

**PPS Management Board**  
**10.00am Thursday 4 July 2024**  
**Belfast Chambers**

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

**In Attendance:**   **Claire Harrison (Comms)**  
                          **Tom Murphy**

**Secretariat:**       **Policy and Information Unit**

**1. Welcome and Apologies.**

Mr Herron welcomed members to the July 2024 Management Board. Marianne O’Kane and JoAnne Quinn sent apologies.

**2. Declaration of Board Members’ Interests**

None.

**3.. Management Board Minutes 2.5.24.**

The previous minutes were agreed.

**3.1 Actions from the Management Board Meeting of May 2024**

None.

**4. Reports from Management Board Committees.**

**4.1 Senior Management Group 27 June 2024.**

Mr Agnew updated members on the matters discussed at the Senior Management Group meeting on 27 June 2024. Among the matters discussed were the Legal Apprentice Scheme. He advised that agreement had now been reached with DSO to provide two apprenticeships for the trainee scheme next year, promotion of which will commence in December 2024. Mr Agnew explained the timeframe and experience this will provide and the progression of the candidates to gain essential legal experience to attain PP grade. He reported

that Mr Murray was taking the lead on preparing a training package for Counsel prosecuting in the Magistrates' courts which would cover all aspects of what is expected of them including advocacy, case handling and victim care. EK will then commence initial monitoring and take the lead on this.

#### **4.2 People and Resources Committee – 30 May 2024**

Mr Luney provided an update of the matters discussed at the meeting of 30 May 2024 and advised little required MB approval. He updated on staffing matters including the SPP competition and discussion ensued about the deployment of staff who are successful and managing of staff who are disappointed. He advised on specialist schemes and referred to the AO competition in particular, which will go live over the summer. It was noted that Agency and temporary staff had raised several questions at the Staff Engagement event about their position. It was noted that competency-based interviews and online solutions and hopefully experienced PPS staff should have good examples to demonstrate at interview. It would be beneficial if existing staff who are experienced were successful. The levels of SPPs in post and the forthcoming list means there is a healthy position at this grade, which was welcomed, however the impact on PP availability and the limitations on availability were of concern.

Mr Luney advised that welfare and resilience of staff continues to be important and solutions to address were under consideration. He advised that measures have been taken to evaluate interventions and while recent feedback responses were low, the majority were positive. He reported on the next steps in relation to the People Plan, in respect of which RMT has sought closing reports from the strand leads and their views how best to approach for next year. RMT has drafted a one-year People Plan, to align the PPS with the wider NICS. RMT and Press Office to take forward.

General discussion took place on the recent Staff Engagement Event and it was agreed there were lessons learnt about communication and delivery. While the format did not work as intended, the subsequent in person office visits were much better received with more meaningful dialogue and feedback.

Mr Best enquired about the proposed Staff Conference, which due to Covid has been rescheduled to 2025 to coincide with PPS's 20 years anniversary. Ms Harrison provided an update.

Members noted and welcomed the scheduled Leadership training and noted that the recent attendance by the Director at the Justice Committee was well received by PPS staff as they felt valued and "stood up for" in a public forum. Members welcomed the appearance and it was agreed that it had been very positive first appearance in front of the newly constituted Committee, which had been very receptive.

Mr Luney updated members on the Performance Matrix and reported that RMT was taking the lead. The purpose of which is to streamline processes and review business areas. He advised on a timeframe and that Case Prep is the first business areas to be considered.

Discussion ensued in respect of the distribution of administrative work and it was noted that clarity was needed as regards responsibility for key tasks, with revised arrangements to be put in place. The increase in incoming case weight 1-4 cases was noted. This feeds into a wider discussion in respect of the merits of introducing paralegals/legal support officers/associate prosecutors.

Members were updated on a visit to Crown Courts and CPS in Leeds for comparative benchmarking, that might assist with the scoping out of the revised structures. Mr Luney advised TUS is open to this approach and wishes to be involved in discussions.

