

PROBATION BOARD FOR NORTHERN IRELAND

**BOARD MEETING – FRIDAY 25 NOVEMBER 2022**

**10.00 AM – PBNI CONFERENCE ROOM AND VIDEO CONFERENCING**

**450<sup>th</sup> MEETING – 8<sup>th</sup> OF THE THIRTEENTH TERM OF OFFICE**

ATTENDANCE

Mr M Murray, Chair  
Ms E Patterson, Deputy Chair  
Mr N Rodger – Via Video Conferencing  
Ms M Brunt  
Dr J Byrne  
Mr K Donaghy  
Mr B Ingram  
Mr J Johnston (Items 1 – 7)  
Dr M Keady - Via Video Conferencing  
Ms A Lloyd-Stevens  
Mrs C Magee  
Ms B Mongan

Mrs L Crothers – Boardroom Apprentice

OFFICIALS

Ms A Stewart, Chief Executive – Via Video Conferencing  
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

**Presentation by the Assessment Unit**

The Board Chair welcomed members of the Assessment Unit and invited them to provide an overview of their work.

The Board was informed on the roles of the Area Manager, PSO, Administration and PO within the Assessment Unit based in Headquarters. A question and answer session followed with staff providing members with further information on meeting deadlines and court procedures.

The Board Chair thanked the presenters for their enthusiasm and professionalism and that they had provided a good insight for the members on the work of the Assessment Unit.

## **1. WELCOME, OPENING REMARKS AND CONFLICTS OF INTEREST**

The Board Chair welcomed everyone to the meeting which was being held 'in person' and virtually.

The Board Chair advised of the format of the meeting with some amendments to the running order of the agenda. The Public Protection Advisory Group (PPAG) is meeting in Dublin for its annual event. The Chief Executive is attending the meeting in Dublin but will also attend our Board meeting via video link. It was hoped that the Board Meeting would link into the PPAG meeting to hear Mr Wilson's opening remarks.

The Pay Modernisation Outline Business Case (OBC) will be taken at the end of the meeting to allow for any necessary discussion without having a time constraint.

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

## **2. APOLOGIES FOR ABSENCE**

Apologies were recorded from Mr Barnes, who has currently stepped aside as a Board Member.

## **3. MINUTES OF THE BOARD MEETING HELD ON THE 28 October 2022 (M10/22)**

The minutes of the Board Meeting held on Friday 28 October 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 115/22)**

The Board Chair advised that there was one ongoing action recorded from the meeting held on 26 August 2022. The Chief Executive provided an update advising that there has been no formal feedback from the Department. A proposal is being developed by the Senior Leadership Team and should come to the Corporate Resources Committee and the Board in advance of further discussion with DOJ. .

### **Action: Proposal on ECOs to come to the December or January Board. (Officials)**

The Board Chair advised that actions 2, 3, 4, 5, 6 and 7 are noted in the paper as 'completed' or action 'noted'. The Board Chair advised the PBNI Estates Manager, will be presenting to the Board in January on Estates as per action 5.

There are no other outstanding actions.

The Board noted the paper.

## **5. BOARD CHAIR'S UPDATE**

The Board Chair advised that most of the engagements he had attended since the last Board Meeting were on behalf of the Corporate Plan. The events had been well attended with a lot of

useful feedback being given. He confirmed that the Officials are following up on operational feedback received. He thanked members for attending and supporting the events.

#### **Feedback from the Corporate Planning Events (Paper 126/22)**

The Head of Communications provided members with details of the events and the emerging issues. She informed that the consultation had received the most responses than any previous Corporate Plan consultation exercise. The updates to the document were in red for ease of review. After the Committees Chairs Working Group (CCWG), the Head of Communications had incorporated its suggestions and revised the document. The Head of Communication advised on the areas that were updated including the language used. The Chief Executive, Directors and Head of Communications had met to discuss the feedback. They also looked at a number of other organisations' style and content of their Corporate Plan. The Members asked that feedback from staff be captured separately. A member asked if unsuccessful in achievement of the outcomes had been considered and how would the outcomes be measured.

The Board Chair thanked the Head of Communications for her work on the Plan.

