
ESSEX PROBATION BOARD

MINUTES OF A MEETING HELD ON TUESDAY 1ST DECEMBER 2009 AT 9.30AM AT NEW BRIDGE HOUSE, 60-68 NEW LONDON ROAD, CHELMSFORD, ESSEX CM2 0PD

Members Present: Bill Puddicombe (Chair)
Mary Archer (Chief Officer)
Martin Bates
Terry Collin
Jo Durning (Item 4x) onwards)
Richard Moore
Peter Sheldrake
Peter Wilcock
Tim Young

In attendance: Bernadette Barber (Board Secretary)
Sue Atkinson (Director)
Alex Bamber (Director)
Robin Brennan (Director) (Item 4viii) onwards)
Debbie Came (Director)
Peter Jones (Director)
Shirley Kennerson (Director)
Sara Moutard (Director) (Item 4viii) onwards)

ACTION

1. DECLARATIONS OF INTEREST

No interests were declared.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Rob Everitt, Carol Mellow, Judge Gratwicke, Roger Lucking and Pete Mangan.

3. MINUTES OF THE MEETING HELD ON 20TH OCTOBER 2009

The Minutes of the non-confidential part of the Board meeting held on 20th October 2009 were approved as a true record to be signed by the Chair, subject to correction of the following typographical errors:

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- Attendance list – “Oster” to be corrected to “Osler”;
- Final line item 5 – “buds” to be corrected to “bids”;
- Second paragraph item 7 – “implantation” to be corrected to “implementation”; and
- Heading item 14 – “GROU” to be corrected to “GROUP”.

4. MATTERS ARISING

Arising from the Minutes of the meeting held on 20th October:

- i) The Secretary confirmed that the finalised version of the annual agenda plan had been circulated. An additional copy was also enclosed with the meeting papers.
- ii) National changes to the complaints policy had been announced extending the right of complaint and establishing an appeals process for complainants not covered by the existing ombudsman procedures. It was agreed that the previously agreed complaints policy should still be deployed as planned with further changes to be made to reflect the national changes in due course. MA
- iii) It was noted that the OMI2 briefing had been arranged for today.
- iv) In Pete Mangan’s absence, it was reported that the ETE Policy had been deployed.
- v) It was noted that figures on the withholding of incremental progression, which were being analysed in order to facilitate an assessment of the diversity impact, were included in the HR Performance report to be considered later in the meeting.
- vi) The Secretary reported that the 10 year limit on combined service on the Boards of Essex Probation Board and Essex Probation Trust was consistent with OCPA guidelines and as such was unlikely to be extended.
- vii) The Board wished to congratulate Steve Knight on the national award he had received. The award reflected well on the whole of EPA. The Chair undertook to write to Steve Knight on behalf of the Board. WP

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- viii) The Chair confirmed that he had written to the staff at Felmores thanking them for their calm handling of the recent security incident.
- ix) The Chief Officer reported that following the previous meeting and having again reviewed the LDU performance figures, it was recommended to revert to the original monthly performance recognition proposal. This was agreed.
- x) It was noted that after some further consideration, it had been decided that the process for delivering confidential Board papers would revert to the use of recorded delivery mail.

5. CHIEF OFFICER'S REPORT

The Chief Officer presented her report.

Mary Archer reported that pending ministerial approval of NOMS' SBC work, the ongoing Public Value Partnership strategy continued. Although the SBC detail remained unclear, this strategy would in any case be beneficial.

Following the recent announcement about the reduction in the level of Probation Service budget cuts, each Area was required to submit a bid to the DOM identifying the additional services which it was planned could be delivered with the additional funding available. An application had been submitted on behalf of EPA. It was uncertain whether the success of this application would be known prior to commencement of the SLA negotiations in January, however the Chief Officer had already indicated that additional funding would be demanded if disproportionate SLA targets were to be set.

The IPPF amber rating for Q2 was noted with disappointment. The Chair apologised that a joint statement from himself and the Chief Officer informing Board members of this result had not been issued as planned. The cause of the overall amber rating, was the failure to meet OASys targets. The Q2 IPPF had rated EPA green star in two domains and green in a third but the overall rating could not exceed the amber public protection domain rating. This critical domain would have been rated green if just two more OASys completions had been carried out on time, illustrating the fine balance between achieving a good overall result instead of one below standard.

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The management action taken to raise standards in relation to OASys targets and to restore the Area to green star for Q3 was described and discussed in detail. This tight management control would be continued until OASys was embedded as an organisational priority to the satisfaction of SMT.

It was noted that the OMI2 was currently underway. Some members of the Board were to be questioned by the inspection team tomorrow.

