

DEPARTMENTAL BOARD MEETING

- Minutes -

Wednesday 27 January 2021 at 10.00

Virtual meeting

Present:	Peter May	Permanent Secretary (Chair)
	Ronnie Armour	Director, Reducing Offending and Head of Northern Ireland Prison Service (NIPS)
	Deborah Brown	Director, Justice Delivery
	Julie Harrison	Deputy Director, Safer Communities
	Anthony Harbinson	Director, Access to Justice (A2J)
	Clarke Black	Independent Board Member
	David Brown	Independent Board Member
In attendance:	David Lennox	Head of Corporate Engagement and Communication Division (CECD)
	Marcella Phillips	NICS HR
	Brendan Devlin	Head of Governance Unit
	John Napier	Head of Information Services Division (item 6)
	Bill Smyth	Governance Unit
	Clare Dornan	Board Secretary

Board observers: None at this meeting

1. APOLOGIES

1.1 There were no apologies for this meeting. Bill Smyth was welcomed to the meeting. The Chair took the opportunity to thank the non-executive board members (NEMS) for agreeing to extend their existing contracts to end of July 2021. This will allow the competition for the recruitment of new NEMS and will also allow for completion of the Annual Report and accounts process.

2. MINUTES OF PREVIOUS MEETING

- 2.1. Minutes of the previous meeting were agreed. All actions were noted as complete.
- 2.2. The Board were encouraged to brand on-going work that is in support of the DoJ values. i.e. the staff engagement forum meetings.

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3. DECLARATIONS OF INTEREST

3.1. The Chair asked for any declarations of interest or any changes required to the register. None were raised.

4. STRATEGIC UPDATE

a) Critical Issues

4.1. The Chair covered a number of critical issues for the Boards information and consideration. These were:

- The recent Brexit deal has been a positive development and means that the “no deal” consequences have not arisen. There are still issues to be resolved before the end of the grace periods. The impact on the Department has been manageable so far.
- DoJ Permanent Secretary chairing the Covid Adherence sub-group as part of the Covid Taskforce. The balance of introducing stringent restrictions to meet the public health emergency while minimising the impact on human rights and personal freedoms continues to be a challenge.
- Prioritisation – the last quarter of 2020 was very challenging. There is a need to focus on developing a deliverable Business Plan for 2021 and the Minister has accepted that not everything will be deliverable.
- Justice Committee relationship – Officials continue to work to develop the relationship with Committee Members and this is continuing to take time.
- Domestic Abuse and Civil Proceedings Bill – first piece of primary legislation has progressed successfully through the Assembly process. This is very much in support of the DoJ value of making a difference as it will make a positive difference to those suffering from domestic abuse.

b) Resourcing issues/Finance Update

4.2. The Director of Justice Delivery provided an update to the Board. There is a £2.6m resource underspend at present that equates to 0.2% of the overall budget. £1.2m is from NIPS as a result of the impact of Covid 19. PSNI have identified a potential easement of £1.1m and we are exploring this. DoF have indicated that they will take the £1.2m NIPS easement as part of the January Monitoring Round.

4.3. DoF have issued further requests for expenditure proposals in 20/21 from Departments but there are none from DoJ at present.

4.4. There is currently a small potential overspend in the capital budget but this should be manageable from normal easements.

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4.5. The Draft NI budget was agreed by the Executive on 18 January and the resultant consultation will run to 25 February. DoJ Strategic Resourcing Committee (SRC) is due to meet in the next week to discuss the DoJ budget in more detail. The DoJ allocation initially looks like there is a 5% increase but the additional money is for things like security funding and tackling paramilitarism that have been funded previously outside baseline. Allocation letters have issued and will be discussed at the next SRC.

4.6. The Board also noted the budget was tabled for discussion at a Justice Committee meeting in the following week.

c) Update from Directors on current issues (non-covid) and actions to address them

4.7. The Chair invited Directors to provide updates from each Directorate.

4.8. This included an update on:

- The Criminal Justice Board – concern that elements of the system were experiencing “recovery overload”. This would mean the speed of recovery would need to be adjusted somewhat to ensure the whole system could deliver. The Court processes all continue to operate.

5 EU TRANSITION ARRANGEMENTS

5.1 The Director of Access to Justice provided an update and advised that the Minister had recently briefed the Justice Committee to advise that the outcome on justice and security was working well though there remained some aspects to address.

5.2 Extradition and criminal justice sharing arrangements have already been agreed with the EU and this is a good result. The impact of the end of grace periods are as yet unknown. There have been some bureaucratic problems as a result of the deal but these are being addressed.

Decision – EU Transition no longer required as a monthly agenda item.

Action – Update on EU Transition and grace periods to be an agenda item at the March 2021 meeting.

