

**PPS Management Board**

**10.00am Wednesday 22 September 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 September 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 30 June 2021.**

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

Closed. See AP 5-21/22,

***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.***

Closed See AP 4-21/22.

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

Ongoing. Ms O’Kane outlined difficulties in obtaining information on cases before the Courts. Meetings have been held with NICTS and DOJ in an effort to progress this matter. Ms O’Kane also advised of a meeting held with the Presiding District Judge where discussion was in respect of creating more efficient processes. It was agreed it would be beneficial for stakeholders to identify top five areas which could be more efficient. Improvements are likely in areas around more open and structured engagement; regular contacts, methods of addressing issues and ways of supporting the Judiciary. A meeting is to be scheduled between PPS, the Law Society and the Bar Library to take forward and ensure organisations are not operating unilaterally.

***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.***

Closed. A staff Instruction to identify and manage attrition rates has been finalised and issued. This has been shared with PSNI.

***AP6-21/22 AP6-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.***

Closed. VWCU have been consulted in the development of the Staff Instruction. There has also been engagement with VSNI, and there are plans to table for discussion at the next Stakeholder Forum.

***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.***

Enquiries are still ongoing.

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

Closed. Complaints handling material circulated.

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

### **Senior Management Group 9 September 2021.**

Mr Agnew provided members with an overview of matters discussed and actions arising from the Senior Management Group meeting of 9 September 2021.

Matters discussed included resources and the Strategic Improvement Board's approach to prioritising projects. A number of entries on the risk register were also scrutinised and required further consideration.

Mr Best queried the latest position with the NICS New Ways of Working Policy and if there had been any discussions with PPS. Mr Hearst advised that this is being taken forward in the People Strand. A working group comprising of representatives from across the business has been established to align our practices with NICS. There are a number of factors that require consideration including business needs, health and safety and data security. It is planned to keep staff updated through articles in the core brief and staff are being encouraged to discuss at mid-year reviews.

Each Department will have to establish its own position. NICS will have a standardised approach for the processes, but ultimately it will be for the Department to work through their specific issues. Mr Herron highlighted that job profiles, digitisation/ new ways of working and physical accommodation should also be factored into these discussions. Mr Houston added that there will be business critical functions that can only be performed in the office which may often involve sensitive, highly confidential material. Mr Hearst advised that the Working Group will be reporting to various committees and any decisions made will be signed off by Management Board.

### **People and Resources Committee**

The next meeting is scheduled for 29 September 2021

### **Performance and Delivery Committee - 28 July and 16 September 2021.**

Ms O'Kane provided members with an overview of the issues discussed at the Performance and Delivery Committee meetings on 28 July and 16 September 2021.

The meeting of 28 July 2021 focused on operational issues, performance and reasons for upward trend in numbers of cases pending decision output. The second meeting concentrated on the challenges around deploying resources and issues brought about with no reliable forward looking data on court systems. Members were informed of efforts made with DOJ and the Recorder to obtain further data on the volume, profile and listing of cases in the system.

Ms O’Kane reported that there are some concerning trends in performance, with the volume of outstanding decisions increasing. Year on year decision making output has dropped against baseline. Recent weekly statistics indicate the trend is slightly reversed, with improvement of performance and output. Analysis of performance has been conducted in the context of the leave profile of staff, and Covid related activity impacting the time available for decisions. Figures for leave uptake for the period April to July 2021 is lower than in the same period in 2019, therefore the increase cannot be attributed to leave.

There are a number of reasons for both the increase in numbers of cases pending decisions and pressures on staff. The volume and over listing of cases is causing issues, particularly in respect of pre-trial work. Significant operational issues and file quality are causing a drag on performance. Mr Best noted file quality issues and highlighted the increased number of DIRs and disappointing response timescales. Ms O’Kane reported that there had been a 40% reduction in DIR figures in SCU indicating the success of the Gateway Model in driving file quality. There are exploratory discussions ongoing regarding the introduction of Gateway Teams in the regions.

