



You are invited to attend a **MEETING** of the **FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY** to be held in **CLACKMANNANSHIRE COUNCIL HEADQUARTERS, GREENFIELD, ALLOA** on **FRIDAY 29 SEPTEMBER 2006** at **10.00 AM**.

Membership

Clackmannanshire Council

Councillor G Matchett

Falkirk Council

Councillor P McCafferty

Councillor J McNally

Councillor I Miller

Fife Council

Councillor H Blyth

Councillor A Keddie

Councillor M Kennedy

Councillor G Kay

Stirling Council

Councillor C McChord

Councillor C McKean

21 September 2006

BUSINESS

Intimate Apologies.

PART I

1. MINUTE

Submit Minute of Meeting of the Community Justice Authority held on 29 June 2006. **(Pages 3 to 5)**

2. FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY AREA PLAN 2007/2008

(a) Submit Report by Sharon Stirrat, Falkirk Council; and **(Pages 6 to 8)**

(b) Submit Draft Area Plan 2007/2008 **(copy enclosed)**

3. REPORT ON ARRANGEMENTS FOR THE EMPLOYMENT OF THE CHIEF OFFICER

Submit Report by Nick Henderson, Fife Council. **(Pages 9 to 10)**

4. BUDGET MONITORING REPORT 2006/07

Submit Report by Brian McCormick, Stirling Council. **(Pages 11 to 13)**

(Contact for further information – Iain Tough, 01324 506110)

MINUTE of MEETING of the FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY held within the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 29 JUNE 2006 at 10.30 a.m.

PRESENT: Councillors Blyth (Fife), Fearon (Clackmannanshire) (Substituting for Councillor Matchett), Kay (Fife), Keddie (Fife), Kennedy (Fife), McCafferty (Falkirk), McNally (Falkirk) and Miller (Falkirk).

CONVENER: Councillor Miller.

APOLOGIES: Councillors McChord (Stirling), McKean (Stirling) and Matchett (Clackmannanshire); G Brechin, Chief Executive, Fife Health Board; Irene Cavanagh, Chief Social Work Officer, Stirling Council; Deirdre Cilliers, Chief Social Work Officer, Clackmannanshire Council; Janice Hewitt, Director of Community Services, Stirling Council; Michelle Miller, Chief Social Work Officer, Fife Council; Cathy O'Neil; Chief Constable P Wilson, Fife Constabulary.

ATTENDING: Margaret Anderson, Head of Service, Housing and Social Work Services, Falkirk Council; Nick Burgess, Team Manager, Housing and Social Work Services, Falkirk Council; Iain Cowden, Chief Officer (Designate); DCI Tom Crozier, Fife Constabulary; Patrick Delargy, Senior Manager (Operations), SACRO; Pat Hughes, Fife Area Business Manager; Alan McCloskey, Victim Support; Harry Mennie, APEX; Doreen Peat, Service Manager, Criminal Justice Service, Fife Council; Anne Pinkman, Head of Community Justice Service, Stirling Council; Ian Shovlin, Service Manager, (Criminal Justice) Clackmannanshire Council; Rona Sweeney, Scottish Prison Service; Iain Tough, Democratic Services Manager, Falkirk Council, and DC Jim Westwood, Fife Constabulary.

CJA9. MINUTE

- (a) There was submitted (circulated) and **APPROVED** Minute of inaugural Meeting of the Fife and Forth Valley Community Justice Authority held on 24 April 2006; and
- (b) There was submitted (circulated) and **APPROVED** Minute of Fife and Forth Valley Community Justice Authority Appointments Panel held on 28 April 2006.

CJA10. NATIONAL STRATEGY FOR THE MANAGEMENT OF OFFENDERS

There was submitted Report (circulated) dated 19 June 2006 by Margaret Anderson, Head of Service, Housing and Social Work Services, Falkirk Council providing details of the steps being taken to ensure that the first local area plan for the Fife and Forth Valley Community Justice Authority takes account of the National Strategy for the Management of Offenders and enclosing, as an Appendix, a copy of the National Strategy.

NOTED:-

- (1) the contents of the National Strategy for the Management of Offenders and the special responsibilities in relation to Community Justice Authorities; and
- (2) the steps which are being taken to ensure that the first local area plan for the Fife and Forth Valley Community Justice Authority takes into account the contents of the National Strategy for the Management of Offenders.

