

PPS Management Board

10.00am Wednesday 17 January 2023

Belfast Chambers & via Teams

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

In Attendance: Tom Murphy (Private Office)
Claire Harrison

Secretariat: Policy and Information Unit

1. Welcome.

Mr Herron welcomed members to the January 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 November 2022.

AP19-22/23 Mr Luney to Contact NICSHR for information on the NICS Student Placement Scheme.

Cleared. Mr Luney advised that a bid has been submitted for a number of student placements. The scheme is not an apprenticeship, it is a mid-course work placement. Requests have been made for legal grades and a business analyst. We are not committed at this stage but our bid keeps options open. Mr Luney will keep the Board updated on progress.

AP20-22/23 Mr Luney to provide the Board with the prioritisation list of current and potential projects.

Cleared See item 7.

AP21-22/23 MOK to obtain statistics on the volume of DV cases flagged at decision making stage.

Cleared – see SMG mins of 10 January 2023.

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

Ongoing - Ms Quinn outlined that the increasing number of adjournments are incurring additional costs in counsel fees. Mr Herron queried if any reasons had been identified for the trend. Ms Quinn advised that the cases were from pre covid and that further analysis would be provided in advance of the Criminal Justice Board on 31 January 2023. Mr Herron requested the law clerks' folders for reference.

AP 23-22/23 Mr Herron to raise at the next Criminal Justice Board the need for a new collaborative business case for recovering the justice system beyond March 2023.

Cleared. Mr Luney reported that this action had been superseded by a recent request from DOJ to the Court Service to make a bid for recovery funding. This information will be shared with PPS to assist in informing our requirements. Members agreed it would be beneficial to have this in advance of the Criminal Justice Board.

6. Reports from Management Board Committees.

Senior Management Group 10 January 2023.

Mr Agnew provided an update of the matters discussed at the Senior Management Group Meeting of 10 January 2023.

Mr Houston queried the potential for industrial action. Mr Luney provided an overview of the stages and likely timescales for the process for TUS and its members to ballot and decide on industrial action. Mr Luney outlined the business areas that may be impacted and advised that challenges will be in managing court facing areas. The key will be in maintaining close communications with the Courts Service.

Mr Best enquired if there was partnership with DOJ in working together to generate savings. Mr Herron advised that courts set their business priorities and

then seek funding for this whereas the PPS approach is to determine what is within affordability.

People and Resources Committee – 9 December 2022

Mr Luney provided an overview of the key issues discussed at the People and Resources Committee meeting of 9 December 2022.

Mr Luney outlined figures for the numbers of agency staff and staff on temporary promotions. Mr Houston queried whether there was a target to reduce the numbers of Agency staff. Members discussed and agreed there is a need to reduce this complement. It is acknowledged that there are flexibility benefits in having agency staff however it can lead to a loss in investment regards training etc. Mr Luney advised of challenges in recruiting the PP grade and work is ongoing with NICS HR to address this. The recent temporary scheme has been exhausted and there are several imminent retirements in this grade.

Mr Luney provided an update on the latest attendance management figures. It was noted that figures relating to long term sickness have remained stable, however short-term sickness are increasing in several business areas.

Mr Luney reported that a bespoke leadership programme is under development for staff at all grades. This is being taken forward as part of the people strategy. Ms O’Kane outlined several benefits to be derived from this programme including addressing challenges with performance and providing staff with management and leaderships skills.

Mr Luney updated members on the progress of the rollout of resilience training. The Police Rehabilitation and Retraining Trust (PRRT) were scheduled to deliver training before Christmas, but this has been deferred until the New Year. One to one resilience training provided by the NICS Well programme has been scoped however does not meet PPS needs. RMT are taking forward development of this training with PRRT.

Mr Houston enquired about plans for utilising any funding easements identified. Ms Quinn advised that to the extent that there would be any easements, there is likely to be allocation for overtime made available. RMT are working closely to ascertain how much each area can avail of, with processes in place to monitor spend and outputs.

