

PPS Management Board

10.00am Wednesday 30 November 2022

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
Business Partner (NICSHR)
D/BusinessPartner(NICSHR)

Secretariat: Policy and Information Unit

1. Welcome.

Mr Herron welcomed members to the November 2022 Management Board and extended a particular welcome to Sarah Rowlands and Leslie Chambers, NICSHR.

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 October 2022.

AP14/22-23 Mr Luney to speak to NICSHR Business Partner about periodic attendance at Board meetings.

Cleared.

AP15/22-23 Mr Agnew to request SMG to consider best way of consistent performance management reporting to the Board.

Cleared – It was agreed that the Monthly report would be produced every month and therefore made available for all Board meetings, and this would be complemented by a Quarterly KPI Report.

AP16/22-23 Ms Quinn to review the figures and report on at what point the accruals are recorded.

Cleared – Ms Quinn outlined that accruals increase according to work completed. Although the numbers of cases briefed has not increased, cases in the Court System will continue to accrue cost until the case has been finalised.

AP17/22-23 Mr Luney to streamline the information provided in the RMT Report.

Cleared – See item 10. Information provided in the Report has been streamlined.

AP18/22-23 Mr Luney agreed to review Risks 1 & 2 in respect of a potential spike in Covid during Autumn and Winter.

Cleared – See Item 11. The Risk register has been revised accordingly.

6. Reports from Management Board Committees.

People and Resources Committee – 9 November 2022

Mr Luney provided an overview of the key issues discussed at the People and Resources Committee meeting of 9 November 2022, including resourcing, vacancy management and recruitment.

A meeting has been held with the NICSHR Director of Resourcing, to raise the key issues on resourcing in an effort to find workable solutions. Concerns have been raised about resourcing and the longer-term sustainability with the current approach and delays in filling vacancies. The other main issues for PPS are around conditional offers, security clearance, 'batch' allocation of staff, redeployment, and the level of staff turnover. It is acknowledged that with some of these matters there is a NICS wide issue not specific to PPS. There is the potential for PPS to launch a Grade AA scheme, however this may be resource intensive and there has already been substantial work undertaken to redesign a number of administrative posts.

The NICS Business Partner provided an update on progress and planning for the General Service Competitions. Recruitment campaigns for several grades have been deferred from this financial year as a result of budget constraints. Priorities to launch will be revisited if there are any changes to the budget. The AO

campaign was due to close in December 2022 however this has been extended to 31 March 2023, with the option of a further extension.

In respect of legal resourcing, members were briefed on the recent temporary PP competition, and it was noted that despite the qualifying criteria being relaxed, the number of applications received for the competition was low which in turn had returned a limited number of successful candidates. This highlighted concerns in relation to supply to fill any future vacancies. Ms O’Kane asked the Business Partner about the NICS Student Placement Scheme, opportunities that are available for students completing law degrees and whether there is potential for PPS to avail of interns from this scheme. NICSHR agreed to make further enquiries on placements available within the scheme.

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

Mr Luney provided an update on New Ways of Working which has been embedded across the organisation. The process will be subject to review, and several appeals are anticipated, which will be dealt with in line with the NICS appeals process.

Ms O’Kane advised that respective Business Areas operating models had been very carefully considered. While there were differences between regions, there were sound business reasons identified for this differential. Arrangements remain subject to review, and as soon as wider business needs are being met, arrangements can be varied.

Mr Luney updated members on discussions held regarding the provision of well-being/resilience training for staff. The Police Rehabilitation and Retraining Trust can provide training in December in respect of dealing with distressing images. Enquiries are being made whether there is capacity to provide one-to-one sessions, however it is noted that this option may have resource and financial implications. Consideration is being given to reinstating the NICS WELL Health Checks in PPS offices. Members agreed that it is important to signpost and highlight to staff that these matters are being taken forward.

Further enquiries have been made regarding the feasibility of a rotational policy and a meeting has been scheduled with CPS regarding their practices and to consider the potential impact and implications for PPS.

