

PROBATION BOARD FOR NORTHERN IRELAND

BOARD MEETING – 13 DECEMBER 2013

344th MEETING – 14th 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 M Wardlow

Mrs L Jennett

Ms P Shepherd

Mr B McAllister

Mr R Wilson

Mr T O'Hanlon

1.2 Officials

Ms C Lamont, (Acting) Director

Mr P Doran, Deputy Director Operations

Mr H Hamill, (Acting) Deputy Director Operations

Mr D van der Merwe, Deputy Director Finance and Corporate Services

Ms L Cooper, Head of Business Planning and Development (Item 6)

Ms G McGreevy, Head of Communications (Item 6)

Ms E McIlroy, Assistant Director, Urban (Item 7)

Mrs G Robinson, Head of Human Resources (Items 7 - 24)

Mr P Moss, Board Secretary

Mrs J Murray, Personal Secretary (Minutes)

1. OPENING REMARKS AND CONFLICTS OF INTEREST

The Chairman welcomed everyone to the meeting and stated that the main substantive item for discussion would be the draft Corporate Plan. The papers in the "For Noting" section would be considered without staff presentation unless particular questions were raised.

The Chairman informed Members that the order of the Agenda had been changed to give more prominence to the work of the Audit and General Purposes Committees.

The Chairman welcomed back David van der Merwe and stated that Susan Glenn had taken up a new post. The Chairman and Board Members passed on their thanks and best wishes to Ms Glenn.

Action: Chairman to write to Ms Glenn

The Chairman informed the Meeting that a closed session for Board Members would take place after the listed business. This would then be followed by refreshments, provided by the Chairman for the festive season, for all Members and Senior Managers.

There was no Board Observer on this occasion.

Mrs Erskine declared a possible conflict of interest for the discussion on Pensions. See also the possible conflicts of interest raised by Mr Wardlow at items 7 and 8 of these minutes.

2. APOLOGIES

An apology had been received from Mr Rose.

3. CONSIDERATION OF THE MINUTES OF THE MEETING HELD ON 15 NOVEMBER 2013 (M12/13)

It was agreed to amend the Minutes of the Meeting held on 15 November 2013 as follows:

The last sentence in the sixth paragraph on page 5 should have “additional” added to read “... and it was also noted that it would be helpful to ascertain additional DFP requirements before drawing up business cases.”

In the last line of paragraph 12.1 on page 7, “final” should be replaced with “finance” and the Action Point should be replaced with “(Acting) Director to raise emerging financial issues at Overview Meeting and follow-up with DoJ”.

The final sentence of Item 17 (Programmes of Visits and Business) to be removed.

The Minutes would be signed as a correct record at the next Board Meeting following completion of the above revisions.

Action: Secretariat / Chairman

4. MATTERS ARISING (Paper 149/13) tabled

Estates Strategy – the (Acting) Director reported on the following progress which had been made since the previous Board Meeting: the Head of Business Planning and Development had attended a two day training course on Business Case Writing; NIPS had provided a member of their staff (one day per week) to assist the PBNI Estates Review with particular regard to business cases. The (Acting) Director stated that she would arrange a meeting with the DoJ for the Deputy Director Finance and Corporate Services and her to discuss business cases.

Action: (Acting) Director to arrange meeting with DoJ to discuss business cases

The (Acting) Deputy Director Operations informed Members that the first meeting of PBNI's Estates Project Team had been on 26 November 2013 and a Project Initiation Document (PID) had been developed using PRINCE 2 Methodology. The PID would be presented at the Organisational Development Project Board scheduled for 19 December 2013.

A meeting with the DoJ had been held on 20 November 2013 regarding Alderwood, the views expressed by Members at the previous Board Meeting had been relayed to the DoJ. The DoJ would be establishing a project team to take forward sourcing an alternative location to Alderwood. The (Acting) Director stated that PBNI would not lead on this piece of work but the (Acting) Deputy Director Operations and the Head of Psychology would represent PBNI on the project team. In the short term, PBNI had offered the use of Alderwood to NIPS at weekends and Monday evenings and NIPS had agreed to consider the offer.