Performance and Delivery Committee – 12 December 2022

Ms O’Kane provided an overview of the matters discussed and action points arising from the Committee meeting of 12 December 2022.

Ms O'Kane briefed members on the review of resources and working practices to improve performance of cases through case preparation. Work is also on-going to measure time spent on Digital Evidence. The Prosecutor Activity Sheets have been amended to capture information on time spent viewing and amending MME. Members agreed that evidence of the impact on resources of digital media would greatly assist in a business case for funding.

Ms O'Kane outlined that any likely easements in funding would be allocated to the regions to assist with reducing work queues and Business Managers will be putting tighter controls in place to monitor progress. Mr Herron added that focus should be on addressing priority work.

Members were also briefed on staff pressures, which are particularly acute in B&E. Challenges arising from several areas include sickness absence, reduced capacity from phased returns and work allocations, high numbers of staff taking leave over the holiday, year-end period, and a few imminent retirements. Members were also advised of an increase of 29% in DV cases. It is acknowledged that with these considerations in mind, efforts are best focused in keeping core business going and there is unlikely to be a significant reduction in the backlogs.

Policy and Quality Committee – 8 December 2022.

Mr Agnew provided an update on the key issues discussed at the Policy and Quality meeting of 8 December 2022, including domestic abuse and stalking guidance.

There were also discussions about victims being advised that they are entitled to be accompanied when attending meetings with PPS representatives. It was agreed that further guidance was needed for staff to make victims aware they can be accompanied.

Ms O'Kane highlighted delays in signing off the draft SLA on file standards in DV cases. An issue has arisen in respect of digital material, and there may be some challenges to the suggested approach.

7. Strategic Improvement Board

Strategic Improvement Dashboard November 2022

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

The implementation of the Abolition of Oral Evidence is now complete, and this project can now be removed from the Dashboard. Similarly, the New Ways of Working Project is now deemed Business as Usual and can be removed from

the project deliverables. There are currently three live priority projects ongoing namely Contents Manager, RECs and DEMs.

The Content Manager Project is progressing in a phased approach. Resourcing pressures within W&S have put planned rollout at risk. This has led to overall slippage in the project, however the next phase of rollout, VWCU, has been brought forward to keep plans on track.

The RECS project was due to go live at the end of January. The building was scheduled to be complete mid-January however delays have arisen. This delay has helped alleviate pressures in addressing some outstanding operational issues in advance of the revised Go live date.

A meeting has been held with the Law Society and high-level registration processes were agreed for the DEMs project. Processes around phase 3 are on track with a pilot scheduled for mid-March 2023. Several anticipated efficiencies will be generated from this project, particularly removing the requirement of having to obtain hard copies.

Mr Agnew briefed members on the review of the project pipeline and selection of next priorities. It was agreed that DV work needs to be taken forward with IT changes prioritised. A Committal Reform Meeting scheduled with DOJ was adjourned and has now been rescheduled for mid-February. A workshop is also planned in the coming days.

Members had also agreed to progress the requirements for issuing 'No prosecution' decision letters via email to defendants. Further enquiries are to be made with police regarding issues around timing so that all parties are notified at the same time.

Advancement of the Youth Intervention Project has been requested by the Youth Justice Agency. There are new pressures to consider methods of reducing the number of youths in the criminal justice system. This project requires a high level of scoping and clarity from police on IT upgrades.

There are a significant number of internal IT changes at different stages that will deliver efficiencies and assist staff in carrying out duties. Given ongoing pressures, SIB considers it timely and appropriate to collate and prioritise any available capacity on internal changes and improvements.

Mr Herron raised the matter of electronic service of summonses. Mr Luney advised that the Magistrates Court Rules don't allow for digital service of summonses and there has been a reluctance from previous committees to provide for a more flexible service. It may be that primary legislation looking at digital services generally may be a better option. The implementation of emailing 'No Prosecution letters' should demonstrate effectiveness of this approach. Mr

Herron agreed to raise this as a modernisation issue at the next meeting with the Permanent Secretary.