Discussion ensued about rights of audience of paralegals in E&W, who can attain qualifications in legal work. Discussion followed regarding administrative functions and grading issues.

The Director advised he had met with PSNI and they wish to explore arrangements to impose penalties in line with courts and the impact this may have on the volume of traffic/driving offence cases submitted to PPS. Comparisons were noted with DPP Ireland and CPS. It was agreed that further discussion would take place on these issues .

Mr Luney reported on the forthcoming CJINI inspection of Managing Organisational Performance in the PPS and on Transformation project and funding.

Mr Houston queried overtime and backlogs and the benefits and expenditure which was discussed. Mr Best queried long term sickness absences and inefficiency and Mr Luney provided updates about absence management procedures and referrals to OHS. Members welcomed the appointment of the SO Information officer.

### **4.3 Performance and Delivery Committee 17 June 2024**

Mr Agnew updated members on matters discussed at the meeting of 17 June 2024.

Mr Agnew highlighted the figures for unallocated casework and the increasing volume of cases and pressures across all areas and grades, particularly in Belfast and Eastern region. These are rising due to capacity issues and work pressures rather than an increase in files received. Members discussed the potential of and noted the implications with sharing staff across regions to deal with the caseloads. It was noted that the decrease in timeliness for decisions

taken in Western was due to resourcing. A discussion took place over the capacity model and resourcing more generally and how this can impact the wellbeing and morale of staff. Mr Herron agreed the need for additional resources and highlighted that addressing the resourcing and capacity issues would stabilise performance in the longer term.

Members discussed the options available and noted the limitations and short-term efficiencies gained from making overtime available to staff. Post overtime evaluation showed an increase in decision taking and there was a positive impact on staff in the reducing of backlogs. The benefits that have been anticipated from the rollout of the No File Decision Pilot have not yet materialised. It was agreed that resourcing the organisation to required capacity should be taken forward as a priority.

Mr Houston enquired the impact of legacy cases and the Director provided an update, including the role of ICRIR and the potential for change following elections.

Members noted that performance in the SCU remains stable with the existing resourcing allocation. Significant improvement in timeliness for SCU illustrated the obvious point that matching resource to incoming workflow improves performance. Mr Agnew advised the T/AD has made significant inroads since her appointment.

#### **4.4 Policy & Quality Committee – 20 May & 28 May 2024**

Nothing of note for Management Board's approval. Members noted the volume of work and welcomed the progress.

### **5. Strategic Improvement Board**

#### **5.1 Strategic Improvement Dashboard June 2024**

Mr Agnew provided members with an overview of progress made in the key projects.

In respect of the No Files Decision Project, members were updated on a few issues that have arisen, including the application of the criteria and a lower uptake than anticipated. He advised that meeting advice with PSNI was positive and PSNI has extended the circumstances which may increase the volume of cases that can be progressed by a NFD; that training and guidance had been provided and PSNI is content to take matters forward. Members noted the scope of the project is limited to the lower category cases. The interim evaluation has been extended to allow sufficient time for arrangements to properly bed in before the valuation commences which is to estimate and quantify the amount of work, evidence immediate gains and will be utilised to form an overall picture of staffing levels at PP and SPP grade.

Members were given an update on the progress of the rollout of the Content Manager Project and noted that there is now additional resourcing in place to assist with this project which is at phase 4 and working into phase 5.

Mr Agnew advised that the electronic signatures project initiation phase has commenced with a target date of completion for September 2024. He has attended a demonstration and was impressed at the level of efficiency this will deliver. Work is ongoing to ensure that the processes meet the business needs and adhere to the relevant PPS policies and Magistrates' Court Rules.

