

MINUTES OF THE NATIONAL COUNCIL MEETING HELD ON TUESDAY 7th & WEDNESDAY 8th NOVEMBER 2006

Present:

Sir Peter Lloyd (Chair)	- President, National Council
Mr John Weightman	- North East, Yorkshire & Humberside
Mr Simon Nieboer	- South West
Mr David Graham	- Eastern
Mrs Sue Nicholas	- East Midlands
Mrs Jane King	- Kent, Sussex and Surrey
Mr Richard Gully	-Thames Valley, Hampshire & Isle of Wight, London
Mrs Jo Jenkins	- Wales & West Midlands
Mr Peter Booth	- Immigration Removal Centres
Mr Dencer Brown	- Diversity Representative

In attendance:

Mr Norman McLean	- Head of the IMB Secretariat
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 for Sheila Royle (North West Area).

Item 2 – Minutes of the Previous Meeting (26th/27th September 2006)

2.1 The minutes of the previous meeting had been circulated and approved via e-mail and issued to Boards under cover of DC 24/06 and IMM 22/06.

Item 3 – IRC Forum

3.1 The IRC Forum and Study Day were held on the 10th and 11th October. Of primary concern is the lack of immigration caseworkers in IRCs. Detainees are not being provided with information about their cases and this is causing frustration. With more former prisoners being moved into centres on completion of their sentences the risk of unrest in one or more centres is increasing. This is acknowledged by centre management and by IND.

Item 4 – Annual Report Template and Guidance

4.1 At September's meeting of the National Council it was reported that copies of the draft template and guidance had been sent to Phil Wheatley, Anne Owers, Stephen Shaw and Helen Edwards, Chief Executive of NOMS, who were asked if there were any changes they could suggest which might help to make IMB reports more useful to them.

Copies were also sent to 6 Chairs who had agreed to provide feedback on whether the template and guide are user-friendly; whether they would find it helpful; and whether anything has been missed out that they should like to see included. The Chairs selected included some who had either just completed or were about to prepare their first annual report. The feedback received was extremely positive and included a number of helpful suggestions which have been incorporated into the latest draft of the template and guidance. Copies have also been sent to IND management with a request for feedback by 17th November.

It was agreed that one hard copy of the template and guidance will be sent to each Board to keep in the IMB office where all Board members can consult it. An invitation to nominate an e-mail address to which an electronic version may be sent will be requested from Chairs.

ACTION: National Council members to send textual amendments to Anne-Marie Stephens by 17th November.

ACTION: National Council members to provide advice and guidance on template at Area Meetings/IRC Forum

ACTION: David Graham to commission an article on the template and guidance for the next edition of IMB News to ensure that all Board members are made aware of its introduction.

Item 5 – Prisoners' Property

5.1 Property and property related issues represent the greatest proportion of applications to IMBs as reported in Annual Reports and the largest number of complaints to the Prisons & Probation Ombudsman. The National Council agreed to take up centrally concerns about the handling of prisoners' property.

ACTION: NC members to provide Sue Nicholas and Sheila Royle with the evidence requested in paper 21/2.

ACTION: Sue Nicholas and Sheila Royle to speak to Stephen Shaw about

- how he has raised this issue in the past;
- how the NC might work with the Ombudsman to ensure progress is made in resolving the problems identified.

ACTION: Sue Nicholas and Sheila Royle to prepare advice on next steps following feedback from NC colleagues and Stephen Shaw.

5.2 Concern was raised about the rising cost of utilities and how this will impact on establishments' budgets.

ACTION: Sue Nicholas and Jo Jenkins to find out size of deficit in public sector and contracted estates.

ACTION: Sir Peter Lloyd to inform the Minister of the NC's concerns.

Item 6 – Annual Reviews/Quinquennial Reviews

6.1 The Lloyd review team made three recommendations concerning performance reviews of Board members. The first, that there should be a twelve month probationary period for new members, was brought into effect on 1st July 2006. The second and third recommendations were that there should be informal annual reviews of all Board members and that once the informal annual review is in place, that the frequency of formal reviews should be changed from the current triennial review to a review (or reappointment) at the five year point.

6.2 The National Council has started to consider how the annual reviews and quinquennial reappointments might work in practice and a discussion document prepared in September had elicited sometimes conflicting views from a few NC members.

6.3 One of the key decisions is whether the quinquennial reappointment should take place at the end of the year or on the anniversary of the member's appointment. A short discussion at the meeting made clear that there would be pros and cons associated with either arrangement.

ACTION: NC members to send Sue Nicholas and Sheila Royle their views on the scheduling of quinquennial reappointment exercises.

ACTION: Sue Nicholas and Sheila Royle to meet with the Secretariat to discuss the practicalities and logistics of implementing annual reviews and quinquennial reappointments.

Item 7 – Training Strategy Group

7.1 Interviews for a board member to be co-opted to the NC to take responsibility for training will be conducted on 16th November. The successful candidate will join the December NC meeting.

