



**Ministry of
JUSTICE**

National Offender
Management Service

**Cheshire
Probation**



**CHESHIRE PROBATION BOARD MEETING
25 MARCH 2011**

MINUTES OF A MEETING OF THE BOARD OF CHESHIRE PROBATION TRUST held on Friday, 25 March 2011 at Cheshire Probation Area Headquarters, Beech House, Park West, Sealand Road, Chester

PRESENT: L. Robinson (Chair)
A. Cossins, Chief Executive
A. Backhouse
M. Darby
J. Eccles
R. Howarth
Y. McLean
J. Miller
M. Roberts

OFFICERS: D. Bryan, Board Secretary
M. Orrell, Assistant Chief Executive
S. Link, Assistant Chief Executive
K. Thornden-Edwards, Assistant Chief Executive (Item 8.1 only)
J. Richards, Minutes Secretary

There were no members of the public present at the meeting.

The Board Chair welcomed Board Members and Officers to the meeting.

1. APOLOGIES FOR ABSENCE

Apologies were received from John Davidson, Assistant Chief Executive and Christine Evans, Assistant Chief Executive/Treasurer.

2. PROCEDURAL MATTERS

2.1 DECLARATION OF INTERESTS

No declarations of interest were given. DB requested that Board members complete new declaration forms following the Board Meeting.

2.2 MINUTES

The Minutes of the meeting held on 18 February were amended on Page 2, paragraph 3.1, last bullet point. The text "in particular Jackie Jones, Personal Assistant" should be deleted. This sentence should appear on page 3, item 4, paragraph 1 at the end of the sentence.

RESOLVED:

That, subject to the above amendment, the Minutes of the meeting of the Board of Cheshire Probation Trust held on 18 February 2011 be confirmed as a correct record.

2.3 MATTERS ARISING AND REVIEW OF ACTIONS

A discussion took place on inadequacies highlighted in recent audits by Trusts of contract/facilities management arrangements for various health and safety checks and certifications. A wider discussion followed on the recent NAPO publications on the facilities contracts across all Trusts.

RESOLVED:

That certification and checks undertaken by contracted providers be verified as current and complete.

2.4 OTHER PROCEDURAL MATTERS

The Board noted Jane Miller's resignation from Cheshire Probation Board with effect from 31 March 2011. The Board Chair thanked Jane Miller for her diligence and commitment to Cheshire Probation Trust during her tenure.

John Eccles will assume lead responsibility for JNCC, working in conjunction with Yvonne McLean. Future Board roles will be revisited in September 2011 as part of the Board Strategic Planning Event.

3. BOARD CHAIR'S REPORT

The Chair's verbal report to the Board covered the following issues:

3.1 Probation Association

The Probation Association are currently consulting on the Chief Executive Development Programme. The Board Chair and Chief Executive plan to discuss this and agreed to share this consultation paper with Board Members.

3.2 NW Regional Board

- The Chair and Chief Executive recently attended the NW Regional Board, where discussions took place about regional collaboration.
- The NW Regional Board agreed the appointment of Lesley Thompson as Director of the Regional Learning Centre. The Centre is on target for a 1 July launch.

RESOLVED:

That the Chair's report be received.

4. CHIEF EXECUTIVE'S REPORT

- 4.1 Area Management Team.** The Chief Executive made a presentation to the AMT meeting on 16 March 2011. Key themes were preparedness for change, change drivers and commissioning. Future AMT meetings will be held at the various LDU locations across Cheshire.

- 4.2 **Community Payback Competition.** The Chief Executive explained the interim management changes that have been necessary to maximise the Trust's opportunity with the Community Payback Competition and to respond to changes in LDUs. A wider review of capacity and structures will be undertaken by September 2011 and a further report will be made to the Board at the Strategic Planning Event in September. Formal discussion and ratification of this review will be made at the November Board Meeting, if necessary.

The Chief Executive restated her commitment to the LDU structure, but stressed the need for the Trust to have the correct capacity and structure in place in order to meet the commercial challenges that lay ahead.

