



# **Courts Service Corporate Governance Framework**

**2016**



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## **FOREWORD BY CHIEF EXECUTIVE**

The Courts Service is committed to the principles and practice of good governance which are fundamental to the effective operation of our organisation.

The Courts Service was established as an independent State agency to manage and administer the courts and support the judiciary in the administration of justice.

Since establishment we have put in place a robust governance framework to ensure that we achieve our purpose of providing the people, buildings, services and supports needed for the work of the Irish courts and the members of the judiciary; that we comply with all relevant laws, codes and directions and that we meet expectations of probity, accountability and transparency.

This Governance Framework document has been prepared in line with the principles and requirements set out in the Corporate Governance Standard for the Civil Service taking into account the particular requirements of the Courts Service.

It brings together for the first time the legislation, policies, processes, culture and values by which the Courts Service is directed, administered and controlled. The Framework enables us to monitor the achievement of our strategic objectives and to consider whether those objectives have led to the delivery of appropriate cost effective services which take account of the needs of court users, members of the judiciary and the wider public.

Our governance arrangements are reviewed regularly to ensure they continue to reflect current best practice in corporate governance and support us in delivering on our objectives effectively, efficiently and transparently.

Brendan Ryan

April, 2016

Good governance is integral to the culture and the strategic and operational policies of our organisation.

## COURTS SERVICE OVERVIEW

This document sets out the arrangements and structures for the governance and management of the Courts Service. Good governance is essential as it provides direction, clarity and supports effective decision making. Governance relates to how we manage our organisation and achieve our organisational goals and objectives. It can be described as the set of responsibilities and practices, policies and procedures used to provide strategic direction, ensure objectives are achieved, risks are managed and resources used responsibly and with accountability.

The Courts Service has strong governance arrangements in place at organisational and Board level providing a framework of rules and practices to ensure accountability, fairness and transparency across organisational activities.

It is intended that the Framework will assist our staff to apply the principles of good governance in the management and delivery of services. It will also guide our customers and stakeholders in better understanding our organisation, our business and how we conduct our business.

The Governance Framework reflects and is developed in the context of the Courts Service legislative framework under the Courts Service Act, 1998, in addition to the Code of Practice for the Governance of State Bodies, developments in the Civil Service Renewal Plan and the Civil Service Code of Standards and Behaviour.

The Governance Framework is not fixed and evolves, in accordance with best practice, as the needs of the organisation and the needs of stakeholders develop.

## Governance Principles

The governance of the Courts Service is based on the following principles:

- Supports a culture and ethos which ensure behaviour with integrity, a strong commitment to ethical values and respect for the rule of law
- Helps to define priorities and outcomes and to determine policies and interventions necessary to optimise their achievement
- Delivers effective accountability through good practices in transparency, reporting communications, audit and scrutiny
- Develops our capacity including the capability of the leadership team, management and staff

- Manages risk and performance through robust internal control systems and effective performance management practices
- Ensures openness, effective public consultation processes and comprehensive engagement with stakeholders.

## About the Courts Service

The Courts Service is an independent State agency, established by the Courts Service Act, 1998 to support the third branch of Government, the courts and judiciary.

- The Courts Service is responsible for the administration and management of the courts in Ireland. Its primary functions are to manage the courts, support the judges, provide information on the courts system to the public, and provide court buildings and facilities for court users.

The Service, through its offices in the Supreme Court, Court of Appeal, High Court, Circuit Court and District Court, together with the support Directorates established as part of the management structure for the Service, has responsibility for the management of all aspects of court support activities with the exception of judicial functions which are a matter exclusively for the judiciary.

In this way the Courts Service is a key arm of public service delivery working to ensure access to justice for all court users and others who rely on its services.

## Overview of Governance Framework

The Courts Service Act, 1998 (as amended) is the legislative basis for the establishment of the Service. A Board framework document approved by the Board defines the governance framework for the Service and sets out the functions of the Board, the Chief Executive, and the Committees of the Board. It also outlines the appropriate levels of authority and delegation arrangements. It defines the communication strategy between the Chief Executive and the Chief Justice and Presidents of the Courts, between the Courts Service and the Minister for Justice and Equality and between the Courts Service, the public and the media.

The Courts Service Act, 1998 provides that the Chief Executive Officer is the Accounting Officer for the Service and clearly defines the accountability framework in which the Service operates. This is supported by the governance framework and corporate governance arrangements within the Service.

The Courts Service is accountable to the Minister for Justice and Equality, and through the Minister, to the Government. The Service must submit an annual Report to the Minister

and such other information as the Minister may require. The Courts Service must also submit to the Minister an annual return in relation to its compliance with the Code of Practice for the Governance of State Bodies. An annual Agency Framework Agreement is also in place with the Department of Justice and Equality in relation to the roles and responsibilities of both bodies and setting out the Performance targets for the Courts Service for the year in accordance with the annual Corporate Business Plan.

The Courts Service is also accountable through the Chief Executive Officer, as both Accounting Officer and as Accountable Officer, to the Oireachtas including to the Committee of Public Accounts of Dáil Éireann, and other Oireachtas Committees of the Oireachtas.

## Our Mission, Values and Vision

The Courts Service has clearly articulated its Mission, Values and Vision to promote clarity in relation to our function and provide a shared sense of purpose and direction underpinned by the values of the organisation.

### Vision

The Courts Service Strategy Statement sets out our vision for the Courts Service. The Vision statement acts as our road map, indicating what we want to become and guiding our transformational change and reform initiatives. The Vision Statement is aspirational and is designed to communicate, particularly to our staff, the primary goal of the Courts Service and long term strategic objective towards which we work.

This Vision is aligned to and reflects the Civil Service Vision in the Civil Service Renewal Plan

Our Vision is to develop a world class organisation that has as its primary objective meeting the needs of court users

### Mission

Good governance is fundamental to achieving the mission of the Courts Service. Our Mission Statement clearly sets out, for management, staff and users, the core purpose and focus of the organisation. In doing so, it guides the development of the Strategy of the organisation in the delivery and development of services and communicates the intended direction for the organisation internally and externally.

To manage the courts, support the judiciary and provide a high quality and professional service to all users of the courts.

## Values

The core values of the Courts Service are also set out in our Strategic Plan. They support and act as the principles that guide our internal conduct and our relationship with our users and stakeholders. They support the vision of the organisation, shape our culture, inform the delivery of service and guide our decision making process

Service:	Customer Focus, Timely, Friendly, competent
Integrity:	Honest, Objective, Fair, Ethical, Accountable
Respect:	Courteous, Impartial, Considerate

These values are aligned with those of the Civil Service Code of Standards and Behaviours, the Code of Ethics and the Civil Service Renewal Plan. They are designed to promote ethical behaviour and effective governance and the highest standards of professionalism in the way we do our work.

## Behaviours and Culture

To ensure successful delivery of our mission and our annual and strategic objectives, it is critical that we continue to pro-actively foster and maintain a culture that is informed by our shared values and those set out in the Civil Service Codes and other relevant legislative and regulatory frameworks.

[All levels of the organisation have a role to play in promoting good corporate governance.](#)

In this regard we ensure staff are aware of the values of the organisation and the behaviours required to realise these values. The management and staff of the organisation are expected to support the stated values and comply with the regulatory framework in accordance with Courts Service policies and those of the wider Civil Service. Staff are made fully aware of the requirements and are circulated with the corporate and civil service policies, procedures and circulars in relation to behaviour and governance. These include the following:

- Code of Standards and Behaviour for Civil Servants – A copy of the code is given to every appointee who must certify in writing that they have read it and the requirements of the code are brought to the attention of all staff on a regular basis
- Ethics in Public Office Acts and the Standards in Public office Act 2001– An annual notification to staff is issued in relation to the submission of statements of interests and an up-to-date register is maintained in the Office of the Chief Executive
- Official Secrets Act which sets out confidentiality requirements



- Courts Service Policy under the Protected Disclosures Act 2014 (A copy of the policy is at APPENDIX 1)
- The [Regulation of Lobbying Act 2015](#) which is designed to make the lobbying process more transparent
- Prompt Payments legislation which requires the Courts Service to pay vendors in a timely manner

The organisation also complies fully with the obligations and legal requirements of the Freedom of Information and Data Protection legislation. Staff are made aware, trained and supported in the application of this legislation to Courts Service records by a centralised Freedom of Information and Data Protection compliance function provided by the Office of the Chief Executive. The Staff and organisation also comply with obligations under the Official Languages Act, 2003, the National Archives Act, 1986 and Employment Equality legislation

### Internal Communications

An open, pro-active, collaborative and consistent internal communications system is central to the effective operation and development of the organisation. It is the policy of the Courts Service to communicate with staff on all aspects of their work and on all relevant organisational matters and developments. This communication takes place through a variety of channels including staff meetings, conferences, e-mail, the Courts Service newsletter and individual meetings.

An internal Communications Policy is in place and is designed to promote and support coherent and consistent communication through out the organisation in an effective, well co-ordinated and responsive manner. The principles underpinning the Policy are Consultation, Openness, Responsibility, Accountability and Continuous Review.

The Policy sets out the commitments of the organisation in relation to communication and emphasises the shared responsibility for effective communication involving management and staff and all levels. It outlines the role and actions required by management and staff and the channels, both formal and informal for the sharing of information and is designed to facilitate a three way process between management and staff, staff and management and between staff. A copy of the Communications Policy is at APPENDIX 2).

An intranet is being developed at present to provide an effective channel for internal dissemination of information. Internal communication is also promoted through the Courts Service partnership structure. PMDS is also a key method of effective communication between managers and staff.

## Functions of the Courts Service

The functions of the Service under the Courts Service Act, 1998 are to

- Manage the Courts
- Provide support services for Judges
- Provide information on the Courts system to the public
- Provide, manage and maintain court buildings
- Provide facilities for users of the Courts
- Perform such other functions as are conferred on it by any other enactment

Ancillary powers given to the Courts Service under the Act include the power to:

- Acquire, hold and dispose of land
- Enter into contracts
- Make proposals to the minister in relation to – reform and development, the distribution of jurisdiction and business among the courts and matters of procedure
- Designate court venues

The Courts Service has no role in relation to the administration of justice which is a matter for the courts and the judiciary. The judges are, under the Constitution, independent in the exercise of their judicial functions. The Courts Service is precluded by the Courts Service Act, 1998 from impugning in any way the independence of the judiciary or interfering in any way in a judicial function

## Courts Service Organisational Structure

In accordance with section 22 of the Courts Service Act, 1998, the Courts Service has a unified organisation and structure.

### Board

The organisation is governed by a Board chaired by the Chief Justice and comprising of 17 other members including representatives of the judiciary, the Chief Executive, Courts Service staff, the Minister for Justice and Equality, legal representative bodies, court users, business and trade unions. The Board is responsible for the determination of policy and for oversight of the implementation of policy.

## CHIEF EXECUTIVE OFFICER

The Chief Executive Officer is responsible for the management and control of staff together with the day to day operation of the Service. The Chief Executive is also the Accounting Officer and is responsible to the Oireachtas for the proper expenditure of money provided by the Exchequer for the management and administration of the Service.

The Courts Service Act provides that the functions of the Chief Executive are to

- manage and control generally the staff, administration and business of the Service
- Report regularly to the board on the implementation of policy
- perform such functions of the Service as the Board determines are to be performed by the chief Executive
- perform such functions as may be conferred on him or her by the 1998 Act or by the Board.

## SENIOR MANAGEMENT TEAM

The Chief Executive is supported by the Senior Management Team consisting of the following heads of directorates:

- Head of Supreme and High Courts Operations including the Court of Appeal
- Head of Circuit and District Courts Operations
- Heads of Support Directorates
  - Reform and Development,
  - Resource Management and
  - Infrastructure Services.

The functions of each Directorate are set out in the Organisational Chart below and at APPENDIX 3.

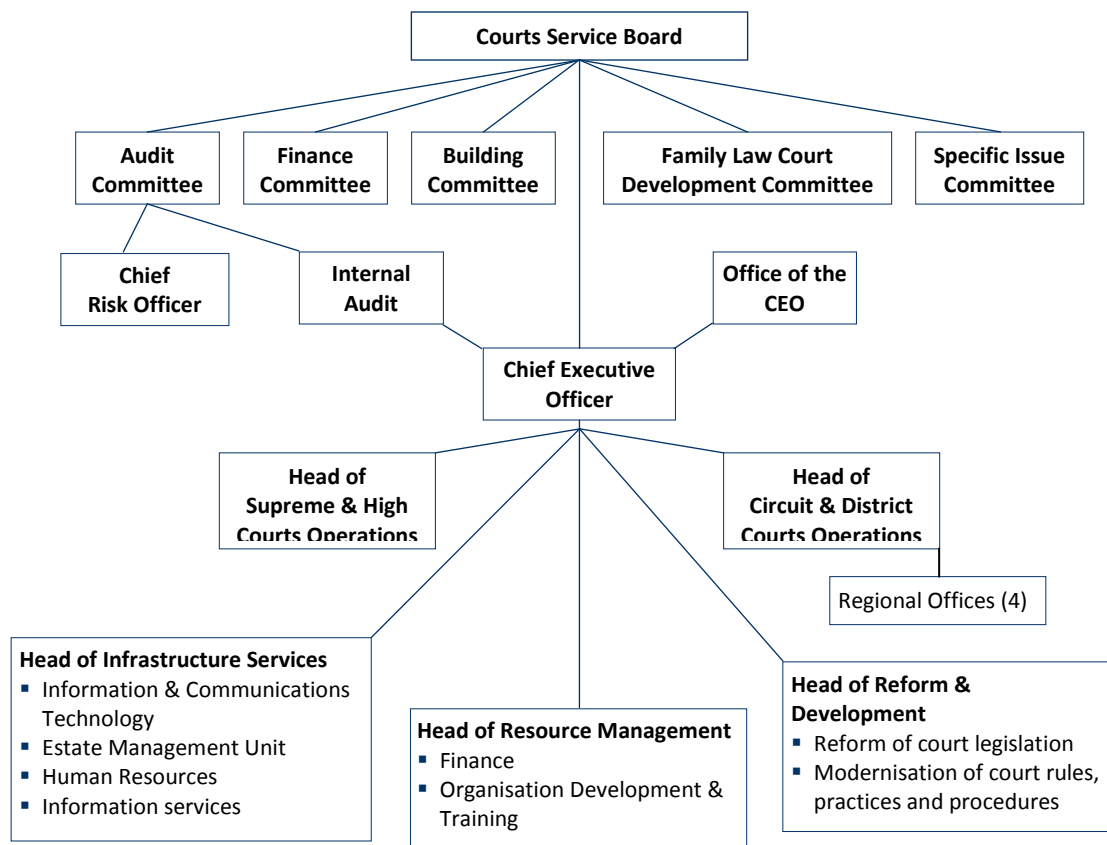
The Courts Service has a staff of 950 (FTE) (at 1st January, 2016) and a network 33 court offices outside Dublin and offices in Dublin (Four Courts, Phoenix House, Criminal Courts of Justice, Dolphin House and court offices in Swords, Dún Laoghaire and Cloverhill) providing services to court users and supporting the Supreme, Court of Appeal, High, Circuit and District Courts.

