

PPS Management Board

10.00am Thursday 29 April 2021

Via videoconferencing

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

In Attendance: Tom Murphy (Private Office)
Claire Harrison (Comms)

Secretariat: Policy and Information Unit

1. Apologies.

None.

2. Welcome.

Mr Herron welcomed members to the April 2021 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 26 March 2021.

AP14-20/21 Ms O’Kane to clarify the processes and arrangements for handling discs.

Cleared. Ms O'Kane reported that a brief audit of storage arrangements for discs has identified a few shortcomings brought about by police liaison staff remote working. Adhoc arrangements were put in place during the pandemic however there is not a consistent approach, with different disc handling arrangements across the organisation. Measures are being put in place to address the issues identified.

Mr Hearst advised that all misplacements are reported to the Data Protection Officer who in turn liaises with PSNI. All discs are encrypted therefore reducing the risk of disclosure. Matters that are appropriate to be raised with the ICO include large scale misplacement of discs or the loss of sensitive data.

Mr Hearst provided an overview of a number of breaches reported to the DPO and members noted that most did not require escalation to the Information Commissioner and of those reported no further action was required.

Mr Herron highlighted figures from HMCSI Inspection of CPS Information Management where 98 of 700 cases examined were found to have contained a security breach. Members discussed the requirement to have robust governance arrangements to protect data and acknowledged this is an area with high reputational risk.

AP15-20/21 Ms O'Kane to raise potential to have reporting by case numbers instead of suspect figures.

Cleared. Ms O'Kane advised that statistics are based on suspect level across the Criminal Justice System and it would not be appropriate to interfere with this reporting mechanism. The Statistics and Research Team will assist with adhoc requests for statistics at case level.

6. Reports from Management Board Committee.

Senior Management Group 22 April 2021.

Mr Agnew updated members on matters and actions discussed at the Senior Management Group meeting held on 22 April 2021.

Mr Agnew reported on discussions held on remodelling the Strategic Improvement Board, with existing oversight structures extended to include reporting on the Recovery Project.

Mr Houston queried the rollout of Box solution and any training implications that may arise from this. Mr Agnew advised that Phase 2 was scheduled for 4th May however this would not be operational until June. Phase 3 which will allow defence to stream material will be rolled out thereafter. Refresher training on

phase one and training for phase two is scheduled to be delivered in the next few months.

Mr Best enquired about the resolution to editing of MME. Mr Agnew advised that discussions are ongoing to identify capability and there are several options under consideration to address the issue.

People and Resources Committee – 14 April 2021.

Mr Hearst provided members with an overview of matters discussed at the People and Resources Committee meeting of 14 April 2021.

Mr Hearst updated members on the evaluation approach for IIP reaccreditation. This will involve interviews with 38 randomly selected staff, a short staff survey and a meeting with the Senior Management Team.

Mr Hearst updated members on the exercise to scope out the transfer of the ICT infrastructure management to IT Assist. The exploratory stage of the exercise has been completed and a statement of work formulated. The impact of the exercise is far reaching, with implications for access to emails and compatibility issues with the existing PPS laptops. Members discussed the potential solutions that will be required to address this and the corresponding financial implications. Mr Houston queried whether there would be any connectivity issues and also the obligations and requirements to adapt for longer term remote working. Mr Hearst outlined that the Home Working Policy is still being developed and the full details have not yet been agreed. It is anticipated that permanent home working will not be permitted, and the policy will be based on business need and will involve an application process.

Mr Houston highlighted the significant reduction in sickness absence and queried the reasons for this, including whether capturing and recording of this data was a factor. Mr Hearst advised that it was difficult to determine the precise reasons for this, normally the profile of staff can be a determining factor for levels of sickness and it is unlikely that this trend would be justification for home working. The strategic direction including how the organisation will look and home working will be taken forward in the five year Business Plan. Ms O’Kane noted comments made the day before the Board by the Interim Head of the Civil Service, which was supportive in principle of home working but highlighted the complexities in managing homeworking for large numbers of staff and risks in blurring the lines between home and work life.

Performance and Delivery Committee 26 April 2021.

