

PCNI PLENARY MEETING – 22nd NOVEMBER 2012 – LINUM CHAMBERS

Present Commissioners:

Ms Christine Glenn	Mrs Elsbeth Rea
Mrs Anne Grimes	Mr Paul Mageean
Mr Jeremy Mills	Mrs Ruth Laird
Dr Shelagh Mary Rea	Mr Tom Craig
Mr Stephen Leach	Dr Adrian Grounds
Ms Mollie Weatheritt	Mr Nigel Stone
Mrs Alexandra Delimata	Prof Peter Hepper
Judge Derek Rodgers	Mr Brian Garrett
Mrs Anne Fenton	Dr Duncan Morrow
Mrs Elaine Peel	Mr Norman Lockie
Dr Damien McCullagh	Judge Thomas Burgess
Justice Tracy Doherty	Dr Pat McGrath
Dr Micaela Greenwood	Mrs M Kilpatrick (NICTS) (item 3 onwards)

Secretariat:

Mrs Moya Cushley	Mrs Kerry McIlwaine
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Apologies:

Mrs Debbie McQueirns	Prof John Jackson
Mr Stephen Murphy	Mr Emmet Murray
Miss Linda McHugh	Ms Clodach McGrory

The following is a summary record of the Plenary of the Parole Commissioners covered on 22 November 2012.

Item 1: Chairman's Introductions.

The Chief Commissioner welcomed everyone to the meeting and thanked them for their attendance.

Item 2: Chief Commissioner's Update

The Chief Commissioner gave a presentation to the Commissioners. The presentation reviewed the following issues:

Challenges:

Transfer to Northern Ireland Courts and Tribunals Service (NICTS)

As all Commissioners are aware the transfer to the NICTS occurred in May 2012. However, there is still a lack of clarity over many issues. Commissioners are not a body corporate and are now considered to sit within the remit of NICTS, an Agency of the Department of Justice (DoJ). There is still confusion over areas of

responsibility between RoD and NICTS. The budget shortfall at transfer point was £363k. There are still some fundamental issues that will need to be addressed over the coming months.

Review of the Terms and Conditions

This exercise is now complete. The deputy Chief Commissioners' position will cease on the 8th December and a new competition has started for the Chief Commissioner's role. The DoJ will be carrying out a fundamental review of the Parole Commissioners' Northern Ireland (PCNI) terms and conditions but no timescale has been agreed to date.

The increase in the number of Judicial Reviews

The Chief Commissioner discussed the increase in the numbers of judicial reviews. She spoke about an ongoing JR which challenges the test applied to DCS recalls. The PCNI welcome this challenge as it will clarify the process moving forward. The Chief Commissioner is arranging a workshop in early January which will be facilitated by our legal advisors, which will be aimed at identifying the trends developing in judicial reviews, seeking out learning points to be addressed as training. The other theme emerging is our approach to allowing an oral hearing in DCS cases.

Mrs Williams will prepare a JR report quarterly for Commissioners to keep them apprised.

The increase in workload

The Chief Commissioner advised that the caseload continues to increase. The PCNI are expecting approx 432 cases this year – 36 cases each month. Current average live caseload for each Commissioner is 5 cases.

Where we are now:

Recruitment of new Commissioners

The Chief Commissioner updated the Commissioners on the recent recruitment competition. Eight Commissioners will be appointed in January from two disciplines – legal and generalist/other.

Further recruitment anticipated for psychologists/psychiatrists

The recent recruitment campaign did not attract enough psychologists or psychiatrists for interview. The DoJ have agreed to carry out a further competition for this discipline.

Research Group

The Research group has been appointed and will consider the fundamental review of Commissioners terms and conditions and will consider a campaign for a proper governance model.

Oral hearing project

The pilot project for the fixing of dates is ongoing.

Templates

New templates for decisions have been developed and circulated. Commissioners are asked to use the templates when issuing provisional directions or decisions.

Looking Forward and Priorities:

Inclusion in Schedule 1

The Department/NICTS are currently working towards having PCNI Commissioners incorporated under Schedule 1; this would allow Commissioners to come under the remit of the Lord Chief Justice.

