

PPS Management Board
10.00am Friday 20 May 2022
Via videoconferencing

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

In Attendance: Tom Murphy (Private Office)
Claire Harrison (Comms)

Secretariat: Policy and Information Unit

1. Apologies.

Mr Best.

2. Welcome.

Mr Herron welcomed members to the May 2022 Management Board and welcomed Ms Quinn as an interim member of the Board to provide financial oversight.

3. Declaration of Board Members’ Interests.

None

4. Management Board Minutes.

The previous minutes were agreed.

5. Actions from the Management Board Meeting of April 2022.

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

Ongoing: Mr Luney provided an update on the progress of the Pilot. Data collected will be available in June and shared with the Board. Informal discussions have been held with TUS and a formal consultation is scheduled for 24 May 2022.

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.

Ongoing – See item 7

AP 6-22/23 Ms O’Kane to consider figures for the decisions issued and report back to the next Board.

Closed. Ms O’Kane advised that further analysis had been completed on PP decision making output. There is a decrease in the current average figures for output for both SPP and PP in comparison to pre pandemic performance levels. There are several factors that are impacting performance across the regions, including the number of PPs without signing authority, and reduced targets for recently recruited staff. Other issues identified as impacting performance in this period were the focus on clearing DV cases in advance of the change in legislation, and there are still a number of staff are who are subject to performance improvement arrangements.

Members discussed whether there was potential for capturing data relating to performance in the New Ways of Working Pilot. Mr Luney advised that the evaluation of the Pilot will include scrutiny of the performance metrics.

Mr Houston queried the issue with the signing authority and whether any changes could be made to make this more effective. Ms O’Kane advised that the PDC Committee will review the current arrangements for targets and timeframes relating to signing authority, with a view to abbreviating the duration of reduced decision-making output targets.

AP 7-22/23 Mr Luney to provide the Board with clarification of this figure in the Staff Attitude Survey.

Closed: Mr Luney advised that the figure for last year had been higher than in previous years and the recent figure was more comparable with previous trends. There is no explanation for the higher figure, and speculatively it may have been due to shift patterns that were in operation during the pandemic.

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.

Ongoing: Mr Luney advised that analysis was ongoing in relation to the breakdown of agency staff and potential implications of a reduction in this resource. A number of these posts are funded posts. There has been some updated information on proposed financial arrangements, and it is hoped this can be explored further when the year-end accounts have been completed. Work is also progressing with operational colleagues to define priorities and the potential

impact on business areas of staff reallocation. An update will be provided to the June Board.

AP 9-22/23 Mr Luney to provide data in respect of the uptake of training on wellbeing and mental health.

Closed: There have been 68 training opportunities made available to staff on wellbeing/mental health and approximately 198 staff have attended. The figures have dropped recently, which may be because of pressures of work. The variation may also coincide with information on courses available being published on the intranet and not issued via email, however once this approach beds in, it is envisaged there will be a reasonable uptake.

6. Reports from Management Board Committee.

Senior Management Group 18 May 2022.

Mr Agnew provided a verbal update of the matters discussed at the Senior Management Meeting of 18 May 2022.

People and Resources Committee – 9 May 2022

Members reviewed and noted the minutes of the People and Resources Committee meeting of 9 May 2022.

Mr Luney advised that an overview of the main findings from the NICS People Plan Survey had been provided to the Committee. There was a good understanding of the issues highlighted, with further work planned to look at the findings and to develop an action plan incorporating the outputs of IIP.

Mr Luney outlined changes to several policies, in particular the Policy on Bereavement Leave and the need to ensure this is communicated to staff.

Performance and Delivery Committee – 25 April 2022

Members reviewed the minutes of the meeting and noted Ms O’Kane had at the last Board meeting, provided a verbal update of the matters discussed at the Performance and Delivery Committee on 25 April 2022.

Mr Houston queried the figures for cases over 500 days. Ms O’Kane outlined that the regions are facing challenging caseload levels, although there had recently been a slight reduction in the numbers of indictable cases falling into this category. There had however been a slight increase in the volume in the hybrid cases. Performance Accountability Meetings are scheduled for the coming weeks and discussions will be held to ensure focus on these cases. Mr Herron

added that there may be anomalies in the figures caused by complex issues such as extensive phone analysis conducted by police. Members agreed that the figures for these cases was much improved from last year.

Mr Houston raised the issue for the potential for incorrect classification of DV cases by police and any implications of this. Ms O’Kane reported that a review had identified cases that were classified as DV, however did not require to be handled by specialist DV staff. In such cases it was now agreed that if a DV specialist determined that the case was not correctly classified, it would pass to a non DV specialist who was then required to take the decision. PIU is to conduct a quality assurance exercise to look at the variation and measure performance based on PPS classification of this offence.

