

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

28 January 2010

Present: *Avon & Somerset - Joe Kuipers; Bedfordshire – Adrian Heffernan; Cheshire – Leslie Robinson; Cumbria – Richard Rhodes; Derbyshire – Stephen Taylor; Devon & Cornwall – Robert Nairn; Dorset – Mary Fielding; Co Durham – Sebert Cox; Essex – Bill Puddicombe; Gloucestershire – Tony Fitzsimons; Hampshire – Michael Fisher; Hertfordshire – Karen Trew; Humberside – Jonathan Carruthers; Lancashire – Les Sewell; Leicestershire & Rutland – Jane Wilson; Lincolnshire – Chris Cook; London – Dolores Currie; Greater Manchester – Syd Lloyd; Merseyside – Elizabeth Barnett; Norfolk – Graham Bull; Northamptonshire – David Moir; Northumbria – Chris Mackie; Nottinghamshire – Christine Goldstraw; Staffordshire – John Ryan; Suffolk – Ivan Smith; Surrey – Vic Verma; Sussex – John Steele; Teeside – Roy Martin; Thames Valley – Malcolm Fearn; Warwickshire – Robin Verso; West Mercia – James Kelly; West Midlands – Alan Harrison; Wiltshire – Ron Hillier; North Yorkshire – Ken Bellamy; South Yorkshire – Peter Smith; West Yorkshire – Stan Hardy; Gwent – Phil Westwood; South Wales – Christine Court; Northern Ireland – Ronnie Spence; Chair – Alan Wooderson.*

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

Alan Wooderson welcomed members and substitutes to the meeting. He noted that apologies had been received from: Kevin Ellis – Cambridgeshire; Janardan Sofat – Kent; Roy Male – Lancashire; Julie Dent – London; Hilary Tucker – Greater Manchester; Linda Bloomfield – Merseyside; Lesley Bessant – Northumbria; Pauline Dawkins – Surrey; Paul Aviss – Wiltshire; Keith Turner – Dyfed/Powys; Joanna Jenkins – South Wales and Neil Lampert – PA Communications and PR Manager.

There were no conflicts of interest declared.

The Chair explained that Item 5 of the agenda would, with Council's agreement, be moved to the beginning of the meeting as Adrian Heffernan had to leave early. There was no objection.

2. Minutes of the Meeting held on 26 November 2009

Alan Wooderson thanked Stan Hardy for chairing the meeting. The minutes were approved as an accurate record.

Matters Arising

Item 3 a) – Membership of the BNP

Christine Lawrie reported that she had written to Phil Wheatley. There had been no formal reply as there was now an on-going Cabinet Office review of BNP membership and NOMS was waiting for this to conclude before responding to PA. She would keep Council informed.

Item 3 b) – Trusts Update – Financial Delegation Letter

Mike Caldwell reported that a reply from NOMS was expected by the end of January. In the meantime, he advised that it would be unwise for areas not to follow the instructions in the letter. He assured Council that discussions would continue.

PA Office Move

Jo Whyte reported that PA was to move offices on 10 February. She would be emailing members with change of address details, although as yet BT had not confirmed the telephone numbers. The office would be closed on 10 February and probably for a day or two on either side but, again, she would inform members of exact details in due course. It would still be possible to contact staff on mobile numbers during this time.

3. Pay and Conditions (moved from Item 5 of the agenda)

- a) **Update on pay negotiations:** Adrian Heffernan gave an update on progress so far. Agreement had been reached but he stressed that this had been in the context of "shadow negotiations" and still needed to be approved by the unions and by the Public Sector Pay Committee, although no problems were anticipated.

Chas Dowden explained that NOMS had carried out a more robust national pay model this year and that he had done his own model which confirmed that

the variation in the application of the pay deal between areas would be minimal.

Chas Dowden reported that there would be three working groups going forward, on pay progression, harmonisation of working hours and workload management. They were to operate under consistent criteria and were timetabled to report back to the NNC at a particular time.

There was a discussion on the precise implications of the deal and several members congratulated the negotiating team on good progress so far.

It was agreed that discussions needed to take place on how best to present the deal to staff and that it would be helpful to know the approach the unions were likely to take. It was also important that final agreement was reached before the General Election.

b) Chief Executives' Terms and Conditions

Chas Dowden introduced his paper. Council approved of the recommendations in general but it was agreed that Chas would email the paper to all chairs in order to get their specific input. The document would then be revised to become PA's constitutional position on the issue.

It was confirmed that the "approval" referred to in paragraph 2.3 of the document was for a class of employees and not for individual appointments.

c) Review of NNC Employers' Side Arrangements

Christine Lawrie explained that she would be writing to chairs in the near future to invite one chair from each region and a member from London to join the new Employment Strategy Group, as agreed at the previous Council meeting. The Group was to be up and running by 1 April 2010. Alan Wooderson had already written to the current NNC Employers' side representatives to explain the new arrangements and to thank them for their work to date. He would inform Council as soon as the new representatives were known.

Christine Lawrie reported that PA had proposed to the unions and NOMS that they should jointly sponsor a review of the NNC and associated employment relations arrangements. It was hoped that a more modern way of working appropriate to the trust environment could be devised. It was possible that ACAS would carry out the review. Replies were awaited from NOMS and the unions.

