



BOARD MEETING OF WEST MERCIA PROBATION TRUST

Meeting: West Mercia Probation Trust Board

Date, time: Wednesday 16th September 2009, 10.00am

Venue: Training Centre, Leswell Street, Kidderminster

MINUTES

Members in attendance:	Keith Austin; Peter Davidson; Martin Foley; Elaine Hickman; Kenneth Hockenhull; James Kelly (Chair); David Chantler (Chief Executive); Leon Murray; Bridget Nisbet, Valerie Reynolds and Andrew Strong.	
Assistant Chief Officers in attendance:	Helen Allen Alec Rudd Graham Mallinson Julie Masters	Head of Interventions Head of Human Resources Head of Business Services Head of Offender Management
Officers :	Secretary to the Trust Board: Treasurer to the Trust Board: Clerk to the Trust Board:	Norman Stott Mike Weaver Kirsty Johnstone

68.	Apologies for Absence (Agenda Item 1)	Libhin Bromley (Board Member) and Derek Muhl (Board Member) HH Judge McCreath was not in attendance.
69.	Declarations of Interest (Agenda Item 2)	There were no declarations of interest.
70.	Confirmation of Minutes (Agenda Item 3)	It was resolved that the Minutes of the Trust Board meeting held on Wednesday 29th July 2009 be agreed as an accurate record with the Chair being authorised to sign as such.
71.	Matters Arising from the Minutes (Agenda Item 4)	Paper 4.1 was noted. Although not listed on the Action Sheet the Chief Executive advised that he has a meeting booked for 1 st October to meet with the potential new Board Advisor. After he has had an initial meeting he

		<p>will contact Bridget Nisbet and Libhin Bromley to take the matter forward.</p> <p>The Board Chair tabled a response from Jack Straw (attached to these Minutes as Appendix A) in relation to the letter sent by the Board with regard to pension issues.</p> <p>RESOLVED THAT:</p> <p>i) The above be noted.</p>
72.	Notice of Any Items of Other Business (Agenda Item 5)	<p>There were no items of any other business.</p>
73.	Performance (Agenda Item 6)	<p>i) Performance Dashboard – Paper 6.1</p> <p>Graham Mallinson explained that the dashboard is the same version as presented to the Resource & Performance Committee on 2nd September. The data reflects performance to the end of July. There was concern that sickness absence could become an issue at the end of August, but the figures produced for the end of August are substantially better than first thought and therefore should remain as green on the IPPF.</p> <p>Interventions - In relation to the NS Interventions West Mercia are currently looking at new software to help improve the Nsmart Data performance measure.</p> <p>Sex Offender Programme Completions/Completion Rates - The West of Midlands programme runs for 36 months but the targets are calculated on 30 months. Helen Allen advised that she has written confirmation from Lori Chilton acknowledging this difference and stating that the West of Midlands Region would not be penalised for running a longer programme.</p> <p>Internal Audit Actions – Remedies are now in place to ensure that all outstanding audit actions are dealt with.</p> <p>Complaints – In future the way complaints are recorded is going to be changed. The timeliness of complaints will be recorded as opposed to the volume of complaints.</p> <p>Graham Mallinson stated that he anticipated that at the end of Q2 IPPF should be green.</p> <p>ii) IPPF Q1 Final – 6.2</p> <p>When looking at Q1 IPPF the Executive Team are confident that</p>

