
ESSEX PROBATION BOARD

MINUTES OF A MEETING HELD ON TUESDAY 17 MARCH 2009 AT 10.00AM AT THE HOLIDAY INN, ABBOTTS LANE, COLCHESTER, ESSEX C06 3QL

Members Present: Bill Puddicombe (Chair)
Martin Bates
Terry Collin
Richard Moore
Peter Sheldrake
Peter Wilcock
Tim Young

In attendance: Bernadette Barber (Board Secretary)
Sue Atkinson (ACO)
Alex Bamber (ACO) (items 1 - 10.1 only)
Debbie Came (ACO)
Gill Hirst (ACO)
Shirley Kennerson (ACO)
Pete Mangan (ACO)
David Messam (ACO)

ACTION

1. DECLARATIONS OF INTEREST

Tim Young declared an interest in the proposed Essex DAAT Risk Sharing Agreement (item 8) to which Essex County Council, of which his wife is an elected member, and North Essex PCT, of which he is a Board member, would be parties.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mary Archer, Judge Gratwicke, Rob Everitt and Carol Mellow.

3. MINUTES OF THE MEETING HELD ON 3rd FEBRUARY 2008

Subject to the correction of various typographical errors, the Minutes of the non-confidential part of the Board meeting held on 3rd February 2008 were approved as a true record to be signed by the Chair.

4. MATTERS ARISING

Arising from the Minutes of the meeting held on 3rd February:

- i) in relation to the difficulty in obtaining reducing re-offending data for the Safer Essex partnership, it was reported that base line and target data for the County had now been received. In common with other targets, the intention was now to obtain the same data broken down to District level, although NOMS had yet to confirm that this information would be released. This would provide the management information necessary to determine District level action. The methodology used to assess performance against target compared predicted re-offending rates (based on local demographic factors) with actual re-offending in the previous three months and aggregated the figures on a rolling 12-month basis. The importance of this target to the national indicator set and IPPF was agreed and further information was requested in order for the Board to more fully understand the methodology of measuring this key outcome. Peter Jones and Alex Bamber were requested to provide a report on this for the next meeting.

- ii) Providing an update on the application for Trust status, the Chair reported that Essex had been accepted, subject to further financial assessment, for the next stage of the process, being a panel interview to be held in early April.

PJ/AB

5. CHIEF OFFICER'S REPORT

In her absence, the Chief Officer's report was noted.

6. FINANCE - BUDGET 2009/10

The proposed Budget for 2009/10 was tabled. Debbie Came apologised that, due to an error in the figures only noticed yesterday, she was unable to present a balanced Budget at this time. The figures originally prepared did not reflect the fact that the £400k carried forward into next year was already accounted for in the baseline budget figure. Further savings equivalent to this amount therefore needed to be identified, possibly by accelerating savings schemes planned for 2010/11 or delaying implementation of proposed developments.

Failure to deliver the additional savings upon which a balanced Budget was dependent would have a substantial impact and the need to minimise this risk was emphasised.

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It was necessary to approve a balanced budget before the start of the financial year. Given that it was not possible to identify proposals to balance the Budget at the meeting, it was agreed that the Budget for 2009/10 be approved substantially in the form tabled save for a reduction in the amount budgeted for development schemes of £400k.

Debbie Came was asked to re-circulate the draft Budget showing that amendment before the end of the month and to bring a re-projection of the 2009/10 Budget to the next meeting showing any savings which could be made as an alternative to the reduction in the funds available for development schemes. DC

7. ESSEX PROBATION TRUST ACCOUNTS

The Essex Probation Trust accounts for the year ended 31st December 2008 were presented to the meeting for information. The Trust, a charitable fund of which all Board members are trustees, had made 123 grant payments to the value of £21,165 during the year although, due to investment losses, the actual reduction in the assets of the fund was approximately £43,800. It was recommended that the Trustees review the appointment of the Trust's investment manager on an annual basis.

It was reported that an additional transfer of around £30,000 was due to be made to the Trust upon the winding up of the charity EXTRA later during the year.

It was noted that the accounts were due to be approved at a separate meeting of the Trustees at which Martin Bates, Richard Moore and Peter Wilcock were expected to form the quorum.

8. ESSEX DAAT RISK SHARING AGREEMENT

Alex Bamber requested that approval be given to entering into a risk sharing agreement between EPA and the other parties which contributed to the pooled budget arrangements of the Essex DAAT.

