

PPS Management Board

10.00am Tuesday 30 November 2021

Via videoconferencing

Members: Stephen Herron (Chair)
Michael Agnew
Marianne O’Kane
Glenn Houston
David Best

In Attendance: Tom Murphy (Private Office)
Claire Harrison (Comms)
Joanne Quinn (Finance Item 9)

Secretariat: Policy and Information Unit

1. Apologies.

Mr Hearst.

2. Welcome.

Mr Herron welcomed members to the November 2021 Management Board.

3. Declaration of Board Members’ Interests.

None.

4. Management Board Minutes.

The previous minutes were agreed.

5. Actions from the Management Board meeting of 26 October 2021.

AP 12-21/22 Ms O’Kane to review the Risk Register in January to ensure pressures in performance are accurately reflected.

Ongoing.

AP13-21/22 Mr Hearst to include information on requestors in the Complaints Update.

Ongoing.

AP9-21/22 Ms O’Kane to explore further if there practices or processes that could be introduced to improve disposal of matters by prosecutors and counsel at court.

Closed. Ms O’Kane advised that there are regular engagements with counsel and further discussions are planned with the Fees Manager to explore opportunities. The Contest Review Court has also been beneficial and a further Court is scheduled for December. Whilst the Court is resource intensive it is effective in expediting cases and bringing cases to a resolution.

6. Reports from Management Board Committee.

Senior Management Group 24 November 2021.

Mr Agnew updated members on matters discussed and actions arising from the Senior Management Group meeting of 24 November 2021

Mr Agnew advised of concerns in respect of information on staff absences for reasons other than sick leave that had been raised. There is not a clear timeline or evidence of progress of matters being taken forward and resolved. Mr Agnew advised of his intentions to raise this matter with Mr Hearst to query with NICSHR.

Members also noted positive performance reported in Foyle with a successful reduction in the summary work queues. Backlogs in the Magistrates Court are also reducing. This has been achieved through increased use of counsel in courts, which had freed up capacity for decision making.

Other matters discussed included the financial position, with indication that for this financial year there will be an easement, largely due to a decrease in counsel fees spend. Updates were also provided on recruitment of staff and the progress of the BCS review.

Mr Houston queried if there was an issue in respect of counsel in the Crown Court in the Western Region. Ms O’Kane advised that individual counsel will take briefs in accordance with their workload. This can at times lead to higher volumes of briefs being allocated to other counsel in that geographical area, however this is carefully monitored.

Mr Best highlighted successes with the Gateway model, reducing the numbers of cases returned from 46% down to 8%. Mr Agnew advised that the Gateway Team is to assist with speeding up decision making and improving file quality, increasing output. However evidence of this facilitating speedier decision making has not yet been realised. Ms O’Kane added that although there have been improvements in the file quality there are still a high number of DIRs issued, seeking additional information to enable decision making. A quality assurance exercise has highlighted that there is still further work required to bring file build up to standard required.

People and Resources Committee – 3 November 2021

Members were updated on work being progressed in the PPS New Ways of Working Project. Members noted that work is ongoing on the audit of activities and tasks work that can be done remotely. A further update will be provided to the Board by Mr Hearst and the Head of Resource Management Team.

An update was provided on recruitment for the current temporary PP competition and issues around filling legal posts. It has been agreed that any new recruitment opportunities should be promoted through the Law Society, to reach a wider audience. There are also considerations being given to widen an acceptable pool of candidates with advocacy experience.

Performance and Delivery Committee – 8 November 2021

Ms O’ Kane provided an overview of matters discussed at the Performance and Delivery Committee on 8 November 2021, which included New Ways of Working and recruitment challenges.

Ms O’Kane provided an update on the review of prosecutor performance and the action plan to address issues. There are also changes being introduced in the way cases are being allocated to ensure more balanced workloads with line managers having flexibility to reallocate work.

Mr Houston queried the figures for the 180+/365+ day cases. Ms O’Kane provided a breakdown of the numbers of cases across the business areas and advised that there is close monitoring of these cases, with progress plans for each case discussed at the PAMs meetings.

Policy and Quality Committee – no meeting.

7. Strategic Improvement Board

Members reviewed and noted the minutes of the Strategic Improvement Board held on 22 October 2021.

Mr Agnew highlighted the projects that had previously been identified as having the highest business total and priority scoring. A further meeting had then been convened to discuss and score the remaining projects. At this meeting it had been agreed to break down the Committal Reform Project into two separate projects, namely the Abolition of Oral Evidence and the Implementation of Direct Committal.

Mr Houston advised that it was beneficial to see the scoring and prioritising of each of the projects and enquired about the scorings of the Smyth Protocol and the Review of COT System. Mr Agnew outlined the Smyth Protocol is for the handling of sexual offences involving children under 13, and the rating has been applied as the Project may be expanded in terms of age or geographical area. The COT Project relates to the Causeway database and offences that are contained therein that relate to historical offending. An example is the S.52 (Indecent Assault) that relates to offences prior to February 2009, however there is no flag present to highlight this should not be used in current offences.

8. Performance Summary.

Caseload and Performance Summary November 2021.

Mr Agnew provided an overview of the latest performance figures. Overall there has been a 6.2% reduction in the number of files received. Year on year Category 1-4 cases fell by 8.6% while Categories 5-8 fell by 5.9%.

The number of decisions issued is also reduced slightly, with the decrease reflected across all decision types. Summer leave is a predominant factor in the reduction in decisions issued in the second quarter.

Mr Agnew outlined that there was also a decrease in the number of DIRs issued, however there is a significant increase in PDIRs. During April to October there was a deterioration against the baseline for 7 of the 10 regional timeliness targets.

