

THAMES VALLEY PROBATION BOARD

**MINUTES OF A MEETING HELD ON THURSDAY 27 SEPTEMBER 2007
AT THE GUILDHALL, ABINGDON**

COMMENCING AT 1.30 P.M. AND ENDING AT 4.50 P.M.

MEMBERS PRESENT:	Yashpaul Anderson	
	Hirak Chakravarty	
	Michael Day	
	Robert Evans	
	Malcolm Fearn	Chair
	Annette Griffiths	
	Honor Juniper	
	Gerry Marshall	Chief Officer
	Ian Menzies-Conacher	
	Michael Nolan	
	Phillip Perlin	
	Sue Seager	
	Richard Stokes	
IN ATTENDANCE:	Michael Yeats	External auditor (to minute 9)
OFFICERS:	Richard Lawrence-Wilson	Board Secretary
	Gaynor Mackenzie	Director, Human Resources
	Sean Quiggin	Director, Interventions
	Malcolm Vine	Treasurer and Director, Finance

PART 1

1. **Apologies**

There were apologies from HH Judge Zoe Smith, and from Paul Gillbard who was on a business process management training course arranged by the national Performance Improvement Unit.

2. **Opening remarks**

Attendance at public meetings of the Board

Malcolm Fearn said that, in an effort to bring the Board's activities to the attention of a wider audience, a press release had been issued to local media and letters had been sent to a wide range of partnership organisations inviting them to send a representative to attend the meeting. Apologies had been received from a number of bodies but no one was attending the meeting apart from Ruth Davies from HR at Head Office who he welcomed as an observer.

Progress towards Probation Trusts

Malcolm Fearn reported that six Boards, none from the South East Region, had been chosen to become Probation Trusts in the first wave. A small number of poorly performing Areas would be held back to wave 3, leaving the

majority in wave 2 with an implementation date of April 2009. Wave 3 Areas will be announced following an assessment based on the IPPF, OM Inspection results, a review by ROMs and other criteria. Yashpaul Anderson asked whether the advantages of becoming a trust had been clarified. Malcolm Fearn said that information about the new powers and responsibilities of the six first wave trusts was expected to become public during October.

Regional Partnership Board

Malcolm Fearn informed the Board that the five Probation Areas in the South East Region were required to work more closely together, and had agreed to translate the regional group into a Regional Partnership Board with Heads of Agreement although without a formal constitution. Robert Evans asked if Board Members from different areas would be expected to get together. Malcolm Fearn said this was not formally required but as current Chair of the Regional Partnership Board he had asked the Board Secretary to convene a meeting of two Board Members from each Area to discuss training issues and this might result in more interaction between Areas. It was noted that Michael Day was a member of the Regional Contestability Group, now superseded by a Regional Business Development Group.

New risks arising from developments at national level

Gerry Marshall drew the Board's attention to the cancellation of the c-NOMIS project in the Probation Service. c-NOMIS would still be implemented in prisons, and current systems in Probation Areas would be reviewed to assess the effect of this and their fitness for purpose. This was a real blow for end-to-end offender management and created a serious new risk for Thames Valley. The ICMS (integrated case management system) only recently and partially implemented in Thames Valley had been identified in the minutes of NOMS Audit Committee as high risk and we were waiting for more information as to what lay behind this comment.

Another growing risk arose from the centralised control of property and estates, which had remained in the Home Office when Probation had become part of the new Ministry of Justice. There seemed to be little or no knowledge or specialist expertise available centrally and due to lack of information about financial commitments the budget was frozen for work costing more than £2,000. This had not only stopped all progress on large schemes, notably the scheme to replace 3 unfit premises in Oxford with one fit for purpose office, but was also holding up vital minor work with implications for health and safety and DDA compliance. Gerry Marshall said that Julia Durrant was representing us as well as possible on a national pressure group of area facilities managers. Malcolm Fearn said that there was no proposal as yet that Trusts should have control of their own buildings.

Gerry Marshall reported that the prison population was again increasing and a Circular had been issued relating to unmanaged bail accommodation that was being opened to take people on remand who needed temporary housing. Prisons would assess the suitability of bailees. Probation Areas currently had no role, but there was a risk of becoming involved without any funding for associated work.