## STAFF OF THE SERVICE

Staff of the Courts Service are Civil Servants in the Civil Service of the State appointed by open competition and subject to public sector pay policy and regulation. All staff have a duty to support the efficient and effective operation of the courts and the Courts Service and contribute to the achievement of its aims and objectives. Staff performance is managed by the Performance Management Development System through the line management structure. Staff are subject to the direction of the judiciary when supporting the judiciary in the conduct of the business of the court in matters such as listing of cases and case management.


## ORGANISATION CHART

- Further information on the functions of the Courts Service Directorates is on the Courts Service Website at [www.courts.ie](http://www.courts.ie)



## Strategic Planning, Decision Making & Performance Management

The Board of the Courts Service provides the strategic direction for the organisation. The Courts Service must prepare a strategic plan for each 3 year period and submit it to the Minister for Justice and Equality for approval. The Plan is approved by the Board for submission to the Minister and the Minister must lay the Plan with or without



amendments (section 7 of the Courts Service Act, 1998) before each House of Oireachtas. The most recent Plan covers the period 2014 – 2017.

The Strategic Plan sets out the strategic direction for the Service and places emphasis on the implementation of the transformation programme and ensuring value for money, in addition to the day to day management, administration and business of the Service. The strategic planning process has regard to Government Policy and the Programme for Government and is reflected as appropriate within our plan.

Our [current Strategic Plan](#) sets out six key priorities and seeks to build on the progress made in implementing a range of change initiatives over the next three years. The Plan identifies the importance of focusing on three key areas in particular: People, Technology and Processes.

### Business Planning

An annual Corporate Business Plan is prepared by the Chief Executive Officer and Senior Management Team each year and approved by the Board to ensure a focussed approach to the implementation of the Strategic Plan and the achievement of the objectives contained therein.

The implementation of the Strategic Plan through the Annual Corporate Business Plan is monitored by the Board and by the Senior Management Team through regular progress reports and formal twice yearly reviews of performance against the targets set.

A consistent and integrated approach to Business Planning is adopted throughout the Service and annual business plans are compiled at both Directorate and Business Unit level. Risk Management is integrated into the business planning process.

Directorate and Business Unit Plans are kept under regular review and quarterly reports on performance by each Directorate are brought to the Senior Management Team.

The business planning process is designed to be flexible and to be adapted to meet changing needs and circumstances as they arise.

### Performance Management Development System

Business Planning cascades to the individual through the Performance Management Development System. Under this system role profiles are agreed for each member of staff on an annual basis. The role profile outlines the functions and responsibilities of the individual staff member and their individual contribution to the achievement of business objectives of the unit and the wider organisation. Each individual sets annual goals and performance in relation to the achievement of these goals is reviewed on a six monthly basis. A Performance Management system has also been introduced for the Chief Executive and revised arrangements are being put in place for Heads of Directorates in

accordance with the system of performance management being introduced on a Civil Service wide basis for Secretaries General and Assistant Secretaries. The Senior Management Team is responsible for the effective operation of performance management across the Service and receives regular reports on the matter.

### Engagement process with stakeholders

The Courts Service engages with stakeholders to ensure openness and transparency in all aspects of our work.

The engagement and communication with stakeholders is carried out during the day to day operations of the Court Services and also in a more structured way in relation to particular initiatives and projects including:

- Developing of our Strategic Plan – Engagement with key stakeholder including the Department of Justice and Equality, An Garda Síochána, Irish Prisons Service, the Probation Service, The Law Society, Bar Council. We also advertise and invite comments / contributions *via* our website and the media.
- Quality Customer Service - Courts Service has in place a Customer Service Action Plan and Charter, in addition to a nominated Quality Customer Service Officer with a dedicated e-mail address who operation under a charter.
  - Both the Customer Service Action Plan and Charter are available on the Courts Service Website.
- Customer Service Groups - Engagement with stakeholders and building relations is essential to the effectiveness of the delivery of our service. In this regard the Service has various Customer Service Groups across the country. These provide a forum for court user to raise and express concerns.
- Committees - The Courts Service Board has established a number of committees including Finance, Audit, Building, Family Law and other special purpose committees as required from time to time. The composition of these committees includes external representation as appropriate.
- Other - the Courts Service also engages with stakeholders in a variety of other ways including, for example, the provision of professional training / lectures on Probate to the Law Society and outreach groups for court users

### Complaints Process

The Courts Service is open, transparent, responsive and accountable in they way we do our business. We are open to and treat seriously complaints about the Service both internal and external. Internal complaints are investigated fully in accordance with HR, Finance and other appropriate policies. The Courts Service has also put in place a Policy outlining the procedures required under the Protected Disclosures Act 2014 for the

making of protected disclosures by workers who are or were employed by the body, and for dealing with such disclosures.

External complaints are dealt with in accordance with our [Customer Complaints Procedure](#). The Courts Service has committed to investigating all complaints promptly, in a fair and impartial manner and by an official who was not involved in the matter giving rise to the complaint. Information on the Customer Complaints process is available on the Courts Service Website.

Other legislative frameworks which guide the culture and behaviours of the organisation include the

- The Regulation of Lobbying Act, 2015 which is designed to make the lobbying process more transparent

A list of [Courts Service officials designated as public officials](#) under the Act is published on the Courts Service website.

### Review of the effectiveness of the Governance Framework

Currently governance effectiveness is reviewed in the context of:

- Annual report to the Minister outlining compliance with the Code of Practice for the Governance of State Bodies. This is set out in more detail under Accounting Officer Assurance Arrangements
- Audit Committee Oversight - this is supported by our Internal Audit Section which ensures and assesses, amongst other things, the effectiveness of the internal control environment.
- Statement of Internal Financial Controls signed by the Accounting Officer as part of the Annual Appropriation Account
- Audit of the Appropriation Account by the C & AG
- Annual external audit of the Financial Statements of the Office of the Accountant for the Courts of Justice for the management of court funds

A periodic review of the overall governance framework will be carried out to ensure its effectiveness and that the Governance Framework is maintained and kept up to date.

## BOARD AND CHIEF EXECUTIVE - GOVERNANCE STRUCTURE AND ACCOUNTABILITY

### Board Framework Document

The legislative framework for the Board and the Courts Service *i.e.* the Courts Service Act, 1998, has been augmented by the Board Framework Document. Under the Courts Service Act, 1998 it is a matter for the Board to determine which of the functions of the Service specified in the Act are to be performed by it and which are to be performed by the Chief Executive Office and which of the powers of the service specified in the Act are to be exercised by it and which are to be exercised by the Chief Executive. The Board may also authorise a Committee of the Board or the Chief Executive Officer to perform any of its functions or powers other than the power to determine whether it or the Chief Executive will perform functions of the Service as set out above.

The Board Framework Document sets out

- the statutory functions of the Chief Executive, the functions of the Service determined by the Board to be carried out by the Chief Executive and functions of the Board which the Board has delegated to the Chief Executive.
- the statutory functions of the Board and functions of the Service which the Board has determined are to be carried out by the Board
- the functions of the Board which the Board has delegated to the Finance Committee
- the relationship between the Chief Executive and the Board, the Chief Executive and the Presidents of the Courts, the Chief Executive and Department of Justice and Equality and communication between the Minister for Justice and Equality and the Board and the Presidents of the Courts.

A copy of the Board Framework Document is at APPENDIX 4.

### COURTS SERVICE BOARD

The Courts Service is governed by a Board consisting of a chairperson and 17 other members.

### Membership

The Courts Service Act, section 11 (as amended by the Court of Appeal Act, 2014), provides that the chairperson of the Board will be the Chief Justice (or a judge of the Supreme Court nominated by the Chief Justice) and that the Board should contain the Presidents of the other court jurisdictions or nominees of the Presidents, judicial



representatives from each court elected by the ordinary judges of each court, the Chief Executive of the Courts Service, a staff representative, an officer of the Minister for Justice and Equality nominated by the Minister and representatives from the legal professions, trade unions and business world.

### Function

The business or functions of the Board as specified in the Courts Service Act, section 12 are as follows:

- The Board considers and determines policy in relation to the Service and
- Oversees the implementation of that policy by the Chief Executive Officer.

The Act, 1998 provides that the Board in the performance of its functions must have regard to

- the need to secure the most beneficial, effective and efficient use of the resources of the Service and
- any policy or objective of the Government or a Minister of the Government insofar as it may affect or relate to the functions of the Service.

The Board provides leadership and broad direction to the Courts Service and holds the Chief Executive and the Senior Management Team to account for the performance of the organisation. Members of the Board work together to fulfil the functions of the Board in supporting the administration of justice.

A list of the members of the Courts Service Board is at APPENDIX 5

The functions of the Board as set out in the Board Framework Document include

- the approval of the Courts Service Strategic Plan which is then submitted to the Minister for Justice and Equality for approval. The Board also reviews and monitors the implementation of the Plan and approves and monitors the implementation of the annual Corporate Business Plan
- the approval of the Annual Report which is submitted to the Minister for Justice and Equality and laid before the Houses of the Oireachtas
- the engagement of Legal Advisors, Investment Advisors, Fund Managers and banking providers
- Recommendation of scales of court fees and making proposals to the Minister in relation to the distribution of jurisdiction and business among the court
- designation of court venues

- Approval of proposals for contracts including the acquisition or disposal of any interest in land or property with a value in excess of €5m. The Board has delegated approval of contracts with a value between €1m and €5m to the Finance Committee of the Board.

### Procedures

The Courts Service Act, 1998 provides that subject to the Act the Board shall regulate by standing orders or otherwise the procedure and business of the Board. The Act itself regulates certain aspects of Board business including meetings of the Board and the establishment of committees.

The Board has adopted Standing Orders setting out procedures for

- Conduct of meetings
- Committees of the Board
- Confidentiality
- Reports to the Board
- Seal of the Service

Decisions of the Board are maintained on the approved minutes of the Board meetings and communicated by the Secretary as appropriate, including to each Head of Directorate, following each Board meeting.

### BOARD COMMITTEES

The Courts Service Act provides that the Board may establish committees to advise it in relation to the performance of its functions and may appoint committee members who are not members of the Board but have a specialist knowledge and experience related to the purposes of the committee.

Each Committee has terms of reference approved by the Board and reports regularly to the Board on its operation. The Terms of Reference and membership of committees are kept under review by the Board. The Committees of the Board are as follows:

#### Standing Committees

- Finance Committee, Audit Committee, Family Law Court Development Committee, Building Committee

#### Other Committees

- The Irish Sentencing Committee

The terms of reference of the Committees are at APPENDIX 6.

## CODE OF BUSINESS CONDUCT FOR BOARD MEMBERS

The Code of Business Conduct for Board members sets out the standards of business conduct to which the members of the Board of the Courts Service have agreed to adhere in the performance of their duties.

The Code applies to all members of the Courts Service Board and outlines the ethics regime under which the Board operates. In accordance with the Code Board members will strive to perform their duties in accordance with the highest ethical standards of honesty, integrity, fairness, confidentiality and independence and will actively seek to prevent the development of unethical practices.

Procedures in relation to Disclosure and Conflict of Interests; Gifts and Entertainment and the provision of independent professional advice for Board members are at APPENDIX 7.

### **General Policy and Objectives of the Code**

The objectives of the code are to

- Establish an agreed set of ethical principles
- Prevent the development or acceptance of unethical practices
- Promote and maintain confidence and trust in the Board and the Courts Service

### **Disclosure of Conflict of Interest**


Prior to consideration of reports on procurement or relevant matters, all Board and Committee members are requested formally to declare if there is any conflict of interest and to absent themselves from consideration of the item if a conflict exists. The minutes of the meetings note any such abstentions.

### **Relationship with the Board.**

A key governance process for the courts Service is the relationship and communication with the Board and Committees of the Board. The successful delivery of our business priorities is dependent on these relationships working effectively.

The Chief Executive and the Senior Management Team assist the Board in the development and implementation of policy and overall strategic development of the organisation, achievement of relevant objectives set out in the Statement of Strategy and Annual Corporate Business Plans.

To ensure clarity of understanding and effective communication formal and informal management and communication processes have been put in place between the Board and the organisation.



The Chief Executive is a member of the Board and this provides a key link in the development, setting and implementation of policy and strategy. He attends and reports to the Board at all its meetings on all relevant issues. He also has regular meetings with the Chairperson (usually weekly) and other meetings and communication take place as required on an ongoing basis to deal with general and priority issues. Members of the Senior Management Team and other senior managers also attend Board meetings as required in relation to specific issues within their area of responsibility. They also meet with the Chairperson and other Board members. Members of the Senior Management Team and other senior managers are also members of and advise Committees of the Board on specific issues.

Through these processes effective working relationships have been established to ensure priorities are agreed and addressed and there is appropriate oversight and management of progress, performance and issues as part of the decision making and monitoring role.

#### Code of Practice for the Governance of State Bodies.

The Courts Service governance arrangements comply with the Code of Practice for the Governance of State Bodies and an annual compliance report is submitted by the Chief Executive on behalf of the Board to the Minister for Justice and Equality. This report confirms compliance across a range of headings including

- affirmation that appropriate procedures for financial reporting, internal audit, travel, procurement and asset disposals
- inclusion of a statement on the system of internal financial control
- adherence to Code of business Conduct for Directors and Employees
- compliance with Government guidelines on the payment of Directors' fees
- provision of a draft strategic plan to the Minister prior to the plan being finalised and adopted by the Board.

Other Board governance documents include a Formal Schedule of Matters reserved to the Board for Decision

#### CHIEF EXECUTIVE AND ACCOUNTING OFFICER

In accordance with Section 17 of the Courts Service Act, 1998 the Chief Executive is appointed by the Board and holds office under a written contract of service (which contract may be renewed) for such period as is specified in the contract and subject to such terms and conditions as may be determined by the Board and approved by the Minister with the consent of the Minister for Public Expenditure and Reform.

## Functions of the Chief Executive

The functions of the Chief Executive are set out in the Courts Service Act and are to :-

- Manage and control generally the staff, administration and business of the Service
- Report regularly to the Board on the implementation of policy
- Perform such functions of the Service as the Board determines are to be performed by the chief Executive officer
- Perform such functions of the Board which the Board has delegated to the Chief Executive Officer
- Perform such functions as may be conferred on him or her by the 1998 Act or by the Board.
- Represent the Courts Service externally and act as spokesperson

In accordance with the Board Framework Document the functions of the Chief Executive include:-

- the provision of support services to the judiciary,
  - the provision of information on the courts system,
  - the management and maintenance of court buildings and the provision of facilities for court users
  - the preparation of the Strategic Plan and Annual Report.
- approval of contracts and arrangements, including leases and the acquisition or disposal of any interest in land and or property, with a value which does not exceed €1m.

In the management of the organisation the Chief Executive is responsible for ensuring :-

- the efficient and cost effective day to day management of the functions of the Courts Service
- robust systems of management and control are in place to support the achievement of Courts Service targets, policies aims and objective while at the same time ensuring the identification and management of risks to inform decisions on financial and operation planning
- the direction, priorities and perspective of the Courts Service is conveyed to the appropriate Government Departments to allow it be considered in the development of Government policy

- the performance of Courts Service staff is effective and supports the objectives of the organisation.

