

**PPS Management Board**

**2.00pm Wednesday 30 June 2021**

**Via videoconferencing**

**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.**

Mr Herron welcomed members to the June 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 28 May 2021.**

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

Ongoing. See Item 7.2

***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.***

Ongoing. Ms O’Kane advised that case level data has been provided. Figures for cases are broken down by offence type with a global figure for both the Magistrate and Crown Courts. A further break down of the figures for each of the court tiers will be available in the next few weeks. The highest volume of cases are for offences of violence against the person, followed by criminal damage, robbery, theft, drugs and sexual offences. Further analysis will be conducted upon receipt of the figures and it is hoped to use dashboard reporting to highlight key trends. A further report will be provided to the Board in September.

**6. Reports from Management Board Committee.**

**Senior Management Group 17 June 2021.**

Ms O’Kane provided members with an overview of matters discussed and actions arising from the Senior Management Group meeting held on 17 June 2021.

There has been a dip in the decision output and this is largely as a result of an increase in listings in the Crown Court. The additional court work is having an impact on the time available to direct on cases. Analysis on case listing figures indicate an increase of 30% in comparison to the same period in 2019. Steps that are being taken to alleviate pressures include the use of counsel and there will also be consideration given to an allocation of resources from the Recovery Bid.

The Recovery planning is on track and a finalised plan is almost complete. Considerations and discussions are ongoing to agree the distribution of legal staff, and the ADs and HOBs have been briefed. Communications are planned in the coming week to inform all staff directly involved and wider teams.

Mr Herron queried whether there was a better way of capturing and analysing the increased court listing figures. It would be helpful in advance of discussions with the Courts to have the profile of cases and a clear outline of the increase in business across all the Court areas. Ms O’Kane has asked the ADs to examine the listing practices in their respective areas and to report back to PDC on these findings.

***AP4-21/22. Ms O’Kane to provide a profile of cases and listing practices across the court areas.***

Mr Houston queried whether there were any significant obstacles in recruitment of staff and any adverse impact on recovery planning. Mr Hearst advised that NICS HR are prioritising competitions across the NICS. PPS has successfully

secured a slot for a PP competition and the internal SPP competition is within our management control.

Mr Best raised concerns in the Assurance Reports to ARC around pressures in SCU. Ms O'Kane advised that some of the recovery resourcing will be allocated to SCU; there will be an increase in the use of counsel to assist with opinions and in pre-trial preparation and it is intended to deploy a PP to Belfast Crown Room to assist with trial issues which will reduce court facing workload for the SPPs.

### **People and Resources Committee – 3 June 2021.**

Mr Hearst updated members on matters and actions discussed at the People and Resources Committee meeting of 3 June 2021.

A presentation was provided by SIT on the management and prioritisation of the 37 live projects ongoing across the organisation in the PPS. A number of projects interface with other projects and IT Change Board are examining prioritisation and control mechanisms to manage the large number of projects.

Compliance in terms of End of Year and In year reporting is good with PPS performing well above the NICS average.

Mr Hearst advised that he raised the issue of recruitment of Staff at the AA grade at the NICSHR Strategic Workforce Planning Group, a few options were proposed however none of these were deemed appropriate. It was agreed that AAs are vital to the running of PPS business.

### **Performance and Delivery Committee 23 June 2021.**

Ms O'Kane provided members with an overview of the matters discussed at the Performance and Delivery Committee meeting on 23 June.

There are concerns that numbers of cases in category 1-4 cases in Belfast and Eastern region pending decision are increasing and the region has also reduced SPP capacity. The increase in Crown Court listings is increasing the amount of time being taken on post court work.

Ms O'Kane advised that analysis of the Prosecutor Activity Sheets is being undertaken to compare the time spend on activities pre pandemic with the profile of work undertaken now. There will also be analysis of the increase in business in the Crown Room. Case management and listing practices are causing pressures with cases listed for trial as quickly as possible and review courts not in place to tease out the issues. Members noted that the Mr Herron is to engage further on these matters with the Recorder.

Mr Herron outlined that in the spirit of working together it would be beneficial to have a briefing note detailing specific examples of issues and concerns. Ms O'Kane advised that analysis of the PASs will also inform the impact of increased listings, time spent on case and trial preparation, post decision work and whether the pressures are arising from the increased listing or reduced efficiency due to remote working.