The NICSHR Business Partner provided an update on vacancy management and figures for sickness absence. The number of vacancies is reducing; however, agency staff currently make up 18% of the workforce. Recent statistics on long term sickness absence indicate figures are reducing further.

Members were advised of meetings held regarding GDPR and sharing of personal data in respect of ongoing grievance cases. The Deputy Business

Partner advised of new dedicated case management, whereby line managers can avail of support to assist in the management of employee relations matters.

The NICSHR Business Partner requested that line managers are reminded to encourage staff to use their annual leave entitlements.

Members agreed that it would be helpful for the NICSHR Business Partner to attend periodically on request.

Senior Management Group 16 November 2022.

Mr Agnew provided an update of the matters discussed at the Senior Management Group Meeting of 16 November 2022.

Members were informed of an issue that has arisen with hardcopy MIT files. Previously full electronic files were referred through NICHE, however recently PSNI have started using software that does not easily integrate with NICHE and consequently files are not being referred electronically. Alternative solutions proposed have identified issues with security and storage. A meeting is scheduled with PSNI to discuss issues of mutual interest and it was agreed to raise this matter.

Mr Herron raised the issue of understanding joint performance indicators and how statistics are measured and interpreted by PPS and the PSNI. It would be beneficial to consolidate data and to consider the creation of new joint performance measures. Mr Agnew highlighted that work ongoing with CJINI may assist and currently figures for DIRS are reported by case and it would be helpful to have these converted to a percentage of files. It was also agreed that file quality is the best proxy measure.

Performance and Delivery Committee – The next meeting is scheduled for 7 December 2022

Policy and Quality Committee – The next meeting is to be confirmed.

7. Strategic Improvement Board

Strategic Improvement Dashboard November 2022

Mr Agnew updated members on the 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, evaluation will be conducted through the People and Resources Committee.

The Content Manager Project is progressing in a phased approach and there are ongoing discussions with IT Assist in respect of emails and information held on libraries. A few other technical issues have been raised following a recent visit with Western and Southern and these will be raised accordingly.

Go live of the RECS Project is scheduled for mid-January however there may be some slippage with IT developments not complete until mid-February.

The Migration to IT Assist Project is progressing with no significant issues to report.

IT development in the DEMS Project is well advanced with a workshop arranged for 6 December 2022, and development to resume in January 2023. There is also various engagement with external stakeholders scheduled in the next few weeks to develop a registration process.

Mr Houston queried the prioritisation of the remaining projects. Mr Luney outlined that the Change Board had agreed to prioritise some critical changes around Domestic Violence. Members agreed that it would be beneficial to have a recap of the prioritisation of the other outstanding projects and the potential for these to be progressed.

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

8. Performance Summary.

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

The overall volume received in the financial year has increased with figures similar to pre pandemic. CW 1-4 have increased by 11% and if this trajectory continues it will give cause for concern. There was a slight decrease in the volume of CW 5-8 received.

The overall caseload awaiting a decision has also increased by 71% with an increase in CW1-4 of 68% and 72% in CW 5-8. This may be due to the imbalance in files received and resource allocation across regions. Ms O’Kane advised that discussions with ADs regarding the content of the queues have provided assurances that in general cases do not involve direct victims, but as delay becomes more acute, these cases will become higher risk, due to less favourable case outcomes resulting from delay. The position is that SPP work queues have to be set at manageable levels and work is being expedited as quickly as possible. Timescales for unallocated files vary, with summary cases potentially

taking up to 7 days whereas indictable may be 2 -3 months. It was also recognised that even after allocation cases may still not be progressed, due to pressure of existing allocations.

SPP decisions per casework day are slightly higher than the 2019/20 baseline, however PPS decisions per caseworker are below the baseline.

Members discussed the backlogs in the Court system and the increased pressures this adds to existing workloads. It is acknowledged that due to unforeseen pressures, the amount bid for recovery for the SPP grade was not adequate. Mr Herron queried whether removal of low-level Crown work would have an impact. It was also noted that CPS have a cohort of prosecutors that are deployed to focus on areas where backlogs are increasing, though they had the benefit of scale. Consideration needs to be given to further measures that can be introduced to reduce pressures such as the use of counsel, more proportionate decision making and court listing management.