The Chief Executive is responsible to the Board for the performance of his functions and provides the Board with high quality information in relation to this performance, in particular the management of the organisation budget and risk, implementation of business plans and the efficient and effective delivery of Courts Service business. The Chief Executive is also responsible for providing the Board with impartial, transparent and honest advice on all areas of the Courts Service responsibilities and ensuring that financial considerations are made clear at all stages in reaching and executing decisions. The Chief Executive has direct access to the Chairperson of the Board.

The Chief Executive must also provide effective leadership to the staff of the Courts Service and ensure effective human resource policies are in place to support the staff and the goals and objectives of the organisation.

As provided for in the Courts Service Act 1998, the Chief Executive has formally delegated responsibility for certain of his functions to senior officers and Heads of Directorates in the Courts Service. These delegations have regard to the priorities of the organisation, the organisational framework of the Service and the responsibilities of the Directorates and general management functions within the overall management framework of the Service to ensure that they are aligned with the goals and objectives set out in the Strategic and Business plans. A record of all delegations is formally maintained. The delegation of functions is kept under review

### Accounting Officer

Section 19 of the Courts Service Act, provides that the Chief Executive is the Accounting Officer for the Appropriation Accounts of the Courts Service for the purposes of the Exchequer and Audit Departments Acts, 1866 and 1921 and the Comptroller and Auditor General (Amendment) Act, 1993. The Chief Executive performs his role as set out in the Comptroller and Auditor General Acts 1866 to 1998 and the Public Financial Procedures.

As Accounting Officer he is personally responsible for the safeguarding of public funds and property under his or her control; for the regularity and propriety of all the transactions in the Appropriation Account which he signs and for the efficiency and economy of administration in the Courts Service. As Chief Executive he is in a position to discharge responsibility for the monies entrusted to the Service, for the use made of its resources and for control of the assets in its keeping such as land, buildings, stores, equipment or other property. As Accounting Officer he signs and submits the Annual Appropriation Account together with a Statement of Internal Financial controls providing assurance on the internal financial control environment operating within the Service.

## HEADS OF DIRECTORATES

The specific area of responsibility of each Head of Directorates is set out in the Organisational chart at page 8 of this document and APPENDIX 3.

Each Head of Directorate reports to the Chief Executive Officer. The key responsibilities are to

- deliver on the specific operational area of responsibility,
- actively participate in the SMT and other *fora*,
- support the effective management of the organisation,
- assist the Board and the Chief Executive Officer in the development and implementation of policy and overall strategic development of the organisation, achievement of relevant objectives set out in the Statement of Strategy and Annual Corporate Business Plans,
- ensure effective governance, assurance and risk management structures are in place and implemented,
- oversee the effective strategic management of resources and development of the capability and capacity to meet current and future business needs.

## Principal Officers

Principal Officers are responsible for the management of business areas within the overall management framework of the organisation. Principal Officers are responsible for the

- delivery of programmes and services
- Achievement of strategic and operational objectives for the areas under their remit and cross organisational issues
- contribute to the development of policy and legislation
- achievement of objectives under the Strategic and annual Corporate Business Plans for the Units under their remit and cross Unit organisational priorities

## Staff

Courts Service staff play a key role in assuring good governance and adherence to the Civil Service Code of Standards and Behaviours in the performance of their duties, as well as to Civil Service wide and corporate policies and procedures. Staff have a duty, in the context of their particular roles and responsibilities, to support the Courts Service in fulfilling its mandates and to do so in accordance with the cultures and values of the organisation.

## ACCOUNTABILITY

As a public body the Courts Service is accountable for the manner in which it fulfils its functions and the propriety and value for money achieved in the expenditure of public funds.

### **Strategic Plan**

*Section 7 of the Court Service Act provides that the Service “shall as soon as practicable after its establishment and within six months before each third anniversary of the establishment of the Service shall prepare and submit to the Minister for approval by the Minister with or without amendment, a strategic plan for the ensuing three year period” the Plan shall be in a form and manner in accordance with any directions issued from time to time by the Minister and the Strategic Plan is laid before the Houses of the Oireachtas by the Minister.*

### **Annual Report**

*Section 8 of the Courts Service Act (as amended by the Court and Court Officers Act, 2002) provides that “the Service shall as soon as practicable, but not later than 6 months after the end of each year make a report in writing to the Minister of its activities during that year.” The report shall include information on the performance of the functions of the Service during the year and such other information, in such form as the Service thinks fit or the Minister may direct.*

### **Provision of Information**

*Section 8 of the Act also provides that “the Service shall, if so requested, furnish to the Minister such information as the Minister may request relating to any matter concerning the policy and activities of the service generally, any specific matter or account prepared by it or any report.”*

### **Appearance before Committees of the Oireachtas**

There is also corporate accountability of the Courts Service to the Oireachtas for the efficient use of public resources and effective management of the courts. The Chief Executive must attend before Oireachtas Committees at the request to the Committee to give account for the general administration of the Service including the Strategic Plans of the Service which are laid before the Houses of the Oireachtas. In his capacity as Accounting Officer he is required to appear before the Public Accounts Committee to give account of his stewardship of the public funds entrusted to him on foot of the independent audit of the Account by the Comptroller and Auditor General.

The Chief Executive is not required to give account before the Committee for any matter relating to the exercise by a judge of his or her judicial functions of the exercise by a



person other than a judge of limited jurisdiction of a judicial nature including a matter which, has been or may at a future time be the subject of proceedings before a court.

### **Parliamentary Questions**

In accordance with the statutory independence of the Courts Service, the Minister for Justice and Equality is not accountable through Parliamentary Questions (PQs) for the operation of the Courts Service. However the Courts Service provides the Minister with information for use in responding to PQs relating to matters for which she has a general responsibility. The Courts Service provides accurate, comprehensive information in a timely manner.

The Courts Service also responds in a timely manner to requests for information from members of the Oireachtas on matters which come within the remit of the Courts Service.

### **Freedom of Information**

In accordance with the Freedom of Information Act the Courts Service provides access to Courts Service records as requested by members of the public, researchers and the media

### **Determination of Policy**

*Section 13 of the Act states that “the Board in performance of its functions shall have regard to ....any policy or objective of the Government or a Minister of the Government insofar as it may affect or relate to the functions of the Service ... The Minister may inform the board of any policy or objective of the Government or a Minister of the Government...”*

### **Appointment of the Chief Executive**


Section 17 of the Act provides that the terms and conditions of the contract of service of the Chief Executive Officer must be “approved by the Minister with the consent of the Minister for Finance” (this function is now carried out by the Minister for Public Expenditure and Reform and not the Minister for Finance )

### **Membership of the Board**

The Minister nominates 3 members of the Board of the Courts Service and may at any time for stated reasons remove those nominees from the Board. The Minister may also remove for stated reasons, in consultation with the nominating body/person, members of the Board representing the Bar Council, the Law Society and the Irish Congress of Trade Unions.

## **RELATIONSHIP WITH THE DEPARTMENT OF JUSTICE AND EQUALITY**

As indicated above there is formal accountability between the Courts Service and the Minister. In addition the Courts Service, while an independent statutory agency, works



with the Department and other Justice agencies in the delivery of services and supporting the administration of justice; it receives its funding as part of the Justice Group of Votes and is represented by the Minister at Cabinet.

To support the work of the Department and the Courts Service it is necessary to have in place a formal structures and channels of communication which will satisfy all relevant information requirements for the management and administration of the courts and the wider justice sector. This was recognised as fundamental to the effective management of the Service by the Board and was included in the Board Framework Document which defines the channels of communication *i.e.* communication between the Minister and the Service is normally between the Minister and Chairperson of the Board while day to day communication is between the Secretary General and officials and the Chief Executive and officials.

An open, co-operative and mutually supportive relationship has been developed at all levels of the organisation with the Office of the Chief Executive and Courts Policy Unit acting as a communications link and liaison as appropriate. Where particular issues relevant to individual Directorates arise there is direct communication between the relevant officials *e.g.* legislative change or the implementation of government initiatives.

The Chief Executive attends Heads of Justice agency meetings and also meets with the Secretary General regularly. The Courts Service is represented on cross justice sector committees and project boards and in addition regular meetings are held between the Senior Management of the Courts Service and the Secretary General, Assistant Secretary and senior management in Courts Policy. The Courts Service also contributes to the Department's Integrated Justice Reform Plan

To enhance and further support the close working relationship between the Courts Service and the Department, an annual Agency Framework Agreement has been signed, which while fully respecting the independent status of the Courts Service,

- defines the role of the Courts Service in the Justice and Equality sector
- provides an overview of the Courts Service corporate governance arrangements
- defines the Department of Justice and Equality's expectations of the Courts Service
- defines the Court Service expectations of the Department
- defines the inputs, outputs and expected outcome of the activities of the Courts Service

The objective of the Agreement is to support the Courts Service in carrying out its functions as set out in the Courts Service Act, 1998 and to assess performance of those functions through monitoring of agreed targets, output and outcome indicators.

## LEADERSHIP & ORGANISATION CAPACITY/CAPABILITY

Leadership is provided to the organisation by the Board, the Chief Executive and the Senior Management Team, who are responsible for the development and implementation of strategy and policies of the Courts Service. This is the context in which the Corporate and Directorate business plans are compiled.

Organisation capacity is determined by the resources available and monies voted to the Service by the Oireachtas. The Board, the Accounting Officer and the Senior Management Team work within the budgetary framework in order to maximise organisational capacity and capability through the optimisation of resources, the development of appropriate policies and procedures, technological solutions and realisation of the potential of the staff and management of the organisation.

To assist us in developing the capacity and capability of the organisation the following structures / practices are in place including:

- Strategic Plan (2014 – 2017)
- Annual Corporate Business Plan
- Corporate, Directorate and Business Unit Risk Registers aligned to the Business Planning process
- Learning & Development strategy 2016-2018
- Establishment of a Learning and Development Committee to lead and provide oversight for the implementation of the Strategy
- ICT Strategy 2016 – 2018
- ICT Governance Committee
- Establishment of Change Management Unit
- Policies and procedures in place for both operational and support Directorate
- Staff survey conducted in 2015
- Manager coaching programme to commence
- PMDS system in place with Role Profile and Annual Reviews conducted for all staff, Senior Management and the Chief Executive
- Mobility Strategy being developed
- Directorate Record Management policies in place
- HR Policies
- Senior Management Team Structure and Terms of Reference

## SENIOR MANAGEMENT TEAM AND OTHER GOVERNANCE STRUCTURES

This chapter sets out the role, purpose and function of the Senior Management Team which are underpinned by and built on the values and culture of the organisation and those of the Civil Service.

The Senior Management Team is critical to establishing and supporting the culture, behaviour, values required to achieving the goals and vision of the organisation. It has responsibility for cross-organisational issues as well as participation in relation to issues with a cross sectoral dimension, and brings its shared experience and wisdom to the management and development of the courts and Courts Service.

Court Service policy is considered and determined by the Board and implemented by the Chief Executive. The Senior Management Team initiates and develops policy for consideration by the Board to support and achieve the strategic and operational aims of the organisation. In doing so it actively seeks opportunities for and supports an innovative approach to the development and management of the organisation. The Senior Management Team supports and interacts with the Board through the Chief Executive, attendance at Board meetings, meetings with the chairperson and other Board members on specific issues and as members of and advisors to Board committees.

The Senior Management Team promotes and is integral to effective communication within the organisation. Project Boards and senior managers report to the Senior Management Team on developments in or affecting the organisation, new projects or relevant cross sectoral initiatives. Information from the Senior Management Team is forwarded to Business Units through Heads of Directorates and the distribution of minutes of Senior Management Team to Principal Officers.

### Terms of Reference of the Senior Management Team

#### **Courts Service Vision and Purpose**

The Courts Service is responsible for the administration and management of the courts in Ireland. Its primary functions are to manage the courts, support the judges, provide information on the courts system to the public, and provide court buildings and facilities for court users.

The vision of the Courts Service is to develop a world class organisation that has as its primary objective, meeting the needs of court users.

## **Role of the Senior Management Team**

The Senior Management Team is an executive, communications and advisory forum with shared participation and responsibility for the management, development and operational success of the Courts Service.

### **Responsibilities**

- Support the Board to develop the vision, strategy and policies for the Courts Service
- Provide effective leadership, co-ordination and management of the activities of the Courts Services
- Ensure that the Courts Service delivers on its corporate plans, strategies and statutory duties
- Monitor the achievement of business targets and strategies and review and respond to progress as required.
- Actively seek opportunities for improvement and innovation in the delivery of services
- Management of financial performance and control environment
- Optimum allocation of resources to achieve the highest standards of efficiency and effectiveness in the delivery of services
- Implement risk management framework to ensure key risks are identified and addressed in a timely and effective manner
- Foster a culture of excellence and promote development of staff to their full potential
- Actively work to promote open and effective communications throughout the organisation
- Promote good corporate governance across all aspects of the Courts Service

### **Membership of the Senior Management Team**

The Senior Management Team consists of:

- Chief Executive - Chairperson
- Head of Supreme and High Court Operations
- Head of Circuit and District Court Operations
- Head of Resource Management
- Head of Reform and Development

- Head of Infrastructure Services

Other senior managers are invited to attend meetings where appropriate.

### **Role of the Chairperson**

The role of the Chairperson is to

- Ensure that the SMT operates effectively, realising and utilising the full potential of all members
- Support and co-ordinate the work of the SMT to ensure that appropriate policies and procedures are in place for the effective management of the organisation
- Consider and address:
  - any matters that threaten the propriety of the organisation,
  - value for money issues in the manner in which the Courts Service carries out its business
  - significant issues or risks which may impact on the organisation's medium term capacity and capability to deliver on its objectives.
- Plan and chair regular meetings of the SMT to ensure
  - agenda incorporates all relevant matters
  - matters are dealt with in an orderly and effective manner
  - meetings are held in accordance with best corporate governance practice
  - decisions are made and acted on
- Represent the SMT at meetings of the Board and meetings with the Chairperson of the Board and communicate views and decisions of the SMT as appropriate in relation to inter alia organisational priorities, strategy, key issues and performance.
- Regularly review the performance of the SMT and identify any necessary management improvements.

