

**PROBATION BOARD FOR NORTHERN IRELAND**

**BOARD MEETING – Friday 22 September 2023**

**11.30 am – Conference Room, PBNI HQ**

**ATTENDANCE**

**BOARD MEMBERS**

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  
Mr N Bodger  
Mr J Byrne  
Mr K Donaghy (themed meeting only)

**OFFICIALS**

Mrs A Stewart, Chief Executive  
Ms G Montgomery, Director of Operations  
Mr S Hamilton, Director of Operations  
Mr P King, Head of Finance & Estates  
Ms G McGreevy, Head of Communications  
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. Prior to the main Board meeting a themed event took place with Senior Leaders representing the Five Nations of Probation, focusing on Strategic Priorities 1 and 2. There were no conflicts of interest.

**2. APOLOGIES FOR ABSENCE**

Apologies were recorded from Mrs C Sweeney.

**3. MINUTES OF THE BOARD MEETING – FRIDAY 25 AUGUST 2023 (PAPER)**

The minutes of the Board Meeting held on Friday 25 August 2023 were approved as a true record of the meeting.

The minutes were approved by the Board.

**4. MATTERS ARISING FROM THE MINUTES (PAPER)**

There were seven actions from the previous meeting. All had been completed.

The Board noted the paper.

**5. BOARD CHAIR'S REPORT (VERBAL)**

The Board Chair updated Members on several meetings since the August 2023 Board meeting.

An engagement event at the Downpatrick office took place on 21 September 2023. Attendees included representatives from the Community and Voluntary Sector, PSNI, Newry, Mourne and Down PCSP, including Vice Chair Audrey Byrne, Local councillors and Sinn Fein MP, Chris Hazzard. Members also had the opportunity of meeting three service users whose Community Service squad maintains the Victoria Gardens in Downpatrick.

The Board Chair, the Vice Chair and the Chief Executive had met with Mark Goodfellow, Acting Deputy Director of Safer Communities, on 12 September. Discussions took place around the implications of budget reductions in relation to Enhanced Combination Orders (ECO) and how to move from pilot to roll out provincewide. Mr Goodfellow agreed to arrange a meeting regarding Pay Modernisation with relevant DoJ officials and economists, Departmental Solicitors and PBNI representatives. This has now been confirmed for 28 September 2023. The Board Chair referred to correspondence received by Mr Hamilton, Director of Operations, the following day outlining the DoJ position that Problem Solving Justice would no longer be coordinated as a portfolio by the Department. ECOs and the Substance Misuse Court would be managed within normal areas of business by PBNI.

A Long Service Awards event has been arranged for Thursday 26 October in the Long Gallery, Stormont. Invitations to Members will follow.

The Board noted the update.

## **6. CHIEF EXECUTIVE'S UPDATE (VERBAL)**

Ms Stewart advised that updates would be provided against agenda items.

The Board noted the update.

## **7. CORRESPONDENCE (PAPER)**

There were four items of correspondence to note.

### **7.1 Letter from Board Chair to Richard Pengelly on Opening Budget Allocation 2023/24**

Members noted the Board Chair's letter accepting the DoJ's direction for PBNI to make changes to the delivery of ECOs and Offender Behaviour Programmes from 1 September 2023 and acknowledging the additional £180k towards the funding pressure for the programmes delivered by community and voluntary sector partners.

### **7.2 Letter received by PBNI from DoJ on the Approach to Problem Solving Justice**

It was noted that the letter came from Lisa Rocks, DoJ Deputy Director to Mr Hamilton, Director of Operations, not the Chief Executive. Members expressed concern that the detail in the letter, referred to in the Board Chair's report, **agenda item 5**, was contrary to discussions held at a meeting with Mark Goodfellow, Acting Director of Safer Communities the previous day. The timing of the letter and content was disappointing in context of discussions the previous day. The Chief Executive had drafted a response to Mr Goodfellow, **agenda item 7.3**, for discussion.

