

PROBATION BOARD FOR NORTHERN IRELAND

BOARD MEETING – Friday 24 May 2024

9.30 am – Conference Room, PBNI HQ

ATTENDANCE

BOARD MEMBERS

Mr M Murray, Chair
Ms E Patterson, Deputy Chair
Ms M Brunt (Via Teams)
Mr K Donaghy
Mr B Ingram
Ms A Lloyd-Stevens
Ms B Mongan

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
Mrs C Sweeney, Head of HR and L&OD
Ms J Fitzsimons, Board Secretary
Ms A Carlisle, Executive Support Officer (minutes)

1. WELCOME, OPENING REMARKS AND CONFLICTS OF INTEREST

The Board Chair welcomed everyone to the meeting and set out the schedule for the meeting. A quorum was confirmed. There were no conflicts of interest.

2. APOLOGIES FOR ABSENCE

Apologies were recorded from Mr Johnston, Mrs Magee, and Trevor Connolly, InvestNI.

3. MINUTES OF THE BOARD MEETING – FRIDAY 26 APRIL 2024 (PAPER)

The minutes of the Board Meeting held on Friday 26 April 2024 were approved as a true record, with one small correction needed that has Ms Lloyd-Stevens name under attendance.

The Board approved the paper.

4. MATTERS ARISING FROM THE MINUTES (PAPER)

There was one action from the previous meeting in respect of Pay Modernisation and the Communications Plan, this has now been completed.

The Board noted the paper.

5. BOARD CHAIR'S REPORT (VERBAL)

The Board Chair gave an update on his annual meeting with Mark Goodfellow, Director, DoJ on 30th April. Discussions included the relationship between PBNI and DOJ. It is hoped that the new Permanent Secretary will attend a future meeting with the Board, and Mr Goodfellow is eager to visit PBNI offices and services. A meeting will also take place with Sponsor Branch every six weeks with the first of these meetings taking place on 10th June. The Board Chair confirmed that Jeff McGuinness, Deputy Director, DoJ will be leaving to take up a position in DoF and acknowledged the assistance he gave, in particular on Pay Modernisation.

The Board Chair provided an overview of the Down and Ards Team Meeting he attended remotely on 21st May along with the Chief Executive. Issues raised included the significant rise in the number and complexity of cases that staff are dealing with, which are adding to their workload pressures. Ms Stewart added that Domestic Violence cases, in particular have become more complicated. She was also very positive about the engagement and her overall impression was that staff had felt listened to. A

discussion followed on the issues raised and how Members could support senior management and staff to help stabilise the organisation. A meeting has been arranged for the Chief Executive and Senior Management to meet with the Down and Ards Area Managers to further discuss the issues that arose from the meeting.

The Board Chair also noted that there will be a phase of office visits in the next few months which will give Board members the opportunity to meet with staff which he hoped would be well attended. The Board would also like feedback on what is being done to address the challenges staff are identifying.

The Board noted the update.

6. CHIEF EXECUTIVE'S UPDATE (PAPER)

The Chief Executive referred Members to the key highlights in the paper.

Internal Engagement

Ms Stewart has been visiting with a number of Teams which has been very useful following the approval of the Pay Modernisation OBC and in terms of improving the culture of the organisation. These meetings will continue, and further updates will be given to the Board as and when needed.

External Engagement

Ms Stewart attended an Employers Forum hosted by the Ulster Bank on 14th May 2024 and was joined by an Area Manager and Probation Officer. This event introduced the organisation to a number of new potential stakeholders especially around private sector and technology companies who have a focus on corporate social responsibility. There has been good follow up from this event and Ms Stewart hopes to forge new partnerships going forward.

Ms Stewart attended a visit from the Prison Reform Trust Chief Executive, Pia Shina which was hosted by Beverley Wall, Director General of Prisons. This included a dinner hosted by Laurence Simms and a keynote speech at an event in the Ulster University on Pia's leadership journey. The Prison Reform Trust are based in England and along with research, it has an important reach regarding policy makers. It is hoped PBNI will continue to engage with them in the future.