Members agreed that it is difficult to draw comparison in performance from the summary and it would be beneficial to have analysis and a narrative to explain performance. Mr Agnew advised that a meeting is scheduled with Dr Scullion to discuss performance reporting.

9. Finance

Finance Update September 2021.

Members reviewed and discussed the key financial issues being managed by the Finance Team as at September 2021.

Ms Quinn advised that there is a cumulative underspend of approximately £370k across admin and programme pay. A comprehensive review of the salary forecast will be carried in advance of December Monitoring. Counsel fee spend is £2k favourable to budget, with the position to date reflecting a drop in projected spend for the month. Figures will be considered further to ensure the current £5.9m outturn remains accurate. Capital spend as of October also indicates an underspend of approximately £180k.

It is anticipated at this stage of the year that the PPS will have an Outturn favourable to budget with a projected easement of £615k. This has been brought about by a number of factors, including a decrease in court costs of £75k due to a slower than anticipated increase in court activity. In addition there has been a release of the dilapidation accrual for Lisburn resulting in an easement of £135K, coupled with a revised forecast reducing dilapidations for Ballymena by £62K. Further considerations will be given to the employee benefit accrual costs for untaken annual leave when reports have been provided by NICSHR. In advance of the December monitoring round adjustments will be made to correct for an over accrual of counsel fee expenditure in 2020/21, resulting in a credit to expenditure of approximately £200K.

Mr Best queried whether there is any detrimental impact in handing back funding. Ms Quinn outlined that DOF Supply have been made aware of the accounting issues that have led to this position, some of these matters have been delays in expenditure such as limited progress in recruitment.

Members also were informed that bids in the October Monitoring Round for recovery staffing and legacy were not approved. A vast majority of the funding was allocated to Health and Education. Ms O'Kane expressed her disappointment at this position as plans are underway to recruit staff to assist in these areas. It was agreed that a letter should be submitted to DOF Supply outlining grave concerns at this change in funding. PPS Finance will continue to liaise with other Justice organisations in respect of recovery in an effort to determine if additional funding can be secured for this work.

Budget 2022-2025

Ms Quinn outlined that DoF have shared proposed allocations for the 2022-25 budget following discussions at an Executive meeting in October. PPS had provided information on the potential impact of the proposed cut and had submitted a bid for £6.3m/£4.2m/£4.3m and £0.4m per annum capital. This included bids for legacy, Recovery, IT Assist and £2m for the baseline deficit.

There is a further Executive meeting scheduled at the start of December, with a view to agreeing proposals. It is anticipated cuts will be required for all departments, with the exception of the Department of Health. All Departments are facing cuts of 2% per annum which amounts to £700k for the PPS. However the budget allows for 'general allocations' and in the case of PPS will amount to £700k per annum.

The draft paper to the Executive proposes an allocation for PPS of £35.2 m. Ms Quinn outlined that this allocation leaves the PPS with a flatline baseline over the 3 year period and creates significant pressures in respect of staffing costs. A letter has since issued to DOF Supply outlining these pressures and asking that they reconsider this position. In year bidding will be an option over the next budget period, however it is acknowledged this leads to difficulties in planning business delivery.

Ms Quinn advised that members would be kept informed of the outcome of the Executive's December meeting.

10. People

RMT September Update

Members noted the RMT update for September 2021, including the latest position on staffing levels, recruitment, training, health and wellbeing. Mr Best enquired as to whether it would be possible to have the baseline figures for staffing at the start of the financial year to draw comparison with current staffing levels.

AP14-21/22 Ms McGoldrick to request RMT and NICSHR to include baseline staffing figure in their reports.

NICHR Summary Report October

Members reviewed and discussed the Monthly HR Report for October 2021, including New Ways of Working, leave and attendance and resourcing.

Mr Herron advised that Mr Hearst is progressing planning for the PPS approach to the New Ways of Working and an update will be provided at the Planning Day in January.

11. Governance Issues.

Corporate Risk Register 2021/22.

Members reviewed and discussed the 2021/22 risk register and noted the planned actions/ mitigations and status and rating of all the risks.

Mr Houston raised the current rating of Risk 9, Delay and Change Management, and following discussion members agreed that pressures on funding, resources and the number of projects in the pipeline made the anticipated risk rating of 2 ambitious and that this should be reviewed.

12. AOB.

Briefing

Mr Best and Mr Houston advised that Mr Davison had provided a briefing on the prosecution process which had been very informative. Both members wished to express their gratitude to Mr Davison for this briefing.

13. Papers for noting.

Communication Update.

Ms Harrison provided an overview of the key communication activities carried out in the recent months including media queries, stakeholder engagement, the Digital Strategy, intranet and internal communications.

Communication Planner.

The Board Members discussed and reviewed the communications planner and up date. Mr Houston queried the timescales for decisions in a few of the legacy cases listed on the planner. Mr Agnew advised that matters are progressing however he would provide a verbal update at the next meeting.

AP15-21/22 Mr Agnew to provide a verbal update on the progress of cases listed on the planner.

14. Next Meeting.

24 January 2022 at 10.00am, venue TBC.

Summary of Action Points arising from Management Board.

Meeting of 30 November 2021

AP 14-21/22	<i>AP14-21/22 Ms McGoldrick to request RMT and NICSHR to include baseline staffing figure in their reports.</i>
AP15-21/22	<i>AP15-21/22 Mr Agnew to provide a verbal update on the progress of cases listed on the planner.</i>

Action Points carried over from previous meetings.

AP 12-21/22	<i>Ms O’Kane to review the Risk Register in January to ensure pressures in performance are accurately reflected.</i>
AP13-21/22	<i>Mr Hearst to include information on requestors in the Complaints Update.</i>