

MINUTES OF THE NATIONAL COUNCIL MEETING HELD ON TUESDAY 2ND & WEDNESDAY 3RD NOVEMBER

Present:

Mr Simon Nieboer (Chair)	- South West
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 Richard Gully	- Thames Valley, Hampshire & Isle of Wight, London
Mrs Jo Jenkins	- Wales & West Midlands
Mr Michael Wharton	- Immigration Removal Centres

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 from Sir Peter Lloyd, President, National Council

Item 2 – Minutes of the Previous Meeting (29 September 2004)

2.1 The minutes of the previous meeting were agreed.

Item 3 – Matters Arising

3.1 It was agreed that the report on progress against Actions arising from the previous meeting had been helpful and informative and should be prepared in advance of each future meeting. Items would only be carried forward for discussion under 'Matters Arising' if further action required..

3.2 List of Working Groups (item 3.2) Details have been sought from the NOMS team.
ACTION: Anne-Marie Stephens.

3.3 Health & Safety Issues (item 3.4) Mike Paice has established that Governors in the public sector, Contractors in the private sector and Centre Managers in IRCs all have a duty of care under Health & Safety legislation to the IMBs in their establishments. As such, any risk assessment required should be carried out by the establishment concerned and not the Boards themselves.

ACTION: Jo Jenkins to resolve outstanding issues concerning contracted prisons.

3.4 Reportable Incidents/Forcible Issuing of Medication (item 3.6) Issue to be raised with Director General.

ACTION: Sheila Royle and Peter Lloyd.

3.5 Foreign Nationals (item 3.7) Subject to replacing 'for guidance consult EO Discipline' with 'for guidance consult staff within your establishment' in paragraph 4.2, it was agreed to issue the guidance as a DC.

ACTION: Simon Nieboer.

3.6 Women prisoners (Item 3.8) Muriel Blythman has established contact with Headquarters staff responsible for escort contracts. She has obtained a copy of the Inter Prison Transfers Contract: Operational Specification which governs the movement of women prisoners and will evaluate its content and application.

ACTION: Muriel Blythman.

3.7 National Council Expenses (Item 3.10) Steve Kilbey is in discussion with Accounts Branch over imprests for NC members.

ACTION: Steve Kilbey.

3.8 Commissioning new Boards (Item 3.12) Taken under AOB.

3.9 PSO 1600:Use of Force (Item 3.13) Boards' authorisation role will continue until an amendment to the PSO is issued in 2005.

3.10 Administrative Support for Boards (Item 3.14) Steve Kilbey is awaiting responses to questionnaires sent to the contracted and Performance Tested prisons. A questionnaire will be sent to IRC IMBs.

ACTION: Steve Kilbey.

3.11 Sabbaticals (Item 3.15) Mike Paice has made some preliminary enquiries about sabbaticals for public appointees. Further work is required before guidance on this issue is provided to the National Council.

ACTION: Sue Nicholas, Mike Paice.

3.12 Conflict of Interest Guidance (item 3.18) Anne-Marie Stephens asked for comments on the additional guidance, distributed on 28th October, by 12th November.

ACTION: All National Council members

3.13 Access to Medical Records Guidance (Item 3.19) The final draft was approved for issue as a DC. Cliff Howells, Department of Health, will be a co-signatory.

ACTION: Sheila Royle, Steve Kilbey.

3.14 DC8/04 (Item 4.2) Sheila Royle to consult with Mike Paice on ambiguities identified in DC8/04 (Appointment of Chair and Vice Chair).

ACTION: Sheila Royle, Mike Paice.

3.15 DC letters (Item 4.3) To avoid confusion it was agreed that 'Dear Chair' letters will continue to be known as DC letters but letters sent on a one to one basis to each and every Board member will be designated Dear Board Member (DBM) letters.

ACTION: Secretariat.

3.16 Martin Narey (Item 4.4) Martin Narey has accepted Jo Jenkins' invitation to attend a Council meeting and, together with Christine Knott, will attend the meeting in London on 25th May 2005, probably from 9.15 am to 11.15am.

3.17 Role and Training of Vice Chairs (Item 4.5) Richard Gully and Jill Berliand asked for comments on their papers by 12th November.

ACTION: All National Council members.

3.18 Vulnerable prisoners held in normal location (Item 4.6) To ensure consistency it was agreed that Jill Berliand will prepare a list of questions for NC colleagues to use when asking Chairs how their establishment's VPs are held. On receiving feedback from NC colleagues, Jill Berliand will prepare a paper for circulation to the NC following consultation with Sheila Royle.

ACTION: Jill Berliand.