The analysis would allow comparison with pre pandemic activities. It may also provide an early assessment of remote working and identify if there are benefits arising from that and Covid innovations or if the work can still be done but less efficiently. Activity such as disclosure obligations and associated engagement with defence, and increased activity from Crown Courts may not be fully suited to remote working. It is acknowledged that the PAS may not capture all the raw data required to make an informed determination.

Mr Herron raised the patterns and volume of leave, noting significant blocks of leave planned over the summer, in some instances equivalent to term time working. Whilst using leave is encouraged Mr Herron queried whether this will create problems and impact training delivery for new staff brought in to assist recovery. There are also concerns that work queues will build over the summer and backlogs will be created across many work areas.

Ms O'Kane outlined that overtime funding has been approved for weekend training, there has also been online training packages developed so resources should be available to facilitate the training requirements of new staff. Members agreed that it would be problematic to lose training time over the summer. The summer court recess is shortened and so there is not as significant reduction in court facing time to cushion the impact of reduced staff levels. Mr Hearst advised that it is also important to clear as much excess leave and to reduce the potential to have a second year where significant numbers of staff have excess leave to carry over.

Mr Best queried whether practices where the judiciary agree delays requested by defence have a detrimental impact on victims. Ms O'Kane outlined that this was unique to a specific case, the AD was frustrated with the lack of progress with the case. Judges are considerate to any vulnerabilities of victims, witnesses and defendants when listing cases.

### **Policy and Quality Committee – 6 May 2021.**

There has be no meeting held since the previous Board meeting.

## **7. Performance Summary.**

### **CJS Update.**

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

Mr Agnew outlined the figures for the outstanding decision which have gradually increased in the last month. The category 1-4 cases in Belfast have increased, with pressures driven by a reduction in SPPs complement in this region. There are no significant backlogs in files with casework awaiting decision issue in both summons and charge cases. Figures for files awaiting reissue of summons are reducing. A working group has been established to address the issues. There is engagement with the Police and they are working in collaboration with the NICTS to service courts and with listing practices. Mr Agnew highlighted the reduction in files with case prep, that this has been a good achievement, with no additional staff resources but with utilisation of overtime.

### **Monitoring Witness Attrition in Indictable Cases**

Ms O’Kane reported that the reasons for attrition are multi-faceted, however there is an increased risk of attrition arising from delays brought about by the pandemic. There is no historical data collated across the CJS on attrition rates and therefore it imperative to put a monitoring framework in place to robustly capture and measure data. Enquiries have been made with criminal justice agencies in other jurisdictions and they too have had issues in managing this, with delay being cited as a major reason for complainant withdrawal in 1 in 4 cases.

The proposed approach is to adapt existing recording mechanisms in place at two key points to capture the rate of attrition: at decision taken stage and when a case concluded at court. A new drop down functionality will be added to CMS to record more detailed reasons. Whilst this is not a permanent solution it will establish processes and put the organisation on a path to manage the risks associated with attrition.

A quarterly report will be developed which Ms O’Kane will have sight of. The report will include trends and allow analysis of data which will inform measures required to intervene and mitigate risks. The new staff instruction will be supplemented and will include guidance for staff on identifying and managing early signs of the risk of attrition and actions and lines to take in response. Ms O’Kane advised that a summary of the proposed actions were presented to the Stakeholder Engagement Forum in May and members were content with the approach with no further suggestions made for improvements.

Mr Herron queried whether any data was captured on the attrition rates at police investigative stage. If there is no data captured there may be merits in requesting the police to consider examining attrition rates at this stage. Ms O’Kane agreed to raise this matter with the police and inform them of the approach that we are implementing in this regard.

***AP5-21/22 Ms O’Kane to discuss with PSNI data on attrition rates at the investigation stage and to inform them of the measures PPS are implementing to monitor and manage the risk of attrition in cases.***

Mr Agnew highlighted the importance of a strategy around managing attrition, including raising awareness among staff of the measures to take, such as signposting to Victim Support. The approach taken seems to be high quality however it may benefit from a checklist approach so that there is consistency across the organisation. Members agreed that it may be beneficial to hold an awareness session to ensure consistency in approach across the organisation.

