

**Probation Trusts – Governance for the future**  
**Report on qualitative work with three trusts**

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## Introduction

During 2009/10, the Probation Association and NOMS co-funded the Trust's Practical Governance project which was designed to explore the gaps, issues and areas for improvement which Probation Boards needed to make as they transitioned to Trust status.

Alongside a gap analysis and skills audit, all reported at a Study Day in November 2009, and ahead of a final project report in January 2010, the Probation Association additionally funded two consultants to work directly with two Trusts and one Trust-designate to examine governance issues in practice and to highlight future development needs.

In the report which follows, Miranda Hughes and Gareth Hadley are writing as independent consultants and as such, the report represents their views rather than those of the Probation Association. However, given their experience as Appointments Commissioners and their wider knowledge of governance across the public sector, we welcome their observations because they offer challenge and invite further reflection, both for the Association's members and for those who shape the Probation delivery environment within central government.

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## 1. Summary

1.1 This is the final report of a 14 day consultancy project which set out to explore governance concerns for Probation Trusts, and identify some future development needs. Structured interviews were conducted with Chief and Chair at three trusts (Humberside, Lancashire and Sussex). These revealed that performance management is generally well-documented, and that trusts are able to collect and use data which satisfy internal management demands alongside those of the board and the Director of Offender Management in their regions. Resource management is generally well governed. Two key concerns were identified by all three areas: partnership working and commissioning.

1.2 Development sessions were organised with each board. These comprised a half day session in which board members heard short presentations from the facilitators and then explored different approaches to governance which could best support effective development of probation services for the future. Board members considered the value of using a commissioning framework based on the NHS “world class commissioning”, and assessed their own competence against this framework. Board members explored some of the governance issues for boards through two case studies.

1.3 The general trend of discussion reflected a consensus that the challenges of commissioning are probably less than anticipated. Some key principles are required, but the size and scope of commissioning is likely to be small scale and within current competence. However, the governance of partnerships has not been fully explored. Board members were enthusiastic and innovative in considering how Probation should work with others to maximise effectiveness, but partnership governance was embryonic. Probation trusts will need to exercise influence within partnerships where they are minor financial contributors but holders of critical specialist skills and knowledge.

1.4 Four key challenges were identified: accountability, goals and targets, managing partnerships, and communication. There was general consensus that the capacity of trusts to respond to local needs was impaired by the nature of their relationships with NOMS. The extent of top/down determination of strategic, policy and operational matters disempowered trusts, making it untenable and unrealistic for them to superimpose targets which respond to local community needs and expectations of local partner organisations. Also, there was a need for boards to explain more effectively what they were there for and what they did. In essence, they need light touch central support coupled with local determination.

1.5 We make seven recommendations for consideration by the Probation Association. We conclude that probation services have demonstrated their competence to run their businesses and deliver quality services, and should now be more assertive in their relationship with NOMS. Boards need to develop partnership working skills and joint project management capacity; this is more critical than commissioning for which budgets are relatively small. Whatever the long term structure of board (area or region based) there would be benefit in a more “joined up” process of recruitment, induction, appraisal and training for board members.

## **2. Project objectives.**

2.1 This project is part of a wider programme of research, managed by Auriola Consulting, exploring the future of governance for Probation Trusts.

2.2 Its purpose was to seek the views of three Probation Boards (Humberside, Lancashire and Sussex) on the particular governance issues that are faced by newly accredited Probation Trusts, and to develop some recommendations for future support.

2.3 In particular, it was agreed that the project would include:

- structured interviews with Chairs and Chiefs,
- a board training event at each site,
- a summary report.

## **3. Methodology**

3.1 Interviews with Chiefs and Chairs were arranged during August and September 2009. The structured questionnaire (shown at Appendix 1) formed the basis of discussion in three areas: “how satisfactory are current governance systems?”, “what are the key challenges?” and “board skills and behaviour”.