CJA11. OVERVIEW OF INSPECTIONS OF CRIMINAL JUSTICE SOCIAL WORK SERVICES PROVIDED BY FIFE COUNCIL AND THE FORTH VALLEY CRIMINAL JUSTICE GROUPING

There was submitted Report (circulated) by Jennifer White, Clackmannanshire Council providing Members with an overview of the findings of the inspections which have been conducted by Social Work Inspection Agency (SWIA) in relation to the Criminal Justice Social Work Services provided by Fife Council and the Forth Valley Criminal Justice Grouping.

NOTED the contents of the inspection reports.

AGREED:-

- (1) that officers from Clackmannanshire, Falkirk and Stirling Councils prepare an action plan outlining how they will respond to identified areas of improvement; and
- (2) that the Chief Officer prepares a report, in consultation with the Scottish Prison Service, on the findings of inspection reports relating to SPS establishments and functions relevant to the Fife and Forth Valley area.

CJA12. PARTNERS CONFERENCE

There was submitted Report (circulated) dated 20 June 2006 by Anne Pinkman, Head of Criminal Justice Service, Stirling Council providing details of the Scottish Executive Conference to be held on 26-27 October 2006 at Crieff Hydro for CJA Board members and partner organisations.

AGREED:-

- (1) to note that the Scottish Executive conference for CJA Board Members would be held on 26-27 October 2006 at Crieff Hydro; and
- (2) to remit to the Chief Officer, in consultation with the Convener and Vice-Convener, the arrangements for distribution of invitations to stakeholders.

CJA13. FINANCE REPORT

There was submitted Report (circulated) dated 20 June 2006 by Anne Pinkman, Head of Criminal Justice Service, Stirling Council providing details of the current financial position of the Community Justice Authority for 2006 -07.

NOTED:-

- (1) the current financial position of the CJA, as detailed in the report; and
- (2) the budget arrangements for the CJA from April 2007.

AGREED:-

- (1) that discussion take place between the Chief Officer and Fife, Falkirk and Stirling Councils in relation to the reimbursement of costs for the provision of HR, legal and financial services and with Clackmannanshire Council in relation to accommodation;
- (2) that the Chief Officer prepare for the CJA assuming responsibility for the entire criminal justice budget from April 2007, in consultation with Fife, Clackmannanshire, Falkirk and Stirling Councils; and
- (3) that an update report on the financial position be submitted to the next meeting of the CJA.

CJA14. REPORT ON ARRANGEMENTS FOR THE EMPLOYMENT OF THE CHIEF OFFICER

There was submitted Report (circulated) dated 20 June 2006 by Nick Henderson, Fife Council providing details on outstanding matters relating to the employment of the Chief Officer.

AGREED:-

- (1) that the CJA should become the employer of the Chief Officer having received confirmation that the Scottish Executive will guarantee the pension risk, and request that Fife Council prepare application for admission to the Local Government Pension Scheme on behalf of the CJA;
- (2) that Fife Council, on behalf of the CJA, make the necessary arrangements for the CJA to be a listed employer under the Local Government Redundancy (Modification) Order; and
- (3) that the CJA should establish an agency agreement for payroll services with one of the constituent authorities and request that Stirling Council, as the designated authority to provide financial advice, take this forward on behalf of the CJA.

MINUTE of MEETING of the FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY held within GREENFIELD, ALLOA on FRIDAY 29 SEPTEMBER 2006.

PRESENT: Councillors Blyth (Fife), Keddie (Fife), Kennedy (Fife), Matchett (Clackmannanshire), McCafferty (Falkirk), McKean (Stirling), McNally (Falkirk) and Miller (Falkirk).

CONVENER: Councillor Miller.

