
ESSEX PROBATION BOARD

MINUTES OF A MEETING HELD ON TUESDAY 2ND FEBRUARY 2010 AT 9.30AM AT TEMPLARS, CULLEN MILL, 49 BRAINTREE ROAD, WITHAM, ESSEX CM8 2DD

Members Present: Bill Puddicombe (Chair)
Mary Archer (Chief Officer)
Martin Bates
Terry Collin
Jo Durning
Rob Everitt
Carol Mellow (item 4 ii) onwards)
Richard Moore
Peter Sheldrake
Peter Wilcock
Tim Young

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

ACTION

1. DECLARATIONS OF INTEREST

No interests were declared.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Judge Gratwicke and Roger Lucking.

3. MINUTES OF THE MEETING HELD ON 1ST DECEMBER 2009

The Minutes of the non-confidential part of the Board meeting held on 1st December 2009 were approved as a true record to be signed by the Chair.

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4. MATTERS ARISING

Arising from the Minutes of the meeting held on 1st December 2009:

- i) The Chief Officer reported that the Complaints Policy had not yet been deployed and would be brought back to the Board for adoption of various national changes. MA
- ii) The Chairman noted that he had yet to write to Steve Knight expressing the Board's congratulations. WP
- iii) No comments had been received on the Dashboard.
- iv) Sara Moutard confirmed that the ATR Completions performance had been checked and was rated green.
- v) An HR Performance report in the proposed new format would be presented at the next meeting. SA
- vi) The format of the report on progress against the Business Plan would be revised for next time. MA
- vii) The date of the presentation by the NHS Trust Chief Officer was yet to be confirmed. MA

5. CHIEF OFFICER'S REPORT

The Chief Officer gave a verbal report, noting that:

- Phil Wheatley's retirement had been announced for later this year once a replacement had been appointed,
- Robin Merriam's retirement had also been announced. Gill Hirst was acting up pending appointment of a permanent replacement. The need to advertise the vacancy across NOMS was being raised,
- all Boards in the region had been accepted for conversion to Trust. A decision would be required on how to engage on a regional basis after April given the need, as stand-alone organisations, to protect commercially sensitive information and competitive advantage and to maximise efficiencies. Participation in all regional arrangements would not necessarily be beneficial to Essex, and
- the Commencement Order forming the Trust was due to be laid this week.

6. PERFORMANCE REPORT

Sara Moutard presented the performance report including the Essex Scorecard for December 2009.

Although the importance of outcomes rather than just targets was acknowledged, the Board's disappointment at the second consecutive quarter

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in which performance was rated Amber in the draft IPPF (not circulated) was noted.

Two measures in the public protection domain remained in amber – these were the result of OASys timeliness and data quality issues which were in the process of being addressed.

The measures already taken to address the fall in performance as set out in the report were noted and discussed. The measures had already had an impact but further improvements were necessary and were expected. Key to a return to Green/Green star performance was the need to improve data quality. Self-imposed restrictions on the correction of data inaccuracies had now been lifted and SMT were confident this would boost performance.

The commitment to restore performance given to NOMS in good faith on behalf of EPA by the Chair, as reported at the last meeting, had not been met. This was a matter of significant concern and regret. The Chair confirmed that he had provided an explanation to the DOM which he believed had been accepted and that no further action by NOMS was anticipated at this stage. The Chief Officer undertook to provide a briefing paper to the DOM.

MA

It was also of concern to Board members that no early warning had been given to them that the rating was unlikely to be lifted above Amber as they expected. The Chief Officer agreed to provide Board members with monthly 'what if' IPPF analyses, although care needed to be taken in the interpretation of these given that all performance was rated relative to that achieved in other areas.

MA

7. REPORTS TO THE BOARD

7.1 REPORT ON UNPAID WORK

Pete Mangan presented his report on issues with delivery of Community Payback and initiatives to increase individual placements and community engagement. The report needed to be considered in the context of the current best value review work.

The percentages of offenders travelling direct to their UPW sites had increased from a low base of 5-10% and was expected to reach around 75% by July, although some LDUs, in particular Southend, were lagging behind this target.