3.2 On the basis of these discussions, two key areas of concern were identified: commissioning and partnership working. Half day development workshops, addressing these issues, were organised for each probation area. The Sussex board was available for a whole day, and an extended workshop was run there. Although it had been intended that all these workshops would run before end October, this was not practically possible, so this phase was not completed until 9<sup>th</sup> November.

3.3 The workshops yielded a qualitative self assessment by board members of their governance skills in commissioning and partnership working. A specimen agenda is shown at Appendix 2. Specimen presentation slides are shown at Appendix 3.

3.4 The information from the questionnaire/discussions and the workshops is summarised below. An undertaking was made to all participants that their contributions would be anonymised in any report, and this confidence is observed throughout.

## **4. How satisfactory are current governance systems?**

### **4.1 Resource management.**

4.1.1 All three trusts were entirely satisfied with their arrangements for financial governance. All had met legal requirements. Since they had been recently required to demonstrate good financial governance as part of their applications for trust status, this is unsurprising. There was positive acknowledgement of the value of separation of offender management and interventions budgets as a precursor to commissioning.

4.1.2 However, there was a perception that the demands of financial scrutiny (internal and external audits, in addition to board monitoring through Audit Committees) were more time consuming, and therefore expensive, than was necessary. There was a common view that the external audit process did not reveal any more than the internal process; that one or other could therefore be “lighter touch”. It was difficult for any board to identify an example of where they had added value to this assurance process.

4.1.3 The need for external assurance (in both financial management and operational performance) was recognised, but if it were to add value, it would need to be independent and not overly driven by centrally determined requirements. One trust was of the view that there was a need for audit and inspection to be backed up by a strong national mechanism for assessment of professional standards coupled with a balanced scorecard approach to underscore the need for – and power of – effective self-assessment.

4.1.4 All trusts recognised that the next five years are likely to require efficiency savings and some budget cuts. All anticipated some redundancies. There was some strategic consideration of how future partnership working could minimise the associated risks of reduced service delivery.

### **4.2 Policy governance.**

4.2.1 All trusts had a culture of policy review and schemes of delegation with which they were reasonably satisfied. Although this was not generally an area of concern, one trust noted that there was currently little incentive to address strategic issues when the DOM and NOMS effectively told trusts what to do thus affording limited freedoms for boards to take decisions on strategic direction.

4.2.2 There appears to have been little formal consideration of policy governance models, such as that described by Carver’s book “Boards that make a difference”.

### **4.3 Commissioning.**

4.3.1 Probation trusts are “commissioned” by NOMS to deliver offender management and interventions for offenders in their areas. In theory, the DOM could commission these services from alternative suppliers. In practice, probation trusts are monopoly suppliers and the commissioning relationship with the DOM is about assurance that performance is managed within budget. There are thus two bodies holding the trust executive to account for their performance: the trust board and the DOM. As noted above, the three trusts in this study used exactly the same performance information for their boards and for reporting to NOMS.

4.3.2 The role of the board in the commissioning process needs clarification. Does the board have the autonomy to set its own strategic objectives which are then reflected in the service level agreements with NOMS, or are objectives set by NOMS? Chairs and Chiefs told us that the board had a role in the commissioning process, but the value of that role was not strongly evidenced.

4.3.3 The separation of the budgets for offender management and interventions was regarded as a useful discipline for understanding costs, and some internal “best value” projects have been undertaken. But there was little appetite for commissioning these services from outside contractors, particularly since their value tends to be low. For example, the cost of putting out to tender a contract for half a dozen support workers could match or exceed the value of the contract. There is a recent national contract for “unpaid work”, and a feeling that this may provide a valuable “pilot” model for the future. However, there was some lack of clarity around how this project will work, since all trusts are existing “approved providers”. Under what circumstances will trusts be obliged to consider using the national call-off contract?

