

PROBATION BOARD FOR NORTHERN IRELAND

BOARD MEETING – FRIDAY 26th MAY 2023

9.30 AM – Conference Room, PBNI HQ

ATTENDANCE

Mr M Murray, Chair
Ms E Patterson, Deputy Chair
Ms M Brunt – Via Video Conferencing
Mr K Donaghy
Mr B Ingram (Items 1 – 8)
Mr J Johnston
Ms A Lloyd-Stevens
Ms K Magee
Ms B Mongan
Mr J Byrne (Items 1 – 8)
Ms L Crothers – Boardroom Apprentice

OFFICIALS

Ms A Stewart, Chief Executive
Ms G Montgomery, Director of Operations (CC) – Via Video Conferencing
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
Ms J Fitzsimons, Board Secretary
Miss N Brownlee, Executive Support Officer (minute taker)

GUESTS

Ms F Vaughan, NAPO
Ms S Simpson, NAPO
Ms F McMahon, NIPSA
Ms Fitzgerald, NIPSA

Presentation by Trade Unions – NIPSA & NAPO

The Board Chair welcomed PBNI representatives from the Trade Union NAPO and NIPSA.

The representatives thanked the Board for providing the opportunity to meet and discuss key staffing issues and the operational impact of the reduced 2023/24 Budget allocation. They welcomed the close and positive working relationship with the Board and Senior Leadership Team which has been developed through active participation and consultation. They also recognised the over-arching determination by the Board and management to achieve positive administrative and cultural change within the organisation. These positives outcomes have included the review and amendments to key policies; the introduction of Town Hall meetings and more open communication with staff; the accessibility of the Chief

Executive and a strong and caring leadership team who motivate staff; the support and visibility of Board Members; and the excellent work around well-being of staff and pay modernisation.

They also noted that there is still work to do. Caseloads have increased and staff are working with service users whose needs are becoming increasingly complex. Many are suffering from poor mental health and addictions and safeguarding and accommodation are key issues for Service Users. They also asked that senior management don't lose sight of the additional pressures on staff and the need to manage workloads going forward.

The Unions also acknowledged the tough decisions having to be made by the Senior Executive and the Board due to the budget cut and the impact this will have on Service Users, staff and the wider community with an increased risk of reoffending. They look forward to continuing and improving their co-operation with the Board and Senior Management.

A question-and-answer session followed the presentation.

The Board Chair thanked the Union representatives for their presentation.

1. WELCOME, OPENING REMARKS AND CONFLICTS OF INTEREST

The Board Chair welcomed everyone to the meeting. The Board Chair set out the schedule for the day.

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

2. APOLOGIES FOR ABSENCE

Apologies were recorded from Mr N Bodger.

The Board Chair noted the resignation of Dr Keady as a member of the Board. The Board Chair thanked Dr Keady for his contribution to the Board.

3. MINUTES OF THE MEETING HELD ON 28 APRIL 2023

The minutes of the Board Meeting held on 28 April 2023 were approved as a true and accurate record of the meeting.

The minutes were approved by the Board.

4. MATTERS ARISING FROM THE MINUTES

The Board Chair advised that there was one action from the April Board Meeting. The action was confirmed as completed.

There were no other outstanding actions.

The Board noted the paper.

5. BOARD CHAIR'S UPDATE (VERBAL)

The Board Chair noted the importance of Board members and the Senior Leadership Team engaging with front line staff as emphasised in the presentation by Trade Union representatives from NIPSA and NAPO at the beginning of the meeting. The Board Chair informed members that through engaging with the Public Sector Chairs Forum and other public sector agencies there is concern across the public sector in relation to budget cuts. PBNI is not isolated in having to make challenging decisions.

The Board noted the update.

6. CHIEF EXECUTIVE'S UPDATE (VERBAL)

The Chief Executive echoed the Board Chair's remarks that difficult conversations and decisions were being made and these decisions were not being taken lightly. The Chief Executive encouraged questions and discussion surrounding the Budget and Corporate Plan papers which would be presented later in the meeting.