The Chairman informed Members that the issues regarding Alderwood had also been raised at the Overview Meeting. The DoJ confirmed that monies raised from the sale of Alderwood would go to DoJ but there would be opportunities for PBNI to bid for capital spend providing appropriate business cases were presented.

Members expressed concern about the implications for PBNI's accounts should the DoJ receive monies from the sale of the Alderwood and agreed that it would be appropriate to seek clarification from DoJ.

Members also expressed concern about losing an asset from our register which was zero cost in relation to rent and having to find new premises which may have costs associated with it. It would be difficult to achieve a cost neutral option as DoJ required.

Action: (Acting) Director to raise this issue with the DoJ

It was also suggested that a document search, in respect of Alderwood, should be undertaken which could inform a letter to the Crown Solicitor Office in relationship to ownership issues.

Action: Deputy Director Finance and Corporate Services

The Board noted the remaining points and the actions taken.

5. CORRESPONDENCE (Paper 150/13) tabled

The following three items of correspondence had been circulated for reference:

- Letter of 18 November 2013 from Anthony Harbinson regarding January Monitoring
- Letter of 21 November 2013 from NILGOSC regarding Employer Contribution Rates for 2014/15
- Letter of 23 November 2013 from David Ford accepting invitation to attend launch of PBNI's Corporate Plan.

The Board noted the correspondence.

FOR DECISION

6. DRAFT CORPORATE PLAN 2014-17 (Paper 151/13)

A sample format for the Plan was tabled. The Chairman commented on the latest draft and stated that the content as presented today would be presented in the format of the “mocked up” sample demonstrated. The final consultation meeting with the four Church Leaders had taken place on 29 November 2013.

The draft was presented for Members’ comments with a view to making final amendments. A detailed discussion ensued and the following decisions made:

- Alternative photographs for front cover to be identified – Head of Communications
- Two separate forewords from Chairman and (Acting) Director to be identified – Chairman
- It was agreed that the content of each Strategic Theme would be produced over two pages – Head of Business Planning and Development
- Fifth Core Element to be added to The Work of the Probation Board on providing social care and support to offenders. Reference to social work might also be added to Organisational Purpose.
- Value on PBNI providing a non-profit service to the public should be added. Members’ comments on difficulty reading reversed text – Head of Communications to check text format.
- At Strategic Theme 1, “rest of” to be inserted prior to “Europe”.
- Comment made that Strategic Theme 1 did not contain reference to mental health and addiction issues and the Head of Business Planning and Development stated that she would look at re-introducing the section on ACE profiling. The Chairman confirmed that the reference to mental health and addiction issues would remain in Strategic Theme 4.
- Suggestion to place the 14 Strategic Theme Objectives earlier in the paper.
- At Strategic Theme 4, add “within the community” to end of second bullet point.
- At Strategic Theme 4, reference to voluntary and community sector to be added to list of bullet points.
- Third bullet point on page 20, change “Department of Justice” to “Minister of Justice”.
- Text in fourth bullet point at Planning Context to be revised.
- Text in second bullet point to be strengthened to reflect the substantial reductions in PBNI’s budget.

Members commented on the relevance of the information contained in the section on the Role of the Probation Board. It was agreed that including all the information in one document was more cost effective and had the benefit of providing a single source. It was also suggested that the creation of data sets would further reduce the number of pages and cost of production.

The Head of Business Planning and Development was asked to liaise with Members who put forward the suggested amendments and revise the draft for final sign-off at the January Board Meeting. The Corporate Plan would then be forwarded to the DoJ.

Action: Head of Business Planning and Development to revise the draft in the light of the discussion.

Action: Head of Communications to revise the format for the January Board Meeting

The Chairman and Board expressed their thanks and appreciation to the Head of Business Planning and Development and the Head of Communications and their teams for the time and effort involved to produce the Corporate and Business Plans.

