

PPS Management Board

2.00pm Wednesday 29 June 2022

Via videoconferencing

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

In Attendance: Tom Murphy (Private Office)
Claire Harrison (Comms)
Eilis McGrath (Item 2)
Aubrey Murray (Item 2)
Head of VWCU (Item 2)

Secretariat: Policy and Information Unit

1. Welcome.

Mr Herron welcomed members to the June 2022 Management Board.

2. New Ways of Working Presentation

Ms McGrath presented an evaluation of the New Ways of Working Pilot. Progress updates have been received from all sections involved in the Pilot. Performance has been monitored and assessed, and comparisons drawn with activity levels both pre covid and during the Pilot.

The assessment of the ADs and Business Managers is that, overall, the pilot has been a success and performance has been maintained. In Belfast and Eastern further investigation and analysis is required to ensure there is no duplication, for example in prepping work at home that will be completed in the office. Managers are planning to job shadow to gain a better understanding of the processes. Some staff are exceeding their targets whilst working from home and the comparator figures indicate there has been no loss of productivity.

Mr Agnew queried if there was sufficient confidence in the analysis of productivity and targets. Comparisons were not being made in all areas with pre pandemic

performance figures and the total number of outputs and tasks cleared were based on the whole team and not just the Pilot group. Ms O’Kane and Mr Luney are to jointly chair a series of meetings with the ADs and Business Managers responsible for each Pilot area next week to seek further assurances regarding performance.

Mr Luney stated that more robust metrics are pivotal to the New Ways of Working, and the needs of the business is a priority. Gaps in the metrics must be identified and it is important that jobs are not converted to homeworking unless they are 100% effective. He said that in agreeing the Operating Model for specific areas, Assistant Directors and Business Managers need to closely examine how performance will be measured and any gaps plugged.

Mr Agnew highlighted several areas for line managers to address including analysis of roles, baselines, and targets, and also to discuss issues around reduced engagement levels, and where team meetings could contribute to a loss of productivity. Performance must be capable of being maintained effectively when considering work style agreements.

The Head of VWCU provided an assessment of the VWCU pilot. The rota has proven to be successful, with no adverse effects on business. Performance targets are broadly in line, with unit targets set for individual case officers. Staff are using jabber and are much more engaged. The negatives are that some roles cannot be completed at home, for security reasons, and this is adding to the workloads of staff who are office based. Pressures on facilities and administrative functions need to be managed carefully.

Mr Murray provided an overview of the findings in the Western and Southern regions. Overall, the Pilot has worked well and business needs are being met. The ability to make calls and send messages using Jabber and MS Teams has been of assistance.

Ms McGrath advised that all staff were notified at training that it is a reasonable management request to use MS Teams and Cisco Jabber. Members agreed these can lead to more collaborative working and noted that guidance will be issued to staff on using these systems.

Members raised the issue of caring arrangements and the need to remind staff that Covid arrangements are no longer in place. Staff should not be attempting to carry out caring or other domestic duties while engaged ‘at work’. It was also noted that CJINI have reported that they have found evidence that some line management arrangements have been adversely impacted by remote arrangements.

Mr Agnew queried the extent of some results, highlighting a two-week snapshot which indicated a decline in performance at both legal grades. Concerns were

also raised that the level of scrutiny of the pilot may be a factor in the level of positive performance. Ms McGrath advised that Ms Carlin is best placed to explain the legal performance during the pilot but at SPP grade she reported that it had improved, and staff are reporting that they are working efficiently. A meeting with the SAD, AD and Business Manager in the Belfast Region to discuss performance as part of the routine Performance Accountability Meetings is planned in the next two weeks. It has also been agreed that Ms O’Kane and Mr Luney will meet pilot leads to review activity levels in more detail.

There is a review of the arrangements planned in 6 months, with a further performance evaluation. The New Ways of Working are workstyle agreements, contracts are not changed and therefore business needs take priority. Performance measures should be an ongoing feature of New Ways of Working as it should be for office-based working also.

