

**MINUTES OF THE NATIONAL COUNCIL MEETING
HELD IN ASHLEY HOUSE ON WEDNESDAY 26 MAY 2004**

Present:

Sir Peter Lloyd (Chair)	President of the National Council
David Graham	Eastern Area
Sheila Royle	North West Area
Jo Jenkins	Wales and West Midlands Area
Michael Wharton	Immigration Removal Centres Representative
Simon Nieboer	South West Area
Jill Berliand	Kent, Surrey and Sussex Area
Sue Nicholas	East Midlands (North) and East Midlands (South) Area
Norman McLean	Head of the IMB Secretariat
Steve Kilbey	Deputy Head of the IMB Secretariat
Clare Batt (Secretary)	IMB Secretariat
Janet Goddard - <i>item 5 only</i>	IMB Secretariat

Apologies:

Muriel Blythman	North East, Yorkshire and Humberside Area
Richard Gully	Thames Valley, Hampshire & Isle of Wight and London Area

ITEM 1: MINUTES OF PREVIOUS MEETING (29-30 MARCH 2004)

1.0.1 Criteria for Selecting Independent Interviewers

Item 7.1: David Graham observed that at the last meeting he had reported that he had received several requests from Board members who wanted to know how the independent interviewers had been selected. It had been agreed that as the first batch of independent interviewers had been recruited by the Secretariat, at the Minister's request, before the NC had come into existence, those wanting to inquire further about appointments already made should write to Steve Kilbey. It had also been agreed that new and open procedures for filling vacancies should now be developed for approval by the NC.

It was agreed that the minutes of the previous meeting should be amended accordingly.

1.0.2 Minutes Agreed

The minutes of the above meeting were otherwise agreed.

ITEM 2: MATTERS ARISING

2.0.1 Points Arising from the National Council Pre-Meeting

Need for Pre-Meetings: The National Council felt that the need for pre-meetings remained and it was agreed that these should continue to be held.

Protocol for Assistance by IMB Colleagues: It was suggested that it would be useful for a protocol to be drawn up, to be followed when a project needed assistance from IMB colleagues.

It was accepted that the Secretariat did not have the resources to go through the process of sending out letters and sifting applicants for every piece of work. It was therefore agreed that when commissioning work the NC would also consider whether assistance from Board colleagues was needed and, if it was, how they could be fairly and openly recruited.

Papers for the National Council Agenda: There was concern that, in some cases, paperwork for National Council meetings was only arriving a couple of days in advance, which did not leave members enough time to consider them fully. It was agreed that the Secretariat would look into the possibility of sending out important papers by registered post to ensure speedy delivery.

It was also agreed that a Secretariat report would form a standing item on the agenda of Council meetings.

ACTION: Norman McLean / Clare Batt

Constituency Responsibilities: All matters should, in the first instance, go to the NC representative with constituency responsibility. Should the matter overlap with areas of special responsibility it should then be referred to the NC member with particular responsibility for that matter.

Constituency Reports: It was agreed that constituency matters should be discussed at the pre-meeting and as far as possible dealt with there. Only items of exceptional national importance or involving policy issues should be carried over to the main meeting. These should be discussed high up in the agenda after 'matters arising'. Constituency reports would be made available to Board members upon request.

2.0.2 National Council Meeting with Minister

Norman McLean and Sir Peter Lloyd said they were trying to arrange a day when the National Council could meet with the Minister, hopefully before the end of July.

It was agreed that the National Council members would advise Norman of any holiday dates during that month.

ACTION: Norman McLean / Sir Peter Lloyd / NC Members

2.0.3 Independent Adjudications

Item 3.5: Jill Berliand reported on a meeting she had had with Judge Timothy Workman, Head of the Independent Adjudicators Team, and staff from the Prison Service, and a copy was circulated at the meeting. It was agreed that this should be made available to IMB members upon request, providing the email address was erased.

It was agreed that the topic should be considered for IMB News.

ACTION: David Graham

2.0.4 Purpose of IMB and Role of Members

Item 4.1: Norman McLean said that legal advice had been obtained which confirmed that guidance regarding the change of role could be issued to Boards *before* the Prison Rule was amended. The Minister had agreed the new Rule and it was agreed that a 'Dear Colleague' letter would be sent to all Board members regarding this by mid June 2004, along with the explanatory statement offering more detail about the revised rule and role.

ACTION: Norman McLean

2.0.5 Annual Reports

Item 5.1: Sir Peter Lloyd said that he hoped to have a meeting with the Minister on the subject in the near future.

