

PPS Management Board

10.30 Wednesday 26 February 2020

Board Room, Foyle Chambers

Members:

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

In Attendance:

Tom Murphy (Private Office)

Secretariat:

Policy and Information Unit

1. Apologies

None

2. Welcome

The Director welcomed members to the February 2020 Management Board.

3. Declaration of Board Members’ Interests

None

4. Management Board Minutes

The previous minutes were agreed.

5. Actions from the Management Board meeting of 22 January 2020

AP 14 19/20 Mr Hearst to provide a summary of the risk to Management Board.

Mr Hearst advised that consideration of the risks is still ongoing and the finalised register will be tabled at the next Management Board.

6. Reports from Management Board Committee

Senior Management Group – 24 February 2020

Mr Agnew provided a verbal update of actions and matters arising at the meeting of 24 February. Members were advised that work is ongoing with CPS to scope a number of training courses. Consideration is being given to the approach to observe training delivered by CPS and then modify/tailor this training to meet PPS requirements.

Other matters discussed included disclosure training, performance and trauma training. There were also significant deliberations over risks for the Corporate Risk Register.

People & Resources Committee 13 February 2020

Mr Hearst updated members on matters discussed at the meeting of 13 February 2020 including agile working and reward and recognition. A scoping paper on agile working was discussed and noted and it was agreed that views and feedback should be sought from the People Forum. Members agreed that the Reward and Recognition action plan should be forwarded to SMG for implementation and an update to be provided to the people forum.

Figures relating to the performance of the HCAs were discussed and noted and it was agreed that there should be continued monitoring to obtain data and determine savings and benefits.

Members were advised that as the VWCU project is now implemented, the Ops Board is stepping down and oversight will move forward by way of performance reports. The first report contained data on operational processes and KPIs but further quarterly reports will include HR issues, such as resourcing and training.

The People Survey was also reviewed and discussed. The Committee were encouraged by the engagement index and it was agreed that the data will inform year two of the People Plan.

Performance & Delivery Committee 31 January 2020

Ms O’Kane advised of matters arising from the Case Management Meetings to conclude older cases. A range of case specific and generic issues had been identified and further work is ongoing to address the strategic issues arising.

Members were advised of options for recording decision timeliness in those cases in which a decision date was recorded long after the case had been dealt with. Ms O’Kane provided an overview of the range of cases and reasons for this discrepancy, including instances where full files were received in charge cases after pleas were entered and in extradition cases. Given the anticipated amount of work required to rectify the issue, both on the part of prosecutors and

Management Information staff, and the fact that median performance is now measured, it was not considered proportionate to take the necessary corrective action. Cases identified in the next reporting year will be rectified so that future data is more fully reflective of actual performance.

Ms O'Kane outlined the focus on clearing the outlying cases identified from the 80/40 day report. As of 2 weeks ago there were 54 indictable and 34 summary cases in the older cases category and efforts are continuing to reduce this further.

Members noted that the ICP interim evaluation report compiled by DOJ has been reviewed and considerations are ongoing in respect of the PPS response.

Policy and Quality Committee 8 January 2020.

Mr Agnew advised that the policies on Youth and Road Traffic have been reviewed and feedback provided.

7. Strategic Improvement Board

Minutes of Board Meeting.

Mr Agnew provided an update on the progress of all projects that cut across the organisation. Members were updated on the Digital Strategy and advised of issues that have arisen that may have a detrimental impact on the timescale of the project. Phase 1 is due to commence at the beginning of April, and will be introduced in a controlled way by limiting the nature of multimedia evidence received at the outset with a view to expanding thereafter. There is a need for an agreed position with the PSNI and a Service Level Agreement to be put in place before Go live. User testing is ongoing and a Pilot of stage 3 is proposed with a limited number of defence practitioners to identify any technical or operational issues and will then roll out subject to a brief evaluation.

There is also an issue with Control works, it is not a product that is proportionate or understandable. The solution is to provide a feasible product that includes the appropriate data. PSNI are to provide a proposed resolution for consideration and this is awaited.

8. Performance Issues

Performance Summary

Members reviewed and discussed the figures in the January Performance Summary. Comparing the current financial year to date with the previous year

to date there has been an overall increase in case load by 1.2%. In CW 1-4 Western and Southern regions have the largest regional percentage increase, with an increase of 19.1% and 18.1% respectively. Ms O'Kane advised that there has been extensive engagement by the region's AD with the police however there has been no explanation for the increase and it has not been possible to ascertain and identify trends. Members acknowledged that if the changes are sustained there will be an impact and requirement to realign resources accordingly. It was agreed that it would be beneficial to analyse figures for indictable caseloads received in the last five years.

AP 15-19/20 Ms O'Kane to provide the Board with analysis of figures for indictable cases over the last five years.

Members reviewed the figures for the number of DIRs issued over the financial year to date and noted an increase of 15.6% on the previous financial year. Increasing numbers of files with quality issues adds additional pressures and delays. It was agreed that a briefing paper should be prepared for the Director and Board detailing the impact of file quality.

Further discussion ensued around the approaches and practices by some prosecutors to DIRs and a requirement for further analysis of the type of evidence that is sought in requests. The variations across the regions was also noted. Members agreed consideration should be given to a dip sample of cases to determine whether it is a quality issue or if the request for additional evidence is appropriate and proportionate. The figures should be shared with the police and an explanation for the rationale sought.

AP 16-19/20 Ms O'Kane to conduct a dip sample of 50 cases to analyse DIRs.

