

THAMES VALLEY PROBATION BOARD**MINUTES OF A MEETING HELD ON THURSDAY 27 NOVEMBER 2008
AT NEWBURY****COMMENCING AT 1 P.M. AND ENDING AT 4.15 P.M.**

MEMBERS PRESENT: Yashpaul Anderson
 Michael Day
 Malcolm Fearn Chair
 Annette Griffiths
 Arif Hussain
 Honor Juniper
 Gerry Marshall Chief Officer
 Ian Menzies-Conacher
 Michael Nolan
 Phillip Perlin
 Sue Seager

OFFICERS: Paul Gillbard Director, Offender Management
 Gaynor Mackenzie Director, Human Resources
 Sean Quiggin Director, Interventions
 Richard Lawrence-Wilson Board Secretary

PART 1**1. Welcome and apologies**

Malcolm Fearn welcomed Richard Benyon, MP for Newbury, who attended the early part of the meeting as an observer.

Apologies were received from Hiram Chakravarty, HHJ Zoe Smith and Malcolm Vine.

2. Chairman's and Chief Officer's oral reports

Malcolm Fearn reminded the Board that Roger Hill was due to move to the post of DOM for the South East Region in January. Amongst the plans he had already outlined was a 25% reduction in headquarters costs and the merger of 2 prison areas.

Malcolm said that he would be attending a meeting on 5th December at which he expected Roger Hill to formalise the termination of 'directed improvement' status for TVP, in the light of improved results. Also on 5th December there would be an inaugural meeting chaired by Roger Hill of all Probation Board Chairs, Chiefs and prison Governors from the South East Region.

Along with three Board Members he had attended a successful leadership event for TVP middle managers on 25 November. He would be attending the graduation ceremony for trainee probation officers on 28 November.

On 1 December Jacqui Smith and Jack Straw would be visiting premises in Slough to see an unpaid work project. This visit had been arranged at short notice, at the request of the MoJ as part of the publicity to highlight the introduction of badged clothing for offenders serving community sentences.

Malcolm Fearn said that in the context of the flat cash budget and need for economies he had reviewed the budget for Board expenses. There was relatively little scope for reduction within what was a quite modest sum, but possibilities included cutting the number of meetings planned for 2009, and ceasing to provide lunch after workshops. He asked Board Members to consider these changes and any other possibilities in preparation for a discussion at the workshop meeting in December.

Action

3. **Minutes of the meeting of 18 September 2008 (TVPB/M5/2008)**
Notes of workshop meeting of 16 October 2008 (TVPB/P64/2008)

The minutes were **agreed** and signed by the Chair.
The notes of the workshop meeting were **noted**.

4. **Matters arising**

Declarations of interest

There were no new declarations of interest.

Action list from the meeting of 18 September 2008

- Malcolm Fearn had written to NOMS about the Oxfordshire re-site project and approval had subsequently been given.
- The auditors had insisted that an accrual must be made for annual leave due but not taken at 31 March each year. Ian Menzies-Conacher explained that the auditors had accepted that a sample of staff records and an average salary could be used in the calculation. However, there remained concern about the potential effect on TVP's final annual over- or under-spend of an unplanned year-on-year variation in the amount accrued. It was hoped that NOMS would agree to exclude the accrual for leave from the final reckoning of the revenue position in the same way that they exclude pension contributions. Malcolm Fearn said that the matter was still under discussion.
- The risk register will go to the Audit Committee at its postponed meeting on 9 January 2009 and then to the Board's public meeting on 22 January.

Action carried forward

- Malcolm Fearn said that he had asked for a report on LAAs to be brought to the Board on 22 January.

Action carried forward

5. **Performance report April-September 2008 (TVPB/P65/2008)**

Sean Quiggin said that the results presented in the paper were the best so far and he now hoped that TVP could achieve a 'green' score for the whole year by 31st March. He described some of the work that was going into pursuing this objective. In the public protection domain OASys was the main source of data and although assessments had been done properly and in a timely manner (which was what mattered for outcomes) some of the entries could be incomplete, for example missing dates of birth or similar items. Current data were being input in full, and cleansed historic data would be re-submitted before Christmas.