### **Role of Members**

The role of members of the Senior Management Team is to take collective responsibility for the management and development of the organisation through:

- Regular attendance and active participation at meetings
- Using their experience to challenge and critically examine items under discussion by the Senior Management Team

- Participating proactively in the management of the whole organisation
- Notifying the SMT of any matters that threaten the propriety or value for money ethos with which the organisation carries out its business
- Notify the Senior Management Team of any significant issues which may impact on the organisation's medium terms capacity and capability or significant risks to the delivery of its objectives, together with details of mitigating actions proposed or taken
- Providing leadership and strategic direction for the organisation
- Driving and overseeing the implementation of strategies in their own area and across the organisation
- Supporting colleagues in meeting objectives
- Actively promoting communication and the cascade of information between the Senior Management Team and the organisation
- Carry out specific responsibilities arising from their individual roles as Senior Management Team members and notifying the Senior Management Team of any issues which require consideration
- Meet with the Courts Service Board and its Committees in matters arising from individual roles as Senior Management Team members and on cross organisational matters as appropriate.
- Ensure an effective risk management framework and control environment is in place
- Compliance with national and EU procurement obligations

#### **Matters considered and dealt with by Senior Management Team**

- Strategic and Operational Challenges facing the organisation
- Operational strategies to implement Board policy
- Opportunities for innovation and reform using enabling technology as appropriate to transform the delivery of services
- Budgetary control of funds voted to the Service and resource allocation
- Review of progress on the implementation of Statements of Strategy and Annual corporate Business Plans and organisational performance issues
- Progress and status of major projects against expected timeframes and budget
- Major policy issues and wider external issues of significance

- High level consideration of significant management decisions
- Review of key strategies affecting the long term development of the organisation (e.g. HR , ICT and Learning and Development Strategies) and review of implementation of those strategies
- Effective communication through the organisation and with external stakeholders.
- Quarterly reports on
  1. progress of spending against profile
  2. Directorate Activity Reports and progress against targets
  3. Risk Management
  4. Progress Reports on the management of the Criminal Courts of Justice - PPP

### **Meetings and Documentation**

- The Senior Management Team meets as required usually twice a month (on every second Tuesday).
- The Office of the Chief Executive provides a secretary and administrative support for the Senior Management Team meetings.
- The meetings are chaired by the Chief Executive or in his absence by his nominee
- The agenda for the meeting is prepared in consultation with members of the Senior Management Team and issues with reports are provided one day in advance of its meetings.
- Reports are relevant concise and adequate to enable members to understand the background and context of the issues under discussion.
- The meetings are attended by members of the SMT and the Head of the Office of the Chief Executive. Other Senior Managers attend for particular agenda items *e.g.* Financial Report, Risk Management, Management of the CCJ, Human Resources *etc.*
- Decisions are generally made by consensus. Where a consensus cannot be reached the Chief Executive will, in consultation with other members decide an appropriate course of action.
- Minutes of the meeting are drafted by the Secretary in consultation with the members documenting:
  - items considered
  - decisions reached
  - Actions required and member responsible



- Timetable for action
- Draft minutes are approved at the following meeting.
- An Action Plan detailing outstanding actions required the member responsible and the timetable for action is reviewed and updated at each meeting.
- Approved minutes are circulated to all Principal Officers within the Courts Service

### **Committees**

The SMT may appoint sub-committees either on a standing or ad hoc basis to address particular policy or organisational issues. These committees are accountable and report to the Senior Management Team.

The Senior Management Team has established an ICT Governance Committee to provide strategic direction and oversee the implementation of the ICT Strategy 2016 - 2018. The terms of reference of the Committee and underlying supports are at APPENDIX 8.

A Learning and Development Committee has also been established to oversee the implementation of the Learning and Development Strategy 2016 - 2018. The terms of reference are being developed at present and will be appended to this document.

### **Accountability**

The Senior Management Team is accountable to the Board for the operational management of the Courts Service and the delivery of strategic objectives.

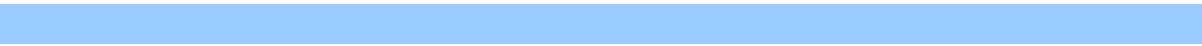
### **Performance and Evaluation**

The Senior Management Team will arrange an annual review to measure delivery, performance and effectiveness against its terms of reference.

### **Governance Across organisational Boundaries**

The Courts Service works with the Department of Justice and Equality, other Government Departments and government agencies to support the administration of justice in an integrated, holistic and cohesive manner. In this way the Courts Service supports the implementation of cross cutting Government priorities and the delivery of whole of Government projects.

The Chief Executive attends Heads of Justice agency meetings and also meets with the Secretary General on a regular basis. The Courts Service is represented on cross justice sector committees and project boards and in addition regular meetings are held between the Senior Management of the Courts Service and the Secretary General, Assistant



Secretary and senior management in Courts Policy Unit. The Courts Service also contributes to the Department's Integrated Justice Reform Plan.

The Courts Service works closely with the Department, An Garda Síochána, the Prisons Service, Probation Service and other such groups in the development of justice initiatives and the implementation of Government and EU legislative and regulatory Frameworks *e.g.* the EU Victims Directive, the Development of a Criminal Justice Leadership Programme, the Criminal Justice Strategic Committee, the Circuit and District Court Efficiencies Group and the Video Conferencing Joint Working Group. The Service is also involved in a number of groups dealing with social justice initiatives and court developments including working Groups in relation to the Drug Treatment Court, the development of Community Courts, initiatives to address the mortgage arrears crisis, the National Strategy on Domestic Sexual and Gender based Violence, legislation dealing with road traffic offences and an e Conveyancing Review.

The Courts Service is also working with other Government Departments and EU bodies in the development of EU justice initiatives including the establishment of a unified patent court and the enhancement of justice management information across the EU (CEPEJ) and EU Commission work on National Justice systems.

## AUDIT, ASSURANCE AND COMPLIANCE ARRANGEMENTS

### ACCOUNTING OFFICER ASSURANCE ARRANGEMENTS

- The Chief Executive Officer is responsible for the implementation of policies approved by the Board, and the day-to-day management of the staff, administration and business of the Service. He prepares an annual budget for approval by both the Finance Committee and the Board with support from the Senior Management Team. He provides regular updates to the Board, the Finance Committee and other Committees of the Board in regard to the management of the Service, implementation of policy, progress on the strategic plan and the modernisation agenda of the Service.
- In his capacity as a Board member and Accounting Officer, the Chief Executive provides an Annual Report in relation to the organisation's system of internal financial controls to the Minister for Justice and Equality confirming compliance across a range of headings. The Service thereby complies with the Code of Practice for the Governance of State Bodies and in particular affirms compliance with:
  - appropriate procedures for financial reporting, internal audit, travel, procurement and asset disposals
  - inclusion of a statement on the system of internal financial control
  - adherence to Codes of Business Conduct for Directors and Employees
  - compliance with Government guidelines on the payment of Directors' fees
  - provision of a draft strategic plan to the relevant Minister prior to the plan being finalised and adopted by the Board.
- As Accounting Officer the Chief Executive Officer is also responsible for the signing of the Annual Appropriation Account together with a Statement of Internal Financial Controls providing assurance on the internal financial control environment operating within the Service.
- The Statement of Internal Financial Control has particular regard to the financial control environment, the framework of administration, management reporting and internal control. It includes a statement of compliance with procurement guidelines and with circulars relating to the mandatory use of framework agreements and contracts.
- Breaches of controls, in particular instances of fraud or irregularity, must be brought to the attention of the Comptroller and Auditor General in accordance with public financial procedures.

The updated Code of Practice for the Governance of State Bodies (2009) provides clear guidance on the responsibility and accountability of the Board and management.

To enable assurances to be provided to the Board, CEO and Audit Committee, particularly in the highly decentralised environment in which the Courts Service operates, significant reliance is placed on assurances provided by Heads of Directorate and managers regarding the implementation of financial and other controls. Two approaches are used to establish compliance with regulations, policies and internal financial controls namely: (i) A Compliance Statement which is required to be signed by the Head of each Directorate and (ii) an Internal Control Questionnaire which is required to be completed and signed by Regional and Office Managers. These self-assessment processes provide reasonable assurance as to the level of compliance with policies and financial controls when taken in conjunction with other methods such as the work of the Internal Audit Unit.

#### Assurance arrangements between the Accounting Officer and Accounting Officers of the National Shared Services Office (NSSO)

As the Courts Service is currently a client of the Financial Shared Service Centre (FSSC) in Killarney an annual compliance statement is completed and signed by the Head of the FSSC. During 2015 the Courts Service migrated to People Point and the Payroll Shared Centre. A Service Management Agreements will be agreed and signed during 2016 with the National Shared Service Office.

#### AUDIT COMMITTEE

The Audit Committee is fundamental to ensuring that the Service operates according to good governance, accounting and auditing standards, and adopts appropriate risk management arrangements

The Committee focuses primarily on overseeing and assisting the Board and the Chief Executive Officer fulfil their duties by providing an independent and objective review of:

- Financial and operational risks, including overall risk management
- Evaluation of the effectiveness of internal controls
- the adequacy of governance procedures
- Financial reporting and budgeting process
- The effectiveness of internal and external audit functions and
- To appraise value for money issues
- Value for money issues.

The Audit Committee is a Committee of the Courts Service Board. The lifetime of the Committee is 3 years or to the date of establishment of a new Courts Service Board which ever is the earlier.

The terms of reference of the Committee are a matter for the Courts Service Board. The Audit Committee has robust terms of reference which are reviewed regularly by both the Audit Committee and the Board to ensure they are in line with and incorporate best governance practice and audit Committee guidance.

The Committee includes persons with significant business expertise and experience within the public, semi-state and private sectors. The Committee is chaired by a member of the Board with relevant financial knowledge and expertise. The Committee meets annually with external auditors and the Chief Executive. Members of the Senior Management Team and other officials also attend meetings of the Committee where matters which come under their remit are being considered.

In accordance with its Terms of Reference the Committee reports annually to the Board and the Chief Executive. The Annual Report sets out an overview of the work of the Committee; a summary of the Audit reports received; items considered by the Committee and Internal Audit activity during the year. The report also highlights the key issues of concern for the Committee and sets out the priorities for the coming year.

Minutes of each Audit Committee meeting are also circulated to all Board members with relevant reports.

A copy of the Audit Committee Terms of Reference are at APPENDIX 6.

## INTERNAL AND EXTERNAL AUDIT ENVIRONMENT

Given the range of different financial transactions processed and services provided by the various offices of the Courts Service, it is essential that the Courts Service has independent verification and audit arrangements in place.

### Internal Audit

- The Audit Committee is supported by the Internal Audit Unit. Internal Audit has an independent appraisal function charged with reviewing operations across all areas of the Service, to assist and provide assurance to the Board, the Audit Committee and all levels of Management. The Internal Audit Unit operates in accordance with Government Internal Audit standards under an Audit Charter and an Annual Audit Plan approved by the Audit Committee. The Internal Audit Unit works to an annual work plan informed by the Courts Service management and governance priorities and the Corporate Risk Register. The annual work plan is considered and approved

by the Audit Committee. The Internal Audit Unit expertise and independent approach is used to identify and specify issues, assess and evaluate management approach to risk and internal controls and regulatory compliance in areas under audit.

- Audit Reports are submitted to the Chief Executive, the Senior Management Team and the Audit Committee who also receive regular reports showing progress against the Audit Plan.
- A copy of the Internal Audit Charter is at APPENDIX 9.

## Role of Finance Unit

The Finance Unit is responsible for the management of the Courts Service Vote as approved by the Oireachtas for both expenditure and income. It is responsible for the preparation of the annual budget based on approved funding. As part of our governance arrangement the annual budget is recommended for approval by the Finance Committee to the Board.

Day-to-day responsibility for managing expenditure within budget limits is assigned to Heads of Directorate through our devolved budgetary process. In certain instances budgets are devolved to Regional Managers and certain Principal Officers. Budgets are monitored closely with monthly reports furnished to the Senior Management Team. Quarterly financial reports are submitted to the Finance Committee and the Board.

The Finance Unit is responsible of the preparation of the Annual Appropriation Account for signing by the Accounting Officer.

The Courts Service uses the shared service facility operated by the Finance Division of the Department of Justice and Equality located in Killarney to carry out a number of functions, including the payment of salaries, invoices and travel & subsistence.

A service level agreement has been put in place with the Finance Unit of the Department of Justice and Equality in respect of the services it provides to the Courts Service.

Other responsibilities of the Finance Unit include: Fee income analysis, Value for Money Reviews, Procurement, Risk Management, Banking and an effective control environment.

## Risk Management

The Courts Service has in place a risk management framework. This provides for a planned and systematic approach to identifying and managing a range of risk categories; Financial, Service Delivery, Infrastructure (Buildings & ICT), People, Compliance & Governance, and Projects. Under the Code of Practice for the Governance of State Bodies,

a Chief Risk Officer has been appointed. The Chief Risk Officer is a member of the Senior Management Team and reports to the Audit Committee and the Board.

The risk management framework, which is externally reviewed periodically, continues to be applied on the basis of clearly defined roles and responsibilities at Board, Audit Committee, and at all levels of management.

A Corporate Risk Register is in place and is reviewed regularly by the Senior Management Team, the Audit Committee and the Board. This is compiled and reviewed in consultation with Heads of Directorate and with the Head of Internal Audit. Risk Registers are linked to the annual business planning process and sets out the major risks facing the Courts Service together with the existing controls, planned actions to mitigate the risks identified, with owners and target dates for completion.

## Procurement

The Courts Service acknowledges its obligations to comply with National and EU policies together with the delivery of value for money. The Courts Service operates under the Public Procurement Guidelines - Competitive Process which provide the direction for all procurement activity and ensures the objectives and key principles of competition, equality of treatment and transparency which underpin national and EU rules, are met. Ensuring full compliance with procurement regulations is an ongoing exercise and procurement training is provided on an annual basis.

Responsibility for procurement is devolved to each Head of Directorate, with the Resource Management Directorate taking a lead role in promoting awareness of our obligations both at national and EU level. The Resource Management Directorate provides training to staff, maintains the contract register and monitors expenditure which is subject to the procurement process. The combined effect of these measures seeks to ensure full compliance in this area.

Goods and services procured by the Courts Service include IT Managed Services, Stenography and Interpreting Services. The Courts Service avails of centralised managed contracts that have been put in place by the Office of Government Procurement. The Service continues to engage with the Office of Government Procurement for advice on procurement and to advise them of our current and future procurement requirements.

Non compliance with procurement regulations is reported to the Comptroller and Auditor General in accordance with Circular 40/02: Public Procurement Guidelines. Reference is also made in our Annual Appropriation Account in our Statement of Internal Financial Controls.

