

PROBATION BOARD FOR NORTHERN IRELAND

BOARD MEETING – FRIDAY 23 SEPTEMBER 2022

10.00 AM – PBNI CONFERENCE ROOM AND VIDEO CONFERENCING

448th MEETING – 6th OF THE THIRTEENTH TERM OF OFFICE

ATTENDANCE

Mr M Murray, Chair
Ms E Patterson, Deputy Chair
Ms M Brunt - Via Video Conferencing
Dr J Byrne
Mr K Donaghy
Mr B Ingram
Mr J Johnston
Dr M Keady
Ms A Lloyd-Stevens
Ms C Magee
Ms B Mongan
Mrs L Crothers – Boardroom Apprentice

OFFICIALS

Ms A Stewart, Chief Executive
Ms G Montgomery, Director of Operations (CC)
Mr S Hamilton, Director of Operations (PPPP)
Mr P King, Head of Finance & Estates
Ms G McGreevy, Head of Communications
Mrs C Sweeney, Head of HR & OD
Mr M Cox, Board Secretary
Mrs W Rodgers, Secretariat (Minutes)

Observer

Ms A Carlisle, Executive Support Officer

1. WELCOME, OPENING REMARKS AND CONFLICTS OF INTEREST

The Board Chair welcomed everyone to the meeting. He also welcomed Mrs Crothers, Boardroom Apprentice, to her first meeting and hoped that she will enjoy her year with Probation. The Board Chair thanked Ms Patterson for agreeing to be Louise's 'Board Buddy'. Ms Carlisle was welcomed as an observer to the meeting, Ms Carlisle has recently been appointed as Executive Support Officer for the Chief Executive and Directors.

The Board Chair congratulated Ms Montgomery and Mr Hamilton on their recent appointments. He also congratulated Ms Patterson on her appointment, by the Minister, as Deputy Chair.

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

2. APOLOGIES FOR ABSENCE

Apologies were recorded from Mr N Bodger (attending DOJ ARAC meeting), Board Member; Dr G O'Hare, A/Director of Rehabilitation and from Mr Barnes, who has currently stepped aside as a Board Member.

3. MINUTES OF THE BOARD MEETING HELD ON THE 26 August 2022 (M08/22)

The minutes of the Board Meeting held on Friday 26 August 2022 were approved as a true and accurate record of the meeting.

The minutes were approved by the Board.

4. MATTERS ARISING FROM THE MINUTES (PAPER 92/22)

The Board Chair advised that there were five actions recorded from the meeting held on 26 August 2022. All actions have been marked as complete. There are no outstanding actions.

The Board noted the paper.

5. BOARD CHAIR'S UPDATE

Members were advised that the 40th Anniversary event on 14 September 2022 was postponed due to the death of Queen Elizabeth II. The event has been rescheduled for 24 October, and invitations will be sent out with the necessary details shortly.

The DOJ's Permanent Secretary has agreed to attend the December Board Meeting. Secretariat are liaising with his office. A list of the staff events in respect of the Corporate Plan has been forwarded to members seeking their availability. Secretariat will contact members to confirm dates and attendance. The Board Chair thanked Ms McGreevy for all the work that she has put into the arrangements.

The Members were advised of a number of office and team visits carried out during the month. It was noted that the same types of issues were being voiced by staff at these visits.

The Board Chair advised that he had met individually with both the newly appointed Directors of Operations. He and the Board Secretary also met with Deborah Magill, Grade 5, DOJ. This was to introduce her to a number of topics discussed including, budgets, pay modernisation and the NIAO Reoffending Audit.

At the recent Chairs Executive Forum it was advised that the Head of Civil Service and the Permanent Secretary of DOF will now be reviewing progress with the implementation of Partnership agreements. It was agreed that the Board Chair and Ms Magill would meet quarterly. The Board Chair also attended the annual 'Lowry' Lecture and the Public Sectors Chairs Forum for a briefing and its AGM.

The Board noted the update.

6. CHIEF EXECUTIVE'S UPDATE (PAPER 93/22)

In advance of the meeting, the Chief Executive had provided a paper on meetings, visits and key issues since the last Board meeting, together with a commentary.

