

MINUTES OF THE NATIONAL COUNCIL MEETING HELD ON WEDNESDAY 28 JULY IN ASHLEY HOUSE

Present:

Mr Richard Gully (Chair)	-Thames Valley, Hampshire & Isle of Wight, London
Mr David Graham	- Eastern
Mrs Jill Berliand	- Kent, Sussex and Surrey
Mrs Muriel Blythman	- North East, Yorkshire & Humberside
Mrs Sheila Royle	- North West
Mr Simon Nieboer	- South West
Mrs Jo Jenkins	- Wales & West Midlands
Mr Michael Wharton	- Immigration Removal Centres

In attendance:

Mr Norman McLean	- Head of the IMB Secretariat
Miss Anne-Marie Stephens (Secretary)	- IMB Secretariat
Mrs Janet Goddard (items 10 & 13 only)	- IMB Secretariat

Item 1 – Apologies for Absence

1.1 Apologies for absence were received from Sir Peter Lloyd (President), Sue Nicholas (East Midlands(N) & East Midlands (S)) and Steve Kilbey (IMB Secretariat).

Item 2 – Minutes of the Previous Meeting (26 May 2004)

2.1 The minutes of the previous meeting were agreed.

Item 3 – Matters Arising

3.1 National Council Meeting with Minister (item 2.0.2) A meeting between the Minister and Sir Peter had taken place in mid-July at very short notice. The Minister had acknowledged how much the National Council had already achieved and welcomed the introduction of the new Rule and the independent interviewer scheme. Sir Peter and the Minister discussed the importance of keeping in touch with and maintaining the interest of prospective members while their security checks were undertaken and how this might be achieved. Turning to annual reports, the Minister agreed with Sir Peter's suggestion that the detailed description of the prison should, more appropriately, be the responsibility of the prison's management and undertook to raise this with the Director General.

3.2 The National Council noted that they had not yet had any direct contact with the Minister. Norman McLean suggested arranging a meeting between the Council and the Minister during his visit to Conference. If that failed, he would be invited to a future National Council meeting.

Secretary's note – The Minister had been invited, but was unable to attend, the NC's meeting in May. The Secretariat and the Minister's Private Office had tried to arrange an

ad hoc meeting between the Minister and the Council in June or July but a suitable date could not be found in his diary. The Minister will be unable to attend the September Council meeting which takes place during the week of the Labour Party conference.

3.2 Independent Adjudications (item 2.0.3) This topic will be covered in the autumn edition of IMB News.

3.3 Purpose of IMB and Role of Members (item 2.0.4) A number of Council members commented that the new Rule had already proved helpful when discussing Boards' remit with local prison service management.

3.4 Appropriateness of IMB Presence During Court Video Link (item 2.0.6) PSO 1030, which deals with court video links, appears to suggest that an IMB presence would be inappropriate. It was agreed that a definitive answer was required.

ACTION: Steve Kilbey

3.5 List of Working Groups (item 2.0.7) Norman McLean is liaising with the NOMS team who have indicated that there may be changes but, as yet, are unable to provide details.

ACTION: Norman McLean

3.6 Recruitment and Selection (item 2.0.8) The Diversity Strategy working group held its first meeting on 27 July. (see Item 10)

3.7 Conduct and Discipline (item 2.0.9) The new procedures will be sent out during the first week of August under cover of DC 11/04. It was agreed that new members should be informed about DC 11/04 on appointment.

ACTION: Mike Paice

3.8 Health and Safety Issues (item 2.1.0) Mike Paice has been pursuing the general policy issue with the Prison Service. The Secretariat has been given to understand that each prison is responsible for its own health and safety strategy and should carry out the necessary risk assessments for the establishment and all those within the establishment including IMB members. This applies equally to contracted prisons. The Secretariat is seeking written confirmation of this policy from the Prison Service and will look into the position at IRCs.

ACTION: Mike Paice

3.9 Legal Advice (item 2.1.1) It was confirmed that IMB members will have legal representation from Treasury Solicitors or from an external source where Treasury Solicitors is representing the Prison Service in the same case and believes this might be perceived as a conflict of interest.