APOLOGIES: Councillors Kay (Fife) and McChord (Stirling);

ATTENDING: J Birks, Director of Housing and Social Work Services, Falkirk Council; D Cilliers, Social Work Services, Clackmannanshire Council; J Knox, Consultant; P Delargy, Senior Manager (Operations), SACRO; M Donnelly, Interim Support Officer, Criminal Justice, Stirling Council; N Henderson, Human Resources Adviser, Fife Council; Sergeant Hendry, Central Scotland Police; H Keir, Scottish Prison Service; J Knox, Consultant; P McFarlane, Scottish Court Service, Falkirk; H Mennie; APEX Scotland; M Miller, Social Work Service, Fife Council; Superintendent Moffat, Central Scotland Police; K Norrie, Scottish Prison Service; A Pinkman, Head of Community Justice Service, Stirling Council; S Stirrat, Service Manager, Housing and Social Work Services, Falkirk Council.

Before commencement of the formal business of the meeting, the Convener introduced Jo Knox, consultant who had been appointed to work with the Fife and Forth Valley Community Justice Authority during the period of absence from work of the Chief Officer, Iain Cowden. Members joined the Convener in wishing the Chief Officer a speedy recovery from illness.

CJA15. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Fife and Forth Valley Community Justice Authority held on 29 June 2006

CJA16. FIFE AND FORTH VALLEY COMMUNITY JUSTICE AUTHORITY AREA PLAN 2007/2008

There was submitted Report (circulated) dated 29 September 2006 by Sharon Stirrat, Falkirk Council introducing the Fife and Forth Valley Community Justice Authority Area Plan 2007/08.

Jo Knox gave a presentation on the content of the Plan and highlighted key themes, including:-

- Priority Groups of offenders
- Partnership working
- Supporting the workforce
- Communication Strategy
- Performance Framework
- Finance

AGREED:-

- (1) to approve the content of the Fife and Forth Valley Community Justice Authority Area Plan 2007/2008;
- (2) that the Chief Officer report progress with implementing the Plan to a future meeting, and
- (3) that the Plan be submitted to the National Scrutiny Panel and Advisory Board.

CJA17. REPORT ON ARRANGEMENTS FOR THE EMPLOYMENT OF THE CHIEF OFFICER

There was submitted Report (circulated) dated 29 September 2006 by Nick Henderson, Human Resources Adviser, Fife Council, on the arrangements for the employment of the Chief Officer.

AGREED:-

- (1) to apply the conditions of employment approved by the JNC for Chief Officials of Local Authorities (Scotland) as they stand at present with the exception of policies on discipline and grievance;
- (2) that any future changes to those conditions would require to be subject to further approval;
- (3) to adopt a policy on the recompense of business travel and subsistence based on Fife Council's example, and
- (4) that the Chief Officers' public holidays be added to the total leave entitlement.

CJA18. BUDGET MONITORING REPORT 2006/07

There was submitted Report (circulated) dated 29 September 2006 by Brian McCormick, Accountant, Stirling Council on the current financial position of the Authority.

NOTED the budget position for 2006/2007.

**FIFE AND FORTH VALLEY
COMMUNITY JUSTICE AUTHORITY**

**THIS REPORT RELATES
TO ITEM 2(A)
ON THE AGENDA**

29 September 2006

**FIFE & FORTH VALLEY COMMUNITY JUSTICE AUTHORITY AREA PLAN
2007/2008**

1 RECOMMENDATION(S)

- 1.1 That members of the Community Justice Authority consider and approve the content of the Fife & Forth Valley Area Plan 2007/2008.
- 1.2 That members request the Chief Officer to keep the Community Justice Authority up-to-date with progress in putting the plan into operation.
- 1.3 That members request the Chief Officer to present the plan to the National Scrutiny panel and National Advisory Board.

2 CONSIDERATIONS

- 2.1 The purpose of this report is to bring to the attention of members, the first Fife & Forth Valley Community Justice Authority Area Plan 2007/2008.
- 2.2 On 29 June 2006, the Community Justice Authority considered the arrangements which were required to be put in place for the preparation and completion of the area plan.
- 2.3 Due to the absence of the Chief Officer, the Area Plan has been compiled by Criminal Justice Officers in consultation with a range of partner agencies.
- 2.4 The plan gives substance to the specific obligations contained in the Management of Offenders etc (Scotland) Act 2005, namely that Local Authorities, Community Justice Authority, SPS, co-operate together while carrying out their statutory functions in relation to the management of offenders.
- 2.5 The plan follows the detailed guidance as outlined by Scottish Executive and includes the following areas:
 - Introduction and Context
 - Priority groups of offenders
 - Working together in new ways

- Developing and supporting the work force
- Communication strategy
- Performance framework
- Workload
- Finance/Resource pressure

From each of the above areas, priorities have been set as targets for 2007/2008, as a means of working towards a reduction in re-offending.