Ian Menzies-Conacher commented that red and amber scores did not seem to relate to the distance of actuals from targets. Sean Quiggin explained that some scores are relative rather than absolute and depend on the scores achieved in other probation areas across the country. It is therefore possible to score a 'red' for a very near miss on a target that most areas are meeting, and an 'amber' for a wider miss on a target that few areas are meeting.

The performance report was **noted**.

6. **Finance report (TVPB/P66/2008)**

In the absence of Malcolm Vine, Gerry Marshall explained that the second review of the 2008-09 Business Plan had been undertaken in the context of a forecast overspend of £660k including an unanticipated £170k relating to the recently agreed pay award for 2008. The paper set out a number of measures designed to produce savings by the year end. The Management Team had agreed on these and were confident that by implementing them TVP could stay within the normal 2% flexibility margin (although NOMS had not yet confirmed this figure for 2009).

An updated finance report will be brought to the Board in January.

Action

Looking ahead, Gerry Marshall said that nationally the budget for the probation service would be reduced from £914M (including £40M for reducing the prison population) in 2008-09 to £894M in 2009-10, then to £844M in 2010-11 and probably to £794M in 2011-12. Pro rata, this would entail a reduction in the TVP budget for 2011-12 of around £4M. However, the formula used to allocate the budget is to be reviewed and it is possible that the longstanding underfunding of TVP relative to its workload will be addressed, potentially mitigating the budgetary reduction. An indicative budget for 2009-10 has been promised for the end of January.

Michael Day said that the Magistrates Association is making representations to Ministers about the consequences of reductions in the probation service budget, and that of the courts service.

Gerry Marshall reported that a process of Specification, Benchmarking and Costing is underway, through which service specifications will be developed for different activities. In due course this may permit predictable savings to be achieved by changing national standards. Additionally, improved partnership with local authorities, the police, and other agencies should improve overall efficiency and economy by reducing duplication and optimising the use of all public budgets.

The Board **noted** the report.

7. **Trust application issues**

Malcolm Fearn distributed copies of selected sheets from a presentation of the results of a study commissioned by NOMS of the current position of Probation Areas in the run up towards Trust status. The sheets set out:

- The context for an improvement programme – 7 key assumptions
- The 4 key building blocks: OM/Interventions/Support and Infrastructure/HQ

- Inter-agency levels: National, regional, 42 Areas. 170 local authorities, 300+ individual courts/prisons/BCUs
- Opportunities for the release of resources (potential total £190m out of £1,063m)
- At local level, TVP staffing by function and grade

In conclusion, the presentation outlined the 4 tests to be used when Probation Areas apply for Trust status:

Test 1: Local accountability and engagement (LCU level)

Test 2: Use of resources: underlying principles to be applied

Test 3: Capabilities

Test 4: Performance

Gerry Marshall said that the commissioned report was based on unchecked 2006-07 figures and no account was taken of transitional costs and the effect on morale of any mergers or reorganisations. Nevertheless there was no dispute with the general picture or with the relativities.

The figures for TVP illustrated the local concentration of approved premises and the historic tendency to spend rather more on these and other interventions, partly because of the difficulty in recruiting and maintaining a full complement on OM.

Board Members asked about the definitions of LPA (Local Police Area) and BCU (Basic Command Unit). There are 5 BCUs in Thames Valley: East and West Berkshire, Oxfordshire, Buckinghamshire and Milton Keynes.

Malcolm Fearn said that Probation Areas that could be candidates for merger are subject to a test of viability. Guidelines provide that there should be some sense of identity to underpin a merger. Mergers are not permitted across regional boundaries. In the light of these parameters, Malcolm Fearn said that there are no obvious possibilities for mergers involving TVP. However, work is in progress to develop collaborations with Hampshire.

In conclusion, Malcolm Fearn said that there will be four opportunities to apply for Trust status during 2009. On the basis of current performance and the work required to prepare for the four tests, he proposed to apply in the second round during May, which will leave two chances to reapply if problems arise on the first application. Until then, the position on Trust Status will be reviewed at each Board meeting and he believed that the Board's decisions should continue to be based on what is judged to be right for the Area.

