

MINUTES OF THE NATIONAL COUNCIL MEETING HELD ON WEDNESDAY 29 SEPTEMBER IN ASHLEY HOUSE

Present:

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

In attendance:

Mr Steve Kilbey	- Deputy Head of the IMB Secretariat
Miss Anne-Marie Stephens (Secretary)	- IMB Secretariat

Item 1 – Apologies for Absence

1.1 Apologies for absence were received from Norman McLean (IMB Secretariat).

Item 2 – Minutes of the Previous Meeting (28 July 2004)

2.1 The minutes of the previous meeting were agreed.

Item 3 – Matters Arising

3.1 Appropriateness of IMB Presence During Court Video Link (item 3.4) The Secretariat has consulted the Magistrates Association and the Department for Constitutional Affairs, neither of which have been able to provide a definitive answer. However, their considered opinion is that the IMBs' duty is to monitor the process set out in PSO 1030 and no IMB representative should be in the video booth/room during the video link as they would in effect be standing in the court dock.

ACTION: Sheila Royle/Steve Kilbey to issue DC to this effect.

3.2 List of Working Groups (item 3.5) The NOMS team has, as yet, been unable to provide details.

ACTION: Anne-Marie Stephens to monitor progress.

3.3 Conduct & Discipline (item 3.7) The new procedures were sent to each member in August. New members will receive a copy of the procedures on appointment.

3.4 Health & Safety Issues (item 3.8) In IRCs and prisons IMBs are afforded the same protection as members of staff. Mike Paice is waiting for a response from the Office of Contracted Prisons on the position of IMBs in contracted prisons.

ACTION: Mike Paice.

3.5 Review of Training (item 3.11) The Secretariat has invited bids from three providers. Presentations will be made before the end of November to a panel comprising representatives from the Secretariat, National Council and the lead tutor.

3.6 Reportable Incidents/Forcible Issuing of Medication (item 3.20) It was agreed that making the forcible issue of medication a notifiable incident should be raised with the Director General.

ACTION: Sheila Royle and Peter Lloyd

3.7 Foreign Nationals (item 4.1) Simon Nieboer and Jo Jenkins circulated a draft DC on Foreign Nationals. Simon Nieboer has agreed to be the National Council lead on Foreign Nationals.

ACTION: All National Council members to comment on draft DC by 5 October.

3.8 Women prisoners (Item 4.5) Muriel Blythman is seeking to establish contact with Headquarters staff responsible for escort contracts.

ACTION: Muriel Blythman.

3.9 Code of Conduct/Discipline Procedures (item 4.6) It was agreed that the report to the NC will show the number and types of case in each NC constituency, the date the case was opened, what stage it has reached, and whether it is being dealt with under DC 4/99 or DC 11/04 procedures.

ACTION: Anne-Marie Stephens.

ACTION: Jo Jenkins to review procedures and a selection of cases in early 2005.

3.10 National Council Expenses (Item 4.10) Steve Kilbey reported that it was unlikely that the Home Office will approve imprests for the National Council. He is looking into the possibility of arranging allowances for NC members as an alternative.

ACTION: All National Council members to provide Steve Kilbey with an estimate of their monthly expenditure on NC business.

3.11 Kent County Show (Item 4.12) Steve Kilbey confirmed that application forms can only be issued by the Secretariat because of the requirement to ensure an audit trail.

3.12 Commissioning new Boards (Item 4.16) Steve Kilbey reported that 60 letters have been sent out to existing members living within a thirty mile radius of the new prison at Peterborough. The closing date for applications is 8th October and the Secretariat plans to have a Board in place by January 2005 to provide a 3 month lead time before the prison opens. It was felt the recruitment of inexperienced members should not be delayed until the Board is in place.

ACTION: Steve Kilbey

3.13 PSO 1600:Use of Force (Item 4.18) (Relevant section – Chapter 4: The Use of Special Accommodation and Mechanical Restraints for Non Medical Purposes) It was not known what stage the Prison Service has reached on bringing PSO 1600 in line with PSO 1700.

ACTION: Steve Kilbey to check on Prison Service progress.

ACTION: National Council members to remind Boards of their continued authorisation role under PSO 1600.