2.6 The following timetable is very tight:

- Area plan 2007/2008 must have Community Justice Authority approval by 30 September 2006.
- Meeting of Scrutiny Panel 2/3 November 2006 (Scrutiny Panel is a sub-group of the National Advisory Board).
- Ministerial approval December 2006.
- Notification of approval of Plan January 2007 and budgets for 2007/2008 determined.

3 CONSULTATION

- 3.1 On 4 July 2006 a Partners seminar was held in order to bring Fife & Forth Valley Community Justice Authority members and a range of partner agencies together in order to enhance understanding of the function of the Community Justice Authority, the role of the Chief Officer and consult on key areas which require to be contained in the area plan as a means of reaching the overall target of a reduction in re-offending.
- 3.2 Representatives from the SPS were involved in contributing to the content of the plan.
- 3.3 Partner agencies were further consulted once the plan was in draft form.

4 RESOURCE IMPLICATIONS

- 4.1 The area plan reflects the fact the Community Justice Authority will have responsibility for the distribution of the budget for Criminal Justice Social Work Services from 1 April 2007 and the Chief Officer will play a key role in this matter. The plan identifies workloads across the Fife & Forth Valley areas as well as the Criminal Justice allocation available 2006/2007 i.e. £9,601,069 for both Core and Non Core Services. The formula for determining the distribution of the budget for 2007/2008 will be on the same basis as 2006/2007 and previous years.


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4.2 The area plan also identifies budget pressures, whereby, additional funding will be required either to maintain certain services or develop new services in order to meet service demands. The funding bids include:

- Supported Accommodation Services (Falkirk)
- Forth Valley Drug Treatment Service
- Development of Group-work Provision
- Offender Tracking System

The above bids come to a total of £220,655

Author

Name	Designation	Signature
Sharon Stirrat	Service Manager	

Date 15 September 2006

Reference

P:\Sharon\Committee Reports\Community Justice
Authority Reports\Reports\07 F&FV Area plan
07~08.doc\mc

BACKGROUND PAPERS
(Draft) Fife & Forth Valley Area Plan 2007/2008

**FIFE AND FORTH VALLEY
COMMUNITY JUSTICE AUTHORITY**

**THIS REPORT RELATES
TO ITEM 3
ON THE AGENDA**

29 September 2006

REPORT ON ARRANGEMENTS FOR THE EMPLOYMENT OF THE CHIEF OFFICER

1. RECOMMENDATIONS

- 1.1 That members of the Community Justice Authority:
- a. agree that the CJA should apply the conditions of employment agreed by joint negotiating committee for chief officials of local authorities (Scotland) as they stand at this date, with the exception of policies on discipline and grievance.
 - b. agree that any future changes to those conditions would require to be the subject of approval by the authority.
 - c. agree to adopt a policy on the recompense of business travel and subsistence expenses based on Fife Council's example.
 - d. Agree that the chief officers public holidays be added to total leave entitlement.

2. CONSIDERATIONS

Background

- 2.1 The CJA approved at its meeting of June 2006 that the Chief Officer of the authority be directly employed by the CJA subject to the Scottish Executive providing an indemnifying guarantee of future pension risk. That letter of guarantee was received and provided to Fife Council's pensions section.
- 2.2 The CJA was advised at its last meeting that various other actions would be required in order to establish itself as an employer. These are being pursued. Fife Council is acting as an agent of the CJA in administering payroll services.
- 2.3 All employees are entitled to know their major terms and conditions of employment by receiving a written statement of particulars within eight weeks of the commencement of their employment.

- 2.4 It seems appropriate that although the CJA is not a member of Cosla that it agree to apply the main conditions of employment for local authority chief officials as they presently stand, with the exception of those that cannot legally apply.
- 2.5 Where Cosla amends national conditions in future these would not be automatically incorporated into the chief officers conditions unless the CJA positively acted to so change them.
- 2.6 Each local authority has different conditions for the repayment of expenses for travel and subsistence. As Fife is the administering agent for payroll it is easiest if their scheme of travel expenses is similarly adopted.
- 2.7 The four constituent authorities have different public holiday arrangements. There is no legal requirement to fix public holidays. In order to fit public holidays around whatever suits both the CJA and the Chief Officer public holidays can be added to total holiday entitlement.

