

PROBATION BOARD FOR NORTHERN IRELAND

BOARD MEETING – FRIDAY 23 JUNE 2023

9.30 am – Conference Room, PBNI HQ

ATTENDANCE

Mr M Murray, Chair
Ms E Patterson, Deputy Chair
Ms M Brunt
Mr B Ingram
Mr J Johnston
Ms A Lloyd-Stevens
Mrs C Magee
Ms B Mongan
Ms L Crothers
Mr N Bodger

OFFICIALS

Ms G Montgomery, Director of Operations (CC)
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
Mrs A Abraham, Business Support Manager

1. WELCOME, OPENING REMARKS AND CONFLICTS OF INTEREST

The Board Chair welcomed everyone to the meeting and 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 Donaghy, Mr Byrne, Ms Stewart and Mr Hamilton.

3. MINUTES OF THE BOARD MEETING – FRIDAY 26 MAY 2023 (PAPER)

The minutes of the Board Meeting held on Friday 26 May 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 (PAPER)

There were three actions from the previous meeting, and all are completed.

The Chair thanked Members and Officials for their input to the 2 June letter to the DoJ Permanent Secretary. Ms Montgomery informed the meeting that the correspondence had highlighted PBNI's concerns to the DoJ clearly setting out the impact of decisions around cuts. The DoJ did ask for time to consider the 2 June letter and that no further action be taken. Given PBNI's legal advice that the Board does not have the legal authority to take decisions on ECOs and Programmes a response is urgently required from DoJ. To date this had not been received.

The Board noted the paper.

5. BOARD CHAIR'S UPDATE

The Chair had nothing of urgency to report since the last meeting.

Ms Patterson and Ms Lloyd-Stevens reported on their visits to teams in Hydebank and Maghaberry. The Maghaberry team, in particular, gave positive feedback on the support from the Chief Executive since her appointment and the senior leadership team. The community-based staff welcomed the opportunity to understand the work of prison-based teams. There were concerns about requests for reports from the Parole Commissioners and discussions were ongoing to address procedural and process challenges in providing support to Commissioners. Ms Montgomery advised that progress was being made in obtaining a data sharing agreement with the Parole Commissioners.

The Chair acknowledged the commitment and support for PBNI from Mr Armour, Director General, NI Prison Service and wished him well on his move to the Department of Education.

The Board noted the update.

6. CORRESPONDENCE (PAPER)

There were three items of correspondence to note.

6.1 Correspondence from Crown Solicitor to Chief Executive on Decision Making Authority

Members reviewed the response from the Crown Solicitor and noted that PBNI had the authority to take decisions around cuts to Community and Voluntary Sector (CVS) funding but not in relation to ECOs and Programmes as this lies with the DoJ. The DoJ response is awaited.

6.2 Correspondence from Chief Executive to DoJ Permanent Secretary on Budget Impacts and Decision-Making Authority

Mr Ingram, Audit & Risk Assurance (ARAC) Committee Chair, advised that a full discussion on the content and impact of the correspondence had taken place at the ARAC meeting on 9 June 2023. Members hoped that it would influence the DoJ's response.

6.3 Correspondence from Assistant Director, Barnardo's Children's Services on Barnardo's Parenting Matters Services

Members noted the concerns raised by Barnardo's NI in relation to PBNI's proposed withdrawal of funds. After discussion members reluctantly agreed this was a direct implication of the budget reductions.

The Board noted the Correspondence.

BOARD BUSINESS

7. MANAGEMENT OF INFORMATION REPORT (PAPER)

FINANCE AND ESTATES UPDATE

Mr King highlighted the key points in this section of the Paper.

Opening Profiles and Pressures

Work is ongoing with the DoJ in relation to profiling of the draft budget to allow budgets to be uploaded to Account NI. Two bids have been submitted to relieve pressures: firstly to maintain a level of cover for the Community and Voluntary Sector (CVS) beyond 30 June 2023; secondly in relation to additional pay costs that would have to be incurred if the proposed actions around ECOs and Programmes could not go forward.

Legal Issues

PBNI currently has 19 live legal cases, with 4 of these due to be closed. The Crown Solicitor's office is reviewing the possible legal costs for 2 judicial review cases. A review hearing of 1 case, set for 22 June 2023, has been postponed to September 2023. PBNI lost the other case. Legal costs are estimated at £25k with damages of £1k. The case relates to additional daytime curfews being included on a service user's case plan. Ms Montgomery stated that, going forward, additional curfews can be added though requests will have to go back to court for a judge to approve and back to the licencing department to seek an extension to current curfews.