Members noted that a number of internal ICT changes have not progressed due to conflicting demands on the ICT team and contractors and the subsequent backlog and overall demand of ICT Change requests. Mr Agnew advised another release was issued on 3<sup>rd</sup> July and Mr Luney acknowledged the cumulative effect of improvements particularly to DV and VWCU was significant and increased visibility and fed into the overall change programme. Members also noted the detail of potential future projects and those with greater impacts will be prioritised.

The project to consider the potential to restructuring to a three-region model will be moved to the main live project list and recommendations. Scoping of the various issues is ongoing, with considerations of workloads, court venues, location of staff and the various interfaces in order to appraise options and develop an implementation plan.

There will be firm recommendations to Management Board by the October meeting with assessment of preferred options against agreed criteria.

Mr Agnew reported on the Interim Capacity Review and the acute pressures being felt at legal grades. He advised on the data gathering exercise by PA Consulting and members queried if this has captured the correct and adequate data. It was agreed the Prosecutor Activity Sheets were key but noted it was critical the QA of that data is robust and accurate and it was conceded that the current capacity model is out of date. Mr Luney stated it was a critical time as to collect and collate analysis data due to more complex work, including MME and the changing profile of cases. It was noted that consultation with staff and TUS was essential.

## **6. Performance Summary.**

Members reviewed and discussed the Monthly Performance Summary, as of May 2024. Mr Agnew explained the case weightings and that case weighting 1-4 had increased and 5-8 reduced. He referred to table 4 backlogs and table 5 but advised these were reasonably positive and showed improvement. He referred to SCU's decrease in the volume of allocated files of 23.7%.

The work queue at the end of May 2024 has increased by 32.6% since May 2023. Overall caseload awaiting a decision at the end of May 2024 has increased since May 2023, with Belfast and Eastern having the highest total caseload. He advised that discussions and comparative work is ongoing with the Assistant Directors to reconcile figures and to determine the average casework output. Further interrogation of the data is required including examination of other tasks which are not actual decision making, however it is noted that there are limitations with the available data. A review of the capacity model will capture these issues and will consider other factors impacting outputs, including the review of MME. He referred to number of files with Case Preparation (383) and which may come down further which would be welcome progress. He advised RMT is working on evaluation of Case Preparation staffing levels. These have stabilised, which is positive however it will continue to be kept under review.

He advised on the re-issue of summonses and concerns were noted; it was agreed to raise with Ms O'Kane and to ensure this work is under control and checks are in place.

Dip sampling figures (table 11) were discussed and improvements in B&E welcomed. SCU figures are to be provided and it was noted the new AD in post and that she was dealing with other pressures and priorities, principally reviews and she will advise in due course on dip sampling outcomes.

Discussion ensued re DV cases (tables 12&13) and it was noted that 1 in 5 cases has a DV aspect. Management of backlogs and risks was noted.

Dr Scullion's proposal paper on PPS Management Board Performance dashboard was raised which will be made available to MB members by next meeting, with views to be obtained on the level of detail required and the content and area for focus for commentary etc.

Members were also briefed on plans to undertake advocacy monitoring to evaluate the quality of counsel performance in the Magistrates' Court. The Counsel Fees Manager is taking forward a number of tasks to raise awareness of standards including holding inductions with some of the new counsel.

## **7. Finance Update**

### **7.1 Executive Summary May 2024**

Members reviewed and discussed the key financial issues as of May 2024.

Mr Luney updated members on the budget settlement for 2024/25. This anticipated settlement does not include the bid for modernisation and the Working Together Project. However, a submission will be made to the Transformation Fund with the expectation of a successful allocation. Members were also advised of a slight reduction in the Capital funding at block level,

however PPS has been allocated its full capital ask of £701K for 2024-25. With an anticipated cumulative overspend of £85k across admin and programme, it is projected at this stage of the year that the PPS will have an outturn adverse to budget, with a projected pressure of £725k.

