

PPS Management Board

10.00am Wednesday 26 October 2022

Via video conferencing

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

In Attendance: Tom Murphy (Private Office)

Secretariat: Policy and Information Unit

1. Welcome.

Mr Herron welcomed members to the October 2022 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 September 2022.

AP12/22-23 Mr Luney to arrange a workshop with ADS and HOBs to discuss potential savings options.

Cleared – See Item 9.

AP13/22-23 Mr Luney to liaise with RMcG to review the risks in advance of the next SMG.

Cleared – See Item 11

6. Reports from Management Board Committee.

Senior Management Group 19 October 2022.

Mr Agnew provided an update of the matters discussed at the Senior Management Group Meeting of 19 October 2022.

Ms Quinn provided an update on the timescales for laying the accounts. Members were briefed on a slight delay arising from the inclusion of a new foreword to reflect the change in Advocate General.

People and Resources Committee – 6 October 2022

Mr Luney provided an overview of the matters discussed at the People and Resources Committee meeting of 6 October 2022.

Members noted the updates provided on resources, vacancy management and recruitment.

Mr Luney advised of changes in personnel in NICSHR and as a consequence there has been a new HR Business Partner assigned to PPS. A meeting has been scheduled to discuss the service being provided and several ongoing issues, in particular delays in dealing with Dignity at Work and Welfare cases, data on sick absence and improving the quality of information generally. In addition, Mr Luney is to meet with NICSHR Director of Resourcing, Chris Smart, to escalate a number of priority issues.

Sickness absence cases are increasing, and better interventions and improvements in processes are required to ensure more effective management. A webinar has been made available for line managers to assist and provide guidance on managing the processes.

Members agreed that there may be value in inviting the HR Business Partner to attend the Board from time to time.

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

An update was provided on vacancy management and members were advised of delays in filling posts and the potential for further issues because of a change in the approach to conditional offers and security clearance.

Mr Luney provided an update on New Ways of Working. The closing date for applications is 31 October 2022 and it will be assumed that staff who do not apply by this date do not wish to avail. Mr Houston queried whether easements will be made for applications from staff on long-term sick and it was confirmed that these will be accommodated. Ms O’Kane briefed members on a few issues with workstyle agreements which were not in line with the operating model.

Performance and Delivery Committee – 13 October 2022

Members reviewed and noted the minutes of the meeting of 13 October 2022.

An increase in the volume of 365+ day cases across all areas was noted. Ms O’Kane advised that the ADs are to give priority to reducing the volume of these cases, and further discussions on quarterly performance, court-facing pressures and delays will be held at forthcoming Performance Accountability Meetings. It was confirmed that these were not remand cases and that charge cases are prioritised as standard process.

Other matters discussed included the resources that will be deployed to SCU to supplement existing capacity and the allocation arrangements for summary work queues, which had been deferred pending consideration of the revised DV & A case handling arrangements.

Policy and Quality Committee – 3 October 2022

Members noted the minutes of the Policy and Quality meeting of 3 October 2022.

7. Strategic Improvement Board

Strategic Improvement Dashboard October 2022

Mr Agnew provided an overview of the progress of the key projects.

There are significant delays in the timeliness Phase 3 of the DEMS project, with issues around resourcing the project and other competing priorities. The Pilot is now scheduled for mid-March and there has been work ongoing to manage expectations and stakeholder relationships. The Abolition of Oral Evidence is progressing, and the RECs Project is scheduled to progress by the end of January.

Mr Houston queried whether the status of the NWW project is nearing completion and should revert to business as usual. Members agreed this approach and confirmed both this Project and ABE will make way for the prioritising of other projects.

8. Performance Summary.

Mr Agnew provided an overview of the Timeliness Targets for 2022/23.

Members noted that backlogs are increasing, with queues and pressures also mounting in the regions. ADs and SPPs are ensuring cases are prioritised and efforts are ongoing to manage current court listings. Members discussed the various performance reports and agreed preference for the monthly report to be provided.

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

9. Finance Update

August Finance Report

Members reviewed and discussed the key financial issues being managed by the Finance Team as of August 2022. There has been a significant overspend to end of August of £951k in areas of recovery, admin and programme pay and counsel fees.

The revised forecast spending on counsel fees and salaries includes a reduction in the use of Counsel, vacancies carried, and estimated revision forecast for the reversal in NI contributions. It is anticipated at this stage of the year that the PPS will have an outturn adverse to budget with a projected pressure of £2.8-£3.0m. However, funding for Recovery has not yet been confirmed, and there are concerns that the full amount of the funding bid may not be allocated. A meeting is scheduled with DoF Supply in the coming days and further discussions will be held on allocations and energy costs.

Ms Quinn provided an update on issues that may impact planned audits on the engagement of external Counsel and financial audits scheduled for Q3 and Q4.

Consideration is still being given to bringing in an external expert to review issues in respect of disposal of IT assets in the year ending March 2022. Members agreed that this would provide an opportunity for learning and would assist in clarifying issues. Ms Quinn stated that enquiries are still ongoing to identify a suitably qualified and experienced accountant with the necessary experience to resolve the matter.