Members noted that training for all staff has been completed and processes assessed to establish future NWW arrangements. Members agreed the rollout of the Operating model and agreed the arrangements to invite workstyle Agreements in the next few months with a Go Live in September. A formal review will be scheduled 6 months post implementation in March /April 2023 and will include a detailed review of performance metrics along with feedback from managers. Members also agreed the use of Cisco Jabber and MS teams should be mandatory.

3. Apologies

None

4. Declaration of Board Members’ Interests.

None

5. Finance Update

Members reviewed and discussed the key financial issues being managed by the Finance Team as of May 2022.

Ms Quinn advised that in the first two months of the year there has been a significant overspend on admin and programme pay and counsel fees. Recovery work is also being forecast to have an accrual of approximately £400k. Overall it is anticipated that PPS will have a Forecast Outturn adverse to budget with a projected pressure of £2.8m

Members noted there was no official Monitoring Round in June, however the assumption is there will be one in autumn. In lieu of a Monitoring Round, a 'technical transfers' exercise addressing agreed internal transfers has been commissioned. Ms Quinn advised that Supply are applying strict criteria to the application of 'Reasonable expectations'. Members discussed the breakdown of figures and the allocations applied to the baseline and noted the pressures on funding and the very challenging position with the budget overall.

The spend for counsel will also increase over coming months and trends will be monitored to impact on projected spend. The number of Crown Court Briefs issued are lower than in 2019/20. There is a need to probe further and obtain more detail on the reasons for these figures. Members discussed and acknowledged limited options for savings and potential impact of these on business delivery.

AP 11/22-23 Ms Quinn to provide more detailed analysis of the figures for Crown Court Briefs.

6. Budget Pressures.

Contingency Budget 2022/23 Savings Options.

Mr Luney provided an overview of the latest contingency budget for the 2022-23 financial year and limited options for managing the forecast deficit. Members were also briefed on the additional funding streams and reliance upon bids. The forecast budget is that the revised pressure will be approximately £3.1 m for the current financial year, with the potential for further pressures to materialise in year on recovery, legacy, and other functions.

Mr Luney outlined options for potential reductions; however, members noted concerns on maintaining spend on recovery whilst making savings on core staff which seems counter-intuitive. The Court listings have already been set out for future months, so there is an insufficient period to ramp down.

Members reviewed savings to be made by the options outlined and it was noted that even the most radical option would be insufficient to deliver the full savings required but would impact heavily on our core business with operational and reputational damage. Any savings will have to be considered alongside the robustness of bids submitted to the Department of Finance.

PPS previously implemented a transformation programme in 2015/16 in which the capacity model was reduced from 560 to 483 following the Voluntary Exit Scheme, Counsel fees were revised generating savings of £700k per annum, and there was also extensive rationalisation of the PPS estate.

Members were advised that although overall caseloads have remained relatively stable, there has been an increase in the domestic violence and sexual offence cases, and the overall complexity of cases. These cases require careful management of stakeholders which is also adding to the staff pressures. There has also been a change in the profile of cases, with increased digital evidence such as BWV provided by police. These require staff to review large amounts of electronic material, and disclosure is therefore more resource intensive. Operational areas are also indicating an increase in the number of DIRs issued to police, reflecting a process that is not streamlined.

Mr Herron reported that the needs of victims are a priority, the impact of covid has created delays in the criminal justice system, and any reduction in resources is likely to frustrate our ability to meet our obligations under the Victim Charter. The impact on case progression cannot be undermined, alongside the potential risks of satellite litigation, sentencing reduction and abuse of process applications. Members agreed that the baseline is unsustainable particularly with the expectation to modernise and improve organisational delivery.

Mr Houston highlighted the current level of expenditure will lead to an end of year overspend, therefore some radical solutions are required such as adopting a moratorium on recruitment, with requests for filling vacancies referred to the Senior Management. Mr Best queried if there were any other savings to be yielded from areas such as training budgets, travel expenses, however it is acknowledged that these would provide limited scope for savings. Mr Best noted the risk of placing reliance on in-year funding bids to meet this scale of shortfall and acknowledged the impasse with the suspension of the NI Assembly and the risks to performance of reducing the required Agency staff and Acting-up posts at this point in time.

