

WEST MERCIA PROBATION TRUST

Minutes of the Board Meeting held on Wednesday 26th November 2008 at 10.00am at the Training and Development Suite, Leswell Street, Kidderminster.

MINUTES

Members in Attendance	Keith Austin; Libhin Bromley; David Chantler (Chief Executive); Peter Davidson; Martin Foley; Elaine Hickman; Kenneth Hockenull; James Kelly (Chair); Derek Muhl; Leon Murray; Bridget Nisbet; Valerie Reynolds and Andrew Strong.	
Assistant Chief Officers in Attendance	Graham Mallinson Helen Allen Julie Masters Alec Rudd	Head of Business Services & Organisational Development Head of Interventions Head of Offender Management Head of HR
Officers	Norman Stott Lynne Coombes Heather Jasper	Secretary to the Trust Board Clerk to the Trust Board Deputy Treasurer to the Trust Board
Also in attendance	Krystyna Findley	HMIP Lead Inspector (for minute 246)

233.	Apologies (Agenda Item 1).	<p>Apologies were received from Mark Johnson (Service User Adviser to the Board).</p> <p>HH Judge McCreath (Member) was not in attendance. It was agreed that for future meetings HH Judge McCreath would be listed as a Board Advisor.</p> <p>Krystyna Findley joined the meeting at 11.00am and left at 12.15pm. Helen Allen joined the meeting at 10.30am and left at 12.40pm. Julie Masters joined the meeting at 11.00am and left at 1.10pm. Alec Rudd left the meeting at 1.30pm. Graham Mallinson left the meeting at 1.00pm. Andrew Strong left the meeting at 12.00pm. Leon Murray left the meeting at 12.00pm. Bridget Nisbet left the meeting at 12.50pm. The Chair left the meeting at 1.10pm due to illness and the meeting was then chaired by Keith Austin.</p>
234.	Declarations of Interest (Agenda Item 2).	There were no declarations of interest,

235.	Confirmation of Minutes (Agenda Item 3; Paper A).	<p>Resolved that:</p> <p>The Minutes of the Board meeting held on Wednesday 24th September 2008 were agreed as an accurate record with the Chair being authorised to sign as such.</p>
236.	Matters Arising from the Minutes (Agenda Item 4; Paper B).	<p>Minute 220) – Performance Dashboard</p> <p>The Head of HR reported that the appraisal completion rate was 90.44% at the end of October. The outstanding appraisals centred around secondments and managers who had been on sick leave. Members agreed the completion rate was now creditable. The Chief Executive said the process had highlighted the high number of appraisals that some managers were expected to undertake and the support and development needed to assist those individuals to complete their appraisals within the timescale. Thanks were extended to those members of staff involved in the process.</p> <p>Minute 221) – OMI Inspection</p> <p>To be discussed at Agenda Item 14.</p> <p>Minute 222) – Business Plan</p> <p>To be discussed at Agenda Item 13.</p> <p>Minute 227) – Committees of the Trust Board</p> <p>To be discussed at Agenda Item 11(a).</p>
237.	Notice of Any Items of Other Business (Agenda Item 5).	There were no items of other business.
238.	Freedom of Information Act (Agenda Item 6; Paper C).	<p>The Secretary gave an overview of the national Publication Scheme which is to be renewed from 1st January 2009. It was noted that generally West Mercia will disclose information unless there was clear justification for this not to be done and, while no charges would normally be levied, this option would be retained. The Chief Executive stressed that as a public sector organisation using public resources, the probation service was accountable and that the culture of disclosure needed to be recognised. One way to do this would be in contract specifications which advised third parties that details were likely to be subject to disclosure.</p> <p>Resolved that:</p>

