

**MINUTES OF A MEETING OF THE COUNCIL
OF THE PROBATION ASSOCIATION
17 SEPTEMBER 2009**

Present: *Alan Wooderson – Chair; Avon & Somerset – Joe Kuipers; Bedfordshire – Adrian Heffernan; Cheshire – Leslie Robinson; Derbyshire – Stephen Taylor; Devon & Cornwall – Robert Nairn; Co Durham – Sebert Cox; Essex – Martin Bates; Gloucestershire – Tony Fitzsimons; Hampshire – Michael Fisher; Hertfordshire – Deep Sagar; Humberside – Ram Subramanian; Lancashire – Les Sewell; Leicestershire & Rutland – Jane Wilson; Lincolnshire – Alan Phillips; London – Julie Dent; Greater Manchester – Abdul Malik-Ahmad; Merseyside – Liz Barnett; Norfolk – Mike Eveling; Northamptonshire – Allan Sui; Northumbria – Richard Dobson; Nottinghamshire – Emma Burnett; Staffordshire – John Ryan; Surrey – Vic Varma; Warwickshire – Robin Verso; West Mercia – James Kelly; West Midlands – Alan Harrison; Wiltshire – Ron Hillier; North Yorkshire – Ruth Dyble; South Yorkshire – Peter Smith; West Yorkshire – Stan Hardy; Dyfed/Powys – Keith Turner; North Wales – Clifton Robinson; South Wales – Brigitte Heller; Northern Ireland – Gillian Shaw; NAPA – Judith Poole and Mike Short.*

Attending from PA: Norma Beechey – HR Manager; Mike Caldwell – Governance Services Manager; Chas Dowden – Employment Relations Pay and Policies Manager; Ian Fox – Business Capability and Policy Development Manager; Christine Lawrie – Chief Executive and Company Secretary; Nigel Spencer – Projects Manager; Jo Whyte – Board Secretary.

1. Welcome, Apologies and Conflicts of Interest

The Chair welcomed members and substitutes to the meeting. He asked that it be noted that Brenda Palmer (Cambridgeshire), Roger Thayne (Staffordshire) and Paul Harford (Teesside) had retired as chairs and he welcomed Kevin Ellis, John Ryan and Roy Hunter-Martin, respectively, as their successors.

Apologies had been received from: Paul Aviss – Wiltshire; Ken Bellamy – North Yorkshire; Lesley Bessant – Northumbria; Linda Bloomfield – Merseyside; Graham Bull – Norfolk; Jonathan Carruthers – Humberside; Chris Cook – Lincolnshire; Pauline Dawkins – Surrey; Malcolm Fearn – Thames Valley; Mary Fielding – Dorset;

Christine Goldstraw – Nottinghamshire; John Harray – Gwent; Joanna Jenkins – South Wales; Roy Male – Lancashire; Roy Martin – Teesside; David Moir – Northamptonshire; Bill Puddicombe – Essex; Richard Rhodes – Cumbria; Ivan Smith – Suffolk; Janardan Sofat – Kent; Ronnie Spence – Northern Ireland; John Steele – Sussex; Hilary Tucker – Greater Manchester and from PA: Neil Lampert – PR and Communications Manager.

There were no conflicts of interest declared.

2. Minutes of the Meeting held on 11 June 2009

The minutes were approved as an accurate record of the meeting.

Matters Arising

Item 6 – Vision Working Group. Christine Lawrie reported that a working group had been formed to consider a future vision for probation and trusts. It had its first meeting on 3 September. A second working group had also been set up to carry out a strategic review of the PA. Seburt Cox was chairing this group.

Item 7 – NNC Employers' Side Review Working Group. Christine Lawrie reported that a working group had been set up to look at how the employers' side of the NNC could work more effectively, particularly in terms of communicating with PA members.

All three working groups would report to the Council at its November 2009 meeting. Jo Whyte would circulate their terms of reference to all members.

Item 8 – Accommodation. Jo Whyte reported that suitable office accommodation had been identified in Great Peter Street. Negotiations had been successful and solicitors were currently finalising the lease for signature. It was hoped that an office move could take place in early January 2010. The new premises would afford PA a considerable saving in its annual accommodation costs and it was confirmed that this would be taken into consideration in the decision on subscription rates for next year for all members.

