

DEPARTMENTAL BOARD MEETING

- Minutes -

Wednesday 29 July 2019 at 10.00 am

Castle Buildings Conference Room

Present:	Peter May	Permanent Secretary (Chair)
	Deborah Brown	Director, Justice Delivery
	Ronnie Armour	Director, Reducing Offending and Head of NI Prison Service (NIPS)
	Anthony Harbinson	Director, Safer Communities
	Clarke Black	Independent Board Member
	Brian Grzymek	Deputy for Director, Access to Justice
In attendance:	Jacqui Wallace	NICSHR
	Sinead Simpson	Head of Corporate Engagement and Communication Division (CECD)
	ISD representative	Information Services Divisions (ISD) for agenda items 7 and 8
	Clare Dornan	Strategic Engagement Unit (Secretary)
	CECD representative	Strategic Engagement Unit
Apologies:	Heather Baily	Independent Board Member
	David Lavery	Director, Access to Justice

The meeting commenced at 10.

1. APOLOGIES

1.1 The Chair noted the apologies from Heather Baily and David Lavery and welcomed Brian Grzymek to the meeting as David's Deputy.

2. MINUTES OF PREVIOUS MEETING

2.1 Minutes of the previous meeting were agreed. The Board noted the good progress made on the actions.

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. UPDATES

a) Strategic issues

4.1 The Chair referred to the forthcoming changes at Directorate level. David Lavery will leave the Department at the end of August to take up the post of Chief Executive in the Law Society and Anthony Harbinson will move to replace him as Director of Access to Justice in September. The Chair took the opportunity to recognise Anthony's contribution as Director of Safer Communities over the past 5 years. Anthony will be replaced on an interim basis, by Clare Archbold as Director of Safer Communities.

4.2 The Chair provided an update on:

- **Recent political developments** –the Chair described the current state of knowledge about both the interparty talks and the new priorities of the London Government. Recent announcements of additional police resources in England and Wales would create Barnett consequential for the NI Block. It was clear that preparations for a No Deal Brexit would be ramped up.

b) BREXIT

4.3 Covered as above.

c) Resourcing issues/Finance update.

4.4 The Board noted that the Departmental forecast pressure should reduce if the public sector pension, EU Exit and LSA exceptionality pressure is funded by DoF.

4.5 The remaining pressure which includes PSNI opening budget pressure and NICTS Deprivation of Liberty will be kept under review. Business areas must surrender easements at the earliest opportunity in order to enable the Department to manage in year pressures.

4.6 The Department continues to closely monitor and liaise with Department of Finance (DoF) on a range of other significant pressures which will need to be met centrally should they materialise including; legacy litigation, compensation services payments, Bear Scotland and NICTS fine default. The Board was updated on the future year planning exercise, EU Exit, inescapable pressures, in-year monitoring and holiday pay claims.

4.7 The Strategic Resource Committee (SRC) in September will revisit the position on pressures and the likelihood of their being managed internally or met by DoF.

d) Current Challenges

4.8 The Chair invited Deborah to provide an update on Legal Services Agency (LSA) and Ronnie on prison population figures.

Legal Services Agency

4.8 The Board noted that the Legal Aid Management System (LAMS) had launched successfully on 1 July. The system is working well although, inevitably, some small issues have been identified that are being addressed. No fundamental issues have been raised. The issues are more about interfaces. The Board noted that LSA had paid out more than previously anticipated in the previous quarter.

Prison population numbers

4.9 The Board noted that prison population figures for this week were unusually high (an increase of 80 in comparison to the same time last year). 30 percent of the population are remand prisoners (520). The figures for female prisoner population has also increased to 81, as opposed to the usual 55 to 60.

4.10 The Board noted the actions being taken by NIPS to manage the position – 2 landings opened in Bann House and 1 in Hydebank Wood - and that the regime had not been affected. NIPS had included a risk on this issue in their Risk Register. The Board considered that there was no need, at this stage, to raise this issue to the Departmental Risk Register.

5 DEEP DIVE DISCUSSION - LEGACY

5.1 Brian Grzymek circulated a paper prior to the meeting and provided an update to the Board on the current arrangements in place for progressing Legacy cases. The Board discussed the issues, the need for progress in the creation of the HIU and the resourcing pressures caused by the current arrangements.

Action – Brian Grzymek to prepare a paper for SRC on legacy inquest resourcing

Action – Brian Grzymek to prepare a joined up business case on impact of legacy litigation

Action – Anthony Harbinson to explore how PSNI intend to respond to the recent court judgement on the need for independence in the investigation of certain cases.