### **4.4 Partnership working.**

4.4.1 Current public service philosophy is that services work more effectively in partnership. Service delivery organisations are exploring ways of improving services and cutting costs through joint working. Probation trusts have incorporated this thinking into their strategic objectives and have identified partners with whom they should be working to deliver improved public protection: police, local authorities (housing, education), Job Centre Plus, NHS and a variety of third sector providers (some national, such as NACRO and the Prince’s Trust, others local to particular trusts).

4.4.2 Chairs and Chiefs had three major concerns around partnership working. The first was how to exert an influence when their cash contribution is relatively small. The second was around how to agree governance principles for joint working. And the third was how to assess the value of partnership working against its costs. These issues are addressed in Section 5, below.

4.4.3 All three trusts have a devolved management structure to “local delivery units” (LDU’s), but these units had not yet evolved sufficiently to enter into autonomous partnership agreements. There was continuing discussion at all three boards as to whether individual board members should be associated with specific LDU’s, or whether accountability to the board should be across the whole area.

## **5. What are the key challenges ahead?**

### **5.1 Accountability.**

5.1.1 If trusts are to be effective parts of the probation service, there is a need for greater clarity as to their **accountability**. In addition to being the employers of probation service staff, trust boards are intended to bring the perspective of the local community and to be plugged into the local strategies. However, the roles and behaviours of the DOM and NOMS are disempowering: their top/down determination of strategic, policy and operational matters currently serves to marginalise trusts. If trusts are to provide effective local leadership, they need:

- more effective power;
- recognition that they are the guardians of their own businesses, accountable upwards within broad national guidelines and a national performance framework; and
- strengthened means of engagement with partner agencies.

5.1.2 In accordance with good practice for the management of public services (and within the principle of compliance with the corporate governance rules), accountability should be based:

- on the outcomes delivered, not on the way the Board conducts its business; and
- on ‘contracts’ (service level agreements) specifying the volumes of outcomes ‘purchased’ and within which there are rewards and penalties – trusts should have the freedom to fund service improvements through retained surpluses.

## **5.2 Determination of goals and targets.**

5.2.1 At present, trusts’ **goals and targets** are mainly imposed top down. It is untenable and unrealistic for a trust board to superimpose many of its own targets in addition to these. Many of the current targets (e.g. numbers of offending behaviour programmes delivered) are not outcome-based and so do not achieve outcomes that are really desired. Getting this right presents a significant challenge for trusts.

5.2.2 Effective targets need to be multivariate, capturing, amongst others, desired outcomes in employment, education, housing, health and social care. They also need to be simple and based upon a guiding principle. *Reduction in reoffending* is the key, but it is mainly delivered through the spending of other agencies (local authorities; police; housing; JobCentre Plus; education; the NHS). Thus, trusts need to have effective partnerships with those other agencies based upon the value that they add to the process.

## **5.3 Managing partnership working**

5.3.1 Given their very limited funding, trusts’ key role will be one of influencing other agencies, adding value through probation officers’ skills in:

- diagnosis (needs assessment), both at system and at individual offender level; and
- gatekeeping offenders’ access to the services provided by other agencies.

5.3.2 In order for this to be effective, the challenge for trusts is to:

- strengthen their access to other agencies;
- to develop commissioner/supplier relationships with them and to establish means of measuring the effectiveness of their contributions;
- develop their capacity to respond to locally determined needs; and
- improve their knowledge of what works.

5.3.3 Trusts need to agree governance principles for joint working. Boards could find the Audit Commission's "Governing Partnerships" report (2005) a useful starting point.

5.3.4 Trust boards need to find a way of assessing the value of partnership working against its costs. To be effective, partnership needs to work at all levels of the organisation and be embedded within the organisational culture. It requires dialogue between organisations and within trusts. If they are serious about making strategic decisions in the context of limited resources, trust boards need to understand the **value** of the partnership outcomes, and the **costs** involved in achieving them.

## 5.4 Communication.

5.4.1 There are linked challenges around **communication**. Trusts need to have the capacity to explain to the public and their partners what they are there for and what they do. Trusts have an important role in consulting with stakeholders – including communities, victims and offenders – on specific issues. Consultation empowers trusts in their engagement with others. Trusts need to have flexibility in the ways in which they can consult and respond. Trust boards should satisfy themselves that they have a properly funded communication strategy.