Business cases for 2010/11 budget savings were currently being reviewed and a report would be presented to the Board at the next meeting detailing the extent of any savings gap and the potential impact on staff to meet the budget. DC/MA

It was reported that an offer from the Probation Association to raise on behalf of members those issues in the proposed Trust contract of common concern to Boards converting to Trust had received little interest. It therefore appeared that Boards would have no option but to negotiate individually with NOMS, although all indications were that the principal terms of the contract were not open to negotiation. A briefing on the contract negotiation process was due to be held on 14th December, following which the Board would be given an opportunity to discuss the negotiation strategy to be adopted by EPA and consideration would be given to whether other members of the Board could usefully support the negotiation process. BP/MA

6. PERFORMANCE

6.1 DASHBOARD OF KEY INDICATORS

The Chair presented his first dashboard of key indicators. An error was noted in the figures for Offender Commencements which should have been cumulative.

It was noted that targets had been drawn, where available, from the SLA and the targets for the indicators which did not currently have one would be reviewed. DC

Comments on the Dashboard were invited. ALL

6.2 PERFORMANCE REPORT

Peter Jones tabled and presented his performance report for the period to the end of November 2009 including the Essex Scorecard for the previous month and Q2 IPPF.

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Commenting on the previously discussed causes of the disappointing IPPF rating and remedial management action, Peter Jones noted that steps were also being taken to identify how widespread staff OASys underperformance was. The Chair noted that at a recent SLA review meeting, he had given assurance to the DOM that EPA would take immediate steps to effectively address the causes of the IPPF amber status and that no formal action plan had been demanded.

The rating of ATR Completions was queried, as despite high performance against target, this was not rated green star. This figure would be checked. PJ

The apparent decline in Parole Assessment report timeliness was discussed. The extent to which a measure based on such a small sample (seven reports) could provide a reliable picture had been queried, but LDUs had also been tasked with reviewing their local practices to ensure that parole reports requested by email would be dealt with notwithstanding the absence of the responsible Offender Manager. SMT remained concerned that delivery against the National Standards (Offender Management) targets was not improving fast enough. Areas of consistent failure were being examined and a report would be brought to the next meeting. MA

Issues with delivery of Unpaid Work had been addressed by the recruitment of additional UPW Supervisors. Pete Mangan would report further at the next meeting, in particular on a project to increase the number of individual UPW placements and community involvement through partnership initiatives with organisations such as Safer Essex. PM

The in-year change in the LSC Referrals target reported at the previous meeting had been requested and agreed by the DOM at the recent SLA review meeting. National sign off was awaited.

Although the DRR Completions target was expected to be met, the reported drop in DRR Starts was queried. Shirley Kennerson reported that there was anecdotal evidence that a reduction in drug misuse and drug-related crime was one underlying cause for the lower than expected DRR Starts. The processes were in place to ensure DRR Starts took place where appropriate.

The benefits of exploiting this type of good news story to enhance EPA's profile and reputation were discussed. The Chief Officer noted that she was

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looking at ways of improving press coverage highlighting Probation successes.

6.3 HR PERFORMANCE REPORT

Sue Atkinson presented her Q2 HR report highlighting that:

- The number of applications per vacant post had increased and staff turnover was lower than expected, both factors reflecting the current economic climate;
- The Diversity Committee would review the impact of changes in the Appraisal Policy based upon the data available from the latest round of staff performance appraisals; and
- Sickness absence was within target although stress absence was rising and there were links with performance. The particular issue with Colchester was being addressed.

It was noted that Board members had found the report useful, however it was agreed that the format of the report would be reviewed to ensure it would not become excessively lengthy as the data from further quarters was included.

SA/MA/
SMT

6.4 REDUCING RE-OFFENDING REPORT

Alex Bamber presented his report.

The current focus was to match reducing re-offending targets with individual districts and boroughs within the County. It was hoped that the statutory responsibility from 1st April 2010 for reducing re-offending would assist with increasing the priority given to this as a locality issue.

It was reported that progress was now being seen in the development of alcohol treatment provision. Until now, provision had largely been limited to health services and designed to address only health-related and alcohol dependency issues, with LAA targets restricted to measures such as a reduction of alcohol-related hospital admissions. This had left gaps and there was now much wider recognition and agreement among a range of stakeholders that resources also needed to be applied to interventions aimed at non-dependent alcohol users. Alcohol was linked to offending behaviour so that the introduction of new provisions to address alcohol use was expected to have a positive effect in reducing offending.

7. REPORTS TO THE BOARD

7.1 UPDATE ON OASYS SOFTWARE

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Peter Jones provided an oral update on the updated OASys software which enabled Offender Managers to opt to complete a layered assessment addressing the issues relevant to the offender rather than requiring a full assessment of every offender. The software also enabled fast reviews to be carried out for lower risk offenders.

Guidelines were in place to ensure that the assessments and reviews carried out were reflective of the risk attributable to each offender. Time and cost savings were expected to result from the new flexibility offered by the updated software. Close monitoring would be carried out to ensure that the level of risk assessment was not adversely impacted. Early indications were that the introduction of the new software had gone well.