Members agreed DRM should review posts that become vacant naturally and put in place a robust process for deciding if it is necessary for the posts to be filled. Any new recruitment should be approved by the senior team. All areas of expenditure should be reviewed for efficiencies, including ensuring posts are fully loaded and consideration of any tasks and activities that could be ceased.

Mr Herron agreed to write to the DOJ, NICTs and LCJ querying whether they are planning to continue to spend at risk on recovery. There will be an adverse impact on the criminal justice system's ability to deliver if PPS do not continue with recovery. In the absence of assurances on funding, it was agreed that it would be important to engage with Criminal Justice Partners in advance of discussion with DOF.

7. Management Board Minutes.

The previous minutes were agreed.

8. Actions from the Management Board Meeting of May 2022.

AP 10/22-23 Mr Agnew, Ms O’Kane, and Mr Luney to identify papers on the agenda for noting and to highlight matters from the Committees that require escalation to the Board.

Closed – Papers to be marked and briefings provided accordingly.

AP 4-22/23 Mr Luney to share feedback from the NWW pilot with members.

Closed: Ms McGrath and Mr Luney presented the Board with an evaluation of the Pilot. See item 2.

AP 5-22/23 Mr Agnew to consult with SIT to have an overview of the priority projects, including progress against plans in terms of time and resource.

Closed – See item 10. A dashboard detailing the key issues will be provided going forward.

AP 8-22/23 Mr Luney to coordinate the development of cost scenarios detailing the implications/impact on the business based on the range of potential funding outcomes.

Closed: See Item 6 detailing the scenarios and impacts of the funding outcomes.

9. Reports from Management Board Committee.

Senior Management Group 16 June 2022.

Mr Agnew provided a verbal update of the matters discussed at the Senior Management Group Meeting of 16 June 2022.

People and Resources Committee – 14 June 2022

Members reviewed and noted the minutes of the People and Resources Committee meeting of 14 June 2022.

Performance and Delivery Committee – 13 June 2022

Members discussed and reviewed the minutes of the meeting of 13 June 2022. Members noted the current pressures in managing DV cases and proposed

changes to the model, the reported decrease in file quality and demands and challenges placed in progressing the legislative programme.

Mr Herron highlighted the options under consideration for revised targets for PPs who have recently received signing authority. It is intended to consult with TUS before progressing any of these options.

Policy and Quality Committee –17 May 2022

Members noted the minutes of the Policy and Quality meeting of 17 May 2022.

10. Strategic Improvement Board

SIB Minutes – 22 June 2022

Members reviewed and noted the minutes of the Strategic Improvement Board of 22 June 2022.

SIB Project Priorities

Mr Agnew provided members with an overview of the latest position of the priority projects. The Abolition of Oral Early Evidence is currently red and is scheduled to go live at the end of September, however several factors need to fall into place and with competing IT demands there is a risk of slippage to this deadline.

Members noted the status of the remaining priority projects, and it was agreed that a dashboard detailing updates of status and rating will be provided going forward.

11. Performance Summary.

Mr Agnew provided members with an overview of the Monthly Performance Summary for May 2022.

Mr Agnew outlined several performance issues and highlighted concerns with the prospect of any changes or additional resourcing pressures.

Comparing the current financial year to date with the three-year average for files received by case weight category, there has been a marginal increase in CW1-4, while CW 5-8 had a decrease of 11%. A total of 1,520 files marked as Domestic Violence were received in the financial year to the end of May 2022 - a 43% increase in comparison to the equivalent period between 2018/19 and 2019/20.

The overall work queue at the end of May 2022 has increased on the May 2020 baseline by approximately 4%. There continues to be a significant increase in

the volume of unallocated files and caseload waiting a decision, with Belfast and Eastern experiencing the highest increase.

There has been a slight decrease in the numbers of DIR's issued over the financial year to date, with a 15% increase in the volume of PDIR's issued in comparison to the baseline of May 2020.