Leases

The PBNI Aspire team and Victims Information Unit have moved to HQ. This facilitates the withdrawal from Waring Street as part of the end of the SLA with Youth Justice and assists with meeting the reduced Accommodation budget for the year.

HUMAN RESOURCES AND LEARNING & ORGANISATIONAL DEVELOPMENT UPDATE

Mrs Sweeney highlighted the key points in this section of the Paper.

HR Update

Staffing figures including Headcount, Attrition and Absence were noted up to April 2023. NISRA have not completed May and June statistics.

Pay Modernisation

All queries regarding the Pay Modernisation Outline Business Case (OBC) have been responded to and feedback is awaited from the DoJ. The Pay Modernisation Working Group will meet again in August to progress preparation for the implementation of Pay Modernisation, pending DoJ approval. This will include reviewing Terms and Conditions and Transfer Arrangements to the new scale, staff consultation arrangements and the communication process.

In response to Members' queries regarding the timeframe for implementation, Ms Sweeney advised that it is likely to be 6 months or more as the DoJ is currently awaiting a response from the Department's Solicitor after which queries will have to be addressed before the case can go to the DoF for a decision and then staff consultation will be required.

Learning and Organisational Development

Nine staff completed and passed module SWK701 as part of the Consolidation Award Probation Programme, facilitated by PBNI Learning and Organisational Development Department and Ulster University.

Ms Mongan acknowledged staff's commitment to their professional and personal development.

NI Social Care Council Awards

Five PBNI staff were recognised for their achievements in Professional Practice at a NISCC Awards event on 13 June 2023.

ACTION: The Board Chair to write to staff congratulating them on their Awards

Practice Teaching

Two Probation Officers have been selected to complete the one-year NI Practice Teaching Programme, commencing in September 2023.

Open University Social Work Degree

Following interviews by the Open University, two Probation Services Officers have been awarded a place on the Open University Social Work Degree, commencing October 2023.

Health and Safety Update

The Health and Safety training plan and new Wellbeing Programme for 2023-24 are in place and will be delivered at no cost.

DIRECTORS' UPDATES

Ms Montgomery highlighted the key points in the Paper.

There had been no update from CJINI on the follow up inspection of Probation Practice.

Practice Standards

Three out of five rural teams, three out of five Belfast teams, two out of four Intensive Supervision Unit Teams and one of the two ECO teams are now working to Standards. The North West team is working to 40% deviations and North Belfast to 60% deviations, at the time of writing the paper. Ms Montgomery assured members that active steps are being taken to address the staffing issues in both teams. The risks associated with teams working to standards deviations (i.e. reductions in levels of contact that increase in line with the % vacancies in the team) was reviewed at the most recent PPC and ARAC meetings. Members expressed concern at the level of deviations experienced in some teams and welcomed assurance that work was ongoing to bring field teams up to complement. Work is ongoing in relation to revising and reviewing the Practice Standards and focus groups have commenced.

Short Adjourment Reports

The Short Adjourment Reports pilot, which commenced in February 2023, has been extended. Management have received feedback from staff and the judiciary expressing mixed views. Feedback considered by PPC at their recent meeting. Ms Montgomery referred Members to the monthly figures for February to May 2023.

Serious Further Offences

There had been no serious further offences to report since the last Board meeting. At time of writing the Paper, there had been one alleged offence but on review, this does not meet the threshold of a serious further offence and is an error in the paper.

Prisons/PCNI Issues

Ms Montgomery confirmed work is ongoing with the Commissioners to refresh templates and processes to reduce duplication and increase efficiencies. A very positive training event was held on 6 June at Magilligan where Commissioners and prison-based staff from the three establishments, met to review templates and processes and share learning and experiences. A similar event is planned on 27 June.

Separately, discussions are ongoing in relation to the Service Level Agreement between NIPS and PBNI.

Statistics

The new format for caseload statistics reporting had been devised and approved by the recent PPC Committee. Members agreed that the new format was easier to read and commended the work of the NISRA-seconded statistician. Going forward, budget permitting, the input of an analyst would be valuable to interpret the data.

Review of ISU Programmes and Psychology

The review of ISU Programmes and Psychology had been endorsed at the June PPC meeting. Further information will be provided to the Board once an action plan has been implemented.

Corporate Plan and Business Plan Performance

Amendments to the Business Plan 2023-24 had been approved at the May 2023 Board meeting, following the proposed reduction in services due to the financial situation. A report on Quarter 1 performance will be brought to the August 2023 Board meeting.

CORPORATE RISKS

The Board Secretary confirmed that the draft Strategic Risk Register Q1 and Q2 for 2023-24 had been endorsed by ARAC at the April and June 2023 meetings. Approval will be sought at today's meeting under Item 12.2.