7.2 The first probationary year workshop will be held for South West and South Wales prisons at HMP Leyhill on 7th December, piggy-backing onto the back of the South West Area Meeting. It is the responsibility of individual NC members to ensure the rollout of workshops in their areas and to find a venue. The Secretariat should be given a month's notice in order to arrange a tutor.

ACTION: NC members to send Steve Kilbey dates and numbers for probationary year workshops.

7.3 Training Coordinators elected in October 2006 will shortly be receiving their letters of appointment from Steve Kilbey and an invitation to the next Training Coordinators course. Existing Training Coordinators who have not attended a Training Coordinators Course in the past 3 years will be identified and invited to attend future courses. Training Coordinators who are unsure of their responsibilities regarding the probationary year should be encouraged to contact Sheila Royle, Sue Nicholas or Simon Nieboer.

ACTION: Steve Kilbey to arrange to send to NC members the provisional list of Chairs, Vice Chairs and Training Coordinators, with their contact details.

ACTION: NC members to recommend at Area Meetings that new vice chairs attend the Vice Chairs Course.

7.4 Following HMIP's Thematic Review of Close Supervision Centres a meeting is to be arranged with HMIP to consider the recommendations for Boards in the High Security estate and their training needs. In the meantime the NC has drawn up monitoring protocols which representatives of each of the High Security Boards will be invited to discuss at a separate meeting.

Item 8 – Retention of Records

8.1 At the previous meeting of the National Council, consideration was given to the length of time Boards should retain appropriate records, e.g. rota visit records and Board minutes. It was thought that this should extend to ten years. It was agreed that the Secretariat would consult those responsible for record management in the Home Office for guidance on what might seem reasonable. They have suggested that ten years is probably unnecessary for the purposes of litigation and coroners' inquests. Indeed, they took the view that to avoid potential problems from freedom of information requests, records should only be maintained for as limited a period as appeared to be necessary.

8.2 NC members agreed that 6 years should be the general rule for retention of records but that papers relating to sensitive issues e.g deaths in custody, should be retained until such time as the matter is concluded.

ACTION: David Graham to arrange for decision to be publicised in IMB News, the website and the Reference Book.

Item 9 – Handling Complaints about Racist Incidents

9.1 Chapter 6 of PSO 2800 on race equality deals with the handling of racist incidents, making it clear that establishments must have an effective system for reporting and investigating complaints about racist incidents, in which prisoners and staff have confidence. Racist Incident Reporting Forms (RIRFs) are used for this purpose. Chapter 6 goes on to say that every year a sample of investigation reports (5%, or a minimum of 10 investigations, whichever is the greater) must be examined by an external person or organisation (e.g. from the voluntary and community sector). Establishments are audited on this.

9.2 A number of establishments have taken the view that the IMB is suitably qualified to take on this evaluation and feedback role. This would require IMBs to assess and evaluate whether the handling of complaints about alleged racist incidents within a prison has been conducted satisfactorily and monitor the quality of the investigation into the complaints and the suitability of the responses to them.

9.3 The National Council agreed that whilst IMBs have a role in monitoring that procedures have been followed, they should not become part of the audit or investigative process and should not be expected to evaluate the outcome of complaints.

ACTION: Norman Mclean to write to Mike Spurr and Managing Directors of contracted companies to advise that IMBs should not be used for this role.

ACTION: Dencer Brown and Norman McLean to write to IMBs to clarify the boundaries of their role.

Item 10 – Immigration Holding Rooms/ Short term Holding Centres

10.1 Interviews of existing Board members for the short term holding centre at Heathrow have been completed and those selected will be notified shortly with a view to them visiting the holding rooms at Heathrow by the end of November. The Chair of the Board will join the IRC Forum. The Board will then have an information sharing session with IND and G4S to discuss training needs. David Graham and Simon Nieboer, who had taken part in the initial fact-finding visits, were invited to attend the session to share their experiences.

10.2 As soon as the Heathrow Board is in place and the information sharing session completed, work will commence on setting up the Northern and Midlands Board.

Item 11. Communications Working Group

11.1 The National Council noted the Working Group's update report. A discussion followed on how to assist Boards to recognise when they should use the media or respond to it.

ACTION: Steve Kilbey to send David Graham and Jane King the media modules on the New Chairs and Experienced members Courses.

11.2 Norman Mclean reported that the Secretariat are as disappointed as the National Council over the difficulties updating the website. The technical problems have now been overcome and the Secretariat will make funds available to buy in assistance to upload the information that is waiting to go on to the website. The aim is to get the website up and running by 1 January 2007.

11.3 The new Application Packs will be sent out to Boards before the end of November.

11.4 Sir Peter Lloyd noted that guidance on ways of working and interfacing was required for the various National Council support groups.

ACTION: Sir Peter Lloyd to prepare a discussion paper.

