

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

HELD ON 30 JULY 2009

AT 83 VICTORIA STREET, LONDON SW1

Present: Alan Wooderson – Chair, Julie Dent, Michael Fisher, Christine Goldstraw, Stan Hardy, Alan Harrison, Brenda Palmer and Clifton Robinson.

Attending from PA: Mike Caldwell (part), Chas Dowden (part), Ian Fox, Duncan Gaskell (part), Neil Lampert, Nigel Spencer and Jo Whyte.

1. Welcome, Apologies and Conflicts of Interests

Apologies had been received from Norma Beechey, Lesley Bessant, Joe Kuipers, Christine Lawrie and Roy Male. No conflicts of interest were expressed.

2. Minutes of Meetings held on 21 May and 11 June

21 May

- Clifton Robinson asked that under Matters Arising, item 3a)ii) should be amended to read “Clifton Robinson reported that he *and Rachel Lipscombe, Chair of the LCCS National Steering Group*, had had a useful meeting with Jack Straw”.
- Jo Whyte asked that the Board note an amendment to the minutes under item 4, paragraph 4. The last sentence now read “...*it was agreed that an explanation of the changes would be given to all Chairs as soon as possible*”.
- Alan Harrison explained that under item 9 he had been asked to provide information to Christine Lawrie on VAT but that this was not meant for inclusion in the Position Paper. The reference to this should therefore be removed. The Board agreed.

Subject to these amendments, the minutes were approved as an accurate record and signed by the Chair.

11 June

The minutes were approved as an accurate record and signed by the Chair.

Matters Arising from 21 May

- *NOMS Protocol* – Stan Hardy explained that despite delays, this had now been finalised. He thanked Christine Lawrie for pursuing it and commended it to the Board for approval.

The Board approved the Protocol and asked that Christine Lawrie progress a signing event with NOMS.

- *Appointment of area board members* – Mike Caldwell reported that at the Probation Trusts Programme – Strategic Enablement Conference a hand-out had been circulated which answered many of these HR questions. He supplied the Board with a photocopy of the handout

3. Outstanding References

The up-dated Brought Forward document was noted. It was agreed that in future Jo Whyte would provide the Board with details relating only to the previous two Board meetings and to on-going outstanding references.

4. Chair's Business

a) Management of Change – Chas Dowden gave a briefing on the application of the Protocol so far. There had been “period of reflection” meetings with two boards and the Protocol had been helpful on both occasions; focussing discussions on key issues and helping to create a problem solving environment. Three further “period of reflection” meetings had been planned but subsequently cancelled as the application of the Protocol had lead to alternative outcomes.

In summary, the Protocol had been well received but the NNC would be reviewing it to see if improvements in its application might be possible.

b) Trust Position Paper – The Chair reminded Directors that they had agreed to raise the Position Paper at regional level and wondered if there was any feedback.

Board members reported that relevant meetings were not scheduled until later in the Summer and there was therefore nothing to report at this stage.

c) Sonnex – The Board noted the action taken by PA in connection with the Sonnex case and the Chair invited Julie Dent to comment. She explained that it had been a very difficult time for all concerned in London Probation but that important lessons had been learnt. The coordination with NOMS and the Secretary of State, Jack Straw, in the required actions following on from the case and the media handling had been excellent and there had been strong support given to the London Board throughout. Much had been learnt as a result of the experience. The interim Chief Officer was now focussed on performance improvements. Positive internal change was taking place and good progress was being made.

Julie expressed some discomfort that PA had issued guidance on the Sonnex case without consulting London Probation. The Chair emphasised that the guidance had been intended as a speedy analysis of key points included in the Sonnex report for the benefit of all members to improve governance and oversight.

Ben Emm's Practical Governance Project and the Governance Handbook would provide useful additional information in this regard. Mike Caldwell explained that he had discussed with one area how they were working towards better governance practice by looking at lessons from Sonnex. It was agreed that he should gather information from other areas as to any local approaches being taken following Sonnex and share this with all members. Julie Dent agreed to share London's workload management system with other chairs.

d) BNP Membership – Christine Lawrie had received a letter from NAPO asking for a view on whether trusts/boards would wish to proscribe membership of the BNP for probation employees, in line with the policy operated by NOMS for Prisons. A number of views were expressed and it was agreed that more information was required before a position could be proposed to Council for debate and agreement. Chas Dowden would seek to establish:

- whether the police and the prison service proscribed any other organisations in addition to the BNP;
- NOMS' view as to whether probation employers should proscribe membership of the BNP and what NOMS' advice would be on the matter;
- whether NOMS included in the proscribing of the BNP all contractors who worked through them and if such contractors were required to sign a declaration and similarly whether this applied to commissioning, specification and tendering arrangements;

- the precise legal position for the PA as an employer body in advising its members on proscribing the BNP .

