

WEST MERCIA PROBATION TRUST

Minutes of the Board Meeting held on Wednesday 18th June 2008 at 2.00pm at the Training and Development Suite, Leswell Street, Kidderminster.

MINUTES

Members in Attendance	Keith Austin; Libhin Bromley; Peter Davidson; Martin Foley; Elaine Hickman; Kenneth Hockenhull; James Kelly (Chair); David Chantler (Chief Executive); Derek Muhl; Leon Murray and Valerie Reynolds.	
Assistant Chief Officers in Attendance	Graham Mallinson	Head of Business Services & Organisational Development
Officers	Norman Stott Mike Weaver Lynne Coombes	Secretary to the Trust Board Treasurer to the Trust Board Clerk to the Trust Board

181.	Apologies (Agenda Item 1)	Apologies were received from Bridget Nisbet, Andrew Strong and HH Judge McCreath (members) and Helen Allen, Julie Masters and Alec Rudd (Heads of Interventions, Offender Management and HR respectively). The Board welcomed Neil Preece from External Audit who attended for the first part of the meeting and left at 3.15pm.
182.	Declarations of Interest (Agenda Item 2)	The Secretary reported that he had accepted an invitation to join the Parliamentary and Legal Project Board.
183.	Confirmation of Minutes (Agenda Item 3: Paper A)	RESOLVED THAT: The Minutes of the Board meeting held on Wednesday 2nd April 2008 were agreed as an accurate record with the Chair being authorised to sign as such.
184.	Matters Arising from the Minutes (Agenda Item 4; Papers B)	Minute 169) - Matters Arising from the Minutes The Chief Executive reported that the IT section were to make changes regarding the Home Office logo on the West Mercia website. Minute 178) – Any Other Business Following discussion with members, the Chair confirmed that future Board meetings would be held from 10.00am – 1.00pm on the dates already agreed.

<p>185.</p>	<p>Money Matters (Agenda Item 5: Paper D)</p>	<p>The Treasurer highlighted the main points of his report. He asked for Members' approval of the Annual Reports and Statements and introduced Neil Preece from The Audit Commission (External Audit) who confirmed that an unqualified audit opinion would be given. The Treasurer and Chief Executive had submitted governance statements which had been independently checked through the external audit process. The Treasurer also confirmed that a trail from the management accounting process through to the statutory accounting process had been checked and verified.</p> <p>Members approved the accounts although there were some typographical errors identified. The Treasurer agreed to make the necessary changes.</p> <p>Ken Hockenhull raised concerns over the increasing pension fund deficit which appeared to increase by approximately 7.6% year on year. The Treasurer explained that the probation service was not unique, with many other public sector organisations facing a similar or worse pension deficit scenario.</p> <p>The Chair noted Ken Hockenhull's concerns and the Chief Executive confirmed the points will be picked up with the Centre.</p> <p>RESOLVED THAT:</p> <p>i) Paper D be noted. ii) The annual accounts were formally adopted, subject to the amendments discussed, and signed by the Chief Executive and Trust Board Treasurer. iii) Trust Board members to advise the Board Clerk of any corrections to be made to their descriptions. iv) The continuing concerns about the pension deficit be noted and taken up with the centre particularly through the PA (Probation Association).</p>
<p>186.</p>	<p>Contract with the Ministry of Justice (Agenda Item 6)</p>	<p>The Chief Executive reported that following the Contract Review meeting, issues around unsafe/ non DDA compliant buildings continue to be raised with the possibility of formal notice being served. Hostel funding needs to be addressed as part of the finance strategy and discussions will recommence with the ROM.</p> <p>The Secretary said that he had hoped further discussions would result in the Trust contract addressing service standards in IT and Estates and Facilities Management, and</p>

