

PPS Management Board

Day One-10.00am Wednesday 23 February 2022 &

Day Two-10.00am Thursday 3 March 2022

Via videoconferencing

Members:

**Stephen Herron (Chair)
Michael Agnew
Marianne O’Kane
Glenn Houston
David Best**

In Attendance:

**Tom Murphy (Private Office)
Claire Harrison (Comms)
Jo Anne Quinn (Finance) - Day 1
Head of RMT
Head of PIU - Day 2
Eilis McGrath (HCI) - Day 2
Lynne Carlin (B&E) Day 2**

Secretariat:

Policy and Information Unit

Day One

1. Apologies.

Mr Hearst.

2. Welcome.

Mr Herron welcomed members to the February 2022 Management Board.

3. Declaration of Board Members’ Interests.

None.

4. Management Board Minutes.

The previous minutes were agreed.

5. Reports from Management Board Committee.

Senior Management Group 15 February 2022.

Mr Agnew provided an update on matters discussed and actions arising from the Senior Management Group meeting of 15 February 2022.

Mandatory team meetings were discussed in the context of communications and actions arising from 2021-22 People Plan. Members had agreed that Statements of Assurance should be amended to include the mandatory attendance of staff at team meetings. It was also agreed that PRC should consider what additional steps could be taken to ensure staff engagement and team meetings are taking place across all areas of the organisation.

Members were briefed on performance and noted an increase in workloads in SCU. Ms O’Kane outlined that work has commenced to capture the changing profile and the increasing complexity of the work in the Unit as evidence for a business case for additional resources. Consideration is also being given to the potential of a joint funding approach with police for a 5-year performance strategy in respect of sexual offences. The Strategy to tackle Violence Against Women and Girls needs investment to achieve desired outcomes; provide better support and communication and prevent delay. Mr Herron highlighted that external parties may consider that increased resources would lead to improved prosecution and conviction rates for offences in these areas, and this would have to be addressed in terms of what benefits additional funding would deliver.

People and Resources Committee – 3 February 2022

Members noted the minutes and actions arising from the People and Resources Committee meeting of 3 February 2022.

Ms O’Kane advised of issues with provision of information on aspects of employee relations. A meeting has been arranged with NICS HR to better understand the rationales for decisions taken in two recent cases.

Performance and Delivery Committee – 31 January 2022

Ms O’ Kane updated members on matters discussed at the Performance and Delivery Committee 31 January 2022.

Ms O’ Kane outlined that figure for unallocated cases has fallen from around 1200 to 741. There is an action plan to allocate and prioritise DV cases and with the availability of overtime, good progress is being made in reducing this

further. From the beginning of March all new cases will be designated to specialist prosecutors. Members discussed the challenges and complexities with the introduction of the new domestic abuse offence and noted that appropriate training has been provided with specialist prosecutors allocated to these cases. Mr Herron acknowledged the considerable work undertaken and enquired if specialists were also being deployed in PSNI. Ms O’Kane confirmed that all operational officers are to take online training, with SPOCs, who have an enhanced level of training, also to be appointed. There are potential concerns regarding file quality, particularly in respect of over reporting and/or the effectiveness of investigations, given the investigative techniques and nature of the evidence required in respect of conduct involving coercive control. This could result in disproportionately low prosecution rates and may be misinterpreted as a PPS performance issue.

Ms O’Kane advised the PSNI is adopting new investigate approaches to these cases to identify if such offences have occurred. This will involve making observations and interpreting more subtle signals from victims, asking probing questions and gathering evidence from witnesses, financial data, media evidence etc.

Mr Herron suggested gathering continuous feedback from staff on file quality from the outset, so that any concerns can be addressed quickly. It was agreed to set up a team to conduct real time quality assurance, to commence collection of data and identify issues quickly. This will assist in flagging any matters with police in a timely manner. Mr Agnew also proposed that a PSNI Gatekeeper should be introduced to assist in focusing and ensuring file quality.

AP1-22/23 Mr Agnew to consult with PIU and SIT on establishing a DV Working Group tasked with conducting thematic Quality Assurance of the new Domestic Violence offence.

Mr Houston enquired about arrangements to highlight serious cases generally to Assistant Directors and Senior Assistant Directors. Ms O’Kane advised of two recent cases that would have benefitted from an early Case Management Panels, and outlined that staff are to be reminded to flag these cases and include in Risk Registers. This is also considered at Performance Accountability Meetings.

Policy and Quality Committee – Next meeting 7 March 2022.

6. Strategic Improvement Board – Next meeting 24 February 2022

7. Performance Summary.

Weekly Statistical Report

Members reviewed and noted the Weekly Statistical Summary for 30 January - 5 February 2022.

Key Performance Indicators 1 April – 31 December 2021

Mr Agnew provided an overview of the performance as of January 2022. In comparing the current figures with the three-year average, between 2017/2018 and 2019/20, overall caseloads have decreased by 9%, with the largest decrease in the Fraud and Departmental section. There was a marginal decrease in files received in CW1-4 with a 10% decrease in summary CW5-8 files.

