

PPS Management Board

10.00am Wednesday 26 October 2021

Via videoconferencing

Members: Stephen Herron (Chair)
Ian Hearst
Marianne O’Kane
Glenn Houston
David Best

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

Secretariat: Policy and Information Unit

1. Apologies.

Mr Agnew.

2. Welcome.

Mr Herron welcomed members to the October 2021 Management Board.

3. Declaration of Board Members’ Interests.

None.

4. IIP.

Mr Hearst advised that the recent IIP reaccreditation exercise had resulted in the PPS being awarded a silver grade accreditation. Members agreed that this had been a significant achievement, particularly in the recent and current working environment and expressed their gratitude to all staff involved.

5. Management Board Minutes.

The previous minutes were agreed.

6. **Actions from the Management Board meeting of 22 September 2021.**

AP4-21/22. Ms O’Kane to provide a profile of cases and listing practices across the court areas.

Closed. Ms O’Kane advised that DOJ are working on a forward look to provide data as to the numbers and profile of cases listed rather than the current retrospective data.

AP7-21/22 Ms O’Kane to speak with AD SCU to establish if trends are known as to whether the Gateway Team is impacting on the volume of DIRs.

Closed. Ms O’Kane outlined more information was being gathered on the operation of the Gateway Teams, volume of DIRs and overall impact on timeliness of this approach. Mr Herron agreed that it would be beneficial to gather evidence to demonstrate to the police the value and benefits of Gateway Teams. There may also be potential to replicate this approach to cover all indictable cases.

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.

Ongoing. Ms O’Kane updated members on meeting held with Presiding District Judge McGarrity. A Contest Review Court is scheduled for 4 November 2021 and it is hoped this will have a 45% clearance rate based on experience of a similar exercise in 2020. This will both expedite cases and vacate court time for cases that have to proceed as contests. If this Review Court meets expectations, consideration will be given to replicating this in other courts. The deployment of a PP in the Crown Room should assist in progressing matters such as pre-trial issues and disclosure.

AP10-21/22 Mr Agnew and Ms O’Kane to canvass staff in Central and the Regions for issues impacting performance

Closed. Staff views obtained and considered.

AP11-21/22 Mr Hearst to provide updates on various leave absences dealt with by NICSHR.

Closed. Mr Hearst advised that there was a lack of detail available due to the absence of an internal HR team. Mr Houston queried whether long term sicknesses were being managed effectively. Mr Hearst advised that remote working has made this problematic. A training need in absence management has been identified and is being taken forward in both PAMS and PRC.

7. Reports from Management Board Committee.

Senior Management Group 21 October 2021.

Mr Hearst updated members on matters discussed and actions arising from the Senior Management Group meeting of 21 October 2021.

Mr Hearst advised that the PPS New Ways of Working Project has been established. A Home Working Policy and Toolkit has been developed by NICSHR and other NICS Departments have already been engaging in this process. The Policy will be in place by January, consultations with TUS are ongoing and current plans are for it to be rolled out across Departments from January to March 2022. PPS will not be able to operate effectively until IT Assist is fully implemented in March 2022.

Mr Hearst outlined the various approaches that have been put forward, however a number of factors such as business needs, accommodation and data security/controls, must be considered. Mr Hearst advised that members will be provided with feedback on the proposals at the next Board meeting

Mr Best highlighted that some areas of the business may not lend to remote working. Mr Herron stated that the approach must work best for the business, there are other aspects to be considered also including rationalisation of the estate and risks to retention and recruitment of staff.

Mr Hearst advised of a presentation given by the Head of ICT on Microsoft Teams and PPS visibility to the wider NICS network. There will be controls in place to ensure staff details are largely hidden in the NICS Staff Directory, with only names available and not reveal location/office. SMG approved the adoption of Microsoft Teams when moving to IT Assist. Members were advised that it is the key operating platform for hybrid working, providing enhanced capability and improved communications. Staff names will be available if searched however it is considered that this does not represent an increased security risk.

People and Resources Committee 29 September 2021

Mr Hearst outlined the matters discussed at the PRC meeting of 29 September 2021, including Advocacy Training, New Ways of Working and updates on recruitment.

A paper outlining proposals on Advocacy Training was discussed. Previously training had been provided by the Law Society, however due to Covid, this is not being delivered. A number of alternative options were considered and it was agreed that the HCAs should be utilised to provide this training.

An update was provided by NICSHR on recruitment. Priority is being given to placement of staff at AO, EO2 and EO1 grades. A new competition is being planned for the recruitment of staff at the AA grade. Mr Best queried whether there had been a change in position in respect of recruitment at this grade. Mr Hearst advised that there are vacancies at this grade across departments hence the decision to recruit. Mr Herron queried whether digitisation would impact on the long term need for significant numbers of staff at this grade. Mr Hearst highlighted that the projects that would yield any efficiencies, principally in relation to digital signatures and serving of evidence which require legislative change are not deemed priority for implementation.