The Board Chair advised that he had had the pleasure of writing to the Chief Executive confirming her appointment in post after a year's probation.

Dr Byrne had offered to host a Board Meeting at the Ulster University which would include a tour of the site for members who wishes to do so.

The Board Chair and Mr Ingram met with the Retired Probation Officers Association which had been a useful discussion on promoting Probation and social work Values. The Board Chair met with Richard Good of the 'Turn Around' Project. The CCWG met on the 18 November to discuss the Corporate Plan. The Board Chair attended two seminars, Government leading Arm's Length Bodies Well and Survive the Pitfalls of the Workplace Investigations.

Upcoming meetings and events include, the Permanent Secretary attending the December Board Meeting. The Chief Executive will be providing a briefing note, but probable areas of discussion would be the political situation, budgets, Corporate Plan and the importance to probation of Pay Modernisation. It was suggested by a member to raise Partnership working and Problem-Solving Justice as well. Any further suggestions would be welcome. It was noted that the Annual Accountability meeting normally with the Minister has still to be arranged by the DOJ.

#### **Action: Members are to advise the Board Chair if there are any topics that they wish to discuss with the Permanent Secretary. (Board Members)**

The Board Chair and Board Secretary will be meeting with NIPSA to discuss their concerns on the recent Assistant Directors recruitment process. The Board will be informed of the outcome of the discussions.

The Board discussed its stance on Age of Criminal Responsibility, in response to the consultation on this matter. Following discussion the Board confirmed, agreement to raise the age from 10 to 14.

The Board noted the update.

### **5.1 Feedback from the Retired Probation Officers Association (Paper 116/22)**

The Board noted the paper.

### **5.2 Age of Criminal Responsibility (Tabled paper)**

The discuss topic as noted above.

## **6. CHIEF EXECUTIVE'S UPDATE (PAPER 117/22)**

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

The Chief Executive advised that she had attended the Five Nations' of Probation meeting and advised the Board that all nations are experiencing the same issues of funding and staffing. Relationships between this jurisdiction and the Irish Probation Service remain good with a lot of work being done through the Public Protection Advisory Group (PPAG) which also includes prisons, police and Departmental officials from both jurisdictions.

The Chief Executive also updated the members on the progress against recommendations of the Review of Senior Leadership Team. Following review of the Senior Leadership Team, the responsibility of Assistant Directors has been revised. It was found that the Assistant Director (Urban) portfolio was comparatively too heavily weighted so it had to be revised. 13 recommendations from the review have been completed. Two Assistants Directors - Emer Loughran, and Melissa Spence will be appointed following the recent recruitment competition.

The Chief Executive provided an update on recruitment of Probation Officers and the issues of recruiting staff. There is a shortfall of social workers across Northern Ireland. There was discussion on going out to recruitment again after running 2 competitions already this year

The Board noted the update and paper.

## **7. CORRESPONDENCE (PAPER 1118/22)**

There were three items of correspondence to note.

### **7.1 Letter received from the Department of Health – Social Workers employed by agencies**

Members discussed the withdrawal of agency social workers in the Trusts and would this be brought into Justice. There is a need to recognise that there is an ageing population and therefore there is a need for flexibility. It was noted that the Trusts continue to recruit social workers.

### **7.2 Letter received from the Permanent Secretary (DOJ) by the Chief Executive on New Government Protocol for the use of Restorative Justice. The Chief Executives reply was tabled at the meeting.**

Tim Chapman has been appointed to oversee Restorative Justice. There is an accreditation process subject to inspection by CJI (NI), currently there is a reliance on two providers. Members were advised that AD, Urban has done significant work on upskilling staff. There may be resource implications and additional work for Probation.

### **7.3 Letter received from CJI (NI) by the Chief Executive – Inspection of the Criminal Justice System’s approach to Vulnerable Older People in Northern Ireland**

Members were advised that CJI (NI) are looking at vulnerable older people in the Criminal Justice System. The focus will be on the Victim Unit rather than practice. Discussion following on the definition of age and how to appropriately define ‘vulnerable’.

The Board noted the Correspondence.