It was agreed that the role of the Secretariat and National Council in respect of IMB involvement in the Mubarek Inquiry and the Coroner's Inquest into the HMP Frankland death in custody will be reviewed once both have concluded. The review will also encompass the Wormwood Scrubs Inquiry.

3.10 Media Training (item 2.1.2) Richard Gully had been impressed with the media training and suggested that consideration should be given to rolling it out on a limited basis.

3.11 Review of Training (item 3.0.1) One bid has been received and another two bids are due.

3.12 Determination of Board Sizes (item 4.0.1) A submission will be put up to the Minister seeking his agreement to the formula for determining board sizes and notifying Boards of the new complements.

It was clarified that the 3 hour sessions referred to in the previous minutes is not a required commitment but an assumption within the formula.

3.13 Proposal for Review of Communications Strategy and Material (item 5.0.1) The Secretariat has accepted a bid from the COI (Central Office of Communications) to review all IMB communications material and make recommendations. The COI will hold a workshop on the subject with the National Council at Keele.

3.14 Correspondence Survey (item 6.0.1) 14 Boards have agreed to take part in the survey which will run until the end of October. The results will be reported to the December meeting.

3.15 Secretariat Support for ACAGs (item 7.0.1) IND has been informed of the National Council's decision that the Secretariat should take on responsibility for supporting ACAGs (Accommodation Centre Advisory Groups) providing IND agree that their role will be that of an IMB and that they should have that title. IND has responded that they have no objection in principle but there is no legislative opportunity to make the name change. The Secretariat will be writing to advise IND that this is not the case.

3.16 Questionnaire Regarding the Effective Implementation of PSO 1700 (item 9.0.1) The questionnaire has been issued and it was agreed that National Council members will check that Boards in their areas complete and return it.

ACTION: National Council members

It was noted that the result of the survey may have implications for training and it was agreed that HMCIP and the Ombudsman should be copied into the results.

3.17 Visit of the Minister to HMP Brixton (item 14.0.1) An account of the Minister's visit is on the IMB website and will be reported in the August edition of IMB News.

3.18 IRC Forum (item 14.0.2) The role of the IRC Forum and its relationship to the National Council was discussed.

3.19 Involvement of National Council Representatives (item 14.0.4) The following was noted:

The President asked for the minutes which suggested Boards should be requested to copy in their National Council member when writing to Ministers and senior Prison Service staff to be expanded. He felt it should be made clear that the request was not meant to prevent Boards making the contacts they deemed necessary but to keep NC members in the picture so they could undertake their representative job more effectively. By the same token, of course, NC members and the Secretariat had a duty to ensure that a Board Chair (or the Board clerk) are informed of any action they take which directly affects a particular Board responsibility in that Chair's prison.

3.20 Reportable Incidents/Forcible Issuing of Medication (item. 14.0.6) Sheila Royle referred the meeting to the note of her meeting with Dr Cliff Howells, Medical Director, Prison Health. She met John Boyington, Head of Prison Health on 27 July and he confirmed that he was content for non-voluntary medication to be made a reportable incident. This will safeguard the prisoner, the individual who administers the medication and the healthcare team.

Item 4 – Issues Arising from Constituency Meeting

4.1 Foreign Nationals. IMBs need to be given some form of assistance in monitoring the needs and concerns of foreign nationals. Prisons should ensure that one of the senior governors has special responsibility for foreign nationals. The issue should form part of the annual report. Simon Nieboer and Jo Jenkins to draft DC on foreign nationals. Sir Peter to be asked to allocate 'foreign nationals' to NC member as special interest area.

ACTION: Simon Nieboer and Jo Jenkins

ACTION: Sir Peter to allocate Foreign Nationals as special interest area

4.2 OASYS (Offender Analysis System). Concern that staff on wings are not always able to operate the IT system. Boards need to monitor the quality of the information coming out of wings.

4.3 Minutes of NC Meetings. Chief Executive of NOMS, Director General of the Prison Service, HM Chief Inspector of Prisons and the Prisons and Probation Ombudsman to be added to distribution list.

ACTION: Anne-Marie Stephens

4.4 Prison Health. Boards should monitor the quality of primary care and highlight any weaknesses. If Boards do not get any satisfaction from within the establishment they should raise the issue with the Ombudsman. Boards should also monitor the reasons for failure to keep appointments at external medical facilities.