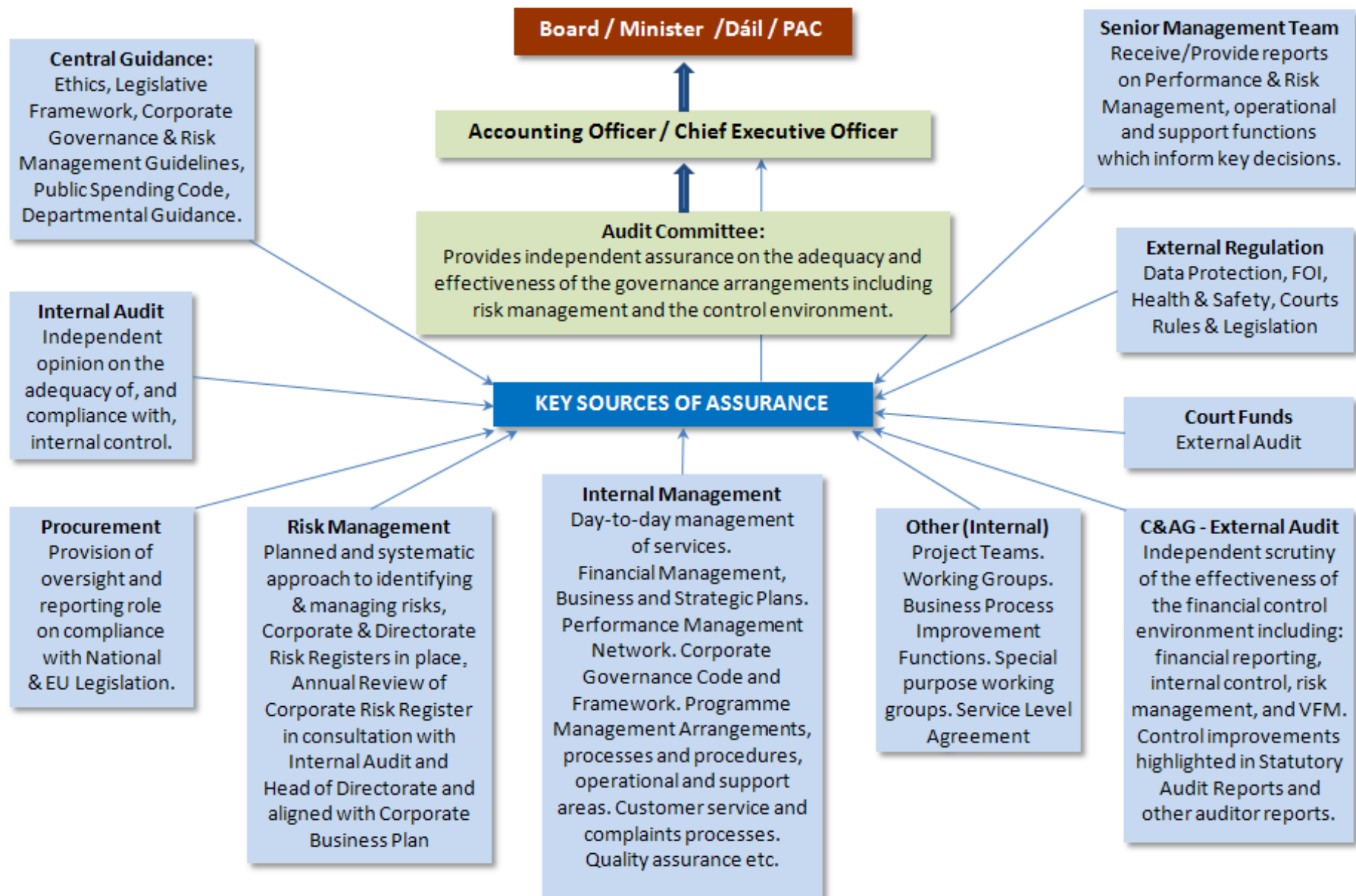


### Compliance with Courts Service Policies

In carrying out its functions the Courts Service operates in accordance with Courts Service policies and wider Civil Service policies in the areas of Human Resources, ICT procurement and development and Capital Building. Compliance is monitored on an ongoing basis and both compliance and the policies in place are subject Internal Audit review.



## Courts Service Assurance Framework



## APPENDIX 1

### COURTS SERVICE

#### MAKING PROTECTED DISCLOSURES: POLICY AND PROCEDURES

##### 1. Introduction

1.1 The Protected Disclosures Act 2014 (“the Act”), which came into operation on the 15th July 2014 and may be viewed at

<http://www.irishstatutebook.ie/eli/2014/act/14/enacted/en/html>

facilitates workers in raising a concern regarding wrongdoing or potential wrongdoing in the workplace by providing them with certain forms of protection from action which might be taken against them for doing so.

1.2 The Act provides for different methods of protected disclosure depending on the circumstances, as set out in Part 2 of the Act.

1.3 The Act protects disclosures by workers, which include current or former employees, contractors, consultants, trainees, agency staff and interns.

1.4 This document sets out the Courts Service’s policy on protected disclosures and the Courts Service’s procedures required under the Act (“the procedures”) for -

- the making to it of protected disclosures by workers who are or were employed by it and
- dealing with such disclosures.

Guidance as to the steps to be taken by managers receiving disclosures is set out in Appendix A.

##### 2. Key principles underlying our policy on protected disclosures

2.1 The Courts Service is strongly committed to ensuring that the culture and work environment are such that any member of staff is encouraged and supported in raising any issue regarding wrongdoing or potential wrongdoing in the workplace and any matter that may impact adversely on the Courts Service’s ability to carry out its functions.

2.2 A worker who has a reasonable belief that the information contained in his or her disclosure shows or tends to show that wrongdoing covered by the policy has occurred, is occurring or is likely to occur, will be protected from penalisation or other adverse treatment for making a disclosure concerning it even if the worker’s concern is ultimately misguided or mistaken. Incidents of adverse treatment of a person for making a disclosure regarding potential wrongdoing in the workplace may be subject to action under the Civil Service Disciplinary Code.

### 2.3 Where a worker makes a protected disclosure -

1. the concern will be treated seriously and investigated where that is considered appropriate;
2. all reasonable steps will be taken to treat the disclosure in a confidential and sensitive manner;
3. the person to whom the disclosure is made, and anyone to whom it is referred under the procedures, shall not disclose to another person any information that might identify the person making the disclosure without their consent, unless it is necessary for the effective investigation of the relevant wrongdoing concerned, the prevention of serious risk to the security of the State, public health, public safety or the environment, or the prevention of crime or prosecution of a criminal offence;
4. the person raising the concern will be advised on how the issue has been addressed, including the outcome of any investigation;
5. the person raising the concern will not be disadvantaged in any way for having made the disclosure, even if no wrongdoing is identified, provided the concern was based on a reasonable belief; and
6. any investigation arising from a disclosure will be carried out in a manner which is fully consistent with existing investigatory procedures which embody the principles of natural justice.

### **3. Disclosure not covered by the policy and procedures**

The policy and procedures do not apply to-

- (a) to personal complaints or personal grievances. Procedures for dealing with grievance problems are available at <http://hr.per.gov.ie/grievance/>
- (b) disclosures where the worker knowingly conveys false, misleading, frivolous or vexatious information. If it transpires that a worker makes a disclosure, which they know to be false or do not believe to be true the Courts Service may take disciplinary or other appropriate action.

### **4. Other Courts Service policies**

The policy and procedures should be read in conjunction with any other Courts Service policies (e.g. the Courts Service Fraud Policy, Courts Service Computer Usage Policy, etc.) which may be relevant to the disclosure concerned.

### **5. Disclosure covered by the policy and procedures**

The policy and procedures apply to disclosures by a worker of information which the worker reasonably believes tends to show one or more of the wrongdoings set out below,

which came to the attention of the worker in connection with his or her employment, has occurred, is occurring or is likely to occur:

- Commission of a criminal offence
- A failure to comply with a legal obligation (except one arising under the worker's contract of employment or a contract obligating the worker to do or perform personally any work or services)
- A miscarriage of justice
- The endangering of an individual's health or safety
- Damage to the environment
- Unlawful or improper use of funds or resources of a public body, or of other public money
- That an act or omission by or on behalf of a public body is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement
- Concealment of destruction of information tending to indicate any of the wrongdoings above mentioned.

## **6. Making a disclosure**

6.1 It is to be expected that concerns in relation to day to day operational matters will, in the normal course of events, be brought to the attention of the relevant line manager and dealt with accordingly, and this policy and the procedures are not intended to act as a substitute for normal day to day operational reporting.

6.2 Any current or former worker (as defined above) who has a reasonable belief that one or more of the wrongdoings set out at paragraph 5 above is occurring or is likely to occur, should, in the first instance, disclose the relevant information to the Principal Officer with responsibility for the office or unit, or to the Regional Manager for the region in which he or she works or worked.

6.3 Where the individual making the disclosure feels unable to make the disclosure to his/her Principal Officer/Regional Manager, he/she may alternatively make the disclosure to the relevant Head of Directorate.

6.4 Where the discloser is at Principal Officer level he/she should make the disclosure to his/her line Head of Directorate, another member of the Senior Management Team or to the Chief Executive Officer. Where the discloser is at Head of Directorate level he/she should make the disclosure to the Chief Executive Officer.

6.5 The disclosure under this policy should preferably be made in writing to ensure that all the relevant information is made available at the time the disclosure is made. This will

facilitate the assessment as to whether the disclosure warrants investigation. The specific nature of the potential wrongdoing should be communicated at the time the disclosure is made.

6.6 While a disclosure may be made anonymously, it should be noted that the extent to which this policy can be applied and implemented is significantly restricted in the case of anonymous disclosures.

6.7 A staff member intending to make a disclosure should not carry out investigation outside of the normal scope of his/her duties with a view to seeking to confirm any perceived wrongdoing.

## **7. Receiving a Disclosure**

7.1 The recipient of a disclosure under this policy, and any other person to whom the disclosure is referred in the performance of that person's duties, must take all reasonable steps to avoid disclosing to another person any information that might identify the person by whom the disclosure was made.

7.2 The recipient of a disclosure should undertake an initial evaluation following which he/she will advise the discloser as to whether the matter requires an investigation. In the event that the recipient is of the view that any further investigation is not required the recipient should advise the discloser of his/her assessment and the basis for the assessment, insofar as is possible.

7.3 In the event that the discloser is not satisfied with a decision of the recipient not to pursue the matter further he/she may, if they so wish, bring the matter to the attention of a member of the Senior Management Team stating that the matter has already been considered by another officer and outlining the reasons as to why he/she feels that the matter requires investigation.

7.4 In the event that the concerns are referred to a second recipient that person will undertake an independent evaluation of the matter following which he/she will advise the discloser and the first recipient as to whether a more detailed investigation is considered appropriate. A decision of a second recipient not to pursue the matter will represent a final Courts Service decision on the matter.

7.5 All persons who are in receipt of a disclosure protected by the Act must advise the Principal Officer in Charge of the Office of the Chief Executive Officer of the receipt of the disclosure, the nature of the information contained in the disclosure and the decision transmitted to the discloser, using the form set out in Appendix B.

7.6 As it is not possible to know at the time whether a disclosure will subsequently be deemed protected under the Act the recipient should keep a written record of his/her

actions, including timelines, under this section and provide same to the Principal Officer in Charge of the Office of the Chief Executive Officer.

## 8. Investigation of a Disclosure

8.1 Where the recipient of a disclosure forms the view that an investigation is required, an investigation should be immediately initiated. Depending on the nature of the disclosure, the recipient of the disclosure may decide to conduct the investigation themselves or may consider referring the matter to a colleague at the same grade or to a more senior official. The fact of such an investigation will be reported to the Head of Internal Audit and the Chief Executive Officer both of whom will also be advised of the outcome and any recommendations arising.

8.2 Any investigation arising as a consequence of a disclosure will, as with all other internal investigations, be carried out in a manner which is fully consistent with existing investigatory procedures which embody the principles of natural justice.

8.3 It is not possible to lay down precise timescales or steps required for investigations, as this will depend on the nature of the issues raised. Without affecting the quality or depth of the investigation all reasonable speed will be taken to bring any investigation arising from the making of a disclosure by a staff member to a conclusion as speedily as possible in all the circumstances of the case.

8.4 If, following the investigation into the matter, no wrongdoing is found to have occurred and the discloser is assessed not to have had a reasonable belief in making the allegation of wrongdoing the matter will be referred to the Personnel Officer with a view to considering whether disciplinary proceedings ought to be pursued against the person concerned.

8.5 As it is not possible to know at the time whether the disclosure will subsequently be deemed protected under the Protected Disclosures Act written records, including timelines, in relation to any investigation undertaken under this section should be maintained. Records of concerns raised, including the outcome, will be maintained for a minimum of five years after the closure of the case by the Principal Officer in charge of the Office of the Chief Executive Officer. These records will be maintained in a confidential and secure environment.

8.6 It is important to note that some matters may be of such seriousness that the investigation will more appropriately be carried out externally or by professional experts in a particular area. In some cases the matter may need to be reported to, and investigated by, An Garda Síochána or another body with the statutory power and function of investigation of particular matters. Where the recipient is of the view that the seriousness of the matters reported, require the investigation to be carried out externally

or by An Garda Síochána, this should be notified immediately to the Chief Executive Officer.

## **9. External disclosures**

The 2014 Act allows a worker to make a protected disclosure to persons other than their employer in certain circumstances, as set out at (a) to (e) below.

### **(a) Other responsible person**

Where the worker reasonably believes that the wrongdoing relates to the conduct of a person other than the worker's employer, or to something for which that other person has legal responsibility, then the worker can disclose to that other person.

### **(b) A "prescribed person"**

Certain persons are prescribed by Statutory Instrument 339 of 2014 to receive protected disclosures ("prescribed persons"). This includes the heads or senior officials of a range of statutory bodies.

A worker may make a protected disclosure to a prescribed person if the worker reasonably believes that the relevant wrongdoing falls within the description of matters in respect of which the person is prescribed under SI 339 of 2014. However, in this case the worker must believe that the information disclosed, and any allegation contained in it, are substantially true.

### **(c) A Minister of the Government**

If a worker is or was employed in a public body, the worker may make a protected disclosure to the Minister on whom any function related to the public body is conferred or imposed by or under any enactment. In the case of the Courts Service the Minister for Justice and Equality exercises primary statutory functions (under the Courts Service Act 1998) in relation to that body.

### **(d) A legal adviser**

A protected disclosure may be made by a worker in the course of obtaining legal advice from a barrister, solicitor, trade union official or official of an excepted body (an excepted body is a body which negotiates pay and conditions with an employer but is not a trade union as defined in section 6 of the Trade Union Act 1941).

### **(e) Alternative external disclosures (in very limited circumstances)**

Section 10 of the Act provides that a protected disclosure may be made to recipients other than those mentioned above if the worker reasonably believes that the information disclosed, and any allegation contained in it, are substantially true, the disclosure is not made for personal gain, any one or more of the detailed conditions set out in section 10(2) of the Act are met and in all the circumstances of the case, it is reasonable for the worker to make the disclosure.

In determining whether it is reasonable for the worker to have made the disclosure, regard is to be had to the factors set out in Section 10(3) of the Act.

## **10. Protection from penalisation**

10.1 The Courts Service confirms that no staff member who has a reasonable belief in the occurrence of a serious wrongdoing in the Courts Service and makes a disclosure in relation thereto will be penalised for the making of that disclosure, even if no investigation subsequently takes place, or where an investigation does take place and the investigation finds that no wrongdoing occurred. This undertaking extends to any other staff member who is required to provide information in relation to matters raised as a consequence of the disclosure.

10.2 If a staff member believes that he/she has been penalised for the making of a disclosure of wrongdoing in accordance with this policy they should inform their Principal Officer, Head of Directorate, the Head of Internal Audit or the Chief Executive Officer, as appropriate.

## **11. Review**

11.1 Responsibility for the review of the operation of this policy lies with the Chief Executive Officer of the Courts Service.

