

PROBATION BOARD FOR NORTHERN IRELAND

BOARD MEETING – 23 MARCH 2018**9.30 AM – PBNI HEADQUARTERS****395th MEETING – 27th of THE ELEVENTH TERM OF OFFICE**ATTENDANCE

Mrs V Patterson (Chair)	
Mrs J Erskine (Deputy Chair)	
Mr D Brown	Mrs J Gillespie
Mr E Jardine	Mr I Jeffers
Ms A Matthews	Mr R Mullan
Mr G OhEara	Mr T O'Hanlon
Mrs P Shepherd	Mr D Wall

Officials

Ms C Lamont, Chief Executive
 Mr P Doran, Director of Rehabilitation
 Mrs G Robinson, Head of HR
 Mrs C Teggart, Head of Finance (Items 3.1, 3.2, 3.4)
 Mr M Cox, Board Secretary
 Mrs W Rodgers, Personal Secretary (Minutes)

Guest – Mr R Armour, Director of Reducing Offending and Head of NI Prison Service – Presentation

The Chairman welcomed Mr Ronnie Armour, Director of Reducing Offending and Head of NI Prison Service, and thanked him for taking the time to attend the meeting.

Mr Armour provided the Members with an overview of his career to date and the work that he has carried out within the Justice family.

Mr Armour talked of the strong working relationship, both strategically and operationally, between Prisons and PBNI and the importance of collaboration. Work is continuing on the Programme for Government (PfG) with the DOJ being responsible for Outcome 7 with Indicator 39 being Mr Armour's particular area of responsibility. Nine themes had been identified along with 18 actions for their delivery. PBNI will be taking the leading role in Problem Solving Justice, specifically, Enhanced Combination Orders and the Domestic Abuse Courts. Restorative Justice continues to be developed and delivered.

NI Prisons have a '2020' programme which will work to improve joint services, reviewing the Prison Estates and improving mental health. Mr Armour also talked about the prison numbers and the need for the estate to be fit for purpose.

The Chairman thanked Mr Armour for his talk which had been very informative.

1. OPENING REMARKS AND CONFLICTS OF INTEREST

The Chairman welcomed everyone to the March Board meeting. Items will be referred to committees as appropriate. Members were advised that the Finance Papers will be taken first as the Head of Finance was to attend another meeting.

No conflicts of interest were declared.

2. APOLOGIES

Apologies were received from: Mrs D Groves, Board Apprentice and Mr H Hamill, Director of Operations.

3. CORPORATE RESOURCES COMMITTEE BUSINESS

3.1 Financial Outturn – February 2018 (Paper 36/18)

The Head of Finance introduced the paper to members. The February Outturn shows a slight underspend of £57k or 0.36%. The year-end target is breakeven. There is a £85k pressure in 2017-18 due to the Public Sector Pay Policy; the Head of Finance drew attention to a tabled letter under correspondence from the Department, advising that the DOJ Strategic Resources Committee had agreed to allocate £85k for this pressure.

There is a £200k underspend in Capital expenditure, mainly due to the delay in the fitting out of both the Omagh and Coleraine offices for differing reasons.

The Board noted the paper.

3.2 Budget 2018/19 Update

The Head of Finance drew attention to a tabled letter from the Permanent Secretary who advised of PBNI's budget for 2018/19. The PBNI budget has been protected and there is an increase of £277k or 1.7% to the baseline. There remains a pressure on accommodation costs mainly arising out of the structural survey. The Chief Executive and Head of Finance will be meeting with the Department to discuss the pressures in the incoming week. The Head of Finance advised that the report to the next Board will provide the detail around the budget.

The Board noted the update.

3.3 Programme and Project Management (Paper 37/18)

The Head of Finance provided an update on current Programmes and Projects. The business case for Shipquay Street has been approved and the Crown Solicitor's Office is working on the lease. The Chairman and Board Secretary have signed the lease for the Coleraine office. Omagh and Downpatrick are continuing to be work in progress.

The Chairman asked for a Gantt chart setting out the Project timeline on the Electronic Case Management System to be provided to the Board.

