

**MINUTES OF A MEETING OF THE COUNCIL
OF THE PROBATION ASSOCIATION**

11 JUNE 2009

Present: *Alan Wooderson – Chair; Avon & Somerset – Joe Kuipers; Bedfordshire – Adrian Heffernan; Cambridgeshire – Brenda Palmer; Cheshire – Leslie Robinson; Cumbria – Richard Rhodes; Devon & Cornwall – Topsy Murray; Dorset – Mary Fielding; Co Durham – Sebert Cox; Hampshire – Mike Fisher; Humberside – Ram Subramanian; Kent – Janardan Sofat; Lancashire – Roy Male; London – Dolores Currie; Gtr Manchester – Hilary Tucker; Merseyside – Linda Bloomfield; Norfolk – Mike Eveling; Northamptonshire – David Moir; Northumbria – Heidi Douglas; Nottinghamshire – Christine Goldstraw; Staffordshire – Roger Thayne; Surrey – Pauline Dawkins; Teesside – Paul Harford; Thames Valley – Malcolm Fearn; Warwickshire – Robin Verso; West Mercia – Ken Hockenhull; North Yorkshire – Ken Bellamy; South Yorkshire – Peter Smith; West Yorkshire – Stan Hardy; Gwent – Phil Westwood; North Wales – Clifton Robinson; South Wales – Joanna Jenkins; Northern Ireland – Ronnie Spence; Bill McHugh (Guest) for item 5 .*

Attending from PA: Norma Beechey – HR Manager; Mike Caldwell – Governance Services Manager; Neil Lampert – PR and Communications Manager; Christine Lawrie - Chief Executive; Nigel Spencer – Projects Manager; Jo Whyte – Board Secretary.

1. Welcome, Apologies and Conflicts of Interest.

Apologies had been received from: Stephen Taylor – Derbyshire; Bill Puddicombe – Essex; Tony Fitzsimons – Gloucestershire; Jonathan Curruthers – Humberside; Jane Wilson - Leicestershire & Rutland; Chris Cook – Lincolnshire; Julie Dent – London; Graham Bull – Norfolk; Lesley Bessant – Northumbria; Ivan Smith – Suffolk; James Kelly – West Mercia; Alan Harrison – West Midlands; Keith Turner – Dyfed/Powys; John Harray – Gwent; Judith Poole - NAPA and from PA: Chas Dowden – Employment Relations Pay and Policies Manager and Ian Fox – Business Capability and Policy Development Manager;

Alan Wooderson welcomed members and substitutes to the meeting. It was noted that all members had an interest in Item 8 on the Daily Attendance Rate but that a discussion would nevertheless take place. It was also noted that the Chair had an

interest in Item 9 on the Election of the Chair and that he would absent himself from the meeting during the discussion of this item.

The Chair announced that in addition to the listed agenda items, there would be an update on recent issues; specifically the Sonnex case and a meeting between himself, Christine Lawrie and the Secretary of State, Jack Straw.

2. Minutes of the Meeting held on 7 April 2009.

It was noted that the last sentence on page 6 under Item 4 should be amended to read: "Council agreed that they wanted PA to represent chairs *and board members* on matters of pay and remuneration". Subject to this change, the minutes were accepted as an accurate record and signed.

Matters Arising

Item 4 – board and trust remuneration. Christine Lawrie reported that she had contacted NOMS on this and had received a reply stating that there would be no increase this year in allowances for trust and board chairs and members. This was due to the financial situation and to the absence of any recruitment and retention issues. However, NOMS had promised a review of the situation in April 2010 and Christine would be pursuing the matter at that time.

3. Business Plan 2008/09 – Year End Report

Christine Lawrie explained that this was a report on PA performance against its Business Plan over the last year. She was content that much had been achieved, particularly as it had been a time of staff shortages. Council congratulated the executive and approved the Report.

4. Update on Recent Issues

Christine Lawrie explained that PA had not made a public statement on the Sonnex case. Although PA did have a role to speak on behalf of boards/trusts, it would not have been appropriate to comment on the specifics of this case. The issue of under-spending by areas had been raised directly with the Secretary of State.

Council agreed that it was the correct decision for PA not to speak out on this occasion. However, it was felt that PA should perhaps have informed members earlier that the decision had been taken. In future a process for this should be built into the communications system.

The most important point arising from the Sonnex case was that other areas should learn lessons from what went wrong. In particular, it had highlighted governance and accountability issues; specifically what a board needs to be aware of in order to ensure good practice. PA should give advice to boards as to how they should deal

with this aspect of governance as they moved forward to trust status. It was also important for members to read the MoJ report into the case.

The Chair reported that he and Christine Lawrie had had a constructive meeting with the Secretary of State, Jack Straw. They had invited him to use the employers' association more actively so that he could receive timely and accurate information about key probation employer concerns. PA could provide him with answers and solutions. He welcomed this offer and said he would like closer links with PA.