		<p>Tier 2 and 3 OASys will go green but less doubtful about risk management plan timeliness. End to end enforcement has now gone green and again the Executive Team are hopeful that enforcement will return to 90%.</p> <p>David Chantler also advised that the OMI Management Result now counts as one single red as opposed to a double red previously.</p> <p>Bridget Nisbet questioned whether staff feel proud of the recent upturn in performance. The Chief Executive advised that staff now feel they are getting credit now they understand fully how to document and report all of the work that they do.</p> <p>RESOLVED THAT:</p> <p>i) Papers 6.1 and 6.2 be noted.</p>
74.	Application for Second Wave Trust Status (Agenda item 7)	<p>i) Verbal Update from the Chief Executive on recent Trust developments</p> <p>West Midlands and Staffordshire have been unsuccessful in their Trust application. John Ryan has been appointed as Chair of Staffordshire Probation Area at least until April 2010. Bridget Nisbet questioned whether Staffordshire saw merging with West Midlands as the only viable option. After some discussion the Board agreed to firstly submit a good, strong bid, then to look at the options of mergers after this.</p> <p>ii) Trust Project Steering Group report from Bridget Nisbet – 7.1</p> <p>Paper 7.1 was noted.</p> <p>iii) Responses to Previous Feedback Received</p> <p>This was tabled and noted (attached to these Minutes as Appendix B). The Chief Executive asked that any Trust Board Members who found themselves involved in a scrutiny panel for checking the Trust Bid would need to make themselves familiar with this paper.</p> <p>iv) The following papers were discussed:</p> <ul style="list-style-type: none">• Strategic Plan – Paper 7.2 <p>The Chief Executive explained that he had re-written the introduction (pages 1-19) and that this had been tabled (attached to these minutes as Appendix C). A scrutiny column and a summary of anticipated activities had been added. Bridget Nisbet suggested moving risk to later on in the document so that achievements are</p>

		<p>shown first.</p> <p>It was suggested that the section titled “Current Position” could be taken out. The Chief Executive said it was important to be explicit about the highlights but this could be done by including IPPF’s from Q4 (last year) and Q1 (this year) as an appendix at the end of the document.</p> <ul style="list-style-type: none">• Performance Management Framework – Paper 7.3• Medium Term Financial Strategy – Paper 7.4 <p>Andrew Strong referred to page 6 which states that we anticipate that prices will have been driven down. Andrew Strong suggested that in terms of presenting the case it will be important to detail the increase in purchasing. Graham Mallinson needs to demonstrate that the proportion of expenditure on frontline services is being protected and frontline staff will be protected with contracts to carry out frontline services.</p> <p>Bridget Nisbet suggested changing the title that currently reads “The Four Year Figures” to “Sustainable Budgets”.</p> <p>The Board asked that Graham Mallinson cross reference the figure of 20% referred to on page 9 (h) to the figure quoted in the Strategic Plan.</p> <ul style="list-style-type: none">• Delegated Budget Management – Paper 7.5• Commissioning Framework – Paper 7.6• Best Value Manual – Paper 7.7 <p>Bridget Nisbet added that it is important to note that all of the above documents are work in progress and following the successful submission of the Bid the Sub-Committee Chairs can take the points forward and action accordingly.</p> <p>RESOLVED THAT:</p> <p>i) The Trust Board have noted all of the above documents and their consistency.</p> <p>Action:</p> <p>i) The Chief Executive and Graham Mallinson consider all of the comments above when looking at further drafts of the documents.</p>
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75.	Benefits Realisation (Agenda Item 8)	This was incorporated into paper 7.8 above.
76.	Policies (Agenda Item 9)	<p>Ken Hockenull explained that paper 9.1 was a cross reference to his report in paper 13.1.</p> <p>The Audit & Scrutiny Committee are content that the policies are compliant with current legislation. The Chief Executive advised that all policies are available at the Trust Board Meeting for inspection if required. The HR Committee will look at the review dates as indicated in paper 9.1.</p> <ul style="list-style-type: none"> • Worklife Balance: Parental Flexible Working – Paper 9.2 • Worklife Balance: Career Break Scheme – Paper 9.3 • Worklife Balance: Part-time Work – Paper 9.4 <p>RESOLVED THAT:</p> <p>i) The Board noted paper 9.1 and its recommendations.</p> <p>ii) The Board endorsed papers 9.2, 9.3 and 9.4.</p>
77.	Succession Planning (Agenda Item 10)	<p>Paper 10.1 – Succession Planning was noted.</p> <p>The new succession planning model will focus on individuals not just the organisation. With structures being flattened, postings and secondments will need to become more structured to allow for staff development. The new succession planning document will be</p>