Savings in van and stores/workshop costs had been made but more significant

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was the increasing development of community partnership initiatives for the delivery of UPW. These had greater potential not only to benefit EPA in terms of costs savings and good PR but also to meet the needs of the community partners involved. One example currently being developed was a link with Colchester Borough Homes. Tim Young declared he and his wife had interests in Colchester Borough Homes.

The potential for tension between the 70% target for wearing Hi Viz vests and 33% target for individual placements, which tended to be those most likely to involve valid requests for exceptions to be made to the normal Hi Viz vest requirement, was noted. To resolve this issue, it was planned to use badges to meet the distinctive clothing requirement where Hi Viz vests were not acceptable.

It was reported that a change in the requirements for pre-placement workshops was expected to improve timescales for starting UPW placements. Pre-placement workshops would now be carried out in the same week as the offender's first placement so that average hours worked targets would not be adversely impacted. Diversity of practice in relation to UPW stand downs was also being addressed in order to resolve areas of poor performance.

The recent national coverage of Community Payback placements being used to clear snow from pathways was noted. Health & Safety concerns had prevented similar work being carried out in Essex. However planning was now in place to enable snow clearing to be carried out in future.

The Board welcomed the significant improvements which had been made in delivering Community Payback placements.

Future annual UPW reports will be circulated to the Board.

PM

7.2 STAFF REDUCTION POLICY

The Policy, which had been approved by the Urgency Committee on 7th January 2010, was noted.

Terry Collin wished to raise certain issues of detail with Sue Atkinson and it was noted that some changes to the policy might therefore need to be made.

7.3 FINANCE: OUTTURN TO END OF DECEMBER 2009

Debbie Came presented her report.

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The 1% underspend reported earlier in the year had continued. Further funding had also subsequently been received and consideration was being given to how the surplus should be spent before the end of March. Priority was being given to schemes which would have a positive impact on next year's position and which would support improvements in performance.

DC

8. REPORTS AND MINUTES OF COMMITTEE MEETINGS

8.1 DIVERSITY COMMITTEE

The Minutes of the meeting of the Diversity Committee held on 12th January 2010 were noted.

Tim Young reported that the fall in the proportion of disabled applicants would be monitored, but current indications were that there was no particular underlying cause. The new process for equality impact assessments would similarly be monitored to ensure they continued to be effective. Plans for the Diversity awayday were noted.

Disabled access to Cullen Mill was queried and it was confirmed that although access for persons with mobility issues was confined to the ground floor, the requirements were met through the assignment of ground floor work space to disabled employees where required. The needs of individual employees were addressed as part of the staff appraisal process and adjustments made where needed. Sue Atkinson undertook to include relevant statistics in the next HR performance report.

SA

8.2 AUDIT COMMITTEE

The Minutes of the Audit Committee meetings held on 1st December 2009 (2 meetings) and 12th January 2010 (2 meetings) were noted.

Richard Moore reported that the external auditor had been asked to give a view on their own independence and on the independence and effectiveness of the Committee and had confirmed their view that the current arrangements were adequate and sufficiently challenging.

It was also noted that the Audit Committee recommended to the Board that the decision taken at the last meeting to hold only one Board meeting per quarter in public be reviewed.

The Chair reminded the Board that the decision had been taken to reduce the

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costs of using public venues with adequate disabled access. He proposed that the use of cheaper public buildings with appropriately sized meeting rooms be explored. The Secretary also observed that, since the previous meeting, a question had been raised over the ability of the Trust under the proposed contract to vary the provisions of the Governance Handbook which included an undertaking to hold meetings in public other than in limited circumstances.

It was suggested that partners' premises might be used and the opportunity taken for the Board to meet with and learn more about the organisation's more significant partnerships. Other suggestions included using meeting facilities within public libraries. It was agreed that the Chief Officer would make arrangements for cheaper alternative public venues for future Board meetings to be sourced.

MA

8.3 JNCC MEETING

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

8.4 HEALTH & SAFETY COMMITTEE

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

9. SIGNIFICANT DEVELOPMENTS AND FUTURE PRESENTATIONS

9.1 NATIONAL QUALIFICATION FRAMEWORK

Sue Atkinson presented her report on the national qualification framework arrangements which would be effective from 1st April 2010.