### **7.3 Draft response from Chief Executive to Mark Goodfellow, DoJ on the Approach to Problem Solving Justice**

Discussion took place on how best to respond to Ms Rocks' letter. Members felt that the letter generally indicated that DoJ wished to move responsibility for progressing the Substance Misuse Court (SMC), ECO and Promoting Positive Relationships Programme (PPRP) pilots to mainstream work and funding to PBNI and were disappointed in the lack of support from the Department. Ms Montgomery confirmed that in the last year, governance of SMC had transferred from Courts to PBNI and it is now funded directly. Mr Hamilton stated that ECOs were a sentencing measure that related to potential sentencing policy. As the recent NIAO report affirmed that ECOs were a cheaper alternative to prison sentences and merits DoJ's involvement in the initiative it is understandably disappointing that the DoJ now wishes to distance itself from ECO roll out and funding. Consideration was given to the Board Chair writing to the Permanent

Secretary or the Independent Members of the Departmental Management Board to express the Board's disappointment and concern. This was, however, not agreed at this point in time.

**Action: The Chief Executive should write, as per the draft, to Mr Goodfellow, in response to Ms Rock's letter.**

#### **7.4 Letter from Chief Executive to Crown Solicitor re Pay Modernisation Advice on Risks**

Members welcomed the Chief Executive's comprehensive letter to the Crown Solicitor seeking further advice on the preferred options in the revised Pay Modernisation Business Case.

The Board noted the correspondence.

### **BOARD BUSINESS**

#### **8. PAY MODERNISATION UPDATE (PAPER)**

The Chief Executive informed Members that the Pay Modernisation Business Case had been revised to include the option (Option 7) for the use of the HSCNI framework for staff currently on the former NNC and SCOGG T&Cs with staff on NICS aligned T&Cs remaining as is, considering the affordability and repercussiveness issues raised by the DoJ. The Business Case is still in draft form and will be submitted to the DoJ, following approval of the Board.

Ms Stewart apprised Members of a recent meeting with Jeff McGuinness, who had recently transferred to the DoJ Safer Communities team from the Department of Finance & Personnel. His view is that moving all PBNI staff to NJC single pay framework presents affordability and repercussive concerns for the Department. A legal response from the CSO Junior Counsel is expected by 26 September 2023.

It was noted that the Departmental Solicitor's advice was not shared with PBNI but hopefully some clarification would be forthcoming at the meeting with the DoJ on 28 September 2023. The Chief Executive, Head of Finance, Head of Human Resources and one of the Directors would be present.

Ms Stewart confirmed unions had written to the Permanent Secretary seeking a meeting.

Mr King advised that if PBNI decided to submit a pay remit to make a cost of living/one off payment to staff in this financial year it may hinder progress with the Pay Modernisation Business Case, long term. He reaffirmed that PBNI remained convinced that Option 5 (NJC single pay framework) is the preferred option but acknowledged concerns of the DoJ.

**Action: The Board Secretary to arrange a Special Board Meeting – single item agenda – to finalise way forward in respect of Pay Modernisation. Friday 6 October 2023 was proposed.**

#### **9. BOARD SECRETARY'S BUSINESS (VERBAL)**

The Board Secretary advised that it had previously been agreed that the November themed Board meeting would focus on Strategic Priority 3 'Our Funding'. Due to the focus on the budget over the last few months Ms Fitzsimons suggested the theme could be on 'Our Partnerships' – Strategic Priority 4 with the Policy and Practice Committee (PPC) taking the lead. Board Members agreed that this themed meeting, led by PPC would be held in the new year, preferable February 2023.

Ms Fitzsimons also advised that the Chief Parole Commissioner and the new NIPS Director General had been invited to Board meetings in October and November and was awaiting confirmation. The Permanent Secretary will be attending the December Board Meeting.

The Board noted the update.

## **AUDIT AND RISK ASSURANCE COMMITTEE**

### **10. COMMITTEE CHAIR'S UPDATE (VERBAL)**

The Committee Chair welcomed the Internal Audit Report on Travel and Subsistence and the Committee was pleased to confirm the PBNI Annual Report and Accounts 2022-23 had been laid in the Assembly, with no recommendations arising from the Report to Those Charged with Governance.

Mr Ingram advised that the Committee had reviewed the Departmental Risk Registers and was assured of their alignment to the Strategic Risk Register (SRR). He asked Members to note the revisions in draft Q3 of the SRR.

