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**ESSEX PROBATION (THE 'TRUST')**  
**MINUTES OF A BOARD MEETING HELD ON**  
**THURSDAY 27<sup>TH</sup> APRIL 2010 AT 10.00AM AT**  
**NEW BRIDGE HOUSE, 60-68 LONDON ROAD,**  
**CHELMSFORD, ESSEX CM2 0PD**

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

**In attendance:** Sue Atkinson (Director)  
Bernadette Barber (Board Secretary)  
Robin Brennan (Director)  
Debbie Came (Director)  
Shirley Kennerson (Director)  
Pete Mangan (Director)

**ACTION**

**1. DECLARATIONS OF INTEREST**

The Board Secretary presented the General Notices of Registerable Interests received from each of the Board Members in which were noted the matters in which they regarded themselves as having a personal interest.

It was agreed that consideration would be given to how the register of interests could be made available to the public and that a note would be included in the Annual Report on how information regarding the interests of Board Members could be obtained. BB DC

It was noted that none of the interests declared were relevant to the

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business of the meeting.

### 2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Rob Everitt.

### 3. MINUTES OF THE MEETINGS HELD ON 16<sup>TH</sup> MARCH AND 1<sup>ST</sup> APRIL 2010

The Minutes of the meeting of the Board of Essex Probation Board held on 26<sup>th</sup> March 2010 and of the Board of the Trust held on 1<sup>st</sup> April 2010 were agreed to be accurate and approved for signature by the Chair.

### 4. MATTERS ARISING

#### 4.1 MINUTES OF THE MEETING HELD ON 16<sup>TH</sup> MARCH 2010

The following matters arising from the Minutes of the Board meeting held on 16<sup>th</sup> March 2010 were noted:

- The Chair apologised that he had still not written to Steve Knight congratulating him on his recent award. The action was carried forward, WP
- No Apprenticeship funding had been identified for the National Qualification Framework. Terry Collin undertook to provide Sue Atkinson with contact details through which to pursue the enquiry further, TC/SA
- The revised SMT responsibility and LDU organisational chart had not yet been circulated, MA
- The revised contents and diversity review process for the HR performance report would be implemented for June when it was next scheduled to be presented, SA
- The OMI2 action plan had been submitted to HMIP,
- The draft Audit Committee minutes had been amended as requested, and
- The Complaints Policy had been deployed.

#### 4.2 MINUTES OF THE MEETING HELD ON 1<sup>ST</sup> APRIL 2010

The following matters arising from the Minutes of the Board meeting held on 1<sup>st</sup> April 2010 were noted:

- Arrangements to communicate the Business Plan to staff were in hand and would be finalised this week, MA
- Access to the password protected area of the website had now been tested and arrangements would be considered for providing access to a copy of the 2010/11 Budget, and PM/DC
- Circulation of the policy list, updated to indicate original adoption

and proposed review dates, was outstanding.

DC

The recent article in the Colchester Daily Gazette regarding the staff conference was reported and discussed. The report, which was based on comment from an unidentified member of staff, had criticised, in particular, the cost of the event. The Board expressed their disappointment that an event which was only held every two years and which, based on staff feedback, appeared to have been well received and valued by the majority, had been the subject of such negative press. It was suggested and agreed that consideration be given to encouraging staff to write to the local press with positive stories to provide greater balance.

MA

## 5. CHIEF EXECUTIVE'S REPORT

The Chief Executive presented her report which:

- described the new Probation Association and PCA arrangements for regional representation. The regional representatives would require a mandate from the Region in order to present their views at the Employers' Strategy Group,
- anticipated a return to Green status in the Q4 IPPF,
- noted recruitment activity was focussed on establishing a waiting list for key staff groups in order to reduce gaps in staffing levels,
- provided assurance that a close watch was being kept on the finances, and
- confirmed the Best Value Review work had been submitted to NOMS but no response had yet been received. The results would be presented to the Business Development Committee with a view to recommending to the Board a way forward on UPW and Victim Contact work. Potential TUPE issues could limit the scope for outsourcing.

## 6. PERFORMANCE

Pete Mangan presented his report which illustrated the decrease in failed Oasys assessments over the course of the previous year and in particular during the final quarter following the initiatives taken to improve data quality. The introduction of TIM had been particularly effective.

The draft 2009/10 Q4 IPPF was tabled. The previously reported inequality between the treatment of amber OMI2 ratings, the weighting

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of which would not reduce over the next three years, compared to those which were rated red and would reduce over time, was reiterated. The Chief Executive confirmed that she would consider reopening discussions with NOMS regarding this issue once the completed inspections of other Areas provided greater scope for moderation. MA

The main focus for the forthcoming year would be to improve the rating of National Standards Offender Management and Interventions which were in red. The measures cut across functions and processes and it was the intention to draw the issues (both data and performance) together and report back to the Board within the next performance report. The expectation placed upon managers was for them to address identified issues and report back to the Chief Executive within a month. Feedback was also being provided to NOMS where measures were not sufficiently flexible to enable reporting to reflect the true position in all circumstances. PM

The Chair welcomed the improvements and on-going initiatives. He noted however that, whilst acknowledging senior management's belief that the area was high performing, it was difficult to promote that view outside the organisation whilst the IPPF ratings indicated ongoing performance and data quality issues.