The structure was in place to deliver the new arrangements, the development of which was agreed to be positive. The amount of funding had yet to be confirmed, although it was believed a pot of £20 million was available nationally. The potential to access Apprenticeship funding was queried. It was not thought that this funding could be used but it was agreed that the point would be checked.

SA

The risk of trained staff transferring to other areas was discussed and it was agreed that staff contracts should be amended to enable clawback of training costs in the event that staff left within a defined period.

SA

9.2 INTEGRATED OFFENDER MANAGEMENT

Shirley Kennerson presented her report on the Integrated Offender

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Management initiative, the aim of which was to deliver services more effectively and efficiently.

An Integrated Offender Management coordinator, jointly funded with the Police, was in place. Their first task was to scope existing provision to identify gaps and areas of duplication. Home Office analysts were also providing resource to help determine the types of crime being committed by offenders and the services most effective in delivering successful outcomes. A countywide conference with key partners would be held to review the results no later than the end of March, following which a proposal would be brought back to the Board.

SK

The initiative was expected to be self-funding through the elimination of wasteful duplication and was not restricted to offenders under statutory supervision. As such it had enormous potential to extend EPA's reach.

10. PROBATION ASSOCIATION

10.1 2010/11 SUBSCRIPTION

A letter from Christine Lawrie dated 15th December 2009 was noted and the annual subscription to the Probation Association for the forthcoming year was agreed.

11. REGIONAL PROBATION TRANSITION BOARD MEETING

Peter Wilcock reported on the meeting he had attended at which two key items has been approved, despite some serious reservations. These were:

- the creation of a regional training and development business following the review of the Regional Training Consortium. This was proposed to include the complete outsourcing of all staff training and needs analysis, which would require the current draft contract to be amended. Whilst outsourcing of staff training might be justifiable, the identification of staff development needs was a management function which needed to be carried out within the organisation,
- Approved Premises arrangements. It had been agreed that management of the region's Approved Premises should be put out to tender. This would require the current draft contract to be amended. The Chief Officer reported that a potential bid to run the region's Approved Premises had been submitted as part of the contract negotiations. At present it was thought that only 6 months' funding for Approved Premises would be confirmed at 1st April. On that basis the contract could not be signed.

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It was agreed that proposals would be brought back to the Board for approval once the various outstanding issues had been resolved.

12. REPORTS TO THE BOARD FOR INFORMATION PURPOSES ONLY

12.1 ANNUAL PENSION FUND MEETING

Martin Bates noted that the meeting scheduled for January had been postponed to 12th February 2010 as a result of the weather conditions.

Receipt of £22k from ExDra following the winding up of the charity was noted.

13. URGENT BUSINESS

13.1 BUSINESS DEVELOPMENT COMMITTEE TERMS OF REFERENCE

Terry Collin presented proposed new Terms of Reference for the Business Development Committee (previously Contracts & Commissioning).

The duties were intended to be more strategic than previously and to include responsibility for taking a lead on the Trust's wider partnership role.

It was agreed that the Terms of Reference of the Business Development Committee be approved subject to the following amendments:

BB

- A new paragraph 2(6) to be added to confirm that meetings of the Committee shall be held in private given the commercially sensitive nature of the Committee's business,
- Paragraph 3(2) to be amended by the substitution of "Committee" with "Committee Chair" after the words "Except with the permission of the", and
- The wording conferring a casting vote on the Committee Chair to be deleted.

13.2 DIVERSITY COMMITTEE TERMS OF REFERENCE

It was agreed that the Terms of Reference of the Diversity Committee be amended to confirm that the Committee's meetings be held in private given the confidential nature in relation to individuals who might be identifiable from some of the business discussed by the Committee.

BB

14. DATE OF NEXT MEETING

The next meeting will be held on Tuesday 16th March 2010 at 9.30am.

15. EXCLUSION OF THE PRESS AND PUBLIC FROM REMAINDER OF THE MEETING

It was resolved that the press and public be excluded from the remainder of the meeting.

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Chair