4.5 Women prisoners. Real concerns about the transit of women prisoners and mothers and babies, particularly the lack of refreshment and rest room breaks and/or facilities.

4.6 Code of Conduct/Discipline Procedures. NC members to receive report of number and type of investigations (suitably anonymised) in each constituency.

ACTION: Anne-Marie Stephens

4.7 Welfare Support for Board members. Concern about availability of specialist treatment for board members suffering from trauma arising from Board duties.

ACTION: Secretariat

4.8 Wakefield. Board concerned that they were not informed of HMCIP's visit. Council agreed that HMCIP to be made aware that she can speak to Board. On announced visits Inspection team should inform Board in advance. Where it is an unannounced visit, team should get in touch with Chair as soon as they are on site. However, Board Chairs need to be proactive and liaise with Governor's secretary to ensure they are informed when an Inspection team arrives.

4.9 Expenses Claim forms. Phoenix claim forms currently being piloted in certain areas are incompatible with the way Board members work. Board members need to print "IMB Member" clearly at the top of the claim form.

4.10 National Council Expenses. Costs of telephone calls, fax and email impossible to itemise.

ACTION: Secretariat to look into imprests for NC members and whether Accounts Branch will accept estimated bills.

4.11 Nominal Budgets. Concerns over inaccuracies in information sent to Boards.

4.12 Kent County Show. Local Board manned stand at County Show but were disappointed that they were unable to get any supplies of application forms from the Secretariat. They were told this was because the forms have to be numbered to provide an audit trail.

ACTION: Norman McLean

4.13 Distribution lists for Annual Reports. List needs to be updated to reflect changes in personnel.

4.14 National Council papers. Some Boards have commented that they receive too many papers and that the papers are too complex.

4.15 IMB Handbook. Work on the Handbook and good practice is running in tandem and needs to be co-ordinated

Secretary's note – Each Board will receive a copy of 'The Prison's Handbook 2005' – to be paid for by the Secretariat.

4.16 Commissioning new Boards. Concerns over short lead times for setting up new Boards was accepted by Norman McLean who confirmed that appropriate measures are being taken in the Secretariat. The National Council recommended 6-12 month attachments of national tutors to new and re-roled prison boards.

4.17 'The Prisons Handbook'. Mark Leach is writing to each Board Chair and they should be encouraged to respond.

4.18 PSO 1600/Mechanical restraints. As this PSO has not yet been updated in line with PSO 1700 there remains an authorisation role for the IMB on a 24 hourly basis. However, careful monitoring and precise recording of the visit is imperative in this highly sensitive area of IMB duties.

4.19 Property Bags. These should be available for all prisoners on release.

4.20 Sale of GSL by Group 4 Falck. Sir Peter has written to Martin Narey. The National Council asked to see Martin Narey's response when it was received.

4.21 Letter from member of the IMB, HMP Risley. The National Council noted the letter sent to the Secretary of the Council about the contents and distribution of National Council minutes. The Council was disappointed with the tenor of the letter to the Secretary and agreed that the minutes should continue to be sent out as at present.

4.22 Parc/Segregation Unit. The National Council was pleased to note the robust stand taken by the Office for Contracted Prisons. It is understood that a copy of the rectification notices will be sent to all financial backers.

4.23 Coroners. A particular case in Wales where the Mid Glamorgan Coroner had misplaced and overlooked a file involving the death in custody of a 17 year old boy in October 2002. This raises concerns that similar delays may be occurring in other parts of the country. IMBs need to monitor progress with cases involving their particular prison. Some improvement noticed recently.

4.24 Administrative Support for Boards. Secretariat asked to look into SLA with Prison Service and whether it needs to be reviewed and what arrangements exist for IMBs in IRCs.

ACTION: Steve Kilbey

4.25 Colnbrook. IRC will have 336 places and an annual throughput of 30,000 detainees. Appointments to the Board have been made. As with Bronzefield, dual status will end with Triennial Review at original Board but Secretariat may need to be flexible about this in exceptional circumstances.

4.26 Sabbaticals. Secretariat to review arrangements under which sabbaticals take place with a view to being more flexible.

