

PROBATION BOARD FOR NORTHERN IRELAND

BOARD MEETING – 9 AUGUST 2013

340TH MEETING – 10TH OF TENTH TERM OF OFFICE

1. ATTENDANCE

1.1 Present

Mrs V Patterson (Chairman)
Mr R Mullan (Deputy Chairman)

Mr D Brown	Mrs M O'Rourke
Mrs J Erskine	Mr D Rose
Mr E Jardine	Ms P Shepherd
Mrs L Jennett	Mr M Wardlow (except item 11)
Mr B McAllister	Dr R Wilson
Mr T O'Hanlon	

1.2 Officials

Mr B McCaughey (Director) (items 1-38)
Ms C Lamont (Deputy Director Operations) (items 1-38)
Mr P Doran (Deputy Director Operations) (items 1-38)
Mr D Van der Merwe (Deputy Director Finance and Corporate Services) (items 1-38)
Ms L Cooper (Head of Business Planning and Development) (items 1-38)
Ms G McGreevy (Head of PR and Communications) (items 1-38)
Mrs G Robinson (Head of Human Resources) (Items 1-18)
Mrs S Glenn (Acting Head of Finance) (Items 17-23)
Mr P Moss (Board Secretary) (items 1-38)
Mrs A Abraham (items 1-38)

1.3 OPENING REMARKS AND CONFLICTS OF INTEREST

The Chairman welcomed everyone to the meeting. Given the full agenda, the Chairman said that she intended to focus on the main substantive items and go through a good deal of the "For Noting" section by way of exception.

The Chairman welcomed Andrea Abraham, who was assisting with Secretariat temporarily in Susan's absence.

Action: Chairman to pass on Board's best wishes to Susan Forrester

There were no Board observers on this occasion.

Mr Wardlow declared a conflict of interest for Item 11.

The Chairman reminded members that this was the Director's last Board meeting before his secondment to the Northern Ireland Prison Service and thanked him for his contribution to the work of Probation over the years.

It was agreed to hold a closed session at the end of the Board meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies.

3. CONSIDERATION OF THE MINUTES OF THE MEETING HELD ON 14 JUNE 2013 (M6/13)

The minutes of the meeting held on 14 June 2013 were signed as a true record, subject to two deletions at Item 24 page 9:

- in the paragraph stating "The Chairman" delete the words "concern took"
- delete the paragraph commencing "The paper".

4. CONSIDERATION OF THE MINUTES OF THE MEETING HELD ON 28 JUNE 2013 (M7/13)

The minutes were signed as a correct record.

5. MINUTES OF THE MEETING HELD ON 19 JULY 2013

No minutes of the meeting held on 19 July 2013 were available. The Chairman gave a summary of this meeting, which had a single item agenda on Budget Savings.

6. MATTERS ARISING FROM THE MINUTES OF 14 JUNE 2013 AND 28 JUNE 2013 (Paper 79/13)

The Board noted the matters arising and the actions taken.

7. CORRESPONDENCE (Paper 80/13)

Members noted the e-mail from the Director to the DoJ of 30 July 2013 about the reduction in PBNI's budget to contribute to the Family Support Fund and the letter from the Minister of Justice to Minister of the Department of Health, Social Services and Public Safety, Edwin Poots MLA dated 1 August 2013 on the same subject. The Director explained that £100k would come out of the Board's budget from 2014-15 and the Community Grants allocation would be reduced accordingly. Voluntary bodies would be advised, where relevant, to apply to the central fund.

Members also noted the letter from the Minister of Justice regarding PBNI's Annual Report and Accounts for 2012-13. The Chairman informed Members of correspondence received from the Probation Association in respect of a proposed visit to PBNI in September.

FOR DECISION

8. Disciplinary Policy and Disciplinary Procedure (Paper 81/13)

The Head of Human Resources presented the paper, outlining the changes to the existing policy and procedure. She explained that normally the Board was asked to

approve a policy only but, as the procedure involved the Board in an appeal process where the Director had acted as Decision Officer, the procedure also needed to be approved.

In response to a query about whether the Trade Unions had been consulted, the Head of Human Resources confirmed that union consultation had taken place.

It was agreed that the Disciplinary Policy and Procedure should be approved.

9. Grievance Policy and Grievance Procedure (Paper 82/13)

The Head of Human Resources presented the paper, outlining the changes to the existing policy and procedure. She explained that normally the Board was asked to approve a policy only but, as the procedure involved the Board in an appeal process where the Director had acted as Decision Officer, the procedure also needed to be approved.

