

PROBATION BOARD FOR NORTHERN IRELAND

**BOARD MEETING – FRIDAY 28 OCTOBER 2022**

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

**449<sup>th</sup> MEETING – 7<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 - Via Video Conferencing  
Dr J Byrne  
Mr K Donaghy  
Mr B Ingram  
Mr J Johnston  
Dr M Keady  
Ms A Lloyd-Stevens - Via Video Conferencing  
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 which was being held ‘in person’ and virtually.

The Board Chair advised that the Business Case for Pay Modernisation was not ready to come to the Board. Legal advice is still awaited but the current status of the Business Case will be discussed later in the meeting. Dr O’Hare will be joining the Board after the meeting to mark the occasion of her career break.

The Board Chair wished to record the Board’s condolences to Mr Cox on his recent bereavement. Mr Cox has also submitted his letter of resignation effective as of 31 January 2023. The Board Chair and Chief Executive are actively considering how to progress his replacement. Mr Cox

thanked members for their condolences and for the kind messages from members regarding his resignation.

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

## **2. APOLOGIES FOR ABSENCE**

Apologies were recorded from Ms C Magee, Member, Ms G McGreevy, Head of Communications and from Mr Barnes, who has currently stepped aside as a Board Member.

## **3. MINUTES OF THE BOARD MEETING HELD ON THE 23 September 2022 (M09/22)**

The minutes of the Board Meeting held on Friday 23 September 2022 were approved as a true and accurate record of the meeting with one minor amendment to page 5.

The minutes were approved by the Board (subject to the identified change).

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

The Board Chair advised that there was one ongoing action recorded from the meeting held on 26 August 2022. The Chief Executive provided members with an update on the funding of ECOs. Members were advised that future funding, from the Department to fund Problem Solving Justice, is still uncertain. The Head of Finance & Estates together with the AD Programmes have been looking at alternative ways for delivering the service. The options will be brought to CRC for review before being sent to the Department. Discussion followed on the importance of Enhanced Combination Orders (ECOs) and that it was a long-term priority for the Board. It was noted that ECOs remain a pilot funded by the DOJ rather than a PBNI strategy. Cost and efficiencies were discussed.

An update was provided on the Matters Arising from the September Meeting.

Action 1, Good Relations Report was submitted on time. It was suggested that the report be brought to the Board in May or June next year

**Action: Good Relations Report to be scheduled on the Work Plan for May / June 2023 (Secretariat)**

Action 2, NISRA Staff Survey, the survey has been postponed to early 2023, as recorded in the paper.

There are no other outstanding actions.

The Board noted the paper.

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

The Board Chair thanked members for their support with the Corporate Planning events. The Community & Voluntary Sector event at Clifton House provided good discussion as did the staff event at Shipquay Street. The remaining events are scheduled throughout November. The Board Chair wished to thank the Head of Communications and her team for putting together the schedule and arrangements for the events.

The Committee Chairs' Working Group (CCWG) met on 30 September with the main topic discussed being the role, purpose, function and governance of the Board and committees. The Board Secretary provided a paper on how we approach governance, as a Board. Following discussion by the CCWG, a paper will be brought to the Board in November for discussion. Once the Board has discussed the options, and if agreeable to an alternative model, then it will be introduced from April 2023. The new model will be monitored and changed as appropriate.

Dr Keady and the Board Chair attended the staff 'Townhall' event. Dr Keady commented that it was good event and well supported. There was a good atmosphere and morale was good. Dr Keady also advised that the good morale was visible at the City Hall event when he had an opportunity to engage with front line staff. He noted that the Board is received well by the staff.

The Board Chair advised of events he had attended, including two Chairs' Forum presentations.

Board Chair wished to place on record his thanks to the Head of Communications and her team, under the guidance of the Chief Executive, for the superb 40<sup>th</sup> anniversary event held at the City Hall. He commented that the performance of the invited group of performers was very moving and uplifting.

The Minister of Justice visited Probation as one of her last engagements as Minister. She met with 12 staff; she engaged fully and was well informed.

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 advised that there had been a Five Nations' call this week. This provides a good opportunity to discuss issues of mutual interest. It was apparent that each nation is facing similar challenges most obviously staffing and funding.

Dr O'Hare attended the CEP conference on behalf of the Chief Executive. It appears that the same issues are also being experienced in probation services across Europe. Members were provided with an update on Probation in Scotland and England. The Chief Executive advised that England Probation had agreed a pay deal for 3 years of 12% and an uplift in starting salary of £3k. England's Probation are under significant pressure to reduce rates of reoffending together with performance issues. The CJI (NI) may use this as a measure for PBNI in the future. England Probation has engaged a recruitment provider to carry out an extensive recruitment exercise.

Key issues being addressed include working towards the stability of the Senior Leadership Team with the interviews for Assistant Director posts scheduled. Once the competition is complete, the AD portfolios will be reviewed.

The recruitment of probation grades was discussed, including how to bring former staff back into the Organisation and how to make this an easier and attractive option. Recognizing experience and years of service was seen as an important organisational benefit.