11.2 The Head of Internal Audit should report to the Chief Executive Officer and the Audit Committee on an annual basis on the operation of the policy, or more frequently if he or she considers it appropriate.

## **12. Further information**

This document will be reviewed and updated following the issue of Guidelines by the Department of Public Expenditure and Reform under section 21 of the Protected Disclosures Act 2014 in relation to the establishment and maintenance of internal procedures for the making of protected disclosures by workers who are or were employed by public bodies.

Date of policy    February 2016

Review date    July 2017




## **Appendix A**

### **PROCEDURE TO BE FOLLOWED BY MANAGERS IN DEALING WITH DISCLOSURES**

All reported disclosures about perceived wrongdoing in the workplace must be treated seriously. The manager to whom a concern is disclosed should:

1. ensure that (s)he is thoroughly familiar with the current version of the Courts Service's policy and procedures on the making of disclosures (see above).
2. record the disclosure and the steps taken to deal with it.
3. where necessary, seek clarification from the worker on any aspect of the disclosure which is unclear.
4. assess whether the disclosure should be treated as a protected disclosure and, where satisfied that it is not a protected disclosure, encourage the discloser to utilise other processes (*e.g.* a grievance procedure, where appropriate) so that that complaint can be dealt with in an appropriate manner. If it is unclear whether disclosure qualifies as a protected disclosure, the recipient should treat the disclosure as a protected disclosure (and protect the identity of the discloser in accordance with the Procedures) until satisfied that the information is not a protected disclosure.
5. assess whether the disclosure report is based on a reasonable belief but ungrounded, based on a reasonable belief and grounded or a deliberately false report.
6. decide whether, having regard to the nature of the disclosure and any other policy of the Courts Service, he or she should personally conduct the investigation or should refer the matter to a colleague at the same grade or (as may be required by the Courts Service Fraud policy, where relevant) to a more senior official within the Courts Service.
7. where the disclosure indicates that a criminal or other external investigation is warranted, ensure that the matter is reported to An Garda Síochána or, as the case may be, such other body as may have the statutory power and function of investigation of the matter.
8. (where the manager is conducting the investigation himself or herself) establish what evidence is available to support the concern.
9. (where the manager is conducting the investigation himself or herself) obtain evidence from any relevant witnesses.
10. take immediate action if the alleged wrongdoing involves a serious loss or danger to others.

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11. carry out relevant enquiries promptly, sensitively and discretely, taking all reasonable steps to protect the identity of the maker of the disclosure.
  12. (where the manager is conducting the investigation himself or herself) secure any necessary authorisations to the making of inquiries which may be required (*e.g.* under the Courts Service Computer Usage Policy)
  13. if it is necessary to reveal the worker's identity to undertake an effective inquiry, consult with the worker.
  14. (where the manager is conducting the investigation himself or herself) take appropriate action if the disclosure is grounded, or , where appropriate, refer the matter to the appropriate official within the Courts Service for action.
  15. if the manager forms the opinion that the disclosure is deliberately false , consult the Personnel Officer as to the appropriate steps to be taken.
  16. provide written feedback to the worker within 20 working days.
  17. report the outcome (see form specified in Appendix B) and forward all records to the Principal Officer in charge of the Office of the Chief Executive Officer.

## **Appendix B**

### **REPORT OF INFORMATION DISCLOSED**

To: the Principal Officer in charge of the Office of the Chief Executive Officer

I received and dealt with a disclosure of information, as detailed below:

1. Name of recipient:
2. Name of discloser (if available):
3. Details of the disclosure (attach relevant correspondence):
4. Date of receipt of disclosure:
5. Summary of steps taken on foot of disclosure (attach relevant correspondence / documentation):
6. Decision (and reasons) transmitted to the discloser (attach relevant correspondence):

I confirm that in dealing with the disclosure I have familiarised myself with and adhered to the Courts Service's policy and procedures on the making of disclosures and any other Courts Service policy which may be relevant to the disclosure.

Signed: \_\_\_\_\_

Date of this report: .....20..

## APPENDIX 2

### COURTS SERVICE

#### INTERNAL COMMUNICATIONS POLICY

##### 1. Purpose

1.1 This document defines Courts Service policy for the management of internal communications within the organisation.

An open, pro-active, collaborative and consistent internal communications system is central to the effective operation and development of the Service and to achieving corporate and business objectives. It is the policy of the Courts Service to communicate with staff on all aspects of their work and on all organisational matters that are relevant to them. This communication takes place on an ongoing basis through a variety of channels including staff meetings, conferences, e-mail, memos, newsletter, notice board and individual meetings

1.2 The Policy has been approved by the Chief Executive Officer and the Courts Service Board

##### 2. Objective

2.1 The objective of this Policy is ensure that internal communications in the Courts Service are effective, well co-ordinated and responsive to the information needs of the staff and the organisation. It aims to promote and support coherent and consistent communication throughout the organisation with a view to

- informing staff of the Service's development,
- enhancing their knowledge of values, business objectives and strategies
- increasing their understanding, commitment, motivation and loyalty
- encouraging greater participation and a sense of ownership and responsibility for the Service
- ensuring that all voices are heard and staff have an input into decisions that affect them
- developing a sense of trust between staff and managers
- strengthening the organisational culture and
- helping to achieve the Courts Service overall business and strategic objectives.

##### 3. Principles

The principles underpinning this policy are

- Consultation
- Openness
- Responsibility and accountability
- Continuous Review

**The Courts Service commits to:**

- providing information that is clear, unambiguous, consistent , truthful and accurate in a pro-active way
- Open communication using appropriate and direct language
- Communicating the strategies, goals, policies and guidelines of the organisation to staff in an easily accessible manner
- Providing information, both good and bad in a timely manner to ensure that the correct information is available and rumours are avoided.
- Communicating with all staff about decisions and events that affect them before (if possible) and never later than when information is communicated externally
- Communicating the information needed for staff and management to carry out their roles effectively.
- Integrating communications planning into the business and strategic planning process particularly in relation to significant projects and initiatives.
- Encouraging two way dialogue at all levels and developing opportunities for staff to give feedback and participate in planning and development.
- Maintaining the confidentiality of information as appropriate and necessary.
- Reviewing internal communications activities and procedure to evaluate effectiveness and making adjustments as necessary.

#### **4. Responsibility**

4.1 Communications is a shared responsibility involving management and staff at all levels. Every one in the organisation is responsible and accountable for the effectiveness of his or her own communication.

##### **Management**

Management has a particular responsibility in promoting and implementing effective communication.

## Senior Management

- The Heads of Directorates and Senior Managers bear primary responsibility for creating an open communication culture that conforms to the core values of the organisation and has the necessary structures and resources for distributing relevant information to staff.
- They must provide leadership in developing and implementing the organisation's Communications policy and confer regularly with management and staff to ensure that communication objectives are being met across the organisation.

## Line Managers

- All managers are authorised and must communicate openly with staff in a planned and professional manner.
- Office and Section/Unit managers are critical in cascading information down the organisation through regular formal and informal communication.
- They must also provide effective opportunities for active feedback on both the message communicated and on the effectiveness of the communication process.
- They have a key role in supporting written or electronic communication by face to face communication.

## Staff

Staff have a responsibility to take an active part and contribute to the communication process. Staff must also where appropriate maintain the confidentiality of information.

## 5. Communication Channels

Communication channels can be formal or informal. The channel of communication used must be appropriate to the information or message being imparted and the target group.

The main channels of communication are

- ***daily contact between managers and staff*** - this is the major and most influential channel of communication throughout the Service and must be maximised to ensure that all relevant information is made available and understood.
- ***Technological communication such as E-mail*** - this is an effective and speedy method of disseminating information throughout the organisation. E-mail and other

forms of technological communication should always be used in an appropriate and professional manner.

- ***Meetings and Briefing Sessions*** – these allow discussion and the opportunity for questions and answers which leads to a more effective exchange of meaning or understanding. Meetings or briefings must be embedded at local and organisational level and used whenever practicable taking into account logistical and other considerations. Teleconferencing and Video conferencing facilities are available and should be used as appropriate. Face to face communication should be used to supplement technological communication particularly where a level of understanding of the message is required..
- ***Newsletters and communications*** – these should be used to contribute to cascading of information concerning key organisational decisions and events.
- ***Courts Service Website*** - provides important information about the organisation internally and externally. Staff and management must be familiar with the content of the website and take responsibility for ensuring that information is regularly reviewed and updated as appropriate.

## **6. Procedures**

This Policy document will be supported by Communication Protocols as required setting out how the policy will be implemented in relation to different categories of information, channels of communication and different groups within the organisation.

## APPENDIX 3

### ORGANISATIONAL STRUCTURE

#### OFFICE OF THE CHIEF EXECUTIVE

##### Head of Office: Marie Ryan

This Office

- Provides executive Support for the Courts Service Board and Committees
- Provides executive support for the Chief Executive assisting him to fulfil his role and ensure that the work of the Service that requires his attention is processed efficiently and that he is appropriately informed when making decisions, attending meetings *etc.*
- Supports and co-ordinates the implementation of the Freedom of Information Act and Data Protection Acts
- Provides a central response function in relation to Parliamentary Questions, Government Policy documents and memoranda, reports, representations from the public and public representatives and general queries.

The Office of the Chief Executive also has responsibility for the

##### Judicial Support Unit

- Supports the Judicial Appointments Advisory Board;
- Supports the Committee for Judicial Studies
- General support for the judiciary *e.g.* judicial travel, attire, visits of foreign judges and dignitaries, protocol at State functions *etc.*

#### Internal Audit

##### Internal Auditor: Aisling McKeon,

The Internal Audit Unit, augmented by outsourced auditors

- conducts audits across the full range of activities of the Service including financial, operational, ICT, capital building and governance.

#### OPERATIONAL DIRECTORATES

##### Supreme and High Court Operations

##### Head of Directorate: Nuala McLoughlin

The Directorate provides administrative support and resources for the Supreme Court, the Court of Appeal and the High Court as follows:



- manages the offices attached to these Courts
- provides management support to the Probate Office, the Examiner's Office, the Office of the Taxing Masters, the Office of Wards of Court and the Office of the General Solicitor for Minors and Wards of Court
- manages the allocation of staff resources
- manages judicial secretarial and research support
- prepares proposals for court fees for all jurisdictions
- convenes meetings of court user groups in relation to customer service issues

### Circuit and District Court Operations

#### Head of Directorate: John Coyle

The Directorate provides administrative support and resources for the Circuit and District Courts as follows:

- provides management support for court offices supporting the Circuit and District Courts and the criminal courts of all jurisdictions
- manages the Criminal Courts of Justice complex
- acts as a support service to court offices on procedural matters
- prepares court orders in respect of court areas, districts etc
- arranges accommodation requirements
- manages the allocation of staff resources

The directorate is supported by 4 Regional Offices for the Eastern, North Midlands, Southern and Western regions.

### SUPPORT DIRECTORATES

#### Infrastructure Services

##### Head of Directorate: Paul Burns

##### Information and Communications Technology Unit

- provides a comprehensive information technology service to the organisation by delivering information systems which support the attainment of the business objectives of the Courts Service
- provides and manages new information systems
- provides a modern nationwide communications infrastructure to support the management and administration of the Service

- supports eGovernment services

### **Estate Management Unit**

- plans for existing and futures accommodation needs for all areas within the Service
- plans and develops capital building projects, refurbishment work and leases of accommodation
- prepares and costs capital building and maintenance programmes
- transfers ownership of courthouses from local authorities and the Office of Public Works to the Service
- fits and maintains court facilities to modern standards to include access for the disabled
- ensures best possible safety , health and welfare standards in all buildings and offices
- generally manages the Four Courts Complex
- Health and Safety Co-Coordinator
  - monitoring implementing and reviewing the Health and Safety Programme within the Service
  - Advising the Service on safety, health and welfare in the workplace
- Public Private Partnership Unit
  - responsible for implementation of the Courts Service Public Private Partnership Programme and delivery of the projects including the 7 courthouse Bundle and Hammond Lane.
  - Planning and developing projects and services to be delivered by PPP

### **Human Resource Management Unit**

This unit is responsible for

- development and delivery of the HR strategy
- provision of a wide range of HR services including Resourcing, Workforce Planning, Performance Management, Partnership, Industrial Relations and management of obligations in relation under the Ethics in Public Office Acts and the Regulation of Lobbying Act 2015.
- management of the Customer complaints function in the organisation.

### **The Information Office.**

This Office provides

- provides information on the court system to the public
- maintains and develops the Courts Service website
- Co-ordinates , prepares and publishes material in relation to the work of the courts
- Develops programmes to enable schools and other community groups obtain easily assimilated information about the court system
- addresses interest groups on matters relating to the work of the courts
- collates statistics on the work of the courts
- Prepares the annual report for the courts Service.

## Resource Management

**Head of Directorate: Sean Quigley**

### Finance Unit

This Unit is responsible for

- Financial Management  
Budgetary control and financial management of funds voted to the Courts Service by the Oireachtas to manage the courts and support the judiciary. This includes the preparation of the annual budget and Appropriation Account.
- Funds Accounting
  - As part of the Courts Service remit to support the judiciary, the Courts Service provides support services for judges in the management of court funds which are held in trust by the courts. These funds are invested in line with the provision of the Trustee (Authorised Investments) Act 1958 and subsequent orders. There are more than 18,000 beneficiaries and these include various litigants, persons who are Wards of Court,
- Courts Accounting
  - Through a shared service centre established for the processing of financial transactions in court offices, including fines, family law maintenance and bail
- Procurement
  - Provide support and training to all offices undertaking procurement of goods and services to ensure compliance with EU and national procurement regulations and achieve value for money

- Risk Management
  - A risk management framework has been successfully implemented over recent years and formal risk management is now well embedded across the organisation. This Unit ensure that planned actions to address identified risk are followed up and reported to the Senior Management Team and Audit Committee.

#### **Training and Development**

- Development and Implementation of the Learning and Development Strategy

#### **Change Management Unit**

- Support Heads of Directorates in ensuring the effective implementation of major change initiatives

### **Reform and Development Directorate**

#### **Head of Directorate: Noel Rubotham**

This Directorate has responsibility for

- legislative affairs
- preparation of proposals for modernising legislation on court administration
- preparation of proposals on modernisation and simplification of court rules and terminology
- Support for Court Rules Committee
- identifying opportunities for improvement of procedures and practice in court offices and developing initiatives
- assessment of implications of information technology and eGovernment
- examination in consultation with Directorates, of proposals for new legislation affecting courts administration.

## APPENDIX 4

### THE COURTS SERVICE BOARD FRAMEWORK DOCUMENT

#### INTRODUCTION

The Courts Service was established as an independent corporate body on the 9th November 1999 with the following functions -

- to manage the courts
- to provide support services for judges
- to provide information on the court system to the public
- to provide, manage and maintain court buildings
- to provide facilities for users of the courts

#### THE CONSTITUTION

The Constitution of Ireland delineates the powers of the legislative, executive and judicial arms of Government. The Constitution provides that judges shall be independent in their judicial function and subject only to the Constitution and the law.

The legislation establishing the Courts Service had full regard to this constitutional imperative. The functions of the Service do not include the administration of justice nor is the Service accountable for judicial decisions.