The number of DRR Starts was queried. It was reported that in the Southend area, Police were piloting a scheme to divert drugs-related crime away from the Courts. This might account in part for the decreasing trend in DRR Starts however in the absence of evidence that the programmes were not needed, the trend continued to be of concern.

## 7. REPORTS TO THE BOARD

### 7.1 PROVISIONAL OUTTURN FOR 2009/10

Debbie Came tabled her report, confirming that the Trust was responsible for closing the accounts of its predecessor organisation, Essex Probation Board. A number of figures including cost of capital had yet to be finalised and a more detailed report would be made to the Audit Committee at its meeting on 13<sup>th</sup> May.

The report was noted.

## **7.2 CASH FLOW STATEMENT**

Debbie Came tabled her report which set out the template for future reporting of cash flow to the Board. The issue of cash flow was of greater importance to the Trust as a consequence of the new contractual funding arrangements.

Confirmation was still awaited from the Auditors on the issue of VAT and it was possible that some of the figures presented might be altered as a result.

The report was noted and the format for future cash flow reporting accepted as proposed.

## **8. REPORTS AND MINUTES OF COMMITTEE MEETINGS**

### **8.1 DIVERSITY COMMITTEE**

It was noted that the Diversity Committee had not met since the previous Board meeting.

### **8.2 AUDIT COMMITTEE**

Richard Moore provided a brief verbal report on the Audit Committee meeting which had been held earlier in the day to consider year-end related issues.

### **8.3 JNCC MEETING**

It was noted that the JNCC had not met since the previous Board meeting.

### **8.4 HEALTH & SAFETY MEETING**

It was noted that the Health & Safety Committee had not met since the previous Board meeting.

## **9. PROBATION ASSOCIATION**

The Secretary reported on the Probation Association Council meeting which she had attended on 22<sup>nd</sup> April 2010. The most significant issues included:

- that the PA Board was due to consider the issue of BNP membership by probation staff at its meeting on 20<sup>th</sup> May. The view of individual Trusts had been requested. After some discussion of the possibility of banning all staff from BNP membership, banning particular categories of staff or enforcing

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no ban at all and whilst acknowledging the need for further legal advice if a ban were to be effected, the majority of the Board Members present voted in favour of a universal ban on BNP membership. The Chief Executive was asked to communicate this view to the PA, MA

- an update on the ongoing issue surrounding Magistrates holding office on the boards of Probation Trusts,
- that the Council had voiced concerns over DOMs appraising Probation Chairs other than on issues of contract delivery,
- that Board Member pay was accepted by NOMS as being too low but that, in the light of the current economic difficulties, the likelihood of it being brought into line with the remuneration payable for comparable roles in the near future was not thought to be great,
- that NOMS and the PA had agreed terms of reference for a joint project group to consider, amongst other things whether the PA could take over some of NOMS' existing activities. Concerns had been expressed that entering into such arrangements could compromise PA's independence and/or appearance of independence. The Secretary undertook to circulate a copy of the terms of reference to Board Members, BB
- that the PA were preparing a list of probation policy lobbying priorities which would be approved by the PA Board on 20<sup>th</sup> May. Board members were asked to feedback to the Chief Executive in advance of that date any thoughts they had on what those priorities should be. Board Members/MA

### 10. FUTURE ARRANGEMENTS FOR REGIONAL MEETINGS

The Chair introduced, for discussion, the options for future Regional working arrangements and co-operation in the competitive environment in which the Trusts were now operating. Adrian Heffernan had convened a meeting of the Chairs within the Region to discuss how to take the new relationship forward.

The common interest of all Trusts to meet their statutory objectives was acknowledged and the potential benefits of sharing best practice were recognised but it was also likely that there would be circumstances when contributing to the practice of other Areas would not be of benefit to the Trust.

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It was therefore agreed that the Chair and Chief Executive be given discretion to shape the Regional relationship going forward and to decide those circumstances when it would be of benefit to work with other Trusts and similarly to decline to be involved where the benefits to the Trust, if any, would in their view be outweighed by the costs.

The issue of Regional representation via the ESG in national negotiations was noted to be a separate issue.

### **11. SFO REPORT**

Pete Mangan presented a report prepared by Georgina McGeehan on the Serious Further Offences reported during the six months to the end of March 2010.

The report concluded that the systems in place were sufficiently robust and that SFO reports had been improved by the introduction of a dedicated resource.

Whilst no diversity issues were raised in or by the report, Pete Mangan informed the Board that he intended to produce a breakdown of SFOs by various diversity categories.

The report as presented was noted.

### **12. BOARD MEMBERS' TRAINING AND DEVELOPMENT**

As there had been insufficient opportunity to provide an analysis of the Board Members' skills audit which had recently been carried out, the consideration of Board members' training and development needs and the issue of any gaps in the collective skills and experience of the Board Members was carried forward to the next meeting. DC/WP

### **13. BOARD AND COMMITTEE ATTENDANCE STATISTICS**

The Secretary presented her report which analysed the attendance of Board Members at Board and Committee meetings during the previous financial year.

### **14. URGENT BUSINESS**

There was none.

### **15. EXCLUSION OF THE PRESS AND PUBLIC**

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At 11.20am it was resolved to exclude the press and public from the remainder of the meeting due to the confidential nature of the matters to be discussed.

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Chair