Mr Hearst advised that the Committee had considered new updated complaints guidance. Issues had been raised by the ADs with the proposed new approach, however these have largely now been resolved. Mr Houston queried whether ADs routinely sign off complaint responses. Mr Hearst advised that consideration is being given to directing complaints to line managers' but at present they are mainly being dealt with by ADs. Mr Houston enquired whether there is consistency in approach to handling complaints and in the quality of investigation and responses. Mr Hearst advised that the Independent Assessor undertakes an audit of complaint handling and reports on such matters in the Complaints Annual Report.

Performance and Delivery Committee –no meeting.

Policy and Quality Committee – 5 October 2021.

Ms O' Kane provided an overview of matters discussed at the Policy and Quality meeting of 5 October 2021 on behalf of Mr Agnew.

The policy for Prosecuting Cases of Modern Slavery and Human Trafficking was published on the 18 October to coincide with Anti-Slavery Week. This Policy was welcomed by staff and would also be of interest to stakeholders, including a political representative who has been engaging closely with PPS on the subject.

The new Guidance for Prosecution of Young People is scheduled to be published in December, members were advised of a few challenges with the completion of the Easy Read version. It is anticipated there will also be a pre-launch consultation with the Children's Commissioner.

Ms O'Kane outlined that Committee members had reviewed the proposed amendments to the Guidelines for Prosecution of cases involving Electronic Communications. A full formal consultation will be conducted when the Guidelines are finalised.

The new Sexual Offences Policy is at an advanced stage, with the launch scheduled for February 2022. The style of this policy is intended to be more empathetic in tone, and encouraging victims to come forward despite the well documented challenges of prosecuting these cases. An underpinning strategy is also being developed and it is considered that there would be benefits in a joined up training strategy with Criminal Justice Partners. Ms O’Kane highlighted that PSNI have recently announced a strategy on Sexual Offences, a DOJ led strategy to combat violence towards women and girls is also under development and there is a need for a co-ordinated approach.

Mr Houston queried the CJINI Planned Inspection Programme and noted that the schedule seemed to be less onerous for the PPS. Mr Herron gave an overview of the planned inspections and advised that PPS would be tracking the reports’ contents and recommendations.

8. Strategic Improvement Board

Members reviewed and noted the minutes of the recent Strategic Improvement Board. Mr Hearst referred to matters discussed, including the MME Digital Strategy and Project Prioritisation and Project Pipeline. Members were informed that the revised terms of reference for the Board were agreed.

Project Pipeline Update

Mr Hearst provided an overview of the approach to reviewing and scoring the projects in terms of priority. Members reviewed and discussed the ratings for all the projects listed. There is further assessment required on two projects which have been deemed to have programme status. There are also potential projects that have not commenced, however these have been included for monitoring purposes. Mr Best queried whether the next steps would be the development of PIDs for the top 5 projects. Mr Hearst advised that PIDS have already been developed in all but one, however work on this PID was at an advanced stage. Mr Houston enquired as to the reasoning for the low priority rating of the Covid Recovery Project. Mr Hearst advised that implementation of this project is ongoing and nearing the ‘business as usual’ operational phase.

9. Performance Summary.

Weekly Statistical Summary 10-16 October 2021.

Members reviewed and noted the latest performance figures in the Weekly Statistical Summary for 10-16 October 2021. Ms O’Kane highlighted the significant increase in volume of files received by case weight category.

Enquiries have been made with police regarding the increase and they have advised of a recent exercise to clear OCMT backlogs which would account for some of the uplift. Police indicated that these should now have been cleared.

In addition a further issue has been identified in respect of the system for sharing files electronically. In order to address this, the police system will need to be switched off for a period to allow for re coding, which is likely to lead to a temporary dip in the numbers of files received. Once this error is addressed the sharing of files will resume as normal.

Figures for the unallocated files indicate the trend is reversing with a reduction of files in both categories 1-4 and 5-8. The number of files allocated to prosecutors have increased against the baseline. Ms O'Kane outlined it has been agreed to cap the number of indictable files allocated to prosecutors to prevent staff becoming overloaded with unmanageable work queues. Consequently the figures for this area are likely to remain static. Mr Herron queried whether cases were being prioritised for allocation and Ms O'Kane confirmed this was happening.

Ms O'Kane highlighted the figures for the total volume of cases, which have increased against the baseline and this trend needs to be reversed. There are a number of new legal staff recruited which should have a marked impact on these figures, however, there has been a delay in these staff joining, due to security clearance requirements and service of notice periods, which is outside PPS's control. There is a continuing focus on prioritising the older and the more serious cases, with counsel being used to assist. The volume of courts and increase in pre-trial work continues to impact on the time available to take decisions. Ms O'Kane also advised of intensive performance management meetings that are ongoing with the ADs and SPPs. Mr Herron noted and thanked Ms O'Kane for all her efforts and for providing assurance of performance management.