The Board noted the update.

7. CORRESPONDENCE

There was one item of correspondence to note.

7.1. Letter received by Chief Executive from Joanne Bunting MLA

The Board Chair thanked Joanne Bunting MLA for her letter to the Chief Executive and noted the positive engagement between PBNI and Ms Bunting.

The Board noted the Correspondence.

BOARD BUSINESS

8. BUDGET 2023/24 (PAPER)

The Draft Budget Allocation was introduced by the Chief Executive who detailed the process and steps taken by the Senior Leadership Team to identify options for savings. This included engagement with the Corporate Resources Committee, Trade Unions, Area and Middle Managers and a Town Hall meeting for all staff, which has shaped the recommendations brought to the Board today. Consideration was given to the PBNI values, guiding principles and the prevalence of trauma informed practice and a risk assessment has informed each option. The Chief Executive noted that risk surrounds each of the options focused on 4 key areas - risks to staff, service users, the organisation and public safety.

The Chief Executive emphasised this exercise had been incredibly challenging to undertake especially given the depth of feeling felt by staff towards delivering services and their dedication in wanting to mitigate risks for PBNI service users.

The Chief Executive expressed confidence that the Senior Leadership Team supported the recommendations of the Draft Budget Allocation although regretting the decisions that had to be made. The Chief Executive noted that several different options with varying impacts had been fully considered. The Chief Executive handed over to Mr King to take Members through the options and recommendations in the paper.

Mr King advised that the shortfall in the budget is estimated at £1,463k and emphasised that each of the recommendations being made took into account the impact on the organisation, staff, service users and public safety. Regrettably each of these areas will be impacted by the budget shortfall. The Board then discussed each recommendation in turn.

1. Corporate/Non Discretionary/IT

The Board Chair asked the Chief Executive to revisit Option 1a - reduction in training and reducing Performance, Practice and Research Unit work. This was echoed by Mr Byrne. Mr Byrne asked for the minute of the meeting to record his concern that in the presentation to the Board the NAPO representative specifically referred to the need to scale back the work of the PPRU during the discussion with the Board on budget impacts. The Board Chair endorsed the comments and also noted the assurance that the work of PPRU provided to the Board and the Chief Executive on practice within PBNI arising from the practice deficits identified by CJINI during their inspection of Probation Practice in 2020.

The Board discussed whether certain areas within the organisation held a misunderstanding of PPRU and its role. Mr Hamilton advised that if this recommendation is brought forward, PPRU would be overseen by an operational Assistant Director rather than Learning & Organisational Development for more integration into practice, and also noted the ongoing monitoring role of Area Managers. Mr King explained that the impacts and risks of Option 1a would be low for Year 1 but would increase if extended beyond this.

Mrs Sweeney advised that despite the reduction, Area Managers will still be given a level of support. The Board Members echoed the importance of PPRU in continuing to improve services within PBNI.

The Board Members agreed with the recommendations under section 1.

2. Community & Voluntary Sector Service

Mr King expressed that there would be a reduction in community service placements that PBNI would be able to fund. Mr Byrne expressed concern that addiction services would be reduced. Mr Hamilton advised that Probation Service Officer (PSO) staff would work to mitigate this to an extent with their role of brief interventions and support. Mr Hamilton also explained that releasing PSO's into field teams would provide some support for service users and Probation Officers in managing risks.

Mr King expressed that PBNI will still be maintaining a relationship with some CVS delivery partners supported through other funding streams that had been protected. Discussion followed surrounding the possible need to clarify the criteria for selecting service users to participate in addiction services.

Board members queried the impact and reputational risk to PBNI that could be linked to funded programmes being reduced. The Board Chair advised that PBNI will be clear in the decisions that have had to be made and acknowledge the associated risks. The Board Members agreed that a reduction rather than removal of services was key and expressed that if there were easements during the year on other areas or additional funding available the Board could look at reinstating services. Mr Johnston raised an issue as to whether there would be any impacts to other reports being produced for example the Audit Office report and that this should be considered.