Action: Gantt Chart or Project timeline to be provided at the Corporate Resources Committee on the ECMS (Director of Operations)

The Board noted the paper

4. CONSIDERATION OF MINUTES

Board Meeting – 16 February 2018 (M02/18)

The minutes of the Board meeting held on 16 February 2018 were accepted as an accurate account of the meeting.

5. MATTERS ARISING FROM THE MINUTES (PAPER 31/18)

The Matters Arising were noted, three actions are in process and all other actions have been completed.

The Board noted the position.

6. CHAIRMAN'S UPDATE (VERBAL)

The Chairman apologized to members for the issues experienced with the 'tablets' during this week. She advised that the Minutepad software worked well but the hardware seemed to be the problem. A review of the hardware with a replacement plan was referred to the Corporate Resources Committee (CRC) for discussion.

Action: CRC are to discuss the issues with the 'tablets' (CRC)

The Chairman commented that Mr Armour's presentation had been particularly useful and she was pleased to hear of the close working of the Prison Service and PBNI. Also the credit that he gave to the Chief Executive and her team for the collaborative working on Resettlement and Rehabilitation was noted.

The Chairman advised that the Annual Accountability Review took place on 13 March 2018. The Department was represented by Mr Perry, Permanent Secretary; Mr Harbinson, Director of Safer Communities and Mr Stewart, DOJ who attended to take a note of the meeting. Members were advised that the Chief Executive had received a letter from Maura Campbell, of the Department, advising that PBNI officials will not be in attendance at the meeting and in turn the Board would not be represented at the Overview meeting. A full report of 2016/17 was presented with the Corporate Plan and current work issues being discussed. Mr Perry raised the current security situation and the work that was not being carried out at present by PBNI. He advised that he had received a letter from the unions and a MLA which he will reply to.

The Chairman thanked those members who were available to attend the Probation Annual Seminar on 15 March 2018. There was a good turnout by key stakeholders and from the Community & Voluntary Sector. The highest number of MLAs attended since the seminars started three years ago. The Chairman recorded her thanks to Paul Frew MLA and Raymond McCartney MLA who co-hosted the event in Stormont. The Seminar reinforced Problem Solving initiatives through Judge Jackson's presentation and Prof Mary Rogan delivered an interesting and relevant overview on Penal Reform in the Republic of Ireland. The Chairman thanked the Director of Rehabilitation and the Head of Communications for their work in bringing the event together and its success. She also thanked the Policy & Practice Committee for their work and in particular Mr Wall for chairing the sub-committee. In response, Mr Wall thanked the staff for their work in making the day so successful.

The Chief Executive congratulated the Board on the success of their third seminar. The Chief Executive thanked Mr Wall, the Director of Rehabilitation, Head of Communications and the Head of Psychology and Interventions for all their work in making the event so successful. The Chief Executive reported that the Department's Press Office and PBNI's Communications Department had worked together in launching the Problem Solving Courts, resulting in significant media coverage of the event.

The Chief Executive had invited Board representation at the Staff Engagement Events and the Chairman thanked Mrs Erskine, Mrs Gillespie and Mr OhEara for representing the Board at them. The Chairman also attended one of the events. The Chairman appreciated the invitation to all the events which enabled staff to have visibility of the Board and to hear the Board's perspective.

Mr Harbinson had advised the Chairman that the Department still intend to organise the process for appointing a new Board later in the year. It is unclear as to what will happen in the absence of a minister but the Chairman will keep members apprised.

The Board noted the update.

7. CHIEF EXECUTIVE'S UPDATE – VERBAL

The Deputy Chair attended the Social Work Awards on behalf of the Board. The Chief Executive was delighted to advise that the Domestic Abuse team won 'Adult Services Team of the Year'. This was a tremendous achievement and recognised the work of PBNI. This was the first occasion that PBNI has won the team award. The Head of Psychology and Interventions will be presenting to the Board in April on the work of the team.

The Members were advised of a letter received from the Ombudsman's Office in relation to a complaint from a service user. The Board will be updated when there is an outcome of their initial assessment.

Action: Update on complaint from the Ombudsman's Office to be provided by the Chief Executive when appropriate. (Chief Executive)

The Chief Executive invited the Head of HR to update members on a Health & Safety Executive complaint. All information requested has been given to the HSE and PBNI are waiting for a response.

