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# ESSEX PROBATION BOARD

## MINUTES OF A MEETING HELD ON WEDNESDAY 28 APRIL 2009 AT 10.00AM AT THE HOLIDAY INN, ABBOTTS LANE, COLCHESTER, ESSEX C06 3QL

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**Members Present:** Bill Puddicombe (Chair)  
Mary Archer (CO)  
Jo Durning  
Carol Mellow  
Peter Sheldrake  
Peter Wilcock  
Tim Young

**In attendance:** Bernadette Barber (Board Secretary)  
Sue Atkinson (ACO)  
Alex Bamber (ACO)  
Debbie Came (ACO)  
Gill Hirst (ACO)  
Peter Jones (ACO)  
Shirley Kennerson (ACO)  
Pete Mangan (ACO)  
Ian Davidson Audit Commission (items 1-3 only)

### ACTION

**1. DECLARATIONS OF INTEREST**

None.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Richard Moore, Roger Lucking, Judge Gratwicke, Terry Collin, Rob Everitt and Martin Bates.

**3. COMPREHENSIVE AREA ASSESSMENT**

Ian Davidson from the Audit Commission presented to the Board an outline of the new Comprehensive Area Assessment framework, through which the Audit Commission, Care Quality Commission, HMIC, HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted would deliver a coordinated inspection regime.

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The aim of the new framework was to enable public services to be looked at as a whole rather than in isolation, focussing on the specific needs of people within defined localities and how solutions to the issues identified as being key to that local population could be best addressed. The framework required a move away from average data to ensure peaks and troughs in local statistics were identified and tackled. Whereas in the past regulatory attention had to a large extent been focussed on past performance, under the new framework more effort would be concentrated on the deliverability of future plans.

The statistics on Essex showed wide local inequalities in health, child wellbeing, economic prospects, social cohesion, crime and community safety. Having not only a county council, but also a number of district councils and two unitary authorities, the structure of public sector provision within Essex was the most complex in the country. By offering a coordinated approach to regulation, it was intended that the CAA would improve partnership and joint working arrangements and that this would, in turn, improve local outcomes.

A discussion of the new arrangements followed the presentation and it was agreed that much of the local data analysis would fit well with EPA's locality-centred service delivery and would, for example, enhance EPA's ability to map offender exclusion.

Ian Davidson, who promised to circulate copies of his slides, was thanked for his informative presentation.

#### **4. MINUTES OF THE MEETING HELD ON 17<sup>th</sup> MARCH 2009**

Subject to the correction of the reference in item 1 of the Minutes to Tim Young's wife being employed by Essex County Council (she is in fact an elected member of that Council), the Minutes of the non-confidential part of the Board meeting held on 17<sup>th</sup> March 2008 were approved as a true record to be signed by the Chair.

#### **5. MATTERS ARISING**

Arising from the Minutes of the meeting held on 17<sup>th</sup> March:

- i) Alex Bamber reported that he was still waiting for some district level re-offending data but would provide a report on how the data is gathered and analysed at a future meeting.
- ii) It was noted that the Essex DAAT Risk Sharing Agreement had been reviewed by Shirley Jarlett and was now recommended for signature. An Urgency Committee would be convened to approve the contract when the signature copy became available.
- iii) Gill Hirst reported that the Single Equality scheme had been published on the website by the deadline.

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- iv) Bill Puddicombe confirmed that he had signed the SLA as approved.
- v) Bernadette Barber confirmed that Claire Holland was investigating alternative venues for future Board meetings. BB
- vi) In response to a request from Mary Archer, it was agreed that SMT attendance at Board meetings would be reviewed as part of the Board's governance arrangements discussions. BP

### 6. CHIEF OFFICER'S REPORT

Mary Archer presented her report.

It was confirmed that, although not yet formally announced, EPA had been successful in its application to convert to a Probation Trust with effect from 1<sup>st</sup> April 2010. On behalf of the Board, Bill Puddicombe re-iterated his thanks to the entire SMT for their excellent work in preparing and compiling the application. Thought would now have to be given to the preparations needed prior to the conversion and this would be discussed later in the meeting.

It was reported that the draft Q4 IPPF had now been received, showing EPA as having sustained its "green star" performance rating.

Commenting on her priorities from the previous month, Mary Archer informed the Board that the first sentence liaison event, led by Alex Bamber, had taken place in Grays and had been well received.

The priority for the coming months included a need for continued focus on performance improvement, notwithstanding the resource restrictions made necessary by the current year's budget, as well as commencement of the preparations for conversion to Trust.

The recent appointments of members of the DOM's team:- Robin Merriam as Regional Manager for Communities and Matthew Kelly as Regional Manager for Commissioning, were noted.

### 7. PERFORMANCE

Peter Jones presented his report for March based on the Essex Scorecard.

The steps being taken to address the seven out of 39 IPPF measures which had been amber in Q3 were described. However, this focus on improvement was not confined to those measures which were below target but extended across the board.