#### ACCOUNTABILITY

Section 19 of the Courts Service Act, 1998 provides that the Chief Executive Officer is the Accounting Officer for the Service. The Chief Executive Officer shall, at the request in writing of an Oireachtas Committee, attend before it to give account for the general administration of the Service but in so attending shall not be required to give account before any Committee for any matter relating to -

- (a) the exercise by a judge of his/her judicial functions;  
or
- (b) the exercise by a person other than a judge of limited jurisdiction of a judicial nature

including a matter which is, has been or may at a future time be the subject of proceedings before a court in the State.

Where the Chief Executive is of the opinion that a matter in respect of which the Chief Executive is requested to give account before the Committee is a matter to which the previous paragraph applies he/she shall inform the Committee of that opinion and the reason for the opinion and unless the information is conveyed to the Committee at a time when the Chief Executive Officer is before it the information shall be conveyed in writing. When the Chief Executive has informed the Committee of his/her opinion and the Committee does not withdraw the request the Chief Executive may, not later than 21 days after being informed by the Committee of its decision not to do so, apply to the High Court in a summary manner for determination of the question or the Chairperson of the Committee may make such an application and the High Court may determine the matter.

### **FUNCTIONS OF THE BOARD - SECTION 13 - 1998 ACT**

Section 13 of the 1998 Act as amended by the Courts and Court Officers Act, 2002 provides that the functions of the Board are:-

- to consider and determine policy in relation to the Service;  
and
- oversee the implementation of that policy by the Chief Executive Officer determine which of the functions of the Service specified sections 5 and 29(1) of the Act are to be performed by it and which are to be performed by the Chief Executive Officer and which of the powers of the Service specified in section 6 of the Act are to be exercised by it and which are to be exercised by the Chief Executive
- perform those functions it determines are to be performed by it

Section 13 A of the 1998 Act (as inserted by the Courts and Court Officers Act, 2002) provides that

“the Board may authorise a Committee of the Board or the Chief Executive Officer to perform any of its functions or powers other than the power to determine whether it or the Chief Executive will perform functions of the Service as set out above.”

The Board must consent to the delegation by the Chief Executive Office to a member of staff of the Service any functions of the Board which the Board has delegated to the Chief Executive Officer under this section.

### **FUNCTIONS OF THE CHIEF EXECUTIVE OFFICER**

Section 19 of the 1998 Courts Service Act provides that the Chief Executive shall be the Accounting Officer for the Appropriation Accounts of the Service for the purposes of the

Exchequer and Audit Departments Acts 1866 and 1921 and the Comptroller and Auditor General (amendment) Act 1993.

Section 20 of the 1998 Act provides that the functions of the Chief Executive Officer are

- To manage and control generally the staff, administration and business of the Service
- To report regularly to the Board on the implementation of policy
- To perform such functions of the Service as the Board determines are to be performed by the Chief Executive Officer
- To perform such functions as may be conferred on him or her by the 1998 Act or by the Board

The Chief Executive may authorise a member of staff of the Service to perform his statutory functions and functions of the Service determined by the Board to be carried out by the Chief Executive Officer.

## THE COURTS SERVICE ACT 1998 AND COURTS AND COURT OFFICERS ACT 2002

This Framework Document sets out the functions which are to be performed by the Board and which of its functions are to be delegated to the Chief Executive Officer and which of the functions of the Service specified in sections 5 and 29(1) of the 1998 Act and which of the powers specified in section 6 of the 1998 Act are to be exercised by the Board itself and which of these functions are to be carried out by the Chief Executive Officer.

### SECTION 5 COURTS SERVICE ACT, 1998

#### Functions of the Service which the Board determines are to be performed by the Chief Executive Officer

- Manage the Courts
  - Appoint a manager to a combined court office in accordance with section 19 of the Courts and Court Officers Act, 2009
  - Determine such and so many staff of the Courts Service to be employed in a combined court office in accordance with section 21 of the Courts and Court Officer Act, 2009.
- Provide support services for judges
- Provide information on the courts system to the public
- Provide, manage and maintain court buildings and
- Provide facilities for court users

- the determination of the manner and method of payment, and recording of payment of court fees, in accordance with Section 65 (5) (a) and (b) of the Courts of Justice Act 1936 as amended by Section 9 of the Civil Law (Miscellaneous Provisions) Act 2008

## SECTION 6 COURTS SERVICE ACT, 1998

### **1.1 Functions of the Service which the Board determines are to be performed by the Board**

- At the request of the Minister or on its own initiative recommend to the Minister appropriate scales of Court fees and charges.
- Make proposals to the Minister in relation to the distribution of jurisdiction and business among the Courts and matters of procedure.
- Designate Court venues.
- The engagement of Legal Advisors, Investment Advisors, Fund Managers and banking providers.
- Approve proposals for contracts and arrangements including the acquisition or disposal of any interest in land on/or property with a value in excess of €5m. and approve proposals for leases for periods in excess of 4 years and 9 months irrespective of value.
- Approve proposals for contracts for consultancy which are in excess of €500,000.

### **1.2 Functions of the Board which are to be performed by the Finance Committee**

- Approve proposals for contracts and arrangements, including leases and the acquisition or disposal of any interest in land and /or property, with a value between €1m and €5m (the Chief Executive Officer shall circulate details of all proposals for contracts and arrangements to all members of the Board at the same time as such proposals are circulated to the Finance Committee).
- Approve proposals for contracts for consultancy between €100,000 and €500,000 (the Chief Executive Officer shall circulate details of all proposals for consultancy to all members of the Board at the same time as such proposals are circulated to the Finance Committee).

### **2. Functions of the Service which the Board determines are to be performed by the Chief Executive Officer**



- Enter into contracts and arrangements, including leases and any acquisition or disposal of any interest in land and/or property, in line with policies approved by the Board, where the value of the contracts does not exceed €1m.
- Engage consultants and advisors in connection with the performance of the functions of the Service In line with policies approved by the Board (Chief Executive empowered under the administrative budget arrangement to engage consultants and advisors) where the value of the contract does not exceed €100,000.
- All contracts entered into by the Service should be notified to the Board.
- The approved limits contained in this Framework Document will also apply in relation to the implementation of the Service procurement policy.
- Arrange staff training and education.
- Establish arrangements for consultation with users of the Courts.
- Provide services to other bodies subject to such conditions including the payment of fees as it thinks fit.
- Operate public bank accounts within the meaning of section 18 of the Exchequer and Audit Departments Act 1866.
- Establish a combined court office under section 14 of the Courts and Court Officers Act, 2009 and section 6(2)(k) of the Courts Service Act, 1998 following consultation with the Chief Justice, the President of the High Court , the President of the Circuit Court and the President of the District Court as appropriate in accordance with section 16 of the Courts and Court Officers Act, 2009
- Vary the functions of or dissolve a combined court office under section 15 of the Courts and Court Officers Act, 2009 and section 6(2) (k) of the Court Service Act, 1998.

## SECTION 7 - COURTS SERVICE ACT 1998

- 1. Function of the Service which the Board determines are to be performed by the Board**
  - Approve 3 Year Strategic Plan.
- 2. Function of the Service which the Board determines are to be performed by the Chief Executive Officer**
  - Prepare Strategic Plan for consideration by the Board

## SECTION 8 - COURTS SERVICE ACT 1998

### **Functions of the Service which the Board determines are to be performed by the Chief Executive Officer**

1. Prepare the Annual Report for the Service.

### **Functions of the Service which the Board determines are to be performed by the Board**

2. Approve and sign off on the Annual Report.

## SECTION 10 AND 10 A - COURTS SERVICE ACT 1998

### **1. Functions of the Board Reserved to the Board**

Authorisation of Board members to authenticate the seal of the Service and designation of Officers of the Service for that purpose.

Authorisation of the Chief Executive Officer to authenticate any order or instrument (other than an order or instrument under seal) made in relation to functions transferred to the Service by section 29 (1) of the Act which are to be performed by the Board or a Committee of the Board

### **2. Functions of the Chief Executive Officer**

Authorisation of a staff member to authenticate any order/instrument which the Chief Executive is authorised to authenticate under section 10A (1) (a).

Authorisation of a staff member to authenticate any order/instrument made in relation to functions transferred to the Service by section 29(1) of the 1998 Act which are to be performed by the Chief Executive Officer.

## SECTIONS 14(7) AND 15 - COURTS SERVICE ACT 1998

### **Functions of the Board Reserved to the Board**

The regulation by standing orders or otherwise the procedure and business of the Board.

The establishment of Committees of the Board and the appointment to such Committees of persons who are not members of the Board but have a special knowledge and experience related to the purposes of Committees.

The dissolution at any time of a Committee.

## SECTION 17 - COURTS SERVICE ACT 1998

### **Function of the Board Reserved to the Board**

The appointment of a person to be the Chief Executive Officer of the Service.

## SECTION 19 - COURTS SERVICE ACT 1998

### **Functions of the Chief Executive Officer**

To act as Accounting Officer for the Appropriation Accounts of the Service for the purposes of the Exchequer and Audit Departments Acts 1866 and 1921 and the Comptroller and Auditor General (Amendment) Act 1993.

The Chief Executive Officer shall arrange that both the Annual Statement of Account by the Accountant of the Courts of Justice and the Annual Financial Statements/Appropriation Accounts for the Service for each year shall be presented for discussion and approval by the Audit Committee and that the approval of the Audit Committee shall be reported to the Board for noting.

## SECTION 20 - COURTS SERVICE ACT 1998

### **Functions of the Board reserved to the Board**

Designation of a member of staff of the Service to perform the functions of the Chief Executive Officer when the position is vacant.

## SECTION 23 - COURTS SERVICE ACT 1998 AND CIVIL SERVICE REGULATION (AMENDMENT) ACT, 2005

### **Functions of the Board delegated to the Chief Executive Officer by the Board**

The appointment of such number of persons to be members of staff of the Service at Principal Officer grade and above (following consultation with the Chief Justice and President of the High Court in certain cases as prescribed by legislation) as may be approved by the Minister for Justice, Equality and Law Reform with the consent of the Minister for Finance.

The determination of grades of staff of the Service and the number of staff in each grade as may be approved by the Minister with the consent of the Minister for Finance. (Significant delegation provided to the Chief Executive Officer by the Ministers for Justice, Equality and Law Reform and the Minister for Finance under Administrative Budget Agreement).

Functions of the Board as the Appropriate Authority for staff at Principal Officer grade and above, in accordance the Civil Service Regulations (Amendment) Act, 2005, in relation to the management of performance on a day to day basis and the taking of disciplinary action including termination of probation but excluding the function of suspension of staff at Principal Officer grade and above.

## **Functions of the Board reserved to the Board**

Functions of the Board as the Appropriate Authority for staff at Principal Officer grade and above, in accordance with the Civil Service Regulations (Amendment) Act, 2005 in relation to the suspension and dismissal of staff at Principal Officer grade and above.

## **SECTION 29 - COURTS SERVICE ACT 1998**

### **1. Functions of the Service which the Board determines are to be performed by the Board**

- Approve proposals from the Chief Executive relating to the following;
- Appointment of the places in the DMD for the transaction of the business of the District Court and alteration of such places - s.40
- Alteration or variation of number of High Court circuits and redistribution of or variation in the distribution of counties - Courts of Justice Act, 1936 s.33 (2).
- Variation of the Dublin Metropolitan District - Courts of Justice Act, 1936 s.64 (3). Variation, creation and abolition of District Court areas or districts - Courts of Justice Act, 1953 s.26(1)(a)(b)(c)(d)
- Revoke or amend an order made under s.26(1)(a)(b)(c)(d) of the Courts of Justice Act, 1953 - s.26(1)(i)
- Section 26(2), Courts of Justice Act, 1953
- Determination of the number of sitting days in each week for judges assigned to the DMD - Courts (Supplemental Provisions) Act, 1961 s.41.

### **2. Functions of the Service which the Board determines are to be carried out by the Chief Executive Officer**

The following functions of the Minister under each of the provisions mentioned in column 3 of the Schedule 2 of the Acts mentioned in column 2 which transferred to the Service including,

#### **Enforcement of Court Orders Act, 1926**

- Appointment of Court Messengers (section 4) (1) (2) (3)

#### **Court Officers Act, 1926**

- Appointment of Principal Officers of the High Court - s. 3(3)
- Registrar of Supreme Court to be subject to the direction of the Service in administrative matters - s.18 (1).

- Appointment of Deputy Master or Deputy Taxing Master of the High Court S.27 (1). Appointment of Deputy for Principal Officers of the High Court -s.28 (1).
- Appointment of temporary Deputy County Registrars - s.34 (2) (3).
- Appointment of temporary Deputy County Registrars - s.40 (1).
- Prescription of places at which and post offices, banks, *etc.* in which money paid into the Circuit Court may be deposited - s.41(1)
- Determination of general staff of Circuit Court offices - s.42.
- Determination of staff attached to Circuit Court offices - s.43 (1).
- Assignment of staff attached to a particular circuit to perform duties to be prescribed by the Service - s.43 (2).
- Assignment of servant to a judge of the Circuit Court to perform duties to be prescribed by the Service - s.43 (3).
- Determination of such and so many District Court Clerks - s.46 (1).
- Appointment of District Court Clerks - s.46 (2).
- Assignment of District Court Clerks to District Court areas - s.48.
- Nomination of Court Stockbrokers; Court Receivers - s.59 (1) (2) (3).
- Prescription of posts for which payment of security and the amounts of such security - s.61 (2).

#### **Courts of Justice Act, 1936**

- Direction of Court Registrars to travel on circuit from Central and Supreme Court Offices and travel and subsistence expenses to be paid - s.42(2)(3)(5)
- Appointment of servants to judges of the High Court on circuit and determination of their remuneration with the sanction of the Minister for Finance - s.43.

#### **Court Officers Act, 1945**

- Appointment of Probate Officer and Examiner of the High Court following consultation with the President of the High Court - s.6 (1).
- Authorisation of a Court Officer to perform the duties of another including County Registrar - s.9(1)( as amended by the Courts and Court Officers Act, 2001)

- Authorisation of a Supreme or High Court Officer to perform the duties of another following consultation with the Chief Justice or the President of the High Court - s.9(2).

#### **Court Officers Act, 1951**

- Appointment, with the concurrence of the Minister for Finance, of a deputy to execute the office of District Court Clerk in cases of temporary absence or incapacity - s.4 (1)

#### **Courts of Justice Act, 1953**

- Variation of the class of business to be dealt with following consultation with the President of the District Court - s.26(1)(e)
- Variation of the days, places or hours appointed following consultation with the President of the District Court - s.26(1)(f)
- Appointment of one or more convenient places in every District Court area created or varied under this section or within one mile of boundary of such area in which and such and so many convenient days and hours at which the District Court can be held, following consultation with the President - s.26(1)(g)
- Assignment of name to or change of name of any District Court district following consultation with the President of the District Court. - s.26(1)(h)
- Revoke or amend an order made under section 26(1)(e)(f)(g)(h) - s.26(1)(i)

#### **Courts Supplemental Provisions Act, 1961**

- Nomination of a District Court Clerk to be an ex-officio member of the District Court Rules Committee - s.44.
- Nomination of Principal officer to manage the Central Office of the High Court following consultation with the President - 8th Schedule, par.5.
- Nomination of such and so many Registrars of the High Court - 8th Schedule, par. 6.
- Exercise of general direction over the officer managing the Central Office in all matters of general administration (in relation to all matters relating to the conduct of business of the High Court which is for the time being required by law to be transacted by or before a judge the officer is subject to the direction of the President of the High Court)
- Exercise of general direction over the Registrar of Wards of Court in regard to all matters of general administration in relation to all matters relating to the

jurisdiction vested in the High Court the Registrar of Wards of Court is subject to the direction of the judge in the High Court exercising that jurisdiction.