ACTION: Secretariat

4.27 Transfers. Concern over management of transfer of IMB members, in particular that receiving Board not informed about background of transferees, reason for transfer and have no input into the transfer decision. Norman McLean agreed to look into the transfer process.

ACTION: Norman McLean

4.28 Prison Reform Trust letter to Board Chairs. To be carried forward to next meeting.

4.29 National Council presence at Area Managers meeting. Carried forward to the next meeting although invitation to attend accepted in principle.

Item 5 – Feedback from IRC Forum

5.1 The National Council thanked Michael Wharton for the minutes of the April Forum meeting and asked to be added to the Forum's distribution list.

ACTION: Michael Wharton

5.2 The National Council noted the IRC segregation survey results which raised a number of concerns. It was agreed that this was evidence of the need for better training for IMBs in IRCs.

Item 6 –Foreign Nationals

6.1 The National Council agreed that this is was a serious issue and noted that it linked with the issue of post-sentence remand. IMBs need to be given some form of assistance

in monitoring the needs and concerns of foreign nationals and, as a first step, Simon Nieboer and Jo Jenkins agreed to prepare a draft DC on foreign nationals.

ACTION: Simon Nieboer and Jo Jenkins

ACTION: Sir Peter to allocate Foreign Nationals as special interest area

Item 7 – Performance Reviews

7.1 Paper NC5/1 was noted. It was agreed that:

- suitable criteria against which members can be appraised are required;
- consideration should be given to criteria for terminating appointments from year 2;
- safeguards e.g. avenues of appeal, need to be incorporated;
- the Annual Performance Review form requires clarification;
- 'probation' year should be changed to 'probationary' year.

7.2 Steve Kilbey and Sheila Royle were asked to review and resubmit proposals.

ACTION: Steve Kilbey and Sheila Royle

Item 8 – Quality Control

8.1 Paper NC 5/2 was noted and agreed although it was unclear how this exercise would be co-ordinated with the work of the Handbook Working Group. It was agreed that Anne Grange (lead tutor for prison IMBs) should be invited to join the good practice working group.

ACTION: Steve Kilbey and Sue Nicholas

Item 9 – Data Protection/Freedom of Information

9.1 The National Council noted Paper NC5/3. It agreed it was a useful reference document and that a letter outlining the key messages of what data protection and freedom of information means for Boards should be sent to Chairs. It was also agreed that a working group on good practice in record keeping should be established.

ACTION: Norman McLean and Jo Jenkins

ACTION: Sir Peter Lloyd

Item 10 – Diversity Strategy: Initial Proposals

10.1 Paper NC 5/4 was noted and agreed. The first meeting of the Diversity Strategy working group was held on 27 July. The working group will be considering a raft of issues both in the context of Board membership and their monitoring role.

Item 11 – Conflict of Interest Guidance

11.1 Paper NC 5/5 was noted and agreed.

11.2 It was also agreed Boards should be provided with a 'policies and procedures' folder in which advice and guidance issued by the National Council and the Secretariat should be filed after it has been agreed at the Board meeting.

ACTION: Secretariat

11.3 Guidance on conflict of interest will be issued in due course. In the meantime Board members should continue to refer queries about conflicts of interest to the Secretariat.

Item 12 - Access to Medical Records Guidance

12.1 Sheila Royle tabled a copy of the draft guidance amended in consultation with Dr Cliff Howells, Medical Director, Prison Health. Dr Howells regards the draft guidance as a useful document, not only for IMBs but also Healthcare Managers. Sheila Royle will be meeting with Dr Howells shortly to agree a final draft and she requested any comments from National Council colleagues as soon as possible.

ACTION: National Council

Item 13 – Annual Conference

13.1 Janet Goddard updated the National Council on progress.

Item 14 – Progress against Business Plan

14.1 Norman McLean reported on progress against the Business Plan

Objective 1: Role of IMBs: DC letter issued on 30 June 2004.

Objective 2: Annual Reports: DC letter issued 25 June 2004.

Objective 3: Recruitment, Selection and Appointment: DC letter on Independent Panel Member Scheme issued 2 June 2004.

Objective 4: Conduct and Discipline: A 'Dear Colleague' letter will be issued in early August.

