

PPS Management Board

10.00am Wednesday 22 February 2023

Belfast Chambers

Members: Stephen Herron
Michael Agnew
Marianne O’Kane
Glenn Houston
David Best
Peter Luney
JoAnne Quinn

In Attendance: Tom Murphy (Private Office)
Claire Harrison

Secretariat: Policy and Information Unit

1. Welcome.

Mr Herron welcomed members to the February 2023 Management Board.

2. Apologies

None.

3. Declaration of Board Members’ Interests

None.

4. Management Board Minutes.

The previous minutes were agreed.

5. Actions from the Management Board Meeting of January 2023.

AP AP22-22/23 Ms Quinn to provide the Director with fees folders for cases which are incurring increased costs.

Cleared – Information has been provided to the Director. Analysis of a number of cases has identified increased covid related adjournments and has also highlighted issues with preparedness by defence, Police and PPS. The Head of Finance will continue to monitor any further increased costs.

AP 24-22/23 Mr Luney to provide figures for carry over of Annual leave.

Cleared. A report has been received from NICS HR on the carried forward Annual leave balances and a report will be completed with further details of leave in excess of 9 days.

AP 25-22/23 Mr Luney to review the detail included in Risk 11.

Ongoing. See Item 11.

6. Reports from Management Board Committees.

Senior Management Group 20 February 2023.

Mr Agnew provided an update of the matters discussed and action points arising from the Senior Management Group Meeting of 20 February 2023.

Mr Agnew advised that the meeting focused on people issues, in particular workforce planning. Members were advised of a vacancy reset exercise conducted by NICS HR to establish the departments priority recruitment requirements for 2023/24. A meeting has been scheduled for 3 March 2023.

Existing vacancies and options for filling these have been considered, with the AA/AO and PP grades deemed priority. Whilst there are no immediate PP vacancies, the preference is to have a supply available however the challenges in terms of turnover of staff and planning and recruitment are recognised. Consideration is being given to cooperating in recruitment exercises being undertaken by other legal departments.

The report on age profiling was reviewed and the potential issues with recruitment and loss of experience were noted. Members recognised that planned retirements could have a significant impact in some parts of the service and managers are encouraged to consider how this will impact on their particular areas of responsibility.

There are ongoing delays with OHS referrals, however recent appointments of key staff are assisting in addressing resourcing issues and it is anticipated this will in turn reduce backlogs.

People and Resources Committee – 9 February 2023

Mr Luney provided an overview of the key issues discussed at the People and Resources Committee meeting of 9 February 2023.

Mr Luney advised of the ongoing issue with a high proportion of non-substantive staff, which has potential to effect stability. Mr Luney is meeting NICS HR on 3

March to progress the NICS vacancy reset exercise, identifying and prioritising vacancies across the various grades within the department.

Members were briefed on a paper from NICSHR to the Permanent Secretary detailing the business rationale for recruitment. Proposals are under consideration, however affordability is likely to dictate how these proceed.

Mr Luney provided an update on the latest attendance management figures. It was noted that comparison and analysis of figures relating to long term sickness are distorted by the impact of Covid. Issues have arisen in respect of non-compliance with managing attendance processes, members noted training will be made available to address this.

An update was provided on resourcing of the Modernisation project, with members advised that appropriate support will be made available within the affordability envelope. Initial focus will be on business processes to identify opportunities to streamline and eliminate inefficiencies and ease pressures on staff and on performance metrics to improve visibility, while ensuring effective working.

Mr Luney reported that progress has also been made on the development of a leadership programme. Having considered several options, the DFC model offers a strong model for use in PPS. This comprises of a four-tiered leadership programme with a blend of classroom and online training. The training is delivered in four-day modules which will be spread over a number of months. Mr Hardy's leadership workstream will consider how to develop this for PPS and report to PRC.

7. Strategic Improvement Board

Strategic Improvement Dashboard 2023

Mr Agnew provided members with an update on progress of the key projects.

The Content Manager Project is progressing in a phased approach. Roll out to HCI has been completed and work ongoing to complete a file plan for Newry. Initial discussions held with VWCU and information gathering commenced with Central casework.

The RECS project phase 2 is now scheduled to complete in March 2023. Task and Finish Group to consider draft stakeholder process maps at the next meeting scheduled for the end of February 2023. Meeting held with DOJ to discuss possible delay and impact on REC availability for Belfast cases.

IT development for the DEMs project has commenced but has been delayed due to the ongoing IT Assist migration. A meeting has been scheduled with the Law Society to finalise Registration process and roll out.

Migration to IT assist is progressing and the decommissioning of old equipment is ongoing, scheduled to be completed by the end of March 2023.

8. Performance Summary.

Members reviewed and discussed the Monthly Performance Summary as of January 2023.

Mr Agnew outlined that the decision taking output exceeds the number of files received and highlighted the average time taken to allocate files. Comparing the current financial year to date with the average between 2017/18 and 2019/20 overall caseloads have increased by 1%, with Belfast and Eastern particularly impacted by this increase.