By way of background it was explained that West Essex PCT had acted as custodian of the Essex DAAT funds used for the services commissioned through the Joint Commissioning Group. A previous underspend against budget had raised questions regarding the respective responsibilities and liabilities of the partners contributing to Essex DAAT and Alex Bamber therefore proposed to clarify these by entering into a Risk Sharing Agreement

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to be signed before the start of the next financial year. At the same time, responsibility for holding the DAAT's funds would be transferred from West Essex PCT to Essex County Council.

In the absence of a draft agreement for review by the Board and advice on the agreement from the EPA's legal adviser, concerns were raised that the proposed agreement might not provide for proportional sharing of the financial liabilities and that in the absence of a cap on possible future liabilities, the potential exposure for EPA could be significant.

Shirley Jarlett, as an employee of Essex County Council, might have a conflict of interest which would prevent her advising on this agreement, however on the assumption that suitable arrangements could be put in place to deal with any conflict issues, Alex Bamber was requested to seek the advice of the EPA's legal adviser on the agreement. AB

It was agreed that, if following receipt of that advice, the agreement was considered by Alex Bamber and Debbie Came to be proportional, reasonable and unavoidable, the Urgency Committee be authorised to approve the Risk Sharing Agreement for signature on behalf of the EPA in advance of the new financial year. AB/DC

This proposal had raised wider issues in relation to the respective responsibilities and potential liabilities of EPA not only in relation to Essex DAAT but also to other partnership arrangements in which EPA participated. Alex Bamber was requested to present a paper to the next meeting on the Essex DAAT and other partnership arrangements. AB

9. PERFORMANCE

The Service Performance report, including the January 2009 Essex Scorecard and 2008/09 Q3 IPPF, was noted. The SMT were congratulated on achieving a "green star" rating for the first time in the IPPF, indicating excellent performance. This was the culmination of a lengthy period of focussed work. The challenge now would be to maintain that rating.

On the scorecard it was noted that many of the OASys-related objectives were still red against target indicating that performance was more than 5% below target in these areas. Gill Hirst assured the Board that continuous attention was given to improving the timeliness of OASys assessments whilst still ensuring that the standard of assessments was not compromised. Individual scorecards were used to monitor Offender Managers' performance and any

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failure to meet review deadlines was taken seriously.

It was also further reported that whereas the scorecard indicated OASys timeliness was poorer in relation to Tier 4 offenders than Tier 2 and 3 offenders, this was contradicted by other Management Information. The need to maintain focus on Tier 4 offenders was reiterated.

In response to a question on the increase in short-term sickness absences in January, it was reported that this was believed to be a temporary rise in the absence figures due to winter illnesses – the figures had fallen back again in February.

10. REPORTS TO THE BOARD

10.1 ALCOHOL STRATEGY

The report from Shirley Kennerson and proposed Alcohol Strategy were noted.

It was reported that 52% of offences are linked to alcohol but that due to the limited alcohol initiatives and treatments available within the County, ATRs were being used inappropriately for offenders who were not alcohol dependent. The new strategy recommended, amongst other things, working with PCTs and DAATs to develop pathways to better local provision, making pre-sentencing ATR assessments in order to better target ATRs to alcohol dependent offenders and improving the training of Offender Managers to address the needs of harmful and hazardous drinkers.

The Strategy as presented was adopted.

10.2 FINANCE AND DEBT STRATEGY

The report from Shirley Kennerson and proposed Finance and Debt Strategy were noted.

Although there was currently no proven link between financial / debt need and offending, 27% of EPA's case load had been identified as having financial difficulties which could be barriers to rehabilitation. Further analysis was required to determine what forms of intervention were most likely to be effective and what local provision was available and to develop pathways into that provision. The ACO to lead this work had yet to be agreed.

Bernadette Barber suggested that the County's two credit unions, Southend Credit Union and Essex Savers, might be useful organisations with which to explore links.

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The Strategy as presented was adopted.

10.3 BOARD INDUCTION

Debbie Came presented her report and draft induction process for Board members.

The induction process had been developed in response to Board feedback and the recommendations made following the audit of governance arrangements.

The process, which would be implemented by the Board Secretary, extended the induction checklist used for staff generally. Bernadette Barber suggested that the documentation identified in the list be provided to new Board members over a period of their first few months in office.

Subject to this suggestion, the induction process for Board members was adopted.

10.4 POLICY DEVELOPMENT AND DEPLOYMENT POLICY

Debbie Came presented her report and draft Policy Development and Deployment Strategy.