The Board advised that a covering statement from PBNI explaining the 'Low Risk' in more detail would be beneficial.

Action: Include a covering statement with a clear explanation of 'Low Risk' and also state that PBNI is aware of the risks and impacts due to the budget constraints with adverse outcomes likely.

Mr Byrne raised that it would be helpful for the Board if there was a system to monitor and evaluate the impacts of these recommendations that could then be brought to the Board to update and re-evaluate if necessary.

The Board members agreed the recommendation and the Board Chair asked for the ARAC to consider an approach for the Board to monitor actions.

Staff Headcount

Mr King explained that there were a significant number of vacancies within the Probation Officers posts. Mr King expressed that frontline staff need supported and to release as much capacity as possible from other areas to do this. The Chief Executive noted that relocating staff would be forefront before recruiting new staff into PBNI however decisions still needed to be made to fill critical positions.

The Board Chair raised that the letter from the Head of Financial Services did not include any information on staffing and so further guidance on staffing would be required from both the Justice and Finance departments including who takes accountability for these decisions.

Ms Mongan raised that the Establishment v Complement figures could be presented more clearly to give a better idea of the proportionality of staff.

The Board agreed the recommendation.

3. ECO

Mr King advised that the recommended option was to stop delivery of ECOs, bar those that are less than 6 months old. Although there may be a medium level risk this option would release a significant number of staff that could be utilised elsewhere. Mr Hamilton advised that a 6 month time scale could be argued due to the fact that ECO's are in lieu of short prison sentences and that the majority of the ECO services are front loaded whereby following the first 6-9 months there is more of a monitoring than high impact intervention. The Board Chair vocalised his view that ECO's are a critical priority and queried if the piloting could be extended.

Mr King advised that the benefit of this recommendation would be seen within this financial year. Mr Hamilton explained further that they were proposing to implement this as soon as possible as it would be the biggest releaser of staff to other areas. Mr Hamilton explained that PBNI have returned orders to court following good progress made for many years however this time it would be driven by budget restrictions. Mr Hamilton also gave his view that it was unlikely that service users would be re-sentenced to prison on foot of this action.

The Chief Executive advised that in light of the positive results from evaluations of ECO and referenced by the NIAO during their inspection of adult reoffending, the preference is to maintain ECO (albeit in a much reduced format) with a view to further developing and rolling out across other court areas subject to funding. Mr Hamilton advised the Board on the current number of ECO's and of that how many would be returned under this recommendation.

Mr Johnston commented that this would likely impact across various areas of the justice system.

After significant discussion and reservations, the Board agreed the recommendation.

4. Programmes

Mr King advised that the Principal Psychologist Mr M McCracken was currently engaged in an ongoing review of programmes to look at a more streamlined approach for the future. This was work that the Board had agreed in the Corporate Plan prior to the budget reduction decisions being considered. Mr Hamilton advised the Board that the programmes likely to be affected by Option 4a would be community-based programmes. Ms Mongan raised concerns that this may increase the numbers of individuals in prisons which would mitigate the savings being made by the Board.

The Board agreed the recommendation.

5. Short Court Reports

The Board agreed with Option 5a however if the financial position worsened in the coming months this item would be brought back to the Board for further discussion.

The Board agreed to continue currently with option 5a.

Summary of Recommendations

To live within the draft allocation PBNI will undertake the following actions:

- Non-Pay /Discretionary and Corporate savings will be taken as above, with further work to try and create sustainable reductions utilising Estates and IT
- CVS funding will cease for all non-ringfenced projects from 1 July 2023.
- PPRU and L&OD teams will reduce work to release 2.6 Probation Staff.
- Recruitment will be frozen in the short term, with high risk required positions filled by exception.
- All ECOs over 6 months old, and not the highest risk, will be returned to court for revocation.
- Programme delivery will be reduced to focus on High-risk individuals.
- Potential for low risk cases to be returned to Court.
- Short court report pilot will continue as is with ongoing feedback and review undertaken.