It was requested that, given that the Essex Scorecard was not reported on a rolling 12-month basis, some thought be given as to how trends in PJ

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performance could be reported to the Board.

Bill Puddicombe also observed that there were a handful of other statistics which could be useful indicators of the health of the organisation e.g. staff turnover, which were not currently reported to the Board. It was agreed this could be discussed as part of the Board's review of governance arrangements. BP

### 8. FINANCE

#### 8.1 Revised Budget 2009/10

Debbie Came presented her report in which she had identified sufficient further efficiency savings to enable those development scheme costs sacrificed from the 2009/10 Budget approved at the previous meeting to be re-instated. The proposed revised current-year Budget was tabled.

The savings included some efficiencies previously scheduled for delivery during 2011/12 but now brought forward to the current year, as well as some delayed staff recruitment. This latter item would require close monitoring in view of the likelihood of lower staff turnover in the current economic climate.

The revised 2009/10 Budget as tabled and the efficiency savings set out in the report were approved.

#### 8.2 Provisional Financial Outturn Report 2008/09

Debbie Came tabled and presented the draft outturn position for 2008/09.

The provisional outturn showed an underspend of £304,000 compared to the predicted figure of £406,000. The effect of this lower-than-expected underspend could be a reduction in the grant allocation for the current year, creating a potential shortfall of £102,000. However the majority of the variance arose from an increase of £40,000 in pension-related financing charges, which were likely to be reversed as inflation-based assumptions fall back, and a further prudent provision of £51,000. In addition the shortfall could be offset by the 2008/09 performance bonus payment, the amount of which had yet to be confirmed but which would be based on EPA's "green" IPPF rating as at Q2 2008/09. For these reasons, Debbie Came was of the view that further costs savings need not be identified at this stage.

The report and provisional outturn position were noted.

#### 8.3 Draft Financial Review and Remuneration Report and Financial Statements 2008/09

Debbie Came tabled drafts of the Financial Review and Remuneration Report together with the draft Financial Statements 2008/09, which had not yet been

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reviewed by the auditors.

Jo Durning reported that the draft documents had been informally reviewed by an inquorate Audit Committee earlier in the day. It was proposed that copies of the draft reports and financial statements be provided to NOMS. The proposal was agreed. DC

### 9. REPORTS TO THE BOARD

#### 9.1 Work-Life Balance Strategy

Sue Atkinson presented her report on the EPA's strategy for employee work-life balance, which had been reviewed and commended by the HR and Diversity Committees. The strategy essentially brought together in a single document details of the various employment policies, employee benefits and organisational resources which were available to support staff and to help them achieve an appropriate balance between their work and other responsibilities. As such it committed the organisation to no new expenditure. The strategy was intended to address various concerns highlighted through the staff survey.

It was noted that the intention was not only to communicate the strategy to all staff through their local managers but also to embed the strategy into induction processes for new employees. It was requested that some thought also be given to addressing work-life balance difficulties as part of the staff appraisal process.

The strategy as presented was adopted.

#### 9.2 Ill-Health Capability Policy

Sue Atkinson presented her report. The revised policy was intended to ensure consistency across the organisation in the support given to, and adjustments made for, employees with ill-health problems or disabilities to enable them to continue working, enable management to invoke ill-health procedures after an absence of 3 months (previously 6 months) and reflect recent changes in ill-health retirement.

Whilst reviewing the new policy, in both the HR and Diversity Committees concerns had been raised that, in disciplinary and capability tribunals for employees with disabilities or ill-health problems, discrimination on the grounds of those disabilities or ill-health was frequently claimed by union representatives. It was reported that the new policy had been discussed with the unions and that the intention was to enable positive management intervention to provide support at an earlier stage for long-term absent staff. However the issue would be monitored.

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The revised policy, as presented, was adopted.

### **9.3 Courtwork and Reports to Court Policy**

The revised policy was presented by Gill Hirst and Peter Jones.

It was noted that there were no significant changes to the policy, with most revisions being either to format or to reflect the new Offender Manager (Courts) roles, which had been developed in order to respond to the request for probation representation within the Courts to be more knowledgeable and up-to-date with current practice.

The revised policy, as presented, was adopted.

### **9.4 Essex DAAT – EPA’s Responsibilities and Potential Liabilities**

Alex Bamber gave a verbal initial report which will be followed up by a full report on Essex DAAT and other similar partnership arrangements at a later meeting. AB

A number of partnership arrangements, of which Essex DAAT was just one, had evolved over a period of time. The previously-discussed Risk Sharing Agreement for Essex DAAT was the first agreement to establish the individual responsibilities and potential liabilities of the parties involved. Given their number, putting each of these partnership arrangements on a clear footing and ensuring that effective governance arrangements were in place would be a significant task.

### **9.5 Serious Further Offences**

Peter Jones presented his report on Serious Further Offences (SFOs) committed during 2008/09. Figures for the period showed 30 SFOs reported out of a caseload for Essex of 5,500 – a lower proportion than the national average. Since December 2008, Section 18 wounding offences had been excluded from SFO processes. Given that Section 18 woundings had traditionally accounted for a majority of the SFO cases, their exclusion from the SFO process had dramatically reduced the number of reviews which needed to be carried out and freed up resources which could be focussed more appropriately on high risk cases.