5.4.2 The current philosophy of working in LDU's may create the need for responsive and flexible **local** communication. This level of communication could effectively be achieved in partnership with other local public service delivery.

5.4.3 In addition to developing and maintaining effective channels of engagement with local partners and stakeholders, trusts need the means of briefing and reassuring Ministers so that they, in turn, can give the public confidence. Trusts need to work together (at regional and national levels) to get across some core messages (without which there will be little prospect of delegation of effective power to trusts):

- there will always be further serious offences;
- trusts work effectively to **minimise** these;
- trusts will learn from them; and
- trusts have effective control mechanisms in place.

## 6. What skills do boards need?

6.1 If boards are going to be effective in addressing the challenges described above (alongside their broader role which is implicit), they will need to be assertive and innovative. Board members need to look beyond their relationship with the DOM and performance monitoring of targets set by others. They need to embrace partnership working and look for opportunities to reduce reoffending which will attract sponsorship beyond NOMS.

6.2 The present boards have been selected by reference to competence alone. The view was expressed that balanced boards should contain a specified range of skills, and that members should be drawn from diverse locations within their area.

6.3 Future approaches to board recruitment could usefully include a specification of key skills required within the board (not by each individual). These might include, for example, finance/audit, high level governance, knowledge of third sector commissioning. Final selection of board members would therefore be made on board balance criteria alongside a competence framework.

6.4 The remuneration system based upon an hourly rate is inconsistent with those used to reward those holding similar non-executive public service roles outside the probation service. It should be brought into line and replaced by an annual fee. However, paying Probation Trust members at a rate comparable with Police Authorities or NHS boards might be deemed inappropriate when Probation Trusts are relatively small organisations. Indeed, school budgets of £8-10m are overseen by voluntary governors, and many charities with budgets comparable to Probation Trusts have unpaid trustees on boards.

6.5 Appropriate provision needs to be made for board members' induction, appraisal and ongoing development. Consideration could usefully be given to a national induction and training strategy which could deliver to agreed standards and would enable board members to learn effectively from each other.

## **7. Board development sessions.**

7.1 Sample material for the board development sessions is set out in Appendices 2 and 3. These materials were developed in response to the initial discussions held with Chiefs and Chairs, and reflected their concerns about two key issues: commissioning and partnership working. The material drew on the NHS "World Class Commissioning" model which defines a set of board competences which underpin effective commissioning. One of those competences is "partnership working". The sessions were focused around the boards' self-assessment of their own performance in key areas, enabling them to signpost future work.

7.2 At each session there was a general discussion about how much commissioning a Probation Trust would undertake. It was evident that trusts did not expect to be commissioning a significant proportion of their budgets. In all cases, boards had felt competent to undertake internal "best value" reviews of their interventions, and none displayed any appetite for putting these out to tender. It was noted that the potential value of such contracts was probably insufficient to attract the quality of delivery required (particularly since the need to TUPE staff would be a probable disincentive to potential suppliers). Thus, any commissioning was likely to be with a very small discretionary portion of a trust's budget: perhaps of the order of £1-2m per annum. This level of commissioning does not require the complexity of approach implied in the NHS model, and boards already have the competence to deliver at this level.

7.3 Boards expressed confidence that they knew who their key stakeholders are, and were able to offer some analysis of the quality of their relationships. There was debate about the appropriate level of engagement of board members with stakeholders. For example, should individual board members be associated with specific LDU's or should they retain a strategic overview, engaging formally with their peers in local authorities, the NHS and Police Authorities (i.e. local councillors, non executive directors in the NHS and Police Authority members)?

7.4 There was some lack of clarity about how delegation of powers to enter into partnerships had been established by each board. Whilst there was clear evidence of commitment to partnership working, and each board was able to offer some good examples, there was little evidence that board members had a clear sense of what their board's partnership **strategy** was, what added value it would bring, how much it would cost, and how the implementation of this was monitored.