## **8. MANAGEMENT INFORMATION PAPER UPDATE (PAPER 106/22)**

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

The Head of Finance & Estates advised that the formal budget for this financial year was received yesterday. It was advised that a standstill position would be a good position for next year. The Department have identified pressures of about £60m

The Head of HR & OD provided an update highlighting a number of points.

The integrated HR and Payroll system continues to be developed. Online recruitment is being tested. Using the system for allocating annual leave will be tested by corporate staff.

Seven university students will be starting on a 100 days placements. Practice leaders are in place together with onsite supervisors. All five students last year were subsequently offered employment.

Members noted the update on Learning & Development as laid out in the paper. A member asked that an update on Health and Wellbeing (HWB) be an agenda item for the next Board

### **Action: HWB to be an agenda item at the December Board (Secretariat / Head of HR & OD)**

The Director of Operations (CC) informed that there was nothing to update on the CJINI follow up inspection and that the Joint Child Protection Inspection is at an advanced stage with no cases involving PBNI. She also provided details on Practice Standards and the teams deviating from them.

There were no Serious Further Offences to report since the last Board Meeting.

The Director of Operations (PPPP) advised that he had attended an International Relations Strategy event in Brussels which had been a good opportunity to share approaches to practice. Scottish colleagues are keen to visit Northern Ireland to see Probation’s approach to rehabilitation. The Chief Executive advised members that she had received a letter from Mark Goodfellow, DOJ, thanking the Director of Operations (PPPP) for his contribution to the International Relations Strategy event.

Reoffending data will be brought to the next PPC meeting for review. It was noted it covered the Covid period. The remand population continues to increase. Ronnie Armour, Director General of Prisons, has set up a Remand and Bail Working Group which Probation has been invited to sit on. Our focus will be on supporting individuals on bail.

Members were advised that the Q3 Risk Register is being brought to this Board for approval.

The Board noted the paper.

## 9. BOARD SECRETARY'S BUSINESS

### 9.1 Ratifying the Deputy ARAC (Verbal)

The Board Secretary advised that the ARAC, at the Committee's meeting on 4 November 2022, had nominated Mr Ingram as Deputy Chair. He asked the Board to ratify the appointment.

The Board agreed to do so.

### 9.2 Board Work Plan 2022/23 (Paper 120/22)

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 Work Plan for 2023/24 and the draft schedule of meetings for 2023/24 will be brought to the December Board meeting for agreement.

The Board noted the paper.

### 9.3 Governance Review (Paper 121/22)

The Board Secretary provided a summary of the paper. He commented that this was an appropriate time to carry out a review and define the priorities of the Board which will tie in to the Corporate Plan 2023/26. The implications of one year budget was an important point to note.

Members' attention was drawn to section on Questions and Answers. It was suggested that a workshop be held early in the New Year to discuss Board effectiveness and doing business differently. This would give an opportunity to discuss alternatives working arrangements. The workshop should focus on governance, accountability, the role of the Board and how it operates.

Members agreed to have a facilitated workshop.

**Action: One day work shop to be arranged for January / early February. (Secretariat)**

The Board noted the paper.

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

Mr Bodger provided members with a summary of the ARAC meeting held on 4 November 2022.

Members were advised of the discussions at ARAC. The Board has ratified Mr Ingram's nomination as Deputy Chair of ARAC earlier in this meeting. The Annual Self-Assessment was discussed with the Board Secretary tasked with circulating the questionnaire. The Chief Executive provided the Committee with a copy of the mid-year Stewardship Statement. The Head of Internal Audit provided an update on the audits for Probation. There was an in-depth discussion on the Q3 Risk Register with an action for the Committee to discuss the Financial Framework at its February Meeting. The Board will be requested to approve the Q3 Risk Register at this meeting. There was no change to the Audit Log from the last meeting.

The Committee discussed Hospitality – included in the members’ code of conduct - and it was agreed that the Committee provided a good forum for reviewing any Board Member’s hospitality recorded. There was discussion on the level of hospitality to be notified. It was agreed that the NICS guidance will be considered in reaching a level.

There were no incidents of suspected instances of fraud or losses during the period. The Chief Executive advised that there was a Nil return for Raising a Concern during the reporting period.