6 SUSTAINABILITY UPDATE

6.1 The Head of Information Services Division (ISD) presented the paper to the Board and advised that this was an update to the 2 previous papers submitted to the Board. The purpose of this one was to provide the Board with the opportunity to understand the current context. In January 2020, the ‘New Decade, New Approach’ document (NDNA) received support from the NI Political Parties and this set out the objectives for a Sustainability

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Strategy. The DoJ Sustainability Group is in place and reports to the Asset Management Board and is working on a range of issues including

- Approve an overarching DoJ sustainability strategy with which Agencies and ALBs can align;
- Establish a work programme and report on progress to the AMB;
- Identify areas where sustainability performance can be improved;
- Implement agreed measures to drive forward sustainability, tackle climate change and reduce the Department's carbon footprint;
- Ensure that commitments and sustainability targets are met;
- Promote corporate and social responsibilities; and
- Ensure that sustainability initiatives are communicated to staff.

6.2 The Board noted that the DoJ Sustainability Group is in its infancy and that although additional resource has been identified to take this work forward due the person is currently heavily involved in the Covid work within NICTS and will not be available until the start of the new financial year.

6.3 The Board discussed the measures of success and the need for baseline information to demonstrate the Department's progress. Members drew out the significant work already done on sustainability and that Covid has also provided opportunities to demonstrate progress on this journey such as the use of virtual visits in Prisons and the establishment of virtual courts. The Head of ISD advised that these would be captured.

Decision - The Board noted the contents of the Sustainability update paper, the challenges faced around staff resourcing and the delay that this has had on the sustainability agenda.

Action – Sustainability Update to be scheduled for a Board meeting after the summer – setting out the baseline information and capturing the progress made across the Department and Agencies. The new lead person to be invited to attend the meeting.

7. UPDATE ON RHI RECOMMENDATIONS

7.1 The Head of the Governance Unit presented this paper to the Board. He highlighted that the 44 recommendations are being progressed across NICS and none are solely for DoJ though we are impacted by a number. The recommendations have been grouped together into 7 themes and NICS is required to report on progress annually.

7.2 The update included the following areas of progress:

Corporate response

- Leadership Development Programme across Departmental Board and SCS focusing on values and building well-led, high performing, outcomes focused team, ongoing since Autumn 2018.

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- Developed induction guidance for new staff which incorporates the reissued knowledge transfer guidance
- Strengthened record keeping guidance within the department – ie desktop reminders, checklists, standing item at IROC, ministerial meetings guidance implemented, training for key information managers
- Strengthened Governance structures within the department including the creation of a Governance Unit within CECD
- Plans underway to appoint Senior Responsible Officers and the creation of the P3O within the Department to enhance project and programme management
- DoJ Finance Director sits on a sub group of Finance Directors who are giving some thought to the review of the finance profession.
- DoF e-learning packages have been promoted to DoJ staff.

Ministers and Special Advisors & Record Keeping

- Department complies fully with updated guidance for Ministers and Special advisors agreed at the resumption of the Assembly last January
- Appropriate records kept and published regarding Ministerial and SpAD meetings with those external to government, G&H received and interests disclosed.

Governance and Financial Controls

- Staff in the Department's Economics Unit have all been trained in the five case model process and received their 'Better Business Cases' accreditation - this was a measure introduced across the economist cadre within the NICS;
- Subsequent to this, DoF introduced the Five case model approach for all new business cases across the NICS;

DoJ Economics Unit has issued and updated its business case advice and guidance on the Departmental intranet.

- This guidance has been shared with budget holders and members of the Strategic Partnership Forum within the Department

7.3 The Board noted the Department's compliance with the RHI Recommendations and the progress made to date. At this stage there were no issues of concern.

Action – Further report on progress against RHI Recommendations to the DoJ Board later in the year.

8 QUARTERLY REVIEW OF PERFORMANCE AGAINST THE BUSINESS PLAN AND RISK MANAGEMENT

8.1 The Head of the Governance Unit presented the paper to the Board.

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Business Plan update

8.2 The Board was asked to note that 3 of the RAG ratings had been amended from green to amber and that there are now 21 sitting as amber. The largest proportion are recorded as green. The Board was also asked to note the proposal for 3 additional actions to be added to the Business Plan.

Decision - The Board noted the remarkable progress made against the targets set in the business plan and agreed that the 3 additional targets proposed should not be added to the Departmental Business Plan. These are best placed to be recorded on the relevant Directorate Business Plans.

Risk Register update

8.3 The Board were asked to note that the risk register had now been fully populated. Risk 3 (capacity) remains as a red risk following the application of actions to address it, however the score has reduced slightly.

8.4 The Board noted the changes to the Risk Register.

Risk Management Issues Log

8.5 The Board were asked to consider proposals to add two additional issues to the Risk Management issues Log. These referred to:

- The creation of a centralised Public Appointment Unit – this has not progressed as a result of resource pressure
- Co-location of IMB Board and Secretariat functions.

8.6 The Board noted that both of these issues were highlighted as a result of Risk 3 (lack of capacity) on the risk register.