Ms O' Kane also provided an update on the increasing numbers of DV cases and the impact this is having on performance levels. This is partially due to increased reporting but also increased flagging by police of all DV cases. Following discussion, Ms O'Kane agreed to obtain figures flagged as DV at the point of decision making by prosecutors to provide a better indication of the real increase in volume.

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

Members discussed the continuing increase in the volume of files in B&E Case Preparation. The Western and Southern regions do not have the same volumes and it is noted that Mr Davison is reviewing working practices and resources between the areas.

9. Finance Update

September Finance Report

Members reviewed and discussed the key financial issues being managed by the Finance Team as of September 2022. As of September, there has been a significant overspend of £1.15 m in areas of recovery, admin and programme pay and counsel fees. It was anticipated that as of September the PPS would have an outturn adverse to budget with a projected pressure of £2.6m.

Ms Quinn updated members that in recent days DOF Supply Team have advised of an additional allocation to PPS of £1.5m for this year's budget and additional funding has been provided for increased energy costs. DOJ have also provided

£1.3m for Recovery funding. Members were advised that the opening baseline for next year's NI block grant will be reduced by £500m.

Members discussed the risks to overspend and noted the potential for counsel fees to increase. There are controls in place to closely monitor counsel spend, however costs are increasing as a result inefficient case management and listing practices, in particular additional mentions and adjournments. Mr Herron outlined that empirical evidence of this would be beneficial for discussions and requested examples of cases where high numbers of payments have been made.

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

Members discussed the requirement for further joint bids for recovery and noted that there has been limited impact in the reduction of backlogs. The Criminal Justice Board have not provided an indication of the management of recovery post April 2023.

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.

Mr Houston queried whether there was a requirement to retender the BT contract that is due to expire. Ms Quinn advised that when the onboarding to IT Shared Services is complete there will no longer be a requirement for this contract.

Members acknowledged the challenges presented with this year's budget and noted that the Final Accounts had been completed. Members expressed their gratitude to Mr Luney and the Finance Team for all their hard work and effort in managing the budget and completion of the Annual Accounts.

10. People

RMT Update November 2022

Members reviewed and noted the streamlined update for October, including staffing levels, recruitment, health and well-being and training, and the PPS People Agenda.

NICS HR Summary Report November 2022

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

BCS Review

Ms O’Kane advised that the Business Case was revised to increase the requested resource above the BCS recommendations in order to ensure a longer-term resourcing solution considering the challenges of the SCU caseload.

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 the removal of Risks 1 & 2 (Covid 19), Risk 10 Business Continuity, had been included to reflect the potential of the pandemic impacting both staff and business delivery over Autumn/Winter. Further discussions will be held prior to SMG on Risk 3, Funding Pressures. Whilst it appears the risks around funding have lessened for this year, there is a concern over longer term funding.

ARC Update

Mr Houston updated members on discussions held in respect of the terms of reference for the finance audit scheduled for Quarter 4, taking into consideration the C&AG’s findings and recommendations in the RTTCWG. Ms Quinn advised that discussions have been held regarding the availability of the independent expert to review and report on issues around the technical qualification. It was agreed that it would be helpful for the ARC to receive a copy of the finalised report. Mr Houston advised that appraisals have been completed for the ARC members.

Criminal Justice Inspection Report

Mr Agnew updated members on the progress of the ongoing and planned CJINI inspections.

12. 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.

13. Next Meeting.

The next Management Board will take place on the 17 January 2023 at 10am in Belfast Chambers.

Summary of Action Points arising from Management Board.

Meeting of 30 November 2022

AP19-22/23	Mr Luney to Contact NICSHR for information on the NICS Student Placement Scheme.
AP20-22/23	Mr Luney to provide the Board with the prioritisation list of current and potential projects.
AP21-22/23	Ms O’Kane to obtain statistics on the volume of DV cases flagged at decision making stage.
AP22-22-23	Ms Quinn to provide the Director with fees folders for cases which are incurring increased cost
AP23-22-23	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.

Action Points carried over from previous meetings.

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