

PROBATIONS BOARD FOR NORTHERN IRELAND

BOARD MEETING – FRIDAY 21 JANUARY 2022

9.30 AM – VIA VIDEO CONFERENCE

441st MEETING – 37th OF THE TWELFTH TERM OF OFFICE

ATTENDANCE

Mr D Ashford, Chair
Mr N Bodger, Deputy Chair
Dr J Byrne
Mr K Donaghy
Mrs J Gillespie
Mr M Murray
Mr G OhEara
Mr D Wall

Ms D Gilchrist, 'Boardroom Apprentice'

OFFICIALS

Ms A Stewart, Chief Executive
Ms G Montgomery, A/Director of Operations
Dr G O'Hare, A/Director of Rehabilitation
Mr P King, Head of Finance & Estates
Ms G McGreevy, Head of Communications
Mrs C Sweeney, Head of HR & OD
Ms F Quail, Information and Governance Officer (Item 8)
Mr M Cox, Board Secretary
Mrs W Rodgers, Secretariat (Minutes)

OBSERVER

Ms Alice O'Hare, Personal Secretary

1. WELCOME, OPENING REMARKS AND CONFLICTS OF INTEREST

The Board Chair welcomed everyone to the meeting and advised that this meeting was being held by video conferencing in accordance with the well-established practice. He also welcomed Alice O'Hare to the meeting as an observer. Alice has joined the Organisation as support to the Chief Executive's office.

There were no conflicts of interest advised. A quorum was confirmed.

2. APOLOGIES FOR ABSENCE

Apologies were recorded from Mr P Douglas, Member and Ms P Keenan, Member.

3. MINUTES OF BOARD MEETING HELD ON THE 17 DECEMBER 2021 (M11/21)

The minutes of the Board Meeting held on Friday 17 December 2021 were approved as a true and accurate record of the meeting.

4. MATTERS ARISING FROM THE MINUTES (PAPER 01/22)

The Board Chair advised that there were no actions recorded from the meeting held on 17 December 2021 and that there were no other outstanding actions. In response to a member's question, regarding the proposal to invite Dr Carr to provide a presentation at a future Board meeting the Board Chair advised that a date will be arranged in the next Board's tenure.

The Board noted the paper.

5. BOARD CHAIR'S UPDATE

The Board Chair provided members with an update of his meetings and events attended since the last Board meeting.

The Board Chair advised that he attended a meeting of the Strategic Review Group (SRG) on the Review of Probation. Probation had been given an opportunity to provide informal feedback prior to the formal consultation being launched. This matter will be discussed under agenda item 8.0.

The Board Chair, the Chief Executive and Head of Finance & Estates met prior to the Arm's Length Bodies (ALB) forum, hosted by the DOJ, to discuss the 2022-2025 budget. The subject of budgets dominated the forum. The CRC will be discussing the likely budgetary position at its meeting on 28 January 2022 in advance of the Special Board meeting on 11 February 2022. The forum was advised that the proposed allocation to the DOJ in the draft budget were disproportionate to other Departments. There will be a 2% cut across Justice. Noting that 80% of Probation's budget is on salaries, will make the budget position very challenging. The Executive has not approved a budget but has agreed to a consultation. It was stated that it was important to respond to the DOF consultation setting out the impact of budget cuts and the risk of loss of public confidence in Justice. The draft budget has prioritised Health and Social Care.

If the Executive does not agree a budget before the end of its current term then the Permanent Secretary is likely to be given authority to spend up to a percentage of the budget. This would allow ALBs to maintain services. Although, an incoming Minister may prioritise spending in a different way, it was made clear that there is unlikely to be more money. Such uncertainty is likely to require difficult decisions. It was also reported that there would be no additional money for the challenges of clearing the Justice backlog caused by Covid.

The Remuneration Committee met on 14 January 2022 to discuss pay remits and pay modernisation.

The Board Secretary continues to lead on the Scheme of Delegation and it is hoped that the first draft will come to the Board before the end of this tenure.