Overall, there is a 43% increase in work queues in comparison to the same point at January 2020. There is also a 37% increase in files allocated to prosecutors, with B&E having a significantly higher allocation in comparison to the 2020 baseline. Overall, there is a 39% increase in caseload awaiting a decision.

Case Preparation has a 17% increase in the number of files and more than three quarters have been with the section for more than 30 days. The number of decisions issued to date has decreased by 13%, however the number of indictable decisions issued increased by 21% on the 3-year average baseline.

A total of 232 files were dip sampled and decisions were assessed as complying fully with the code in 97% of cases.

Mr Best noted the helpful commentary and the inclusion of comparators in assisting in highlighting patterns and identifying areas of concern.

Mr Houston agreed there is a greater overview of performance up to the end of December and queried where expected performance levels should be and what are the key priorities.

Mr Agnew advised the volume of work in courts, both in the Magistrates' and Crown courts are impacting productivity. The volume of case listings and trial preparation time is impacting on time available to SPP for decision making.

Ms O'Kane advised that there is little resilience, particularly in availability of counsel to assist with the Magistrates' Courts. DV cases are currently being prioritised, and significant numbers of cases have been allocated to have decisions taken. Resource availability is also still being impacted by covid related absences. It was noted by the Board that a number of measures are being taken forward to help alleviate the pressures on staff while operating within budgetary constraints.

SCU Monthly Caseload Report

Ms O’Kane provided an overview of the progress on cases currently being managed in SCU. There is an increase in the numbers of caseload and this figure is increasing month on month. The Unit has had difficulties in maintaining a steady state. The profile of the cases is increasingly complex and an exercise is ongoing to evidence this in support of producing a business case to request additional resources.

Ms O’Kane referenced the BCS Review, which the Head of RMT was to speak to.

Mr Houston noted that the cases cleared per prosecutor per week had been below average in four consecutive months. Ms O’Kane advised that the ability to progress decision making is being impacted by the volume of ongoing trials and the number of issues these are generating and SPPs are having to address these in the absence of PPs.

BCS Review

The Head of RMT advised he had consulted with BCS and the Report is likely to recommend additional resources required for SCU. Consideration will have to be given on how to fund these in the absence of any available budget.

Ms O’ Kane has consulted with PSNI’s Chief Operating Officer and reached in principle agreement to put forward a joint funding bid to tackle sexual offending and DV cases, particularly to support the Strategy to Tackle Violence Against Women and Girls. It is anticipated a funding bid will be submitted in the June monitoring round.

8. Finance

Finance Update December 2021.

Members reviewed and discussed the key financial issues being managed by the Finance Team as of November 2021.

Ms Quinn outlined the latest position as at the end of December, with a resource surplus of £780k and a capital surplus of £224K. A £380k cushion had been built into the January Monitoring submission for an anticipated uptake in counsel fees.

There was a lower than anticipated spend in counsel fees in both December and January, although £500k is forecast for February and £550k for March. This reduced spend in counsel fees has increased forecast outturn to an underspend of approximately £800K.

In respect of the 3-year budget for 2022-25 position, Ms Quinn advised that it is likely that it will be cancelled in light of the NI Executive's suspension. New allocations may have to rely on the 2021-22 opening position, which may not be favourable for the PPS, as that baseline did not include funding for Covid management or legacy matters. In the event of another 1-year allocation, a budget request for IT Assist support would need to be resubmitted.

Ms Quinn advised that the risk in proceeding with the recovery could be tolerated and steps would be taken to bid for additional funding at the end of quarter one.

Members reviewed and discussed the Direct Award Contracts and Mr Best requested the value of the contracts to be included in the Report. Mr Best suggested that some preliminary work be carried out to identify what action might be taken ensure spending within budget, if at the end of the first quarter of the 2022/23 financial year no additional funding were to be provided above the current budget position for that year

AP2-22/23 Ms Quinn to include the value of Direct Award Contracts.

AP3-22-23 Ms Quinn to review options for cost reductions following end of Quarter one if outcome of June Monitoring round not favourable.

Mr Houston highlighted the 'soft landing' of the 2% underspend and commended Ms Quinn and the Finance team for managing the budget with all the uncertainties that prevail.

9. People

RMT January Update

Members reviewed and noted the RMT update for January 2022, including the latest position on staffing levels, recruitment, training, health and wellbeing.

The Head of RMT advised that the service mapping exercise had been completed and the next stage is to issue these for consultation. Mr Agnew and Miss O'Kane requested sight of the findings before they are consulted on further. A detailed discussion ensued on all aspects of the project, and it was agreed that it would be beneficial for Ms McGrath to attend a reconvened Board meeting to provide a progress update on the NWW.

The head of RMT advised that the IIP recommendations, along with the People Survey findings, will be taken forward by PRC and will be incorporated into the strands of the People Plan.

NICS HR Summary Report February 2022

Members reviewed and noted the NICS HR February report.

Members noted the figures for long term sickness absences and the steps being taken to manage these absences.

Mr Houston highlighted the new version of the policy which introduces a minimum approval level of Grade 7 for annual leave greater than 25 days. It was noted that carrying over significant level of leave will only occur in specified circumstances.