Ms O’Kane updated members on matters discussed at the Performance and delivery Committee meeting of 26 April 2021.

Ms O’Kane outlined the discussion held on attrition rates and the increased risk of victims and key witnesses withdrawing from criminal proceedings. Reports from the Victim Commissioner in England and Wales indicated an attrition rate of approximately 25%. Further analysis of this data is required to determine if it is across the lifetime of the case from initial reporting to the conclusion of court proceedings

Ms O’Kane advised that currently data is not captured on these rates and highlighted the need for management and recording of these, both to mitigate attrition rates occurring and understand the level of attrition where this arises. Discussion ensued on potential ways of capturing data including engagement with PSNI and Victim Support as well as PPS staff.

It is also important to define attrition rates as in those that have withdrawn and those at risk of doing so. There may also be a requirement to measure data from both Courts not just the Crown Court as cases involving domestic violence may be a higher risk of withdrawal, though preliminary data indicates that the prosecution and conviction rates for domestic violence cases have not altered during the pandemic.

Ms O’Kane outlined two phases to focus on going forward; firstly to ensure support for victims and secondly to put in place effective scrutiny and accountability measures. Ms O’Kane agreed to engage with PIU to agree arrangements for identifying and managing case where there is a risk of attrition and putting in place a mechanism to record this data.

AP 1-21/22 Ms O’Kane to provide an update on arrangements to identify, manage and record attrition rates.

Ms O’Kane outlined that following the forthcoming Performance Accountability Meeting Part II, SPP line managers will be asked to attend any follow up Case Management Meetings to report on performance of the outlying cases. It is intended that this change in approach will focus and reinforce the responsibility of line managers to drive and manage staff performance and ensure both SPPs and PPs receive the necessary support to effectively manage and progress cases.

Members were provided with an update on the Recovery Project. A joint bid has been submitted for additional funding and, if successful, funds will be available after the June Monitoring Round. Planning is ongoing to identify areas where resources will be required. There is a significant lead in time involved in recruiting new staff and therefore it has been agreed to recruit at risk to ensure the organisation is ready and in a position to deliver its business requirements. Mr Houston queried whether the Case Prep teams would avail of additional resources. Ms O’Kane agreed that this is a priority area and advised that there is also a pressing need to have staff identified and trained to manage additional

Crown Courts from September. It is expected resources will be redirected to key areas within the organisation when they become available.

Policy and Quality Committee – 29 March 2021.

Mr Agnew provided members with an overview of matters discussed at the Policy and Quality Committee meeting of 14 April 2021.

A draft Staff Instruction on Case Management Procedures/Recording of Rationale for decisions is ongoing. Mr Agnew advised that he has been liaising with CPS regarding the recent Inspectorate Report and to get their view on Prosecutor Strategy Documents. The CJINI follow up inspection has been/may be critical in restricting this to indictable cases, encouraging the production of Prosecutor Strategy documents for summary cases as well.

An update was also provided on the draft instruction for Use of FFIs, DIRs and PDIRs and the draft guidance on Domestic Abuse and Civil Proceedings Act. Mr Agnew reported that an agreed policy approach is needed for the handling of domestic abuse offences and there is engagement with DOJ on this matter.

7. Performance Summary.

CJS Update.

Members noted the latest performance figures in the CJS Update Report.

Mr Best queried when more detailed performance reports would be available and proposed it would be helpful to have a narrative on performance trends and if available the rationale or explanatory notes for these trends. It was also noted that there has been a rise in the number of suspects awaiting a decision since the beginning of April.

Ms O’Kane outlined that the increase coincided with the Easter break and at this time there was an increase in leave taken by staff, together with time taken to complete End of Year reports. The Monthly Performance Report has been temporarily suspended to allow the Statistics and Research staff to focus on the Annual Report and will be available for the next meeting. Mr Hearst advised that he will make enquires with PIU regarding the production of a short summary of the key performance points.

AP 2-21/22 Mr Hearst to enquire if the Statistics and Research Team can produce a short summary of the key performance points.