It was agreed that the Grievance Policy and Procedure should be approved.

10. Dignity at Work Policy and Dignity at Work Procedure (Paper 83/13)

The Head of Human Resources presented the paper, outlining the changes to the existing policy and procedure, currently titled Bullying and Harassment Policy and Procedure. She explained that normally the Board was asked to approve a policy only but, as the procedure involved the Board in an appeal process where the Director had acted as Decision Officer, the procedure also needed to be approved.

It was suggested that wording be expanded in section 6 paragraphs 2 and 3 of the policy to focus on the positive side of the policy. It was agreed that reference to alternative dispute resolution/mediation be included as part of the process.

It was agreed that the Dignity at Work Policy and Procedure should be approved subject to the amendments agreed.

Action: Head of Human Resources to make amendments

11. Section 75 Annual Progress Report (Paper 84/13)

Mr Wardlow left the meeting for this item.

The Head of Business Planning and Development presented the paper which had been approved by senior management on 23 July 2013. She highlighted the key areas of work: the establishment of a Good Relations Group, equality objectives as set out in PBNI's Equality Scheme were now being reported as normal business and the revision of PBNI's Hate Crime Policy. The Hate Crime Policy would be submitted to the Board for approval in the near future. The Progress Report would be submitted to the Equality Commission in August 2013.

In the course of discussion Members noted the imbalances in community background in the organisation and enquired about the prevalence and impact of autism in case work.

The Chairman thanked the Head of Business Planning and Development for the considerable amount of work which had been involved in the preparation of the report.

The Board approved the paper.

12. Electronic Board Provision Group: draft Terms of Reference (Paper 85/13)

The Chairman introduced the paper and explained that the priority of any proposals would be considered in the wider context of the Board's budget. In the longer term this work should reduce the cost base of the organisation.

The Board approved the paper.

13. Legal Case: Approval of Proposed Settlement (Paper 86/13)

The Secretary introduced the paper and reported that the Director had already held a meeting to consider issues arising from this case and other Community Service incidents. He explained that he had supplied the relevant information to the DoJ in advance in the hope of expediting the departmental approval process.

The Board approved the paper subject to approval by DoJ.

14. Alderwood House (Paper 87/13)

The Director introduced the paper and reported on recent discussions about the issue, including the Overview Meeting when the DoJ had expressed the wish to "decouple" the immediate Alderwood issue from the re-structuring of the Probation Estate. With regard to the £1.5m offer from NIPS for Alderwood, the Department was refusing to guarantee that this sum would be transferred to the PBNI capital budget.

The Deputy Director Finance and Corporate Services confirmed that three-way negotiations with the DoJ and NIPS were proving difficult, given the various interests of the parties.

Members expressed serious concern about the proposal to decouple the Alderwood issue from the re-structuring of the Probation estate and the Department's apparent reluctance to work in partnership with PBNI. They underlined the importance of providing suitable accommodation for sensitive areas of work and stressed that PBNI should make its position clear to the DoJ.

The Chairman said that she would make representations to the Department and would report back to the Board.

The Board approved the paper.

Action (1): Further discussions to be held with the DoJ and NIPS to identify a suitable alternative delivery site and agree funding arrangements

Action (2): Chairman to make representations to the Department and report back to the Board

FOR NOTING

15. Update on Director's Replacement (Verbal)

The Chairman reported on the process to date and indicated that interviews would be held on 20 August 2013.

16. Meeting with Minister of Justice (Paper 88/13)

The Chairman presented the paper and reported that the Minister had expressed the wish to meet the Board, which could be at the September or October meeting.

In response to a query about developments on post-committal interviews, the Director said that he had made it clear to the NIPS Director General that PBNI would not withdraw from this function until he could assess the position in his new role with the Prison Service.

The Board noted the paper.

**Action: Chairman and Secretary to
arrange meeting with the Minister**

17. Budget 2013/14: Scenarios for Savings (Paper 89/13)

The Deputy Director Finance and Corporate Services introduced the paper and pointed out areas where savings had been achieved or partially achieved or were under consideration.

Members welcomed the paper and the steps which had been taken to date. It was suggested that the risks identified in the paper should be treated as high rather than moderate and significant impacts should be highlighted. The Chairman stated that the 5% in-year reduction stemmed from the substantial overspend in legal aid. She was concerned about the pressures on staff and potential redundancies.