7.2 EPA'S RESPONSIBILITIES AND POTENTIAL LIABILITIES ARISING FROM PARTNERSHIP ARRANGEMENTS

Alex Bamber presented his report.

In response to questions raised when the Essex DAAT Partnership Agreement was approved, work had started to scope out the extent of the investigation needed to determine the responsibilities and potential liabilities to which EPA was exposed through its various partnership arrangements. Southend DAAT were now starting a similar exercise. Many of the partnerships, participation in which was mostly mandatory for EPA, did not have well defined documentation upon which the investigation could readily draw. This lack of clarity exacerbated the issue which was already complex due to the number of partnerships in which EPA was required to be involved.

It was agreed after some discussion that the exercise should focus on identifying the risks and opportunities arising from EPA's participation in the five largest types of partnership organisation. It was also suggested that enquiries be made to see if similar work had been done elsewhere which could be utilised. Alex Bamber undertook to report back in three months.

AB

7.3 2009/10 BUSINESS PLAN

The Q2 review of progress against the Business Plan was noted.

It was agreed that the format of the report, which excluded completed actions, made it difficult for the Board to assess progress against plan and to identify the most significant issues.

The Chief Officer undertook to revise the format for the next report in February.

MA

8. REPORTS AND MINUTES OF COMMITTEE MEETINGS

8.1 DIVERSITY COMMITTEE

It was noted that this committee had not met since the previous meeting of the Board.

8.2 AUDIT COMMITTEE

It was noted that this committee had not met since the previous meeting of the Board but was scheduled to meet again later today.

8.3 JNCC MEETING

The Minutes of meeting of the JNCC held on 16th November 2009 were noted.

8.4 HEALTH & SAFETY COMMITTEE

The Minutes of the meeting of the Health & Safety committee held on 22nd October 2009 were noted.

9. SIGNIFICANT DEVELOPMENTS AND FUTURE PRESENTATIONS

9.1 OMI2

It was expected that the report on the Offender Management Inspection would be presented to the Board in March.

9.2 HEALTH TRUST

The date of the presentation which the Chief Officer had invited a Health Trust Chief Executive to give to the Board had yet to be confirmed although the preferred date was February 2010.

10. PROBATION ASSOCIATION

10.1 ENABLING EFFECTIVE PROBATION TRUSTS.

A letter from Christine Lawrie to Yvonne Thomas dated 1st October 2009 was noted. The letter pressed for the status of Probation Trusts as non-departmental public bodies, and other issues such as the extent of business freedoms, to be confirmed.

10.2 PROBATION TRUSTS PROGRAMME – OGC GATEWAY REPORT

The summary paper outlining the findings and recommendations of the OGC Gateway completed in September 2009 was noted.

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10.3 TRUST PRACTICAL GOVERNANCE STUDY DAY

The Secretary reported back from a study day she had attended organised by Ben Emm on behalf of the Probation Association. The day had included a presentation from Miranda Hughes of the Appointments Commission based on a governance pilot she had conducted in three Boards/Trusts, discussion of the outcome of the governance gap analysis conducted by Ben Emm and governance insights from the Chairs of four different areas.

It was not clear from that day what the outcome from the Practical Trust Governance project was intended to be.

11. REGIONAL PROBATION TRANSITION BOARD MEETING

It was noted that the Regional Probation Transition Board had not met since the previous meeting of the Board.

12. REPORTS TO THE BOARD FOR INFORMATION PURPOSE ONLY

12.1 NOMS EAST OF ENGLAND PERFORMANCE REVIEW 2008/09

The letter and report from Trevor Williams, DOM, was noted.

13. TRUST PROJECT GROUP UPDATE

13.1 PROGRESS REPORT ON TRUST TRANSITION PROJECT

It was noted that the project remained on track. Approval had been requested for the Trust to be named "Essex Probation" and was now awaited.

A logo based on a combination of the ideas submitted was in the process of being prepared.

13.2 FORMAL APPROVAL OF THE DECISION TO PROCEED TO TRUST STATUS

The Board's application to become a probation trust having been accepted by the Ministry of Justice National Offender Management Service, IT WAS UNANIMOUSLY RESOLVED to proceed to become a Probation Trust.

14. URGENT BUSINESS

14.1 PROBATION EXPERIENCE - BASILDON

Martin Bates reported that he had attended the Probation Experience in Basildon and noted that it had been extremely well run and worthwhile to attend.

14.2 PROBATION ASSOCIATION CONSULTANCY

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The Chief Officer reported that an application had been submitted to the Probation Association to take advantage of the funding available from them to commission 5 days' consultancy work from Ben Emm. The time would be used to look at Best Value processes.

15. DATE OF NEXT MEETING

The next meeting will be held on Tuesday 2nd February 2010 at 9.30am.

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Chair