

PPS Management Board

10.00am Thursday 19 September 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 (Private Office)

Secretariat: Policy and Information Unit

1. Welcome.

Mr Herron welcomed members to the September 2024 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 July 2024

AP The National Fraud Initiative Report to be circulated to ARC and MB members

Cleared

6. Reports from Management Board Committees.

Senior Management Group 12 September 2024.

Mr Agnew provided members with an update on the matters discussed at the Senior Management Group Meeting of 12 September.

People and Resources Committee – 3 September 2024

Mr Luney updated members on the key issues discussed at the meeting of 3 September 2024.

Mr Herron queried the Trauma Resilience Training evaluation and whether consideration should be given to making this training mandatory. Mr Luney advised that the detail provided in the feedback to date has been limited and therefore difficult to evaluate properly, however anecdotal feedback is that this training is an improvement from previous training. Consideration should be given to having evaluation completed in the classroom at the end of the course as there is a tendency that feedback thereafter is not as forthcoming. Members discussed whether this training should be mandatory, and it was noted that attendance at one event is an objective in personal development plans and any concerns regarding attendance should be raised at line manager level.

Mr Herron highlighted the sick absence levels and levels of staff well-being. Training scheme challenges in NICSHR Professional training being looked at, structure might change broader approach.

Performance and Delivery Committee 17 June 2024

Ms O’Kane updated members on matters discussed at the meeting of 17 June 2024.

Ms Luney provided an update on the NICS and TUS position in respect of the revised policy on New Ways of Working. Ms O’Kane provided an update on workstyle agreements compliance in operational areas and advised ADs have been asked to conduct a review of existing practice to ensure formality in approach.

Members were also briefed on consideration of a new organisation model which would ensure an equitable distribution of workloads and assist in alleviating emerging pressures. It is planned to bring proposals to the next Management Board when there is more clarity on funding.

Policy and Quality Committee 15 August 2024

Mr Agnew provided members with an overview of the key areas considered at the meeting of 15 August 2024.

The Terms of Reference for the CJI Inspection into the Review of PPS Organisational Performance was reviewed. The inspection is covering all aspects of organisational performance and inspectors are speaking with staff from all areas of the department. In addition, a significant volume of performance related documentation/ information has been gathered for the exercise.

7. Strategic Improvement Board

Strategic Improvement Dashboard August 2024

Mr Agnew provided members with a progress update in the key projects.

In respect of the No Files Decision Project, members noted that an interim evaluation has just commenced with data currently being collated, and letters have issued to stakeholders for feedback. The overall numbers dealt with are not reaching the anticipated levels, currently the figures are indicating 4,500 out of a potential volume of 7000. There is still a bottleneck arising around defendants in custody. Advice has been sought in this regard which supports the view that charge cases can be handled with this approach.

Revised timeframes have been applied to the Content Manager Project. The Private Office is the final delivery phase of the project and is scheduled to commence at the end of November with completion estimated for February 2025.

Mr Houston queried whether there were any issues with the 90-day retention period. Mr Agnew advised that an agreement had been reached to retain read only functionality for a limited number of staff to access historical emails. Ms O’Kane provided an update on issues that had arisen with the recent implementation of file retention policy on CMS and advised that a workaround has been put in place to mitigate the impact on business areas. A review of the retention and disposal policy is ongoing and should be completed in February 2025.

Members were advised of business benefits that have been identified with the electronic summons, including reducing the time taken in issuing summonses and a reduction in paper resources and printing. The Project will be delivered in two phases, with indictable summonses included in phase one. With this additional scope and the unexpected complexity associated with developing the new process, a new project plan has been created and approved by the Project Board. Revised timeframes have now been applied with a new project completion date of February 2025.

Members noted that plans to scope the three-region model will be brought before the next Management Board. Scoping of the various issues is still ongoing, with considerations of workloads, court venues, location of staff and the various interfaces, in order to appraise options and develop an implementation plan.

The interim capacity review project is still in the data collection phase and initial analysis will be presented to senior management. Members noted the ongoing progress with the internal IT changes. Mr Luney advised that a meeting is scheduled with DOJ to provide input into an overarching business case for Committal Reform. Members also noted the detail of potential future projects.

8. Performance Summary.

Members reviewed and noted the Monthly Performance Summary, as of August 2024.

Mr Agnew highlighted the increase in cases in categories 1- 4 and explained this was largely due to the categorisation of non-fatal strangulation cases.

9. Finance Update

Executive Summary

Members reviewed and noted the key financial issues as of July 2024.

Ms Quinn outlined that as of August 2024 there is currently a forecast overspend which can be attributed to the pay award and higher than anticipated counsel fees. Some high value cases have completed in recent months and if the current level of counsel fees is extrapolated over the rest of the year, spend could exceed the current forecast of £6.4m, resulting in the reported overspend of £1.7m. There is also potential additional pressure identified in High Court and International which have been flagged to Supply.

Members were advised the recent bid for Modernisation funding has not been successful, however Working Together and Early Engagement are moving to the next phase of consideration. It is noted this bid is part of a wider DOJ bid. There has been additional funding secured for the Gillen Review, Legacy Inquests and Disclosure and integr8. There may be a potential allocation for the August 2024 pay award, but this will be addressed in the next monitoring round.