		<p>the consequences of failure to meet those standards. These had been identified as issues to be developed and refined in the 'learning year' but very little had happened so far. The Secretary also reported three other issues which had caused him concern, ie:-</p> <p>a) Publicity (and in particular the Trust's ability to issue its own press/ PR statements),</p> <p>b) Indemnity (the Trust may be held liable in certain areas e.g. health and safety) and</p> <p>c) The status of Probation Circulars (whether they are mandatory or advisory).</p> <p>The centre had indicated they were not prepared to negotiate on these points. The Secretary accordingly reported that he had advised the Chair to sign the contract on the basis that further delay would not be helpful, but had registered the above concerns.</p> <p>RESOLVED THAT</p> <p>l) The verbal reports be noted.</p>
187.	<p>Governance Arrangements (Agenda Item 7; Paper E)</p>	<p>The Secretary advised that following discussions during the meeting held in April, various amendments had been incorporated into the Standing Orders and that the final version was now being presented for endorsement. He also recommended a change to SO 20.2 which would have the effect of meaning that neither the Chair nor the Chief Executive should sit as members on the Audit Committee.</p> <p>With regard to the notice given to the public of forthcoming meetings (SO 6.3) it was agreed that the Chief Executive would give further consideration to the matter and bring a paper to a future meeting.</p> <p>It was noted that papers are not always being received by members five days prior to a meeting. The Chief Executive said this issue would be investigated and action taken to ensure adequate time for reading of papers was provided.</p> <p>The proposed Scheme of Delegation was approved, with Ken Hockenhull explaining that this had previously gone through the Audit Committee.</p> <p>RESOLVED THAT:</p> <p>i) Paper E be noted and approved.</p> <p>ii) The Scheme of Delegation be approved.</p>
188.	<p>Best Value Review</p>	<p>The Chief Executive presented a paper in response to the</p>

	(Agenda Item 8; Paper tabled)	<p>Best Value Review which was noted and endorsed for submission to the Centre.</p> <p>RESOLVED THAT:</p> <p>i) The paper was noted and endorsed.</p>
189.	External Audit (Agenda Item 9; Papers F and G)	<p>Neil Preece offered thanks to West Mercia Probation staff who had produced work for the reports. He drew attention to Paragraph 9 of Paper F and reported that errors had been noted and duly corrected by management. It was envisaged that the audit report would be signed off on 19th June 2008 following receipt of a report from the actuary. The report was to be submitted to NOMS by 27th June 2008.</p> <p>The Audit Plan had been produced which incorporated feedback provided to the Audit Commission. Mr Preece said that although reporting standards would be changing in 2009, the Commission would continue to work with officers to enable a smooth changeover. The Audit Commission were aware of the organisation's capacity and anticipated no extra burden on management - any extra cost would be borne by the Commission.</p> <p>The Chair also thanked the Treasurer and his team for all their efforts and hard work.</p> <p>RESOLVED THAT:</p> <p>i) Papers F and G be noted and approved.</p>
190.	Comprehensive Area Assessment and Use of Resources (Agenda Item 10; Paper H)	<p>The Chief Executive provided a summary of the report and invited any questions from members.</p> <p>RESOLVED THAT:</p> <p>i) Paper H be noted.</p>
191.	Annual Operational Reports (Agenda Item 11; Papers I and J)	<p>a) Deaths in Custody</p> <p>The Chief Executive said although the "Summary of Deaths of Offenders whilst Subject to Supervision" was a nil return, West Mercia were still required to report on an annual basis.</p> <p>b) Complaints</p> <p>The Secretary reported on the analysis of complaints. He said that while the number of complaints had risen there had been no complaints during the last financial year which had</p>

		<p>been escalated to Level 3.</p> <p>Ken Hockenull suggested that UPW appeared to be an area of concern with 3 complaints about lack of supervision of work parties. The Chief Executive said that whilst he had not noticed any particular pattern (the spread was fairly even over UPW and Offender Management and geographically) he would review the analysis again. The Secretary also pointed out that all three complaints had been resolved at Stage 1 with Martin Foley noting that the number of complaints was minimal in the context of the amount of activity around UPW.</p> <p>RESOLVED THAT:</p> <p>i) Papers I and J be noted. ii) Chief Executive to review the complaints analysis to see if there were areas of common concern.</p>
192.	<p>Risk Register (Agenda Item 12; Paper K)</p>	<p>Graham Mallinson said that following the Trust Board meeting on 2nd April 2008, all risks had been reviewed. It was noted that the level of risk 07/ 07 had increased due to on-going pay negotiations in the context of the current financial position. The level of risk had decreased for both 07/ 09 and 07/ 10 and while risk 07/ 12 had been achieved it would remain on the register. He recommended that both risks 07/ 07 and 07/ 12 remain on the register. This was supported by Ken Hockenull as Chair of the Audit Committee.</p> <p>RESOLVED THAT:</p> <p>i) Paper K be noted. ii) Members endorsed the recommendation.</p>
193.	<p>Probation Association (Agenda Item 13; Papers L and M)</p>	<p>The Chief Executive gave a summary of the response to the PA Consultation, the options available and their knock-on effects. Following discussion it was agreed that West Mercia's response would be a combination of Options D and E based on viability and voluntary amalgamation.</p> <p>The Secretary reported on the PA Business Plan which set out their priority outcomes for 2008/2009 as:</p> <ul style="list-style-type: none"> a) To deliver the employers' pay strategy b) To agree with NOMS the 'in principle' transfer of HR services from NOMS to PA and the resources and arrangements to execute the transfer c) To achieve an operating environment for Trusts which Trusts and Boards consider meets their needs in relation to local governance and decision making d) To have achieved demonstrable influence on public