Objective 5: Working in Partnership: See item 16.1.1

Objective 6: Review Training Programmes: See item 3.11

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: See item 3.12

Objective 9: Communications Review: See item 3.13.

Objective 10: Revision of IMB Members' Handbook: The Working Group has held its first meeting and topics have been allocated to members for review and revision.

Objective 11: Performance Reviews of IMB Members: See item 7.

Objective 12: Quality Control / Dissemination of Good Practice: See item 8.

Objective 13: Data Protection / FIO Guidance for Boards: See item 9.

Objective 14: Conflict of Interest Guidance: See item 11.

Objective 15: Access to Medical Records: See item 12.

Objective 16: Review of PSO 1700: See item 3.16. New target date set.

Objective 17: Diversity Strategy: See item 10. New target date set.

Objective 18: Preparation of NC Annual Report: Will be considered later this year.

Item 15 – House of Commons Education & skills Select Committee

15.1 Richard Gully reported that he had received an excellent response from Boards. In view of this he has requested and been granted an extension to the deadline for submitting evidence to the Committee.

Item 16 - Secretariat Report

16.1 Visits and Meetings:

16.1.1 Norman McLean/Sue Nicholas met the YJB to discuss closer co-operation and are close to drafting a Memorandum of Understanding. YJB teams going into establishments will include a monitor, an advocate and a social worker although it is unclear what the latter's role will be.

16.1.2 Norman McLean met IMB members to discuss the Mubarek Inquiry.

16.1.3 Norman McLean/Communications team met staff from the COI to discuss their bid for the Communications Review.

16.1.4 Norman McLean attended a meeting between Sir Peter and Paul Goggins.

16.1.5 Clare Batt attended a meeting between Pauline Smith and Des Browne.

16.1.6 Norman McLean/Janet Goddard met the Head of the Home Office Race Equality Unit to discuss the diversity strategy

16.1.7 Norman McLean attended the IRC Forum

16.1.8 Norman McLean/David Graham/Communications team visited Keele for a pre-conference orientation meeting.

16.2 DCs have been issued on the new Rule and on piloting the annual report template, A 'Dear Colleague' letter is about to be issued on the new conduct and discipline procedures together with one inviting applications for the care team.

16.3 Interviews completed for Colnbrook IMB.

16.4 It was agreed that the Secretariat Report will include forthcoming events and meetings.

ACTION: Norman McLean

16.5 It was agreed that 'Diversity' should replace 'Race Relations' on page 5, Annex B, of the Annual Report template and that 'Foreign Nationals' should be added to the template.

ACTION: Mike Paice

16.6 It was agreed that the Secretariat will supply an electronic copy of the Annual Report template on request.

ACTION: Mike Paice

16.7 It was agreed that the Secretariat will provide the National Council with a list of Boards who have not submitted an Annual Report.

ACTION: Mike Paice

Item 17 – Any Other Business

17.1 Sheila Royle had attended a PPI (Patient and Public Involvement) Forum meeting on 27 July. Progress is likely to be slow. PPI Forums are not intended to encroach on, but will be supplementary to, the role of IMBs.

17.2 David Graham reported on the Ministerial Round Table on Deaths in Custody and the review of PSO 2700 which will focus on the Ombudsman's new role and the requirement to disclose information about events and contacts leading up to the incident. It was agreed that he should ensure the IMB is included in the protocol given that there might have been an application to the IMB from the prisoner.

17.3 David Graham will be writing to the Head of the Safer Custody Group to register his disappointment that other than himself no one from the Safer Custody Group or the Ministerial round table attended a recent drama event which had been sponsored by the Safer Custody Group.

17.4 Richard Gully reported that he had run a workshop, and in so doing had raised the profile of IMBs, at a recent Legal Services Commission seminar on legal entitlement and advice for prisoners during their sentence and in preparation for release.

17.5 The National Council thanked Richard Gully for chairing the meeting in Sir Peter's absence.

Item 18 – Date of the Next Meeting

18.1 The next NC meeting will be held on 28/29 September in Ashley House. The dates of next year's meetings will be set at this meeting.

18.2 The November meeting on 2/3 November will be held in Bristol and Chairs from the South West, Wales, Thames Valley, Hampshire and the Isle of Wight will be invited to attend a pre-meeting lunch.