The Board approved the Corporate Plan subject to the amendments being made and approved the Business Plan for 2014-15.

7. INTERIM PRACTICE GUIDANCE ON HATE CRIME (Paper 152/13)

Mr Wardlow stated that he might have a possible conflict of interest. However, the Chairman confirmed that the document being presented was Interim Practice Guidance and not a policy as stated on the footer. The Assistant Director (Urban) confirmed the footer reference to “Policy” had been an administrative error and would be removed from the document. Mr Wardlow confirmed that, as the document was Interim Guidance, he would be content to remain for the discussion.

Action: Assistant Director (Urban) to amend the footer

The Assistant Director (Urban) informed Members that the decision to introduce Interim Practice Guidance instead of a policy, at this stage, had been made following discussions with Unions about staff concerns. These related particularly to the status of the paper given the developmental nature of the work, particularly when dealing with offending related to sectarianism. Comparisons with the developmental work in relation to Terrorist and Politically Motivated Offenders (TPMOs) had been made.

In reply to a query, the Assistant Director (Urban) stated that the staff concerns had focused on the policy status of the document and its related disciplinary procedures rather than the principle of working with offenders in this particular area.

During the review of the Interim Guidance paper it was noted that section 3 should be amended to indicate that PBNI would “encourage” change in attitudes and behaviours.

Further to an explanation by a Member, a necessary change of terminology in respect of Section 6.4 on Sexual Orientation was noted.

Discussion ensued and involved developing an appropriate intervention in the Northern Ireland context, acknowledging that a community was more than one group of people and stressing the importance of using the correct definitions.

Awareness training for staff was scheduled for January/February 2014 and a PBNI Hate Crime Delivery Group would be set up to build on that training.

In light of the work yet to be completed, Members were asked to approve the Interim Practice Guidance with a view to considering development of a Hate Crime Policy in 2014-15. The Board agreed that the Assistant Director (Urban) should make the relevant changes to the Interim Practice Guidance and a Policy on Hate Crime to be presented to the Board for approval by the end of the 2014-15 financial year.

Action: Assistant Director (Urban) to amend the Guidance in light of the discussion and draft a Policy on Hate Crime by the end of the 2014-15 financial year

8. APPLICATION FOR EARLY RETIREMENT PAPER (Paper 161/13)

Mr Wardlow expressed a possible conflict of interest in the event a case being turned down would proceed to the Equality Commission. Further to advice from the Head of Human Resources, Mr Wardlow confirmed he was content to remain for the discussion.

The (Acting) Director presented the paper outlining that, due to the financial implications of the proposed early retirement, the request was not supported. The Board discussed with the Head of Human Resources the potential for investment to save. It was agreed that the Head of Human Resources would provide further information on the invest to save benefits against actual costs in-year.

The Board agreed not to discuss this particular case and to hold the decision until the further information on the wider issue of benefits was received.

Action: Head of Human Resources to report back on the wider issue of invest to save benefits

AUDIT COMMITTEE

9. REPORT FROM THE COMMITTEE CHAIR (14 OCTOBER 2013) (Paper 153/13)

The Committee Chair reported that the Committee had met on 14 October 2013. Draft minutes had been circulated for information and the following items were noted:

- Committee Chair to arrange review of Committee Skills.
- Mr McAllister had been nominated as an Audit Committee Member and the proposal had been approved by the Board on 15 November 2013.
- KPMG had agreed to carry out three outstanding Audits before April 2014.
- It was agreed that emerging risks should be included on the Strategic Risk Register.
- DoJ Internal Audit would make a presentation before the start of the next Audit Committee meeting.

The Chairman thanked the Committee Chair for his presentation and stated that the Audit Committee Meeting on 10 January 2014 would be key for end of year assurances.

The Board noted the paper.

10. ANY OTHER BUSINESS

There was no other Audit Committee business to report.