The Head of Human Resources stated that caseloads had increased and the ending of fixed term contracts posed a significant risk for the organisation. Members underlined concern about the impact of staff reductions and potential increased levels of sick absence, as well as a possible increase in crime rates.

In response to a query, the Director said he was confident at present that the budget would be brought in on target.

The Board noted the paper.

18. Risk discussion: Finance Risk from new Register (Paper 90/13)

The Deputy Director Finance and Corporate Services pointed out that the likelihood, impact and overall categories were assessed as high risk. He went through the four actions identified and the steps taken to implement them. In response to queries, he acknowledged that the situation was difficult and it was not yet clear how hard the request for a further in-year 5% reduction would be pressed by the Department.

The Chairman asked staff to consider the inclusion of an overview page showing how the risks had moved since they were reported previously.

The Board noted the paper.

19. June 2013 Outturn (Paper 91/13)

The Head of Finance went through the paper and drew attention to a number of points. The prompt payment figure was 75% against a target of 95% and work was ongoing in the Finance Department to improve this performance.

The Board noted the paper.

20. Business Cases update (Paper 92/13)

The Head of Finance introduced the paper and explained that new columns on approximate value and impact had been added to provide a fuller picture. In response to a query, she said that payment of the pay remits would not add to the pressures which the organisation faced.

The Board noted the paper.

21. Progress against Business Plan Objectives Q1 (Paper 93/13)

The Head of Business Planning and Development presented the paper and went through progress against the 13 objectives.

One Member commented that the organisation should not understate its progress. In response to a query, the Head of Business Planning and Development explained that the convention was to use lavender (indicating something beyond PBNI's control) only at the end of the year.

The Board noted the paper.

22. Management Information (Paper 94/13)

Ms Lamont pointed out that the level of sick absence had fallen, which was encouraging, and that a new policy would be brought forward in the autumn. She drew attention to the range of health and wellbeing initiatives. The Deputy Director Finance and Corporate Services and Mr Doran went through the other sections of the report.

The Chairman expressed appreciation of the paper and in particular the Board requested that she convey its thanks to Karen Andrews, Health and Safety Officer, for her contribution.

The Board noted the paper.

23. Programme of Visits and Business (Paper 95/13)

The Board noted the paper.

24. Political and Public Affairs: update (Verbal)

The Head of Communications tabled the monthly media report.

25. MLA Survey (Paper 96/13)

The Head of Communications presented the paper and went through the questions posed in the survey and the findings, noting that the same questions had been asked in the previous surveys of MLAs. She pointed out that variations compared with the 2008 and 2010 surveys were within the statistical margin of error. Members discussed the different response rates from MLAs of different parties and noted that SDLP MLAs were consistently the most positive about PBNI. Members considered that any action or learning from this should be built into the Communications business plan.

The view was expressed that it would not be worth the expense to repeat the survey in future.

The Board noted the paper.

26. Corporate Plan update (Paper 97/13)

The Head of Business Planning and Development introduced the consultation paper, which had been drafted with five strategic themes. Two responses had been received already and a series of events was being planned.

The Chairman thanked the Head of Business Planning and Development, her staff colleagues and everyone who had contributed to the process. She suggested that the Secretary should e-mail Members with the latest list of corporate planning events, inviting them to put their names forward.

The Board noted the paper.

Action: Secretary to e-mail Members with the latest list of corporate planning events

27. Board Objectives and Workplan (Paper 98/13)

The Chairman confirmed that as the Board had held its June meeting in Armagh, it would not be necessary to plan another meeting outside Belfast at present.

The Board noted the paper.

EMERGENCY COMMITTEE

28. Report of Meeting on 21 June 2013 (Paper 99/13)

The minutes of the meeting were accepted with the addition of Mr Jardine to the list of attendees and his removal from the list of apologies.

The Board noted the paper.

AUDIT COMMITTEE

29. Report of informal meeting (10 June 2013) (Paper 100/13)

The Committee Chair reminded Members that the Committee had been unable to achieve a quorum on 10 June 2013 and those present had proceeded with an informal meeting, which had been minuted. The Committee had then met on 14 June 2013 to take the decisions which were required.

Following on from the June meeting he enquired whether the DoJ had been approached to re-negotiate the delegation for community grants. The Deputy Director Finance and Corporate Services said that he would contact the Department.