Changes to Rules

The Chief Commissioner updated the Commissioners on the progress of the amendments to the PCNI rules. The amendments and changes to the Parole Commissioner Rules are still ongoing. They were due to be presented to the Justice Committee in November but it was decided that they should not go in front of the Committee until a decision had been taken on the upcoming JR as the challenge to the test may impact on the changes. The Chief Commissioner identified the main points for consideration:

- DCS cases to be incorporated into the rules; and
- Changes are being considered to Rule 22 (confidentially).

Following the presentation, the Chief Commissioner reminded Commissioners as to the importance of adhering to the Information Assurance Policy and asked Commissioners to ensure that they took all steps necessary to ensure that information was securely locked away and safeguarded.

The Chief Commissioner went on to address Commissioners on the issue of Quality Assurance in decisions. Commissioners had been provided with a draft paper on proposed changes to the current QA system and were asked for their comments. The Commissioners discussed the paper in detail and put forward a number of suggestions for improving Quality Assurance.

It was agreed that the proofing role of the Secretariat would cease on the 1st December 2012. Legal Mentors and interim arrangements would continue until the new financial year. The Chief Commissioner will sample decisions for QA purposes but the provisional directions and decisions are always the responsibility of the single Commissioner or Panel Chair.

Summary Recalls

On the issue of Summary Recalls the Chief Commissioner explained that this area of casework was the fastest growth area of all categories of cases. The article 28(2)a and article 9(1) cases have a 41% increase on the last financial year. To date a rota

system has been used to complete these cases and as a result only ten Commissioners carry this caseload. This had been considered by the Advisory Committee which had agreed that there needed to be a change. The Chief Commissioner advised that this system would change and that these cases would be allocated on the same principle as all other cases. The rota system would only apply to cases received outside office hours.

Item 3: Decision Making in Recalls

The Deputy Chief Commissioner gave a presentation on 'Decision Making in Recalls' Which focussed on the following areas:

- Legal Basis;
- Test;
- Process;
- Recall Recommendations; and
- Issues Arising.

The Commissioners were then allocated to groups. Mrs Rea and Dr Grounds facilitated the groups while they worked through a selection of summary recall cases.

Both groups reported back on themes discussed and issued identified during the working groups.

Item 4: Smarter Working

Prior to Plenary the Commissioners had been asked to complete a questionnaire identifying ways of the office and the individual working smarter. Prof Hepper had looked at the responses and identified areas which merited further discussion. The following areas were discussed:

Minor Issues for group discussion:

Administration:

- Rota system for recalls;
- Earliest fixing of dates;
- Updating availability to Secretariat; and
- Re-instate flexible flights.

Commissioner practice:

- Information provided in 'Word' or text, not pdf;
- Venue Choice for hearings and use of video links;
- Appoint commissioners near venues;
- Attitude to witnesses from Probation at hearings;
- Reviews at six months;
- Directions for historical information, especially ECS/DCS where psychology

- may have had no input;
- Accurateness of information/representation in decision; and
- Checking emails.

The Commissioners discussed some of the issues above and also areas for development. This led to an open discussion on some of the more fundamental issues which the Commissioners felt needed to be addressed promptly by NICTS.

These issues fell into two broad categories:

Resources

The Commissioners felt, in addition to the systems and research groups, that there was a need to reinstate all the Commissioners working groups:

- Legal Group;
- Psychology/Psychiatry working group; and
- 'other' working group.

In addition, they felt that Plenary should be held at least twice a year. Mrs Kilpatrick explained the need to keep costs to a minimum and advised Commissioners that they had transferred to NICTS with a shortfall of £363k in the budget. The priority was to ensure that the budget was focussed on casework. After debate Mrs Kilpatrick advised Commissioners that they could submit a business case highlighting these fundamental issues which would be given due consideration.

IT Services

The Commissioners discussed the current IT arrangements in detail and put forward suggestions for improvement i.e. changing to the NICTS IT system and the development of an intranet.

Given time constraints Commissioners were unable to split into working groups to look at smarter working.

Kerry McIlwaine
Minute-taker