
ESSEX PROBATION (THE 'TRUST')
MINUTES OF A BOARD MEETING HELD ON
TUESDAY 3RD MAY 2011 AT 9.30AM AT
TEMPLARS, CULLEN MILL, 49 BRAINTREE ROAD,
WITHAM, ESSEX CM8 2DD

Members Present: Terry Collin (Meeting Chair)
Mary Archer (Chief Executive)
Martin Bates
Jo Durning
Rob Everitt
Carol Mellow
Richard Moore
Peter Sheldrake
Peter Wilcock

In attendance: Sue Atkinson (Director)
Bernadette Barber (Board Secretary)
Robin Brennan (Director)
Debbie Came (Director)
David Messam (Director)

ACTION

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Bill Puddicombe, Alex Bamber, Shirley Kennerson, Pete Mangan and Tim Young.

2. DECLARATIONS OF INTEREST

Bernadette Barber presented her report summarising the updated General Notices of Registerable Interests received from Board members. It was noted that, due to email delivery problems, Carol Mellow's notice had not been received in time to include a summary of her interests in the report. The Board Secretary therefore provided a verbal update of Carol Mellow's registerable interests. The full summary would be made available on the Trust's website.

BB

No further interests in relation to the business of the meeting were

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declared.

3. MINUTES OF THE MEETING HELD ON 1ST MARCH 2011

The Minutes of the meeting of the Board held on 1st March 2011 were noted. They were agreed to be accurate and approved for signature by the Meeting Chair.

4. MATTERS ARISING FROM MINUTES OF 1ST MARCH 2011

The report detailing the matters arising from the Minutes of the Board meeting held on 1st March 2011 was noted and updates provided as follows:

- Meeting venues for the remainder of the calendar year had been arranged,
- It was confirmed that the Chair had written to Trevor Williams,
- The Chair had been in contact with Colin Allars to invite NOMS directors to see different elements of the service in practice and the organisation of convenient dates was in hand, BP
- Tim Young had not yet provided details to Robin Brennan of the parking concerns in the vicinity of Ryegate House, TY/RB
- Safety concerns over Colchester Comms room had not been communicated to Steria and the action was carried forward, RB
- Further information about the additional payment made to the pension fund would be provided later in the meeting,
- It was confirmed that the Collective Disputes Procedure had been updated as requested by the Board and deployed, and
- It was confirmed that an independent server had been purchased.

It was noted that the details of the complex families Community Budgets pilot, originally planned for this meeting, would now be reported in June. AB

Providing feedback from the recent Diversity Week, Board members confirmed the events they had attended had been very worthwhile and the Board requested that their congratulations be communicated to all those involved. The Chief Executive reported that she intended to ask the Diversity Committee to review the format for future years to see if a different approach might be beneficial.

5. CHIEF EXECUTIVE'S REPORT

Mary Archer presented her report, highlighting the following issues:

- Work was underway within NOMS to devise the organisational structure below Director level,
- The draft PTRS for Q4 rated the Trust green. Although this could alter in the final version to be presented at the next meeting, no change was expected,
- Discussions regarding participation in the Health & Wellbeing boards were on-going,
- An SFO committed by a Felmores offender involving a sexual assault on a child had been reported in the local and national press. The offender, who was now in custody, had been subject to close management including surveillance and curfews. Following comments from Board members, it was agreed that a mechanism for timely communication to Board members of potentially high-profile issues must be established and implemented when required, MA
- Monitoring of the current year's finances was on-going.

6. LDU PRESENTATION – SOUTH ESSEX

Due to Shirley Kennerson's absence, her presentation on the South Essex LDU was deferred to the June meeting. SK

7. OFFICERS' REPORTS

7.1 DRAFT OUTTURN

Debbie Came tabled her report, highlighting that the provisional outturn for 2010/11 indicated a £60k overspend. £41k of this amount was due to a change in accounting policy, notified only recently by NOMS, that no non-cash adjustment was to be made in the accounts for cost of capital. Other Trusts had confirmed they expected to be similarly disadvantaged by the imposed change. A request for clarity on this change had been sent to NOMS but no response had yet been received. The issue would be pursued at the next Contract Review meeting as this manner of last-minute adjustment made successful financial planning impossible to achieve. MA

Based on forecasts made prior to the change in accounting policy being communicated, an additional contribution of £100k had been made to the pension fund in order to reduce the fund deficit. At the time of

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making the contribution, a balanced outturn was anticipated. The overspend now projected was within the amount underwritten by NOMS.

Other changes made to the draft figures since they were reported to the Audit Committee were emphasised. The external audit was due to commence next week and the final accounts would be reviewed by the Audit Committee prior to them being presented to the Board for approval in June.

7.2 HR POLICY CHANGES – STAFF APPRAISAL, GRIEVANCE, RECRUITMENT AND SELECTION

Sue Atkinson presented her report which summarised the changes proposed to the above policies as a result of developments in legislation and practice.