3. ADDITIONAL CONSIDERATIONS

- 3.1 Although the authority presently only has one employee the determination of such conditions should allow for the possibility that in future there may be other different categories of employee.
- 3.2 The work of the authority covers community justice functions that fall to the Scottish Prison Service it is likely that most future employees are more likely to have a local government background. It would be more difficult to accommodate the transference of staff were the CJA to operate whole dissimilar conditions of service.
- 3.3 It is probably not appropriate at this time to tie the CJA down too tightly to a particular arrangement of conditions for a future, unknown workforce. The conditions for the present sole employee however need to be determined.

Author

Name	Designation	Tel No
Nick Henderson	Fife Council	

Date: 20th June 2006

Reference MA/RG/CJA 29th June 2006
 Arrangements for Employment of Chief Officer

FIFE AND FORTH VALLEY
COMMUNITY JUSTICE AUTHORITY

**THIS REPORT RELATES
TO ITEM 4
ON THE AGENDA**

29th September 2006

NOT CONFIDENTIAL

BUDGET MONITORING REPORT 2006/07

1 RECOMMENDATION(S)

- 1.1 That the CJA notes the budget position for 2006/07.
- 1.2 That the CJA understands the implications for any extra costs required in 2006/07.

2 CONSIDERATIONS

- 2.1 All Community Justice Authorities have received £190,000 as a budget from the Scottish Executive this financial year to provide for their initial running costs and any set up expenditure that they may have.
- 2.2 This money has been paid to Stirling Council as lead authority on Finance until the CJA has the facility to manage its own finances.
- 2.3 Appendix 1 states the current financial position of the CJA in relation to the commitments and actual expenditure so far.
- 2.4 Currently the CJA is forecasted to spend around £131,000 of the £190,000. This takes into account the salaries for the Chief Officer and Interim Support Officer, administrative agency costs and the consultant Chief Officer's cost. It also includes overheads for the CJA and a significant charge of professional advice from officers from the CJA for services provided on its behalf.
- 2.5 The projections include the consultant Chief Officer's costs for three months at a rate that was recently agreed, but if this turns out to be a longer secondment then this will have further cost implications.
- 2.6 The Executive has indicated to all CJAs that only in the most exceptional circumstances will variations to the £190,000 be authorised and it should not be assumed that additional funds will become available. If the CJA feels it does need more funding, a bid should be submitted to the Executive by the 1st December 2006, containing evidence to demonstrate why it is essential the higher amount should be given.
- 2.7 The Executive has also indicated that any surplus that exists at the end of the financial year cannot be carried forward into future financial years and will have to be repaid once the accounts have been audited.

- 2.8 The specific issue in respect of Value Added Tax (VAT) for the CJA is a significant one. As things stand with the CJA, VAT cannot be reclaimed on goods or services the CJA purchase. This is because the CJA is not generating any Taxable Supplies; in other words it is not selling its services or creating any added value. To allow the CJA to reclaim VAT, it would have to generate sales to the amount of £61,000 per year. This could be created, for example, by charging for its services of receiving the money from the Executive and paying it to the local authorities.

3 CONSULTATION

- 3.1 The CJA Chief Officer and officers from the constituent local authorities.

4 RESOURCE IMPLICATIONS

- 4.1 The resource implications are outlined throughout the paper.

Author

Name	Designation	Signature
Brian McCormick	Accountant, Stirling Council	<i>Brian McCormick</i>

Date 12th September 2006

Reference _____

Summary Financial Statement at 31st August 2006

Projected Expenditure to end of 2006-07	£
Salary/agency/consultant costs	79,878
Members' Expenses	10,000
Rent & rates	9,575
Office Expenses	4,000
Conferences	10,000
Overhead recharges - Professional Fees	17,625
Total projected costs 2006-07	<u>131,078</u>
Budget for 2006-07	190,000
Amount uncommitted yet	<u>58,922</u>