***AP6-21/22. Ms O’ Kane to discuss holding a workshop with Head of VWCU to raise awareness of the new approach and to ensure consistency in approach.***

### **Caseload and Performance Summary**

Members reviewed and noted the June 2021 Caseload and Performance Summary.

Mr Agnew outlined there has been a 6.2% drop in the volume of files received in 2020/21 in comparison to the previous year. Year on year category 1-4 cases have decreased by 8.6% and Category 5-8 cases by 5.9%. The reasons for this reduction are not apparent and it is speculated that it may be pandemic related. Mr Best queried the increase in files received in the last quarter, if this could be significant with the possibility of a catch up from last year’s reduction in figures. Mr Herron advised that the police have reported a decrease in crime, with trends of less real crime being reported over the pandemic.

There is an overall reduction in the numbers of DIRs issued, however it was noted that during Quarter 4 there was a 9.7% increase in the numbers issued from the previous quarter. Mr Herron highlighted that almost two thirds of the DIRs issued were relating to indictable decisions and queried whether there was more reporting around reasons for this.

Ms O’ Kane advised that the figures are decreasing annually, largely due to Speeding up Justice and the SCU Gateway approach. There are benefits to police in the PPS standard process in indictable cases, and DIR requests are always higher in these cases with rates around 50-60%.

Members queried whether efficiencies have materialised for police with the Gateway team. It was agreed to make further enquiries to establish if police are justifying this resource on their side. Ms O’Kane will engage with Mr McQuillan to establish trends and volumes of DIR requests, whether improvements have been identified, and to determine if Gateway Teams are having a positive impact.

***AP7-21/22 Ms O’Kane to speak with AD SCU to establish if trends are known as to whether the Gateway Team is impacting on the volume of DIRs***

## **8. Finance**

### **Finance Update May 2021.**

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

Mr Hearst reported that there has been a cumulative overspend of £309k across admin and programme pay. Counsel fee spend was £126k favourable to budget and incentivisation receipts amounted to £63k up to the end of May 2021. Figures for the number of cases briefed in the Crown Court at this period are up significantly on the same period last year, however in comparison to 2019 there is a slight decrease. It is anticipated briefings will gradually increase in the coming months as business recovers and in turn counsel fee spend will increase.

At this stage of the year the outturn for year-end has a projected pressure of £1.1m. However if the non-cash June Monitoring bid for depreciation of £410k is approved the projected pressure will be reduced to £739k. Dilapidations in relation to the end of the lease for the Ballymena office is expected to be lower than estimated and may ease pressures further.

Members noted the baseline budget for 2021-22 and the allocations applied for EU Exit, Capital, Legacy and Covid 19. In addition the full Covid Recovery bid of £1.2m has been agreed. The current forecast for year end is favourable however this is dependent on counsel fee spend and therefore close monitoring will be required as the year progresses.

### **Approval of Annual Report 2020/21**

Mr Best provided an update on the work of the ARC Committee. A pre meeting was held in advance of the meeting and no impediments regarding objectivity, independence or restrictions were reported on the work of either Internal Audit or NIAO.

The Committee were given an overview on counsel engagement the Fees Manager which assisted with understanding of the processes and management of the use and remuneration of counsel.

The Internal Audit Annual Report and Opinion on governance risk management and internal controls received an overall satisfactory rating. A number of recommendations have been made, with no significant issues identified, all of which have been accepted. The External Audit also gave a clean opinion, three recommendations have been made and again these have been accepted by management.

The ARC Members reviewed the Annual Report and Accounts and agreed it was a very good, detailed report. A slight tweak has been proposed to the wording relating to data incidents in the Director's Letter of Representation. It was agreed that the ARC would recommend to the Director to Sign off on the Annual Report and Annual Financial Statements for 2020/21.

Mr Houston outlined that the amendment to the letter was to reflect no 'further' data breach incidents had been reported apart from those that had already been referred to the Information Commissioner's Office. This change was in recognition that the previous data incidents had been identified and properly actioned.

Mr Best advised that Audit and Risk Committee's Annual Report for 2020-21 providing assurances on the risk management, governance and internal controls has been completed and will be forwarded to the Director and Management Board. Mr Houston advised that the report provided an update on audit recommendations, with a request that where possible progress is made against the few that are outstanding.

Management Board members agreed to formally approve the Annual Report and Accounts for 2020/21.