Mr Houston queried whether the issues raised by the Presiding District Judge could be easily addressed. Ms O’Kane reported that most are straight forward and a number have already been addressed. ICT are to consider providing remote access fobs to allow counsel to update their tablets. Prosecutors and counsel at court are having difficulties contacting colleagues which is causing delays and adjournments. Staff must be accessible and work is ongoing to put the necessary arrangements in place. The proposed reinstatement of court clerks from the 1<sup>st</sup> October 2021 should also assist in addressing these concerns. Work is ongoing to resolve problems with MME. There is no firm timescale for implementation of Phase 3 of Box, though work is ongoing and it is possible the process will be trialled with the defence by the end of the year.

Mr Herron enquired if there were ways of improving how directing officers and counsel dispose of matters at court. There is a lot of court business adjourned with no obvious outcomes. It would expedite cases if there were means to make sure those in courts can take decisions on disposals and if Judges would give time for calls to directing officers. Ms O’Kane outlined that prosecutors come to court early to meet with the defence for engagement on matters, however it would be beneficial to identify other ways of making improvements in this area.

***AP9-21/22 Ms O’K to explore further if there practices or processes that could be introduced to improve disposal of matters by prosecutors and counsel at court.***

## **Policy and Quality Committee – 11 August 2021.**

Mr Agnew reported that the Guidance for Prosecution of Young People is almost complete. A number of observations were made at the Committee and these will be represented in the policy.

The Guidelines for Prosecution of cases involving Electronic Communications require some additional work to update research into the legal position. A full formal consultation will be conducted when the Guidelines are finalised.

A Staff Instruction is being developed on guidance on false allegations of rape or domestic violence. The decision on where these cases should be directed upon has been postponed to the next meeting to allow further consultation with the ADs.

Mr Houston queried if there are any recommendations or findings of relevance for PPS in respect of the CJINI Review of Child Sex Exploitation. Mr Agnew advised that there are no recommendations of significance for the organisation however it was helpful to have a general awareness of the findings.

## **7. Strategic Improvement Board**

Mr Hearst advised that a revised terms of reference has been drafted to reflect the reporting arrangements in respect of projects referred to the Board. The Strategic Business Change Board is scheduled to meet on 4 October to review and score each project in terms of priority.

### **Project Pipeline Update**

Members reviewed and noted the detailed list of Projects, the ongoing information gathering exercise to assist with assessment and the scoring matrix that will be used to determine priority. Information assembled for the projects will include urgency rating and any legislative requirements. The Business leads have been tasked with scoring their projects and to date 17 of the 28 had been scored. Mr Houston highlighted that the table demonstrates a huge spread of responsibility across quite a complex range of issues, and prioritisation will be a useful exercise. The SIB will review and standardise the scoring of each of the projects and an update will be provided at the next Board.

## **8. Performance Summary.**

### **Caseload and Performance Summary September 2021.**

Members noted the latest performance figures in the September caseload and Performance Summary.

The number of files received during 2020-21 has decreased by 6.2% in comparison to the numbers received in 2019-20. There has been a continuous increase in the number of suspects on files pending decision. Overall there has been a decrease of 9.1% in decisions issued in comparison to 2019-20.

Mr Herron outlined that in addition to the snapshot of performance, it would be beneficial to have evidence to indicate performance and data to inform resourcing requirements and longer term trends. Mr Herron queried whether it would be possible to identify areas for improvement, working in partnership with police to get commitment on file quality.

Ms O’Kane advised that discussions at PAMs are helpful in identifying issues, however further engagement with prosecutors would help inform file quality issues. Staff are following templates on DIRs and multiple quality assurance exercises provide assurances that we are not overbuilding files. Mr Agnew agreed to engage with central staff to identify issues and Ms O’Kane will collate for the regions and agreed to highlight issues with the acting ACC prior to the between the Director and Chief Constable.