Mr Herron outlined the considerable work involved in pre-trial preparation which is time consuming for staff. There are difficulties with real time reporting on the

volume of cases before the court, figures are not available for the outstanding cases. It is of utmost importance that the organisation has an indication of the profile and volume of cases before the Courts so that appropriate planning can be put in place for the ramp up in September. Members discussed methods of capturing these volumes including using Court clerks and considering briefs held by Counsel. Ideally these figures should be available from DOJ/NICTS and it was agreed that enquiries should be made in this regard.

AP 3-21/22 Ms O’Kane to write to DOJ and NICTS to establish if data can be provided on the volume and profile of files before the courts.

Mr Murphy advised that the Crown Court bulletin is due to be issued on 7 May and it may contain some information on case listings.

AP 4-21/22 Mr Murphy to circulate the Crown Court bulletin to members.

8. Finance

Finance Update February 2021.

Mr Hearst provided an overview of the key financial issues as at 28 February 2021, including the key financial outturn figures, the financial impact of the use of counsel, funding position for the PPS in respect of 2020/21, and the arrangements for the management and use of incentivisation fund.

The overall forecast to year end is an underspend of £1.3m which equates to approximately 3% of the overall budget. This has largely arisen due to a significant reduction in courts and a consequent reduction in counsel fee spend of approximately £2.1m in comparison to last year. It is anticipated that the briefings will gradually increase as business recovers. Members noted that an accrual has been included for the pay increase with work ongoing to finalise the accounts.

Mr Houston queried the accrual for annual leave and whether this would have an impact on the current financial year. Mr Hearst advised that this was an area that needed to be closely monitored and would have to be managed carefully in each of the business areas.

Mr Herron reported that PPS hasn’t been match funded with the scope of the legacy investigations and in particular OP Kenova. There are resourcing and workload pressures arising from having to manage the numbers of legacy cases alongside existing complex case levels.

9. People

RMT Update

Members reviewed and noted the April 2021 RMT update, including the figures for the current staffing levels, information on the temporary PP recruitment exercise, training, and health and wellbeing.

The NICSHR People Plan has been extended for a further 18 months and PPS plan has been developed, retaining four of the original priorities and with two new priorities, namely wellbeing and leadership.

NICSHR Summary Report.

Members reviewed and discussed the NICS Summary Report for March 2021, including updates on Covid recovery planning, resourcing and performance management. Members noted that Departmental sickness absence rates have significantly decreased and also positive figures for performance management, with 88% of in year reviews completed.

Work is ongoing to develop a NICS Home//Remote Working Policy and toolkit and discussions are continuing with TUS regarding this matter. The current Working From Home Policy reflects emergency pandemic arrangements and some of the flexibilities in the current guidance will need to be reconsidered.

Mr Hearst reported on resourcing issues within NICSHR which is causing difficulties in progressing recruitment exercises. However it was noted that a PP competition has been prioritised and a panel has been agreed.

10. Governance Issues.

Corporate Risk Register 2021/22.

Members reviewed and discussed the 2020/21 risk register and noted the status and rating of all the risks.

Mr Hearst reported that new register reflected the risks identified at the Planning Day in January and members agreed that the risks had been accurately captured.

Members discussed the ratings for Risk 7/21-Information and Security and Risk 8/21- Stakeholder and Public Engagement. The status of Risk 10/21- Brexit was

queried following new arrangements put in place since January that may mitigate the risk. It was agreed to seek the views of Ms McGrath on the status and rating of this risk. Mr Houston queried whether the current rating for Risk 4/21 Management of Serious and High Profile Cases was reflective, particularly in light of a number of recent and ongoing high profile cases. Mr Hearst advised that further consideration will be given to the risks at the next SMG.

AP 5-21/22 Mr Hearst to seek the views of Ms McGrath on the status and rating of Risk 10/21-Brexit.

ARC Update

Mr Best provided an update on the work of the ARC Committee. Mr Brian O'Neill from the NI Audit Office has joined the Committee. Internal Audit completed five audits during 2020-21, all of which had a positive outcome, with few recommendations. An overall opinion of 'satisfactory' will be stated for the Internal Audit Annual report for 2020-21. A one year audit plan for 2021-22 has been agreed and will include Casework Progression/Dip Sampling, Prosecutor Activity Sheets, Review Requests and Risk Management.

