
ESSEX PROBATION (THE 'TRUST')

MINUTES OF A BOARD MEETING HELD ON TUESDAY 20TH JULY 2010 AT 10.30AM AT OSPREY HOUSE, HEDGEROWS BUSINESS PARK, COLCHESTER ROAD, SPRINGFIELD, CHELMSFORD ESSEX CM2 4PF

The Board meeting was preceded by a presentation by Karen Bell, Chief Executive of Cambridgeshire and Peterborough NHS Foundation Trust on 'Competition, Collaboration and Commissioning'.

Members Present: Bill Puddicombe (Chair)
Mary Archer (Chief Executive)
Martin Bates
Terry Collin
Jo Durning (Items 1 to 10.1)
Rob Everitt
Carol Mellow (Items 1 to 11.2)
Peter Sheldrake
Peter Wilcock

In attendance: Sue Atkinson (Director)
Alex Bamber (Director)
Bernadette Barber (Board Secretary)
Robin Brennan (Director)
Debbie Came (Director)
Shirley Kennerson (Director)
Matt Mackman
David Messam (Director)

ACTION

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Richard Moore, Tim Young and Pete Mangan.

The Chair introduced Matt Mackman and welcomed him to the meeting.

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2. DECLARATIONS OF INTEREST

There were none.

3. MINUTES OF THE MEETINGS HELD ON 8TH AND 22ND JUNE 2010

The Minutes of the meetings of the Board held on 8th and 22nd June 2010 were agreed to be accurate and approved for signature by the Chair.

4. MATTERS ARISING

4.1 MINUTES OF THE MEETING HELD ON 8TH JUNE 2010

The following matters arising from the Minutes of the Board meeting held on 8th June 2010 were noted:

- It was confirmed that a summary of the Annual Report was being produced which would be available on the website and for use with the prospectus,
- The Business Development Committee had considered the issue of members skills and would report back in Part 2 of the meeting,
- The Alcohol Policy had been renamed the Working with Alcohol Misusers Policy and deployed,
- The Knowledge Management Strategy had been deployed,
- The request for future Complaints reports to indicate the nature of complaints upheld/partially upheld had been noted,
- The resource implications for complaints handling would be reported at the next meeting,
- The Car Parking Policy had been considered by the Diversity Committee and the issue would be discussed later in the meeting,
- A draft Schedule of criteria against which new business opportunities would be assessed by SMT before approval by the Chief Executive or, where appropriate, referred to the Board, would be circulated to Board members for comment prior to the next meeting. The level of financial delegation within those criteria would be reviewed by the Audit Committee and in particular against the NOMS Responsible Officer scheme of delegation,
- Invitations to the recent Integrated Offender Management conference had been issued to all Board members, and
- The list of policies had been updated to include the date of adoption.

MA

DC/AB

Audit
Committee

4.2 MINUTES OF THE MEETING HELD ON 22ND JUNE 2010

There were no matters arising.

5. CHIEF EXECUTIVE'S REPORT

Mary Archer presented her report.

Positive feedback had been received from the Integrated Offender Management conference as well as local press and radio coverage of the event. There had been no-one from the Court Service in attendance but all other agencies had been represented. A joint post to be based at Cullen Mill to take the initiative forward had now been confirmed.

The focus on performance, in particular maintaining standards whilst making the required efficiency savings, continued.

Subsequent to the issue of the Chief Executive's Report, the Ministry of Justice draft Structural Reform Plan had been received. The draft Plan set out MoJ proposals to increase outsourcing of rehabilitation work to private and third sector organisations and to introduce payment by results funded by a Social Impact Bond. Investigations were underway as to whether the Trust could register its own social enterprise organisation.

There was considerable uncertainty and speculation about the future structure of NOMS and further clarity was needed. The available routes for communication with Ministers with a view to influencing Government policy at this time of change were debated. It was agreed after some discussion that the Chair deliver a letter on behalf of the Board during the forthcoming Ministerial visit.