GENERAL PURPOSES COMMITTEE

11. REPORT FROM THE COMMITTEE CHAIR (29 NOVEMBER 2013) (Paper 153/13)

The Committee Chair presented the draft minutes from the meeting held on 29 November 2013 and the following points were noted:

- A substantive part of the meeting had been dedicated to Finance Update Presentation from DoJ Officials.
- A Business Case would be prepared for funding approval for Jobtrack for 2014-15 and a paper would be presented at the February Board Meeting.

Action: Paper to be presented at February Board Meeting

- Programme of speakers - three priority areas had been identified: Institute of Criminology, NI Association of Mental Health and Public Health Agency. Shadd Maruna, Institute of Criminology, had agreed to make a presentation to the Committee on 31 January 2014.

The Chairman thanked the Committee Chair for his report and said that a Committee Workplan alongside should be prepared.

Action: Chairman and Committee Chair to prepare a General Purposes Committee Workplan in consultation with (Acting) Director

12. ANY OTHER BUSINESS

There was no other General Purposes Committee business to report.

FOR NOTING

13. ACCOUNTABILITY REVIEW (Verbal)

The Chairman confirmed that the Accountability Review for 2012-13 had been arranged for Wednesday 8 January 2014 at 3.30 pm in the Learning and Development Unit, Antrim. Board Members would meet at 2.30 pm for final preparations.

The Chairman would open the event, followed by presentation of reports by the Chairs of the Audit and General Purposes Committees. The Chairman would then report on the "Forward

Look”. There would also be an opportunity for all Board Members to participate. The (Acting) Director and Deputy Directors would also be in attendance.

The purpose of the Review was to give assurances to the Minister. There had been some very positive comments about PBNI in Criminal Justice Inspection Reports which supported those assurances.

Board Members agreed that the key part of the Review was the “Forward Look” element and it provided a good opportunity to relay current concerns regarding the financial pressures imposed by the DoJ.

The Deputy Director of Finance and Corporate Services stated that he was currently working on budget scenario planning and for 2014-15 including consideration of impact and risk. The information would be available for the January Board Meeting but it might not be available in time for the Accountability Review.

14. BUDGET 2013/14: SCENARIOS FOR SAVINGS PAPER (Paper 154/13)

The Deputy Director Finance and Corporate Services presented the paper and reported that steady progress had been made up to 30 November 2013 to achieve savings of £415,000 and it was anticipated that the remaining savings of £58,000 would be achieved.

Members requested that the impact of the staff savings on business should be recorded and suggested that it would be helpful to show the percentage of staff savings against the overall staff numbers by location.

**Action: Deputy Director Finance and Corporate Services to
make changes to future papers**

15. OCTOBER 2013 OUTTURN (Paper 155/13)

The Deputy Director Finance and Corporate Services presented the paper and reported on recent developments:

BUDGETS

Additional Funding Project (£200,000) – the DoJ had confirmed it would meet the £200,000 additional pressure related to the £700,000 additional funding project.

Corporation Tax Liability (£85,000) – liability of £150,000 was included in outturn figures but additional in-year savings of £65,000 had been identified so the remaining pressure would be £85,000. The (Acting) Director reported that Ms Glenn, (Acting) Head of Finance, had secured confirmation from HMRC that it would not charge PBNI the additional penalties of £1,700.

The Audit Committee Chair requested that this item be discussed at the January Audit Committee.

**Action: Deputy Director Finance and Corporate Services
to prepare paper for the Audit Committee**

OUTTURN

NIPS Admin Arrears (£100,000) – VAT had not been paid on PBNI staff seconded to NIPS, although this would not have an overall impact as money could be claimed back.

Enhanced NILGOSC Contributions (£125,000) – approval was to be sought from the DoJ to make payment. The Deputy Director Finance and Corporate Services and the Head of Human Resources had met with FSD and would meet with DFP the following week to progress this matter.