An update was provided on the return for the Budget 2025 to 2028 exercise which is due for submission to the Department of Finance by the end of September 2024. Pressures are currently forecast of £2.2 million and £3.5 million respectively over the next 3 years. These forecasts include pay awards, capacity increases and the additional SPPs but doesn't include the additionality for Modernisation and Early Engagement which will be submitted as separate bids. Any additional resources for SPPs will require a further bid.

Ms Quinn advised that the Annual Report and Accounts is being finalised, with a few queries outstanding with the Auditors. Members were advised that this year's

accounts will have a technical qualification. Ms Quinn outlined a new methodology had been applied between accruals and provision in respect of counsel fees, however it has not been possible to satisfy validation of the split due to an insufficient post year end payments sample being available. Approximately 138 invoices were required for the scope of the validation and as of the end of August only 38 invoices have been paid and available for the exercise.

Mr Houston highlighted that the internal audit of counsel fees completed last year had given limited assurance, with a priority recommendation in this regard. Members discussed the need to urgently identify a solution that satisfies NIAO and to avoid a repetition of the qualification in future years' accounts. It was also agreed that this merited a specific new risk to be added to the Corporate Risk Register. Discussion ensued on potential measures that could be put in place to capture the latest position on work completed on cases by counsel at year end. The Board agree that it was appropriate to request counsel to provide hours accrued to ensure validation. Ms Quinn advised that she will request the Counsel Fees Manager to devise a process for monitoring and sharing accruals.

AP 02/24-25 Ms Quinn to provide an update at the December 2024 Board meeting on the new process for monitoring and sharing counsel fees accruals.

Mr Herron updated members on recent discussions held with the DOJ Permanent Secretary. Members noted projected overall pressures on NI budget of £767m, and, even with potential easements, there is still a significant shortfall.

Operational Pressures and Resourcing Challenges

Mr Luney presented an overview of the current operational pressure and resourcing issues. Members noted the figures for the number of file receipts and the number of decisions taken in both summary and indictable files. There is an increase in the overall caseload in both categories 1-4 and 5-8 cases awaiting a decision. Although there are ongoing issues with file quality, and increased complexities in both digital content and caseload profile, members were encouraged that decision outputs and productivity remain high.

Mr Luney outlined the Budget settlement for 2024/2025, and advised there remains a lack of clarification around transformation funding. There are other potential considerations that may impact on fees. Discussion ensued regarding resourcing and measures to address current pressures. There are concerns regarding the supply of PPs and work is ongoing with NICS HR for a new scheme.

Ms O'Kane provided an update on overtime clearances and decisions completed by panel counsel. Members agreed that panel counsel should be further

instructed in a small number of higher risk cases that are awaiting a decision. It was also agreed that further overtime should be limited. Ms O’Kane will provide an update on pressures and the impact of overtime at the next Board, when the position will be reviewed.

AP 03/24-25 Ms O’Kane to provide an update on pressures and the impact of overtime at the November Board.

10. People

NICSHR Summary Report September 2024

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

Grading Review

Mr Herron advised members of a preliminary meeting held with consultants to discuss the potential for a legal Grading review/restructuring exercise, in light of changes to workloads and complexities of caseloads.

11. Governance Issues.

Corporate Risk Register 2024/25

Members reviewed and discussed the 2024/25 Risk Register and noted the planned actions, mitigations, status, and rating of all risks.

Mr Luney advised that Risk 3, Funding Pressures and Risk 2 Legacy arrangements will be reviewed again at the next SMG.

Members discussed the issues arising from counsel fees and the technical limitation of scope and technical qualification in the 2023/24 Annual Report and Accounts and agreed that this should be added to the register as a new risk.

AP 04/24-25 Mr Luney to update the Risk Register to reflect the issues regarding counsel fees accruals.

ARC Update

Members reviewed and noted the minutes for the ARC meeting of 4 July 2024.

Mr Houston updated members on progress of the Internal Audit Plan 2024/25. A satisfactory assurance, with no recommendations, has been received in respect of the audit of Attendance Management. Mr Houston referred to work on-going in respect of the end of year accounts and advised that a further update will be provided following the September ARC meeting.

Board members thanked Ms Quinn and the Finance team for all their work in completing the Annual Report and Accounts.

12. AOB

PA Consultancy Report

Mr Houston requested an update on progress to address the recommendations from the 'Improving Operational Performance' Report by PA Consultancy.

AP 05/24-25 Mr Luney to provide an update at the November Management Board on progress to address the recommendations in the PA Consultancy Report.

13. Communication Planner.

The Board Members discussed and reviewed the Communications Planner and update.

14. Next Meeting.

The next Management Board will take place on 6 November at 10.00 am in Belfast Chambers.

Summary of Action Points arising from Management Board.

Meeting of 19 September 2024

AP 02/24-25	<i>Ms Quinn to provide an update at the December 2024 Board meeting on the new process for monitoring and sharing counsel fees accruals.</i>
AP 03/24-25	<i>Ms O’Kane to provide an update on pressures and the impact of overtime at the November Board.</i>
AP 04/24-25	<i>Mr Luney to update the Risk Register to reflect the issues regarding counsel fees accruals</i>
AP 05/24-25	<i>Mr Luney to provide an update on progress to address the recommendations in the PA Consultancy Report</i>

Action Points carried over from previous meetings.

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