Item 12 – Diversity Working Group

12.1 Bilkis Malik, a former IMB member, has been appointed as Diversity Consultant on an initial 1 year contract. She will work closely with Dencer Brown, the Diversity Working Group and the Secretariat and her role will include:

- helping Boards improve the diversity of their membership;
- designing and delivering training modules on diversity;
- helping Boards to monitor diversity issues in prisons and IRCs.

The NC thanked Norman McLean for his assistance in getting a diversity consultant appointed.

12.2 The frequency of Diversity Working Group meetings was reviewed by the Group and it was decided to continue as at present because of the number of issues that require attention.

12.3 A programme of visits to Boards who appear to be experiencing difficulties recruiting a diverse membership has been commenced.

12.4 The first meeting of the Mubarek Recommendations Group will take place on 5th December and will include representatives from the Diversity Working Group, Feltham IMB and the Secretariat. The Government's response to Lord Justice Keith's recommendations were published at the end of August and responsibility for this area of work within the Prison Service lies with Digby Griffiths.

Items 13 – Healthcare Support Group

13.1 The first meeting of the Healthcare Support Group took place on 29th September. The following terms of reference were agreed:-

- To research all the strands of Healthcare provision in Prisons and IRCs, use the information gathered to help Boards to monitor healthcare more effectively, and raise corporate areas of concern where appropriate

The next meeting will be held on 24th November.

Item 14 – Learning and Skills Support Group

14.1 21 applications for the Learning and Skills Support group were received from Board members. The first tranche of interviews were held in York on 31st October. Further interviews will be held in London on 15th and 16th November.

Item 15 – Business Plan 2006/07

15.1 The Business Plan was noted and brought up to date.

Item 16 – Secretariat Report

16.1 The NC noted the Secretariat report. Norman McLean expanded on a number of items:

- IRC Study Day – Interesting session on testing the temperature in prisons by Robin Halward, former Governor of HMP Manchester and, until retirement, Head of the N. Ireland Prison Service. The Council agreed that Robin Halward's assistance should be sought to develop case studies for training purposes.
- Forum 3 – Norman McLean and Sue Nicholas visited the team (Board members and Secretariat staff) who manned the IMB stall at the Forum 3 volunteering fair. The quality of the new literature was excellent and a large number of people registered an interest in the work of IMBs and will be sent application packs.
- Presentation to the Chinese delegation by Mike Paice and Paul Laming. Unfortunately no NC member was available to attend. The NC suggested forming a pool of IMB members who might attend such events in addition to NC members.
- Presentation to the Japanese delegation by John Weightman, Mike Paice and Paul Laming. The members of the delegation asked a number of searching questions about the work of IMBs.
- Yorkshire & Humberside Governor's Conference – Norman McLean gave a presentation and shared a Q&A session with John Weightman. He explained what the IMBs could do for Governors and what they could do for IMBs – the latter in terms of IT, clerical support etc.
- Tripartite talks – Norman Mclean to accompany David Graham and Jane King to meeting with Scottish and Northern Irish Boards to be held in Scotland on 20/21 November.

16.3 The Appointments Section will be reorganised along geographic lines with effect from 1st December. This should benefit Boards, National Council representatives and staff.

ACTION: NC members to invite Appointments Officers to the next convenient Area Meeting.

16.2 Business case for laptops for NC members considered and agreed. Due to financial constraints may not be able to supply wifi units.

ACTION: Steve Kilbey to circulate specifications to NC members when these become available.

16.3 Log-ons for NC members to use in Ashley House now received and will be issued to NC members.

ACTION: Steve Kilbey to issue log-ons to NC members.

16.4 Secretariat access to Quantum has been delayed as it is not considered a priority by the Prison Service.

16.5 The NC expressed concern that telephone and e-mail messages were not always responded to promptly.

ACTION: Norman Mclean to introduce a system to ensure the Secretariat responds to telephone and e-mail enquiries within a reasonable timescale.

Item 17 – Constituency Meeting

17.1 The following items were brought forward from the NC's constituency meeting:

- Monitoring prisoners held in police cells. IMBs do not have any remit in this area. Monitoring those in police cells should be undertaken by lay custody visitors. Richard Gully is ascertaining the frequency of their monitoring.

Item 18 – Matters Arising

18.1 The update report on matters arising from the NC's previous meeting was noted.

Item 19 – Any Other Business

19.1 The recent incident at HMP/YOI New Hall, where a Board member overheard a prisoner's conversation and was subsequently asked to give evidence, was discussed. The Chair had asked whether there was a protocol for such situations. The NC agreed that a protocol or guidance was unnecessary. If Board members hear something relating to the prevention or detection of a crime they should report it straightaway.

ACTION: Anne-Marie Stephens to write to the Chair of IMB New Hall to inform him of the National Council's decision.

Item 20 – Date of next meeting

20.1 The next meeting will be held in Ashley House 5th & 6th December 2006.

November 2006