3. Employment and HR Update

Chas Dowden gave an update on various key issues:

- Management of Change Protocol. Since May 2009 there had been seven formal referrals for a “period of reflection”. These had resolved all but three compulsory redundancies. Chas Dowden and Christine Lawrie were meeting unions soon to review the operation of the Protocol. So far it had not been possible to agree any

of the joint secretaries' letters as required by the Protocol. If agreement could not be reached PA would send the confirmatory letter to the relevant Board from the Employers' Side joint secretary only. The Chair believed that the Protocol had been well received and that it was acting as a form of protection for employers against the charge that they were not following best practice. He felt it was important to agree on the joint secretaries letters as it was potentially confusing given that it was a joint protocol and there should not be disagreement about the resolution of a particular Management of Change meeting.

- PQF Consultation with the unions was due to begin in October, with implementation scheduled for April '10.
- Joint working groups between PA and trade unions on future pay and modernisation The recommendations would be submitted to the NNC meeting on 23 September and it was expected that agreement would be reached. The Trade Unions were keen for a pay agreement before April 2010 so there would be intensive pay negotiations during October, November and December. There would also be discussions with the Trade Unions about pay progression and performance related pay.

Adrian Heffernan gave a Chair's perspective on the current situation. He reiterated that performance and pay progression would be on the agenda with the unions and there was evidence that attitudes were more flexible than previously thought. He reported that Local Government had just agreed a 1.5% pay increase and that this figure would probably be seen as the going-rate more generally.

There was discussion on current and future pay negotiations. Chas Dowden confirmed that the previous two year pay agreement would end in April '10. The arrangements for pay progression were agreed up until October 2009 but no agreement was yet in place for progression in October 2010.

Alan Wooderson explained that PA would ensure the maximum possible information flow between members and the employers' side negotiators in relation to the pay discussions with the unions, to ensure that negotiations reflected members' wishes. The intention was to make sure the views of members influenced the outcome but there had to be recognition that getting an employer view had been difficult previously.

Julie Dent stressed the need to reduce sickness absence in London Probation and wanted to see a new compact with the Trade Unions on a joint approach to tackling sickness absence.

The Chair reassured members that pay modelling for these negotiations this year should be more accurate because of the HR data warehouse. However, this still needed testing.

Chas Dowden confirmed that boards and trusts could negotiate ceasing payment of the essential car user allowance if they chose and that a claim for breach of contract was unlikely.

4. Board of Directors Report

The Chair reported that at the July Board meeting there had been an interesting discussion on membership of the BNP. PA had received a letter from Napo asking for a view on whether trusts/boards would wish to proscribe BNP from probation employment, in line with the policy operated by HMPS. Clifton Robinson was seeking advice from the Equality and Human Rights Commission and Christine Lawrie would be asking NOMS for their advice, particularly on whether HMPS applied the proscription to contractors as well as to employees. The Board would be discussing the matter again and a report would come to Council in due course.

5. Recent Activity

Report on business as usual

- the Practical Governance Project was proceeding well and to time. A Study Day was arranged for 19 November, from which it was expected a lot of valuable material would flow.
- the Consultancy Project was also going well. Nigel Spencer reported that consultants were now working with 15 boards and it was hoped work would soon begin with another 3. Around two thirds of the allocated budget had now been spent. He would prepare a full report for the November Council meeting, including a case study, so that members would learn valuable lessons from the experience of other areas.
- Mike Caldwell reported on estates issues. He had carried out a survey of boards and trusts' experience with facilities management arrangements to which he had had an 81% response. The answers indicated that there had been some improvement but that there were still problems. He had written to John Aspinall and there were meetings arranged with NOMS. He was hopeful that some important change could be achieved.
- Mike Caldwell reported on ICT issues. The aim was for PA to take more of a lead on the governance of ICT and how it was delivered locally. He was arranging a conference in December with this in mind.
- Norma Beechey reported on the activities of the HR help desk. It was providing a valuable service to many members, answering questions on a range of HR issues such as long-term sickness absence and annual leave.