The Annual Closed session was held with auditors with no issues or comments being raised.

The Board noted the update

#### **10.1 Q3 Risk Register (Paper 122/22)**

The Director of Operations (CC) provided a summary of the paper, updating members of the status of the each risk. The impact of budgetary pressures will be kept under review for Risk 2. Following discussion at the ARAC meeting on 4 November 2022, the Committee agreed to recommend approval to the Board.

The Board approved the Q3 Risk Register.

### **11. COMMITTEE CHAIR’S UPDATE – POLICY & PRACTICE COMMITTEE (PPC)**

There was no update provided for the PPC as there had not been a meeting since the last Board Meeting.

### **12. COMMITTEE CHAIR’S UPDATE - CORPORATE RESOURCES COMMITTEE (CRC)**

Mr Ingram, Deputy Committee Chair, advised that the Committee met on 18 November 2022 to review the Pay Modernisation OBC. The Committee’s comments / suggestions will be discussed under agenda item 12.2 of this agenda. The next meeting is scheduled for 20 January 2022.

#### **12.1 Financial Outturn Report (Paper 124/22)**

The Head of Finance and Estates provided an update on expenditure. A key point is the in-year pressure being £29k with a net overspend of about £78k. Members were advised of the pressures and easements. The Capital budget is projected to be underspent. It was noted that Capital spend is limited to projects started before the resignation of the First Minister. Due to the staffing level it is anticipated that a breakeven position will be achieved at year end.

Members asked why costs related to Pay Modernisation are listed separately. The Head of Finance and Estates explained that the Department had stipulated a particular format. It was agreed that, for the Board, Pay Modernisation will be included in the table as one figure.

**Action: Pay Modernisation figure to be reported separately. (Head of Finance & Estates)**

The Board noted the Paper.

#### **12.2 Pay Modernisation OBC (Paper 125/22)**

Mr Ingram provided the Board Members with a summary of discussions at CRC on the OBC. He thanked the Officials for their work on the project and Mr Donaghy for his input.

The Committee had made a number of suggestions which it felt were important in making Public Safety the emphasis. It was suggested that re-ordering the objectives would give greater clarity throughout the OBC, linking to the outcomes and benefits. Strengthening the risks would also be important. The Committee concluded it was a well-balanced, fit for purpose proposal, which represented value for money.

The Board Chair noted that the OBC was the responsibility of the Chief Executive, as the Accounting Officer. The Board's role was to scrutinise the case to ensure it was appropriate. The OBC is seen as significant and central to the success of PBNI into the future. The Board Chair advised that any further comments at this meeting would be welcome. The OBC is to be submitted to the DOJ for its approval and then onto the DOF for final approval. He thanked Mr Donaghy for his advice drawing on his HR experience and knowledge.

During the discussions the legal advice relating to any equal value risk was discussed. The Members discussed the legal advice and were satisfied that it is robust enough for the OBC. The summary of the legal advice is listed on page 64.

The pension's implications of some of the options were also reviewed. It was confirmed that the possible changes to terms & conditions have been discussed with the Trade Unions.

Members discussed the narrative and the timescale of the approval process together with the element of back pay. Members were informed that this will be paid from April 2022 and has been accrued for.

The Chief Executive advised that it was her responsibility to submit the OBC and she now is content to sign it off. She thanked the Heads HR & OD and Finance & Estates, SLT and the Unions for their work on this project. The timing of submitting the Business Case to the Department was unfortunate in the current economic environment. It may also have consequences for other organisations which employ social workers.

The Members discussed the messaging to the staff and how important it was in managing their expectations. Members were advised of the planned communications.

Mr Donaghy commented that it was an impressive piece of work and the team are to be congratulated for their efforts.

The Board provided its comments and noted the paper. Any other comments would be welcomed either by telephone or email.

### **13. OTHER BUSINESS**

The Board Chair advised members that he intended to start the annual appraisal process shortly.

The Board Chair thanked members and officials for attending. The next meeting will be on 16 December 2022, PBNI Conference Room, 4<sup>th</sup> Floor at 9.30 am.

The meeting ended at 12.55 pm.



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Mr Max Murray CBE  
Board Chair

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Date