The Board would consider the issue again at the next meeting.

e) **Member Satisfaction Survey** – it was agreed that Neil Lampert would progress this, ensuring that the survey took as broad an approach as possible in relation to PA’s activities.

5. Chief Executive’s Business

a) **PA/NOMS ICT Conference** – The Board supported the suggestion that Steria part-sponsor the ICT event, as long as protocols were put in place to ensure the propriety of the arrangements.

b) **Sponsorship of the Bill McWilliams Lecture** – It was agreed that Neil Lampert should evaluate the proposal to see if it was a good use of PA’s events budget and to explore what branding opportunities it would afford. The matter would then be brought back to the Board for further discussion.

c) Consultancy Work

- **“Parallel Tracks” Autumn Seminar** – Ian Fox introduced his paper on the planned seminar. He asked the Board to, first, approve the seminar going ahead and, secondly, agree that owing to the specialist nature of the consultants he wished to engage, the Board would approve proceeding with this consultancy without putting the job out for tender.

The Board agreed that the timing was not right for a seminar of this nature and that it would be more appropriate to delay until Spring 2010. In addition, it was felt that the focus of the seminar should be thought through again. Specifically, if a comparison was to be made with the NHS, it should concentrate on mental health trusts and not on the NHS as a whole or PCTs specifically.

- **Contracting with Boards and Trusts** – The Board agreed that as a point of principle, PA would not contract for work with members of boards and trusts.

d) Finance Report

- i) **Income and Expenditure to end June 2009** - Duncan Gaskell introduced PA’s Income and Expenditure report. He explained that all subscriptions had now been received so the subscriptions out-turn was

guaranteed. The projection for interest received would be hard to achieve with current interest rates. Employment costs should be predictable for the year. Accommodation costs could change if an office move went ahead.

- ii) **Membership renewals** – all areas had now renewed and paid their subscriptions.
- iii) **Deposit account renewal options** – there had been delays in opening the Alliance and Leicester business bond but it was hoped all the required information had now been collected. Another account with Anglo-Irish had successfully been opened.

6. Report From the Audit Committee

a) **2008/2009 Report and Accounts** – Duncan Gaskell introduced the Accounts. He explained that the introduction of new reporting requirements had resulted in more disclosure in the accounts in relation to the assets and liabilities of the pension scheme which highlighted the potential future short-fall. However, PA had passed the “going concern test” and there was no cause for disquiet. He reported that he had now received the letter of representation in relation to the final accounts and that there had been two minor errors – one regarding depreciation of computers and equipment and one regarding an over-accrual for the audit fee. He had made the necessary amendments.

The Audit Committee recommended the Accounts to the Board and the Board approved them. They would be presented at the AGM in September.

b) **Accommodation** – Jo Whyte reported that following Council’s decision that PA should look for leasehold offices in the Victoria area, a suitable property had been identified in Great Peter Street. Basic terms had been agreed and solicitors instructed. Jo Whyte circulated a summary of the costs over the term of the lease, which showed a potential saving of around £109,000 per annum (exclusive of insurance and moving costs). The Board agreed that this course of action should be progressed as speedily as practicable.

c) **Risk Register** – Christine Goldstraw reported that the Audit Committee would be carrying out a full review of the Risk Register in October, reporting to the Board in November.

7. Use of Contractors

Nigel Spencer introduced his report on the PA Trust Development Project. Consultants were now working with twelve areas, although the pace of up-take had been slower than expected. It was agreed that if it had not improved by September, he would approach areas again. The project would also be featured in the member satisfaction survey.

Nigel Spencer would report to the Board again in November.

8. Probation Trusts in Partnership: The New Local Performance Context

Ian Fox introduced his comprehensive paper. The Board agreed that it was an excellent document. It should now go to a wider audience for further discussion, such as the PCA and to DOMS. Ian Fox reported that he had informally asked some Chief Officers for their views and that NOMS had been supportive of the approach being taken.

A number of comments on detail were put forward, which Ian Fox noted. The Board approved the document and agreed that it should go forward for wider circulation and comment.

9. PR and Communications Strategy

Neil Lampert introduced his paper. A number of points were made, including the following:

- There should be more detail included on the range of activities being pursued in the run-up to the next General Election – it was agreed that the fourth action box should be strengthened in this regard;
- There seemed to be a lack of “good news” stories about probation in the press – directors discussed the relative responsibilities of PA and PCA;
- It was important that where relevant, PA should co-ordinate its message with the Ministry of Justice and NOMS, as well as the PCA.

The Strategy was approved. It would be necessary for evidence of the impact of the strategy to be brought back to the Board for consideration.

10. Confidential Items

PA staff left the meeting and a discussion took place on confidential matters.

11. Date of Next Meeting

The next meeting was confirmed as being the AGM on 17 September. Meeting dates for 2010 were also confirmed.