7.5 Boards were not pro-active in their approach to partnership governance. Members were unaware of Audit Commission guidelines. They appeared to rely on the competence of their executive to deliver effectively.

7.6 Boards demonstrated some appetite to debate the "big issues" (e.g. should interventions be delivered in-house or out-sourced) but were reluctant to reach decisions.

7.7 The issues with which board members were consistently concerned were:

#### 7.7.1 *Strategy*

- *Interventions* – should these be delivered in-house or outsourced?
- *Offender management* – should this continue to be delivered in house or could it be commissioned?
- What services should be provided for offenders and what should be the standard for interventions?
- Had the expectations of local communities been sufficiently identified and articulated? Was the close co-operation required with other local agencies in place?
- How were the development needs of managers who had never worked in a commercial environment to be best addressed?

#### 7.7.2 *Values*

- Was there a need to make greater effort to keep the agreed values alive, to consult stakeholders on them, and for them to be reinforced as the overarching framework within which the trust made its decisions and delivered its services?
- The need to achieve clarity in areas where they were grey. For example, what did 'treating people well' mean to an offender?
- Was enough use made of the outcomes of the offender survey?
- Should the reward mechanism for LDU directors directly reflect their performance in reducing reoffending?
- Should being evidence based be one of the trust's values?

### 7.7.3 Stakeholders

- The creation of the LDUs had laid down the foundations of strengthened relationships. Were these being exploited sufficiently?
- Could the management of relationships be more structured? Given the impact that effective relationships with other provider agencies had on the trust's performance, would the subject benefit from an annual Board discussion embracing also LDU directors?
- Was enough use being made of the contributions that Board members could make to networking?

### 7.7.4 Service delivery framework

- Was more work needed to draw together the service delivery framework, codify it, and identify gaps?
- The service delivery framework needed and identified purpose. Had it been articulated as – and tested against its contribution to – reducing reoffending?
- If the trust is to be good at commissioning, does it need to know more about the services that it delivers?

### 7.7.5 Business planning/monitoring

- Were there effective links within it to the high level aspirations (i.e. the strategic plan)?
- Was it too detailed?
- Was the project management system strong enough?
- Was delegated authority effectively monitored?
- Were Board members confident that they were engaged with material issues?
- Did the Board need to free up more time for planning and forward thinking?

## **8. Conclusions and recommendations.**

### **8.1 Restructure accountability relationship with NOMS.**

At present, trusts are accountable to the DOM, but the current relationship does not facilitate constructive exchange of ideas or the development of innovative ways of working. Boards have little scope for innovation when their work is so closely defined and monitored by the regional DOM and NOMS. If trusts were empowered to manage their own businesses through outcome-based contracts incorporating a performance-based rewards-and-penalties regime, they would have greater potential to enter into successful partnerships and innovative practice. This will require a more flexible (less controlling) approach from NOMS.

If probation trusts are to be proactive agencies in reducing reoffending they will have to secure significant changes to the current models of governance and accountability. The Probation Association would need to take a leading role in this, persuading and negotiating with politicians. However, trusts need to demonstrate their commitment to greater autonomy by strengthening their capacity for effective locally determined objective setting, monitoring and managing their own performance through use of a balanced scorecard approach reflecting both national requirements (financial and professional standards) and locally determined needs.

### **8.3 Lighten up on audit.**

Trusts are intensively audited. Trusts' financial governance systems should reflect the fact that the public funds under their direct control are relatively small, and financial audit (internal and external) should be proportionate with the size of trusts' funding. Current internal governance systems are broadly satisfactory.

### **8.4 Develop partnership governance skills.**

The recent focus on internal systems may have left trusts under-skilled in the development and governance of partnerships and project working. Trusts could sharpen up their partnership and project management capabilities.