All Areas were awaiting a ruling from the House of Lords on the position of some hundreds of offenders on indeterminate sentences who could not be offered places on courses related to their sentences and who were beyond the

tariff for their offences. The ruling could result in 15 to 20 high risk releases to Thames Valley.

Special measures

Gerry Marshall said that because the Area remained subject to 'Directed Intervention' – the successor to 'Special Measures' - a diagnostic report had been prepared by the Performance Improvement Unit. The Area's draft Strategy had been found to be a satisfactory basis for addressing improvement issues. He believed that interventions from the unit would be supportive and could contribute positively on ICMS, process re-engineering and court timeliness.

Approved premises

Finally, Gerry Marshall reported that the contract for night security staff at Approved Premises that had been awarded to 'The Corps' had been a success so far, with all deliverables met and two incidents resolved satisfactorily. There would be a contract review meeting shortly.

3. Minutes of the meeting of 24 June 2007 (TVPB/M5/2007)

The minutes were agreed as a correct record and signed by the Chair.

4. Matters arising

Declarations of interest

Gerry Marshall declared a new interest, having recently been identified as Vice-Chair of the National Circles of Support and Accountability organisation, entitled Circles UK.

Action list from the meeting of 24 June 2007

Malcolm Fearn reviewed the action list.

- Gerry Marshall had written to staff. As noted, a new round of visits to offices by Malcolm Fearn and Gerry Marshall would start shortly.
- All new Board Members had now spent time shadowing an offender manager. However Annette Griffiths had not heard from Newbury office. Board Secretary to chase.
- The IPPF and related local monitoring were on the agenda at item 6.
- The Gender Equality Scheme had been published.
- The Women Offenders Strategy would be brought to the next meeting.
- LCCS and management structures were on the agenda at items 17 and 20.

5. Performance report (TVPB/P90/2007)

Sean Quiggin presented a performance report with commentary built around the new Integrated Probation Performance Framework (IPPF), which he said would henceforward be the one and only national assessment method and would provide a quarterly verified position. The commentary examined cash linked targets first, and then looked at any other targets that were being missed. He proposed to bring each quarterly report to the first available meeting of the Board and to provide an update to other Board meetings, based on internal data. This pattern of reporting was agreed. Phillip Perlin asked for the Board's calendar to be tuned to fit in with the timing of IPPF reports. Members generally agreed, but Gerry Marshall said the timing was

unpredictable. Malcolm Fearn said that IPPF would become a living and accessible system in 2008.

Gerry Marshall explained features of the Offender Management section of the IPPF. He reminded the Board that the national standards line involved 45 separate criteria. He agreed with Ian Menzies-Conacher's observation that there was some way to go on court timeliness, especially in East and West Berkshire, although he said this was partly for the Court Service to address. The end to end enforcement target, on which much progress had been made, would be the subject of a ministerial team visit on 15th October.

Sean Quiggin then outlined factors underlying the IPPF scoring on Interventions. He highlighted in particular the failure at national level to train sufficient programme tutors, which meant that although we had sufficient staff they were not accredited to deliver programmes.

He advised that IPPF quarter 1 incorrectly reports the Unpaid Work days stood-down rate at 21.6%. A re-calculation using a corrected NOMS method indicates a rate under 16%. Remedial action to reduce the rate of stand-downs to the national target of 5% has high priority and is underway. To reduce the backlog and improve work flow the action includes urgent record keeping improvements, method changes in order to work larger numbers of offenders each week, and acquisition of additional supervisory and transport capacity from external sources. The actions aim to reduce the rate of stand-downs to between 5-10% by 31 March 2008, and to 5% and below in the 2008/09 financial year.

Sean Quiggin added that Sue Pearce had recently received a national award for her work on women offenders and Malcolm Fearn said he would write to congratulate her.

Action

The report on performance was **noted**.