12. People

RMT Update May 2022

Members reviewed and noted the RMT update for May 2022, including staffing levels, recruitment, corporate social responsibility, training, and the people agenda.

NICS HR Summary Report May 2022

Members reviewed and discussed the NICS HR May report, noting new NICS policies, and compliance in respect of performance management and employee relations.

Ms O'Kane highlighted outcomes of recent disciplinary cases and has requested further engagement with NICS HR to understand the rationale of their decision making.

BCS Review

Ms O'Kane advised that a final draft of the business case for additional SCU resources is almost complete and the need for additional funding has been highlighted. There are plans ongoing to reallocate resources at PP grade to help alleviate pressures.

13. Governance Issues.

ARC Meeting of 29 June 2022

Mr Houston advised that the draft Report to those Charged with Governance and Letter of Representation has been received. The C&AG is proposing an unqualified audit opinion but highlighted that the final accounts would be subject to a further adjustment. A historical accounting error (from 2016/17) has been identified which must be resolved before the accounts can be finalised. PPS Finance engaged with NIAO in February 2022 in relation to an error identified by GAB when reconciling the Consolidated Fund.

Work is ongoing with all relevant parties (PPSNI, NIAO, GAB and AFMD) to identify the most appropriate means of regularising the accounting treatment of the error from 2016/17 and 2017/18. Due to this unusual occurrence, which has not been encountered previously, ARC is not able to recommend to the Director/Accounting Officer that he sign off on the accounts as they currently stand.

The RTTCWG contains 3 priority 2 recommendations, one in relation to counsel fee accruals, another relating to issues arising from multiple versions of draft financial statements and the third in respect of fixed assets and the calculation of depreciation for PPE and intangibles. Management responses have been prepared in respect of each.

Members were advised that a pre-meeting had been held with NIAO to receive an update on the prior period error, the adjustments required to the accounts and to consider a revised pathway towards finalising the accounts. The Committee was informed that the issue had originated within the 2016-17 financial year where PPS had incurred an excess vote, with an additional adjustment for working capital in the following year. This is a complex accounting issue requiring concerted time and effort to work through.

NIAO need to be satisfied that an appropriate accounting mechanism is identified and agreed with GAB so that a statement to that effect can be included to regularise the accounts. Despite the delay, the intention is to identify a resolution that would enable the accounts to be laid before Parliament on 20 July. It is intended to have the Annual Report and Accounts with the Advocate General in sufficient time to lay before the Parliamentary recess.

Management Board was advised that the Audit Committee had decided that, in the interests of meeting the July deadline, if a satisfactory outcome to the prior period adjustment in respect of the excess vote could be agreed with NIAO, there would be no requirement to reconvene, and members were content for Ms Quinn to provide updates to the Director and to ARC. Mr Houston indicated that once ARC is notified that the accounting issue has been resolved to the satisfaction of all parties, he will update Management Board accordingly.

Members were updated on the latest position with a provision for a settlement in respect of a data breach, the DPO is to provide further details to the Committee.

An issue has also been raised with the process for handling digital evidence at Belfast Chambers. Mr Luney advised that a revised protocol is to be drafted to address these issues.

Corporate Risks Register 2022-23

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

Mr Houston highlighted that Risk 11 should be changed to amber on slide 3. Members agreed that SMG should review the current rating for Risk 6, Information Management and Security and Risk 8, whether the risk scoring needs to be reconsidered, particularly considering DV pressures.

Criminal Justice Inspection Report

Mr Agnew updated members on the progress of the CJINI inspection of Disclosure and File Quality.

14. Papers for noting.

Communication Update.

Members noted the ongoing key communication activities.

Communication Planner.

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

15. Next Meeting.

Video Conferencing 29 September at 10am.

Summary of Action Points arising from Management Board.

Meeting of 29 June 2022

AP 11/22-23	<i>Ms Quinn to provide more detailed analysis of the figures for Crown Court Briefs.</i>
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Action Points carried over from previous meetings.

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