3.19 Role of the National Council (Item 6.1) This item will be discussed at the December NC meeting.

ACTION: Peter Lloyd

3.20 Review of Annual Conference (Item 7.2) Item taken later on the agenda.

3.21 Performance Reviews (Item 8.1) Item taken later on the agenda.

3.22 Review of Segregation (Item 9.1) Meetings with Director General and ADOCP to be arranged. Sheila Royle will raise concerns about the wording of the PSO with the DG at this meeting. It was agreed that Steve Kilbey will prepare area print outs of the survey results for each NC member.

ACTION: Sheila Royle

ACTION: Steve Kilbey

3.23 Secretariat Report (Item 13.1) Steve Kilbey reported that Frances Flaxington, NOMS Community and Civil Renewal Strategy Unit, regards IMBs as a useful role model and will be looking for more contributions from IMBs in future.

3.24 Date of Future Meetings (Item 15.1) Dates and locations of NC meetings in 2005 were agreed as follows:

1st/2nd February 2005 – London

5th/6th April 2005 – North West/Midlands

24th/25th May 2005 – London

26th/27th July 2005 – Eastern, East Midlands North & South

27th/28th September 2005 – London

1st/2nd November 2005 – Kent, Surrey & Sussex

6th/7th December 2005 - London

Item 4 – Performance Reviews

4.1 It was agreed that Paper NC 7/1 should form the basis of guidance to Boards, subject to the following:

- Paper to be re-cast to highlight the benefits of probationary years, annual reviews and quinquennial reviews;
- Presumption to be on members' development;
- Refer to tie in with succession planning;

- 'Annual review' to be renamed and the nature of the review clarified;
- Guidance required on what notes are taken at annual reviews.
- Highlight the differences between quinquennial and triennial review.

4.2 It was also agreed that Norman McLean and Steve Kilbey should convert NC 7/1 into a draft DC for review and agreement by Sheila Royle and Sue Nicholas. The draft DC will be sent to other NC members for comment prior to a final version being issued to Board Chairs.

ACTION: Norman McLean, Steve Kilbey

Item 5 – Conduct & Discipline

5.1 The amendments to the procedures proposed in paragraphs 4,5 and 6 of NC 7/2 were agreed.

5.2 The National Council decided that the third member of disciplinary panels for IMB members should be a Board member or Board Chair and not a representative from the Ombudsman's office.

5.3 The Council also agreed that a new list of IMB members and Chairs prepared to sit on disciplinary panels should be drawn up. Prospective panel members will be trawled for and interviewed and their appointment confirmed subject to successful completion of appropriate training.

ACTION: Jo Jenkins, Anne-Marie Stephens

Item 6- Freedom of Information

6.1 The IMB Publication Scheme prepared by Jo Jenkins and set out in paper NC 7/3 and submitted to the Information Commissioner on 29 October 2005 was noted. It was agreed that a copy of the Publication Scheme should be copied to all Boards when approved by the Information Commissioner.

ACTION: Jo Jenkins, Steve Kilbey

6.2 Boards will require guidance about the implications of the Freedom of Information Act and the Data Protection Act before the Freedom of Information Act comes into effect in January 2005.

ACTION: Jo Jenkins, Steve Kilbey

6.3 Advice will also be given to new Chairs attending the New Chairs Course in November.

ACTION: Norman McLean

6.4 Jo Jenkins asked NC members to draw Chairs' attention to PSO 9020 on Data Protection and Freedom of Information. In particular they should be aware that all Governors/Directors must appoint at least one Information Access Representative (IAR). The amount of time spent by IARS on the new procedures required to comply with the Freedom of Information Act and Data Protection Act will vary from establishment to establishment. In most it is estimated that the work will amount to less than 5% of the IAR's conditioned hours. In establishments with high demand for subject access requests it may be as much as 50% of conditioned hours.

ACTION: All National Council members.

Item 7 – Review of Annual Conference

7.1 David Graham and Sue Nicholas have reviewed the feedback from delegates attending the Annual Conference and the key message is that they want some content that is specific to their type of prison. The National Council discussed whether the conference should be biennial and also whether it should be shortened to a two day/one night conference. It was agreed that the present frequency and length should be retained but that the conference organisers should consider different attendance options eg. day delegates.

ACTION: David Graham, Sue Nicholas, Clare Batt

7.2 David Graham asked NC members to submit ideas for themes and speakers for next year's conference and for the Annual Conference to be added to the NC Business Plan..

ACTION: All National Council members

ACTION: Norman McLean

Item 8 Review of Business Plan

8.1 Item 3 Recruitment & Selection– the Independent Interviewer review process will start in January 2005. This will be added to the Business Plan.

8.2 Item 5 Working in Partnership– Good progress is being made with the new Chair and Chief Executive of the YJB and they attended a meeting in September between YOI Chairs and the YJB organised by Sue Nicholas. Discussions with the Advocacy Service are progressing. Sue Nicholas and Norman McLean hope to agree Memoranda of Understanding with the Inspectorate and the Ombudsman by the end of the year.