An approach has been made for Probation to host a Board Apprentice in the 2022-2023 year. The Board Chair commented that he was keen to support the Board Apprentice scheme. Ms Gilchrist provided positive feedback to members on her positive experience of Probation's Board. It was agreed that PBNI would continue its involvement with the scheme.

Members were reminded of the Special Board meeting scheduled for 11 February at 10.45 am, after the ARAC meeting. The agenda will be on the budgetary position into 2022/25 and other issues to consider for the next Board's tenure.

He continues to have weekly meetings with the Chief Executive and Board Secretary.

The Board noted the update.

6. CHIEF EXECUTIVE'S UPDATE

The Chief Executive provided an update on meetings, visits and issues since the last Board meeting. Her focus continues to be on internal meetings with staff. An engagement plan has been developed to meet with key stakeholders. The Chief Executive advised that following a meeting with the PSNI it had been agreed to revisit the PBNI/PSNI Information Sharing Agreement. The Chief Executive also met with the National General Secretary, NAPO. It was a positive meeting, discussing pay modernisation and key issues affecting the social work profession within Probation nationally and locally.

Following media speculation concerning a voluntary sector organisation that Probation provides funding for, the Chief Executive provided an update for members. She met with the Organisation's CEO, who provided more detail. The issues of concern relate to governance and poor administration rather than fraud. Both the internal and external reviews are underway and there has been no impact on service users. All Departments have suspended Q4 funding until the conclusion of the DFE investigation. The Chief Executive confirmed that Probation has no concerns in relation to the funding it provides to a separate project following an internal PBNI review in November. She intends to meet with the CEO again for a further update and to give reassurance on funding from Probation into the future.

The Chief Executive highlighted the pressures within Probation arising from an increasing caseload. In particular, the current vacancies together with the continuing high rate of attrition. The absence rate related to Covid is high and the sickness level overall is increasing. These factors are creating a crisis on how to handle the caseload, forcing decisions to be made on how cases should be managed. Additionally, due to the new variant, staff are required to reduce the time spent in the office which has resulted in them meeting service users on 2 days in the week. This has resulted in further pressures. Deviation from Practice Standards is no longer unusual and this is a concern for the Senior Leadership Team. It was confirmed that there are no agency social workers available to cover vacancies Probation Officers have been offered additional hours through overtime to complete Pre Sentence Reports. Conversations are being held the Department on these matters. Mr Peter May, Permanent Secretary DOJ, is aware and the importance of the need for Workforce Modernisation as a means of addressing our level of attrition. Short term measures have been taken on other issues such as timescales for Court Reports to relieve some of the pressure.

There was discussion on what the deviation from the Practice Standards might mean in terms of service delivery and the creation of risk to public safety.

The Chief Executive informed the meeting that there is a projected underspend in the budget due to PBNI's inability to recruit and retain staff. The declared easement could be used for the early work to scope out pay modernisation and the Senior Leadership Team were looking at areas of spend from 2022/23 which could be progressed in in Q4, if the approvals were in place. There has been notification for Probation to attend the Justice Committee to discuss budgetary pressures.

Discussion ensued on funding for the voluntary sector organisation subject of adverse media coverage in December 2021 and previous examples of suspending funding to organisations due to concerns.

There was also discussion on the process of the pay modernisation project and members noted that the pay remit for SLT is outstanding from 2018/19. There is a morale issue among staff, and staff in the Health Trusts have received a higher percentage pay increase in comparison to Justice.

The Board noted the update.

7. CORRESPONDENCE (PAPER 2/22)

There were no items of correspondence to note.

8. CONSULTATION – REVIEW OF PROBATION (PAPER 3/22)

The Board Chair welcomed Ms Quail to the meeting. The Head of Communications provided background to the paper. She advised that the covering letter provides more detail on the points that Probation wished to make but the questionnaire did not provide an opportunity to do so. This year is the 40th Anniversary of Probation and the founding legislation has not been reviewed since 1982. This review could allow for a fundamental revision of the legislation. Ms Quail took the Members through the responses on the questionnaire. She advised that the Trade Unions and Retired Association of Probation had asked for the main points, which Probation was making in response, and they had indicated that they would be responding to the consultation separately. The closing date for the consultation is 16 February 2022.