COMMUNICATIONS UPDATE

Ms McGreevy outlined the work that had taken place since the May 2023 Board meeting.

External Communications

On 2 May 2023, as part of Mental Health awareness week, staff and the female service user group in the North West met with NI Mental Health Champion, Professor Siobhan O'Neill. Ms Montgomery also gave an interview with BBC Radio Foyle to mark the occasion. The Chief Executive addressed NIACRO's staff day on 15 May 2023. A local engagement event took place in the Newtownards Road office on 31 May 2023, with a MP, 4 MLAs, a Board Member and CVS partners in attendance.

A series of 'Meet the board' posts on social media had been published to introduce Board members to stakeholders. An engagement meeting took place with Sinn Fein MLA, Aisling Reilly on 1 June 2023. The next PBNI Podcast featuring an interview with a victim and the VLO will be posted in the last week of June 2023.

Internal Communications

Following on from Town Hall on 4 May 2023, a number of e-mail communications have been sent to all staff to provide updates on the financial situation and invite staff suggestions.

Data Incidents

There had been four data incidents in May/June 2023. Ms Brunt asked the reason for the complaints and Mr Johnson asked if they were linked to staff working at home/late in the evening. Ms McGreevy assured Members that the incident reporting form detailed the time of occurrence and that none had currently taken place after office hours. She confirmed there had been no major incidents reported to the Information Commissioner's Office and would continue to report such incidents to the Board.

Complaints

Three complaints had been received in May. Currently there are two live complaints (one formal and one informal).

The Board noted the Paper.

8. UPDATE ON BUDGET 2023-24 ACTIONS (PAPER)

Ms Montgomery referred to the Paper which provided an update on the actions taken, based on decisions made at the May 2023 Board meeting.

Cessation of Funding to the CVS after Quarter 1

Meetings had taken place with funded partners, with the rationale outlined as to why cessation of funding was required. A direction was issued to staff for no new referrals to be made. Funded partners were asked to wind down the service, with a short extension of funding made available to allow for interventions to draw to a close if slightly longer was required than the end of Quarter 1.

Changes to ECO project by way of ECO no longer being an option for Courts to impose and an action to return service users to Court for revocation if they had been subject to an Order for over six months, with the exception of those assessed as highest risk. Alternatively the order could remain live but be placed in abeyance

Planning work had taken place regarding the number of staff this measure would release to generic teams and to which teams they were likely to be redeployed – this has not progressed due to the issue being within the purview of the DoJ. The DoJ had asked PBNi not to write to the Lady Chief Justice at this stage until full consideration had been given to the wider implications of the proposed actions on other parts of the Criminal Justice System.

Ms Montgomery explained that at this stage other options are being explored in the event of the DoJ not permitting this action. Should this scenario materialise, the preferred option will involve new Orders continuing in current Court areas, but significantly less intensive supervision being introduced after 6 months. This option will release less staff but is likely to be more acceptable to the judiciary and the Department.

Reducing Programme Delivery, retaining only high-intensity offender behaviour programmes for high-risk offenders (high-risk domestic abuse and sexual offenders)

Work had taken place to identify how many orders/licences will require a programme requirement to be removed as an additional requirement or licence condition, by way of return to Court or Licensing Unit within the Prison Service. A positive meeting had taken place with the DoJ in relation to re-purposing some of the funding PBNl receives for a domestic violence programme for unadjudicated individuals referred by Health Trusts. Though not yet formally approved, progress has been made.

PPRU AND L&OD Staff Reductions

Engagement had taken place with relevant staff and decisions made as to which staff will be deployed to operational practice at the end of June.

Currently there are 13 Probation Officer vacancies excluding long-term sickness absence and unfilled maternity cover. Ms Montgomery confirmed that it had now been agreed to appoint five / six staff from the Probation Officer waiting list, with immediate start dates. If quick action is not taken, all available newly qualified social workers may take up other posts, many within the Health Trusts who are offering posts without any recruitment process. The Board fully supported this action and endorsed appointing more Probation Officers from the current list if required.

The Chair commended Mr King and the Finance team on their work on the budget and pay modernisation. It was noted that there would also be an impact from budget cuts on PBNl's Corporate staff and that Unions were generally in support of the proposed decisions. The Chair confirmed that the Committee Chair's Working Group (CCWG) would be meeting next week and would consider writing again to the Permanent Secretary, Richard Pengelly and also request a meeting with Mark Goodfellow, Acting Director of Safer Communities.

ACTION 1: The Chair to write again to the DoJ Permanent Secretary, Richard Pengelly, requesting a response to the previous letter.