The Chief Executive asked the Board to note the internal and external engagements that she had attended and also advised the meeting that she had been on leave during this reporting period.

The Senior Leadership Team and the Trade Unions had discussed a number of important organisational issues to consider how best to address them. The Senior Officials Intergovernmental Agreement on Criminal Justice Co-operation Working Group had been cancelled and will be re-arranged. The Public Protection Advisory Group (PPAG) has a number of events coming up which members noted. The meeting of the Safeguarding Board (SBNI) focused on accommodation for asylum seekers, associated safeguarding issues and child protection. Discussion ensued on the number of asylum seekers who arrive in Northern Ireland each month and the accommodation provided for them. Child protection is a risk and concern in these circumstances. Staff need to make sure they can identify and escalate any issues or concerns appropriately.

The Chief Executive advised that she had provided a Governance Report to the DOJ for Q1 on the 2022/23 year.

The Members were advised of the priorities for the Organisation. The two Directors have been appointed with Ms Montgomery's portfolio being Communities and Courts (CC) and Mr Hamilton looking after Prison, Programmes and Public Protection (PPPP). The Chief Executive will be bringing a paper to Board on the SLT structure and overarching responsibilities in due course.

The work of the Policy Practice Research Unit (PPRU) has been positively received by staff with one-to-one review meetings being undertaken across the organisation. The constant pressure of retaining experienced Probation staff remains. The Corporate Plan will assist with the stabilisation and prioritisation of Probation's core work. Pressures persist with managing more complex cases with reduced resources generally as well as reduced funding for the Community and Voluntary Sector to provide services. Overall circumstances are very challenging.

The Board noted the update.

7. CORRESPONDENCE (PAPER 94/22)

There was one item of correspondence to note.

7.1 A letter from the Board Chair to the Permanent Secretary to invite him to the December Board Meeting.

The Board noted the correspondence.

8. GOOD RELATIONS AND EQUALITY REPORT (PAPER 95/22)

The Board Chair raised his concerns on the responses within the Report on screening of policies. He had discussed his concerns with the Chief Executive and suggested that screening of policies as currently reflected in the draft report be reviewed. Once the report had been reviewed the paper could return to the Board for approval prior to the submission date of 30 September 2022.

He suggested a process for members' approval without the need to call an extraordinary meeting. Members agreed to the suggested approval process. The Chair informed the meeting that the report was a Board responsibility. There was a discussion noting many of the positive achievements set out in the Report, particularly involvement in Pride and Mela. The Board agreed to postpone a decision on the paper and it will be re-submitted for Board's approval before the 30 September 2022.

Action: Good Relations and Equality Report to be re submitted to the Board for approval (Head of HR & OD)

9. MANAGEMENT INFORMATION PAPER UPDATE (PAPER 96/22)

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

The Head of Finance & Estates advised that the Financial Outturn paper would be discussed under agenda item 13.1. The in-year pressures exercise has been submitted to the Department. The £1.3m required to fund pay modernisation was added to ensure visibility. Members noted that PBNI is taking part in the 2022 National Fraud Initiative.

There were no new legal cases received during this reporting period.

The Head of HR & OD provided an update on Human Resources and Organisational Development.

Members were advised that an update on the Cultural Transformation was provided in the presented paper for members to note.

The Board Chair congratulated the Head of HR & OD on the papers provided on Pay Modernisation. The Head of HR & OD updated members on the discussions with the Trade Unions and the challenges in finding an appropriate solution. The preferred option has been identified as '6E' although the Trades Unions' preferred option would be '6F'. Members were advised of the slight differences in the two options. The Head of HR & OD stated she was confident that an agreement will be found. There was discussion on which pay framework would be best for Probation. The Members discussed the difference of aligning against the NJC and the NICS pay frameworks. A member raised a concern about using a framework over which the Executive would have no influence in relation to pay policy and how this might influence or even impact on the consideration of the proposals for pay modernisation. The Board were advised that the NJC pay negotiation body was widely recognised and used across the public sector. Following discussion, the Board Chair commented that there were three risks identified: Public Safety; Service Users; and retaining experienced Probation staff to supervise the complex cases now presenting. Further work was necessary to identify other operational and public safety risks. The Board agreed that pay modernisation was a significant area for the Board and Organisation to resolve. A member raised a concern on the scoring of the options, it was advised that in the development of the options, a full review had been undertaken and would be included in the Outline Business Case.

