

PROBATION BOARD FOR NORTHERN IRELAND

BOARD MEETING – 20 OCTOBER 2017

9.30 AM – THE JUNCTION, DUNGANNON

390th MEETING – 22nd of THE ELEVENTH TERM OF OFFICE

ATTENDANCE

Mrs V Patterson (Chair)
Mrs J Erskine (Deputy Chair) Mr D Brown
Mrs J Gillespie Mr I Jeffers
Mrs A Matthews (Items 5 – 16) Mr G OhEara
Mr T O’Hanlon Mr R Mullan
Mr D Wall
Mrs D Groves, Board Apprentice

Officials

Ms C Lamont, Chief Executive
Mr P Doran, Director of Rehabilitation
Mr H Hamill, Director of Operations
Mrs G Robinson, Head of HR
Mrs C Teggart, Head of Finance
Mr M Cox, Board Secretary

Mrs W Rodgers, Personal Secretary (Minutes)

Observer

Ms A Reynolds, Area Manager

1. OPENING REMARKS AND CONFLICTS OF INTEREST

The Chairman welcomed everyone to the October Board meeting held in Dungannon. As per the Standing Orders, the Board meets outside of Belfast at a minimum once a year. The Chairman, in particular, welcomed Ms Aisling Reynolds, Area Manager, as an observer and expressed the hope that she would find the meeting informative.

The timetable for the meeting was set out, with the formal governance requirements being concluded by 11.00 am. Members were advised that staff from the Mid-Ulster team would be joining the meeting at 12 noon. The purpose of this was to enable the staff to brief members on their day to day work in the region.

Although the Board had acknowledged the security issue at the Special Board meeting on 29 September 2017, the Chairman wished to formally acknowledge what the Organisation had been through following the change to the security assessment and its impact on staff and the considerable work and energy of the senior team to meet it. The Chairman again thanked the Chief Executive and her team for their work and commented on how effective it had been. Mrs Robinson was thanked for her continuing daily work supporting staff. The Senior Team had made themselves available to staff over a weekend to support and answer any queries staff had. The Board wished to record their appreciation of the work of the senior team.

The Chairman advised that there was a substantive item under the Chairman’s Business and therefore the agenda may have to be adjusted to take account of this.

Items would be deferred to committees as appropriate.

Mrs Erskine recorded an interest in the item regarding NILGOSC pensions.

2. APOLOGIES

Apologies were received from: Mr E Jardine, Member and Mrs P Shepherd, Member

3. CONSIDERATION OF MINUTES

3.1 Board Meeting – 15 September 2017 (M08/17)

The minutes of the Board meeting held on 15 September 2017 were accepted as an accurate account of the meeting.

3.2 Special Board Meeting – 29 September 2017 (M09/17)

The minutes of the Special Board meeting held on 29 September 2017 were accepted as an accurate account of the meeting with one amendment – last line ‘they’ instead of ‘you’.

4. MATTERS ARISING FROM THE MINUTES (PAPER 101/17)

It was noted that there had been no actions recorded either at the Board meeting held on 15 September 2017 or the Special Board meeting held on the 29 September 2017.

The Board noted the position.

5. CHAIRMAN’S UPDATE – VERBAL

The Chairman advised that there would be three areas covered under her update, Crawford Square, the Trade Union meeting scheduled for the 31 October 2017 and her meeting with the Permanent Secretary held on 19 October 2017.

The Chairman set out the background of contact with the residents of Crawford Square, following the incident at the premises in 2015. The Estates Strategy, at that time, had a timeframe of moving from the property in 18 months thus having one office for the city and not two. In the interim, there has been considerable work to find a suitable alternative property. Shipquay Street was identified but had to be discarded due to no second egress point. That property now has a second egress point which addresses the concern. Negotiations are continuing with the landlord. Residents had been kept informed by the local staff and this was confirmed by the Chief Executive.

Mrs Erskine, representing the Board, together with Mr Doran and Ms McGreevy attended a meeting with the residents on 20 September 2017. This was a highly charged meeting and the residents were told that PBNI could be out of the Crawford Street premises within weeks but the potential temporary premises have since been deemed unsuitable. The Chief Executive decided to remain in the Crawford Square premises until a permanent long term solution had been found. In this decision, an important consideration was the safety of the staff. The Head of Finance provided an update on the current situation with 25 Shipquay Street and the estimated timeframe for moving into the premises was discussed. Taking into account providing a business case, the negotiations, securing the lease of the premises and building work, a timeframe of a minimum of 9 months is estimated.