The Policy had been reviewed in the light of the introduction of new policy deployment software, KCETIS, which would enable the partial deployment of policies to relevant staff, and in order to make the presentation of new or revised policies to the Board more succinct.

It was noted that Debbie Came was the ACO responsible for Governance.

The Policy as presented was approved.

10.5 SINGLE EQUALITY SCHEME

Gill Hirst provided a verbal report on the Single Equality Scheme which she tabled and which was intended to be published on the website by the end of the month.

The Diversity Committee had not had an opportunity to review the Scheme before bringing it to the Board but the policies amalgamated within the Scheme had all been previously reviewed by the Diversity Committee. The Scheme also incorporated an action plan including some new commitments which had yet to be reviewed and agreed by the SMT.

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Board members and the SMT were asked to provide feedback and comments as soon as possible, subject to which the Scheme was adopted.

ALL/GH

11. COMMITTEE MEETINGS

11.1 DIVERSITY COMMITTEE

It was noted that this committee had not met since the previous meeting of the Board.

11.2 HR COMMITTEE

It was noted that this committee had not met since the previous meeting of the Board.

11.3 AUDIT COMMITTEE

The draft Minutes of the Audit Committee meeting held on 3rd March 2009 were noted.

Richard Moore reported that when presenting his Internal Audit Plan for 2009/10, Dan Harris had noted that Bentley Jennison's appointment as EPA's internal auditor might be terminated by NOMS before the start of the coming financial year. In addition, the Committee had been informed that NOMS had identified four core topics on which the Internal Audit Plan was to focus, being risk management, data security, financial controls and management information. Since the meeting, a letter had since been received from Joyce Drummond-Hill instructing EPA to allot 29 days to the audit of these four topics.

Prior to receipt of this instruction, Richard Moore, on the direction of the Committee, had written to Joyce Drummond-Hill to expressing the Committee's concerns regarding the absence of any discussion regarding appointment of the EPA's internal auditor, the restrictions placed on internal audit activity by the imposition of the core topics on the audit plan and the late notice given of these requirements. No response had been received and no formal notice had yet been forthcoming on the internal auditor for the coming financial year.

The Board concurred with the Committee regarding their concerns and confirmed their support for the formal raising of those issues with Joyce Drummond-Hill.

11.4 COMMISSIONING AND CONTRACTS COMMITTEE

It was noted that this committee had not met since the previous meeting of

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the Board.

11.5 JNCC MEETING

It was noted that this committee had not met since the previous meeting of the Board.

12. SIGNIFICANT DEVELOPMENTS AND FUTURE PRESENTATIONS

None.

13. REGIONAL PROBATION TRANSITION BOARD MEETING

Bill Puddicombe reported on this meeting attended by the DOM and all Chairs and Chief Officers within the Region which he and Mary Archer had been present at yesterday.

The issues discussed at that meeting included working together on shared services and approved premises in order to achieve economies of scale.

In relation to the plans of the other Areas within the Region to apply for Trust status, it was noted that Suffolk and Norfolk intended to apply to merge, with the remaining Areas currently intending to apply independently.

14. REPORTS TO THE BOARD FOR INFORMATION PURPOSE ONLY

14.1 FEEDBACK FROM THE TRAINING CONSORTIUM MEETING

Martin Bates reported on the meeting he had attended. The Training Consortium budget for 2009/10 showed an £82k shortfall which would necessitate 10% efficiency savings. A number of cost saving measures had been identified and were outlined.

The Consortium faced a number of uncertainties at the present time, including a fundamental review by the DOM which might lead to closer partnership with the Prison Service.

14.2 MAPPA SMB

Gill Hirst tabled the 2008/09 Business Plan and 2009/10 draft Business Plan of the MAPPA Strategic management Board and reported that in the current year there had been no serious further offences. The focus for the coming year would be on improving the governance of MAPPA which would possibly require more frequent meetings and improved consistency in attendance.

Board members were invited to provide any feedback on the Business Plan outside of the meeting.

15. URGENT BUSINESS

15.1 SERVICE LEVEL AGREEMENT

The Service Level Agreement template for Offender Management and Intervention Services 2009/10 between NOMS East of England and Essex Area Probation Board (the "SLA") was tabled.

It was agreed that, subject to any comments given before the end of the month, the SLA be approved for signature on behalf of the Board.

ALL/WP

16. DATE OF NEXT MEETING

The next meeting will be held on Tuesday 28th April 2009 at 10 am.

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Chair