		<p>available in December 09. The Trust Board Chair commented that he would have liked to have seen more detail in the report, for example timetabling with dates added. Alec Rudd advised that the document available in December will be in much more detail and will go down two management levels. The Trust Board Chair also questioned the involvement of the Unions in the document. Alec Rudd advised that the document will go to the next JNCC Meeting. Bridget Nisbet also confirmed that the Succession Planning document will also be put on the HR Committee's agenda for monitoring purposes.</p> <p>Keith Austin asked that "Equality of Opportunity and the external advertisement of senior posts" be added to "Insiders and Outsiders".</p> <p>Leon Murray queried whether the appropriate policies were in place that dealt with people returning from secondments. Alec Rudd advised that they were in the form of the Posting and Secondment document. Alec Rudd advised that further work needs to be done on how people are managed when returning to the organisation and that these policies are being developed on a regional basis.</p> <p>RESOLVED THAT:-</p> <p>i) Paper 10.1 be noted.</p> <p>Agreed that:-</p> <p>i) The completed Succession Planning document will be presented to the January Trust Board Meeting.</p> <p>ii) The Succession Planning document will be presented to the next JNCC Meeting.</p> <p>iii) The Succession Planning document will be monitored by the HR Committee.</p>
78.	Diversity (Agenda Item 11)	<p>i) Alec Rudd advised that the Single Equality Scheme Action Plan was currently being updated. Paper 11.1 was an update on what the current position was. The Trust Board Chair asked for dates to be added to the last four bullet points in paper 11.1. The Trust Board directed the HR Committee to look at the Single Equality Action Plan.</p> <p>ii) The Trust Board considered the suggestion of joining Stonewall - much conversation ensued. The Trust Board agreed to sign up to Stonewall for one year and then review it to see what the benefits are and if it provides good value for the subscription.</p>

		<p>RESOLVED THAT:</p> <p>i) Paper 11.1 be noted.</p> <p>Agreed that:-</p> <p>i) The HR Committee to look at the Single Equality Scheme Action Plan.</p> <p>ii) The Trust Board to sign up to Stonewall, this arrangement to be reviewed in 12 months time.</p> <p><i>* Julie Masters joined the meeting as this point</i></p>
79.	Joint Regional Project Board (Agenda Item 12)	<p>Paper 12.1 (report to Probation Boards and Governors on the Joint Regional Project Board) was noted.</p> <p>The Trust Board asked the Chief Executive to confirm that there are tangible operational benefits to being part of the Joint Regional Project Board. The Chief Executive said he did think that there were and suggested asking Tony Brewerton to attend a future meeting to speak to paper 12.1 in more detail. Valerie Reynolds said that this would be beneficial as it would then put the paper into context.</p> <p>RESOLVED THAT:</p> <p>i) Paper 12.1 be noted.</p> <p>Agreed that:</p> <p>i) Tony Brewerton be invited to a future Trust Board Meeting.</p>
80.	Committees of the Trust Board (Agenda item 13)	<p>i) Audit & Scrutiny Committee</p> <p>a) Committee Chair's Report – Paper 13.1 was noted.</p> <p>Ken Hockenhill advised that the Audit & Scrutiny Committee realised that discussions with YSS regarding joint commissioning (Leon Murray declared an interest regarding his involvement with YSS at this stage) were much further advanced than the Committee had previously thought. Given that two YSS Board Members were already involved in discussions it was thought imperative that West Mercia's Board was fully represented. The Audit & Scrutiny Committee decided to support the appointment of Andrew Strong as the Trust Board representative. Ken Hockenhill said that this was clearly a Board prerogative but he hoped that the Trust Board would endorse this.</p>

Ken Hockenull also informed the Board that at the meeting the Deputy Treasurer and External Auditor thought that pooled budgets was very “murky” water. Ken Hockenull asked Mike Weaver for his thoughts. Mike Weaver advised that there are concerns about pooling resources with a charity, it would be important to understand the risks associated with this and what the safeguards would be. Andrew Strong said that from his experience he would want to see that cost controls were in place to address concerns eg what would happen if overspends occurred. The Chief Executive confirmed that Ian Clarke had arranged to meet with Andrew Strong and that Yvonne Thomas (DOM with Trust lead) had also confirmed that pooled budgets had recently been signed off as a Trust freedom.