## **9. People**

### **RMT June Update**

Members reviewed and noted the RMT update for June 2021, including the summary of the current staffing, including figures for agency and seconded staff. Updates are provide on recruitment, health and well-being activities and training completed across the organisation.

Mr Hearst provided members with an update on the progress towards evaluation of IIP reaccreditation. The next phase will involve interviews with 38 randomly selected staff, followed by a short staff survey and a meeting with the Senior Management Team. It is anticipated that the findings will be available by the end of September 2021.

Members noted participation by staff in a number of webinars and training. The feedback from these events are positive with staff finding the events useful and



informative. Mr Herron queried whether any feedback learning point had been identified from the Complaints Handling event and indicated it would be beneficial to circulate this to staff dealing with complaints.

***AP8-21/22 Ms McGoldrick to circulate learning points/slides from the Complaints Handling Training event.***

### **NICSHR Summary Report June 2021.**

Members discussed and noted the Monthly HR Report for June 2021, including updates on Covid recovery planning, leave and attendance, resourcing and performance management.

## **10. Governance Issues.**

### **Corporate Risk Register 2021/22.**

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

Members noted changes to PPS4 Management of Serious and High Profile, after assessment by SMG it was agreed to increase this risk to 4. There was also an increase in the risk likelihood in PPS 9 Delay and Change Management and PPS11 The People Plan.

### **Review of Management Board Terms of Reference.**

Members reviewed and discussed the terms of reference, it was agreed a minor amendment should be included to reflect other positions/roles held by members. Overall members were satisfied that the terms reflect everything required of the Board.

## **11. AOB.**

### **Update on Justice Committee Appearance.**

Mr Herron provided members with an overview of the attendance at the Justice Committee. Among matters discussed included the role and responsibilities of the PPS, accountability, Criminal Justice Transformation, Covid recovery, tackling delay and funding pressures and legacy issues.

Members were also briefed on discussions held with Sir John Gillen and the Senior Team in respect of the role of the Attorney General and the PPS.

### **Update on Project Prioritisation Exercise.**

Mr Hearst updated members on the work of the Strategic Improvement Team in identifying priorities and examining control mechanisms to manage the 37 projects that are ongoing across the organisation. It is hoped that a clear picture of the priorities will have been agreed by the end of the summer and the team will be in a position to provide brief presentations on the outcomes to the Committees.

Mr Best queried whether statutory obligations and high risk areas will be driving factors in determining priorities. Mr Hearst advised that the ICT Board will use matrix scoring to evidence the requirements, need and rating of each project and this approach will determine the prioritisation going forward. The exercise is ongoing over the summer and an outcome update will be reported back to next Board.

### **NICS Diversity 2021/22**

Members discussed and reviewed the NICS Diversity Action Plan for 2021/22, which includes a wide range of initiatives and it was agreed the PPS would benefit from supporting and adopting this plan.

## **12. Papers for noting.**

### **Communication Planner.**

The Board Members discussed and reviewed the communications planner and up date.

## **13. Next Meeting.**

Video Conferencing 22 September 2021 at 10.00am

**Summary of Action Points arising from Management Board.**

**Meeting of 30 June 2021**

<b>AP4-21/22.</b>	<b><i>Ms O’Kane to provide a profile of cases and listing practices across the court areas.</i></b>
<b>AP5-21/22</b>	<b><i>Ms O’Kane to discuss with PSNI data on attrition rates at the investigation stage and to inform them of the measures PPS are implementing to monitor and manage the risk of attrition in cases.</i></b>
<b>AP6-21/22.</b>	<b><i>Ms O’ Kane to discuss holding a workshop with Head of VWCU to raise awareness of the new approach and to ensure consistency in approach.</i></b>
<b>AP7-21/22</b>	<b><i>Ms O’Kane to speak with AD SCU to establish if trends are known as to whether the Gateway Team is impacting on the volume of DIRs.</i></b>
<b>AP8-21/22</b>	<b><i>Ms McGoldrick to circulate learning points/slides from the Complaints Handling Training event.</i></b>

**Action Points carried over from previous meetings.**

<b>AP 1-21/22</b>	<b><i>Ms O’Kane to provide an update on arrangements to identify, manage and record attrition rates.</i></b>
<b>AP 3-21/22</b>	<b><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></b>