Key Issues

Since writing the paper Ms Stewart noted that a General Election has been called for 4th July. There has been additional money allocated to PBNI through the recent budget which isn't ringfenced, which is hoped can ease some pressures. The next SLT meeting will look at the decisions that were made in the last financial year around programmes and ECO and whether these decisions can be revisited in light of the new budget. Regarding the Programme for Government, the Justice Minister has been advocating for a 'keeping people safe' outcome. This should not affect the current Corporate Plan but may have implications on the development of the next one.

There will be an event on 26th June at Ulster University to launch the video 'Changing Lives: The Inside Story of the Probation Service' to help raise awareness and confidence in the use of community sentencing along with a panel discussion. The Lady Chief Justice will be giving a keynote speech at the event and it is hoped that various stakeholders will be in attendance.

Ms Stewart noted the end of year reporting, with the attrition rate slightly down at 10% and sickness absence days rising to an average of 15.7 per employee. Corporate Resources Committee and the Senior Leadership team have a particular focus on sickness absence, as it is having an effect on operational delivery on the ground for teams.

The CJINI Follow Up Review of Probation Practice Inspection draft report has been received for a Factual Accuracy Check. The report shows significant progress but there is still work to do.

The next meeting of the Prison Population Oversight Group is scheduled for 30th May 2024. A bid has been put forward to roll out two ECO areas and links to discussions around the Transformational Fund. Ms Stewart has an introductory meeting with the new Permanent Secretary, Hugh Widdis on 28th May 2024, and will discuss this matter, as well as having a walk through the HQ building to meet with staff.

The Board noted the paper.

7. CORRESPONDENCE (PAPER)

There were two items of correspondence to note.

7.1 Correspondence from Head of FSD to Chief Executive – PBNI Pay Modernisation Programme Approval (26 April 2024)

The correspondence from the Department is a standard letter that would be expected regarding Pay Modernisation.

7.2 Correspondence from Permanent Secretary, DOJ to Chief Executive – on new appointment (1 May 2024)

The correspondence from the Permanent Secretary is in response to a letter of introduction from the Chief Executive and mentions his willingness to meet with the Board.

Action: Board Secretary to link with Permanent Secretary to attend a themed Board Meeting or Development Day.

The Board noted the correspondence.

BOARD BUSINESS

8. BUDGET 2024/25 UPDATE (PAPER)

Mr King gave an update on the opening budget allocation that has been received for 2024/25 and advised that it is broadly positive compared to last year and is a good starting position. There will be a meeting next Tuesday to agree additional staffing to bring PBNI up to the full complement. The Board Chair asked for an update on ECOs, CVS and Programmes and if the new budget will change the decisions that were made last year. Mr King referred to the paper that came to the Board Meeting in March around the plans for the Community and Voluntary Sector which involved a funding plan of around half a million. There are plans to increase the availability of Programmes for those assessed as high/moderate risk of offending, as primarily it is just a staffing resource that would be required. Regarding ECOs there are other issues that would impact on the decision around this. He advised that there would need to be more certainty on the future involving ECOs. Ms Stewart advised that pressures on the generic teams may be alleviated with some additional recruitment. Mr Hamilton confirmed that there is an upward trend involving caseloads, with roughly 150 additional cases from last year. This is reflected in the workload measurement tool which will be published shortly and will inform decisions on staff redeployment.

Ms Stewart confirmed that the budget will be brought to the next SLT meeting followed by the Corporate Resources Committee meeting and the Board Meeting at the end of June for final approval.

The Board noted the Paper.

9. PAY MODERNISATION UPDATE (VERBAL)

Mrs Sweeney provided Members with an update on Pay Modernisation. She advised Members that there has been an intensive consultation process with staff in the last month. This has involved Communications, Payroll and HR teams working together to provide staff with information on the new pay structure. There have been seven roadshows which have been attended by 80% of staff, over 400 individual letters have been sent out to staff providing information on their current and new pay bands, and over 120 one-to-one meetings held. Feedback from staff on this process has been generally good. A revised FAQ document will be sent to staff next week. The next stage is the agreement process, with an option being a conciliation agreement with individual employees. Mrs Sweeney advised Members that NIPSA may not be prepared to ballot members despite fully supporting the Pay Modernisation proposal. NIPSA advised Management on 24 April that on the basis of its legal advice they wanted to proceed by way of a CO3/Compromise agreement as they wished to protect themselves against any potential claims against NIPSA in relation to equal pay and age discrimination claims. A meeting is being held with the Labour Relations Agency (LRA) next week to seek their advice in this process. Although there is no definite date for payments to staff, it is hoped that it will be no later than the end of August. The Board Chair thanked everyone involved especially Ms Stewart, Mrs Sweeney, Mr King, and Ms McGreevy on behalf of the Board.