Mr Best queried if the projects being considered scored highly and whether PIDs will be developed for each project. Mr Luney confirmed that they had all scored as high priority and they would all have PIDs, except for the internal changes which will be managed through the Change Board.

8. Performance Summary.

Members reviewed and discussed the Monthly Performance Summary as of December 2022.

Mr Agnew provided members with an overview of analysis of performance data in relation to the total caseload for the last 2-3 years. Caseload for CW 1-4 has consistently increased in comparison to the figures since March 2021. There has been an 8-10% increase in cases received and the resources in place have been unable to deal with this increase for the full period 20/21. The increase in files received directly correlates with the increase in backlogs. Mr Agnew outlined it was important to take a longer-term view, particularly examining figures in the regions to understand the impact of ongoing trends and to inform conversations with funders.

Figures for SCU show a slight decrease, however it is acknowledged there are more complex pressures, including resourcing issues, and the Unit is disproportionately impacted by the numbers of cases at trial and listing issues, all systemic recovery issues.

Members discussed the analysis and agreed that the previous additional resource bid for recovery was underestimated, and that recovery is far from complete. Additional baseline funding is required for both SCU and the regions to deal with serious casework. Ms O'Kane advised that a resource will be redeployed from SCU to the regions at the end of the month to assist with ongoing pressures.

Mr Herron raised the need to consider ways of reducing demand and outlined methods used by CPS for handling Magistrate's Court work. It was acknowledged that this may be a significant move from the existing approach, however, the approach may need to be contemplated in the absence of investment.

9. Finance Update

November Finance Report

Ms Quinn provided an overview of the key financial issues being managed by the Finance Team as of November 2022.

Ms Quinn advised that the Ledger was still open for December, making it difficult to accurately reflect the Dec position. The latest figures indicated a £1.4m overspend year to date against original baseline. The year-end forecast indicates a break-even position, and the Finance Team will be continuing to closely monitor spend. Members were briefed on a number of financial exercises conducted over the Christmas period in which the Department was required to provide main estimates, forecast cash outturn, and budget bill briefing, based on allocation provided for 2022-23.

Ms Quinn provided an overview of the Budget 23/24 exercise. This is a zero-based budget approach, with costings to be forecast on the functions required for business delivery. A meeting is scheduled for Monday 23 January to inform this analysis, with figures to be submitted to the Supply Team by 27 January 2023. A meeting is to be scheduled with Neil Gibson (DoF Permanent Secretary) and finance representatives from Central Expenditure Division and Supply meeting with Mr Herron in coming weeks before budget exercise. Recovery funding is still under consideration and will be better informed by the wider Criminal Justice approach.

Ms Quinn advised that NIAO are scheduled to commence the interim accounts, and it has been agreed that a full set of interim accounts will be completed to highlight any potential issues that may arise from the prior year error identified during the completion of year end accounts in 2021/22. Mr Houston queried if this new approach would present additional work challenges. Ms Quinn advised that this would entail some extra work when resources in finance are already under pressure.

Mr Houston thanked Ms Quinn for the helpful update including the forecast to year end and estimates required for next year. Mr Best queried the figures presented for November and enquired about more up to date figures to include December figures, Ms Quinn advised that this was an issue with the sequence of reporting for the various sub committees. Figures are provided for the PRC and these meetings are normally scheduled before ledger closes. Ms Quinn advised that going forward a separate report will be available for the Board. It was also noted that whilst the reports were prepared in advance, a verbal update is provided to the Board reporting the current position of the ledger.

Mr Best raised the issue of pay increases and whether these would have to be absorbed in the existing budget. Ms Quinn advised that the August 22 proposed

increase had been included in the 23/24 forecast, however only progression was allowed for with the August 2023 position in forecasts for 23/24.

Ms O’Kane queried whether figures were available for the number of staff /days of annual leave to be carried over. Mr Luney advised that he would make the necessary enquiries and report back to the Board.

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

10. People

NICS HR Summary Report January 2023

Members noted and reviewed the NICS HR January 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 provided an update on New Ways of Working which has been embedded across the organisation. Members were advised that some appeals of work place agreements have been received and are being dealt with in line with the NICS appeals process.