### ***AP10-21/22 Mr Agnew and Ms O’Kane to canvass staff in Central and the Regions for issues impacting performance.***

Mr Houston highlighted key issues from the performance dashboard; a decrease in the number of decisions issued, seven of the ten timeliness targets not been achieved and the number of suspects over 180 days without decision issued also increasing. There is a need to identify issues that are impacting performance and change the trajectory. Ms O’Kane outlined that analysis of performance is ongoing, including leave profile and examination of work processes. It is anticipated the additional allocation of staff will assist Recovery.

### **SCU Update**

Ms O’Kane provided an overview of the performance of SCU up to August 2021. There is an increase in the number of outstanding decisions and a dip in the number of cases cleared per prosecutor per week. Members noted the reduction in both cases received and cases cleared during August with caseload figures recorded as highest since March 2020.

The Unit has been largely able to keep pace with files received but the demands of pre-trial, court and post decision work have meant that outstanding cases are not reducing. The number of cases listed for trial has increased significantly, with 192 from August 2021 to January 2022 in comparison to 124 previously for the same period pre-pandemic. PPs are unable to cope with the increased workload, SPPs are having to assist with pre-trial duties, reducing the time available to take decisions.

Mr Houston queried the increase in number of full files in SCU and the acceptable tolerance of outstanding cases. MOK advised that the current resourcing and increase court listings are impacting the ability to revert back to acceptable levels. Mr Best queried the figure for the numbers of cases cleared in April 2021. Ms O’Kane advised that there had been a cluster of trials listed simultaneously at this time which had impacted short term performance.

## **9. Finance**

### **Finance Update July 2021.**

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

Mr Hearst outlined that counsel fee spend has increased with briefings figures above those in July 2019. The projected spend of £5.1m on counsel fees for 2021-22 may be exceeded. Incentivisation receipts have also exceeded the forecast income. There is a cumulative underspend of £374k across admin and programme pay.

At this stage of the year the outturn for year-end has a projected pressure of £822k. It should be noted that some of the pressure relates to non-cash expenditure and it is reasonable to assume that bids for this funding will be met. Costs for Dilapidations in relation to the end of the lease for the Ballymena office will potentially be lower than estimated and may ease pressures further.

### **Budget 2022-2025**

Mr Hearst reported that the PPS had requested an exemption from this exercise given it already faces an unsustainable baseline position, however this was refused by the Executive Team. This is an information gathering exercise in relation to the Budget 2022-25 exploring various levels of funding reductions over the 3 years with the intention that the process will enable the Executive to plan and identify key priorities across all of government.

Mr Hearst outlined the strategic issues faced by the organisation were set out in template one and included the Justice, ICT and legacy issues. Template 2 identified areas exempt from reductions with Template three scoping any potential revenue raising options and Template four detailed the impact of reductions.

The returns provided by all the Departments will be summarised and will be reviewed at the next Executive meeting, decisions will then be made on the priorities for funding.

Members discussed the potential implications of a reduction in funding and the already tight margins within which the organisation operates. Mr Houston highlighted pressures which can arise on variables like counsel fees. Mr Hearst advised that further considerations will be given to impacts of any proposed reduction in funding.

### **Additional Legal Resources**

Members reviewed and discussed the paper from the Recovery Working Group on the permanent and temporary changes to the legal staff complement. In light of pressures that have arisen it has been determined that an additional 5.5 SPPs are required to meet capacity. Three of these posts would be funded from existing resources and the remaining 2.5 would be unfunded. To backfill some of these positions and in addition to PPs needed for recovery, an additional 11 PPs will be required. It is proposed that 8 candidates on the PP list will be offered permanent posts, 6 of these are funded from recovery with 2 unfunded. The remaining 3 posts would be recruited on a temporary basis.

Mr Hearst outlined that the additional resources would bring the staff complement to 10 over capacity. Members discussed potential measures that could assist in altering the head count. Mr Houston advised that the rationale outlined for the increase in staff clearly demonstrated that the benefits outweigh the associated risks. Mr Agnew highlighted that recruiting staff on a permanent basis is a more efficient approach, as permanent staff are able to perform the full range of duties required of the posts.

