

PPS Management Board

10.00am Wednesday 6 November 2024

Belfast Chambers

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

Secretariat: Policy and Information Unit

1. Welcome.

Mr Herron welcomed members to the November 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 September 2024

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. Carried forward to December meeting.

AP 03/24-25 Ms O’Kane to provide an update on pressures and the impact of overtime at the November Board. Dealt with at agenda item 9.

AP 04/24-25 Mr Luney to update the Risk Register to reflect the issues regarding counsel fees accruals. Dealt with at agenda item 11.

AP 05/24-25 Mr Luney to provide an update on progress to address the recommendations in the PA Consultancy Report. Dealt with at agenda item 12.

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 on 22 October 2024.

It was reported that performance in SCU remains steady with productivity stable, although the reduction in PPs has impacted post decision work undertaken by SPPs, particularly given the high number of forthcoming trials. The positive performance with regards to Gateway checks was noted. Members were informed that the Grade 5 competition is ongoing and it hoped that a substantive Grade 5 will be appointed within the next month.

Mr Best queried the impact of non-fatal strangulation (NFS) cases on the volume of CW 1- 4 cases. Discussion ensued regarding the close correlation between the increase in case numbers and incoming NFS case volumes.

It was noted that NICSHR had advised that they were not minded to recommend a Legal Trainee Scheme which would result in a permanent post for the trainee, as this was not provided for within the NICS arrangements. Discussions are to be held with CPS as they have multiple gateways for new entrants. It was agreed this was important to attract new talent and it was essential for NICSHR to see the benefits of PPS's proposal, as it could lead to permanent supply of Prosecutors for the PPS and attract talent in a competitive sector. The Director advised of his attendance at QUB and UUU with post and undergraduates and the high level of interest in PPS however it was noted we are competing with the private sector.

People and Resources Committee – 14 October 2024

Mr Luney updated members on the key issues discussed at the meeting of 14 October 2024 including vacancies, general service competitions and Learning & Development.

Mr Luney highlighted the sick absence levels, working days lost and cost incurred. Members noted OHS and trigger points. Mr Houston noted the challenge to manage long term sick absences given the length of time to get OHS referrals and appointments progressed, and that work is ongoing to build capacity within OHS. Members noted improvements in the referral arrangements

and the ongoing work to enhance procedures. The Absence Management Report was discussed.

Members were updated as to the Health and Wellbeing Framework and welcomed the benchmarking and best practice across all grades. Mr Luney advised that an additional Mental Health first aider has been appointed, based in Newry.

Trauma resilience was discussed and counselling through Inspire, who provide counselling and support, was welcomed to help staff dealing with cases which might cause psychological harm.

The lack of supply at PP level was noted and concerns had been raised with NICSHR about the length of time recruitment is taking. A response was anticipated as PPS had undertaken a significant amount of the work required in driving this forward.

Performance and Delivery Committee

The October meeting had to be cancelled due to unforeseen circumstances. Meeting to be rescheduled

Policy and Quality Committee

Meeting to be scheduled.

7. Strategic Improvement Board

Strategic Improvement Dashboard October 2024

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

In respect of the No Files Decision Project, members were updated on progress.

A meeting is to be arranged with stakeholders to discuss the interim evaluation report once the report confirmation date has been agreed. The overall numbers dealt with are not reaching the anticipated levels, currently the figures are indicating less than the potential volume of 7,000. There is still a bottleneck arising around defendants in custody. Counsel's advice has been sought in this regard File submissions continue to be monitored and QA of completed NFDs is completed.

Workloads and demands were discussed and impact of NFD and other change initiatives including early guilty pleas, early engagement and committal reform

were discussed. Mr Best queried the Management Board's vision and its communications to staff. It was noted that the next Justice Board meeting is scheduled for January 2025.

In respect of Content Manager Project, the Private Office is in the delivery phase, with completion estimated for February 2025. SCU and Western and Southern are now live.

Mr Agnew updated on the 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.

The interim capacity review project is a priority given the acute pressures being felt at PP and SPP grades. The data collection phase and initial analysis will be presented to Senior Management.

Members noted the positive 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.

The Director provided an update to members about his and the Deputy Director's recent Criminal Justice Board attendance. The Victim Commissioner's main concerns were about Speeding up Justice, with a focus on early guilty pleas and early engagement. It was agreed there is a need to do things differently, to gain momentum considering no additional funding. It was acknowledged that new legislation has resulted in more work, that public confidence, victim confidence and cost are essential, and improvements are needed.

8. Performance Summary.

Members reviewed and noted the Monthly Performance Summary, as of September 2024, though recognised the limitations of the report given the time interval.

Mr Agnew highlighted the increase in cases in categories 1- 4 and detailed the total caseload and comparing the current financial year to date with the same point in the previous financial year, overall caseloads have decreased by 9.2% to 19,981. Within CW 1-4, there was an increase of 10.9%, and CW 5-8 saw a 11.7% decrease in the volume of files received. A total of 3,300 files are currently allocated to prosecutors, a decrease of 6.6% from September 2023. The region

with the largest increase in the volume of allocated files was Southern with an increase of 11.3% and B&E had the highest caseload.