3.14 Administrative Support for Boards (Item 4.24) Steve Kilbey will conduct a survey of the administrative support available to Boards in the contracted estate. NC members will identify any Boards in their areas that are not provided with suitable office space (when it could be made available) or adequate administrative support and whose representations to the Governor and Area Manager have been unsuccessful. The President would raise these with the Director General.

ACTION: Steve Kilbey; NC members; Peter Lloyd

3.15 Sabbaticals (Item 14.26) The National Council asked for the position of board members on sabbaticals to be clarified.

ACTION: Sue Nicholas to consult with Mike Paice and produce a paper for circulation.

3.16 Transfers (Item 4.27) This item was postponed because of Norman McLean's absence.

Secretary's Note: The Appointments Team has received no evidence that the transfer of members has caused difficulties. The procedure is outlined in para 5 to 8 of Annex B to DC 7/04, this year's Triennial Review instruction. Paras 7 and 8 should be noted in particular. The Secretariat would expect the receiving Chair to ask the member why s/he wished to leave her/his present Board and then to telephone the member's Chair to discuss the individual.

3.17 Quality Control (Item 8.1) The Good Practice Working Group will run concurrently with the Handbook Working Group. The handbook is unlikely to be ready for publication for at least 6 months.

3.18 Conflict of Interest Guidance (item 11) Board members have been approached by PCTs and Patient Forums to sit on committees as stakeholders. It was agreed that this would create a conflict of interest and advice to this effect should be included within the guidance agreed by the NC at its July meeting. This guidance will be issued as DC following approval of a revised version by the NC.

ACTION: Simon Nieboer/Jill Berliand/Anne-Marie Stephens

3.19 Access to Medical Records Guidance (Item 12) Sheila Royle requested comments on the final draft of the guidance by 4 October. Once the guidance has been finalised, it will be issued to Boards by the NC and to Healthcare Teams by the Department of Health.

ACTION: NC Members to comment on the final draft by 4 October.

3.20 House of Commons Education & Skills Select Committee (Item 15) The National Council commended Richard Gully's paper. It was agreed that a copy of the submission should be sent to Boards.

ACTION: Anne-Marie Stephens.

3.21 Annual Report Template (Item 16.6) Some Chairs have reported that, despite requests, they have not received the template on disc. Anne-Marie Stephens said that Mike Paice has been sending out electronic copies via e-mail.

ACTION: Steve Kilbey to confirm that electronic copies are sent out, in one form or another, on request.

3.22 PPI Forums (Item 17.1) The project has begun to roll out in about 9 prisons.

Item 4 – Issues Arising from Constituency Meeting

4.1 IMB News to include a list of new and amended PSOs.

ACTION: David Graham.

4.2 A number of ambiguities have been identified in DC8/04 (Appointment of Chair and Vice Chair).

ACTION: Sheila Royle to consult with Mike Paice.

4.3 It would avoid confusion if Dear Colleague letters were given a different designation to distinguish them in the records from Dear Chair letters.

ACTION: Secretariat to consider proposal.

4.4 National Council to invite Martin Narey to address a future meeting.

ACTION: Jo Jenkins and Peter Lloyd

4.5 A number of Chairs are serving beyond the usual 3 year term because no other Board members are willing to take on the post of Chair or Vice Chair.

ACTION: Richard Gully/Jill Berliand to produce and circulate a paper on role of Vice Chair.

4.6 Michael Watson has asked the NC to look at the extent of the problem of vulnerable prisoners held in normal location without access to treatment for offending behaviour.

ACTION: NC members to ask Chairs how their establishment's VPs are held and report to Jill Berliand.

ACTION: Jill Berliand to prepare paper and consult with Sheila Royle before circulating to NC.

4.7 Following Michael Wharton's efforts, badges are now provided for overseas escorts.

4.8 Implications of Correctional Services Bill for contracted estate. Jo Jenkins commended her report to NC. Sir Peter Lloyd with Jo Jenkins to meet Trevor Williams to discuss this issue and administrative support for Boards in the contracted estate.