Action

8. **Human Resources information 2007-08 (TVPB/P67/2008)**

Gaynor Mackenzie reminded the Board that until 2006-07 the HR statistics had been presented to the July meeting and Members agreed that this should resume in 2009-10.

Sue Seager asked for the chart of staff ethnicity to include a comparison with the ethnicity of the local population. The Board noted that in the overall breakdown of ethnicity (chart 5) the percentage of refusals exceeded the percentage of staff in every ethnic group other than "white British" and "white other", and in the breakdown by grade (chart 8) refusals exceeded BME for two grades (PSO and middle manager). As it is believed that the rate of refusal may be higher amongst BME staff, this makes the statistics significantly less reliable and less meaningful.

Gaynor Mackenzie explained that reclassification of the reasons for sick absence had resulted in a reduction in “miscellaneous” and an increase in “nervous”. The illnesses now falling within each definition were listed in the report. Sickness absence in 2007-08 was significantly lower than in the previous two years.

The report was **noted**.

9. **Freedom of Information – revised publication scheme (TVPB/P68/2008)**

Richard Lawrence-Wilson explained that the publication scheme adopted by TVP in 2001 when the Freedom of Information Act came into force would expire at the end of December and needed to be replaced. The revised scheme, which was not timebound, was that recommended for public authorities by the Information Commissioner.

The Board **adopted** the revised publication scheme.

10. **Stakeholder opinion polls – Magistrates and Community Payback (TVPB/P69/2008)**

The Board welcomed the positive findings from recent surveys of Magistrates, offenders undertaking community payback and providers of community payback work placements. A supplementary paper giving feedback from the Sentencers’ Conference was tabled, and this too was very positive.

The Board **noted** the reports.

11. **Sickness policy review – update (TVPB/P70/2008)**

Gaynor Mackenzie drew the Board’s attention to the impact of DDA sickness of 100 days, 20% of the total.

At national level the target had recently been relaxed and was now to reduce sickness absences below 11.5 days per FTE per annum. TVP had achieved this in recent months. However, it had been agreed that locally TVP would maintain the target of 9 days, as this was felt to be reasonable, achievable, and comparable with partner organisations.

The Board **noted** the report.

12. **Probation Association (PA) survey of property management arrangements (TVPB/P74/2008)**

Members noted that the negative experience of the property management contract that had been reported to the PA by other Areas was similar to that of TVP. The Board hoped that the PA’s report would have some effect and Malcolm Fearn said that he had the impression that the Centre was taking more notice of PA’s comments since the Association had been reorganised under fresh leadership.

13. **Minutes of the JNCC meeting of 15 September (TVPB/P71/2008)**
Minutes of the Sentencers' Forum of 6 November (TVPB/P72/2008)
Minutes of the Health and Safety Committee of 1 October (TVPB/P73/2008)
List of Probation Circulars issued since 18 September 2008 (TVPB/P75/2008)

Gaynor Mackenzie reported the recruitment of a new Health and Safety Officer, Eddie Eaves. The three sets of minutes and the list of circulars were **noted**.

14. **Any other business (part 1)**

Honor Juniper reported as link member for LCCS that Peter Chapman, a Magistrate presenter from Wycombe, has won a national individual award. Thames Valley is in the forefront on LCCS and is now helping to train teams in London and Hampshire. A letter commending Clare Hooper's work has been received from the national Chairman.

Michael Day reported that the television programme featuring the CJS in Oxford, fronted by Nick Ross, was in production. The Minister is taking a personal interest.

Forthcoming meetings

Workshop meeting: Bicester Head Office 10.30 am Friday 12th December.
Recipients of long service awards (20 years) have been invited to join the Board for a buffet lunch at 12.30.

Next public meeting: 22nd January 2009 at Witney.

(Secretary's note: The meeting of 22nd January 2009 was relocated to Talisman House, Bicester when the accommodation at Witney became unavailable.)

A resolution to meet in private session was proposed and seconded, and agreed by the Board, by virtue of the nature of the business to be transacted:

Minutes 15 and 16 relate to matters affecting identifiable members of TVP staff.