Mr Herron advised that the consequences of not adequately resourcing workloads would be reflected in performance. The proposals are a measured response and balance the risk to prevent deterioration in performance levels. Members agreed there are significant risks for the organisation in increasing the headcount; however this is weighted against the risk in not managing and resourcing the recovery phase. Members approved the increase in capacity of both the SPP and PP grades and agreed that close monitoring and management of the risks are required, with reviews to be conducted at various milestones.



## 10. People

### **RMT September Update**

Members reviewed and discussed the RMT update for September 2021, including the summary of the current staffing figures and updates on recruitment, health and well-being activities and training completed across the organisation.

Mr Hearst updated members on the progress towards evaluation of IIP reaccreditation. The interview phase has commenced with a series of interviews scheduled over the next three weeks, this will be followed by a short staff survey and a meeting with the Senior Management Team. Feedback to date has been positive and it is anticipated that a further update will be available at the next Board meeting.

### **NICSHR Summary Report August 2021.**

Members reviewed and discussed the Monthly HR Report for August 2021. Figures for Performance Management indicates that 92.9% of End of Year reviews have been completed and 88.2% of PPA/PDPs have been agreed. These figures compare favourably against the NICS position. Members noted that PPS has the highest compliance rates across the NICS.

In respect of employee relations members noted there are 6 long term absences ongoing. Mr Houston queried whether these absences were being managed in accordance with the policy. Mr Hearst outlined that NICSHR have responsibility for managing absence and limitations imposed by data protection can restrict feedback to the Department. Mr Hearst agreed to seek an update on a number of leave absences and will report findings back to the Board.

***AP11-21/22 Mr Hearst to provide updates on various leave absences dealt with by NICSHR.***

## 11. 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.

Mr Agnew reported that following a review at SMG two risks were identified for consideration by the Board, PPS4 Management of serious and high profile cases and PPS11 PPS People Plan. Members discussed the potential of reducing the likelihood rating to 2, however agreed to await the outcome of the IIP exercise.

In respect of PPS4, members noted that it would be beneficial to have clarity on the future direction of high profile work and agreed to maintain the current risk rating.

## **12. Criminal Justice Inspection Reports Update.**

Mr Agnew provided an overview of the Criminal Justice Inspection Programme for 2021-22 and highlighted reviews of particular interest to the PPS.

## **13. AOB.**

### **ARC Annual Report.**

Mr Best reported that the final Report to those Charged with Governance had altered from the draft report which had been endorsed to the Accounting Officer ('AO') by the ARC. Although recommendations had not changed, their priority ratings had. This is not common and should have been discussed with PPS stakeholders before the final document was released.

Mr Best acknowledged that the change in priority ratings had not fundamentally altered the recommendations made to the AO by ARC, but there was concern over the lack of clear communication from NIAO at the appropriate point in time, especially as the ARC had already endorsed the report to the AO.

The Comptroller & Auditor General had certified the accounts with an unqualified audit opinion, without modification, on 6 July. No further financial adjustments had been required.

Members reviewed and noted progress made in the areas for audit in the PPS Internal Audit Plan 2021-22.

Mr Herron noted that Mr Best's tenure as Chair of the ARC was coming to an end with Mr Houston assuming the role for the next two years. Mr Herron thanked Mr Best for his contribution and also extended his gratitude to the Committee for their guidance and support.

## **14. 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 and internal communications.

**Communication Planner.**

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

**15. Next Meeting.**

Video Conferencing 26 October 2021 at 10.00am

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

**Meeting of 22 September 2021**

<b>AP9-21/22.</b>	<b><i>Ms O’K to explore further if there practices or processes that could be introduced to improve disposal of matters by prosecutors and counsel at court.</i></b>
<b>AP10-21/22</b>	<b><i>Mr Agnew and Ms O’Kane to canvass staff in Central and the Regions for issues impacting performance</i></b>
<b>AP11-21/22.</b>	<b><i>Mr Hearst to provide updates on various leave absences dealt with by NICSHR.</i></b>

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

<b>AP 4-21/22</b>	<b><i>Ms O’Kane to provide a profile of cases and listing practices across the court areas.</i></b>
<b>AP 7-21/22</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>