PA made it clear we accepted there was unlikely to be any more money in the system, but members needed more financial flexibility and a massive reduction in unnecessary regulation to make best use of the limited resources available. Under-spending was inevitable when budgets were issued annually and carry-forward was generally not allowed. The spending rules did not support strategic financial flexibility.

The Secretary of State welcomed the Management of Change protocol.

Alan Wooderson felt that PA's key messages had been communicated to the Secretary of State and that he had been receptive to building a positive dialogue with PA, in particular on the future vision for probation.

5. Trust Development

The Chair welcomed Bill McHugh, Deputy Director of the Probation Trusts Programme. He gave a presentation on where the Programme had got to and the key people involved in it.

He reported that an options paper for unsuccessful applicants was soon to be issued and that a paper on pensions was soon to go the NOMS Board for a decision. He had been involved in working on a response to the PA Freedoms and Flexibilities paper, which he thought was excellent, although it was felt there should be a change in emphasis from flexibilities to "benefits realisation". He was working on a communications plan and there would be a series of area/regional visits and a launch programme. He was grateful for the opportunity to address Council and looked forward to working closely with PA.

A number of points were raised in response:

- It was important for the Programme to explore the specific benefits of being a trust rather than a board;
- There should be a more obvious distinction between chiefs and chairs;
- There were some issues of style to be addressed, for instance in relation to how boards were informed of successful and unsuccessful applications;

- It was important that a decision be taken soon on what sort of body a trust would be – this was particularly important due to VAT issues.

Bill McHugh agreed to take away all the points raised and to actively pursue them, as would Christine Lawrie.

Jo Whyte would circulate Bill's presentation electronically with the Council minutes.

6. PA Trust Position Paper

In collaboration with the Board, Christine Lawrie had produced a Position Statement based on previous discussions in Council and on regional contributions fed in through Board members. This had been circulated and Christine needed Council's views on what should now be done with it, in terms of distribution. A discussion took place during which a number of comments were made including the following:

- Having made it public that PA was producing a Position Statement, it was important that the paper was issued;
- The Position Statement was a good reflection of previous discussions and Christine Lawrie had done a good job in bringing it all together;
- The Position Statement should be positive in approach rather than just presenting problems and be more solution-based;
- Annex B should be removed;
- Three of four key points should be identified for the front page for maximum impact;
- The title should be changed to "Enabling Transition to Trusts";
- It should be given to Michael Spurr and to the new minister – Maria Eagle;
- Christine Lawrie should use her judgment as to who else it should be sent to – she should not do anything that in her opinion would be counter-productive and she should continue to work within established relationships.

It was agreed that with these comments in mind, Christine Lawrie would make further amendments to the Position Statement before issuing it. It would then be important to work on a paper dealing with the future vision for probation. A small working group would take this forward. Robin Verso (Warwickshire), Linda Bloomfield (Merseyside), Mary Fielding (Dorset) and Sebert Cox (Co Durham) volunteered. A representative from PCA and an appropriate academic would also be asked to join the group.

7. Employee Relations in the Probation Service

The Chair explained that this Item was to be taken under “Chatham House Rules” and would be minuted appropriately.

Christine Lawrie and Norma Beechey gave a presentation on the Management of Change, current arrangements and options for the future. A discussion followed.

Concern was expressed over how the employers side of the NNC had worked during the negotiations and it was agreed that there were some lessons to be learnt. In particular, it was important to ensure that the representatives were accountable to their constituents and that there was a clear relationship between them and the PA Board and Council. Views should be more effectively communicated to the representatives, thus enabling them to present a unified front during negotiations. It was also important to look at the membership of the employers side to ensure a structure and level of experience required for successful negotiations.

It was agreed that a Council Working Group should be set up to think through how the employers side of the NNC should look within a trust environment. Ken Bellamy (North Yorkshire), Adrian Heffernan (Bedfordshire) and Lesley Bessant (Northumbria) were suggested as members. Chas Dowden and an area director of HR would also be invited to join.

8. PA Accommodation Options

Nigel Spencer explained that the issue had been referred to Council due to the suggestion that PA purchase rather than lease a property. It was agreed that this was not an option to be pursued and that PA should look for alternative leasehold offices in the Victoria area.

9. Daily Attendance Rate

The Chair left the meeting.

Christine Goldstraw reported that the Audit Committee was recommending an increase in the Daily Attendance Rate to bring it in line with the rate paid to area board members and that it should be pegged to this rate in order to deal with future increases. This equated to an uplift of around 10%, which would also apply to the Chair’s salary. Council agreed.

10. Election of Chair

Jo Whyte explained that due to the changes to PA’s constitution that had taken place in March 2008 during the term of office of the current Chair, there was some uncertainty as to when the next election should be held. Under the current Articles of Association, the Chair’s term of office did not necessarily end until 2011 but as he had been elected under the previous Articles and it had always been the intention that chairs serve a three year term, it was suggested that his first year in office be

taken into account and that therefore there should be an election in 2010. There were certainly no constitutional grounds for an election this year.

The Council agreed that there should be an election in 2010.

11. Date of Next Meeting

The next meeting of the Council would take place on 17 September 2009.