A discussion over the conciliation agreement followed including the position that NIPSA are proposing. Members wanted to record their concerns, as the Board had expected to be introducing the new pay framework after a ballot. Members also noted that the JNCC Constitution will be looked at again and revised and updated. Mrs Sweeney also advised that she was in discussion with Crown Solicitor's Office in relation to an approach involving individual agreements. Ms Stewart as Accounting Officer confirmed that she understood the concerns of Members and that Management's preferred method of implementing the pay agreement is via a collective agreement and that if anyone wished to remain on their current pay scales, their contracts would be honoured. Ms Stewart advised that implementation of the pay agreement does not represent any compromise or bar on the right to bring any future employment claim by a staff member(s), (without prejudice to the Board's right to defend same). This has been the consistent and clear message of the Board and Management throughout consultation. Following discussion Ms Stewart proposed following the meeting with LRA and advice from CSO, a plan would be brought forward as to how to proceed. The Board Chair asked on behalf of the Board for clarity in the absence of a ballot what individual agreements mean for staff, how this will be communicated and the implications for the organisation.

Action: Board members to receive information regarding the agreement process when confirmed.

The Board noted the update.

10. END OF YEAR BUSINESS PLAN PERFORMANCE 2023/24 (PAPER)

Mr Hamilton presented the paper which outlined the End of Year Business Plan Performance. He explained that of the 22 actions, 16 are green (fully complete), 5 are amber (in progress) and 1 is red (delayed or not achieved). Mr Hamilton highlighted some actions under each of the four outcomes. He advised that under outcome 1 due to the delay in the implementation of Pay Modernisation this has carried over to year 2 as it had not been fully achieved. Other work carried out under this outcome has included Hybrid Working procedures, work involving employee engagement and the workload measurement tool. Under outcome 2 Mr Hamilton asked Members to note the work involving the Review of Programmes completed by Mr McCracken, Principal Psychologist and the success of the Short Adjournments reports. Under outcome 3 he explained that a great deal of work has been completed for the Estates Strategy and that sustainability will become increasingly important around environmental measures and climate change reporting. Under outcome 4 Mr Hamilton wanted to acknowledge the work that Ms Spence, Assistant Director has completed around Service Level

Agreements with the Prison Service. There is also now a Memorandum of Understanding with the five Health Trusts in place. Important work has been undertaken by the Communications Team around Local Engagement Events, with Mr Hamilton thanking Members for their support at these. Board Members thanked Mr Hamilton for the update and work involved and welcomed the model from a governance perspective.

The Board approved the paper.

11. BOARD SECRETARY'S BUSINESS

11.1 Board Work Plan 24/25 (PAPER)

The Board Chair thanked the Board Secretary for her work on the Board Work Plan 2024/25 and commented that the layout had improved significantly. The Board Secretary advised that it was a working document and will be revised as necessary.

The Board noted the paper.

AUDIT AND RISK ASSURANCE COMMITTEE (ARAC)

12. COMMITTEE CHAIR'S UPDATE (PAPER)

The Committee Chair advised that the outcomes from the internal audits were very positive this year with 3 audits completed and given a satisfactory rating. The final audit opinion is due in a couple of weeks and Ms Stewart advised that while the Review of Responsibility Allowances audit is outstanding this will not affect the overall opinion. She confirmed that this report will be brought to the ARAC meeting in June for review. Mr Ingram told Members that looking forward to next year, there are 3 main pieces of work: the controls governing the administration of the admission of grants to organisations; policies, procedures and controls in place for ensuring that social work practitioners are registered annually with NISCC; and the governance and risk management arrangements for effective workforce planning. The Committee Chair thanked Mr King and the Finance Team for the draft of the Annual Report and financial statement which has been handed over to the external auditors for review. The Committee Chair added that the signing off of the Whistle Blowing, Complaints and Data instances is critical to the Committee. Ms McGreevy advised that there is now a strong framework around compliance issues with a new records policy this year and compliance checks.

The Board noted the update.