Trusts should map partnership relations and work to strengthen them using local delivery units as the key building blocks

## **8.5 Develop commissioning skills.**

Trusts' capacity for commissioning is currently limited to budgets of typically less than £2m per annum. At this level, the complexity of developing "World Class Commissioning" competence in the style of the NHS is inappropriate. It is difficult to see the logic of individual trusts, in the future, commissioning interventions for their areas; it is much more likely that commissioning contracts would be regional or national (as in the pilot unpaid work call off contract). However, trusts should enhance their capacity for commissioning from the third sector, focusing particularly on their capacity to support and stimulate the market as well as performance manage other service delivery agencies.

## **8.6 Consider reconfiguration of board structure to regional and local.**

The logic of area versus regional boards has been a theme for many public service delivery agencies. We are not aware of any other public service delivery agencies which have a paid Chair and non executive board for such relatively small budgetary responsibility. It is not clear that the "value added" of area boards is significantly greater than that which would be achieved by a single regional board. A regional board would be stronger in the "balance of power" with the DOM. The reorganisation of many areas into LDU's could be overseen by a regional board. This is an uncomfortable conclusion. But the PA should consider whether the long term future of probation service delivery requires so many boards.

## **8.7 Raise quality of boards through systematic recruitment, induction and training.**

Members of probation trust boards should be recruited against a competency and experience model appropriate for the governance of a medium-sized local public service enterprise. A national mandatory induction programme for new members of probation trust boards should be developed, and a system of providing for the continuous development needs for established members should be set up. Trust boards should set aside time on a regular basis (perhaps yearly) to review and reinforce their values, strategies, service delivery frameworks, communication and consultation processes, and strategic links with key partners.

## **8.8 Strengthen capacity of PA**

As a priority, the Probation Association should strengthen its capacity to give Ministers – and through them, the public – confidence in the power of community punishments to address offending behaviours and reduce reoffending, and in the capacity of trusts to manage offenders within the community.

## **Appendix 1      Structured questionnaire. Preliminary Questionnaire for new trusts.**

- 1.      Key characteristics of board**  
Name of board:
  - 1.1      Name of Chair:
  - 1.2      Name of Chief Officer/Executive
  - 1.3      Annual budget (£m)                      08-09                      09-10
  - 1.4      OM budget (£m)                              08-09                      09-10
  - 1.5      Interventions budget (£m)                  08-09                      09-10
  - 1.6      If possible, please could we have hard copies of recent board papers and annual report?
  
- 2.      How satisfactory are current governance systems?**
  - 2.1      Performance monitoring: current arrangements, nature of reports, gaps, benchmarking, exception reporting, is there challenge? What improvements would be valuable?
  - 2.2      Financial audit: any deficit (current or anticipated), effectiveness of Audit Committee, achievement of compliance, preparedness for future.
  - 2.3      Business planning: specific model?
  - 2.4      Process/systems audit: what system used, if any?
  - 2.5      Risk management: what system used? How reported to board?
  - 2.6      Serious incident overview: what does board do?
  - 2.7      Strategic planning: how much imposed from outside? How much discussion at board?
  - 2.8      Board business plan: how is it scheduled? Is it followed?
  - 2.9      Board agenda planning: how achieved?
  - 2.10      Oversight of contract with DoM in region: who is DOM? What is relationship like? Is it light touch? Are there clear rules of engagement? Are you clear about what needs to be reported and when? Do you have appropriate operational freedom?
  - 2.11      Oversight of commissioning arrangements with provider organisations: competence assessment of internal team in contract management.
  - 2.12      Oversight of commissioning arrangements with provider organisations.

### **3. Key challenges**

- 3.1 From above list, which are most in need of support/development?
- 3.2 What sort of support would be valuable?
- 3.3 What do you regard as advantages of having trust status? How will your board respond to these opportunities?