Mr Best queried whether there was an improvement in the figures in comparison to 2020. It was noted that SPP decisions per casework day (1.8) were higher than the 2019/20 baseline of 1.1 and the proportion of days spent on casework was higher than the equivalent measure in the baseline period. Mr Agnew outlined a few inconsistencies which can distort the figures and make the data unreliable. The information is generated from staff lists which are not updated, figures can then be inflated by PPs carrying out lower casework decisions. The corporate figures are a more accurate reflection of performance.

Ms O’Kane provided an update on the outlying cases, the volume of cases for indictable and summary have increased and there is a significant increase in Hybrid cases from 118 to 266. Members were advised that the figures for cases over 365 days are remaining level. Ms O’Kane advised that cases are scrutinised and those with sensitivities are targeted and prioritised, however it is acknowledged that with this approach there may be inevitable delays in some cases. The PAMS meeting with the ADs provides an opportunity to interrogate cases and to identify and flag any potential issues.

9. Finance Update

January 2023 Finance Report

Ms Quinn provided an overview of the key financial issues being managed by the Finance Team as of January 2023.

Ms Quinn outlined the year-to-date figures indicate an overspend of £850k against the original budget. Approximately £500k of this is on salaries, with the

remaining largely arising from counsel fees. There is a slight variance in the non-cash (depreciation) with a surplus of £75k year to date which should be fully utilised by year end and capital spend is also on track.

It is anticipated that at the year-end there could be a projected easement of £186k, this has been mostly a result of the reduction in projected pay costs, with increased variances and delays in refilling vacant posts. Members noted that the counsel fees for January and February to date are significantly higher and if this trend continues the underspend will be reduced or fully utilised.

Members were updated on the Budget Bill and the 2023/24 budget exercise. The original exercise requesting the completion of a zero-based budget did not provide the results required and as such is being considered in conjunction with a further budget exercise to reflect cuts on the budget allocation of 10% and 15% which equates to £3.5m and £5.4m respectively. It was agreed that any cuts will ultimately lead to a reduction in service and will incur public criticism.

Members were advised that the scheduled finance meeting with Neil Gibson (DoF Permanent Secretary) and finance representatives from Central Expenditure Division and Supply had been postponed. Recovery funding is still under consideration and will be better informed by the wider Criminal Justice approach.

Ms Quinn provided an update on the NIAO testing of the interim accounts and work scheduled to commence on the Annual Report and year end accounts. The prior year error cannot be regularised until the Executive is reinstated. Progress is ongoing to identify independent accountancy services to review issues in respect of the prior year error and the outstanding error in the accounts in the year ending March 2022. Quotations have been received for an estimate of 15 days of accounting support. Procurement is ongoing, with the exercise to be completed before year end.

10. People

NICS HR Summary Report February 2023

Members noted and reviewed the NICS HR February report, including the latest figures for PPS staff, vacancies and recruitment, and compliance in respect of performance management and employee relations.

New Ways of Working.

Mr Luney advised that all the appeals of work style agreements have now been completed. The approach to the evaluation of NWW was discussed at PRC and a meeting has been scheduled with the NWW Project Team to plan the way forward.

11. Governance Issues.

Corporate Risk Register 2022/23

Members reviewed and discussed the 2022/23 Risk Register and noted the planned actions, mitigations, status, and rating of all risks.

Mr Luney outlined that Corporate Risk 3 - Funding Pressures (2022-23) has been downgraded to amber whilst Risk 9 - workforce Planning has been upgraded from amber to red to reflect issues with recruitment and retention of staff. Members discussed the current rating of Risk 11 Funding Pressures (2023-24) and agreed this should be reviewed following the Finance meeting.

Complaints Update

Mr Luney provided an overview of the Complaints update and highlighted the significant increase in number of requests for reviews of No Prosecution decisions. It was noted that there is no apparent rationale for the increase and Mr Luney agreed to provide the senior team with additional detail regarding the types of offences involved.

AP 26-22/23 Mr Luney to provide the Senior team with more detail on the reviews of No Prosecutions.

ARC Update

Mr Houston advised that as part of compliance with this year's International Standards on Auditing, a response has been submitted to NIAO in respect of any actual, suspected, or alleged fraud. The fraud risk register provided both assistance and assurance in completing this return.

12. Communication Update.

Ms Harrison provided a verbal update on recent communications, including media handling, stakeholder engagement, digital communications, and internal communications. The Board thanked Ms Harrison and the Communications team for all their work.

Communication Planner.

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

13. Next Meeting.

The next Management Board will take place on the 29 March 2023 at 10.30am in Foyle Chambers.

Summary of Action Points arising from Management Board.

Meeting of 22 February 2023

AP 26-22/23	<i>Mr Luney to provide the Senior team with more detail on the reviews of No Prosecutions.</i>
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Action Points carried over from previous meetings.

AP25-22/23	<i>Mr Luney to review the detail included in Risk 11.</i>
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