

PROBATION BOARD FOR NORTHERN IRELAND

BOARD MEETING – FRIDAY 26 AUGUST 2022

10.00 AM – PBNI CONFERENCE ROOM AND VIDEO CONFERENCING

447th MEETING – 5th OF THE THIRTEENTH TERM OF OFFICE

ATTENDANCE

Mr M Murray, Chair
Mr N Bodger – Via Video Conferencing
Ms M Brunt
Mr K Donaghy – Via Video Conferencing
Mr B Ingram
Mr J Johnston
Dr M Keady
Ms A Lloyd-Stevens – Via Video Conferencing (Items 1 – 8)
Ms C Magee
Ms B Mongan
Ms E Patterson

Deirdre 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
Mr M Cox, Board Secretary
Mrs W Rodgers, Secretariat (Minutes)

Guests

Area Managers from the Intensive Supervision Unit (ISU)

The meeting opened with the Board Chair welcoming two Area Managers from the ISU to the meeting. He invited Ms O’Neill and Ms Barry to present to the Board Members on the work of the ISU and their work with this cohort of service users.

Members were briefed on the work of the ISU units. They informed the meeting of their case load and the types of offences, which come under their remit. The cases require the ‘intensive’ supervision of service users and the Area Managers talked about the importance of ensuring the care and welfare of staff and the procedures in place to ensure the safety of staff. The importance of teamwork and support was also emphasised. Members were advised of the work within communities and engagement with other agencies. Ms Barry provided information on ‘Understanding Sex Offenders’ and ‘Working with individuals who have been convicted of sexual offences’.

The Board Chair opened the floor for questions. It was advised that the caseload is above what would normally be expected, the caseload is currently 22 to 23 active cases per Probation Officer. The Board agreed that it was reassuring that there was a focus on the safety and well-being of staff. The Area Managers talked about some of the challenges of supervising this cohort of offenders, such as finding suitable accommodation for them on release from prison.

On behalf of the Board, the Board Chair thanked Ms O'Neill and Ms Barry for providing the Board Members with information on what they do. It is hoped to set up a visit to the Team in the near future.

Action: A copy of the presentation to be posted on Decision Time for members' information (Secretariat)

1. WELCOME, OPENING REMARKS AND CONFLICTS OF INTEREST

The Board Chair welcomed everyone to the meeting, which was being held both in person and via video conferencing. He wished to place on record his thanks, on behalf of the Board, to Ms O'Neill and Ms Barry for their presentation on the ISU.

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

2. APOLOGIES FOR ABSENCE

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

3. MINUTES OF THE BOARD MEETING HELD ON THE 24 June 2022 (M07/22)

The minutes of the Board Meeting held on Friday 24 June 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 79/22)

The Board Chair advised that there were five actions recorded from the meeting held on 24 June 2022. All actions are marked as complete with the Board Chair summarising each action. It was also confirmed that there were no other outstanding actions.

The Board noted the paper.

5. BOARD CHAIR'S UPDATE

Members were advised that this is the last meeting for Ms Gilchrist, as she has completed her one year with Probation Board as Boardroom Apprentice. The Board Chair invited Ms Gilchrist to provide the Board with her reflections on her time with her Board.

Ms Gilchrist advised that from the start she felt welcome and having a Board 'Buddy' was beneficial. The papers for meetings were detailed and provided a good understanding of the work of Probation in general and the Board in particular. She found the experience positive and she wished the PBNI best wishes for the future.

The Board Chair thanked Ms Gilchrist for her time on the Board and wished her well and every success in the future. Members were advised that the incoming Board Apprentice will be attending the September Board.

Members were advised that the Annual Equality Report will be provided at the September Board as an extension had been granted for its submission.

The Board Chair provided information on meetings and visits he had attended since the last meeting together with information on Board Members' visits to local offices. He advised that the visit to Maghaberry had been informative and noted that the Governor had outlined challenges that Prisons are facing. Members met with the Probation Team based in the Prison and they set out the challenges they were experiencing particularly the importance of returning to normal working post Covid. A number of Board Members provided feedback on their office visits and agreed that the retention of staff and pay modernisation were re-occurring themes. A Board Member commented that the visits increased understanding of the diverse work of the Organisation. The Board discussed some of the issues that had been raised by staff such as outreach offices having poor transport links for service users particularly in the Northwest.

