

PPS Management Board
10.00 Thursday 30 April 2020
Via videoconferencing

Members: Stephen Herron (Chair)
Michael Agnew
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

None

2. Welcome

The Director welcomed members to the April 2020 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 February 2020

AP 14 19/20 Mr Hearst to provide a summary of the risk to Management Board.

Cleared – See item 12

AP 15 19/20 Ms O’Kane to provide the Board with analysis of figures for indictable cases over the last five years.

Cleared. Ms O’Kane provided an overview of the numbers of indictable cases received in each of the respective years since 2013/14. There is a consistent increase in numbers of files received in all types of offences across all areas of the business.

Consequently there is increased pressure on existing resources having to deal with these more serious and complex cases. The AD in Western and Southern has engaged with PSNI to determine the rationale for the increase; however this has not identified the cause of the trend.

Members agreed it would be beneficial to gain an understanding of the issues and resource implications. Consideration should also be given to extending new approaches and ways of working that have been implemented in other business areas. This matter is to be taken forward by the Performance and Delivery Committee.

AP 16 19/20 Ms O’Kane to conduct a dip sample of 50 cases to analyse DIRs.

Cleared. Ms O’Kane advised of a Quality Assurance exercise undertaken by PIU of approximately 30 cases from Western and Southern Region. This had identified issues with the use of pro forma DIRs and had also highlighted varying types of evidence sought in the requests. It was agreed that a further short QA exercise should be completed to ensure consistency of approach across the regions and to determine if requests for additional evidence are appropriate and proportionate. This will be taken forward by the Policy and Quality Committee.

6. Reports from Management Board Committee

Performance & Delivery Committee 24 April 2020

Ms O’Kane provided an update on the matters discussed and action points arising from the Committee meeting on 24 April 2020.

Members were advised of progress on clearance of the outlying cases identified from the 80/40 day report. Since the COVID related lockdown, as prosecutors are now able to focus on decision making, with priority being given to the oldest cases, it is anticipated that there will be further significant reductions in these.

Updates were provided in respect of remote working and the practical arrangements put in place so that essential work could be undertaken during the pandemic. Performance is being monitored closely and barriers to productivity have been noted. Ms O’Kane advised that part of the solution in managing this effectively lies in good communications between Line Managers and teams, and in reliable performance/output data, as the current reports do not provide an entirely accurate picture. This is due to (i) staff who are taking decisions but unable to input same to CMS as they are not equipped with a tablet and (ii) decisions not issuing from Case Prep sections. Counsel will continue to be instructed in the Magistrates’ Courts, which will free prosecutor time to clear unallocated files, personal queues and task lists. The new ways of working are constantly being reviewed and further options are being explored.

7. Strategic Improvement Board

Strategic Improvement Team Update.

Mr Hearst advised that some of the projects have been put on hold due to the pandemic. However consideration is being given to expediting aspects of the digital strategy. The priorities of the SIT Team are now focused on assisting in progressing plans relating to the recovery of the criminal justice system.

The DOJ led Recovery Working Group have identified and agreed six work streams to aid recovery. The initial emphasis has been on gaining an understanding of volumes and backlogs at each stage of the system and in capturing new ways of working.

Preliminary analysis of the PSNI recovery proposals has been conducted. In conjunction with PIU, the proposals were evaluated in terms of legislative, operational and technical considerations. This also assisted in informing areas that could have the most beneficial impact in terms of recovery, cost and delivery timeframes.

8. PPS Response to Covid-19

Mr Herron advised of discussions held with other prosecuting authorities to share experiences and gain an insight into measures taken in their respective jurisdictions to mitigate and lessen the impact of the pandemic.

Members reviewed and noted the various initiatives put in place to address the disruption, including the steps taken to coordinate the Service’s response and to protect the health and well-being of staff.

Maintenance of essential business has required some physical attendance at PPS offices and as more business resumes careful consideration will be given to the resources required and space available to ensure adherence to social distancing.

Approximately 200 laptops have been deployed to facilitate staff to work remotely, with a further 50 devices ordered to increase remote working capability. Initial connectivity issues caused users disruption; however these were addressed with an accelerated network upgrade. The Board members commended ICT for the huge effort and hard work that enabled remote working in such a swift timescale.

There is continued engagement with the NICTs and the Office of the Lord Chief Justice in respect of the emergency arrangements put in place and in anticipation of the resumption of further court business. Members also noted the advanced payment arrangements put in place for counsel in respect of cases in which hearings have been delayed.

There has also been extensive stakeholder engagement, with VVCU advising victims and witnesses of suspended proceedings. It is likely that the scope of this work will be broadened. Members were advised and noted concerns raised by staff, particularly around rotational working. There have been a number of communications issued to update staff and to also advise of the rationale for the approach taken to the various aspects of working.

Mr Herron advised that he was proud of how the organisation had responded and extended his gratitude to all staff involved.