ACTION: Jo Jenkins and Peter Lloyd

Item 5 – IRC Forum

5.1 The National Council thanked Michael Wharton for organising the circulation of of the Forum minutes to the NC.

5.2 The monthly turnover of detainees across the IRC estate is now 150%.

5.3 Under PSO 4630 Immigration & Nationality Department has to be notified of every foreign national going into prison. This should result in the relevant paperwork being processed earlier leading to a reduction in the number of foreign nationals held in prison after completion of sentence.

Item 6 – Role of the National Council

6.1 The National Council discussed their role, objectives and effectiveness. A paper will be prepared and circulated separately summarising the main points raised. It was agreed that at the December meeting the Council would revisit the paper and review its first year.

ACTION: Peter Lloyd

Item 7 – Review of Annual Conference

7.1 David Graham thanked Jill Berliand for her support and thanked the Secretariat, in particular Janet Goddard and Clare Batt, for their assistance.

7.2 Sue Nicholas has agreed to assist David Graham with next year's conference. The feedback received from this year's delegates will be taken into account when planning next year's conference.

ACTION: David Graham and Sue Nicholas to review feedback from this year's conference.

ACTION: For November NC meeting National Council members to

- **suggest ideas for next year's conference**
- **consider whether conference should be annual or alternate years**
- **consider whether it should be a two day/one night conference.**

7.3 In praising staff for the contribution to the success of the Conference, David Graham recorded his disappointment over the lack of respect shown to them, in particular junior staff, by a small minority of Board members.

Item 8 Performance Reviews

8.1 Paper to be considered before next meeting.

ACTION: Sheila Royle/Sue Nicholas to consult with Norman McLean and recirculate paper before next NC Meeting.

Item 9 Review of Segregation

9.1 Sheila Royle noted that the excellent response to the questionnaire demonstrates the importance Board members attach to this duty while the results show that Boards are working hard to ensure that it is effectively discharged.

ACTION: Sheila Royle/Steve Kilbey to write letters of thanks to Boards that responded to questionnaire.

ACTION: Steve Kilbey to send NC members details of number of Boards that responded, by NC area and contracted estate.

ACTION: Peter Lloyd and Sheila Royle to acquaint themselves with the results and to discuss them with Phil Wheatley and Trevor Williams.

ACTION: Sheila Royle/Steve Kilbey to circulate results to Boards with feedback from meetings following approval by NC.

Secretary's note- Rule 45 and vulnerable prisoners to be raised with Phil Wheatley at the same meeting.

Item 10 Conduct & Discipline

10.1 Paper to be considered before next meeting.

ACTION: Jo Jenkins to consult with Norman McLean and recirculate paper before next NC Meeting.

Item 11 Freedom of Information

11.1 Paper to be considered before next meeting.

ACTION: Jo Jenkins to liaise with Norman McLean and recirculate paper before next NC Meeting.

ACTION: Richard Gully to assist Jo Jenkins on review of record-keeping.

Item 12 Review of Business Plan

12.1 The National Council requested a revised format so past, current and future action is more easily identifiable.

ACTION: Steve Kilbey

12.2 It was agreed that some timescales need revision. Steve Kilbey asked NC members to suggest new dates having consulted appropriate Secretariat staff.

ACTION: Steve Kilbey to liaise with NC members

12.3 It was agreed that those who are shown in the minutes as responsible for taking action on any item will submit a short written report on progress for circulation before the next meeting so that discussion on matters arising can be minimised.

ACTION: National Council Members and Secretariat

Item 13 Secretariat Report

13.1 Steve Kilbey reported that Frances Flaxington, NOMS Community and Civil Renewal Strategy Unit, is seeking participants from IMBs for workshops to be held in York and Birmingham.

ACTION: Steve Kilbey to liaise with NC members.

ACTION: Frances Flaxington's discussion paper – 'Developing a NOMS Community and Civil Renewal Strategy' was circulated. She would welcome any observations to be passed through Richard Gully.

Item 14 Any other Business

14.1 No Items tabled.

Item 15 Date of Future Meetings

15.1 Anne-Marie Stephens circulated proposed dates for 2005.

ACTION: NC members to confirm availability by 6 October.

15.2 The date of the next meeting, which is to be held in Bristol, is 2nd and 3rd November.

October 2004