Mrs Erskine expressed her personal disappointment on the current position as she had met with the residents on a number of occasions with the promised outcomes not being delivered, including the proposed move to temporary accommodation. Mr O’Hara provided some local insight into the issues, which indicates that any potential reputational risk could be managed. Mrs Erskine informed the meeting that she had told the Chairman that she was considering her position on the Board. Mrs Gillespie advised that the discussion on the Shipquay Street premises at the CRC meeting on 6 October 2017 had not reflected those of today.

The Chief Executive informed the meeting that she will take forward discussions with the residents and report back to the Board on the solution developed and its timetable for implementation.

Action: The Chief Executive will take forward contact with residents as a matter of urgency and report back to the Board on the solution developed, Chief Executive

The Chairman advised members that the unions had requested a formal meeting with the Board. Both she and the Board Secretary had had an informal meeting with NAPO and NIPSA on 10 October 2017. The Chairman requested that members make themselves available to attend the meeting, if possible. This meeting will be an opportunity for the Board to listen to the unions' views.

Action: Members who are available to attend the meeting on 31 October 2017 to contact the Chairman, Members

The Head of HR advised that it was important to set out the purpose of the meeting to ensure the unions are aware of the agenda of the meeting.

Action: A meeting to be arranged to discuss the purpose of the meeting, Secretariat.

The Chairman had a meeting with the Permanent Secretary, on 19 October 2017, with Mr Harbinson also in attendance, for an update on the current security issue. The Department understands the challenges with the current position and are working positively to find a solution, which in the long term may require a change to the legislation. The Chief Executive and her MET colleagues are working through this with the Department.

The Chairman wished to record her thanks to Mr OhEara for his assistance to the Organisation over the course of the past few weeks.

The Board noted the update.

6. CHIEF EXECUTIVE'S UPDATE – VERBAL

The Chief Executive advised that the PSNI are continuing to carry out their security review. At this time not all the facts are available and the Chief Executive will report back to the Board when these have been established. Interim practice arrangements have been put in place and the Director of Operations advised the Members of these previously. He also highlighted the adverse impact on service delivery arising out of the current situation. The Members were advised that the Chief Executive was impressed by the support from the Permanent Secretary and the Chief Constable.

Action: The Chief Executive to report back to the Board on the PSNI security review, Chief Executive.

Mrs Erskine left the meeting, as she had advised of a declaration of interest in the NILGOSC item.

The Chief Executive invited the Head of HR to update the Members on the current situation. Mrs Robinson set out the background and current position regarding Admin Staff and the NILGOSC pension issue. Following legal advice it has been advised that PBNI must follow DOF guidance. This states that no employee will be any better or worse off than being on comparable NICS pension's terms. The Chief Executive has written to Mr Harbinson to express her concerns. This ruling will have budgetary implications and potentially creates risks for PBNI. Discussion ensued on which committee should be looking at this. Taking into account Mrs Erskine's interest in NILGOSC, it was agreed that there should be a joint meeting of the CRC and ARAC to discuss the issue.

Action: Joint meeting of CRC and ARAC to be set up to discuss NILGOSC issue, Secretariat

Mrs Erskine returned to the meeting.

The Members were advised that the annual North/South Seminar on Public Protection arrangements will be taking place in the Long Galley, Parliament Buildings, on 10 November 2017. The Chairman and Deputy Chair have been invited. Mrs Gillespie requested an invitation to the event. The Chief Executive then invited any other Board Members who were interested in attending to contact her.

Action: Board Members to contact Chief Executive if interested in attending, Members

The Chief Executive advised that she and the Director of Operations are presenting to the Prisons Management Board. The date of the presentation has to be confirmed.

It was advised that there had been no further correspondence on the MSFM received.

The Board noted the update.

7. CORRESPONDENCE (PAPER 102/17)

There were four pieces of correspondence for the Board to note.

- 7.1 Letter received by the Chief Executive from Rosemary Crawford reference MSFM
- 7.2 Letter received by the Chief Executive from the Secretary of State
- 7.3 Letter received by the Chairman from Mr D Moloney
- 7.4 Letter sent from the Chairman to Mr D Moloney in response to his letter

The Board noted the correspondence

8 POLICY AND PRACTICE COMMITTEE – 29 SEPTEMBER 2017

8.1 Update by Deputy Committee Chair (Verbal)

The Deputy Committee Chair provided an update on the PPC meeting held on 29 September 2017.