The Board Chair thanked Mr Donaghy for his work on the Pay Modernisation project and another HR issue. He also thanked Mrs Patterson for her participation in the interviews for the Director posts.

The Board noted the update.

6. CHIEF EXECUTIVE'S UPDATE (PAPER 80/22)

The Chief Executive had provided a paper on meetings, visits and key issues since the last Board meeting, highlighting a number of points.

Internal and External engagements continue with several key meetings identified for members' information. The Chief Executive advised that she had attended a 'Five Nations' meeting which highlighted that all jurisdictions were experiencing the same recruitment/workload issues as PBNI. Meetings continue to maintain relationships with the Community & Voluntary Sector and key Stakeholders.

The Head of HR & OD and the Head of Finance & Estates are working on a Business Case for Pay Modernisation with a target date of 31 October 2022 for its submission to the Department. The stabilisation of the Senior Leadership Team continues to be a focus. The Chief Executive thanked Mrs Patterson, Board Member, and Mr Wilson, Director of Probation Ireland, for their participation in the recruitment of the two posts of Director of Operations. Members were advised that Dr O'Hare had requested a career break. The Board Chair acknowledged and noted the request.

The funding of ECOs remains uncertain and the Chief Executive is in discussion with the Department. The Board was advised of funding challenges and the political direction of travel has yet to be established. The Chief Executive attended a meeting hosted by the Lord Mayor of Belfast on addiction and homelessness issues.

The Board was advised on the current position of funding to a Community & Voluntary Sector partner. The Executive Office has decided to suspend funding, as a precautionary measure. The Chief Executive did not want to be disproportionate in her actions but caution is appropriate until

the position is clear. The Board was informed that if there was any additional funding to be awarded beyond September, the Board would be advised. There would not be any interruption to service users until after the end of September, if funding is not resumed.

The Board discussed the issue of accommodation for people on release from prison as this had been raised as part of the discussion with staff during the recent visit to Maghaberry. The Acting Director of Rehabilitation advised that this is an issue which PBNI is working on with staff in NIPS.

The Board noted the update.

7. CORRESPONDENCE (PAPER 81/22)

There were three items of correspondence to note.

7.1 Letter received from the Minister of Justice on the Review of PBNI's Governance and Status

7.2 Letter from the Board Chair to the Minister of Justice to acknowledge her letter

7.3 Chief Executive's letter to Glynn Capper reference Problem Solving Justice's ECO Funding

The Board noted the correspondence.

8. DRAFT CORPORATE PLAN CONSULTATION DOCUMENT (PAPER 82/22)

The Board Chair invited the Head of Communications to take members through the draft document.

The Head of Communications advised that she had considered feedback received and had amended the document accordingly. Members were informed of the next steps in the consultation process. It was noted some informal meetings have already taken place.

Historically, the most meaningful feedback comes from staff and therefore five staff consultation events have been set up. They will run from September to November. The Board Chair and Secretariat will be in contact with members on their availability to attend these important events. Members were also advised of stakeholder, political and Community & Voluntary Sector consultation events. They, together with the use of social media and the website, will ensure as wide an audience as possible is reached. Also, a specific letter would be sent to the Department of Health (DOH) emphasising the importance of joint up working.

Action: Copy of the letter being circulated to stakeholders to be sent to Board Members on 1 September for their information (Secretariat)

Action: A specific letter for feedback to be sent to Department of Health (Head of Communications)

Following discussion, the Board agreed to approve the document.

The Board Chair thanked the Head of Communications for her work on the Consultation Document and arrangements that she has made for the consultation events.

The Board approved the paper.

9. MANAGEMENT INFORMATION PAPER UPDATE (PAPER 83/22)

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. He informed that one new legal case had been received during this reporting period and he provided details.

