

**Sentencing Council Governance subgroup
Monday 30th January 2023
MINUTES OF MEETING**

Attendees:

Beverley Thompson (BT; Sentencing Council; Chair)
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)
Lauren Maher (LM; Office of the Sentencing Council, Finance lead)

Apologies: Elaine Lorimer (EL; Revenue Scotland)

1. Minutes and action points

The minutes of the october2022 meeting were agreed. Two action points were outstanding, both related to risk and OS would discuss these as part of the risk discussion.

2. General update

SW gave an update on various issues relating to governance. The draft MoJ-Sentencing Council Framework Document remained with MoJ. There was a general question surrounding the status of the chief executives/heads of office of arms length bodies that MoJ was tackling.

SW said that despite various restructures in MoJ, the Council still sat for sponsorship purposes under James McEwan and the Governance, Risk and Assurance Directorate.

One potential call on office resource may be a contribution to the Hallett public inquiry on covid. Legal advice might need to be sourced externally, as MoJ lawyers were likely to be focused on the MoJ HQ response. RW declared an interest as a counsel to the inquiry, though not on criminal justice matters. It was likely that any requests from the inquiry could be in up to 2-3 years' time.

BT said that we should consider what this future work might mean for staffing/resource.

3. Finance

LM gave an overview of the current projected spend for 2022/23.

With a budget of £1.789m and a projected spend of £1.65m there was an underspend predicted of about £140k. Staffing costs were over what had been allocated due in large part

to maternity cover etc. An amount of underspend in the A&R allocation was used to cover this.

A major contribution to the overall underspend was a £107,495 underspend in the Comms allocation, largely down to the fact that You Be The Judge has had to slip back to the Financial Year 2023/24. SW explained that this was because of the difficulty of finding court space with enough advance notice for the Design 102 filming crew to be able to set up.

BT asked whether filming could be done at weekends or after hours. After hours were difficult because of the time needed to set up and the costs of filming would be double at weekends. There may be options for using former courts, or court-like sets, BT asked if the formal could be altered. SW explained that the filmed sections had been received well in the existing tool, but that depending on progress in the new financial year, there might need to be an assessment of alternatives.

SW did not believe this in itself would affect the Council's 2023/24 allocation and BT noted it was a very important strand in the Council's public confidence work. In terms of next year, the Council had been asked to model a "stretch" target of a 1.5% reduction for 2023/24 and a 2.5% reduction for 2024/25. As a working assumption these were the reductions we should expect to see, but they were manageable and we would still be able to continue with projects like You Be The Judge and additional analytical work committed to as part of the five year strategy.

4. Risk Register

OS presented the current risk register. The risks on quality evidence (risk 3) and communications and confidence (risk 5) had been redrawn in line with the wording of the relevant strategic objectives. As it was still being built up following last year's refresh it needed target dates (i.e. the point at which we wanted to see risks managed to their target levels)

Action: OS to insert target dates for consideration by risk owners.

The highest risks related to appointments to the Council (risk 4), staff resource (risk 1) and financial resource (risk 2). The latter two were for review in April when a clearer picture of the 2023/34 settlement might be in sight (if not known till later in the year).

SW talked to the challenges surrounding appointments. Whilst there was a good field of candidates to replace Rebecca Crane, there were greater difficulties finding replacements to the police and victims representatives (both Lord Chancellor appointments). Substitutes may be possible pending the formal appointment of permanent successors. But even on the current timetable these would not be in place until the summer at the earliest.

RW pointed out it was regrettable to be losing both representatives at one go given the unique perspectives they brought to Council discussions. JM agreed that asking the current postholders for suggestions for replacements might be fruitful. BT said there may be benefit in asking other members of the Council to consider.

On risk 3 (quality of evidence) JM asked whether the question of reliance on outdated data should be explicitly reflected. SW explained that we now had various more recent data gathered from bespoke collections post the Crown Court Sentencing Survey. Nonetheless, OS agreed to discuss with Emma Marshall (EM) as to whether it could be reflected in the overall risk register or at least in the Analysis and Research sub group's dedicated risk register.

Action: OS and EM to consider how best to capture the problem of outdated evidence in the risk registers.

In relation to risk 8 on data protection, the Analysis and Research sub group was considering what protective marking to put on council papers. The Business Continuity Plan (BACP) was mentioned in relation to the guidelines becoming unavailable to the courts and loss of access to IT systems for the office. OS had an outstanding action to make sure the BACP was reflected in the risk register, and this appeared to satisfy this although he would check whether the BACP was relevant to any other risks

Action: OS to go through business continuity plan with the office lead to see where else (if anywhere) it should be mentioned.

BT questioned why risk 11 on equality and diversity work had gone from very high to medium. OS explained that we had done a considerable amount of work in this space, so it was felt that the impact on the Council of discrepancies would not be the greatest because we were leading the way in investigating the potential (the University of Hertfordshire publication and the recent academic conference demonstrating this). BT asked whether there was more we could be doing (for example in relation to neurodiverse and other groups) and there was agreement that we should always be considering this question as broadly as possible.

5. AOB

None.

The next meeting (which will look at the annual business plan and the risk to be presented to full Council) will be on Thursday 23 March at 16:30-18:00

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