Discussion ensued on the response and cover letter. Members agreed that it was a concise response making the necessary points well. Members discussed the skills and attributes required for the Board and how to attract them in future.

The Board agreed to approve the response to the Consultation on Review of Probation.

9. MANAGEMENT INFORMATION PAPER UPDATE (PAPER 4/21)

The Board Chair invited the Officials to summarise the Report for members.

The Head of Finance & Estates advised that there was a sizable underspend in resource as at the 31 December 2021. Following a meeting of the Senior Leadership Team (SLT) to understand and discuss the shortfall in funding, the CRC will be discussing the impact and options at its meeting on 28 January 2022. The Special Board will discuss the issues on 11 February 2022. The resource underspend is £607k with Capital underspend of £456k; the reasons for the underspend were explained to members.

The Head of Finance & Estates provided an update on Estates, providing information on leases and purchase / sales of properties with work continuing on the leases for Enniskillen and Downpatrick. Business cases have started for leases which are due to expire or have break clauses later in 2022. An update was also provided on the current 'live' legal claims as detailed in the paper. The level is higher than might be expected. Because of the review, confirmation of the closure for 8 cases from the CSO is awaited. It was advised that the Judicial Reviews are mainly from Service Users. The NILGOSC case continues which may have a wider impact on the Organisation.

The Head of HR & OD provided an update on HR & OD matters. Work is continuing on the 5 priorities from the Culture Action Plan as set out in the presented paper. A meeting has been set up to further explore 'leadership and talent management'. Pay modernising has made good progress although it will be a slow progress. Discussion ensued on pay scales and job evaluation and the steps that have been taken to find a suitable and appropriate evaluation system. The Trade Unions have asked for a reduction in the number of points on the pay scales. The Head of HR & OD advised members of the process to be followed and how it should work.

The new integrated HR / Payroll system is due to be rolled out to staff in the near future. It will have a positive impact on staff who will be able to see their pay on line and book annual leave remotely. Trade Unions are being consulted on the introduction of one leave year for all staff. Corporate staff have a different leave year than probation grades and the new HR system requires there to be a single leave year.

There was discussion on recruitment with the members noting that there are 30 vacancies at present. The general shortage of qualified social workers was discussed together with the limited number of university places. While the universities have increased their intake by 40 places, there was concern that such a number would not make much impact on the shortage. It was agreed that the Board Chair would write to the Minister of Health on the workforce supply of qualified social workers.

Action: Board Chair to write to Minister Swann on workforce supply of social workers. (Board Chair)

The A/Director of Operations informed members that the Audit and Risk Management Group (ARM) met to have an in-depth review of the Strategic Risk Register (SRR). The proposed changes to the SRR will be discussed at the next ARAC meeting. The Members were provided with an update on Internal Audit.

The A/Director of Rehabilitation provided an update on the external audit on 'Reducing Reoffending Amongst Adults'. Members were advised that PBNI has met with the NIAO and have provided significant documentation and evidence to NIAO.

PBNI continues to operate within Phase 3 of the Recovery Plan and continues to respond to the NI Executive guidelines. Due to the pressures caused by staff isolating, a number of changes to service delivery have been agreed with partners, which are laid out in the presented paper. The A/Director of Rehabilitation also provided an update on Problem Solving Justice, Health and Mental Health and Domestic Homicide Reviews. The Board Chair informed that, at the ALB Forum, it was advised that the Health budget was to be protected. He stated that Probation and others also deliver health outcomes and this should be recognised.

The A/Director of Operations provided an update on issues that fall under the Operations Directorate, including Criminal Justice Inspections. The SLT continues to meet to ensure that recommendations from the CJI (NI) Inspection of Probation Practice are receiving appropriate attention. Members were advised of the inspections that Probation are contributing to and early notification of inspections scheduled.

There were two Serious Further Offences to report in this period. Members were provided with background in both cases. It was confirmed that there were no significant concerns around Probation practice in either case.

A newsletter has been designed in partnership with Prison Arts Foundation to increase service user involvement.