BP

6. CHAIR'S ROLES AND RESPONSIBILITIES

The Chair presented his report which set out his proposed Role and Responsibilities for the Chair. The document, which would be used to provide a basis for the Chair's annual appraisal, was agreed.

7. AUDIT COMMITTEE

The Minutes of the Audit Committee meeting held on 22nd June 2010 were noted.

In Richard Moore's absence, Jo Durning reported that the External Auditor had commented within the Audit Opinion that delays in receipt of internal audit reports during the year had negatively impacted the ability of the External Auditor to rely upon the assurances provided

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thereby and that consequently there was a potential impact on External Audit costs. The Chair of the Audit Committee had been asked to communicate the Committee's concerns about this issue to the NOMS Audit Committee.

It was also noted that the Committee had requested that the risk of Sentencers' viewing the Trust and the reliability of its data in a poor light be assessed for inclusion on the Risk Register. This issue would be discussed later in the meeting.

8. PERFORMANCE REPORTS

8.1 PROBATION TRUSTS RATING SYSTEM

Matt Mackman gave a presentation explaining the new Probation Trusts Rating System (PTRS). The new system had redefined excellence (now level 4, previously Green star) to signify the top 10-20% of Trusts. In practice this was expected to mean the five or so Trusts ranked as performing best nationally.

Performance against target in each of the four domains of public protection, offender management, interventions and operational capacity would be given a numeric score ranging from -2 for level 1 (previously Red) performance to +3 for level 4 performance. Each Trust's average of these numeric scores would then provide the overall rating, subject to the requirement that a level 1 rating for public protection would render the overall rating a level 1 regardless of performance in the other domains. Additionally ratings could be moderated downwards in the event that reoffending rates were higher than predicted.

Other changes, including to the measures used and the publication schedule, were noted.

The Chair welcomed the presentation. The need to ensure data issues were addressed was recognised but the key focus must continue to be on delivering real improvements in outcomes.

8.2 PERFORMANCE REPORT

Matt Mackman presented the report which included the Essex Scorecard for Q1 2010/11.

Performance in relation to the delivery of parole reports to prisons was

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being contested. Discrepancies had been discovered between the date when parole reports had been sent by the Trust and the date when receipt had been recorded by the prison, the latter being the date by reference to which the Trust's performance is measured. Mary Archer MA confirmed she was pursuing the issue.

Attention to improve below-target performance also continued on other measures through enhanced processes, better information and training.

Steps were also in hand to ensure that use of resources was optimised by proposing interventions only for offenders with an OGRS score greater than 31 and where the need, if not addressed, was considered likely to increase the chance of reoffending. The Essex Scorecard included pie charts indicating adherence to this policy and of other measures but they were not adequately understood by the Board. It was requested that the next report include additional narrative to explain the meaning and significance of the additional measures shown in the pie charts. PM

9. FINANCE REPORT

Debbie Came presented her report which set out the financial position as at 30th June 2010. As at the end of the first Quarter, the Trust showed an underspend of £39k due to delays in filling vacancies however the full year forecast was for an overspend of £58k.

A review of the current position of agreed efficiency savings was noted. In particular plans to reduce the cost of UPW placements by switching to a greater proportion of individual placements had been delayed as a result of successful appeals but would go ahead for the second half of the year. The forecast overspend was within the £100k which NOMS had confirmed it would underwrite.

The cash flow forecast for the remainder of the year was noted.

10. OFFICER REPORTS TO THE BOARD

10.1 RISK REGISTER

Debbie Came presented the risk register which had been reviewed by the Audit Committee. Two items were flagged red (critical) and were included in the key risk register, namely significant reductions in funding and potential pension fund liabilities.