12.1 Draft Strategic Risk Register 2024/25 Q1 (PAPER)

The Board Secretary advised that the Senior Leadership Team had developed the Strategic Risk Register (SRR) for 2024/25 Quarter 1 which was brought to the ARAC May meeting for consideration. Following discussions ARAC recommended that it be brought to the Board for approval. Horizon Scanning was also reviewed and updated.

Ms Fitzsimons confirmed that the SRR for Quarter 2 will be brought the ARAC meeting in June for consideration.

The Board approved the paper.

12.2 Board Risk Appetite (VERBAL)

Mr Ingram, ARAC Chair introduced this item explaining that it was the responsibility of the Board to agree the Risk Appetite for each of the Risk Areas in the Strategic Risk Register. To facilitate this Mr

Ingram organised a breakout session and asked members and officials to split into 3 groups for 20 minutes and feedback discussions to the full Board prior to coming to an agreement. He explained that risk identification and risk management are an integral part of the governance framework, which is the process of bringing together a range of internal and external controls and actions to manage risk to a level the organisation believes to be either optimal or tolerable. Optimal being the level at which the organisation aims to operate and tolerable the level of risk at which the organisation is willing to operate. Mr Ingram also informed Members that, as identified in the recent ARAC Self-Assessment an Assurance Mapping exercise would also be undertaken by the Executive Team and brought to the ARAC meeting in the autumn for consideration.

To assist in discussions the Board Secretary provided members with a table extracted from the 'Risk Appetite Guidance Note' which included more detailed definitions of risk appetites (adverse, open and hungry) for the risk categories identified in the SRR as recommended in the Orange Book.

Following the breakout session feedback was provided from each group and the Board agreed that Risk Areas one to four should be 'Open' and Risk Area five 'Averse'.

The ARAC Chair thanked members for their work on this important exercise.

The Board approved the Risk Appetite for each Risk Area.

12.3 Draft Annual Report and Accounts 2023/24 (PAPER)

Mr King wanted to note some key points, including the performance summary and the governance statement which has been updated in light of the internal audit. He explained that there was very little change from previous years. He advised members that the report has been through audit and feedback from the first draft is generally positive and nothing substantive should change. Mr King advised that there is a short window for members to come back with any questions or queries before it is finalised.

The Board noted the paper.

12.4 End of Year Stewardship Statement (PAPER)

Mr King advised members that the return has been sent to DOJ and that the remuneration issues were discussed last month.

The Board noted the paper.

12.5 Pension Valuations and Assumptions (PAPER)

Mr King advised that there are the standard changes to assumptions that would usually be in place and that a slight drop in life expectancy figures is a general demographic piece. He also explained that an asset shown is somewhat unusual and as is not recognised in the accounts as PBNI cannot tangibly do anything with it. He assured Members that overall the organisation was currently in a good place.

The Board noted the paper.

12.6 PBNI Internal Audit Plan 2024 – 2025 (PAPER)

Members reviewed the PBNI Internal Audit Plan provided by DoJ.

The Board noted the paper.

13. COMMITTEE CHAIR'S UPDATE (VERBAL)

The Committee Chair had no matters to report, the next meeting of the Committee will be on 14th June 2024.

The Board noted the update.

13.1 Financial Outturn Report – March 2024 (VERBAL)

Mr King advised that there has been no change since the report that was presented to the Board meeting in April. The first formal report will come to the June Board meeting as the budget allocation will be on the system at that point.

The Board noted the update.

POLICY & PRACTICE COMMITTEE (PPC)

14. COMMITTEE CHAIR'S UPDATE (VERBAL)

The Committee Chair had no matters to report, the next meeting of the Committee will be on 14th June 2024.

The Board noted the Update.

15. ANY OTHER BUSINESS

The Board Chair reminded Members that any outstanding Online Data Protection Training needs to be completed.

Action: Link for Online Data Protection Training to be sent to members.

The Board Chair reminded members that a visit to Maghaberry is scheduled for 18th June 2024. Dates are to be sent out for Burren House, ISU and a rural based office, with the Board Chair encouraging members to attend if they can.

The meeting ended at 12.25 pm.

DATE OF NEXT MEETING – FRIDAY 21 June 2024, 9.30 AM - PBNI HQ CONFERENCE ROOM

Mr Max Murray CBE
Board Chair

Date