal of the safe in the corridor).

BT and EL also asked about what assurance there was about health and safety for home working. OS said that the team had had a discussion at the team meeting that week about desk and screen equipment. Funds could be made available for any equipment that was required.

Action: OS to invite Gail Peachey and/or Nic Mackenzie as OSC health and safety leads to the January Governance meeting for a fuller discussion on health and safety.

In discussion on Risk 10 (definitive guidelines unavailable to the courts) EL asked whether the back ups had been tested. SW said that in real-life cases where the website had had an outage, the providers (Bang) had rectified the error quickly and within the service level agreement.

Risk 11 on disparities remained at medium and was likely to stay there for some time. The Equality and Diversity working group would meet in November and consider the progress of work arising from the University of Herts project. The risk would be reviewed following that meeting.

With filming completed on You Be the Judge over the summer, there was a good chance that risk 12 would be on course to be low by the early part of 2024.

3. Appointments

SW provided an update on recent appointments (including the victims role and the permanent police representative). The current system was resulting in more timely decisions than previously and there had been good senior level engagement on this within the MoJ.

BT question what the “alternative approaches” to be agreed internally were that were referred to in the risk register. SW explained that these were agreement that the NPCC nomination to be police representative should be the default option and that the DPP should be an ex officio appointment.

EL asked whether having the risk rated as high on the risk register was helping. SW said that it was a good way of showing that the issue was a high priority for the SC’s governance processes. It was agreed in discussion to keep the risk at high for now, pending final agreement on the appointment of the new DPP to the Council and to review it in January.

Action: review risk level on appointments in January.

EL asked whether we were now factoring delay into our internal processes on appointments. SW confirmed that we are now starting the process of new appointments (or re-appointments) 18 months ahead of the necessary time (i.e. half way through a three year appointment).

4. Finance and budget

OS summarised the current budget position and provided an overview of the areas of overspend and underspend.

SMT had made efforts throughout the first part of the year to identify areas of spend so that these were made consistently through the financial year rather than at the end which may be too late. This would mitigate the risk of an unintended underspend. This had included ensuring we were ordering the transcripts required for guideline development and resource assessments, employing an intern on the Analysis and Research team and work on developing and improving the website in response to the user testing work.

There was currently an overspend of around £30k on staffing costs which arose as a result of the pay deal and a one-off payment to non-senior civil servants in August. In the event ALBs were expected to provide for this, but it was understood by MoJ that this would result in overspend.

5. AOB

None. The meetings for 2024 need to be put in calendars.

Action: OS to ask Jess to put dates in for Governance and other sub groups accordingly.

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