### **4. Board skills and behaviour**

- 4.1 Composition of current board: how were members appointed? New member appointments? What do you want/need for future?
  - 4.1.1 *No. executives and posts held (FD, Dir HR, Dir Ops etc)*
  - 4.1.2 *No. non execs (exc Chair)*
  - 4.1.3 *Any specialist skills held by non execs (e.g. professional qualifications). Any gaps? Has board got all skills required for effective trust?*
- 4.2 Commissioning expertise on board?
  - 4.2.1 *How is board handling requirement to assess best value for interventions? Benchmarking (against whom)? Strategy to rebut challenge?*
  - 4.2.2 *What proportion of budget is used to commission outside agencies? What do you commission? How do you evaluate?*
- 4.3 Income generation
  - 4.3.1 *Has your board given any consideration to income generation?*
- 4.4 Quality of board discussion
  - 4.4.1 *How effectively do board directors challenge one another? Does board work as a whole or is there “us” and “them” for execs and ned’s?*
  - 4.4.2 *Is there sense of collective responsibility and accountability?*
  - 4.4.3 *Is discussion dominated by particular members?*
  - 4.4.4 *How effectively is discussion managed by Chair? Are there any specific difficulties? (e.g. time, particular individuals, quality of supporting information etc)*
  - 4.4.5 *What is balance of operational: strategic balance in board discussion? How achieved?*

**Appendix (Structured questionnaire for new trusts)**

**Summary of board information -**

(please insert name of probation area)

**Table 1 – Employee profile**

<b>Employee category</b>	<b>2008-9 (n)</b>	<b>Approx staff turnover (%)</b>	<b>Sickness absence (n days per employee)</b>	<b>2009-10 (n)</b>	<b>Est. staff turnover (%)</b>	<b>Bme (%)</b>	<b>Female %</b>	<b>Male %</b>	<b>Age &lt;30 %</b>	<b>Age &gt;50 %</b>
<b>Probation officer (PO)</b>										
<b>PSO</b>										
<b>Trainee</b>										
<b>Other</b>										

Any comment/observation:

**Table 2 – Operational profile** (please insert total numbers in each category)

	<b>2007-8</b>	<b>2008-9</b>	<b>2009-10 (est)</b>
<b>Total caseload (number of offenders under supervision)</b>			
<b>MAPPa caseload</b>			
<b>Total PSR's</b>			
<b>Total serious incidents reported during year</b>			

Any comment/observation:

## **Appendix 2 Board development sessions – sample agenda**

### **Probation Trusts Governance Project – 9<sup>th</sup> November 2009**

Commissioning for the future: Board workshop for pilot trusts

Lancashire Probation

Programme

10.00 Introduction.  
Explanation of what project is about and role of pilot trusts.

10.10 Short presentation on commissioning and partnership issues.

10.20 Discussion of the high level issues:

Who are the key players in Lancashire? How strong are their partnerships with Board? What might be done to make them more effective?

Should the probation service position itself as the leader in managing offenders in the community? What would the Lancashire Board need to do to achieve this goal?

What model of accountability will best meet local needs? Are LDUs appropriately empowered and performance managed? What are the blockers so far as current relationships with the DOM and NOMS are concerned? How might these need to be changed?

Which performance measures are most relevant in enabling the service to monitor its own effectiveness? NOMS measures or local government measures? How do these link into the Board's role in setting the vision and the business strategy? Does the Board engage with these at the right level?

11.20 Tea / Coffee and comfort break

11.30 The role of the board in commissioning

Assessment of own trust board (in small groups). Rate your own board against the five Roles of the Board in Commissioning. Take time to collate evidence against each point.

12.00 Case study 2.

13.00 Close

## Appendix 3 Board development sessions – sample of slides used

### Probation trusts from 2010 Commissioning for the future.

Reducing reoffending by managing offenders in the  
community.

Miranda Hughes and Gareth Hadley

### Skills framework for commissioning

Loosely based on NHS competence model

1. Establish local leadership role in managing offenders.
2. Work collaboratively with partners and public.
3. Manage procurement and contract compliance.
4. Engage with staff to drive service improvement.
5. Prioritise investment.
6. Stimulate provider market.