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A new risk had been added at the request of the Audit Committee around the perception of Magistrates and their confidence in the efficacy of various interventions and Trust's data. Mary Archer commented that the issue had only arisen in relation to one Bench and that, following Sentencer Engagement meetings and action to supplement the information available to Magistrates, she was confident that the residual risk was an operational one and as such would continue to be dealt with by SMT. It was agreed that the risk be removed from the Risk Register. DC

The Chair queried whether the Board remained comfortable with the current level of delegation of risk matters to the Audit Committee and it was confirmed that no change was felt necessary.

10.2 INTEGRATED OFFENDER MANAGEMENT

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Shirley Kennerson reported that it was currently proposed that the final report on the IOM scoping exercise be presented to the Criminal Justice Board at the end of the month on behalf of the Police and Probation. Following this a project plan would be developed.

It was requested however, that the final report should first be reviewed by the Board and that its presentation to the Criminal Justice Board should therefore be postponed.

10.3 OMI2 ACTION PLAN

Mary Archer presented her report which set out the current position with regard to the actions agreed following the recent OMI2. Once the action plan had been implemented completely, it would be signed off by the DOM and Board. It was noted that on-going maintenance of remedial actions implemented would be checked through the appraisal process and AMM. MA

Mary Archer confirmed that she continued to pursue a request for moderation of the inspection findings across the Region, particularly in the light of the impact of the results on on-going performance ratings. SA

10.4 BOARD MEMBERS' TRAINING PROGRAMME

Sue Atkinson reported that the areas where extra development might be helpful had been reviewed and gaps identified. She proposed to circulate prior to the next meeting details of development activities which could be facilitated internally in order to assess potential take-up

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amongst Board members. Some development needs might need to be addressed through external provision, particularly where only one or two board members expressed an interest.

10.5 CODE OF CONDUCT

Debbie Came presented the revised Code of Conduct which was agreed for deployment. DC

11. REPORTS AND MINUTES OF COMMITTEE MEETINGS

11.1 DIVERSITY COMMITTEE

The Minutes of the meeting of the Diversity Committee held on 15th July 2010 were noted.

In Tim Young's absence, Martin Bates reported that the Committee had been requested to refer the policy of charging staff who held Blue Badges for their parking staff back to the Board for reconsideration. Although only four members of staff currently held Blue Badges, such staff might be less able to access other forms of transport to work and could therefore be restricted to travelling by car. The Impact Assessment carried out indicated that disabled staff could be more adversely impacted by the change in parking policy agreed at the last meeting than other employees.

In recognition of the findings of the Impact Assessment and in response to the request by the Diversity Committee it was agreed that no parking charges be made to staff holding a Blue Badge but that the policy be reviewed after one year. The Parking Policy was therefore agreed for deployment subject to this revision. SA

It was also noted that a consultation had been issued in relation to a proposal to close certain Courts within Essex. The Diversity Committee were concerned that offenders on lower incomes might be disproportionately affected by these proposals and it was therefore agreed that the Trust's response to the Consultation be considered at the next meeting. MA

11.2 JNCC MEETING

The Minutes of the meeting of the JNCC held on 16th July 2010 were tabled.

Sue Atkinson reported that consultations with the unions had

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commenced in relation to the potential TUPE of Approved Premises staff and potential redundancy of Training Consortium staff.

It was also reported that, following the referral by NAPO of the change in mileage rate to the Joint Secretaries, a recommendation to revert to the previous rate had been received. This was not accepted and legal advice was therefore being sought on the issue. The heart of the issue was the ability of the Trust to determine certain employment conditions. MA

11.3 HEALTH & SAFETY MEETING

It was noted that the Health & Safety Committee meeting due to be held on 15th July 2010 had been postponed until 5th August 2010 at 3pm. Rob Everitt confirmed he would attend. RE

11.4 ESSEX TRUST FUND BOARD MEETING

The Minutes of the meeting of the board of the Essex Trust Fund were noted for information.

The accounts would be presented to a further meeting of the board of Essex Trust Fund once an independent report on them had been received. Notice for that meeting, which would be held on 31st August 2010, was given to all members of the Essex Trust Fund board.

12. EXCLUSION OF THE PRESS AND PUBLIC

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