The Head of Communications presented a paper on Management of Information Policy. With the General Data Protection Regulations (GDPR) coming in to effect in May 2018, the Committee was requested to agree deferment of the MOI Policy to allow the GDPR to be incorporated into the policy. The Committee agreed to defer review of the MOI until April 2018.

Brian Gryzmek, DOJ, provided an update on the work on Outcome 7 of the Programme for Government. It was an open and refreshing discussion with a non-custody approach being discussed. Mr Doran is continuing to be in contact with Mr Gryzmek on this.

There was discussion around the workload of other areas of the Criminal Justice System decreasing while PBNI's remains static. A report on breaches when a Pre-sentence Report (PSR) is requested by the sentencer comparing when a PSR is not sought showed that the breach was more likely when a PSR had not been provided.

The Director of Rehabilitation presented a paper on his attendance at the American Probation and Parole Association Conference in New York.

The Board Secretary presented a paper on the learning points of the Corporate Plan process and it was agreed to have this as a formal item on the PPC agenda.

The Board noted the update.

For Noting

8.2 Update on the Annual Conference – March 2017 (Verbal)

Mr Wall advised that the date had been set for 15 March 2018 and that he is currently looking at speakers for the event.

8.3 Draft Minutes from 29 September 2017 (Minutes)

Draft minutes of the meeting were provided for members' information. These will be discussed and agreed at the next meeting of the Committee which is on 24 November 2017.

The Board noted the draft minutes of the meeting

9 CORPORATE RESOURCES COMMITTEE – 6 OCTOBER 2017

9.1 Update from Deputy Committee Chair

The Deputy Chair of the Committee provided an update on the Committee meeting held 6 October 2017.

The Members were advised that the main areas covered at the Committee meeting were estates, finance, budget planning and IT, in particular the Electronic Case Management System (ECMS).

The Deputy Committee Chair advised that the management accounts are showing a year to date overspend, due to there being no mechanism to re-profile. Additionally, programme funding has been approved but has not yet been allocated to the budget. The true position is that expenditure is in line with budget at this point of the year. The accounts will continue to show an overspend due to the absence of a formal monitoring round which is a consequence of having no Executive. The Deputy Chair of the Committee wished to put on record that the Board has a statutory duty to ensure there is a balanced budget and recorded that that this is the case. The Committee also discussed the lack of contingencies within the budget and there had been discussion around the additional security measures that may be required following the PSNI security review. The Head of Finance reported that the outcome of the security requirements is still unknown. However, if additional funding is required for implementing security measures, a bid for additional resources will be made to the Department.

The scenario paper, setting out the impact of 4, 8 and 12 % reductions over 2017-20, had been requested for the Board meeting. This was to enable discussion on the impact this would have on service delivery, the Committee agreed that it would need to see more detail behind the scenarios and the impact on the Corporate Plan.

Action: The Information Gathering exercise is to be presented to the November Board meeting, Head of Finance

IT issues were discussed, in particular the delays with the ECMS due to resources and competing priorities with other projects. The Committee agreed that this was a critical project as there is a need for a system to be place.

The Board noted the update.

9.2 Financial Outturn – September 2017 (Paper 103/17)

The Head of Finance presented the September outturn paper to the Members. The Head of Finance advised that an overspend position remains in September given that the programme 'Fresh Start' funding has not yet been allocated to the budget and the inability to re-profile. The DOJ have advised it is unlikely that there will be an opportunity to re-profile in the absence of

an Executive or until a formal monitoring round is commissioned. The actual spend against budget at expense level is identifiable in the Management Accounts.

The Members were advised of potential issues and the pressures that will come from the security assessment report for additional work to properties. It was confirmed that the Department are aware and will consider additional funds for security work. This work will take priority over planned maintenance works.

The HRMC are carrying out a Department wide review on taxable expenses, in particular travel with PBNI being visited on Tuesday next.

The Board noted the paper.

9.3 Budget Planning Update (Paper 104/17)

Budget planning was discussed under CRC business.

9.4 Programme and Project Management (Paper 105/17)

It was confirmed that the paper was discussed at the Corporate Resources Committee on 6 October 2017. There were no questions from members.

The Board noted the paper.

9.5 Management Information Report (Paper 106/17)

9.5.1 Management Information Report (Paper 106-1/17)

The caseload statistics were referred to the Policy & Practice Committee.

The Board noted the paper.