ACTION: Sir Peter Lloyd

2.0.6 Appropriateness of IMB Presence During Court Video Link

Item 6.1.2: It was agreed that an IMB presence during a court video link would be inappropriate, and possibly illegal.

Steve Kilbey said that he would seek legal advice on the matter and issue a DC letter to IMBs and National Tutors accordingly.

ACTION: Steve Kilbey

2.0.7 List of Working Groups

Item 6.1.3: It was confirmed that Norman McLean was compiling a list of the working groups at which IMBs might usefully be represented, taking into account possible changes as a result of NOMS.

ACTION: Norman McLean

2.0.8 Recruitment and Selection

Items 7.1 and 7.2: Simon Nieboer confirmed that, after some redrafting, the paper on the Independent Panel Member Scheme covering the selection process had been approved by the NC and the Minister. It would be issued as a DC to Chairs, including independent interviewers and national tutors, by mid June, to take effect from June 30 2004. The effectiveness of the scheme would be reviewed in January 2005.

The paper on the recruitment process had been held over to reassess diversity issues in the composition of IMBs and the recruitment difficulties facing Boards in parts of the country. A preliminary meeting to discuss this was to be held following the NC meeting.

It was agreed that all National Council members should be sent a copy of the new recruitment pack.

ACTION: Simon Nieboer / Clare Batt

2.0.9 Conduct and Discipline

Item 8: It was confirmed that the Minister had agreed the submission on conduct and discipline and that it would now be issued as a 'Dear Colleague' letter.

ACTION: IMB Secretariat

2.1.0 Health and Safety Issues

Item 17.1: It was reported that prison auditors were increasingly asking to see IMBs' health and safety policies but that very few (if any) Boards currently had such a policy. Norman McLean said that research was needed into members' rights regarding health and safety, and in particular who was responsible for protecting them. The question had already been raised with Home Office and Treasury Solicitors.

ACTION: Norman McLean

2.1.1 Legal Advice

Item 17.3: Legal representation for Board members was discussed in general. It was agreed that this should be proactive as soon as the Secretariat became aware that a member was in need of support, or as soon as it was notified of such a need.

The Public Enquiry into the Death of Mubarek was discussed for some time, with a history of the CRE enquiry into the death, their visit to Parc and Brixton and their interviewing procedures of unsupported Board members. It was agreed that the then Chair of Feltham would be contacted as a matter of urgency.

ACTION: Norman McLean

2.1.2 Media Training from Christine Bellinger (Kingston IMB)

Item 17.4: Discussions on this had taken place and the first media training session was planned for Tuesday 1 June 2004 in the South West.

ITEM 3: REVIEW OF TRAINING (PAPER NC 4/1)

3.0.1 Review of Training by External Consultant

Steve Kilbey, introducing the paper, explained that there were clear gaps in the current training programme. The paper (NC 4/1) proposed that an external consultant be brought in to review the whole training package and its effectiveness. Steve said that the Secretariat had managed to secure a little extra funding for this. The aim would be to complete the tender exercise by the end of July and for the consultants to complete their review by the end of October.

It was observed that the consultants ought to be fully acquainted with the role and purpose of Boards as set out in the new rule and explanatory note, and also with their working environment in prisons / IRCs.

The consultants should recommend the training necessary to enable Boards to discharge an aspect of their role well, even if this would produce spending above budget. If it did, the consultants should also suggest the most effective training package that the budget could buy but indicate where it fell short of what was needed.

The review was agreed subject to the above considerations. It was also agreed that once the tender exercise had been narrowed down to two or three companies they should be invited to give a presentation, which would be attended by representatives from the National Council.

ACTION: Steve Kilbey

ITEM 4: BOARD COMPLEMENTS (PAPER NC 4/2)

4.0.1 Determination of Board Sizes

Sue Nicholas introduced the paper prepared by Steve Kilbey and herself, which included a list of proposed new Board complements and the formula by which they had been determined. The formula in turn was based on the assumption that on average each Board member would perform three three-hour sessions per month as well as attending a monthly Board meeting. A 'suggested recruitment level' was also given in each case, this being the level at which the Board would be advised to begin a recruitment campaign.

It was confirmed that any Board currently over its new complement would not lose any of its members and that numbers would instead be reduced over time due to natural wastage. No Board would experience a dramatic change in numbers and the formula provided a guideline only, so alterations could be made in exceptional circumstances by application to the Secretariat.