9. Finance Update

Executive Summary

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

Ms Quinn outlined that as of September 2024 there is a current overspend year to date and through to year end which can be attributed to the increased pay award and higher than anticipated counsel fees. She highlighted the different budget pressures currently being faced, noting that the current resource overspend year to date of is £205k, with there being a cumulative overspend of £281k on staffing costs including a £75k overspend on the annual overtime budget and a £391k overspend on counsel fees for year to date.

The current outturn forecast for PPS is an overspend of £1.5m, which is down by £200k from previous forecast. She advised that October monitoring is now open for transfers to be actioned. Whilst no bids were requested at this time we have flagged the pressures being faced by PPS in respect of the pay award and the additional counsel spend.

An update was provided on the return for the Budget 2025 to 2028 exercise which was submitted to the Department of Finance and members noted pressures are currently forecast of £2.2 million, £2.9m and £3.5 million respectively over the next 3 years. These forecasts include 3% pa, some forecast capacity increases and the additional SPPs but does not include the additionality for Modernisation and Early Engagement work, which have been submitted as separate bids. Any additional resources for SPPs beyond those included already will require a further bid.

She gave an update regarding the transformation bid: DOJ had presented a cross-cutting bid, including PPS, PSNI and others, and had their initial meeting with the Board. Following this meeting DOJ is now focussed on out of court disposals and Gateway. There is no clarity yet as to how much money PPS will receive, but the various speeding up justice which require resourcing, including Gateway, will have an initial impact on normal operations.

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.

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 and present an options paper to the December Management Board.

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 about Legacy demands, ICRIR, and the changes and challenges going forward were noted.

Overtime Business Case

Ms O'Kane presented the business case for overtime to alleviate pressures as a result of significant case backlogs at both SPP and PP grade in B&E and SPP grade in W&S. Various mitigations already were in place, and it was suggested that a programme of overtime to year end be considered as it would assist in reducing the work queue and ensuring the highest risk cases could be progress without delay accruing.

The matter was paused at last Management Board to ascertain the financial position to year end and to evaluate the impact of the appointment of both SPPs and PPs. Ms O'Kane presented a paper summarising the current position; including analysis of the work undertaken on overtime, trends of caseloads, projections and evaluation reports from previous overtime periods and recommendations for consideration and approval of additional overtime, with a review built in for January 2025.

Members discussed the challenge in approving the request given current financial pressures and the Director's duties as Accounting Officer. A lengthy discussion resulted, and it was decided that the Business Case and proposal should be further paused until pending funding was determined. It was agreed to revisit the position in January 2025.

10. People

NICSHR Summary Report October 2024

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

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 need to be considered further.

Complaints Update

Mr Luney presented the paper and advised members that while there was nothing of specific note, it indicated potential longer-term challenges in the volume of complaints and requests for reviews and corresponding pressures on ADs. Members noted that NFD cases may help reduce the number of potential complaints. It was noted that the three-region model structure will alleviate some pressure on ADs.

ARC Update – 23 September 2024

Members reviewed and noted the minutes for the ARC meeting of 23 September 2024.

Mr Houston agreed that, whilst draft, it was an accurate reflection of the meeting. He advised the main issue was NIAO's decision to qualify PPS accounts and how to address the issue around calculation of accruals and provisions in a manner will satisfy NIAO going forward.

12. AOB

Absence Update November 2024.

Mr Luney presented the RMT paper and analysis of sick absence in PPS. The cost and position were noted, and concerns discussed.

PA Consultancy Report

Mr Houston queried the reason Recommendation 13 had not been accepted. Discussion ensued and Mr Luney clarified that the report is supplementary and not separate to Vision2030 and provided an update on progress to address the recommendations in the PA Consultancy Report.

Three Region Model

Ms O'Kane and Mr Luney provided a presentation on the recommended options and next steps. The purpose of same was to brief members, identify a preferred option for a three region operating model and seek approval to proceed to implement and provide long term resilience at senior levels in the organisation.

The background and current position regarding the interim arrangement and the need for a more sustainable model were discussed, and the options and implications were noted of the re-balancing option. Parity and transitional arrangements were deliberated. Benefits of Gateway to streamline were acknowledged and the impact on admin staff discussed. It was agreed there was a strong argument to build capacity to feed into change initiatives. Caseloads and the key benefits were discussed. It was agreed to consult with Business Managers to determine how this will play out logistically and in practice, to establish governance arrangements and finalise structures.

Ms Quinn queried costs and benefits. Annex A was discussed. Mr Houston stated the case for change was compelling however caveats and implications needed to be made clear. It was noted a paper would be required for DoF and the justification made clear.

After consideration, the Board agreed in principle as to the direction of travel however the case needed to be clear in its underpinning of business options with a further paper required to be submitted to MB in due course.

13. Communication Planner.

The Board Members discussed and reviewed the Communications Planner and update. Members noted the huge amount of work undertaken by Press Office and Ms Kierans in the recent high profile catfishing case. Members commended Ms Kierans for her handling of the case and for leading on the programme of public communication.

14. Next Meeting.

The next Management Board will take place on 12 December at 10.00 am in Belfast Chambers.

Summary of Action Points arising from Management Board.

Meeting of 6 November 2024

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Action Points carried over from previous meetings.

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