Policy and Quality Committee – 10 May and 17 May 2022

Mr Agnew provided a verbal update of the matters discussed at both meetings. The priority had been to deal with guidance on the stalking legislation, which had come into effect earlier than envisaged. There has been engagement with police and DOJ in the development of guidance, which it is intended to be complete in the coming weeks. It is also unlikely that PPS will receive any cases for consideration for a few weeks.

Legal training development is progressing well, and there is ongoing engagement with CPS in respect of the sharing of training material. The technology is now available to record training sessions, with disclosure training planned in the next few weeks.

Mr Agnew outlined there is a regional disparity and further work is required in the approach to ‘Recording of Reasons’ on indictable cases, and whilst this is not mandatory in summary cases, it is considered best practice for some offences. An updated staff instruction will be issued to provide assurance in quality.

7. Strategic Improvement Board – 11 May 2022

Members reviewed and noted the minutes of the Strategic Improvement Board of 11 May 2022.

Mr Agnew provided members with an overview of the latest position of the priority projects. The New Ways of Working project is progressing and on target. The IT Assist project is also on target with all staff migrated to the new system. The Digital Evidence Media Sharing has been flagged as red with the delivery date set, however, there have been several delays, and this date has now slipped. IT development is to commence, with a pilot scheduled for early June. The Abolition of Oral Early Evidence is scheduled to go live at the end of September, there

have been a few legal issues and there may also be slippage. A few concerns have been flagged with DOJ regarding the timeline and cost assumptions and there has been agreement to build in wording to give some flexibility in respect of the benefits realised in terms of spend and time.

The Remote Evidence Centres Project is being rolled out in three phases, with phase 2 scheduled to go live in December 2022. This is a DOJ led project to enable vulnerable witnesses to give evidence at remote centres and is being expanded regardless of offence type. A more detailed internal plan is to be developed.

8. Performance Summary.

Mr Agnew provided an overview of the Monthly Performance Summary for April 2022.

Comparing the current financial year to date with the three-year average for files received by case weight category, there has been a decrease of 16%. CW1-4 had a marginal decrease, while CW5-8 had a decrease of 18%.

The caseload awaiting a decision has increased on the April 2020 baseline, with almost 1000 cases pending. In Belfast and Eastern there has been a significant increase in both CW1-4 and CW 5-8, however members were advised there has been a decrease in the files received in recent weeks.

There is an issue with allocation of files in that there are insufficient numbers of specialists to allocate files to, and in the availability/capacity of the existing specialist staff. At PP level the quality of police files is causing a backup of the work queue. Post decision work is also increasing, and SPPs have been asked to focus discussion with staff on these areas. Additional counsel have also been deployed to assist with the court facing work. An instruction is to issue to ensure the PP in the Crown room is fully utilised in post decision work.

In comparison with the April 2020 baseline there has been an increase of 26% of files in Case Preparation Files received by case weight category, with four fifths of the files pending for more than 30 days.

Mr Houston queried whether there were any trends to explain the current performance levels. Ms O’Kane advised that analysis of trends is proving complicated and there has been a 5-year decline in output, attributable to a range of factors. Mr Agnew highlighted there is significant volumes of ongoing cases in the Magistrate’s Courts, with more cases listed in court increasing preparation times.

Mr Herron queried whether the recovery funding bid had been underestimated and whether there were more resources required to meet the change in demand.

Board members acknowledged ongoing pressures on staff and the need for measures to address these, it is intended to raise funding with DOF and the Supply team. Discussion ensued regarding the Business case for SCU.

It is acknowledged that improving and maintaining quality service, particularly in more serious cases is not possible with the existing model and resources. Members agreed options should be considered with a view to establishing an advisory panel to assist with unprecedented issues and to generate strategies for funding.

Ms Quinn advised there is another budget exercise ongoing where bids can be reviewed but given the timing of this return, we may not be in a position to action at this stage. However, if we have evidence to support an increase, we can notify supply of this at any stage. The SCU business case has been flagged to Supply and they are aware a formal bid will be submitted.

Mr Houston queried whether it will be business-as-usual in budget allocation arrangements and will these be taken through formal channels. Ms Quinn outlined that no decisions have been taken on allocating budgets at this stage. Article 59 will allow for allocations to be made by the new Permanent Secretary if it gets to that stage. Departments are operating their Contingency Budget Plan in absence of the Executive.

Members discussed the requirement of the Accounting Officer flagging to Permanent Secretary that demand, and pressures are increasing, and resources have remained static in a difficult and challenging year.