The Head of HR advised that external funding for the Investors in People Award had changed and PBNI will assess if it still represents value for money and return on the investment. This year PBNI will undertake a strategic review and then assess if we participate after this year.

The Board noted the update.

8. CORRESPONDENCE (PAPER 32/18)

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

8.1 Letter received by the Chief Executive from Colm Doran on PSSSP NDPB Strategy
Tabled - Letter received by the Chief Executive from Gillian McAfee on 2017/18 Updated Unringfenced Resource DEL

Tabled – Letter received by the Chief Executive from Nick Perry on the budget allocation for 2018/19

The Board noted the correspondence.

9. POLICY & PRACTICE COMMITTEE BUSINESS

9.1 Update from Deputy Committee Chair (Verbal)

The Deputy Chair advised that the last meeting of the Committee had taken place via conference call due to the adverse weather conditions. There is one policy being brought to the Board for approval, Managing Attendance. The Director of Rehabilitation had brought a paper on the consequences of a 'no deal' Brexit. He highlighted four issues if this was the case. It has been confirmed that PBNI will stay a member of the Confederation of European Probation (CEP) after Brexit, which will allow PBNI to have access to their training and practice developments. The Committee reviewed the caseload and trend statistics. There was one consultation that the Director of Rehabilitation had responded to and the Committee was advised of this. The next meeting of the Committee is on 4 May 2018.

The Board noted the paper.

9.2 Managing Attendance Policy (Paper 33/18)

The Managing Attendance Policy was presented to the Committee at its meeting on 2 March 2018. The only change to the Policy, since it was last presented, is that the trigger points will now be 10 days and 4 occasions in a rolling 12 months which is in line with the NICS policy.

The Committee agreed to recommend approval to the Board and onward to the DOJ and DOF for final sign off.

The Board approved the Managing Attendance Policy.

9.3 Management Information Report (Paper 34/18)

The Board noted the paper.

9.4 Draft minutes from 2 March 2018 (Minutes)

Draft minutes were provided for the Board's information.

The Board noted the draft minutes

10 CORPORATE RESOURCES COMMITTEE BUSINESS

For Discussion

10.1 Culture Survey Update (Paper 35/18)

The Head of HR presented the paper to members. The paper provided an update on the work being carried out around the findings of the Survey and to provide assurance to the Board of the work being done. A working group has been set up and they have identified 7 goals. There were two questions relating to the Board, which were not seen as areas of concern.

The Board noted the paper.

For Noting

10.2 HR – Managing Attendance Update (Paper 38/18)

The Head of HR presented the paper to the Members. She advised that the year-end projection is for a decrease of 12% on last year's absence. The target was a 5% decrease. HR and managers have been working hard to reduce absence and it hoped to see a further reduction next year. The Head of HR will provide a full brief to the CRC at its next meeting.

A member noted that in February 95% of staff had no absence and that 89% of the absence was long term. The Head of HR advised that pregnancy related absence has increased and this would provide some context to absence figure.

The Board noted the paper

10.3 Draft minutes from 9 February (Minutes)

Draft minutes were provided for the Board's information.

The Board noted the draft minutes.

11 BUSINESS PLAN 2018/19 (Paper 39/18)

The Director of Rehabilitation presented the paper to members and took the Board through each change that had been made since the draft was presented to the Board in February 2018.

A member commented on dealing with the contextual and not statistical part of the Business Plan. The Director of Rehabilitation agreed that this would be helpful for the PPC to look at.

The Board approved the Business Plan 2018/19

12. UPDATE ON TERRORIST/POLITICALLY MOTIVATED OFFENDERS (TPMO) SITUATION (PAPER 40/18)

The Chairman opened the consideration by explaining that the Permanent Secretary, at the Accountability meeting, stated he was concerned by Probation's current approach to managing TPMOs and was minded to write to her and the Chief Executive to raise this formally. He had also mentioned concerns, raised by others, that PBNI was receiving funding and not using it to address related areas of work.

Against that background she invited the Chief Executive to introduce the paper.

The Chief Executive stated that the paper had 2 sections:

1. The management of TPMOs; and
2. The return to 'normal' service delivery arrangements across Northern Ireland

She explained that the paper was a follow up to the Board's previous consideration of this matter at its meeting in December 2017.