ACTION 2: The CCWG to write to, Mark Goodfellow, Acting Director of Safer Communities requesting a meeting.

The Board noted the Paper.

9. EQUALITY SCREENING REPORT – BUDGET IMPACTS (PAPER)

Ms Sweeney provided a summary of the draft Equality Screening of PBNl's 2023-24 budget. At the time of writing, it had been agreed to make decisions around ECO. The course of action has now changed.

ACTION: Ms Sweeney to review and rewrite the relevant sections in relation to ECOs once a decision has been made by the DoJ and in discussion with the Accounting Officer/Chief Executive. If a full impact assessment is required, the Board is to be informed.

The Board noted the Paper.

10. COMMUNICATIONS AND ENGAGEMENT STRATEGY 2023-26 (PAPER)

Ms McGreevy referred Members to the Paper, explaining that the Communications and Engagement Strategy normally would be presented earlier in the financial year but had been delayed due to a change in priority as a result of the reduced budget.

Internal Communications

Ms McGreevy emphasised the importance of the tone of communications to ensure staff feel valued and supported to deliver an effective and stable Probation service and not to be crisis driven. Since the appointment of the new Chief Executive, Directors and changes within the Senior Leadership team, communications have become more open and less directive. Town Hall meetings have provided a platform for staff to raise issues and challenge decisions, without fear.

External Communications

PBNI still remains focused on engagement with stakeholders and interested parties, service users and families rather than the general public and the media. The use of Facebook, Twitter and Podcasts have assisted with promoting PBNI's services and engaging with politicians.

The Board approved the paper.

11. BOARD SECRETARY'S BUSINESS

11.1 Board Themed Meeting - Autumn

Due to the focus on budget issues, the themed Board meeting had been postponed in May. The Board Secretary took Members through the draft agenda which combined Strategic Priorities One and Two "Our People" and "Our Services" and included discussions with senior leaders within the Five Nations of Probation. Members were asked to feedback any further suggestions, approve the draft agenda and agree to hold the themed meeting on 22 September 2023.

The Board approved the Paper.

11.2 Board Work Plan 2023-24 (PAPER)

The Board Secretary advised that there had been no changes to the Work Plan 2023-24 since the previous meeting.

The Board noted the Paper.

AUDIT AND RISK ASSURANCE COMMITTEE (ARAC)

12. COMMITTEE CHAIR'S UPDATE (Verbal)

The Committee Chair gave a summary of Audit and Risk Assurance Committee business from its meeting on 9 June 2023. He confirmed that Mr Keady had resigned from the Audit Committee and the Board in May and thanked him for his contribution.

The Committee had reviewed and endorsed the Internal Audit Plan for 2023-24. Assurance was given that the Internal Audit Department would have sufficient staffing resources to undertake each audit within the agreed timescales and would be flexible in changing the plan, should other areas of concern emerge. The Committee plans to meet the auditors in September to review progress.

The Committee had reviewed the latest draft of the Annual Report and Accounts and recommended it be submitted to the Board for approval.

There were no substantive changes within the accounts in respect of Pension Valuations and Assumptions.

The Draft Strategic Risk Register Quarter 2 2023-24 had been reviewed and it now reflects the decisions made by the Board on the 2023-24 Budget. The Committee will frequently reassess and test risk areas and controls throughout the year as business plans are implemented.

The Board noted the update.

12.1 ANNUAL REPORT AND ACCOUNTS FOR 2022/23 (PAPER)

Mr King took Members through the key areas in the Report, explaining that the document always uses a standard format to report on risks at the end of the financial year. A surplus in pension had not been recorded but this was due to a change in the method of accounting reporting.

Mr King asked Members to note the work of the Finance Team in assisting the auditors, which was duly endorsed by the Board.

The Board raised a number of queries for discussion before approving the Paper allowing the accounting officer to sign and issue to the audit office for final certification.

12.2 STRATEGIC RISK REGISTER Q1 AND Q2 2023-24 (PAPER)

As requested in the update from the Chair of the Audit and Risk Assurance Committee, Members were asked to approve the Strategic Risk Register Q1 and Q2 2023-24. Members noted the change of emphasis given the possible impact of the budget reductions.

The Board approved the Paper.

12.3 REPORT TO THOSE CHARGED WITH GOVERNANCE (PAPER)

Mr King apologised for the late distribution of the Paper which had only just been received from the Department. There were no recommendations. Risks flagged were accruals for the revised Terms and Conditions for staff and Pay Modernisation.

The Board noted the Paper.

12.4 END OF YEAR STEWARDSHIP STATEMENT (PAPER)

Mr King confirmed that assurance to the DoJ Accounting Officer on internal controls within PBNI had been provided by the Chief Executive.