Commenting on the removal of the investigating officer's discretion to mediate under the Grievance Procedure, it was noted that informal resolution remained possible under the policy but that, once the formal process had commenced, the grievance would now only be concluded by a formal hearing.

The amended policies were approved for deployment.

SA

7.3 CHIEF EXECUTIVE CAPABILITY, DISCIPLINARY AND GRIEVANCE PROCEDURE

Sue Atkinson presented the draft policies which were based on nationally negotiated models. The organisation had no other precedent as, under the previous Probation board, the Chief Officer had been employed by NOMS.

The draft policies were discussed at some length and concerns were expressed over the appeal procedures proposed which did not appear to be appropriate. The procedures needed to be such that the Board would be happy to follow them in practice were they ever to be required and needed to reflect the sensitivities which would naturally accompany any situation where capability, disciplinary or grievance procedures involving the Chief Executive were invoked. It was also agreed that suspension would normally be subject to full pay.

It was agreed that further consideration of the policies was required, in

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particular to understand why the provisions causing concern had been drafted in that way and to confirm what was required as a matter of law, and that the updated procedures should be re-presented for approval at the June meeting. SA

7.4 WHISTLEBLOWING POLICY

Debbie Came presented the draft policy, confirming that it had been reviewed by the Audit Committee and the amendments requested by them had been incorporated into the updated draft.

The Board Secretary requested that paragraph 7.3 be amended to require communications sent to her under that provision to be marked 'Addressee Only' and to be forwarded to her immediately. Subject to this amendment being made, the Policy was approved for deployment. DC

7.5 FRAUD POLICY

Debbie Came presented the updated policy which was approved for deployment. DC

7.6 DOMESTIC VIOLENCE POLICY

Robin Brennan presented the updated policy which included a limited number of amendments from the previous version. In particular, domestic violence cases would no longer be automatically referred to MAPPAs but would be subject to the usual MAPPAs criteria. The potential HR aspects of domestic violence cases were also addressed in the updated policy.

The policy was approved for deployment, subject to amendment of the review date to 2013. RB

7.7 INTRODUCTION OF FDR/ODR ON-THE-DAY MEASURE

In Pete Mangan's absence, Mary Archer provided a verbal explanation of the new on-the-day measure for delivery of Court reports. Previously, the target had related to the proportion of reports delivered as FDRs and ODRs and in some cases such reports could count towards the target even if they were delivered at an adjourned session up to five days later. Now however, the target of 80% of on-the-day reports could be achieved only by same day delivery of the report. However standard delivery reports as well as FDRs and ODRs would be counted towards the target so long as the same day timescale was achieved.

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It was noted that changes to the FDR/ODR regime would be reported at a future meeting.

PM

7.8 ATR SERVICE SPECIFICATION

The report from Shirley Kennerson, which confirmed that the SBC requirements were being met, was noted. Given Shirley Kennerson's absence, it was suggested that any further questions regarding this issue be referred to her outside the meeting.

8. BREAKING THE CYCLE CONSULTATION

The Trust's response to the consultation, which had taken account of comments from staff and Board members, was noted.

9. REPORTS AND MINUTES OF COMMITTEE MEETINGS

9.1 AUDIT COMMITTEE

The Minutes of the meeting held on 19th April 2011 were noted.

The Chair of the Audit Committee highlighted that the Audit Commission opinion audit plan had been approved and that the fee had been set £36k provided that no further key risks were identified.

A consultation had been issued on the future of local public audit arrangements and a short response on the points relevant to Probation would be prepared on behalf of the Trust.

The internal audit plan for the current year, based on 43 audit days, had been agreed.

The Committee had also reviewed their own terms of reference and were content for them to remain unaltered.

9.2 DIVERSITY COMMITTEE

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

9.3 JNCC MEETING

The Minutes of the JNCC meeting held on 21st March 2011 were noted. The notes of a second meeting had not been circulated and would be included in the papers for the June meeting.

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Pay negotiations were on-going and were unlikely to be quickly

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concluded. In the meantime, no increments were to be paid.

9.4 HEALTH & SAFETY MEETING

The Minutes of the Health & Safety Committee meeting held on 7th April 2011 were noted.

9.5 CONTRACT REVIEW MEETING

The notes of the Contract Review Meeting held on 4th February 2011 were noted.

10. PROBATION ASSOCIATION

There was nothing to report.

11. REPORTS TO THE BOARD FOR INFORMATION PURPOSES

There were none.

12. URGENT BUSINESS

The Chief Executive reported that her maternity cover PA had left the organisation and the role would now be filled by Louise Rimmer whose contact details would be circulated. Richard Moore requested that in the circumstances the Board evaluation responses be returned direct to him.

ALL/RM

13. EXCLUSION OF THE PRESS AND PUBLIC

It was resolved at 10.40am 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