6. **Offender Management Inspection Report (TVPB/P91/2007)**

Gerry Marshall said that the final OMI report would be published in the first half of October. It would be a positive report and our accompanying press release would place emphasis on the improvements that had been made, which were considered to be greater than had been expected. Following publication we would have four weeks to produce an Action Plan to address the findings of the report, and work on this was now in hand.

The excerpts from the OMI report were **noted**.

7. **Thames Valley Area Strategy 2007-2010**

Malcolm Fearn reported that the Strategy Working Group had met earlier in the day and were close to agreeing a strategy document. There would be a meeting to consult middle managers in about two weeks time and then a series of meetings to obtain feedback from other staff. The final strategy document incorporating any changes that emerge from the consultation will be brought to the January meeting of the Board alongside the Business Plan and output from the Communications Working Group.

Action

Gerry Marshall reiterated that the draft strategy has been seen by Ben Emm's Performance Improvement Unit who have confirmed that it covers all necessary issues. Malcolm Fearn said that because the Unit have approved

the strategy they will monitor and support the implementation of the associated action plan rather than intervening in other ways.

The oral report on the Strategy was **noted**.

8. **Finance report (TVPA/P93/2007)**

Malcolm Vine presented his report, noting that minor changes had been made to the budget during the year, relating to early release of offenders, training, and performance bonuses. He explained that although the budget was currently underspent by £412k, an overspend of £88k was forecast for the end of the year due to phasing of expenditure in the second half of the year. He foresaw pressure due to recruitment of qualifying trainees, and possible redundancies for which no provision had been made.

Phillip Perlin asked about the reduction shown in the level of secondments. Malcolm Vine said this related to secondments to NOMS which had no net effect on the budget.

Malcolm Vine said that he expected unit costs based on 2007-08 budgets in the next two weeks, which would enable new comparisons to be drawn with other Areas. He said that in general Thames Valley's costs appear to be in the low to middling range, apart from programme costs, which are high for reasons that are understood.

Ian Menzies-Conacher said that the Audit Committee had spent some time discussing the consultation paper on the proposed review of the funding formula. Although it was a 'zero sum game' all the examples presented would have an adverse effect on Thames Valley, mostly resulting in a cut in the budget of around 5%. There were a lot of underlying factors and drivers, and many winners and losers. A detailed response from management was seen by the Committee and has been submitted to meet the initial deadline of 30 September. He urged the Board itself to make further representations before the end of the year.

In discussion it was recognised that the PBA would have problems dealing with the issue, since it would represent both winners and losers. Malcolm Fearn said that Malcolm Vine's initial response should be followed up by a response from Board level so as not to lose impetus. Gerry Marshall said that questions needed to be asked about some of the assumptions and parameters that are constant beneath all the many variations presented – for example, the allocation of double weight to offenders receiving custodial sentences. Many non-custodial sentences require far greater probation service resources than custodial ones, and this weighting is a perverse incentive to harsher sentencing.

Malcolm Vine said that a response must encourage a rational basis for resource allocation but there was no knowing whether this would be better for Thames Valley. It could prove even worse than the proposals already made.

Malcolm Fearn said that Thames Valley should join forces with other Areas that lose under current proposals and try to mount a well reasoned argument. If any of the models put forward so far were to be implemented we would be looking at significant cuts in services.

The finance report was **noted**.

9. **Annual Audit Letter and Use of Resources Review (TVPB/P94/2007)**

Michael Yeats set his report in context by referring to the history of the Roysse Room and its close connection with education in Abingdon over more than four hundred years. He tabled an updated and finalised copy of the Annual Letter from the Audit Commission and drew the Board's attention to the first recommendation, emphasising the need for the Board to have in place a Finance Department that was fit for its present purpose and ready for the transition from a Probation Board to a Trust.

He reiterated the risks arising from the review of the funding formula, which had already been noted under an earlier agenda item.

Referring to the Use of Resources Review, Michael Yeats said that significant progress had been made since last year. Summarising, he said that this was another good report from external audit but he cautioned that the organisation was entering a period of significant change and needed to be fit for the journey to trust status.

Malcolm Vine reminded Board Members that this was Michael Yeats' last Board meeting. He paid tribute to the supportive approach of the Audit Commission team over the Board's first six years of existence. This owed a lot to the leadership of Michael Yeats and much had been achieved as a result. Malcolm Fearn and Board Members added their thanks.