The Head of HR & OD provided an update on Pay Modernisation and progress of discussions with the Trade Unions. The Board Members were provided with details of the range of options. She advised that good progress had been made but there were some details still to be discussed with the Trade Unions. The target date of 31 October 2022 for the Business Case to be submitted to the DOJ still looks achievable. Members discussed the DOH's pay settlement from five years ago and its implications as well as the current inflation rate. Job design was seen as an important success factor. The Head of HR & OD provided updates on the Cultural Change work, the guidance on how Senior Further Offences are handled, the Mobility Policy, Hybrid working and other matters important to the Trades Unions. The Members did not raise any further questions.

The A/Director of Operations advised that there was little to report since the last meeting. The Q2 review of the Risk Register will be presented to ARAC at its meeting on 9 September 2022. No notification has been received of when the CJI(NI) will be carrying out its inspection on Practice Standards. The deviation from Standards is reflected in the Risk Register. The A/Director of Operations provided assurance that she was satisfied that monitoring of the implementation of the Action Plan is ongoing.

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

The A/Director of Rehabilitation, provided an update on the Rehabilitation Directorate. The Covid Recovery Plan continues with changes made to guidance. The next meeting of the Recovery Group is on the 21 September 2022. The Public Protection Advisory Group met in July to review its workplan and agreed to organise a seminar in November. There are currently 10 Domestic Homicide Reviews from their introduction in December 2020. The Q1 Business Performance Plan sees all six Strategic Priorities being rated as 'green'. An update will be provided under agenda item no 14.1.

Head of Communications provided an update on current activity on both Internal and External Communications. The 40th Anniversary of Probation is on 14 September 2022 at the Belfast City Hall, all Board Members have been invited. There will be a staff awards ceremony and a panel discussion. Members were advised of the makeup of the panel. Probation is taking part in the Mela event in Belfast along with other justice partners. Probation's new website has been launched and the Facebook page will be restarted in due course. The Victims Booklet was launched in July with Dr Byrne representing the Board at the event.

There have been 17 data incidents since January 2022, they are mostly categorised as low to medium impact

The Board noted the paper.

10. NIAO REVIEW (PAPER 84/22)

The Board Chair invited the A/Director of Rehabilitation to provide an update on the NIAO's Value for Money Review of Reoffending.

The A/Director of Rehabilitation advised that there had been no further updates since the last briefing to the Board. There has been ongoing contact with the NIAO and a significant number of papers have been supplied to them. The Terms of Reference for the Review are included in the papers for members' information. It is hoped that Probation's work will be acknowledged and that this is not just a Justice issue but also a Health issue. Value for money will be a major factor in the Review. The Board asked for a summary of papers sent to the NIAO.

Action: A summary of the papers sent to NIAO to be provided for Board Members (A/Director of Rehabilitation)

The Board noted the paper.

11. BOARD SECRETARY'S BUSINESS

The Board Secretary reminded members to submit their expenses within the three-month timeframe. If any member has a change in circumstances then the Register of Interests needs to be updated via the Board Secretary.

The Board noted the update.

11.1 Draft code of Conduct (Paper 85/22)

The Board Secretary provided background into the ongoing review of the Code of Conduct which was last reviewed in 2014. As Board Members are appointed by the Minister, the question is how a Code of Conduct should be applied to them.

Without an appropriate Code of Conduct in place, there is a risk of erosion of public confidence in the Board and Probation more generally. The review has been undertaken on behalf of the Department. It is being brought to Board to allow members an opportunity to review the Code before it is sent to the Department for their review and comment. The Board discussed several elements.

Following discussion, the Board agreed that the Draft Code of Conduct should be forwarded to the Department.

11.2 Board Work Plan 2022/23 (Paper 68/22)

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)

Mr Bodger, 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 9 September 2022.

The Board noted the update.

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

Mr Johnston, Committee Chair, advised that the Committee had received a comprehensive presentation from the Area Managers, North Belfast, at their offices where the Committee meeting was held there on 29 July 2022. The Committee was advised of the structure, staffing levels, caseload and local issues. The Committee welcomed the openness of discussion with the staff. The Head of Finance & Estates provided an update on the financial situation including the issue around funding of the third phase of the ECO roll-out. The Committee noted the projected financial pressures as they currently stood. The Head of HR & OD provided an update on Pay Modernisation and presented an excellent paper on this.

Action: The Board to be provided with the Head of HR & OD's Pay Modernisation paper (Secretariat)

Action: The Chief Executive and Head of Finance & Estates to provide more workings on the affordability of ECOs before it goes back to the Department. (Chief Executive and Head of Finance & Estates).