4. PA Staffing Issues

The chair reported that the Board appointments panel for the chief executive role was meeting after Council to agree the final list of candidates for interview. The interviews would take place on 17 February and in due course he would communicate the transition arrangements to members.

Chas Dowden was also leaving PA employment at the end of April. A recruitment agency had been appointed and the chair representatives on the NNC would act as the appointments panel. It was hoped that a replacement would be appointed by the end of April.

The chair confirmed that this was therefore Chas Dowden's last Council meeting. He thanked him for doing an excellent job in often difficult circumstances. He and his Council colleagues were all grateful for his hard work.

5. Taking the Trust Agenda Forward

a) Chair's View

Alan Wooderson updated Council on some points of interest, including the following:

- Wales had submitted an application as one trust. News on the result was expected soon.
- Due to mergers and other changes, Roy Martin, Steve Taylor and Graham Bull would be stepping down as chairs. They were thanked for their contribution to Council.
- Third Wave Contract arrangements. The chair invited Mike Caldwell to report.

PA had arranged a meeting for chairs on 15 January to discuss the contract. It had been a useful event, with 31 areas represented. Following the meeting, Mike Caldwell had drafted a response to NOMS on the contract and sent it to all attendees asking for comment. He remained hopeful that there was still an opportunity to exert influence. The critical issues set out in the letter were as follows:

- Legal status of the contract?
- Status of Governance Handbook – NDPBs?
- Secretary of State as final arbiter of any dispute?
- Contract duration?
- Joint and several liability for health and safety?
- Lack of clarity about standards of delivery of the contract
- Inability of a trust to carry forward overspends or under spends
- Removal/appointment of Chief Executive?
- Mandatory notice of change

Council ratified the general approach being taken by PA and agreed that the draft letter properly reflected the views of chairs.

Christine Lawrie confirmed that the advice was that trusts should sign the contract but include a side letter detailing the remaining concerns. PA would draft a letter for inclusion.

- The issue of magistrates on trust boards had become a point of growing concern. Christine Lawrie reported that she had renewed discussions with the Magistrates Association (MA) on this matter but as yet neither PA nor the MA had issued a public position on it. The MA was waiting for the Senior Presiding Judge to declare an opinion and was anxious that PA should also wait before saying anything publicly.

A discussion took place and the chair then summarised as follows:

- Members could see no compelling reason why a conflict of interest should arise through a magistrate sitting on a trust board
- The impact of any ruling prohibiting magistrates sitting on trust boards would be different for different areas
- PA would find out how many board members were magistrates and discuss with them what action they thought PA should take in relation to this matter
- Members who might be affected by any such decision should consider communicating internally with the MA
- PA should follow MA's advice not to issue any statement which might alienate the Senior Presiding Judge, however it was agreed the Christine Lawrie should seek another meeting with MA in order to communicate the essence of PA members' concerns.

b) PA Review Group

Sebert Cox reported that the work of the PA Review Group had been completed. There was now in place a suite of three documents which together set out the direction of the association, both in the longer and short term.

First there was the Statement of Purpose. At the last Council meeting it had been agreed that the first bullet point was not sufficiently robust in relation to PA aiming to influence policy and policy makers. This had now been amended and the document was therefore finalised.

Second there was the Business Plan, which was before Council for approval, which set out the deliverables for the next year and finally there was the Actions Document

which included the individual action plans for each deliverable. This document belonged to the Board and Executive and had been circulated to Council in order to give context to the Business Plan and was not for approval.

Sebert Cox reminded Council that the Review Group had recommended an immediate stream of work to influence politicians in advance of the General Election. He stressed the importance of this recommendation.

Alan Wooderson thanked the Review Group for their excellent work. He explained that all their recommendations would be actioned in due course. However, he proposed that the Board's facilitated review of itself and the review of the standing orders should be delayed until the forthcoming Board director elections had been held and a new chair and chief executive were in place. Council agreed with this approach.

c) PA Vision Group

A draft copy of the probation leaflet had been emailed to members and a copy had been put on each table. Sebert Cox thanked members of the PA Vision Group for their hard work on the leaflet and in particular Robin Verso for drafting it. It was agreed that the leaflet would be useful, nationally and locally, for explaining the role of probation and for influencing policy makers. However, there was still some fine-tuning to be done, specifically:

- Neil Lampert would be looking again at the photographs – it was felt they were too focused on Community Payback and not sufficiently diverse
- In places the type face was not sufficiently clear and the use of white on colour made it difficult to read
- PA's contact details must be added
- Consideration would be given to changing the title to "Probation – Reducing Re-offending and Protection the Public" as this was the statutory wording
- The reference to Regional Offender Managers would be amended
- Council agreed that the strapline under the PA logo should be changed to read "The National Voice of Probation".

Council were invited to send any further comments to Neil Lampert by 8 February, before the leaflet was sent to print. It would then be sent out to trusts with a covering note from Alan Wooderson explaining how it should best be used. It was agreed that the leaflet should not be adapted to be locally relevant.

d) PA Business Plan 2010/11

Christine Lawrie presented the Business Plan, which was duly approved by Council.

6. Confidential Items

There were no confidential items.

7. Date of Next Meeting

The date of the next meeting was confirmed as 22 April 2010.