### Partnership evidence

- Local area agreement, Joint strategic needs assessment, % pooled spend.
- Agreed commissioning plan, numbers of shared posts.
- Feedback from stakeholder and staff surveys.

### Role of the board in commissioning

- Setting long term, strategic outcomes.
- Clarity on values.
- Identifying stakeholders and building relationships.
- Analysis of service delivery framework.
- Business planning and monitoring cycle.

### Working collaboratively with partners and public.

- What level are you working at?
- Agree objectives.
- Agree management framework/values.
- Understand how you will assess outcomes.
- What are accountability procedures?
- How will you assess the success of the partnership?
- Have you saved money?

### Governance assessment

Loosely based on NHS model

- Does board have strategy in place that will deliver quality outcomes?
- Is board strategy underpinned by a long term financial plan?
- What is board assurance that organisation has appropriate controls in place to know what is going on?
- What is board assurance that organisation developing talent and capability to support future development?

## **Appendix 4 Two case studies.**

### Commissioning for the future: Board workshop for pilot trusts

#### Case study 1

The Chief Constable has written to the Probation Trust Chief Executive expressing concern that there appear to be lapses in the Probation Trust's attention to public protection processes. Particularly, he is concerned that cases that require review by the MAPPA Board are not being brought forward for consideration in a timely manner. The Public Protection Delivery Unit Director responsible for public protection has responded to the effect that this appears to be at odds with the Trust's own performance management information, the IPPF indicating that public protection is 'green'. Far from it being a Probation Service failure, they see it as being a problem caused by the police themselves and the Prison Service failing to come up with information on which the Probation Service has to do its work. Where should the priorities lie?

What action should the Board take?

Consider:

Where does this situation fit in the context of long term strategic objectives?

What other stakeholders are involved? How should you be communicating with them?

Given that there are no National targets, how does you test that the local MAPPA arrangements are working effectively?

Is the Board commissioning the right services from the right people?

Is the matter appropriately covered by the business plan? How might you support the executive in getting business plan objectives back on track?

What are the resource implications of your decision?

## Commissioning for the future: Board workshop for pilot trusts

### Case study 2

Local JP's appear to have developed a renewed enthusiasm for Unpaid Work Orders.

At recent board meetings, it has become apparent that the number of offenders breaching their Community Work Orders is increasing. The explanation offered by the senior management team is that there are not enough suitable work projects available: offenders are sometimes having to be sent home on arrival and subsequently become demotivated. They then often fail to turn up for the next appointment. There has also been a problem because one of the local bus services has withdrawn its service from a local estate where many offenders live due to vandalism and violence against drivers.

When the board asked why there were not enough work projects, the explanation was that the quality of work on earlier projects had been so poor that some employers had withdrawn from the scheme. The board asked about the quality of supervision and was told that the turnover of supervisors is more than twice that of the average within the workforce, and that training of supervisors has not been reviewed in living memory.

The trust's performance against other performance indicators is firmly in the "green" category. The senior management team have advised the board that they don't think Unpaid Work Orders are as useful in reducing re-offending as other interventions. And now it looks as though Conservative Party Policy is likely to discourage short prison sentences in favour of more intensive community supervision.

What action should the board take?

Consider:

Where does this situation fit in the context of long term strategic objectives?

What other stakeholders are involved? How should you be communicating with them?

Is the board commissioning the right services from the right people?

How can you support the executive in getting the Business Plan objectives back on track?

What are the resource implications of your decisions?

## **Appendix 5 Suggested useful reference materials.**

1. Association for Project Management, (2007) **Co-directing Change: a guide to the governance of multi-owned projects.**
2. Audit Commission, October 2005, Governing Partnerships, **Bridging the Accountability Gap.**
3. Carver, J. (2006) **Boards That Make a Difference**, Wiley.
4. Chait , R., Ryan,W., Taylor, B. (2005) **Governance as Leadership, Reframing the Work of Nonprofit Boards**, Wiley.