- 4.3 The Chair of Audit Committee and the Chief Executive reported positive feedback following their attendance at the second 'Developing Commissioning Skills' event on 2 March 2011.
- 4.4 The Chief Executive reported that the Cheshire West and Cheshire Offender Management Team were awarded the team award at the Criminal Justice Awards held at Police HQ on 25 February 2011. Although caution should be exercised with the re-offending data, it was noted that Cheshire scored a reduction of 47% in re-offending rates against a national benchmark figure of 16%. The Chief Executive confirmed that publicity around this event was being co-ordinated by Cheshire Police.
- 4.5 Following the Cheshire Criminal Justice Board Meeting on 14 March 2011, a joint approach to the Transforming Justice agenda and CCJB annual plan were agreed.
- 4.6 As previously reported, the NOMS restructuring has resulted in public prison and probation trusts sitting within different directorates. The Cheshire Prison and Probation Forum is therefore developing plans to maximise collaborative working especially in relation to the resettlement of Cheshire offenders.
- 4.7 The Chief Executive attended a meeting of the Achieve North West Project Board on 24 March 2011.
- 4.8 **NOMS restructure.** It was confirmed that the prison structure regionally and nationally will be unchanged. For the first half of 2011/12, Sue Taylor will remain the Trust's main point of contact in NOMS.
- 4.9 **PCA Conference.** The Chief Executive reported that Steve Collett had received lifetime membership of the Probation Chief's Association at their Conference on 3/4 March 2011. Consideration is to be given to briefing the Board on the activity of the PCA periodically.

RESOLVED:

That the Chief Executive's report be received.

5. PANELS

5.1 AUDIT COMMITTEE

R. Howarth, Audit Chair presented the draft minutes of the Audit Committee meeting held on 25 February 2011.

RH drew attention to the Cheshire Pension Fund and the prospective increase in employee contributions at a time when income is falling. The Chief Executive said that the work with NOMS was ongoing. CPE is due to provide the Chief Executive with a further briefing which will be shared with RH.

RH/CPE are reviewing the use of cjsm email accounts for Board members. The Board Chair requested that any change in email policy should take place in consultation with Board members and should be made as user friendly as possible. AC informed the Board that a new classification of PROTECT will be phased in, initially at HQ. This classification would allow for more appropriate data classification.

RH/CPE met to plan activity around the Audit and Corporate Assurance draft business plan. Due to the change in Service Level Agreements between Trust and the MOJ Internal Audit, mandatory audits would be dispensed with, giving Trusts the opportunity to commission specific local audits as required.

A discussion took place on the risk posed by the potential loss of the Community Payback bid and the need for an appropriate risk assessment and exit strategy.

RESOLVED:

That the draft minutes be received.

5.2 JOINT NEGOTIATING AND CONSULTATIVE COMMITTEE

The Board was asked to note the contents of the revised JNCC Constitution.

It was noted that following the resignation of Jane Miller from Cheshire Probation Board, John Eccles would take over as Lead Board Member. Arrangements need to be in place to ensure that this Committee is quorate.

RH questioned the text "duly authorised" in the terms of reference section 4(a)(ii) which seemed to imply executive powers. The Board Chair clarified that the JNCC had authority to agree matters, but was not a final decision making body and decisions would require Board ratification.

RESOLVED:

That the contents of the revised JNCC Constitution be received.

5.3 HEALTH AND SAFETY COMMITTEE

No paper was presented to Board. The next Health and Safety Committee Meeting takes place on 9 May 2011.

5.4 DIVERSITY PANEL

The Board was asked to note the contents of the draft minutes of the Diversity Panel held on 16 February 2011.

Yvonne Mclean, Lead Board Member is going to attend the Equality and Diversity Action Group to clarify its role and function and how it relates to and informs the Diversity Panel. Her findings will be reported to the Board Strategic Planning Meeting.

RESOLVED:

That the draft minutes be received.

6. ANNUAL BUSINESS PLAN 2011/12

The Board were asked to approve the Annual Business Plan 2011/12.

Members considered the Draft Annual Business Plan and some amendments were suggested to correct minor matters.

RESOLVED:

- (i) That subject to minor amendments, the Annual Business Plan 2011/12 be approved.
- (ii) That the Board approves the Budget as set out in the Annual Business Plan 2011/12 (Annex 1).

7. HMIP OFFENDER MANAGEMENT INSPECTION

The Board were asked to note the contents of the report on the HMIP Offender Management Inspection (OMI 2). The Board Chair thanked SEL for a comprehensive report.

The Chief Executive clarified the inspection feedback timetable. The Chief Executive would attend a meeting with inspectors on 13 May 2011 to receive initial headline findings which would then be disseminated to Board Members. The Draft inspection report will be available on 13 June 2011. Any substantive items will be communicated to Board Members. The final HMIP report will be published on 8 August 2011 and the Lead Inspector will attend Cheshire Probation Trust Board meeting on 9 September 2011 to provide detailed feedback.

RESOLVED:

That the report be received.

8. APPROVED PREMISES

8.1 APPROVED PREMISES FULL YEAR REVIEW 2010/11

The Board were asked to note the content of the Approved Premises Full Year Review 2010/11 which detailed operational performance for both Cheshire Approved Premises.