As requested by the Board Chair at the August Board meeting the Committee looked at a review of PBNI Data Management and Information Security. It was agreed a Health Check on Risk management Procedures would be timely. Ms McGreevy advised that Tom Clyde, Chief Information Officer DoJ had agreed for his team to conduct an audit of processes covering the areas of HR and Risk on 7<sup>th</sup> and 8<sup>th</sup> November 2023. Thereafter, this will be done internally.

There is one Fraud Case, currently under investigation.

Mr Ingram and Ms Fitzsimons had attended a DoJ meeting of all Audit Committee Chairs within the Department. The DoJ informed the meeting that the Department was underfunded by £95m. NIPS had been spared budget reductions due to an increase in the prison population. The NIAO had given a presentation on their role and committee responsibilities. It was mooted that PBNI was "ahead" of other organisations in terms of risk management.

The Board noted the update.

#### **10.1 QUARTER 1 & 2 RISK MANAGEMENT QUARTERLY REPORT AND Q3 STRATEGIC RISK REGISTER 2023-24**

Ms Fitzsimons summarised the key points in the report and asked members to note the changes in red to the draft Q3 Strategic Risk Register 2023-24. The review of Data management and Information Security had been added to the Register.

After discussion the Board approved the paper.

#### **10.2 REPORT TO THOSE CHARGED WITH GOVERNANCE – FINAL (PAPER)**

The Board Chair asked Members to review the report.

The Board noted the Paper.

## **CORPORATE RESOURCES COMMITTEE**

### **11. COMMITTEE CHAIR'S UPDATE (VERBAL)**

The Committee Chair advised that there was nothing to report since the August Board meeting.

The Board noted the update.

#### **11.1 FINANCIAL OUTTURN REPORT AUGUST 2023 (PAPER)**

Mr King referred Members to the key highlights in the paper.

The Board noted the Paper.

## **POLICY AND PRACTICE COMMITTEE (PPC)**

### **12. COMMITTEE CHAIR'S UPDATE (VERBAL)**

The Committee Deputy Chair updated the Board on the PPC meeting held in September 2023 and referred to items 12.1, 12.2, 12.3 and 12.4 on the agenda which had been endorsed at the recent PPC meeting. PBNI equality responsibilities were also discussed including progress on the PBNI Equality Scheme, Equality and Good Relations Plan, Disability Action Plan and Service User Equality Monitoring. Bail and Remand was also on the agenda and discussions included the increasing number of prisoners on remand and the potential impact on PBNI.

The Board noted the update.

#### **12.1 Q1 BUSINESS PLAN 2023/24 (PAPER)**

Mr Hamilton summarised the work that had taken place in relation to business planning. Members noted the improved format of the paper and welcomed the outcome-based focus.

The Board approved the Paper.

#### **12.2 PROGRAMMES AND GRANTS FUNDING POLICY (PAPER)**

The policy had been endorsed by the PPC earlier in September 2023 for approval by the Board.

The Board approved the Paper.

#### **12.3 DEATHS UNDER SUPERVISION ANNUAL REPORT 2022/23 (PAPER)**

The Board Chair confirmed that the Assistant Director - Rurals was the lead on Notification of Deaths and had provided the paper. She had confirmed that further training for staff would be taking place.

The Board noted the Paper.

#### **12.4 SFO ANNUAL REPORT 2022/23 (PAPER)**

The Board Chair asked Members to review the paper provided by the Assistant Director – Risk. There were no queries from Members.

The Board noted the Paper.

## **OTHER BUSINESS**

### **13. ANY OTHER BUSINESS**

The Board Chair thanked members and officials for attending the themed meeting prior to the main Board meeting. There was discussion whether a full day would be preferable to allow time for feedback. The next scheduled Board meeting will be on Friday 27 October 2023, PBNI Conference Room, 4<sup>th</sup> Floor Headquarters at 9.30 am. A date would be confirmed for a Special Board meeting on pay modernisation.

The meeting ended at 1.30 pm.

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Mr Max Murray CBE  
Board Chair

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Date