The annual audit letter and Use of Resources Review were **formally received** by the Board.

10. **Essential car user allowances (TVPB/P95/2007)**

Gaynor Mackenzie said that the proposal outlined in the paper had been presented to the JNCC on Monday 24 September and had been taken away for consideration by the unions. There were several separate arguments in favour of moving away from essential user allowances and she felt the unions would recognise this.

Richard Stokes said that the time had come to abandon a system that encouraged the use of cars and gave larger allowances to larger cars. He urged the adoption of a flat rate system that offered the same payment per mile to cyclists as to car users. Malcolm Fearn said that he had spoken at the JNCC in favour of a flat rate system for car mileage and had suggested using the rate that the tax authorities calculated as a fair reimbursement of actual motoring costs for a middling sized car, and which was therefore non-taxable.

Ian Menzies-Conacher asked about car parking and it was confirmed that parking fees necessarily incurred in connection with business use of a vehicle were reimbursed. Some offices had car parking spaces that were allocated preferentially to those with essential user allowances; at other offices spaces were purchased for them in nearby car parks. There were many anomalies and differences across the Area.

The paper was **noted**.

11. **Sickness absence (TVPB/P92 and P88/2007)**

Graphs were tabled of monthly sickness absence from September 2006 to August 2007 against the 9 days per annum target and broken down between short term, long term and DDA absences. Gaynor Mackenzie said that absence in recent summer months had been lower than in 2006 but it was too early to be sure whether this improvement would be sustained and we could not tell how far it was attributable to the introduction of the new sickness absence policy.

Malcolm Fearn reported that at the recent JNCC meeting the Staff Side had described the new policy as retrospective and had expressed concern that people might be penalised for their sickness record over twelve months when the policy only came in August. He had emphasised that sickness absences before the introduction of the policy could not be ignored when the cumulative record was the key factor. Malcolm Fearn felt that the new policy would have a positive effect but emphasised the importance of ensuring not only that middle managers are empowered but also that they use their power in a reasonable and sensitive manner.

Annette Griffiths asked for future presentations of sickness data to include year-on-year comparisons. Gaynor Mackenzie said that this would be included in the annual H R report to the board meeting in November.

Action

Hirak Chakravarty observed that a dialogue was needed with the employees to understand what lies behind their absences. Members of the working group expressed some optimism that once the teething troubles have been overcome, the toolkit provided will empower managers and improve control.

Hirak Chakravarty asked whether there is monitoring of working at home and whether it is permitted across the whole Area. Gaynor Mackenzie said that there was currently no policy and this would be the next issue to be looked at. Gerry Marshall mentioned some of the obstacles to home working, including health and safety considerations and security issues.

The reports were **noted**.

12. **Future of the Probation Boards' Association (TVPB/P98/2007)**

Richard Stokes opened the discussion by describing the PBA as attempting 'deferential submissive persuasion' in relation to Government. In his view this was not a style that would succeed at the highest level, and he felt that the PBA's reputation with Ministers had suffered as a result. The Government needed to be challenged over some of its ideas for criminal justice and this was not the way to do it.

Gerry Marshall said that the PBA had been supine in pay negotiations, to the general detriment of the Probation Service, but that the former Chief Executive's often outspoken criticism of government policy had also undermined PBA's reputation and standing.

There was general agreement that a Chief Officer Group would be valuable but that it should not be administered or funded through the PBA. Malcolm Fearn said that Chairs of Boards in the South East Region had expressed willingness

to contribute financial support to such a group. Sean Quiggin advised the PBA to talk to the Association of Police Authorities and the Local Government Association, two comparable bodies with historical and current success in terms of positioning and reputation.

Ian Menzies-Conacher emphasised the need to get members actively involved so that the PBA Secretariat was not left to go its own way. Malcolm Fearn said that the PBA had a difficult balancing act to perform, as it had to try to satisfy the few large Areas that provide most of its funds while not ignoring the other, smaller members.