An update was also provided on the NIAO Strategy for 2020-21 accounts, the intention is to have the accounts certified by 29 June 2021 followed by approval of the final accounts by 21 July. Mr Best also reported that Assurance Statements had been received and reviewed.

Mr Best reported that Committee Members had suggested that it would be beneficial for ADs to attend the Committee to get an overview of its workings and also to present on their respective business areas. Members also considered it would be helpful if the Director were to attend a meeting after the accounts report has been endorsed. The Director agreed that he would be content to attend following endorsement of the accounts.

Complaints Update

Members reviewed and noted the Complaints update and agreed it would be beneficial for the Board to get additional insight into the complaints upheld and partially upheld. It was also agreed that some further analysis on the basis for complaints would be helpful in establishing trends and identifying areas for improvement.

AP 6-21/22 Mr Agnew to analyse complaint outcomes and basis of complaints for 2020-21 and report back to the Board

11. AOB.

Review of Management Board Effectiveness.

Members reviewed and discussed the summary of findings of the review of Board Effectiveness.

Ms O’Kane raised the analysis of Q20 ‘Decisions are Auditable’ and it was agreed that this is not an area of concern and should be reflected as an observation.

AP 7-21/22 Mr Hearst to amend wording of the analysis of Q20 of the Review.

Members also discussed the tracking of action points and agreed that the actions should be detailed on a separate report for ease of reference.

AP 8-21/22 Ms McGoldrick to create a summary report of Management Board Action Points.

Board members noted that matters raised in the review are resolved and were content with the overall recommended actions and agreed to close the review.

Invitations to attend PAC and Justice Committees

Mr Herron updated members on upcoming attendance at both the Public Accounts Committee and the Justice Committee.

The PAC hearing is in respect of the 2018 Report on Avoidable Delay and the PPS have been invited to give evidence alongside Criminal Justice Partners. A briefing pack is currently being prepared for this attendance and it was agreed that it would be helpful to share this with the Non-Executive Directors.

AP 9-21/22 Mr Hearst to share briefing pack with the NEDS.

The invite to the Justice Committee will focus on a range of matters including timeliness and processes and will not be on specific cases.

Management Board Papers

Members discussed the high volume of acronyms/abbreviations used in board papers and it was agreed to have a glossary of the abbreviations created for the Non-Executive Members for ease of reference.

AP 10-21/22 Ms O’Kane to circulate a glossary of abbreviations to the Non-Executive Directors.

Communications Report October 2020 to March 2021.

Ms Harrison provided an overview of the significant communications activities carried out in the last 6 months including media handling, stakeholder engagement, digital communication and internal communications.

12. Papers for noting.

Communication Planner.

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

13. Next Meeting.

Video Conferencing 28 May 2021 at 10.00am.

Summary of Action Points arising from Management Board.

Meeting of 26 April 2021

AP 1-21/22	<i>Ms O’Kane to provide an update on arrangements to identify, manage and record attrition rates.</i>
AP 2-21/22	<i>Mr Hearst to enquire if the Statistics and Research Team can produce a short summary of the key performance points.</i>
AP 3-21/22	<i>Ms O’Kane to write to DOJ and NICTS to establish if data can be provided on the volume and profile of files before the courts.</i>
AP 4-21/22	<i>Mr Murphy to circulate the Crown Court bulletin to members.</i>
AP 5-21/22	<i>Mr Hearst to seek the views of Ms McGrath on the status and rating of Risk 10/21-Brexit.</i>
AP 6-21/22	<i>Mr Agnew to analyse complaint outcomes and basis of complaints for 2020-21 and report back to the Board</i>
AP 7-21/22	<i>Mr Hearst to amend wording of the analysis of Q20 of the Review.</i>
AP 8-21/22	<i>Ms McGoldrick to create a summary report of Management Board Action Points.</i>
AP 9-21/22	<i>Mr Hearst to share briefing pack with the NEDS.</i>
AP10-21/22	<i>Ms O’Kane to circulate a glossary of abbreviations to the Non-Executive Directors.</i>

Action Points carried over from previous meetings.

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