6 REVIEW OF THE DEPARTMENTAL RISK REGISTER

6.1 Clare Dornan presented a paper on the current version of the Departmental Risk Register and asked that the Board note and approve the proposed changes. The Board noted that there were no changes proposed to the risk ratings and that the risk relating to the

implementation of the Legal Services Agency Management System had been proposed for removal as the system had been operating since 1 July.

6.2 The Board reviewed risk 3 (Legacy), in light of the earlier conversation, and agreed that the risk rating should be revised upwards and that the steps to be taken should also be updated.

6.3 As part of the quarterly review of the Risk Register, Agencies were asked to consider any risks for escalation and consideration of the Board. Only one risk was proposed from FSNI in connection with Legacy casework.

Decision - The Board agreed that the risk escalated by FSNI did not warrant inclusion on the Departmental Risk Register and that it should be reflected in the Department's Risk 3 (legacy).

Decision – The Board agreed to remove Risk 7 (LAMS go live date) from the Departmental Risk Register.

Action - Brian Grzymek to update Risk 3 (legacy) on the Departmental Risk Register to reflect the Board conversation on 31 July 2019 and to ensure that the FSNI aspects are adequately covered.

Action – Anthony Harbinson to review and update Risk 2 (Brexit)

Action – Deborah Brown to review and update Risk 1 (funding)

Action – Anthony Harbinson to review Risk 4 (absence of an Executive and Minister) as the impact refers largely to legislation.

7 SUSTAINABILITY PAPER

7.1 The Board were asked to consider and note the content of the report. The Board discussed the content of the report and noted that DEARA had been invited to talk to the Board, at a future meeting, on Climate Change. They considered that there was an opportunity for a more joined up approach.

Decision – Sustainability to be added to the responsibilities of the Asset Management Board. (Deborah Brown)

Action – Sustainability to be added as an agenda item for the Staff Engagement Forum (Sinead Simpson)

Action – One of the “learning lunchtime/master class” events to be held on sustainability. (Sinead Simpson)

8 HEALTH AND SAFETY ANNUAL REPORT

8.1 The Board acknowledged that H&S was very important and welcomed the comprehensive and helpful report. The Board were asked to note the content of the report, specifically the low compliance rates for mandatory training.

8.2 A discussion took place on why the uptake for this training was so low. The Board noted that the level of near-misses are also thought to be under-reported.

Action – DoJ representative on the H&S Forum to reflect the need to refresh the mandatory training material and the annual commitment to carry this out. (DoJ representative of the H&S Forum)

Action – Team brief to include a reminder to all staff to report near misses to Departmental H&S Manager.

Action – H&S Manager to contact Internal Communications team for advice on getting the information to staff into a more user friendly format. (H&S Manager)

Action – Revised content to be re-circulated to Directors before issue. (Clare Dornan).

9 HR UPDATE

9.1 The Board received a verbal update this month in place of a written report.

9.2 The Board requested an update on the impact of the McCloud decision.

Action – NICSHR to circulate the update issued to NICS Board on the McCloud decision.

9.3 The HR update included:

- Recent staff officer (SO) and Deputy Principal (DP) recruitment competitions and noted that offers had been released to successful candidates. 123 for SO and 126 for DP.
- Recent Industrial Action.
- Sick absence for April and May – there had been an increase at the start of the year although June figures were lower.
- Series of senior competitions at G3 and G5 level

10 DECISIONS MADE UNDER THE NI EXECUTIVE ACT

10.1 The Board noted the content of the report.

11 BOARD BRIEF

11.1 The Board approved the content of the DoJ Board Brief.

12 KEY MESSAGES

12.1 The Board agreed that the key messages should be;

- LAMS update
- Challenges in NIPS
- Brexit – increased “no deal” planning
- H&S and Sustainability report
- Encourage VOPA nominations

13 AOB

IIP

13.1 The Board noted the paper and agreed that IIP was part of the wider approach to people issues.

Decision – The Board agreed to proceed with IIP accreditation for the core Department.

Leadership Development

13.2 The Chair provided an update on the work being progressed with the Senior Management Team on leadership, including work on the development of the Department’s values and behaviours. Deborah noted the opportunity for the Board to consider its future approach.

Action – Deborah to develop proposal for the DoJ Board to have an away day to consider its modus operandi.

The meeting ended at 12.20