A significant percentage of files were with Case Preparation section for more than the target 30 days and only 29% issued within target. Members were advised that a recent review found the target was not an appropriate measurement of performance as often the timescales are affected by matters outside the control of the section, such as extensive special instructions.

The number of prosecutorial decisions issued in the financial year to date has increased by 2.1% in the corresponding period last year and the output targets for SPPs and PPs in the regional offices has also been met. A total of 225 files were dip sampled and of these 95% complied fully with the Code. Discussion followed regarding the corrective action that can be taken if a case has an adverse QA outcome.

Mr Herron outlined the figures for the number of days required for the issue of 50% and 80% of decisions by decision type, both including and excluding DIRs. The year to date figure of 112 for indictable prosecutions excluding DIRS is

favourable against the baseline for 2018/19 of 121. Similarly the figure for indictable no prosecution decisions has decreased from 29 to 21. Notably the average figure for SCU cases has decreased to 19 days from 78. Summary timeliness figures have also indicated a favourable improvement from 4 days to 3 days. There is also improvement in the figure for indictable prosecutions with DIRS, 149 in comparison to the baseline for 2018/19 of 166.

SCU Monitoring Report

Ms O'Kane outlined progress made on the cases allocated to the backlog team managed by Ms Carlin. 75 cases have been allocated to prosecutors with 27 still to be allocated, 39 cases are with counsel and 7 are awaiting DIR responses. In Belfast and Eastern region there are only 3 cases outstanding of the 50 allocated. It is anticipated that all cases will be reviewed and the project will be concluded by the end of March. Members noted the excellent progress made and expressed gratitude to Ms Carlin and the team for their efforts.

For the main SCU team, current output performance has exceeded the minimum standards, though figures show the average of the cases cleared per prosecutor / week since September 2019 is 2.8, which falls short of the current projected minimum standard of 4. To keep pace with incoming file volume, a 'break-even' figure of 3.5 cases is required. Ms O'Kane advised of a meeting with the AD of SCU to discuss minimum standards and current productivity. She informed members of a range of reasons for current levels; including SPPs still undertaking post decision work as the PP cadre has received a high volume of cases from the backlog team. Members agreed that there is an expectation that performance will reach the projected minimum standard.

The approach agreed to support increased decision output includes examination of individual performance and further exploration of progressing cases through the 'Clinic Plus' Model. However numbers of cases identified for the process are relatively low. BCS are scheduled to conduct an interim evaluation of the re-structuring from the end March 2020 and this may assist in informing a way forward. It was agreed that existing minimum standards should be maintained and performance should be closely monitored. She also drew member's attention to the significant improvement in the no prosecution timeliness, which should be recognised as a positive outcome. Ms O' Kane recorded her support for the AD and the SCU team, noting their professionalism and commitment to the restructured model.

9. Finance

Finance Update December 2019

Members reviewed and discussed the finance update outlining the key financial issues managed by the Finance Team as at December 2019, including the year-end forecast out turn, the financial impact of the use of counsel, funding position for the PPS in respect of 2019/20, the DOF in year monitoring arrangements and the arrangements for the management and use of incentivisation fund.

Procurement Report January 2020

Members reviewed and discussed the key issues in the December 2019 Procurement Report, including contract compliance, major procurement activity, and the direct award contracts. Mr Hearst highlighted the award of the new contract for Graphic Design Artwork and Print Management has been delayed due to additional due diligence. In order to ensure continuity of service a modification has been sought from CPD for additional time. This will ensure the commissioning work for the preparation and laying of the PPS Annual Report and Resource Accounts before Parliament and the Assembly is delivered.

10. People Issues

NICSHR

Members reviewed and discussed the February HR Quadrant Report, including information on the resourcing and vacancy management. An increase in long term sickness figures was noted. The compliance figures for performance management were reviewed with 85% of the 2018/19 end of year reviews agreed and 69.6% of the in year reviews completed. Mr Hearst outlined measures that will be taken to improve standards and compliance in this area.

RMT Update February 2020

Members reviewed the February RMT report including latest position on staffing levels and planned recruitment competitions. Members noted activities completed under corporate social responsibility, updates on training and the PPS people agenda and IIP.

11. Governance Issues

Corporate Risk Registers 2019/20

Members noted the status and rating of all associated risks.

12. Criminal Justice Reports Update

Mr Herron updated members on the Criminal Justice Inspections in respect of Victim and Witness Care across the Criminal Justice System.

13. Any Other Business

Website Update.

Mr Hearst advised that a strategic decision is to be taken on the structure of the intranet and further updates will be provided.

Business Case

Mr Hearst outlined that approval is sought to extend the existing contract for the support and development of ICT Infrastructure. Members noted that the existing supplier is performing well in the contract. Members discussed the requirements, need and cost and approved the 1 year extension.

People Survey

Members reviewed the content and findings of the People Survey and agreed consideration will be given to build upon positives and measures required to address any shortfalls.

14. Papers for noting

Six Week Forward Planner/ Communication Update

Board Members noted the six week forward planner and communication update.

15. Next Meeting

The next Board meeting will take place on the 19 March 2020 in Belfast Chambers at 10.00am.

Summary of Action Points arising from Management Board

Meeting of 26 February 2020

AP 15-19/20	<i>Ms O'Kane to provide the Board with analysis of figures for indictable cases over the last five years.</i>
AP 16-19/20	<i>Ms O'Kane to conduct a dip sample of 50 cases to analyse DIRs.</i>

Action Points carried over from previous meetings.

AP 14-19/20	<i>Mr Hearst to provide a summary of the risk to Management Board</i>
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