The Chief Executive talked through her paper.

She outlined the operational rationale as to why both Directors and herself were unable, at the meeting on the 2 March, to agree to the draft DOJ proposal.

- It would place Probation in a multi-agency context with an actual increase in decision making involvement
- The temporary nature of the arrangements with no agreement or assurance given from DOJ to support permanent legislative change
- No recognition in a multi-agency context that Probation cannot assess or manage risk posed by TPMOs. Reference to the Court of Criminal Appeal judgement which concluded 'there are not accurate or definable assessment mechanisms available to PBNI which would enable it to carry out an assessment of risk in relation to TPMOs
- No recognition in the draft of the Board's responsibility as an employer under Article 2 of ECHR in relation to staff safety and security. Reference was made to Crown Solicitor's advice
- The draft proposal had been formulated by DOJ in one to one meetings and as yet no collective meeting on formulating draft proposals and referenced footnote regarding exclusion of PSNI in the collective responsibility for decision making
- At the meeting on 2 March, when asked, the DOJ reported that there had been no agreement by PSNI to the draft document. This was verbally clarified again by the Chief Executive to DOJ on 15 March 2018 and she was informed that there was still no change in relation to PSNI agreement of the draft document
- The main overarching concerns as to why the draft was not operationally feasible was that PBNI's involvement in any decision making framework for TPMOs would have a significant adverse impact on delivery of PBNI's statutory duties across Northern Ireland and indeed prevent them from fulfilling their main statutory obligations and the associated staff safety/security issues which members are already aware.

The Chief Executive noted that it was important to continue to work with the DOJ to help find a resolution that was acceptable to everyone in this very complex issue.

The Chief Executive invited the Head of HR to give an update on her dealings with the Trade Union Side (TUS). The Head of HR made it clear that the TUS has strong views and have made it clear that returning to work with TPMOs was unacceptable and non-negotiable. Head of HR also said that Unions had concerns in relation to carrying out home visits and CS squads working in 'republican areas'.

There was discussion about the impact of the 'Nash' case. The Director of Rehabilitation explained that the judgement accepted that PBNI could not undertake their 'rehabilitation' work which required a risk assessment of the likelihood of reoffending. There was an acceptance by the Members that the services to TPMOs could not be delivered on a compulsory basis and

attempting to do so would seriously jeopardise the service to the overwhelming majority of service users.

Concern was expressed by members that the position, as reported to the meeting, was different to that reported at the Accountability meeting. It was also accepted that it is important to address the apparently different understanding of PBNI's current practice by DOJ's senior officials to what is actually happening. If this did not happen it is likely that moving forward constructively could not take place. Additionally there was a very real risk of inaccurate criticism of Probation.

The Board's position was agreed and summarised as follows:

1. A threat against any public servant is not acceptable and must be condemned
2. Probation staff have never worked other than on a voluntary basis with TPMOs prior to 2010; and
3. It is important to seek to return to work in all areas in Northern Ireland as soon as possible respecting the duties of the employer and keeping the communities safer.

This summary was endorsed unanimously by the Board Members.

It was also agreed to seek a meeting, as a matter of urgency, with the Permanent Secretary to clarify any misunderstanding of the current position.

Action: Chairman to write to the Permanent Secretary to secure a meeting with him to discuss Probation's work.

The Board noted the paper.

13. PROGRAMME OF VISITS AND BUSINESS (PAPER 41/18)

The Board noted the paper.

14. BOARD SECRETARY'S BUSINESS

The Board Secretary advised that he was considering arranging for two committees' meetings to be outside of Belfast once a year. This will be discussed at the committees.

14.1 Board Work Plan 2017/18 (Paper 42/18)

The Board noted the paper

14.2 Draft Work plan 2018/19 (PAPER 43/18)

The Board Secretary advised that this was an indication of the work that will be carried out during the 2018/19 year. It should be noted that there will be a reconstitution of the Board in December 2018.

The Board noted the paper.

15. ANY OTHER BUSINESS

There was no other business discussed

16. DATE OF NEXT MEETING

The next meeting will take place on Friday 20 April 2018 in PBNI HQ, Conference Room, commencing at 9.30 am.

Vilma Patterson
Chairman

Date _____