		<p>The national model scheme be adopted with effect from 1st January 2009 by the Board but that this should be personalised as a West Mercia document before being cascaded down to staff.</p>
<p>239.</p>	<p>Performance Dashboard (Agenda Item 7; Paper D)</p>	<p>The Head of Business Services and Organisational Development reported that the Dashboard headlines were now coloured and that overall performance was accordingly denoted as amber. In “Customer Results”, the section on late actions for Internal Audit issues was denoted as red, but these were not high level concerns.</p> <p>For “People Results”, the Head of HR said that long term sickness absence levels were slowly decreasing. Measures were in place to try and reduce the figures including issuing a ‘credit card’ size list of procedures to be followed by all members of staff when off sick and further training for managers to proactively manage sickness absence.</p> <p>It was noted that the heading for Disciplinarys, Grievances and Complaints completed in 3 months category was blank. The Chief Executive said this category had remained on the Dashboard to act as a reminder. The Head of Business Services & Organisational Development said that ‘Society Results’ remain amber although over the last 2 months there has been 100% completion and this would be reflected in future results.</p> <p>The Chief Executive also reported on Offender Management results. SDRs completed within 10 working days (where remanded in custody) was indicated as red and nationally this target had been hard to achieve. West Mercia had particular issues around offenders in prisons not in the West Mercia area and restricted access to Shrewsbury prison. A change in measuring targets had also had an impact. Results were now obtained from OASys and not from internal sources and this meant that ‘Tier’ related targets remained red.</p> <p>There was concern around Tier 4 PPO figures which remained locked in the system until the case was finalised although the Executive Team and middle managers were working on this to ensure there were no additional cases. It was also noted that recording for these cases could be changed in justifiable circumstances.</p> <p>The Chief Executive advised there was a risk plan in place and that the Domestic Violence programme had in fact reached 9 completions against a target of 10. The problem was therefore compounded by the small numbers. There were no concerns around IDAP.</p>

		<p>Finally, the Head of Business Services & Organisational Development reported that key performance results for Finance remained green. Finances continue to be well controlled and are expected to remain within budget although the margin of safety remains small Heather Jasper said that the deficit budget had been pulled back which allowed more confidence in going forward with the 3 year plan.</p> <p>Resolved that:</p> <p>i) Paper D be noted.</p> <p>Action:</p> <p>i) The Chief Executive to liaise with the ROM regarding targets around SDRs completed within 10 working days (where remanded in custody).</p>
240.	<p>Risk Register (Agenda Item 8; Paper E).</p>	<p>The Head of Business Services & Organisational Development reported that one risk had been added to the register. This new risk centred on performance levels against Wave 2 Trust criteria not being met by West Mercia or by others in the region.</p> <p>Ken Hockenhill commented that all risks continue to be monitored by the Audit & Scrutiny Committee. The committee also discusses risk levels and controls. Risks may reduce slightly, but this would not necessarily be reflected in the risk colour coding. He stressed that any serious concerns would automatically be escalated to Trust Board level. The Chair asked if further risk training would be beneficial to Board members to enable exploration of issues in more depth.</p> <p>Resolved that :</p> <p>i) Paper E be noted.</p> <p>Action:</p> <p>i) Board members to receive risk training at a future date.</p>
241.	<p>Probation Chiefs Association (Agenda Item 9).</p>	<p>The Chief Executive said the Association had now been established and that the inaugural meeting was to be held on 25th November 2008.</p> <p>Resolved that:</p> <p>i) The verbal report be noted.</p>

242.	Probation Association (Agenda Item 10).	<p>Ken Hockenull said there was nothing to add to the report which had been tabled at the Informal Board meeting on 19th November.</p> <p>Resolved that:</p> <p>i) The verbal report be noted.</p>
243.	Committees of the Trust Board (Agenda Item 11; Papers F, G, H and I).	<p>a) HR/JNCC Committee</p> <p>The Chair said that the HR strategy was moving forward although this may highlight a difference in how areas operate and scope for alignment. A further strategy planning exercise has been arranged for 19th March 2009.</p> <p>The Head of Business Services and Organisational Development asked the Chair to raise the issue of training funding at the next meeting of the Consortium. The Chair said that the Consortium had noted the risk around funding and trading accounts were to be established so that new initiatives were not cross subsidised from West Mercia's contribution.</p> <p>i) The Committee Chair's report, and the draft Minutes of the meeting held on 6th November 2008 were noted.</p> <p>b) Resource & Performance Committee</p> <p>i) The Committee Chair's report was noted.</p> <p>ii) The draft Minutes of the meeting held on 5th November 2008 were noted.</p> <p>Resolved that:</p> <p>i) Papers F, G, H and I be noted.</p> <p>Action:</p> <p>i) The HR Committee Chair to raise concerns about training funding at the next meeting of the regional training Consortium</p>
244.	Information Items (Agenda Item 12; Papers J and K).	<p>a) Annual Report on Serious Further Offences</p> <p>The Head of Offender Management explained that there was a new SFO process from 1st December 2008. There had been some changes since the last report including an increase in the number of SFOs reported, but that this was</p>