Members agreed that it is beneficial to have an overview of matters that are impacting performance. Mr Houston highlighted the timelines of decision making and queried whether there was any indication of the likely change in trajectory of performance. Ms O'Kane stated that there is a priority to reduce the volume of files in categories 1-4, however the pressures of pre-trial work continues to impact this. The recruitment of additional PPs will help address performance in categories 5-8.

Some significant performance issues have been identified in B&E region and steps are being taken to support and manage this to ensure improvements to the appropriate standard. Mr Houston queried whether the baseline figure was at an appropriate level and if the current caseload was within an acceptable tolerance. Ms O'Kane advised that the queues for summary cases are not a cause for immediate concern, as there is a rapid turnover in these cases,

particularly if those PPs who need to improve their decision making output improve. The baseline has been quality assured and is considered to reflect a normal weeks' intake when business is in reasonably steady state.

Members agreed that it may be beneficial to revert to a monthly report of case statistics which includes a narrative of performance. Mr Hearst advised this is being considered however may not be available until the January Board

Ms O'Kane advised that performance in SCU has remained level on the previous month, with a slight reduction in the overall volume of cases.

10. Finance

Finance Update August 2021.

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

Mr Hearst advised that there was potential for easements. There is underspend in admin pay and programme pay, this partly arising in delays in deploying staff for recovery business. The Counsel fees spend has increased for the year and is higher in comparison to the 2019 figure. Incentivisation receipts have increased against forecasted income. Projected costs for dilapidations in respect of Ballymena will potentially be lower than estimated, creating a further easement.

Budget 2022-2025

Mr Hearst outlined that DoF have written to Departments to commission the second stage of the 2022-25 budget exercise. The bid submitted by PPS will be aligned to the strategic issues outlined in the August submission and will include Legacy, Recovery, IT Assist and Baseline Deficit. Mr Hearst advised that the legacy bid includes funding for high profile cases such as Kenova and Klina. The Recovery bid relates to the second year allocation and has been revised upwards to reflect additional staffing requirements. On boarding to IT Assist will be moved from Capital to Revenue. The final bid addresses the ongoing deficit in PPS baseline funding to permanently cover costs for fully staffing PPS.

Mr Hearst advised that early indications are that PPS will be unsuccessful in the October Monitoring Round bid. There is approximately £225m for reallocation and it is likely that the Department of Health will receive most, if not all of this, leaving very little funding for any other pressures. Mr Houston queried when PPS would be made aware of the outcome and Mr Hearst advised that this should be no later than mid-November.

11. People

RMT September Update

Members noted the RMT update for September 2021. Mr Houston queried the discrepancy in figures reported for long term sickness absence levels. Mr Hearst advised that the difference is caused by snapshots taken at different times and the figures provided by NICSHR will be the latest and most accurate.

NICSHR Summary Report September 2021.

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

Figures for Performance Management indicate that 92.9% of End of Year reviews have been completed and 88.5% of PPA/PDPs have been agreed. These figures continue to compare favourably against the wider NICS position.

Mr Best highlighted that usage of annual leave has increased, with a 94% increase for the Period April – August 2021 compared to the same period in 2020. It was agreed that staff should be encouraged to take leave as a means of promoting positive mental health.

12. 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 Hearst advised that it was agreed to downgrade the likelihood of risk PS11: PPS People Plan to 2, in light of the successful liP reaccreditation. It was also agreed to maintain the current risk rating in respect of PPS4, Management of Serious and High Profile Cases.

Mr Best queried whether the impact of the pandemic on performance and service delivery including pressures with current caseloads and file allocations is clearly reflected in the Risk Register. Ms O’Kane advised that the recruitment of new legal staff should address some performance concerns, however it may be a few weeks before their impact becomes apparent. Ms O’Kane highlighted that in risk PPS 1, the controls in place appear to be more strategic rather than operational and may need to be expanded further. It was agreed to review the register in January in light of this, to ensure the risk is reflected appropriately.

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

Complaints Update

Mr Hearst provided an overview of the statistics for complaints and reviews. Mr Houston queried the reduction in reviews in Western and Southern and if there was any rationale for this. Mr Hearst advised that there are no apparent reasons for this and there can be fluctuations in the requests received. Mr Houston further enquired whether the requests are all from victims, Mr Hearst advised that primarily requests are from victims/or their representatives, however occasionally they can be received from victims or other parties involved in the case. Members agreed it would be beneficial to have information on the categories of requestors included in the Update.

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

13 Criminal Justice Inspection Reports Update.

Mr Herron provided an overview of the Criminal Justice Inspection Programme for 2021-22 and highlighted reviews of particular interest to the PPS.

14. AOB.

DAO Guidance on Conflicts of Interest.

Members reviewed and noted the Guidance on Conflicts of Interest, in particular the declaration at Grade 7 and above. Members agreed that this should be reviewed at the ARC meeting.

15. 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.

16. Next Meeting.

30 November 2021 at 10.00am, venue TBC.

Summary of Action Points arising from Management Board.

Meeting of 26 October 2021

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>

Action Points carried over from previous meetings.

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