The formula for determining Board complements was agreed by the National Council. It was also agreed that a DC letter should be issued giving the new complements and the formula on which they were based. The letter would also explain that the figures were based on information provided by the Prison Service and would invite Boards to notify the Secretariat if their population figures or establishment categorisation had subsequently changed.

ACTION: Steve Kilbey

ITEM 5: REVIEW OF COMMUNICATIONS (PAPER NC 4/3)

5.0.1 Proposal for Review of Communications Strategy and Material

Janet Goddard spoke to her paper proposing that consultants should be invited to review all IMB communications material and make recommendations. This was agreed.

ACTION: Janet Goddard

ITEM 6: CORRESPONDENCE SURVEY (PAPER NC 4/4)

6.0.1 Survey to Monitor Correspondence Received by IMBs

Paper NC 4/4 contained a proposed template that could be used by Boards to record the correspondence they received. Jo Jenkins suggested that the form be amended to make it clear that applications and Confidential Access Forms should not be included

in the survey. It was also suggested that the first column should include correspondence received by Chairs at home.

It was agreed that each National Council member should suggest the names of two IMB Chairs who might be willing to take part in the pilot survey and give these to Anne-Marie Stephens within the next two weeks.

ACTION: National Council Members

ITEM 7: ACCOMMODATION CENTRE ADVISORY GROUPS (PAPER NC 4/5)

7.0.1 Secretariat Support for ACAGs

Paper NC 4/5 recommended that the Secretariat took on responsibility for supporting ACAGs, providing they agreed to becoming IMBs and subject to agreement on funding.

This was agreed, but the need for ACAGs to become IMBs was highlighted. It was felt that it was not only a question of title but also a question of role, as the groups were there to monitor and not to advise. The decision would be fed back to the Immigration and Nationality Directorate (IND) by the Secretariat.

ACTION: Norman McLean / Clare Batt

ITEM 8: DATA PROTECTION / FREEDOM OF INFORMATION (PAPER NC 4/6)

8.0.1 Data Protection Act 1998 / Freedom of Information Act 2000

Jo Jenkins said that the paper had been prepared by the Secretariat and meant for information purposes only. Steve Kilbey pointed out that PSO 9020 also covered the Data Protection Act.

Jo Jenkins and Rodney Bowles would continue to prepare advice for IMBs on the subject.

ACTION: Jo Jenkins

It was agreed that in future all papers to the National Council must contain the name of its author and be dated.

ITEM 9: QUESTIONNAIRE FOR REVIEW OF PSO 1700 (PAPER NC 4/7)

9.0.1 Questionnaire Regarding the Effective Implementation of PSO 1700

The draft questionnaire was discussed and the general feeling was that it was too long and that the questions needed re-ordering and some tidying up. Sheila Royle agreed to look at this. It was agreed that all National Council members would let Steve Kilbey or Sheila Royle know of any further suggested amendments by the end of the week.

ACTION: All NC Members

It was agreed that Steve Kilbey would then format the questionnaire and send it out to Boards. Once completed, the questionnaires would be sent back to Steve, who would analyse them and distribute the results to the National Council.

ACTION: Steve Kilbey

ITEM 10: PROGRESS AGAINST BUSINESS PLAN (PAPER NC 4/8)

10.0.1 Progress Against National Council Business Plan

Objective 1: Role of IMBs: The submission had been approved by the Minister and a DC letter would follow shortly (see item 2.0.4).

Objective 2: Annual Reports: The submission was with the Minister and a DC letter would follow subject to his approval.

Objective 3: Recruitment, Selection and Appointment: A DC letter would be issued shortly. A submission had gone to the Minister for information (see item 2.0.8).

Objective 4: Conduct and Discipline: A 'Dear Colleague' letter would soon be issued regarding this (see item 2.0.9).

Objective 5: Working in Partnership: Norman McLean had prepared some draft agreements with the Inspectorate and the Ombudsman, which were with Sue Nicholas and Jill Berliand. It was unlikely the proposals would be agreed with other agencies by the target date of 11 June.

Objective 6: Review Training Programmes: The review was agreed by the National Council (see item 3.0.1).

Objective 7: Tenure of Appointments: This had been moved back at the request of Sir Peter Lloyd. There was no new target date.

Objective 8: Board Complements: A DC letter would be issued on this (see item 4.0.1).

Objective 9: Communications Review: A review of communications was agreed by the National Council (see item 5.0.1).