Mr Herron queried the disconnect in the reduction in volume of briefs in the Crown Court considering the increase in cases on Court listings. Ms Quinn agreed to make further enquiries in this regard.

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

Update On Budget Pressures and Mitigating Actions.

Mr Luney set out the current financial position and ongoing pressures. Members were provided with an overview of the in-year bids, discussions held and correspondence with various parties to flag the PPS budgetary position, and steps taken to date to generate savings and mitigate the overspend. Members noted that with the current baseline and measures available to mitigate, it is unlikely to be sufficient to recover the position in year and an overspend seems highly likely.

In respect of the Covid Recovery Plan, it was noted the Director had sought views of other CJ partners and the collective view confirmed that spending on year 2 of the plan should continue at risk. It was also noted that the recent Ministerial statement had acknowledged under-funding for the organisation and there would be support for intervention if a political mechanism existed to do so.

The Director has also met with LCJ to raise concerns regarding the management of work currently before the courts. Whilst it was recognised that listing practices are causing pressures, the volume of work in the courts system renders little or no scope for reducing the pace. A meeting has also been held with the AGNI to discuss the potential for representation, with an understanding agreed for the AGNI to be kept informed of our budget position and pressures.

Mr Luney provided an update on the workshop held with all business area team leaders to establish savings measures that can be implemented immediately and to start planning for future years. Several measures have already been put in place to mitigate the overspend, including the robust monitoring and management of vacancies and reduction in the use of Counsel.

Mr Luney outlined further steps and potential savings options in both the short and long term, to include increased collaborative working with police and DOJ and increased focus on reducing demand and modernisation. A Task and Finish Group is to be established to review processes, identify areas of inefficiencies and areas for improvement and engage with criminal justice partners to identify improved ways of working.

Mr Houston acknowledged the actions taken to date in absorbing vacancies and the reassurance provided by having a system in place for scrutinising these. Mr Best also highlighted the problem with not having a sustainable baseline and members agreed to continued scoping of potential savings and efficiencies.

10. People

RMT Update September 2022

Members reviewed and noted the RMT update for October, including staffing levels, recruitment, corporate social responsibility, training, and the PPS People Agenda.

Mr Best queried the requirement for the Board to receive information provided in the Report, particularly the detail surrounding training. Mr Luney agreed to streamline the information provided.

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

NICS HR Summary Report September 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.

Mr Herron highlighted the workforce age profile and the potential impact on the business of potential retirements and the need for succession planning.

BCS Review

Ms O'Kane provided members with an update on the resourcing requirements for inclusion in the business case for additional SCU resources. The requested new resource was higher than that identified by the BCS Review, and was based on the revised capacity required to process current business, allow capacity for staff to undertake training and 'added value' work and to future proof the Unit.

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.

Changes have been made to residual risk ratings of Risk 5, Funding Pressures, and Risk 8 Operational Caseloads, with both having been increased to red.

Risk 1 Covid 19 (Impact on performance) and Risk 2 Covid 19 (impact on the well-being of staff) have been removed, with the relevant aspects absorbed in other risks and controls covered accordingly. Mr Agnew queried whether

consideration should be given to the impact on the business of a potential spike in covid cases during Autumn and Winter 2022.

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

A meeting has been scheduled with NICSHR and it is anticipated this will bring additional controls and reduce the likelihood and impact ratings of Risk 11 Workforce Planning.

Complaints Update

Members reviewed and noted the Complaints Update Summary

Mr Luney advised of an increase in both complaints and reviews. A new training course has been rolled out in VWCU which should help address some of the issues identified in complaints regarding communications.

ARC Update

Mr Houston wished to acknowledge and thank the Director for the extraordinary meeting with ARC members to discuss and progress the C&AG's qualification and the four recommendations and actions required in respect of the Report to those Charged with Governance.

Mr Houston also thanked Ms Quinn and the Finance team for their collaboration with NIAO and their excellent work in completing the Annual Report and Accounts.

Mr Herron expressed his appreciation to ARC for their challenge and support function and assistance with matters that need to be addressed.

He proposed that in future the approved minutes of Audit Committees be routinely tabled at Management Board for noting, and it was agreed that this proposal should be accommodated.

Criminal Justice Inspection Report

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

12. Papers for noting.

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 30 November 2022 at 10am.

Summary of Action Points arising from Management Board.

Meeting of 26 October 2022

AP14-22/23	Mr Luney to speak to NICSHR Business Partner about periodic attendance at Board meetings.
AP15-22/23	Mr Agnew to request SMG to consider best way of consistent performance management reporting to the Board.
AP16-22/23	Ms Quinn to review the figures and report on at what point are the accruals are recorded.
AP17-22/23	Mr Luney to streamline the information provided in the RMT Report.
AP18-22/23	Mr Luney agreed to review Risks 1 & 2 in respect of a potential spike in Covid during Autumn and Winter.

Action Points carried over from previous meetings.

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