Decision – The Board agreed that the 2 new issues raised should, for now, be kept under review at Directorate level.

9. DEVELOPMENT OF PROGRAMME FOR GOVERNMENT AND BUSINESS PLAN 2021/22

9.1 The Head of Corporate Engagement and Communication Division (CECD) presented the paper to the Board for consideration. The Board noted the progress to date and the plan remained to have a final draft for agreement at the March Board meeting.

10. FINDINGS FROM THE REVIEW OF BOARD EFFECTIVENESS

10.1 The paper was presented by the Head of CECD to the Board. The findings were presented in a series of proposals for the Board's consideration. Each proposal was

discussed in turn. All the proposals were agreed, but the timing of Board meetings would be trialled from April 2021.

Decision – agreed to run with the current February and March Board dates and then move to every 6 weeks as a trial exercise.

Action – 6 weekly virtual meetings with Permanent Secretary and NEMS to be arranged once the 6 weekly Board meetings begin. These should slot in so that either NEMS meet with PS or a Board meeting occurs every 3 weeks.

Action - New P30 resource to be invited to attend DoJ Board (either April/May) to present Programme/Project update paper.

Action – David Brown (as most recent Board member appointee) to provide feedback on his induction to Board Secretary and any lessons learned to be incorporated into a new Board Member Induction Pack.

11. UPDATE FROM DARC ON 26 JANUARY 2021

11.1 Clarke gave a verbal update in relation to the latest Departmental Audit and Risk Committee (DARC) that took place on 26 January 2021.

11.2 The DARC were provided with a wide range of assurances in relation to audits and risk management. No concerns were raised. The audit programme is progressing well with 33 of 55 audits completed all with either satisfactory or good audit outcomes.

11.3 Clarke highlighted the NIAO report on Managing Children who offend and raised some concerns about the narrow focus on value for money and not acknowledging the huge amount of work that is done by YJA and partners to prevent children from being placed in the Woodlands facility and making better outcomes for young people.

11.4 The Chair thanked Clarke for raising the issue and explained the steps taken to address this prior to publication while acknowledging that the Senior Management Team had similar concerns.

Action – YJA to attend autumn DARC meeting to explain actions taken to date.

11.5 The Board noted the update from DARC.

12. UPDATE ON ABSENCE MANAGEMENT

12.1 The paper was jointly presented by the NICSHR representative and Head of CECD. The paper was requested in light of the recent NIAO report on absences across the NICS.

12.2 The Board's attention was drawn to the table of days lost were at 15.5 DoJ has the highest absence rate across NICS Departments. This figure includes operational staff in

NIPS and NICTS and even with the NIPS figure removed DoJ is 12.2 days per year. This is still quite high in comparison to other Departments.

12.3 The Board also noted that 41% of absences are recorded as being stress of which a half is work related stress. The Board discussed the scope to reduce this level by introducing some initiatives to help line managers manage these cases before absences arise.

12.4 The Board also noted the drop in absence levels for this current year. NICS HR issue a stress questionnaire to every person who records an absence as a result of stress and that not all questionnaires are returned. Managing any kind of stress in staff is more difficult when working remotely.

Action – NICS HR to provide information on DoJ work related stress in comparison to other Departments.

Action – NICS HR to check if question in the stress questionnaire that specifically asks “do you have too much work to do?”

12.6 The Board noted the reduction in absence rates in YJA and FSNi and discussed possible options for identifying new initiatives for tackling absence rates and for changing the culture that accompanies these attitudes.

Action – Head of CECD to develop a central communication piece around absence management

Action – Head of CECD to develop communications for issue to line managers on absence management

Action – Directors to talk to their teams about actions to assist with absence management.

13. HR UPDATE

13.1 The paper was presented by NICS HR representative who highlighted the following –

- Covid-19 staff information hub – most recently updated on 21 January.
- Resourcing – development of the NICS Resourcing plan and NICS HR continue to work closely with the Department to fill business critical positions.
- Restrictions on elective transfers have been removed.
- DP and SO assessment centre stage has been paused.
- Latest list of DP's have been allocated and posted and NICS HR working on the next set.
- SO placements – merit list will issue in the next few weeks.
- Performance Management – targeted approach being progressed and NICS HR business partners will issue list to Directors of those that require finalising.

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- Contract for Agency workers – has been confirmed and is now in place.
- Provision of desks – can reclaim up to £100.

13.2 The Board also noted that the Future Working from Home policy had issued to the Trade Unions in December. Department is encouraging managers to be flexible.

14. KEY MESSAGES

14.1 The key messages from the Board were agreed as follows;

- Welcome the performance against the Business Plan
- Availability of desks and chairs for those working from home
- Board focus on sick absence
- RHI measures and the Department is on track against the requirements.
- Covid-19 Staff information hub – contains useful and up to date information for staff.

15 AOB

15. 1 No other business raised at this meeting.

Date of next meeting – 24 February 2021