These changes will enable PBNI to release immediate savings of over £900k and manage the PBNI headcount at a reduced level, while releasing Probation Officer and Probation Support Officer resources to backfill areas of need across operational field teams.

At this stage there are no planned changes to the management of individuals assessed as lower risk. This is a potential consideration however if Probation Officer levels are to reduce further in the incoming year. This would mean reducing the frequency with which these individuals are seen, the frequency of risk assessments and a reduction in liaising with significant others thereby reducing capacity to identify potential deterioration in presentation and / or increase in risk at the earliest stage.

Next Steps

The Board acknowledge that the next step is to share the agreed recommendations with partners.

Mr Johnston noted that the letter from the Head of Financial Services Division on the 2023-24 Opening Budget Allocation did not contain advice around the legality and legal structures of the reduction in budget and cuts. Mr Johnston advised that PBNI could go back to the Department and question the legality around the budget. The Chief Executive advised that she had notified the Department but would request further communication regarding legal advice particularly in the absence of an Executive.

Mr Byrne noted that the letter from the Board Chair and Chief Executive to the Department should make clear that PBNI is aware of the impact these recommendations will have and will require cumulative working for service users to access alternative routes for support.

Ms McGreevey discussed the options for internal and external communications. Members agreed to continue engaging with staff and speak to partners to review the impacts of the decisions being made. Mr Johnston added that PBNI should consider engaging with the political parties and representatives and in particular each party's justice spokesperson.

Action: The Chief Executive to seek legal advice on the decision-making authority.

Action: The Board Chair and Chief Executive to draft a letter to the Permanent Secretary. The Board Chair advised that the letter would be shared with members in advance for comment.

The Board members queried the equality screening process that would follow and if a 12-week public consultation would be carried out. Mrs Sweeney clarified that the initial Equality Screening will be carried out to determine if an Equality Impact Assessment is required.

Prior to the Board approving the paper, it was agreed that it be put on record that the Board reluctantly accepted the recommendations but understood the need to take these decisions to allow PBNI to live within the allocated budget 2023/24.

The Board Chair and Board members commended the Chief Executive and the Senior Leadership Team on their work.

The Board approved the recommendations in the paper.

9. CORPORATE PLAN 2023-26, OUTCOMES FRAMEWORK AND ANNUAL BUSINESS PLAN 2023/24

The Chief Executive presented a paper to the Board with revisions to the Board's Corporate and Business Plan to take account of the decisions arising from the budget position and to scale back ambition for 2023/24. The Board noted that the Audit & Risk Assurance Committee would be looking at corporate risks in detail however it was agreed that the risk would be significant.

The Board Chair suggested that the Business Plan be resubmitted to the Department to clarify that issues have changed and to signal the impact that these decisions will likely have. The Board acknowledged that this document was a draft until approved by the Minister.

The Board approved the Paper and recommended the Department was advised of the changes.

10. ANY OTHER BUSINESS

The Board Chair and Board Members reiterated the positive feedback from staff that Board members received during office visits and also expressed by the trade union representatives earlier in the meeting around the relationships and engagement between the organisation and its staff. The Board members commended the Chief Executive's leadership, approachability, and the commitment of the entire Senior Leadership Team. The Board fully commends the work that has been done.

The Chief Executive will continue to update the Board on progress as well as any external communications. The Chief Executive advised that if an additional meeting was needed with Board members this would be discussed with the Board Chair.

The Board Chair thanked members and officials for attending.

The meeting ended at 1.15pm

Date of Next Meeting – 23 June 2023, 9.30 am, PBNI Conference Room, HQ

Mr Max Murray CBE
Board Chair

Date