Mr Luney gave an overview of the in-year position and advised that while there was a slight overspend and at present the pressure was manageable. He reported that additional funding for additional SPPs, modernisation and early engagement project had been requested in the June monitoring round from the Transformation Fund and also as part of a larger DoJ bid. Counsel Fee spend was £11K adverse to budget and it is expected that the recent SPP board and back fill of new PPs will likely result in further use of counsel.

In respect of the Annual Report and Accounts (ARA), members were advised that the arrangements for the audit have been agreed and included in the NIAO Audit Strategy for 2023-24. The final draft of the ARA will be with the NIAO on the 19<sup>th</sup> July with the audit commencing on 22<sup>nd</sup> July. The audit is thought to take around 6 weeks and should see the ARA being signed on 24<sup>th</sup> September for laying in both the Assembly and Westminster. Members will be kept informed of progress. Figures have also been calculated and shared with Internal Audit and NIAO in respect of counsel fees accruals about which there were concerns and which is under consideration by NEDS.

Mr Houston and Mr Best updated members regarding reports to be considered by ARC - the forthcoming audit and risks and concerns were flagged. Mr Houston provided an update on the new appointment to ARC.

**Action Point:** The National Fraud Initiative report to be circulated to ARC and MB members.

It was noted that there is concern about some staff claiming additional income. guidance will be issued and the situation monitored.

Mr Luney updated members that he and Ms Kelly had recently met with the Bar regarding the Burgess Legal Aid Review and the likely recommendation for an uplift in fees. There is a potential need to re-engage with DoJ as the uplift may be backdated. Mr Agnew provided an update in respect of Court of Appeal uplifts obligations and implications.

## 8. People

### 8.1 NICSHR Summary Report May 2024

Members noted the May report, including the latest staffing and recruitment, employee relations and performance management.

Mr Luney provided an update on progress to fill vacancies in both legal and specialist posts. Members noted the outworkings of the SPP competition is ongoing and there are considerations of other roles to assist with capacity. Mr Luney updated members re specialist posts and AO plans are being progressed to launch a new competition. Subject to NICS Board approval, affordability, and consultation with TUS, it is anticipated that competitions will launch in Q2.

## **9. Governance Issues.**

### **9.1 Corporate Risk Register 2023/24 & 24/25**

Mr Luney had provided members with a verbal update on the 24/25 Risk Register in June 2024. There are a range of risks being reviewed and carried forward from last year's register, including caseloads and staff well-being. Several new risks have been identified, namely legacy arrangements and associated funding, the modernisation project delivery and obligations in respect of victims and witnesses. Risk 3 (funding pressures) was discussed and it was agreed that a separate Legacy risk (risk 2) in respect of funding should be included. SMG to review at the September meeting.

### **9.2 Complaints**

Not scheduled at July meeting.

### **9.3 ARC Update**

Not scheduled for discussion at July meeting.

Mr Houston updated members of the proposed internal Audit Plan for 2024/25.

He also provided a summary of the key points of discussion with representatives of NIAO at a meeting held at their request on 26 June. This meeting focused on Counsel Fees, accruals and provisions, taking into consideration the Limited Assurance and Priority 1 recommendation of the 2023/24 Internal Audit Report on Counsel Fees.

## **10. AOB**

None.

## **11. Papers for Noting**

### **11.1 Communication Update and Planner.**



The Board Members discussed and reviewed the Communications Planner and update. CH updated members on the high volume of media queries over a six-month period and discussion ensued. Ms Harrison welcomed more routine crime reporting and advised members of BBC and Spotlight programmes including interviews with PPS staff. Members discussed positive engagement, feedback surveys and stakeholder engagement. Members discussed high profile cases listed on the Planner.

**12. Next Meeting.**

The next Management Board will take place on 19 September 2024 at 10.00 am in Belfast Chambers.

**Summary of Action Points arising from Management Board.**

**Meeting of 2 May 2024**

<b>AP 1- 24/25</b>	The National Fraud Initiative report to be circulated to ARC and MB members.
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**Action Points carried over from previous meetings.**

	N/A
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