The Board noted the update.

13.1 Financial Outturn Report (Paper 87/22)

The Head of Finance and Estates provided an update on expenditure from June to August. Year to date there is a slight overspend but this is due to a technical change required for leases, in reality the position is breakeven. There is an adjustment exercise to realign unringfenced and ringfenced DEL to be completed. There are pay pressures as declared in the last report. The Department have asked for an in-year review of financial pressures, including pay and energy costs, which have been flagged at £200K and £93k respectively. The pressures do not include pay modernisation. If ECO does not go ahead there this a £375k ringfenced budget. He is currently looking at proposals to use this amount to meet other pressures but any such action would have to have Departmental approval. Referrals to Ascertain (Northern Ireland Drug and Alcohol Services) are being assessed for appropriateness.

Prompt Payment has significantly improved during July.

The Board noted the update.

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

In the absence of Dr Byrne, Committee Chair, Ms Mongan provided an update on the PPC meeting held on 5 August 2022. She advised that it was Dr O'Hare's last PPC meeting and on behalf of the Committee she wished Dr O'Hare well on her career break and thanked her for her work and guidance.

The Committee agreed to postpone its showcase event until March 2023. The presented data was discussed in detail around the demographics and it was agreed more work could be done in this area. The relevance of forecasting was also agreed and a meeting will be held in September on this. The Business Plan was discussed with a degree of concern that the all Q1 Strategic Priorities were rated as 'green'. The Committee drilled down on this and had a helpful discussion, the Committee will be recommending approval to the Board. The paper on Deviation from Standards was discussed and it was noted that they were not having a significant impact on

performance. The Committee agreed that the paper presented by the A/Director of Operations should be brought to the Board for information and noting.

The Head of Communications presented the Whistleblowing (Raising a Concern) Policy. It was a detailed paper which provided for a full discussion by the Committee. The Committee had recommended one amendment which was accepted by the Head of Communications and has been included in the paper brought to the Board for approval. The SFO Annual Report was also presented to the Committee and it was agreed that it should come to the Board for information and noting.

The next meeting of the Committee will be on 14 October 2022.

The Board noted the update.

14.1 Business Plan Q1 2022/23 (Paper 88/22)

The Business Plan Q1 2022/23 was presented to the PPC for scrutiny and discussion with one concern being raised on the 'green' rating for each Strategic Priority. Following discussion the Committee agreed to recommend approval to the Board.

Board Members did not have any questions on the paper and therefore approved the Business Plan Q1 2022/23.

14.2 Whistleblowing (Raising a Concern) Policy (Paper 89/22)

The PPC scrutinised and discussed the Policy with one amendment being recommended. The recommended change was accepted and following discussion the Committee agreed to recommend approval to the Board.

Board Members did not have any questions on the paper and therefore approved the Whistleblowing (Raising a Concern) Policy.

14.3 Deviation from Standards (Paper 90/22)

The A/Director of Operations provided the Committee with the presented paper. The Committee found the paper helpful in understanding the triggers that were in place to consider a deviation from Standards. Assurance was given that there were robust monitoring systems in place. The PPC had a full discussion on the risk factors and agreed to bring the paper to the Board for members' information and noting. The paper will be presented to the next ARAC meeting for discussion on risk.

The Board noted the paper.

14.4 SFO Annual Report (Paper 91/22)

The AD Risk presented the Annual SFO Report to the PPC. The Committee was provided with a summary of the Report. There were 10 cases within the reporting period and it was noted the complexity of the cases and although there were fewer cases than previous years they were more serious. The reporting of SFOs was explained and the criteria around them. A member asked if the Deviation from Standards impacted on the risk of these translating into SFOs, it was advised that it was too early to assess this as there is no data available at present.

The Board noted the paper.

15. OTHER BUSINESS

The Board Chair advised that the Committee Chairs' Working Group will be discussing how business is brought to the Board at its next meeting. He thanked members and officials for attending. The next meeting will be on 23 September 2022, venue to be advised.

The meeting ended at 1.25 pm.

Mr Max Murray CBE
Board Chair

Date