The Head of HR & OD informed members that the NISRA People Survey will be launched on 17 October and closed on 16 November 2022. She explained that there is a time lag between ending the survey and the results being published in Spring 2023. A member asked if there could be a presentation on the NISRA Survey.

Action: Head of HR & OD to look at arranging a presentation on the NISRA Survey. (Head of HR & OD)

The Head of HR & OD drew attention to the staffing pressures, Learning & Development and Health & Safety and Employee Wellbeing as noted in the paper.

The Director of Operations (CC) informed that there is continuing focus on the actions from the recent CJI (NI) Inspection of Probation Practice. The follow up inspection is likely to be in Q4 of the 2022/23 business year. The joint Child Protection Inspection has yet to start.

There were no Serious Further Offences to report since the last Board Meeting but there may be one to come to the Board, after additional information is provided by the PSNI. Members were advised of the detail of the case as currently understood.

The Director of Operations (PPPP) advised members that the Covid Recovery Group had recommended that the allowed 10 days absence due to Covid, which does not count towards the sickness record, will be removed. The Trade Unions have asked for feedback from their members. The Director of Operations (PPPP) advised that the NIAO (Reducing Reoffending) Value for Money Audit team has been in contact regarding several queries. PBNI have responded. Members were advised that there is no timeline for the publication of the final report.

Head of Communications provided an update on current activity on both Internal and External Communications. The Probation News has been published with a focus on Board Members' visits to teams and offices. She advised that she would like to highlight some individual Board Members and the role of the Board in forthcoming additions of Probation News. The Corporate Planning events have been arranged with Board Members attending. The sessions will be about informal conversations with staff. 600 stakeholders have been contacted inviting input into the Corporate Plan. There are two stakeholder events arranged with the Board and Deputy Board Chairs attending.

There have been several staff events such as 'Hidden Heroes' which allowed staff to meet and catch up with colleagues.

It was reported that there have been 20 data incidents since January 2022. They are mostly categorised as 'low level'. There have been 17 complaints since January with one complaint proceeding to the 'formal' stage. There have been no Whistleblowing (Raising a Concern) incidents in this financial year.

Members discussed feedback from their visits and asked were the points raised being considered by officials. Members agreed that after each visit they would provide a record of the visit and provided it to the Board Chair. Officials advised that they are addressing concerns expressed by staff such as attendance at Parole Commissioner Hearings and transport for service users in outlying areas.

The Board noted the paper.

10. COMMUNITY & VOLUNTARY SECTOR FUNDING (PAPER 97/22)

The Board Chair invited the Director of Operations (PPPP) to take members through the paper.

The Director of Operations (PPPP) drew members' attention to the paper and advised on the purpose, context, current funding to an external community and voluntary sector partner, and the action taken to date. He advised that the Chief Executive had reported concerns over funding to the organisation by Probation at previous meetings of both the Board and ARAC. Notification was received in July 2022 of a potential fraud. The paper provided sets out the funding to the organisation provided by Probation and how it is used. Further funding will not be provided until this issue has been resolved satisfactorily. There is an ongoing investigation by the DOF into the matter and funding by the Executive has also been suspended. Probation provides funding on a six-monthly basis with the next instalment due on 1 October 2022. There has been no impact on service users to date but come 1 October 2022 there will be an impact unless the funding is reinstated.

Discussion ensued on what will be the operational impact together with the public interest element. A member commented that given Probation's endorsement of ECOs it may be worth exploring how a substitute arrangement could be developed for the project. Members were advised that proposals for training staff have received and was being considered to address the gap.

The issue of equality for service users and the impact of diversity was discussed as central to the equality package of disposals by the judiciary. It was agreed that this may help the case for continuing ECOs.

The Board noted the paper.

11. BOARD SECRETARY'S BUSINESS

The Board Secretary asked members to advise him of any personal invitations members receive from staff to attend events. He will then refer the invitation to the Chief Executive to ensure that the Board is not being seen as negatively impacting on service delivery.