KTE assured the Board that occupancy levels in both Linden Bank and Bunbury House remain high. Referrals also remain at high levels.

The rate of successful completions was reported at 55% at Linden Bank and 46% at Bunbury House against a North West average of 60%. KTE assured the Board that improving completion rates was a priority and attention is being focused on achieving the correct regime balance to achieve this.

KTE reported that the local 'Time to Go' protest group has withdrawn their representation from the Community Liaison Group and have renewed their focus on the campaign for closure of Linden Bank Approved Premises. Protests do not appear to have generated significant public interest.

KTE reported that the Trust is still awaiting the outcome of the Prison and Probation Ombudsman Investigation into the death of a Linden Bank resident on 27 September 2010. The date of the Coroner's Inquest is also still to be confirmed. KTE will continue to liaise with JE, the Lead Board Member on this matter.

The report on the Best Value Review of Approved Premises is being finalised. The review has prompted work around maximising efficiency and improving quality resulting in a proposal for significant restructuring within the Approved Premises. Consultation is currently underway with staff regarding the implications of the reintroduction of single waking night cover. The impact of the restructuring of Approved Premises, including single waking night cover need to be risk assessed and this will be discussed at the next Audit Committee in May 2011.

The Board discussed the potential for Approved Premises to be the next area of Trust operations to be put out to tender as a national bid.

RESOLVED:

That the report be received.

9. COMMUNITY PAYBACK MINI COMPETITION

The Board were asked to consider papers outlining governance arrangements which will operate between the four Trusts involved in the submission of a tender to win the contract for Community Payback services in Lot 3. Resolutions outlined in this paper have already been approved by the Boards of Merseyside and Greater Manchester Probation Trusts, subject to minor amendments to the Terms of Reference.

The Chief Executive gave a verbal report on the national and local developments and timescales in respect of the bid and confirmed that the 'pre-qualifying' Gateway will be launched on 28 March 2011 at 2 p.m.

There is significant work being progressed by the CP Project Board, the four works streams and the Bid Project Team against challenging timescales to determine an operating model and structure which is able to deliver the bid. Stakeholder consultation is being arranged and Board Members will be included in this process. Suggestions were requested from Board members for external facilitators/contacts that could assist. LR/AC are committed to a radical approach to the bid in order to compete successfully.

Board Members reviewed Appendix 1 Exclusivity and Confidentiality Agreement and Appendix 2 Terms of Reference. In Appendix 2, Section 4 'Role of Members' was amended to include an explicit reference to a review of the document taking place after the gateway exercise. The Board Secretary clarified that the voting process (section 10) will be unanimous or by a majority of three, of which one must be Greater Manchester Probation Trust, as the Lead bid member.

AC confirmed that an initial operating budget has been agreed of £120K. Manchester Probation Trust will meet 50% of the budget as the lead provider and the remaining costs will be disaggregated pro-rata.

LR will brief the Chair of the Audit Committee on key issues regarding the bid as appropriate. LR/RH/AC will consult at the earliest opportunity to discuss risk assessment, project costs and an exit strategy. AC will take reasonable steps to brief the Board on progress against issues and timescales, as considered appropriate.

RESOLVED:

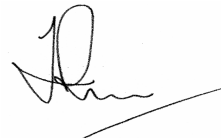
- (i) That the report and appendices be received, subject to reported minor amendments.
- (ii) That the progress on the Community Payback Competition in Lot 3 as outlined in the report are noted.
- (iii) That the Secretary is authorised to complete negotiation and sign off of exclusivity and confidentiality agreements between the 4 Trusts as outlined.
- (iv) That the Board Chair is authorised to complete and sign off the Project Board Terms of Reference, subject to the noted amendments.
- (v) That delegation be granted with immediate effect to the Chief Executive, acting in consultation with the Board Chair as appropriate, to take all steps which are reasonable, within the powers and in the interests of the Trust to progress the Community Payback Project. In consequence of this, the Trusts standing orders and policies shall be construed so as to permit this delegation.
- (vi) That appropriate steps will be taken to secure a written confidentiality undertaking from all officers involved in this bid.
- (vi) That at future Board Meetings, this item will be taken under Part 2 'not for disclosure'.

10. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC

10.1 There was no urgent business that required the exclusion of the Press and Public.

11.3 DATE OF NEXT MEETING

Date: Friday, 10 June 2011
Time: 9.30 a.m.
Location: HQ, Beech House



CHAIRMAN:

DATE: 10 June 2011