The Head of Communications provided details of internal and external communications, highlighting a number of events. The details are included in the paper provided. 'Townhall' events continue and are regarded as an important means of having two way conversation with staff. The Board Chair and Chief Executive recorded videos for staff, thanking them for their work, most obviously across the pandemic. A joint video by PBNI and PSNI on domestic abuse was released in December and has been well-received. Articles continue to be published in newspapers. Social Media remains a useful tool to get Probation news out to the public.

There was one low level data incident recorded in December 2021.

Members were advised of the consultations that Probation are responding to with the detail provided in the paper.

Looking forward there is the SLT Development day on 24 January 2022, which will discuss the draft budget 2022 – 2025. It is understood the Justice Committee intends to invite PBNI to attend an oral evidence session on the impact of budget reductions. Work is underway to develop the Business Plan 2022/2023. A recruitment competition for Probation Officers will be launched in February. A group has been formed to put together proposals on how to mark the PBNI 40th Anniversary in 2022. Work in ongoing to prepare for the reconstitution of the Board in March 2022.

The Board noted the paper.

10. BOARD SECRETARY'S BUSINESS

10.1 Board Work Plan 2021/22 (Paper 5/22)

The Board Chair advised that all issues and work must be completed and signed off by the February Board. Committees were asked to identify any critical risks and issues, which would be passed to the incoming Board.

The Board noted the paper.

10.2 Meeting Timetable (Paper 6/22)

The Board Chair advised that the paper was for information only until it was presented to the new Board.

The Board noted the paper.

11. COMMITTEE CHAIR'S UPDATE – AUDIT & RISK ASSURANCE COMMITTEE (ARAC)

Mr Bodger, Committee Chair, informed members that there had not been a meeting of the Committee since the last Board meeting and there were no emerging issues to bring to the Board's attention. The next meeting will be held on 11 February 2022.

The Board noted the update.

12. COMMITTEE CHAIR'S UPDATE - CORPORATE RESOURCES COMMITTEE (CRC)

Mrs Gillespie, Committee Chair, informed members that there had not been a meeting of the Committee since the last Board meeting. The next meeting is scheduled for 28 January 2022 and there is a full agenda. Any emerging issues will be brought to the Special Board meeting on 11 February 2022

The Board noted the update.

12.1 Financial Outturn Report – December 2021 (Paper 7/22)

The Head of Finance & Estates provided a summary of the presented paper. He advised that the underspend on staff costs had increased from last month as reflected in previous discussion at this meeting. This is due to the lack of backfill of staff and he expects the figure to rise to year-end.

The main contributor to the overall net underspend to date is in Other Revenue Costs (£585k). A significant portion of this underspend is the gross profit generated on the sale of the property at Antrim Road (£150k). The remainder is mainly due the timing of expenditure relating to delays in planned maintenance.

There is an underspend on Capital primarily to a delay in the approval and procurement for key projects.

The Prompt Payment target was achieved but there is likely to be a fall in January / February due to staff cover.

Following discussion, the Board noted the paper.

The Board noted the update.

13. COMMITTEE CHAIR'S UPDATE - POLICY AND PRACTICE COMMITTEE (PPC)

Mr Wall, Committee Chair, informed members that the annual seminar has been postponed. He advised that there had not been a meeting of the Committee since the last Board meeting and there were no emerging issues to bring to the Board's attention. The next meeting of the Committee will be on 4 February 2022.

The Board noted the update.

14. OTHER BUSINESS

The Board Chair thanked everyone for attending. He reminded members of the time and date of the Special Board Meeting.

It was discussed if it was possible for the Board to meet in person for the last Board of this tenure on 25 February 2022. Public Health guidance will dictate the format of the meeting. It was also requested that committee meetings be held in person. A risk assessment will be under-taken on this. The Chair of the ARAC advised that ARAC will continue to meet via video conference due to the number of external attendees. It was agreed that the meetings would be held either face-to-face or video conference as hybrid meetings were not ideal at this time.

The meeting ended at 11.50 am. The next Board meeting will be on 11 February 2022 via video conferencing. With the final Board of the tenure on 25 February, venue to be confirmed

D Ashford QFSM
Board Chair

Date