The Board noted the update.

11.1 Board Work Plan 2022/23 (Paper 98/22)

The Board Secretary advised that the work plan covered the financial year 2022-2023 and provided information on the work of Committees and Board. The Work Plan ensures that the Committees and Board have advance notice of their work going forward and the Plan works on the principle of no surprises

The Board noted the paper.

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

As Mr Bodger's was attending the ARAC Chairs' meeting at the Department, Ms Patterson provided a summary of the meeting held on the 9th September 2022.

Members were advised that the Annual Self-Assessment and closed session of ARAC have been postponed to the November meeting. The Report to Those Charged with Governance had no recommendations made and the Committee wished to pass on its congratulations to the Head of Finance and his team. There were two Internal Audits presented to the Committee with both receiving a 'green' assurance rating. The Risk Register was discussed at length with the Q2 Risk Register being brought to the Board for approval. Deviation from Standards was discussed with

the challenges for staff and the workload being recognized. The Committee was provided with assurance on the process of reverting to deviating from Standards. The Head of Finance & Estates briefed the Committee on the status of the investigation by DOF into a community and voluntary sector partner which the Board has already been updated on at this meeting.

The Board noted the update.

12.1 Q2 Risk Register 2022/23 (Paper 99/3)

The Director of Operations (CC) advised member that the Risk Register is updated each month by the SLT and in turn it informs the quarterly report. As an action Horizon scanning has been included in the Risk Register. Members were directed to the paper as the Director of Operations (CC) advised on the changes of controls and actions. Following discussion at the ARAC meeting on 9 September 2022, the Committee agreed to recommend approval of the Q2 to the Board.

The Board approved the Q2 Risk Register 2022/23.

12.2 Report to Those Charged with Governance (Paper 100/22)

The Head of Finance & Estates advised that this was the finalised Report. There have been no recommendations made. Members were informed that a change of approach for next year has been agreed.

The Board Chair commented that it was an excellent and wished to congratulate the Finance Team of their work.

The Board noted the paper.

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

Mr Johnston, Committee Chair, advised that there had not been a meeting of the Committee since the last Board Meeting and confirmed that there were no items of concern or emerging issues to report. The next meeting of the Committee will be on 30 September 2022.

The Board noted the update.

13.1 Financial Outturn Report (Paper 101/22)

The Head of Finance and Estates provided an update on expenditure. There is a year-to-date pressure on deprecation, this is a technical change across the whole department. The exercise to realign the un-ringfenced and ringfenced DEL has yet to be completed.

There continues to be a pay pressure of £275k, the change in national insurance will provide some saving. The package for utilities has yet to be advised but it is expected that there will still be pressures, although the Department is confident of a level of funding. Pay Modernisation has been included in the exercise in the expectation that the business case be approved before year end. The Department has been briefed and knows about the pressure. The estimated additional for Pay Modernisation funding is £1.3m. The funding of ECO remains an issue yet to be resolved.

The Board noted the update.

14. COMMITTEE CHAIR’S UPDATE - POLICY AND PRACTICE COMMITTEE (PPC)

Dr Byrne, Committee Chair, advised that there had not been a meeting of the Committee since the last Board Meeting and confirmed that there were no items of concern or emerging issues to report. The next meeting of the Committee will be on 14 October 2022.

The Board noted the update.

15. OTHER BUSINESS

Ms Brunt advised that under agenda item 8.0, as an Equality Commissioner, she should have declared her role with the ECNI, however she did not believe that there was any conflict of interest on this occasion. She wished for the Board to note that if the Board Chair or she considers a conflict she will advise the meeting going forward.

The Board Chair advised that the Committee Chairs’ Working Group will be discussing how business is brought to the Board after this meeting.

The equality of the geographic availability of the ECO pilot was mentioned by a member who asked if the Department were aware of the inequality of disposals depending on where you live and where the offence was committed.

The Board Chair thanked members and officials for attending. The next meeting will be on 28 October 2022, PBNI Conference Room, 4th Floor.

The meeting ended at 12.10 pm.

Mr Max Murray CBE
Board Chair

Date