The Chief Executive provided an update on the NIAO Value for Money Review on Re-offending'. It is expected that a draft report, for a factual accuracy check, will be received in early 2023. It was commented that it would be useful to have a sense of the outcomes of the Review at an early stage to inform the Corporate Plan.

The Members were advised of several meetings with political parties, which have taken place.

The Board noted the update.

## **7. CORRESPONDENCE (PAPER 104/22)**

There were no items of correspondence to note.

## **8. PAY MODERNISATION BUSINESS CASE (PAPER 105/22)**

The Board Chair advised that, despite everyone's' efforts, the Business Case for Pay Modernisation was not yet ready for review by the Board. The Head of HR & OD provided members with an update. The Officials are looking at the options and scoring but the biggest outstanding issue is the awaited legal advice. It is important that the legal advice supports the case. It is felt that the current advice provided was not sufficiently strong. The Crown Solicitor's Office has been asked for more advice. Members were advised of the Trade Union stance.

Discussion ensued on the approval of the Business Case. It was agreed that the document would go to an additional meeting of CRC to be held on 18 November for review in the expectation that it would be presented to the Board at its November meeting. An explanation on the weighting of the scoring was also given.

The Board Chair commented that pay modernisation is critical to the success of the Organisation as it must address turnover and the loss of experienced staff.

**Action: The CRC to meet in person with the Officials in attendance on 18 November to scrutinise the Business Plan before it is submitted to Board for approval (CRC)**

The Committee noted the update

## **9. 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 Financial Outturn paper would be discussed under agenda item 12.1.

There were no new legal cases received during this reporting period, but the Head of Finance & Estates will provide a comprehensive update at the next Board Meeting.

The Head of HR & OD provided an update on Human Resources and Organisational Development. A number of points were highlighted to the Members.

The NISRA survey has been postponed as the NICS have delayed its launch until Spring 2023. Coordinating with the NICS survey would be useful for comparison purposes. The number of student intake has increased from 5 to 7. The locations for the placements have been agreed.

An opportunity for staff to apply for a social work degree place with the Open University is being introduced. The process and costs of this were explained to members. Members discussed some of the challenges in running such a programme successfully. A programme specifically for administrative staff has been developed to enhance their understanding of PBNI. Members were advised that a Staff Handbook had been launched which provides helpful contact numbers and support available for new starts in their new roles in PBNI. Wellbeing events continue and are being well received.

The Director of Operations (CC) informed that there was no further update on the CJJ (NI) date for starting the follow up inspection. As notified in the paper the Approved Premises inspection is at an advanced stage. Cases for the Joint Child Protection Inspection have been identified and there are no cases involving PBNI. Members were advised that PPC had a detailed discussion on deviation from Standards at its October meeting.

There were three Serious Further Offences to report since the last Board Meeting with details of the cases provided. One case was notified to the Board in August as a potential SFO, the Board was now being notified of this case as the offender has been charged. Members were advised of the detail of the case as currently understood. It was confirmed that none of the cases had occurred under deviation from Standards. The Board suggested that it would be helpful in the reporting if a case was or was not under deviation of Standards.

**Action: Officials to report if a SFO was or was not impacted by deviation from Standards (Officials)**

The Director of Operations (PPPP) advised members that there had been an unannounced inspection of Maghaberry in October. PBNI's contribution was looked upon favourably. The PPC had raised concerns around the issue of Parole Commissioner hearings. The Director of Operations (PPPP) has taken this on board and is having discussions on what PBNI staff are responsible for in the hearings.

The Director of Operations (CC) advised that the Q2 Risk Register had been approved by the Board at its September meeting. Q3 will be presented to ARAC at its November meeting for recommendation to the Board for approval.

Members were asked to note the Communications update as noted in the paper provided.

The Board noted the paper.

## **10. BOARD SECRETARY'S BUSINESS**

### **10.1 Ratifying the Deputy Committee Chairs (Paper 107/22)**

The Board Secretary drew members' attention to the paper provided. He advised that the Deputy Chair of ARAC will be nominated at the Committee's meeting in November and this will be brought to the Board to ratify the appointment.

The Board was requested to ratify Ms Mongan as Deputy Chair of the PPC and Mr Ingram as Deputy Chair of CRC.

The Board agreed to the nominations for both Deputy Chairs.

#### **10.2 Register of Interests (Paper 108/22)**

The Board Secretary advised that the Register of Interests is brought to the Board twice a year to ensure that it is up to date. The purpose of the Register is to manage any potential (or perceived) conflict of interest. Members are asked to advise the Board Secretary of any changes that would need to be made.

The Board noted the paper and agreed for the updated version to be published on the PBNI Website.

#### **10.3 Board Work Plan 2022/23 (Paper 109/22)**

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.

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

Mr Bodger informed members that he attended the ARAC Chairs' meeting at the Department on 23 September 2022. He provided a summary of the meeting advising on how often ARAC Chairs should meet. ALBs Annual Accounts for 2022/23 will be consolidated into the DOJ's accounts. The Accounts will be laid on 7 July and therefore they need to be ready 6 to 9 weeks before that. At the meeting, 'Raising a Concern' policies (Whistleblowing) were considered. It was agreed that it is important that anyone can raise a concern, internally or externally, and the policy and practice should facilitate that.