Reviews during 2008/09 had not identified any significant organisational issues. Those deficiencies which had arisen had largely resulted from imperfect adherence to a system or process by an individual member of staff and this had been dealt with, for example, through training. None of the deficiencies identified were judged as having a direct or significant bearing on

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the occurrence or nature of the SFO.

It was noted that the Board were able to draw assurance from the report, both in terms of the low proportion of SFOs committed and the nature of the deficiencies identified, on the adequacy of EPA's systems and processes. It was agreed that a report on SFOs should be made to the Board twice a year. PJ

### 10. COMMITTEE MEETINGS

#### 10.1 Diversity Committee

The draft Minutes of the Diversity Committee meeting held on 9<sup>th</sup> April 2009 were noted.

Peter Sheldrake noted that Neelam Pervez had been asked to analyse the treatment of disabled staff where cases had reached tribunal stage compared to those involving non-disabled colleagues.

#### 10.2 HR Committee

The draft Minutes of the HR Committee meeting held on 9<sup>th</sup> April 2009 were tabled and noted.

Carol Mellow reported that the meeting had discussed some issues of Committee structure and organisation which would be pertinent to the Board's review of its governance arrangements.

#### 10.3 Audit Committee

The draft Minutes of the two Audit Committee meetings held on 14<sup>th</sup> April 2009 and Audit Committee's Annual Report to the Board were noted.

Jo Durning summarised the key points from those meetings, including the work proposed on succession planning and skills assessment, the appointment of Mark Rainforth as the new internal auditor from NOMS, the outstanding issue of the internal audit plan for the year which could not be finalised and approved until detailed information had been received regarding centrally directed internal audit requirements, the assessment of EPA as being "risk managed" and the on-going issue of high external audit costs.

As part of a review of the effectiveness of the Audit Committee, the Committee had reviewed their terms of reference and proposed that they be amended to clarify that the Audit Committee Chair is appointed by the Board and to reflect that the Secretariat function for the Committee is now provided by the Treasurer and Board Secretary. The revised Audit Committee Terms of Reference, as presented to the meeting, were approved.

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### 10.4 Commissioning and Contracts Committee

The draft Minutes of the Contracts and Commissioning Committee meeting held on 8<sup>th</sup> April 2009 were noted.

It was reported that Pete Mangan had provided a valuable update to the Committee on offender transport and it was proposed that he be invited to present a report on this to the Board at a future meeting. PM

It was also noted that the Committee felt it unnecessary to hold their meetings so frequently and had therefore amended their meeting schedule for the remainder of the year.

### 10.5 JNCC Meeting

The draft Minutes of the JNCC Union meeting held on 20<sup>th</sup> March 2009 were noted.

## 11. SIGNIFICANT DEVELOPMENTS AND FUTURE PRESENTATIONS

### 11.1 Trust Application Update

The Chair noted that, as previously reported, EPA's application to become a Probation Trust with effect from 1 April 2010 had been accepted, subject to the Area's IPPF rating remaining at least amber.

A working group, to include the Board Secretary, would be required to oversee delivery of the transition and Board members who would be willing to participate in this process were asked to e-mail Bill Puddicombe. ALL/BP

One area where clarity was still required was the extent of any business flexibilities which would be open to EPA on becoming a Trust. This issue was being pursued by the Probation Association.

It was agreed that all queries about the conversion to Trust should, in the first instance, be referred to Mary Archer. MA/ALL

### 11.2 Contactpoint

Alex Bamber provided a verbal report on Contactpoint, the database established to cover every child in the country with details of every public body and agency with which the child and their family had contact.

The database, on which Alex Bamber would provide a full report at the next meeting, was due to go live in Essex at the end of the year and it was hoped its implementation would simplify some of EPA's processes in relation to the AB

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children with which they had contact.

**12. REGIONAL PROBATION TRANSITION BOARD MEETING**

Bill Puddicombe reported on the last meeting. Suffolk and Norfolk were intending to submit an application for Trust status as a merged organisation.

Mary Archer provided brief details of the review of the Regional Training Consortium and of the Regional review of approved premises which she was leading.

**13. REPORTS TO THE BOARD FOR INFORMATION PURPOSE ONLY**

**13.1 Feedback from Meetings**

No relevant meetings had been attended by the Board members present.

**14. URGENT BUSINESS**

**14.1 Information Security**

There were inconsistencies in the posting and packaging of secure documents such as meeting Minutes. Although printing of large packs of Board papers by individual Board members was not practical, it would be useful if smaller documents could either be encrypted or sent using secure e-mail links.

PM

Pete Mangan undertook to review current practices and to recommend any developments which would enable electronic copies of documents to be securely circulated to Board members.

**15. DATE OF NEXT MEETING**

The next meeting will be held on Tuesday 16<sup>th</sup> June 2009 at 10 am.

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Chair