**Action: Deputy Director Finance and Corporate Services
and Head of Human Resources to meet DFP**

PAYE (£90,000) back payments had been paid to administrative staff in July 2013 prior to HMRC confirming the amount of PAYE to be deducted. PBNI, therefore, had to make an additional payment of £90,000 to HMRC. Senior Managers were meeting with Unions prior to issuing a communication to staff in terms of addressing this issue. A Member expressed concern as to the legality of the outline process for repayment and suggested that legal advice be obtained. The (Acting) Director regretted that this unfortunate issue had arisen - she would seek to understand how this issue had occurred and report back to the Board.

Action: (Acting) Director to report back to the Board

The Audit Committee Chair requested that this item be discussed at the January Audit Committee.

Action: Deputy Director Finance and Corporate Services

Prompt Payment Results - further to a query regarding the low prompt payment result of 63% for October 2013, the Deputy Director Finance and Corporate Services agreed to investigate the situation and would report back to the Audit Committee in January 2014.

Action: Deputy Director Finance and Corporate Services

The problems with Account NI and PBNI's IT infrastructure were highlighted in discussion and it was noted that potential risks should be reported to the Chairman and the Audit Committee.

The Chairman asked that our concerns should be expressed to Account NI over the speed of service provided.

Action: Deputy Director Finance and Corporate Services

The financial position with regard to the PAYE and Corporation Tax issues should be presented at the next Audit Committee Meeting.

**Action: Deputy Director Finance and Corporate Services
to bring paper to the Audit Committee**

The Board noted the paper.

16. BUSINESS CASES (Paper 156/13)

The Board conveyed their congratulations with regard to the approval of the business cases on Senior Managers and the Director's pay.

The Board noted the paper.

17. PBNI/NIPS INTERFACE ON PRISON REVIEW TEAM RECOMMENDATIONS
(Paper 157/13)

Due to time constraints, this item was deferred to the January Board Meeting.

18. MANAGEMENT INFORMATION (Paper 158/13)

The Head of Human Resources referred to the current sickness absence level, position and trends.

In response to a query about the tribunal case listed in the report, the Head of Human Resources reported on a consultation with the Board's legal representatives which had been positive about the Board's position.

The Deputy Director Operations stated that, in response to a previous request from Board Members, the additional information on the full time equivalent number of Probation Officers in relation to number of orders and reports had now been included. Board Members commented on the value of this table.

The Board noted the paper.

19. PROGRAMMES OF VISITS AND BUSINESS (Paper 159/13)

Consultation Meeting with four Church Leaders – it was suggested that it might be useful to meet Rev Dr Heather Morris (President of the Methodist Church) who had not been present at the consultation.

Action: Chairman to contact Rev Dr Heather Morris

The Board noted the paper.

20. BOARD OBJECTIVES AND WORKPLAN (Paper 160/13)

The Board noted the paper.

21. CHAIRMAN'S BUSINESS

Secretariat - The Chairman thanked the Secretary and all staff involved in assisting with the work of Secretariat given the reduced staffing level and in particular with their assistance today in preparation for the Chairman's Reception.

Sweets to Teams - The Chairman thanked Mr Hamill for distributing the sweets to teams and stated that area managers had been forwarding their appreciation.

Appraisals – the Chairman would be in contact with Members in the New Year to conduct their annual appraisals.

Action: Chairman

22. DIRECTOR'S/SECRETARY'S BUSINESS

Head of Finance – the (Acting) Director informed Members that a temporary member of staff (Caroline Greer) had been appointed to the post of (Acting) Head of Finance.

Travel Claims – the Board Secretary thanked those Members who had submitted travel claim forms.

23. DATE OF NEXT MEETING

The next meeting would take place on Friday 17 January 2014 at 9.30 am in the Conference Room at PBNI Headquarters.

The Accountability Review would take place on Wednesday 8 January 2014 at 3.30 pm in the Learning and Development Centre, Antrim, with a pre-meeting for Members at 2.30 pm.

The Meeting closed at 12.45 pm.