Mr Bodger 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 4 November 2022.

The Board noted the update.

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

Mr Johnston, Committee Chair, advised that the Committee had met on 30 September 2022. Members were advised that the key issues that were looked at were the Risk Register, the timeframe for court reports and a comprehensive update on Estates; the Committee requested a more in-depth update at a Board Meeting.

**Action: Update on Estates to be presented to January Board. (Head of Finance & Estates)**

There was also a comprehensive update on HR. The number of vacancies being carried was discussed with acknowledgement that this was an ongoing problem. Pay Modernisation continues to be a key issue for staff and recruitment. The apparent low profile within QUB is an issue for recruiting graduates, the interest among the students seems to be in children services. The Committee was informed that Probation will be taking 2 modules of the course and it is expected that this will raise the profile of Probation and hopefully the students' interest.

Sick absence is on the rise, but HR are dealing with it through the established processes. It was noted that there is a range of illness currently being managed.

An update was provided on IT and the innovations that are being brought in to make the use of staff's time more efficient.

The next meeting is scheduled for 20 January 2023.

The Board noted the update.

### **12.1 Financial Outturn Report (Paper 110/22)**

The Head of Finance and Estates provided an update on expenditure. The adjustments were introduced in October and therefore a true position is shown in the accounts.

The overall overspend to the year to date is £19k (0.2%). In year pressures remain for pay, pay modernisation and energy as noted in the paper. There has been an underspend in Capital but there is a lack of ability to spend on any new items.

The exercise instigated by the Finance Minister's statement was to ascertain potential expenditure that could be stopped, slowed down or paused within the 2022/23 year. There has been no feedback received from the Department on this.

Following discussion of the impact of budgetary pressures, the Head of Finance & Estates advised there are two key items, recruitment and agency staff. It was informed that there is not the ability to make people redundant. Contract staffing could be ended with no notice period given. Areas where there is slightly more discretion are travel, training and non-capital. It was confirmed that there would be no impact on accreditation training but a reduction in other types of training. Planned maintenance is another area for consideration.

The Board noted the Paper.

### **12.2 Future Budget Planning (Paper 111/22)**

The Head of Finance & Estates summarised the presented paper. Setting priorities to look forward will be critical to discussion. Planning is difficult with the current uncertainties. Once future funding is agreed then there will be a need to react quickly to deal with the possible outcomes.

The Head of Finance & Estates and Board Members discussed the assumptions and the budget requirements as laid out in the paper. There was discussion on the level of power that Permanent Secretaries will have in the absence of an Executive. Members expressed concern over the funding of ECOs and the legal liability that this may have.

The Board noted the paper.

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

Dr Byrne, Committee Chair, advised that the Committee had a productive meeting on 14 October 2022. The Committee discussed the proposed alternative model for conducting Board business with more emphasis on themes discussed. The Committee suggested a topic for Board discussion could be the Age of Criminal Responsibility.

Both Directors of Operations set out their vision for the Committee. The Director of Operations (CC) discussed deviations from Standards and set out several options. Dr Byrne advised members of the options and that the Committee was supportive of them. It was agreed that the Director of Operations (CC) would provide a paper on the impact and an outcomes evaluation after 6 months.

**Action: Director of Operations (CC) to provide a paper on the impact and outcomes of the evaluation after six months (Director of Operations (CC))**

The Committee received a presentation from the PPRU on their work. It was an open and honest reflection of their work and is being received well by their colleagues. The Committee has asked for an update on PPRU's work in 9 months. The Committee welcomed the open approach of the team.

The Annual Report on 'Deaths Under Supervision' was presented. In addition, the Committee expressed a wish to being better informed about current research, which will be discussed at the next meeting.

The Board noted the update.

#### **13.1 Q2 Business Plan 2022-23 (paper 112/22)**

The Director of Operations (PPPP) took members through the paper. Based on the current Corporate Plan all strategic Priorities are rated as 'green'. Under the new Corporate Plan there will be a greater reporting focused on outcomes and impact, rather than activities. It was recognized that the risks coming down the line would be challenging. The Committee, at its meeting, agreed to recommend approval of the Q2 Business Plan to the Board.

The Board approved the Q2 Business Plan.

#### **13.2 Statistics Papers**

The Q2 2022/23 Caseload Statistics (Paper 113/22) and the Criminal Justice Trends (Paper 114/22) were provided to the Board for information.

The Board noted the papers.

### **14. OTHER BUSINESS**

Following further discussion of the Pay Modernisation Business Case it was agreed that CRC would organise an extraordinary meeting to discuss the Business Case on 18 November 2022 before the case comes to the Board on 25 November 2022.



The Board Chair advised that he intended to start the annual appraisal process shortly, so members should be aware.

The Board Chair thanked members and officials for attending. The next meeting will be on 25 November 2022, PBNI Conference Room, 4<sup>th</sup> Floor.

The meeting ended at 12.30 pm.

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Mr Max Murray CBE  
Board Chair

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Date