8.3 Item 7 Tenure of Appointment - Agreed consideration of this issue should only commence when other initiatives, e.g. performance reviews, have bedded down. Due date to be removed from Business Plan.

ACTION: Norman McLean

8.4 Item 8 Board Complements – Letters will be sent to Boards before Christmas. NC Members will be advised beforehand.

8.5 Item 9 Communications – Following the COI presentation to the NC, a paper with proposals to take forward will be submitted to the December NC meeting.

ACTION: David Graham, Janet Goddard

8.6 Item 12 Good Practice - There may be some slippage in investigating examples of good practice.

8.7 Item 17 Race Relations – To be renamed 'Diversity'.

8.8 Item 18 Preparation of NC Annual Report - Norman McLean suggested that writing the report is the responsibility of the NC, not the Secretariat.

8.9 Item 20 Tripartite Meetings - David Graham has agreed with his contacts in Scotland and Northern Ireland that a yearly meeting will be tagged to one of the three Annual Conferences. Jill Berliand volunteered to assist as necessary.

Item 9 Secretariat Report

9.1 Norman McLean has visited Tinsley House IRC and Leeds prison. He attended the IRC Forum Study Day. Des Browne, the Immigration Minister, and Sir Peter Lloyd were also there. Des Browne is keen to raise the profile of IMBs in IRCs, especially to counter-balance the bad press IRCs receive.

9.2 Norman McLean and Sir Peter both spoke at the High Security Conference at Wakefield which was an enjoyable, well-organised conference. Norman McLean attended the Northern Area Conference which provided an excellent opportunity to network. He will be attending the New Chairs Course in mid-November and the contracted prisons conference towards the end of the month.

9.3 In the Secretariat, it was proposed to make some changes to the roles of the EOs in the Appointments Section.

Item 10 Constituency Matters

10.1 The National Council suggested that someone in the Secretariat should be responsible for Annual Reports. Some Boards have complained that they do not receive any acknowledgement or letter of thanks when they submit their report.

10.2 Board members should be able to contact someone other than the Head and Deputy Head of the Secretariat when they have a query and the question of who answers enquiries about Board matters generally should be considered in the review of the role of the National Council. .

10.3 The NC asked the Secretariat to consider informing receiving Boards Chairs the reason for a member's transfer.

ACTION: Mike Paice

10.4 Richard Gully reported that the 5 cases of TB in the Isle of Wight prisons suggest that this might be a developing problem.

10.5 In answer to questions about the financial arrangements for the Northern Area Conference, Norman McLean explained that the Secretariat only funded one car from each Board invited to the Northern Area Conference.

10.6 The Chairs List 2005 should also include details of NC members and Tutors. Chairs should be encouraged to provide an e-mail address.

ACTION: Mike Paice

10.7 The planned re-rolling of HMP Brockhill and the decision to manage it alongside HMP Hewell Grange by Spring 2005 will lead to the amalgamation of the Boards and the eventual loss of a number of Board members.

10.8 The Prison Service has moved Latchmere House out of the London area and into the Surrey Area.

Item 11 IRC Forum

11.1 Norman McLean explained that policy papers that have been approved by the NC and that appear to have application to IRC IMBs are copied to the Forum with Sir Peter Lloyd's agreement .

11.2 The NC asked that IRC IMBs make full use of their NC representative by bringing issues to the NC through Michael Wharton.

Item 12 Any other Business

12.1 PCT Forum. Sheila Royle raised concerns over the potential conflict of interest for Board members sitting on PCT Forums. She had also received complaints from some Board members over the apparent exclusion of IMBs from the complaints procedure. It was agreed that Boards should be reminded of the potential for conflicts of interest to arise when members sit on external committees.

ACTION: All National Council members

12.2 NAO Paper. David Graham was congratulated on his paper to the National Audit Office setting out IMBs' national concerns over prison population pressures. It was agreed that the paper will be copied to all Boards.

ACTION: David Graham

12.3 Commissioning New IMBs. Jill Berliand's paper on lessons learnt from Bronzefield was noted. It was agreed that David Graham and Jo Jenkins will liaise with the Chair of Peterborough IMB, when s/he is appointed, to provide appropriate advice and support with a view to avoiding some of the difficulties experienced by the Bronzefield Board.

ACTION: David Graham, Jo Jenkins

12.3.1 Norman McLean reported that he has already asked for a revised recruitment plan in respect of Peterborough, which is due to open in March 2005. It was agreed that David Graham and Jo Jenkins will be copied into the plan once it has been agreed by the Secretariat.

ACTION: Norman McLean

12.3.2 It was agreed that a tutor should be appointed to provide independent advice to the Peterborough Board on good practice and the Secretariat should consider starting to advertise soon for inexperienced members to join the Board.

ACTION: Norman McLean, Steve Kilbey

Item 13 Date of Future Meetings

13.1 The next meeting will be held on the 7th and 8th December in Ashley House.

November 2004