Objective 10: Revision of IMB Members' Handbook: A sift was currently taking place of all those who had volunteered. The Working Group had not yet been formed and a new target date for this was set for 30 June.

Objective 11: Performance Reviews of IMB Members: This would be discussed at the next meeting.

Objective 12: Quality Control / Dissemination of Good Practice: This would be discussed at the next meeting.

Objective 13: Data Protection / FIO Guidance for Boards: This needed to be actioned further (see item 8.0.1).

Objective 14: Conflict of Interest Guidance: This would be discussed at the next meeting.

Objective 15: Access to Medical Records: This would be discussed at the next meeting.

Objective 16: Review of PSO 1700: National Council members had been given a draft of the questionnaire (see item 9.0.1).

Objective 17: Race Relations: A meeting on this was scheduled to follow on from the National Council meeting.

ITEM 12: PRISONS CONTINGENT ON IMBs (PAPER NC 4/9)

12.0.1 View of Home Office Legal Advisers on Whether a Prison's Lawfulness and Operation are Contingent on Having an IMB

The National Council noted the content of Paper NC 4/9, which explained that Legal Advisers were unable to find any support in the statute or Prison Rules for the proposition that a prison must be closed if the IMB resigned.

ITEM 13: NOMS (PAPER NC 4/10)

13.0.1 Update on the National Offender Management Service

Concern was expressed that IMBs could lose members to the Regional Offender Management Boards or to other voluntary organisations within the NOMS structure.

It was agreed that Christine Stewart should be invited to speak to the Council once she had been established in her new role as Director of Policy.

ITEM 14: ANY OTHER BUSINESS

14.0.1 Visit of the Minister to HMP Brixton

Norman McLean announced that the Minister had spent half a day as an IMB Member at HMP Brixton on Wednesday 19 May. He said he was disappointed by the lack of help the Secretariat had received from Press Office in publicising the event but that he still hoped some press coverage might be obtained.

It was agreed that all such similar visits which were known to the Secretariat would be notified to the NC area representative, including foreign visitors to the Secretariat.

14.0.2 IRC Forum

Norman McLean said that the IRC Forum has met on 13 April and had agreed to the policy developments proposed by the National Council, including the introduction of independent interviewers.

14.0.3 Other Secretariat Issues

Norman McLean announced that Brian Guthrie for the *Independent Monitor* had interviewed him for the next edition.

Interviews for the new Bronzefield Prison were well underway. It was agreed that it would in future be best practice to ensure that Board members to new Boards were appointed in sufficient time to allow for them to establish themselves as a group and to undertake a suitable period of training.

The Secretariat had also provided evidence to the Defence Select Committee on the role of IMBs. It was agreed that all National Council members should receive a copy of the written submission.

ACTION: Clare Batt

14.0.4 Involvement of National Council Representatives

Jo Jenkins said she was concerned that some Boards were writing to Ministers and to senior staff in the Prison Service without copying their National Council Representative into the correspondence, which could be a potential source of embarrassment.

It was agreed that all National Council members would remind the Boards in their constituencies about the importance of this. Sir Peter Lloyd also recommended that this advice should be published in IMB News.

ACTION: All NC Members

14.0.5 AMIMB Executive Meeting / IMB News

David Graham reported that the reference to a name change in the report of the AMIMB Executive Meeting was due to a misunderstanding. He also reminded everyone that all submissions for IMB News should be received by Friday.

14.0.6 Reportable Incidents / Forcible Issuing of Medication

Sheila Royle circulated the notes of her meeting with John Boyington, Head of Prison Health. She reported that John Boyington's staff were willing to address IMB training courses and would attend NC meetings if required

Sheila reported that they had discussed the matter of non-voluntary medication and that a further meeting was planned for July. She put some ideas to the meeting and it was agreed that she would pursue this and give an update at the next meeting.

ACTION: Sheila Royle

ITEM 15: DATE AND TIME OF NEXT MEETING

15.0.1 Meeting on 27-28 July 2004

It was agreed that the above meeting would be held near Haslar, which would cover the areas of both Richard Gully and Michael Wharton. IMB Chairs from prisons in the area and from IRCs would be invited. The timetable would be, provisionally:

27 July	12.00 – 14.00	Lunch with IMB Chairs
	14.00 – 15.30	Pre-Meeting for NC Members
	15.30 – 18.00	NC Meeting
28 July	09.30 – 14.00	Continuation of NC Meeting