Mr Best noted that the usage of annual leave across the Department is higher than pre covid levels. There was also a 27% increase in the number of days taken for the period April to December 2021 in comparison to the same period in 2020.

Day Two

10. Governance Issues.

Corporate Risk Register 2021/22.

Members reviewed and discussed the 2021/22 Risk Register and noted the planned actions/ mitigations and status and rating of all the risks.

Complaints Update

Members reviewed the Complaints update. Mr Houston queried whether the number of complaints that are 'not upheld' are reflective of the types of complaints received. Ms McGoldrick advised that the numbers and types of complaints upheld/not upheld are comparative to previous years and likewise the numbers that escalate to the second tier and to the Independent Assessor.

Draft Corporate Risks & Priorities

The Head of PIU provided an overview of the draft risks and priorities, members discussed a number of risks, including performance, funding and the New Ways of Working. It was agreed to revise Risks 1, 3 and 4. Members also agreed to the completion of a one-year Annual Business Plan for 2022/23.

CJINI Reports

The Head of PIU advised of progress in the ongoing CJINI inspection of File Quality, Disclosure, Case Progression and Recovery from the Pandemic. The focus to date has been on summary cases and five referrals have been received raising a number of issues and to which responses have been provided. The next stage will involve reviews of Indictable files, followed by a tranche of interviews.

11. AOB.

Revised Complaints Guidance

Members reviewed and discussed the new complaints guidance. Mr Agnew requested some minor revisions to the examples cited in the guidance and clarifications to the leaflet. Members were content with the proposed amendments and approved the revised guidance.

New Ways of Working

Ms McGrath provided an outline of the current position, actions and timelines for roll out of the New Ways of Working for both the PPS and NICS. Members approved the PPS action plan/timeline, with the timeline to be reviewed in May and overall roll out to be reviewed in December.

The New Ways of Working Service Mapping process has substantially progressed, detailing the posts that are workplace based and hybrid. The nature of operations indicates some posts have been identified as unsuitable for hybrid working and will be office based. No posts are eligible for full time remote or home working. Most posts (over 80%) will be suitable for some form of hybrid working and this is comparable with the rest of the NICS.

Assistant Directors, Heads of Branch and Business Managers will be responsible for proposing arrangements within their teams and these will be subject to the agreement of the relevant Senior Assistant Director or the Deputy Director. Members agreed there will not be a minimum attendance policy /operational guideline.

Members expressed the need for an operating model which protects the business needs whilst offering staff increased flexibility where possible. The arrangements must ensure an efficient model for the business, with no duplication of functions and inefficiencies. Prioritisation must be given to the services and business needs of the PPS, whilst continuing to support and maintain the health and wellbeing of staff.

Ms McGrath advised that the initial scoping exercise has been to identify hybrid posts and then work style agreements will be completed, all patterns will be determined by business needs. Work style agreements can also be amended, depending on business requirements. The Service Mapping will be finalised and shared with the Senior Team as well Assistant Directors and Heads of Business.

The Board were content to agree and communicate the 'one desk' policy. A review of the accommodation will be conducted when work style agreements have bedded in, and these arrangements will also be subject to any future accommodation efficiency reviews. Members also confirmed that regardless of the Executive message changing and removing all Covid restrictions, the preference is to retain a form of social distancing and will support the installation of perspex screens throughout PPS buildings.

Members noted and agreed the work areas identified for the proposed Pilot and it was agreed that the Pilot should commence at the beginning of April and this will also enable trial of the new IT systems. The trial is to run for a month and an evaluation of the trial and NICS update will be provided to the Board.

Ms Harrison provided an overview of the draft proposals for the operating principles. It was agreed the Operating Principles Document, PID and Communications Plans will be reviewed and formally signed off at next Board meeting on 23 March 2020. Ms McGrath will continue to provide updates via DRM until the temporary Grade 3 Senior Responsible Officer vacancy is filled.

12. Papers for noting.

Communication Update.

Ms Harrison provided an overview of the key communication activities carried out in the recent months including media queries, stakeholder engagement, the Digital Strategy, intranet and internal communications. An update was provided on the New Ways of Working and rollout of the intranet.

Communication Planner.

The Board Members discussed and reviewed the communications planner and update.

Mr Houston queried the impact of the Public Inquiry into Muckamore Abbey Hospital and ongoing prosecution considerations. Mr Agnew advised that there was detailed engagement between the PPS and the Inquiry to ensure no prejudice to any future prosecutions and for general governance arrangements.

13. Next Meeting.

Video Conferencing 23 March 2022 at 10.00am.

Summary of Action Points arising from Management Board.

Meeting of 23 February 2022

AP1-22/23	<i>Mr Agnew to consult with PIU and SIT on establishing a DV Working Group tasked with conducting thematic Quality assurance of the new Domestic Violence offence.</i>
AP2-22/23	<i>Ms Quinn to include the value of Direct Award Contracts.</i>
AP3-22-23	<i>Ms Quinn to review options for cost reductions following end of Quarter one if outcome of June Monitoring round not favourable.</i>

Action Points carried over from previous meetings.

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