It was **agreed** that the Board Secretary should submit the paper to the PBA.

Action

13. **Communications (TVPB/P98/2007)**

Malcolm Fearn invited Sue Seager to give an update on the work of the Communications Group, to supplement paper 98 that had been provided by Fiona Tarrant. She tabled some examples of logos used in other probation Areas and by some police authorities. She explained the Group's proposal for a modified logo focused around the title 'Thames Valley Probation'.

Gerry Marshall said this would clarify the status of the organisation for the general public and for partners. Hira Chakravarty was concerned about fragmentation of the national service and felt strongly that scarce resources should not be spent on branding launches and costly design exercises. The Chair agreed that now was not the time to embark on an expensive re-branding or promotional exercise. However it was pointed out that the NPS as such had already disappeared and the proposed new logo took account of this, while retaining a strong family resemblance and using the three key words best able to convey to the general public who we are and what we do.

Honor Juniper emphasised that a revised logo was needed urgently for the launch of the intranet. Richard Stokes commended the design as simple, direct and relatively unlikely to require further change in the near future. Phillip Perlin and Robert Evans also spoke in support, provided that the cost would be modest. Malcolm Fearn summed up and concluded that the proposed new logo should be applied gradually to stationery, publications and signage in the natural course of renewal.

The report was **noted** and introduction of the new logo was **agreed**.

14. **JNCC minutes (TVPB/P98/2007)**

The minutes of the JNCC meeting of 7 June 2007 were **noted**.

15. **Draft HR policies sent to the JNCC on 24 September (TVPB/P99/2007)**

Gaynor Mackenzie advised the Board that the draft policies had been presented to the JNCC on 24 September and the unions would be discussing them. The policies had been based on best current practice and were in line with statutory and ACAS recommendations but were some way away from the national models issued by the PBA acting as the national employers' side.

Annette Griffiths commended the hard work by Human Resources staff on the new policies and Malcolm Fearn asked for this to be minuted. The policies will be brought back to the Board after negotiations have been completed.

Action

16. **Health and Safety Committee minutes (TVPB/P100/2007)**

Gaynor Mackenzie drew the Board's attention to the forthcoming stress survey. A questionnaire will go out to staff in November. The minutes of the Health and Safety Committee meeting of 23 July 2007 were **noted**.

17. **Local Crime, Community Sentence (LCCS) project (TVPB/P101/2007)**

Honor Juniper presented a progress report on the LCCS project, including a list of presentations given or planned which showed the wide range of audiences. She said she had been delighted to see LCCS listed in the Offender Management Inspection Report as an example of good practice. She paid tribute to the exceptional work of Clare Hooper in energetically supporting and pushing forward the project.

Honor Juniper said that presentations took 90 minutes and were suitable for all types of audience. Training of presenters was complete for all three counties and there would be a champion for each to ensure momentum was maintained. She asked Board Members to suggest further audiences.

Action

The report was **noted**.

18. **Probation Circulars issued since 1 January 2007 (TVPB/P102/2007)**

The list of circulars was **noted**.

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

- Hirak Chakravarty asked if we had data on the cost per resident in Approved Premises. Malcolm Vine said that unit costs per bed space were available, together with occupancy rates for each hostel.
- Robert Evans reported that a Supporting People event would take place in November.
- Gerry Marshall said that he and Malcolm Fearn would give consideration to submitting comments on the Regional Commissioning Plan.
- Sue Seager said she had sat in on a MAPPA meeting and commended this to other Board Members as a good way of gaining insight into the demands of risk assessment and the variable quality of contributions from the different criminal justice and other agencies involved. Members interested in pursuing this should contact Richard Lawrence-Wilson.

Action

- Honor Juniper reminded the Board that 'Inside Justice Week' will be the week beginning Monday 5 November, when criminal justice agencies promote their activities to the public. LCCS will be a focal point for the TVPA's contribution during the week.

There was no other part 1 business.

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:

Minute 20: Relates to decisions about the Board's employees.

Minute 21: Report on serious further offences includes names of offenders.
Minutes 22 and 23: Application of the Home Office standard that Audit
Committee minutes and business shall be confidential.