
ESSEX PROBATION (THE 'TRUST')
MINUTES OF A BOARD MEETING HELD ON
THURSDAY 1ST APRIL 2010 AT 10.00AM AT
THE OLD LIBRARY, COLCHESTER TOWN HALL,
HIGH STREET, COLCHESTER, ESSEX CO1 1PJ

Members Present: Bill Puddicombe (Chair)
Mary Archer (Chief Executive)
Martin Bates
Terry Collin
Jo Durning
Rob Everitt
Richard Moore
Peter Sheldrake
Peter Wilcock
Tim Young

In attendance: Bernadette Barber (Board Secretary)
Alex Bamber (Director)
Robin Brennan (Director)
Debbie Came (Director)
Shirley Kennerson (Director)
Pete Mangan (Director)

ACTION

1. DECLARATIONS OF INTEREST

No interests were declared.

Board Members were reminded to provide written notification of all their interests no later than 27th April 2010. All Board Members

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Carol Mellow and Sue Atkinson.

3. ESTABLISHMENT OF ESSEX PROBATION

The establishment of Essex Probation as a probation trust with effect from 1st April 2010 pursuant to the Offender Management Act 2007

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(Establishment of Probation Trusts) Order 2010 was noted.

4. APPOINTMENTS

4.1 BOARD MEMBERS

It was noted that the following appointments had been made with effect from today's date:

- Board Chair – Bill Puddicombe
- Chief Executive – Mary Archer
- Board Members - Martin Bates, Terry Collin, Jo Durning, Rob Everitt, Carol Mellow, Richard Moore, Peter Sheldrake, Peter Wilcock and Tim Young.

4.2 BOARD SECRETARY

The appointment of Bernadette Barber as Board Secretary with immediate effect was approved.

5. STANDING ORDERS

The Secretary presented her report which proposed the adoption of Standing Orders, Scheme for Meeting in Private, Standing Financial Instructions and Standing Contract Orders. The Secretary confirmed that the Governance Handbook had not yet been received from NOMS and that the proposed documents were recommended for adoption by way of an interim measure pending finalisation of the Handbook.

After some discussion it was agreed that:

- a. the Standing Orders, Scheme for Meeting in Private, Standing Financial Instructions and Standing Contract Orders be approved in the form presented, and
- b. adoption of a Common Seal be postponed until such time as a document required to be given under seal was to be executed by the Trust.

6. BUSINESS PLAN

Debbie Came presented her report, proposing the adoption of a business plan in the form previously considered and discussed by the board of Essex Probation Board. The business plan was approved.

It was confirmed that the business plan would now be prepared for MA communication with staff and other parties.

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8. FINANCE REPORT 2009/10 AND 2010/11

Debbie Came presented her report, confirming that the value of the contract had now been confirmed with the DOM, with the only outstanding issues being internal audit funding/recharging arrangements and the proportion of the training budget which would need to be paid to the Training Consortium.

This latter issue would be discussed at a forthcoming Chief Executives' meeting in view of the reduction in the amount of training now being delivered through the Training Consortium. In the event of the Training Consortiums' reduced role resulting in any redundancies, it was confirmed that the costs would be shared by all trusts within the Region.

After some discussion, the 2010/11 budget as set out in the report was approved at £19,455,481 and it was confirmed that the budget, as approved, would be issued to Budgetholders for sign-off next week. A copy of the budget would be available to Board Members on request via a password protected area of the website. PM

Given that Essex Probation Board was now dissolved, its final accounts would be presented to the Trust board in due course for approval.

9. REPORT FROM THE TRUST PROJECT GROUP

The Chief Executive presented a verbal report on implementation of the Trust preparations. The Trust Project Group had met the previous day for the final time and had received assurance that all actions required to be completed by 31st March had been completed on time. An appropriate report would be made to the DOM's office.

A letter from Yvonne Thomas was tabled confirming that the status of probation trusts was to be that of executive non-departmental public bodies. The appended explanation of what this meant, whilst somewhat out-of-date, was still relevant.

It was confirmed that all Essex Probation Board staff had transferred to the Trust's employment through a Scheme of Transfer (rather than under TUPE) and that all third-party contracts had been novated to the Trust. It was agreed that the Trust accept all contractual responsibilities under such contracts of employment and third-party contracts.

The Chair reported that he had signed the contract with NOMS on behalf of

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the Trust. Incorrect target and funding figures within the contract had been amended by hand and corrected in a schedule and side letter. A formal variation to the contract would subsequently be made.

The Chair also noted that the agenda for the following meeting would include a review of the mechanisms for evaluating individual and board performance and for assessing the development needs of the board. The skills audit initiated by the audit committee would inform this process.

On behalf of the whole board, the Chair expressed his thanks to SMT and the whole staff for their efforts to deliver the trust transition project to a successful conclusion.

10. ADOPTION OF POLICIES

The Secretary presented her report, which included a list of the policies proposed to be adopted. The policies were identical to those of Essex Probation Board, save where amendments had been required to reflect the new organisation's name.

It was agreed that the list would be re-issued, updated to show the date each DC policy had been adopted previously by Essex Probation Board and the proposed dates for review by the Trust.

The policies identified in the report were adopted.

11. COMMITTEES OF THE BOARD

The Secretary presented her report. It was noted that JNCC and Health & Safety committees were not formal committees of the board.

11.1 URGENCY COMMITTEE

It was resolved that pursuant to Standing Order 31:

- a. the Board Chair, Chair of the audit committee and Chief Executive, or in their absence their appointed deputies, may, on the board's behalf, deal with, decide or take action on matters which cannot be delayed provided that no such decision or action may be taken in the matter is, by virtue of any statutory provision, required to be authorised by the board itself,
- b. any Chair of a board committee may act as an appointed deputy of the Board Chair or Chair of the audit committee in the event of the Board Chair or Chair of the audit committee being unavailable to act,

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- c. the Chief Executive may appoint any Director as her appointed deputy in the event of her being unavailable to act, and
- d. all decisions taken and matters dealt with under this delegation shall be recorded in writing and shall be reported for information at the next board meeting.

11.2 COMMITTEE MEMBERSHIP

The following committee members were appointed with immediate effect:

Audit Committee	Business Development Committee	Diversity Committee
Richard Moore (Chair)	Terry Collin (Chair)	Tim Young (Chair)
Jo Durning	Rob Everitt	Richard Moore
Martin Bates	Richard Moore	Martin Bates
Peter Wilcock	Peter Wilcock	Robert Everitt
Robert Everitt	Tim Young	Peter Sheldrake
Terry Collin		Carol Mellow

It was noted that under the Standing Orders, the Board Chair was an ex officio member of all committees of the board.

11.3 COMMITTEE TERMS OF REFERENCE

The terms of reference for the audit committee, business development committee and diversity committee were approved in the form presented.

It was felt that at the present time no HR committee was needed but it was agreed to review at the time of the next HR report, whether there were any gaps in the strategic HR information provided to the board which should be addressed.

12. DATES OF FUTURE MEETINGS

The board meeting dates for the remainder of 2010, which had previously been circulated to board members, were noted. The next meeting would be held at 10am on 27th April 2010 at Essex Legal Services in Chelmsford.

13. URGENT BUSINESS

13.1 BEST VALUE REVIEWS

It was reported that the best value work would be submitted later today. A report would be made to the board at the next meeting.

Terry Collin, on behalf of the board, thanked those involved for the considerable work they had carried out.

13.2 STAFF CONFERENCE

It was noted that the staff conference was due to be held on 22nd April 2010.

There being no further business the meeting closed at 10.45am.

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Chair