		<p>probably a result of a greater degree of scrutiny within the process. She stressed it was a learning and not a blaming process and that there continued to be issues around organisational priorities and how to target resources. Martin Foley noted the number of sex offences and asked if West Mercia had the right expertise in this area. The Head of Offender Management said that West Mercia had good links with the Regional Sex Offender Unit.</p> <p>The Board considered whether the report should in future also be an item for the Closed Session. The Chief Executive confirmed that this would be reviewed.</p> <p>b) Annual Report on MAPPA</p> <p>The Head of Offender Management explained that the report took a co-ordinated, minimalist, low key approach with individual cases highlighted to give a flavour of the issues considered. The post of Lay Advisor was a statutory requirement, the individual(s) concerned being expected to act as a 'person on the street' and charged with ensuring that the MAPPA did not lose sight of public concerns. They also act as auditors by attending a number of MAPPA meetings and giving feedback, helping with recruitment and inspections and participating in case reviews as appropriate.</p> <p>Resolved that:</p> <p>i) Papers J and K were noted.</p>
<p>245.</p>	<p>Business Plan (Agenda item 13; Paper L).</p>	<p>The Chief Executive said he had nothing to add to the improvements to the draft Business Plan and to the discussions which had taken place at the special meeting of the Resource & Performance Committee 5th November 2008</p> <p>The Secretary reported that following a recent meeting he had attended in Merseyside it had become clear that little or no work had been carried out on the format of the new contracts. It was, however, likely that the Second Wave contracts would be more restrictive than the contract used by the 6 First Wave Trusts but regretted that he could give no indication about what those restrictions might be.</p> <p>Resolved that:</p> <p>i) Paper L and the verbal reports be noted and endorsed.</p>
<p>246.</p>	<p>OMI Inspection (Agenda Item 14).</p>	<p>The HMIP Lead Inspector gave a presentation following the recent Offender Management Inspection, followed by questions and comments from the Board.</p>

Ms Findlay explained that the inspection had an explicit focus on 4 sections of OMI criteria. On the methodology she said that evidence including questionnaires, interviews from individuals and groups was prepared in advance. A series of meetings was also held. The 'reach' of the inspections had been 110 cases, 62 questionnaires had been returned, and 58 meetings had been held, some on a one to one basis and others with groups.

The Inspector stressed that the figures were not used for regional comparisons but reflected what is seen in the case samples.

The strengths for Assessment & Sentence Planning were preparing for sentence (72%), assessment and likelihood of reoffending (72%) and assessment of offender engagement (69%). The areas for improvement were assessment of risk of harm (63%) and sentence planning (62%). The overall score was 68%.

Implementation of Interventions received an overall score of 73%. Strengths included victims (76%), ensuring containment and promoting compliance (80%), restrictive interventions (85%) and diversity issues (81%). The areas for improvement included delivering sentence plans (59%), minimising risk of harm (66%) and constructive interventions (67%).

The strengths for Achievement and Monitoring of Outcomes included public protection, compliance, progress and resources. The areas for improvement included achievement of initial outcomes (59%) and sustainability of progress (60%). The overall score was 60%.

The strengths for Leadership and Strategic Management included leadership and planning, performance against national and regional targets, workforce planning and development while the areas for development included resource deployment, review and evaluation and commissioning of services.

Andrew Strong asked if there were any cross cutting threads that the Board might consider for the future. The Inspector said that the role of the Inspectorate was to report the findings and list recommendations. Libhin Bromley raised the issue of inconsistency around risk of harm findings. The Inspector said that at a risk of harm inspection held earlier in the year the percentage had been higher. She noted that practice was good in some areas and a score of 56% had been achieved.

The best score out of the 6 regions inspected so far was 85%.

Peter Davidson said it was difficult to improve performance unless comparisons of previous inspections were considered. The Inspector said the Inspectorate did not compare regional figures because they did not inspect identical work, the diversity profiles may be different and the last inspection was not offender management focused so a comparison would be difficult.

The Chair stated he had issues regarding the report procedure which was bound by published criteria, rules and practices. He felt that the value of the report was diminished because it was based on a small sample. The Chair also commented that when compared to the report for West Midlands, West Mercia's report seemed to emphasise negatives and that the report had a constant "half empty" theme. He was particularly concerned that the report did not pick up on improvements in diversity, and had serious reservations about the relevance and the motivation of the Inspectorate.

Ms Findlay said that representations had been made following publication of the draft report which were taken into account and amendments made where necessary. She said that strict adherence to the process criteria was essential to ensure consistent reporting, and that comparisons to West Midlands would be inaccurate.

A regional event is to be held following publication of all the local reports. Reports on ranges in areas on the different sub criteria would inform but would not be used as direct comparisons. The Inspector confirmed that all reports go through the moderation process.

The Chief Executive agreed with the views of the Chair. He