Ms Quinn advised that cuts were made in 2015/16 budget and both the funding and capacity model has remained static since. The organisation has a £2m shortfall in respect of capacity model staff numbers of where it needs to be in its baseline, there is an over reliance on monitoring rounds being managed to a satisfactory outcome. There will be an opportunity to write to the Permanent Secretary and the new budget exercise forms another opportunity to make sure the Supply Team are sighted on our requirements.

Members reviewed and discussed the SCU performance and noted the ineffectiveness in having volumes of cases in court, with repeat adjournments and re-listings and the consequent impact on time spend. It was agreed there needs to be further collaboration with the Courts, Judiciary, and defence to resolve these increasing issues. Mr Luney agreed to raise the overarching analysis of the current position with the Recovery Group on 2 June 2022.

Ms Quinn highlighted that the deadline for submission of budget exercise is 1 June. Funding bids will need to be evidenced by short successes and business delivery requirements, particularly in respect of additional resources to manage the increased volume of cases before the courts. There will be further liaison with

DOJ in respect of evidencing value for money and one submission made based on spend to date & successes.

9. Finance

Finance Update March 2022.

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

Ms Quinn provided updated figures for April and advised that there is a resource underspend of approximately £280k and a capital underspend of £205k. There is an issue with an accrual of capital and Supply have agreed to allocate funds to cover the resulting pressure.

Work is ongoing with the budget exercise, the contingency budget will not be fixed, so pressures identified in the current budget exercise should start from the position outlined in the previously reported draft budget of December 2021.

£35.2 is the proposed allocation for the current year, however this will not be sufficient to manage the requirements. The reclassification to non-cash in respect of IFRS16 of £1.3m causes an additional pressure, however it is hoped there will be cover freed up with the reclassification and we will utilise this.

Bids made will need to be categorised as one of the following: increased energy costs, cost of public sector pay, or other departmental pressures. All other bids for outstanding funds will be submitted by 1 June 2020 and our position will be reiterated to the new DoF Permanent Secretary.

Ms Quinn provided an update on the draft Annual Report, the auditors have been provided with the accounts, with no significant concerns reported to date. Two financial adjustments will have been made, one is the provision for counsel fees and the other for a net cash requirement issue from 2016. It is intended the Annual Report will be signed off by 4 July 2022. Mr Herron expressed his gratitude to Ms Quinn and the finance Team for all their hard work in taking this forward.

10. 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.

Mr Luney provided an update on the latest staffing levels and highlighted there are approximately 90 Agency staff. A request is pending for a competition at PPP level, whilst there are no plans for a supply at SPP, it may be prudent to have this available. There are a number of vacancies at administrative level, and work is ongoing to review the work undertaken at the AA grade. General competitions are progressing to fill vacancies at SO and DP level, with Grade 6 & 7 competitions scheduled in the coming months.

BCS Review

Ms O’Kane provided an overview of the findings and recommendations of the BCS review. The analysis in the report is limited and does not examine workflows, sexual offending crime trends, the more complex and time consuming nature of files, responsibilities around victims’ care, training and the work arising from Gillen and CJINI reviews. The challenges are arising from the resourcing, structure, and affordability. Consideration is ongoing to find a resolution to the resourcing requirements and structures needed to deliver the ongoing and future demands of the section. A business case is currently being developed for additional funding to address shortfalls.

11. Governance 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.

Complaints Update.

Members reviewed and noted the complaints update for 2021/22.

Criminal Justice Inspection Report

Mr Agnew provided an update on the progress of the CJINI inspection of Disclosure and File Quality.

12. AOB.

Review of Board Effectiveness

Members reviewed and discussed the findings of the Review of Management Board effectiveness. Members noted the issue regarding financial oversight has now been addressed. Mr Houston highlighted the benefits of identifying areas for improvement and raised the high density of papers provided for the meetings. Members agreed that some papers should be identified as for 'noting' and the Chairs of each of the Committees should identify matters discussed that require escalation to the Board.

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.

13. Papers for noting.

Communication Update.

Ms Harrison provided an overview of the key communication activities including media queries, surveys, stakeholder engagement, and internal communications.

Communication Planner.

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

14. Next Meeting.

Video Conferencing 29 June 2022 at 2pm.

Summary of Action Points arising from Management Board.

Meeting of 20 May 2022

AP 10-22/23	<i>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.</i>
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Action Points carried over from previous meetings.

AP 4-22/23	<i>Mr Luney to share feedback from the NWW pilot with members.</i>
AP 5-22/23	<i>Mr Agnew to consult with SIT to have an overview of the priority projects, including progress against plans in terms of time and resource.</i>
AP 8-22/23	<i>Mr Luney to coordinate the development of cost scenarios detailing the implications/impact on the business based on the range of potential funding outcomes.</i>