		<p>policy in the interests of the probation service</p> <p>e) To develop internal governance, financial and HR arrangements which support the delivery of the Framework and Business Plan</p> <p>f) To deliver services which members confirm meet their requirements</p> <p>RESOLVED THAT:</p> <p>i) Papers L and M be noted.</p> <p>ii) A response to the PA Consultation from the Chief Executive to be a combination of Options D and E.</p>
<p>194.</p>	<p>Committees of the Trust Board (Agenda Item 14; Papers N, O, P, Q and R)</p>	<p>a) Performance Dashboard as at 31st March 2008</p> <p>Graham Mallinson reported that while performance was generally 'green' there were a number of issues of concern which had been discussed at the Resource & Performance Committee. In particular it was noted that there was a low figure for appraisal completions. The Chief Executive explained that this was relating to last year's appraisals but that the appraisal process had been reviewed, that appraisals were expected to be completed over a six month period and we were looking for a higher completion rate this year. It was agreed that the Head of HR should give an update on appraisal progress at July's meeting.</p> <p>b) Resource and Performance Committee meeting held on Monday 2nd June 2008.</p> <p>The Minutes of the meeting were noted.</p> <p>c) The Chair of the Resource and Performance Committee said that the Performance Dashboard provided a good visual interpretation of the service's performance to date.</p> <p>It was agreed that for future meetings Chairs of Committees would provide a report which would set out strategic objectives.</p> <p>d) Audit and Scrutiny Committee held on Wednesday 4th June 2008.</p> <p>The Minutes of the meeting were noted. The Chair of the Audit Committee said that the committee had kept both internal and external audit activities under review. He said that a recent test of the Business Continuity Plan had proved less than successful and had highlighted some concerns. The Chief Executive said that the BCP test had been successful in that it had highlighted faults, although the plan</p>

		<p>was currently not as robust as it needs to be. Graham Mallinson added that in terms of the fire drill, evacuation of the building had taken place in under 2½ minutes and problems had centred on not being able to identify if everyone had vacated the building. Following the BCP test, Derrick Vose, the Health & Safety Manager had been asked to review the process and a retest will take place.</p> <p>e) HR/JNCC Committee meeting held on 6th March 2008</p> <p>The Minutes of the meeting were noted.</p> <p>RESOLVED THAT:</p> <p>i) Papers N, O, P, Q and R be noted. ii) Head of HR to update members on appraisal progress at July's Trust Board meeting. iii) Chairs of Committees to provide reports to future Trust Board meetings setting out strategic objectives. iv) BCP process to be reviewed and a future test to be carried out.</p>
195.	Connect (Agenda Item 15; Paper S)	<p>The Chief Executive reported the formal closure of the Connect project. Financially the project will balance although this was at the expense of giving short notice to project staff. A number of members expressed their frustration that such a good idea should have come to an end due to lack of funding, particularly given the evidence that it represented much better value for money than custody .</p> <p>RESOLVED THAT:</p> <p>i) Paper S be noted.</p>
196.	Policies (Agenda Item 16)	<p>The following policies were reviewed by members</p> <p>a) Travel & Car User Status</p> <p>b) Procedure for Requesting to Work beyond Normal Retirement Age</p> <p>c) Stress Policy</p> <p>d) Redundancy & Redeployment</p> <p>RESOLVED THAT:</p> <p>i) The policies were endorsed subject to amendments being made by the Head of HR. ii) Outstanding policies to be brought to July's meeting.</p>

197.	Closed Session (Agenda Item 17)	The Board met in closed session to discuss restricted and “in confidence” matters.
198.	Any Other Business (Agenda Item 18)	There were no items for discussion.
199.	Date of Next Meeting (Agenda Item 19)	Wednesday 30 th July 2008, 10.00am, Leswell Street.
200.	Meeting Ended	The meeting closed at 4:45PM

Signed:

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Board Chair

Dated:

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