
ESSEX PROBATION (THE 'TRUST')
MINUTES OF A BOARD MEETING HELD ON
TUESDAY 26TH JULY 2011 AT 9.30AM AT ESSEX
LEGAL SERVICES, NEW BRIDGE HOUSE, 60-68 NEW
LONDON RD, CHELMSFORD, ESSEX CM2 0PD

Members Present: Tim Young (Interim Chair)
Mary Archer (Chief Executive)
Martin Bates
Terry Collin
Jo Durning (item 7 onwards)
Carol Mellow
Richard Moore
Peter Sheldrake

In attendance: Sue Atkinson (Director)
Bernadette Barber (Board Secretary)
Robin Brennan (Director)
Debbie Came (Director)
Shirley Kennerson (Director) (item 7 onwards)
David Messam (Director)

ACTION

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Rob Everitt, Peter Wilcock, Alex Bamber and Pete Mangan.

2. DECLARATIONS OF INTEREST

No interests in relation to the business of the meeting were declared.

3. APPOINTMENT OF INTERIM CHAIR

The appointment of Tim Young as Interim Chair was noted.

It was also suggested that, for the period of his appointment as Interim Chair, an Interim Chair of the Diversity Committee was required. Carole Mellow, having indicated her willingness to undertake the role, was duly appointed as Interim Chair of the Diversity Committee.

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4. MINUTES OF THE MEETING HELD ON 21ST JUNE 2011

The Minutes of the meeting of the Board held on 21st June 2011 were agreed to be accurate and approved for signature by the Interim Chair.

5. MATTERS ARISING FROM MINUTES OF 21ST JUNE 2011

The report detailing the matters arising from the Minutes of the Board meeting held on 21st June 2011 was noted and updates on matters not dealt with elsewhere on the agenda provided as follows:

- It was reported that invitations to visit the Trust had yet to be issued all the NOMS Directors. The action was carried forward, TY
- It was confirmed that the Whistleblowing and Fraud policies had been deployed,
- The strategy summary had been communicated to all staff and a copy was now available on the website,
- The Annual Report had been approved using the Urgency Procedure (the Minutes would be noted later in the meeting) and the NOMS deadline had been met,
- An email had been sent from Bill Puddicombe to all staff before he had left office congratulating them on the performance improvements achieved,
- The requested changes to the quarterly performance reports had been noted and would be incorporated into the next scheduled reports,
- It was reported that both the PA and the Trust had written to NOMS expressing concerns over the late changes to the accounts template. No response had yet been received,
- The Offender Management, Equality & Diversity and Children & Families policies approved at the previous meeting had been deployed, and
- A JNCC meeting was due to be held this week, following which an update would be provided to the Board on the proposed reduction in pay protection periods. SA

6. CHIEF EXECUTIVE'S REPORT

Mary Archer provided an oral report, noting in particular that the current year Budget was being largely met. LDU visits were underway providing the Chief Executive with an opportunity to thank staff for their co-operation with the changes being made as part of the current year Budget plans. The restructuring at Felmores was complete and was moving forward positively. The national plan to review probation services had been announced and would be discussed later in the

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meeting. Meanwhile performance issues continued to be managed and improved.

7. LDU PRESENTATION – THURROCK

David Messam delivered his presentation about the Thurrock LDU addressing such aspects as performance and the impact of the closure of Grays Magistrates Court.

Following the presentation, the LDU's performance was discussed. It was stressed that robust mechanisms were in place to manage, report and monitor performance improvements but that some factors, such as a drop in drug-related arrests and a funding gap for educational awards, were outside of the LDU's control. Improvements had been made since the start of the current year but notwithstanding these achievements, it was recognised that the pace of change had to increase. To assist in this, discussions were being with other organisations, for example the Police, who were better placed than the Trust to influence external factors which impacted performance measures, for example the number of drug-related arrests. In addition, the possibility of extending drug treatment provision to include provision for cannabis was being explored.

It was emphasised that the purpose of the LDU presentations was to provide context rather than detailed performance analysis, although the Board would be right to ask for follow up reporting on performance aspects as they thought appropriate.

The impact of the recently announced Police restructuring was briefly discussed. It was agreed that a report on the changes would be made at a future meeting but at the present time it had been confirmed that the Integrated Offender Management funding would not be affected. MA

8. SFO REPORT

Pete Mangan's report was presented in his absence by the Chief Executive. It was noted that the learning points gained from the reviews of SFOs were well communicated and linked to inspections in order to ensure that the appropriate changes had been implemented and embedded into practice.

The resource implications were being kept under review as work flow tended to fluctuate and an additional responsibility to conduct the

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Domestic Homicide reviews to meet new requirements could increase workload.

In order to understand the quantitative analysis of SFOs completed in 2010/11, the disparity between the number of cases where insufficient risk assessment and/or management standards had been identified and the number of cases deemed not to have met Offender Management standards was queried. It was confirmed that it was possible for a case to be well managed notwithstanding that the required standards for risk assessment and risk management had not been met. A cycle of continuous improvement in risk assessment and management processes was however in place.

9. BUSINESS PLAN – FIRST QUARTER REPORT

The Chief Executive presented her report which set out progress against the Business Plan in the first quarter 2011/12. The plan, which had been supplied to NOMS in accordance with the Trust's contract, would be updated for October in line with the Board's agreed strategy. Progress against the current plan was broadly in line with expectation.