The Committee Chair informed the Board that the Committee would be reviewing whether or not it had the required skills within its membership. He also commented that it had proved hard to achieve a quorum on several occasions and the Committee might consider asking the Board to increase its membership.

The Board noted the paper.

Action: Deputy Director Finance and Corporate Services to contact the DoJ to re-negotiate the delegation for community grants

30. Report from the Committee (14 June 2013) (Paper 101/13)

The Committee Chair stated that the Committee had met on 14 June 2013 before the Board meeting in Armagh to ratify the discussions on 10 June 2013.

The Board noted the paper.

31. Audit Committee Work Plan 2013-14 (Paper 102/13)

The Committee Chair presented the paper.

Concern was expressed at the significant restrictions imposed by the new Delegated Limits. Several items on or relevant to this Board agenda created specific concerns: the legal settlement proposal, where delay could cause the settlement to be lost; the removal of delegation regarding leases; the further budget reduction of £100k; and how this would impact on PBNI's relationship with the voluntary and community sector. Staff were encouraged to raise these concerns with the Department and explore the possibility of re-negotiating the delegations related to leases. Further concern was expressed that the Board's autonomy was being threatened and the Chairman said that she would arrange a meeting with Anthony Harbinson to discuss the Board's relationship with the Department.

The Board noted the paper.

Action (1): Deputy Director Finance and Corporate Services to raise the Board's concerns with the Department and explore the possibility of re-negotiating the delegations related to leases

Action (2): Chairman to arrange a Meeting with Anthony Harbinson to discuss the Board's relationship with the Department

32. KPMG Internal Audit Strategy (2012/13 – 2014/15), Annual Plan (2013/14) and Charter (Paper 103/13)

The Committee Chair introduced the paper and invited the Board to approve the Internal Audit Charter which had been presented by KPMG.

The Committee noted the paper and approved the Internal Audit Charter.

33. Any Other Business

The Chairman expressed the Board's appreciation to staff for their hard and effective work, especially in meeting the tight timetable for approval of the accounts and in preparing the governance statement.

GENERAL PURPOSES COMMITTEE

34. Report from the Committee (June 2013) (Paper 104/13)

The Committee Chair said that the Committee provided the opportunity for more detailed exploration of topics and its role would be further refined in the months ahead. Presentations would be made at most meetings and agendas over the next few months might include items such as financial savings, sickness absence, community grants evaluation and corporate planning. He would welcome an opportunity to consider the capital programme, while the figures prepared on the per capita cost of Probation would be useful for any benchmarking exercise.

The Board noted the paper.

35. Agenda items for 23 August 2013 meeting (Verbal)

The Committee Chair stated that the agenda would be finalised shortly and would include the Corporate Plan consultation paper and an IT contract extension proposal.

OTHER BUSINESS

36. Director's/Secretary's Business

The Secretary explained that Ms Forrester would be on leave until 28 August 2013 and requested Members to submit travel claims to him.

The Director stated that the Board had previously approved the sum of £81,495 for the development of an electronic appraisal system. A system had been piloted at a cost of £75,000 but had not yet been brought into use because of technical problems in its development. He intended to use some of the internal audit contingency days for a review of the project.

The Director reported that there had been a flood at the Inspire premises which had caused damage to a neighbouring property and he anticipated that a claim would be made against the Board.

37. Any Other Business

The Chairman expressed the Board's thanks to the Director for his dedication and tremendous service to Probation, the Criminal Justice System and Northern Ireland. He had been Director through a period of change and challenge and was leaving Probation in a strong position. On behalf of the Board, she wished him well for his secondment with the Northern Ireland Prison Service.

The Director thanked the Chairman for her kind remarks. He felt privileged and honoured to have worked for Probation for 34 years. He hoped that the organisation was now in better shape and wished it every success in the future.

He added that his decision to accept the secondment to NIPS was the culmination of lengthy engagement with the Chairman and he believed it would be beneficial to PBNI as well as himself.

The Director thanked his colleagues for their hard work and support and acknowledged the significant challenges ahead. Finally, he stated that Probation was in his DNA, he would keep in touch and he hoped to be able to make a continuing contribution from a distance in his new role.

38. Date of Next Meeting

The date of the next meeting was confirmed for 13 September 2013 at 9.30 am.

CLOSED SESSION

39. Human Resources

The Chairman updated Members on a current staffing matter.

40. Director

The Chairman confirmed the arrangements for the Board to mark the departure of the Director on secondment.

The meeting closed at 12.50 pm.

Vilma Patterson
Chairman

Date