Ken Hockenull stated that he was appalled at the Interim Resource Allocation letter received from the DOM. The Board Secretary advised that the letter had provoked an outcry nationally and the Probation Association have issued a letter highlighting concerns. The letter will also be considered by the Secretaries Group at its meeting on Friday 18th September. The Chief Executive said that he would now write to Gill Mortlock in similar terms to that of the Chief Officer of West Midlands.

b) The draft minutes of the meeting held on 19th August 2009 (paper 13.2) were noted.

ii) **Resource and Performance Committee**

a) The Committee Chair’s Report (paper 13.3) was noted.

b) The draft minutes of the meeting held on 2nd September (paper 13.4) were noted. Keith Austin asked that Julie Masters pass on his thanks to staff members involved in the New Magistrates Conference.

iii) **Human Resources Committee**

a) The Committee Chair’s Report (paper 13.5) was noted. Bridget Nisbet advised that the JNCC Away Day has been scheduled for Friday 25th September.

Elaine Hickman advised that she, Bridget Nisbet and Pete Davidson would be meeting with Jackie Bell on 17th September to take the Communications Strategy forward.

Agreed that:

i) **The Trust Board endorse the appointment of Andrew Strong as the Board’s representative for discussions with YSS in relation to joint commissioning matters.**

		<p>ii) The Chief Executive, in consultation with the Board Secretary, to respond to Gill Mortlock.</p> <p>iii) Julie Masters pass on the Resource & Performance Committee's thanks to staff involved in the New Magistrates Conference.</p>
81.	Summary of Deaths of Offenders whilst subject to Supervision (Agenda Item 14)	<p>The summary (paper 14.1) was noted.</p> <p>Elaine Hickman queried whether Julie Masters thought that the age range of deaths had swung to a younger age. Julie Masters advised she didn't believe there was a shift in age profile. Bridget Nisbet asked that the figures be presented in a graph format in next year's report.</p> <p>Julie Masters advised that the Serious Further Offences Report will be available for the November Trust Board Meeting.</p> <p>RESOLVED THAT:</p> <p>i) Paper 14.1 be noted.</p> <p>Action:</p> <p>i) The figures in the report be presented in a graph format in next year's report.</p>
82.	Risk Register (Agenda Item 15)	<p>i) The Trust Board noted the paper in relation to current risks (paper 15.1)</p> <p>The Trust Board agreed to the proposals in paper 15.1 that Risk 08/03 be de-registered and that Risk 08/05 be split into two covering West Mercia Probation Trust's submission and the regional position.</p> <p>ii) There were no risks arising from the meeting.</p> <p>RESOLVED THAT:</p> <p>i) Paper 15.1 be noted.</p> <p>Action:-</p> <p>i) Risk 08/03 be de-registered and Risk 08/05 be split into two.</p>
83.	Bradley Report (Agenda Item 16)	<p>The summary of the Bradley Report (paper 16.1) was noted.</p> <p>Bridget Nisbet pointed out that references in the report should have been to the Worcestershire Mental Health Partnership Trust, not</p>

		<p>Worcestershire Primary Care Trust. As Chair of the HR Committee she would ensure the recommendations were monitored.</p> <p>RESOLVED THAT:</p> <p>i) Paper 16.1 be noted.</p> <p>Action:</p> <p>i) Recommendations in the Bradley Report be monitored by the HR Committee.</p>
84.	Information Items (Agenda Item 17)	<p>The following information items were noted as available for inspection through the Board Secretary:</p> <ul style="list-style-type: none">• HMIP Annual Report• Ombudsman's Annual Report• Parole Board's Annual Report• Probation Association "Study Day" Arrangements. <p>RESOLVED THAT:</p> <p>The above were noted.</p>
85.	Any Other Business (Agenda Item 18)	<p>There was no other business.</p>
86.	Date of Next Meeting (Agenda Item 19)	<p>Wednesday 18th November 2009, Training Centre, Leswell Street, Kidderminster.</p>
87.	Meeting Ended	<p>The meeting ended at 12.55pm.</p>

Signed:

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Chair

Dated:

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