10. OFFICERS' REPORTS

10.1 FINANCE REPORT

Debbie Came presented her report, which it was noted would be supplemented by further confidential detail in Part 2 of the meeting.

The current overspend of £41k was better than planned as a result of staff changes being implemented quicker than originally anticipated. A breakeven position at the year end was forecast.

The matter of the previous year's overspend, which had resulted from late changes to accounting policies, would be addressed with NOMS at the forthcoming contract review meeting. MA

The shortfall in the MoJ's financial plan was noted although any impact was unknown.

10.2 DRR & ATR SPECIFICATION REPORT

Shirley Kennerson presented her report which confirmed only two minor requirements had been identified as not being met. Practice had now been amended to ensure full compliance and contract variations to formalise the new arrangements with external treatment providers were

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in hand.

10.3 WOMEN OFFENDERS STRATEGY

Shirley Kennerson presented her report which also referred to the previously-circulated Women Offenders Survey and provided background to the issue in the form of a summary of the 2007 Corston report and the Trust's response to the recommendations made within it.

The recently completed review had confirmed that women were not discriminated against by the Trust and that processes were robust and effective in meeting their needs. Some worthwhile changes to Practice Instructions had been identified and would be made to strengthen existing practices. It was hoped to repeat the survey in 2014.

The report, which had been reviewed by the Diversity Committee, was welcomed. It was questioned whether there were other Offender Management diversity issues that needed to be addressed. It was agreed however, that not all equivalent issues among other groups would necessarily be practical or relevant.

10.4 PARTNERSHIP POLICY AND STRATEGY

The Chief Executive presented the policy in Alex Bamber's absence. It was noted that, as a new policy, an earlier than normal review might be required. The policy set out the Trust's approach to partnership working and highlighted the move of partnership work to individual LDUs.

It was noted that the list of current partnerships set out in Appendix A which had not been attached to the version circulated might be of interest to Board members. It was therefore agreed to circulate a copy of the list to all Board members. AB

The policy as presented was adopted and would be deployed. AB

10.5 MATERNITY, PATERNITY & CHILDCARE LEAVE POLICY

Sue Atkinson presented the updated policy which reflected recent changes to legislation.

The policy as presented was approved for deployment. SA

10.6 HEALTH & SAFETY POLICY

Sue Atkinson presented her report which noted changes to the Health &

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Safety policy. The revisions had been reviewed by the Health & safety Committee.

The amended policy was approved for deployment.

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11. REPORTS AND MINUTES OF COMMITTEE MEETINGS

11.1 AUDIT COMMITTEE

The Minutes of the Audit Committee meeting held on 21st June 2011 were noted. Richard Moore reported that representations had been made to NOMS by the PA regarding the high level of disruption to the accounts preparation processes which had resulted from the late changes they had imposed on the accounts template.

11.2 DIVERSITY COMMITTEE

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

11.3 JNCC MEETING

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

11.4 HEALTH & SAFETY MEETING

The Minutes of the Health & Safety Committee meeting held on 4th July 2011 were noted.

11.5 CONTRACT REVIEW MEETING

It was noted that there had been no Contract Review Meeting since the last Board meeting.

11.6 URGENCY COMMITTEE

The Minute of the resolution of the Urgency Committee passed on 23rd June 2011 approving the 2010/11 Annual Governance Report and Annual Report was noted.

12. APPOINTMENT OF SUBSTANTIVE BOARD CHAIR

Sue Atkinson's report on the process being followed by NOMS for the appointment of a Substantive Board Chair following Bill Puddicombe's resignation was noted. Interviews had taken place but the outcome would not be known until Ministerial approval to the appointment had been given. This was likely to be after the House of Commons returned from its summer recess in September.

13. PROBATION ASSOCIATION

The Interim Chair provided an oral update including on the Electronic Monitoring contract. It was expected that announcement of future MoJ contracts would be made to Trust Chairs although this had not been confirmed.

14. REPORTS TO THE BOARD FOR INFORMATION PURPOSES

14.1 BREAKING THE CYCLE CONSULTATION

The Government Response to the Breaking the Cycle consultation had been circulated and was noted. The response was broadly as expected. No timescales were mentioned. The report would be communicated at AMM.

14.2 COMPETITION STRATEGY FOR OFFENDER SERVICES

The MoJ announcement was noted. The Interim Chair reported on a conference call with Michael Spurr and Colin Allars which, along with other Trust Chairs, he had attended.

Recognising the extra degree of complexity within Probation compared to the Prison Service, a three month review had been announced during which ideas on how the competition strategy could apply to Probation would be explored. Trusts had been urged to contribute directly to the review, which was being led by two ex-Probation Chiefs. A consultation would then follow in the autumn. It had been suggested that the PA and PCA should co-ordinate responses however the danger was that individual Trust views would inevitably be watered down through such an approach.

It was agreed that a small working group consisting of Board and SMT members should work on the response from the Trust. It was agreed that the Interim Chair and Chief Executive should select the working group members, although all Board members and SMT would have an opportunity to feed their views and comments into the process.

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15. URGENT BUSINESS

There was none.

16. EXCLUSION OF THE PRESS AND PUBLIC

It was resolved at 11.10am 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