Trust development

The Chair explained that Christine Lawrie would give an update and then later in the meeting members would be asked to have a roundtable discussion on key issues.

Christine Lawrie reported on the draft financial delegation letter that NOMS had produced. She had spoken to Michael Spurr and was due to have a meeting with the relevant official within NOMS Finance. There had been much disquiet on the content of the letter, its tone, and its lack of awareness of current probation area accountabilities. Members were asked to consider whether PA should seek Counsel's opinion on the legality of the letter, should there be a lack of suitable progress on this key issue with NOMS.

Christine Lawrie reported on trust development. She had now received a complete answer from NOMS on the HR questions raised in the PA Trusts Position Paper and had received a summary of NOMS' response to the full paper. This included the following points:

- NOMS believed boards/trusts were satisfied with the benefits realisation from becoming trusts. Members would be asked to discuss this.
- In response to the point about not wanting too much regulation, NOMS had commented that trusts were free to develop their own strategies and ways of working and that they were encouraged to do so.
- NOMS was pressing the Cabinet Office for a decision on whether trusts were to be awarded NDPD or SOPB status. Members would be asked to discuss this issue.
- NOMS was promising a decision on the pension issue in relation to mergers soon. Consultation was due to begin on this subject. Members would be asked to discuss this issue.
- NOMS had explained that boards that had been unsuccessful in applying for trust status would be assessed by an Options Appraisal Team ("OAT") which would propose a solution of remedial action, an amalgamation with another area or limited trust status. Members would be asked to discuss this issue.

6. Probation Trusts in Partnership: the New Local Performance Context

Christine Lawrie explained that the paper had received a tremendous response and there was a high level of engagement with its premise that the focus was shifting from the national to the local, with an emphasis on how trusts would be community bodies, working with a range of partners to serve local people.

Ian Fox introduced the paper and spoke about its key points. Sebert Cox provided a Chair's perspective on the paper and its positive impact on influencing local working arrangements.

7. Round Table Session

Council members divided into four groups to discuss:

1. whether PA should make any formal representation to NOMS about:
 - benefits realisation
 - the delay in agreeing trust status (NDPB or SOPB)
 - pensions for amalgamating areas
 - the Options Appraisal Team (OAT) proposals for unsuccessful applicants
 - whether or not to seek Counsel's advice about the financial delegations letter.
2. the Probation Trusts in Partnership paper and in particular:
 - the implications of a local approach to trusts
 - what influence members wanted PA to have on this issue
 - what PA should do to get local accountability measurements into the IPPF.

A summary of the outcome of these discussions was as follows:

- PA should continue to press NOMS on benefits realisation, and in particular on the freedoms and flexibilities agenda which was the most important benefit to be realised.
- PA should press for an early decision on trust status and preferably for NDPB status. Some members asked for clarification on the difference between an NDPB and an SOPB.
- PA should seek to resolve the pensions issue as it must not be allowed to become an obstacle to merger.
- It was agreed that the "OAT" process could not be prevented but PA should press to be involved with it in order to provide support to an Area and to influence its operation.
- Counsel's opinion on the financial delegations letter should be sought only as a last resort.

- Council agreed that Ian Fox's paper was excellent and that his presentation was very interesting. Specific comments included the following:
 - it would be important to consider the cost of local engagement
 - there was support for retaining the IPPF to 2011 but with a reduction in the number of indicators to between 20 and 30
 - there should be agreement on how to measure re-offending
 - It was important to separate local engagement from the debate about measurements, even though they were linked

The Chair thanked Council for some useful observations and for giving PA a clear steer on key issues.

8. Memorandum of Understanding between PA and NAPA

The Chair explained that this Memorandum of Understanding was similar to that in place with the PCA. Its intention was to encourage the two organisations to be mutually supportive. He commended it to Council and members were happy for it to be signed. The Memorandum was duly signed by Judith Poole, Chair of NAPA, and Alan Wooderson.

9. Confidential Items

There were no confidential items.

10. Date of Next Meeting

The date of the next meeting was confirmed as 26 November 2009 at 100 Rochester Row, SW1