Ms O’Kane advised that the Operating Models for each of the Business areas had been carefully considered. A locations document has been set up for staff to record home /office working and this has been shared with Business Managers. It is anticipated that the process should have stabilised by Easter.

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 following discussion at the previous Management Board a new risk had been added Risk 11, in respect of longer-term funding pressures for 2023/24, and a downward revision had been made to Risk 3 existing funding pressures. Mr Luney agreed to review the detail included in Risk 11.

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

Members noted and agreed the revisions made to the Workforce Planning Risk (9) to reflect the challenges of an absence of supply, and the inclusion of additional controls to mitigate the impact.

ARC Update

Members noted the minute of the meeting of 29 September 2022 as agreed at the subsequent meeting of 8 December 2022. Mr Houston advised of discussions held regarding refresher training for ARC members, with RMT currently scoping training for Management Board effectiveness and ARC refresher training.

Mr Houston updated members in the progress of internal Audits. The review into complaint handling has been completed with no recommendations made. The Audit for the engagement of External Counsel has commenced, and the Cyber Security Audit is now scheduled for March 2023. The Terms of Reference for the Financial Management Audit have yet to be completed.

An update was provided on the implementation of the recommendations of Information Assurance and GDPR compliance. Retention and Disposal schedules cannot be laid in the absence of the Assembly. The recommendation in respect of staff guidelines on information assurance and data security has been overtaken by the ongoing implementation of Contents Manager.

A review of the ARC Terms of Reference is ongoing, and discussions are scheduled with NIAO for the March meeting. Members had welcomed the summary report of the Assurance Statement provided by the Senior Assistant Director and plans are to extend an invite to the Director to attend one of the forthcoming meetings.

Mr Best highlighted that risk management is likely to be an area which external auditors will focus on. Discussion ensued as to potential for this to have a cost impact. Ms Quinn outlined that this is a new approach to auditing standards with more focus on investigating risks, there is potential for an increase in this year to cover testing and sampling but should not be an issue in subsequent years.

Mr Houston enquired about progress on the recruitment of the financial expert to review the issues with the final accounts. Ms Quinn advised that a business case has been drafted to tender for specific expertise. The scope of the review will include accounts from 2016/17 through to the 2021/22 figures. The approach is to correct and understand the error and identify a plan to deal with it when the Executive is restored.

12. AOB

Vision 20/30

Mr Luney provided an outline of matters to be considered and discussed at the Planning Day. The focus will be in determining what is needed to be sustainable,

to navigate through and respond to resource and funding pressures and the need to modernise. The key themes identified are; Effective, Proportionate, Digital and Victim Processes. Mr Luney provided an overview of the various activities and initiatives that could be taken forward in each of the themes.

Consideration is being given to using consultancy to carry out a short, focused piece of work this financial year around issues such as culture, performance etc which will feed into the draft Vision document.

Mr Houston agreed that this would be helpful to improve the service and queried whether any other criminal justice organisations were considering radical changes. Mr Luney advised that the Courts have a 2030 Strategy which is directed at estates and digital enhancement. It was agreed an overarching strategy and vision for the Criminal Justice sector would be helpful and lead to more effective processes.

Members noted and agreed the approach which will be considered in depth on the planning day.

13. Papers for noting.

Communication Update.

Members reviewed and noted the communications activity carried out, including media handling, stakeholder engagement, digital communications, and internal communications.

Communication Planner.

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

14. Next Meeting.

The next Management Board will take place on the 22 February 2023 at 10am in Belfast Chambers.

Summary of Action Points arising from Management Board.

Meeting of 17 January 2023

AP24-22/23	<i>Mr Luney to provide figures for carry over of Annual leave.</i>
AP25-22/23	<i>Mr Luney to review the detail included in Risk 11.</i>

Action Points carried over from previous meetings.

AP22-22/23	<i>Ms Quinn to provide the Director with fees folders for cases which are incurring increased cost</i>
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