9.5.2 HR Report – September (Paper 106-2/17)

The Deputy Chair of the Committee congratulated the Head of HR on the decrease of the absence levels. The Head of HR advised that there had since been a slight increase in the September report. The Chief Executive is conducting quarterly reviews with senior staff on the position in their areas of responsibility. Assurance was given to the Members that all necessary steps are being taken to manage absence.

The Board noted the paper.

9.6 Update on Electronic Case Management System (Verbal)

The Chief Executive briefed the Members on the Gateway Review that was carried out earlier in the week. She had received a verbal report yesterday. The Review Team estimated that the delay in the delivery of the project was about 6 months. As a result there will be a need to seek appropriate approval to extend the current support Direct Award Contract (DAC) beyond January 2019. As the SRO, the Chief Executive advised that she will be holding an emergency meeting of the Programme Board and discussing the report with her senior colleagues next week to agree the way forward. She advised that the Review had been informative and clarified the Risk Rating was 'red'.

Discussion ensued on the risks of the project and concern was expressed on how confident are PBNI that the Permanent Secretary will extend the DAC. The Chief Executive advised that she will progress this with the Department and would report back through the CRC. There was discussion around resources and the need for a full-time dedicated resource. Disappointment was expressed by the Members that the project had fallen behind.

Action: The Chief Executive to report back to CRC.

The Board noted the update.

9.7 Draft Minutes from 25 August 2017

Draft minutes of the meeting were provided for members' information. These will be discussed and agreed at the next meeting of the Committee which is on 1 December 2017.

The Board noted the draft minutes of the meeting.

10. LEGAL CASE COSTS (PAPER 107/17)

The Director of Rehabilitation presented the paper. He provided background on the paper and advised that the Board had approved legal expenditure at its Special Board in September for a different case. The Members had been advised at that meeting that the costs of another case had still to be considered. The information had now been received and due to the 'delegated limits', of the cost being more than £10,000, approval of the Board was required.

There was discussion around PBNI obtaining independent legal advice from that of the Department's advice; Mr Doran confirmed that advice had been sought and received from the Crown Solicitor's Office (CSO). There was also discussion around the 50:50 split of costs for PBNI and the Department. Mr Doran advised that the Senior Counsel's advice was not to go to appeal.

The Head of Finance clarified that payment on account for the two cases had been made earlier in the year of £15,000 each (£30,000 in total) on advice from the CSO and the Department. In response to the Chairman's question, it was advised that the payment on account of £15,000 each had not been brought to the Board for approval. It was explained this was a unique case in that the final bill was still being assessed by the Tax Master and that payment on account was approved by the Department. The Department later confirmed that payment should follow the delegation process.

The Board approved the payment of £53,673.16.

11. Q2 BUSINESS PLAN PROGRESS REPORT 2017/189 (PAPER 108/17)

The Director of Rehabilitation presented the paper to the Members. It was noted that the 5 Strategic Priorities had a 'green' rating at the end of Quarter 2. A member asked if there were any issues because of the political impasse impacting on the Business Plan. Mr Doran advised that with the security issue coming at the end of September there this will impact on the next quarter's report.

The Board noted the paper.

12. SUMMARY OF PROGRAMME FOR GOVERNMENT (PAPER 109/17)

The Chairman introduced the paper advising that it was an exceptionally good paper. The Director of Rehabilitation advised that the Chief Executive had asked him to provide this paper and, while it had too much operational detail, the Senior Management Team felt it would be useful to provide the Board with an overview of the activities around the Programme for Government. There was discussion around which committee should take the paper forward. It was agreed that it should sit with the Policy & Practice Committee.

The Board noted the paper.

13. PROGRAMME OF VISITS AND BUSINESS (PAPER 110/17)

The Board noted the paper.

14. ANY OTHER BUSINESS

The Chairman advised that she had walked around HQ and visited the North Belfast, Aspire and Inspire teams after the Special Board meeting in September. She gave assurance to the Members that the staff appreciated the communication that they had received from the senior team.

The Chairman thanked Ms Reynolds for attending the meeting and hoped that she had found it informative.

15. BOARD SECRETARY'S BUSINESS

The Board Secretary had no items to discuss.

11.1 Board Work Plan 2017 – 2018 (Paper 111/17)

The Board Secretary asked the Members to note the paper.

The Board noted the paper.

16. DATE OF NEXT MEETING

The next meeting will take place on Friday 17 November 2017 in PBNI HQ, Conference Room, commencing at 9.30 am.

Vilma Patterson
Chairman

Date