The Board noted the Paper.

12.5 REVIEW OF INTERNAL AUDIT PLAN 2023-24 (PAPER)

Members reviewed the PBNI Internal Audit Plan provided by DoJ.

The Board noted the Paper.

12.6 CHARTER FOR THE PROVISION OF INTERNAL AUDIT SERVICES (PAPER)

Members reviewed the DoJ Charter for the Provision of Internal Audit Services to PBNI.

The Board noted the Paper.

12.7 PENSIONS VALUATIONS AND ASSUMPTIONS (PAPER)

Mr King asked Members to review and consider the report prepared by Aon Wealth Solutions on behalf of the Northern Ireland Local Government Officers' Superannuation Committee (NILGOSC) and confirmed no issues had been identified.

The Board noted the Paper.

CORPORATE RESOURCES COMMITTEE (CRC)

13. COMMITTEE CHAIR'S UPDATE

There was no update from the Committee to note.

13.1 FINANCIAL OUTTURN MAY 2023 (PAPER)

Mr King summarised the key points and asked Members to note that the budget had been set based on the draft budget provided by the Department and excluded funding for the Aspire Project and the Substance Misuse Court, which is due to be transferred.

The budget figures had not yet been transferred to PBNI's accounting system. The June 2023 report will show a clearer picture.

The Board noted the Paper.

POLICY & PRACTICE COMMITTEE (PPC)

14. COMMITTEE CHAIR'S UPDATE

The Committee Deputy Chair updated Members on the Policy & Practice Committee's meeting on 7 June 2023. The Terms of Reference, in relation to the definition of policy had been reviewed, together with the PBNI Policy Schedule.

Mr McCracken, Principal Psychologist, gave a presentation at the meeting covering the recent review of PBNI's Psychology and Programmes Services and how they can be better integrated into probation practice.

A Research Governance Group had been established to test areas against the Corporate Plan.

The Board noted the update.

14.1 COMPLAINTS POLICY AND PROCEDURES (PAPER)

Ms McGreevy summarised the main changes to the Complaints Policy which had been endorsed by the Policy & Practice Committee in June. In revising the Policy, the Communications staff had followed the guidance issued by the Audit Office, following the RHI issue. There is now a two-stage process rather than three stages. The Northern Ireland Public Services Ombudsman's Office had been consulted and confirmed this was in line with practice. A new template for stage one meetings had been created and a change made to the stage one procedures. The section on unacceptable behaviour had been revised. There is now clarity around the roles and responsibilities of local managers, the Investigating Office, Decision Officer and Complaints Department staff.

Angela Lloyd-Stevens asked for more flexibility in relation to not being able to complain 'more than 6 months since the incident/issue that is the subject of the complaint has

occurred'. Ms McGreevy confirmed that she would update that section of the procedures to reflect some flexibility regarding the 6 month time period.

The Board approved the Paper.

14.2 RECORDS POLICY AND PROCEDURES (PAPER)

Ms McGreevy confirmed that reviewing and changing the Records Management Guidance to a Policy with associated Procedures had involved a significant piece of work for those involved in Records Management within the Communications and Compliance Unit. She confirmed that the new policy meets PBNI's statutory requirements. Due to the importance of content, size of the documents and the detailed Retention and Disposal Schedule, staff will be guided by the Records Manager, Content Manager and ECMS staff at local team meetings, a desk-top aide and e-learning. One Member asked if social media guidance had been included. Ms McGreevy explained that PBNI had a separate Social Media Policy, which would be reviewed separately, though linkages made to Records Management, and brought to the Board for approval later in the year, and being mindful of the importance and volume of information in both policies.

The Board approved the Paper.

14.3 Q4 BUSINESS PLAN 2022-23 (PAPER)

Ms Montgomery gave a brief summary of the Q4 Business Plan 2022/23. Five Strategic Priorities had a Green rating. One Strategic Priority, Priority 3 – Delivering an innovative and problem-solving approach to reducing re-offending through Partnership and Collaboration had an Amber rating.

The Board approved the Paper.

14.4 2022-23 YEAR END CASELOAD (PAPER)

The Chair commended the work of the NISRA-seconded Statistician who had provided the Caseload in an updated, clearer format.

The Board noted the Paper.

15. ANY OTHER BUSINESS

The Board Chair thanked members and officials for attending. The next Board meeting will be on Friday 25 August 2023, PBNI Conference Room, 4th Floor Headquarters at 9.30 am.

The meeting ended at 1.15 pm.

Mr Max Murray CBE
Board Chair

Date