9. Criminal Justice Recovery Plan

Mr Herron provided an outline of the plans put in place by the Criminal Justice Board and Programme Delivery to assist with the impact and recovery of the Criminal Justice System following the Covid-19 pandemic.

There are a number of initiatives that have been taken forward by the Working Group and Criminal Justice Board to assist in recovering the Justice system. A recovery group has been established to scope ways of progressing casework as efficiently and safely as possible.

Members noted that Magistrate Court proceedings are unlikely to resume until mid-June with Crown cases deferred until September 2020.

Ms O’Kane advised of the significant numbers of cases accruing that are not being progressed through the courts system. There has been engagement with the judiciary and defence around the practicalities and constraints of resuming

court business and the identification of priority work. Issues around lack of payment to defence for cases not listed were also noted. There is also ongoing stakeholder engagement with the Law Society and PSNI, in particular exploring options around digital sharing of evidence in order to expedite cases.

10. Performance Issues

Statistical Summary

Members reviewed and discussed the Weekly Statistical Summary which has been introduced as a temporary measure to capture key performance headlines.

The volume of files received in recent weeks has not decreased as significantly as had been anticipated. In the week ending 29 February 2020 there had been 831 files received in comparison to 705 received in week ending 25 April 2020.

Members reviewed the figures for unallocated files across each of the case weight categories. Ms O’Kane advised that the numbers of files allocated has remained fairly static, this arising primarily from issues around laptop availability. Similarly figures for decisions taken do not reflect actual performance as some staff have only limited access to input decisions either remotely or in the office.

SCU Monitoring Report

Ms O’Kane provided an overview of the current figures for the cases allocated to the backlog team. Members noted the progress made and agreed there is no further reporting required on the backlog cases managed by Ms Carlin and Mr Davison.

The main SCU team, like all areas of the business, have been impacted by the pandemic. Almost all staff are working remotely with only some having access to laptops. Consequently this is having an impact on the number of Gateway checks conducted and decision input/performance figures. Although there has been a slight reduction in the number of files received, overall this has been fairly modest, with headway made by police in other areas such as DIRs.

Ms O’Kane advised of progress made in having the Local Operating Agreement signed with PSNI and of a positive performance. The average individual tasks pending have been reduced to 21 and the average output is above target, with clearances in excess of intake. It is noted that the lack of Crown Courts and reduced engagement with defence and pre-trial preparation in these cases has assisted with improved productivity.

The Board members noted the positive figures and commended the work of the team in the current circumstances.

11. Finance

Finance Update February 2020

Members reviewed and discussed the key financial issues managed by the Finance Team as at February 2020, including the year-end forecast out turn, the financial impact of the use of counsel, the in-year monitoring arrangements and the management and use of the incentivisation fund.

The final year-end figures are not yet available however budget projection anticipates an easement of less than 1% of the annual budget. Members noted the easement has been reduced as a result of increased counsel fees spend. There has also been additional expenditure on IT and the cleaning contract. Members were advised that a bid for funding to assist with Covid-19 was unsuccessful. Members also noted the final approval for the accounts has been deferred until the start of August.

Mr Hearst outlined that approval was obtained from DOF for advance payments to counsel for work undertaken in cases where proceedings have adjourned. Arrangements have been put in place for counsel to avail of this however there has been modest uptake to date. The temporary change to the Fees Scheme will be closely monitored and will be reviewed by the Director in three months, after which a decision will be made whether the arrangements will be extended.

Mr Hearst updated members on the funding position and budget pressures facing the PPS in respect of 2020/21. Members noted the shortfall in funding and that the settlement includes provision for a number of inescapable pressures. The Finance Team are scoping out a number of scenarios to highlight the impact of the pressures across the business.

AP 17-19/20 Mr Hearst to provide the Board with scenarios to highlight the impact of budgetary pressures arising from the 2020/21 settlement.

Members noted the request by DOJ to extend the Ambit to include for any additional function and/or expenditure as a result of the Government response to the coronavirus Covid-19 pandemic.

12. Governance Issues

Corporate Risk Registers 2020/21

Members reviewed and discussed the 2020/21 risk register and in particular risks relating to Covid-19. Members noted the status and rating of all the risks.

13. Any Other Business

Business Case

Members noted and approved the business case for the Improved Personal Protection.

14. Papers for noting

Communication Update

Board Members reviewed and noted the work undertaken by the Communications Team in areas of media handling, digital and internal communications and stakeholder engagement.

15. Next Meeting

The next Board meeting will take place on the 29 May 2020 at 10.00am.

Summary of Action Points arising from Management Board

Meeting of 30 April 2020

AP 17-19/20	<i>Mr Hearst to provide the Board with scenarios to highlight the impact of budgetary pressures arising from the 2020/21 settlement.</i>
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Action Points carried over from previous meetings.

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