- Deployment of officers in the High and Supreme Court offices with the sanction of the Minister for Finance and after consultation with the President of the High Court or Chief Justice as required

#### **Succession Act 1965**

- Authorisation of a specified officer serving in a District Probate Registry or associated Circuit Court office to execute during the temporary absence or temporary incapacity through illness of the acting District Probate Registrar, the office of District Probate Registrar for that District.

#### **THE BOARD AND THE CHIEF EXECUTIVE**

The Chief Executive will report to the board on all relevant matters at scheduled meetings of the Board and in exceptional circumstances, will report in writing or orally to each of the members of the Board.

#### **THE CHIEF JUSTICE AND THE CHIEF EXECUTIVE**

In addition to his relationship to the Chief Executive as Chairman of the Courts Service the Chief Justice as leader of the judiciary and President of the Supreme Court will have a special relationship with the Chief Executive. He will have access to the Chief Executive at all times and shall be entitled to be informed of all matters.

Nothing in the new system impinges on the judicial duties and responsibilities of the Chief Justice or on his management of the Supreme Court.

#### **PRESIDENTS OF THE HIGH, CIRCUIT AND DISTRICT COURTS AND THE CHIEF EXECUTIVE**

The Chief Executive shall liaise directly with the Presidents of the High, Circuit and District Courts on the business of those courts.

The management of business in the courts is a matter for the Presidents of those courts and nothing in this system impinges on the judicial duties and responsibilities of the Presidents or on their management of the courts.

#### **THE MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM AND THE CHIEF EXECUTIVE**

Under the legislation the Department of Justice, Equality and Law Reform has ceased to be responsible for the day to day management of the courts system. However, because of the Minister for Justice, Equality and Law Reform's continuing accountability to the Oireachtas it is necessary to have in place, in consultation between the Courts Service and

the Department of Justice, Equality and Law Reform, a reporting relationship which will satisfy all relevant information requirements for the management of the administration of the courts which has been transferred to the Courts Service. The transfer of such information will be by the Chief Executive under the general authority of the Board.

#### COMMUNICATION BETWEEN THE MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM AND THE SERVICE

Communication between the Minister for Justice, Equality and Law Reform and the Service will normally be carried out between the Minister and the Chairperson of the Board. Such communication will normally relate to policy issues and will include the conveying of Government policy decisions to the Service insofar as such policy decisions relate to the Service.

Day to day communication between the Department of Justice, Equality and Law Reform and the Service will be between the Secretary General (and/or his/her staff) and the Chief Executive Officer (and/or his/her staff).

#### COMMUNICATION BETWEEN THE SERVICE AND THE PUBLIC AND THE COURTS SERVICE AND THE MEDIA

Arrangements for the communication with the public generally and the media of policy or other developments in the Service including where such developments or policy have been formulated by the Board will be a matter for the Chief Executive Officer (and/or his/her staff).

#### ADDITIONAL POWERS OR FUNCTIONS

*In relation to any additional powers and functions which might be conferred on the Service, e.g. by future legislation, the Board will determine, unless the legislation specifies that the power is to be exercised or function discharged by the Chief Executive, whether the new function will be performed by it or delegated to the Chief Executive.*

#### AMENDMENT OF THE TERMS OF THE GOVERNANCE DOCUMENT

The Board reserves the right, consistent with the 1998 Act, to amend, revoke or alter in whole or in part the functions reserved to itself and the functions delegated to the Chief Executive Officer at any time.



## STATUTORY FUNCTIONS OF THE CHIEF EXECUTIVE OFFICER

### **1998 Courts Service Act**

The functions of the Chief Executive are set out in the Courts Service Act, 1998 sections 19, 20 and 21 as follows:-

The Chief Executive shall be the Accounting Officer for the appropriation accounts of the Service for the purposes of the Exchequer and Audit Departments Act 1866 and 1921 and the Comptroller and Auditor General (Amendment) Act, 1993 - (section 19).

Notwithstanding any other enactment, the Chief Executive shall manage and control generally the staff, administration and business of the Service, including the functions of the County Registrars insofar as such functions relating to a function of the Service; perform such functions of the Service as the Board determines are to be performed by him or her and perform such other functions as may be conferred on him or her by or under the Act or by the Board - (section 20(1)).

The Chief Executive shall be responsible to the Board for the performance of his or her functions and the implementation of the Board's policies - (section 20(2)).

The Chief Executive shall provide to the Board such information (including financial information) in relation to the performance of his or her functions as the Board may from time to time require - (section 20(3)).

Such of the functions of the Chief Executive as may from time to time be specified by him or her may be performed by such member of the staff of the Service as may be authorised by the Chief Executive - (section 20(4)).

Functions of the Board which have been delegated to the Chief Executive may be performed by a member of staff of the Service authorised by the Chief Executive with the consent of the Board.

The functions of the Chief Executive may be performed during his or her absence or when the position of Chief Executive is vacant by such member of the staff of the Service as may from time to time be designated for that purpose by the Board - (section 20(5)).

Subject to subsections (2) and (3) the Chief Executive shall at the request in writing of Oireachtas Committee attend before it to give account for the general administration of the Service, including the 3 year strategic plans laid before the Houses of the Oireachtas under section 7 as may be required by the Committee - (section 21(1)).

The Chief Executive shall not be required to give account before the Committee for any matter relating to

- (a) the exercise by a judge of his or her judicial functions, or
- (b) the exercise by a person other than a judge of limited jurisdiction of a judicial nature, including a matter which is, has been or may at a future time be the subject of proceedings before a court in the State - (section 21(2)).

Where the Chief Executive has informed the Committee of his or her opinion in accordance with subsection (3) and the Committee does not withdraw the request referred to in subsection (1) -

- (a) the Chief Executive may, not later than 21 days after being informed by the Committee of its decision not to do so, apply to the High Court in a summary manner for determination of the question whether the matter is one contemplated under subsection (2) or
- (b) the Chairperson of the Committee may, on behalf of the Committee, make such an application and the High Court may determine the matter - (section 21(4)).


Pending the determination of an application under subsection (4) the Chief Executive shall not attend before the Committee to give account for the matter the subject of the application - (section 21(5)).

If the High Court determines that the matter is one to which subsection (2) applies, the Committee shall withdraw the request referred to in subsection (1), but if the High Court determines that subsection (2) does not apply, the Chief Executive shall attend before the Committee to give account for the matter - (section 21(6)).

In this section the “Oireachtas Committee” means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the Committee on Members’ interests of Dáil Éireann or the Committee on Members’ interests of Seanad Éireann) or a subcommittee of such a Committee - (section 21(7)).

## **2002 Court and Court Officers Act**

Section 10 A of the 1998 Act (as inserted by the Courts and Court Officers Act, 2002) provides that the Board may authorise generally or specially the Chief Executive to authenticate any order or other instrument under than an order under seal made under any provision mentioned in column 3 of Schedule 2 of the Acts mentioned in column 2 opposite the mention of that provision in relation to any function of the Service under that provision that is performed by the Board or by a committee of the Board, or by the Chief Executive Officer. The Chief Executive may authorise generally or specially a member of the staff of the Service to authenticate any order or other instrument or both which the Chief Executive is authorised to authenticate.



Section 46 of the Courts and Court Officers Act, 2002 provides that the Chief Executive will be responsible for establishing and maintaining the register of reserved judgments when this section is commenced by the Minister for Justice, Equality and Law Reform.

## APPENDIX 5

### MEMBERSHIP OF THE COURTS SERVICE BOARD 2016

The Hon. Mrs. Justice Susan Denham, Chief Justice and Chairperson of the Board

The Hon Mr Justice Sean Ryan, President of the Court of Appeal

The Hon. Mr. Justice Peter Kelly, President of the High Court

The Hon. Mr. Justice William McKechnie, Elected by the ordinary judges of the Supreme Court

The Hon. Mr. Justice Michael Peart, Elected by the ordinary judges of the Court of Appeal

The Hon. Mr. Justice Patrick McCarthy, Elected by the ordinary Judges of the High Court

The Hon. Mr. Justice Ray Groarke, President of the Circuit Court

Her Honour Judge Dóirbhíle Flanagan, Elected by the ordinary judges of the Circuit Court

Her Honour Judge Rosemary Horgan, President of the District Court.

Judge Gerard Haughton, Elected by the ordinary judges of the District Court

Mr. Brendan Ryan, Chief Executive of the Courts Service

Mr. David Barniville (Bar Council), Nominee of the Chairman of the Bar Council

Mr. James McCourt, Nominee of the President of the Law Society.

Mr. Stephen Bracken, Elected by the staff of the Courts Service

Mr. Conan McKenna, Official of the Department of Justice and Equality nominated by the Minister

Mr. Pat Doyle, Nominated by the Minister to represent consumers of the services provided by the Courts

Mr. Liam Berney, Nomination by Irish Congress of Trade Unions

Mr. Shane Browne, nominated by the Minister because of his relevant knowledge and experience in commerce, finance or administration.

## APPENDIX 6

### TERMS OF REFERENCE OF COMMITTEES OF THE BOARD

#### FINANCE COMMITTEE

- To consider proposals for the annual estimates submission and to make recommendations regarding same to the Board.
- To consider proposals for the annual Expenditure Budget and make recommendations regarding same to the Board.
- To consider regular financial reports from the Chief Executive Officer on the implementation of the approved annual Expenditure Budget.
- To review expenditure and make recommendations to the Board regarding same.
- To approve proposals for contracts and arrangements, including leases and the acquisition or disposal of any interest in land and /or property, with a value between €1m and €5m (the Chief Executive Officer shall circulate details of all proposals for contracts and arrangements to all members of the Board at the same time as such proposals are circulated to the Finance Committee).
- To approve proposals for contracts for consultancy between €100,000 and €500,000 (the Chief Executive Officer shall circulate details of all proposals for consultancy to all members of the Board at the same time as such proposals are circulated to the Finance Committee).
- to consider and make recommendations to the Board for contracts and arrangements including the acquisition or disposal of any interest in land on/or property with a value in excess of €5m.
- to consider and make recommendations to the Board for contracts for consultancy in excess of €500,000.

#### BUILDING COMMITTEE

- To create, maintain and regularly update a register identifying, describing and categorising all buildings and properties (hereafter called “the Court Buildings”) in which the Courts Service has a proprietary or other interest.
- To prepare and develop a capital building programme intended to accommodate the entire of the present and future requirements of the Courts Service.
- To prepare and develop a comprehensive maintenance programme intended to be imposed in respect of all of the Court Buildings with a view to:

- achieving, maintaining, monitoring and verifying the application of satisfactory and acceptable standards of safety, health, welfare and hygiene in the interests of all Court users, and
- reducing the level of building depreciation and asset wastage
- To advise the Board and CEO on the implementation of a security programme in respect of all Court Buildings and, where appropriate, to seek from the Board authority to take such steps as may be necessary to achieve authorised implementation of security projects (or parts thereof).
- To prepare a standardised design brief to meet the accommodation requirements of all court users with a view to providing the best available facilities to ensure the efficient running of the courts.
- To advise the Board and the CEO on the implementation of the capital building programme and, where appropriate, to seek from the Board authority to take such steps as the Board may deem necessary to achieve authorised implementation in respect of specific projects (or parts thereof).
- To advise the Board and the CEO on the implementation of the buildings maintenance programme and, where appropriate, to seek from the Board authority to take such steps as the Committee may deem necessary to achieve authorised implementation of the programme (or specific parts thereof).
- To establish priorities in relation to the implementation of the capital building programme and of the buildings maintenance programme.
- To consult and, where possible, liaise with appropriate State agencies (including and in particular the IT section of the Courts Service), voluntary bodies, security services and other court users in respect of all new projects.
- To consider reports from the CEO and otherwise in respect of the capital buildings programme, the buildings programme, or any other matter relevant to the Courts Buildings.
- To advise the Board regularly and comprehensively on all aspects of the capital building programme, the buildings maintenance programme and the overall provision of facilities in the Courts Buildings

#### FAMILY LAW COURT DEVELOPMENT COMMITTEE

Review the implementation of the short, medium and long term proposals prepared by the outgoing Committee for the development of family law services and in particular pursue the recommendations contained in the Working Group on a Courts Commission including:

- regional family law courts
- the publication of in camera family law judgments as soon as legislation permits
- court accommodation and facilities for the hearing of family law cases
- provision of information on family law services to the public.

## AUDIT COMMITTEE

### 1. Role of the Audit Committee

In accordance with Public Financial Procedures and the Code of Practice Conduct for State Sponsored Bodies, the Courts Service Board (the Board) has established an Audit Committee (the Committee) to oversee and advise the Board and the Chief Executive Officer as Accounting Officer on matters relating to:

- (a) financial and operational risks, including overall risk management;
- (b) the effectiveness of internal controls (including information technology security and control) and risk management,
- (c) the effectiveness of internal and external audit functions,
- (d) the adequacy of governance procedures and
- (e) value for money issues.

### 2. Membership

The membership of the Committee shall be as follows:

- Members and chairperson shall be appointed by the Board and shall be independent of any management functions.
- The Chairperson of the Board shall not be a member of the Committee.
- The Committee will have a minimum of 5 members to include external persons and at least 2 Board members. The Chairman of the Committee shall be appointed by the Board.
- At least one member of the Committee shall have recent relevant financial expertise
- Members will be appointed for a 3 year period or for such shorter period that coincides with the appointment of a new Board. On the appointment of a new Board the existing Committee will remain in place pending the appointment of a new Committee by the Board.

- A member of the Committee may be re-appointed by the Board.

### **3. Meetings**

Meetings of the Committee shall be held as follows:

- Meetings of the Committee will be held not less than four times per year at appropriate times within the audit and reporting cycle. Additional meetings shall be held as the work of the Committee demands.
- The Board or the Accounting Officer may request the Committee to convene further meetings to discuss particular issues on which they require advice.
- In the absence of the chairperson, the remaining members present shall elect one member to chair the meeting.
- The quorum for a meeting shall be three members. A duly convened meeting at which a quorum is present shall be competent to exercise all authorities, powers or discretions vested in or exercisable by the Committee.
- The Head of Resource Management and the Internal Auditor will normally attend meetings of the Committee.
- The external auditors will meet with the Committee as required.
- The Committee may invite the Chief Executive Officer, any Head of Directorate or staff member of the Courts Service to attend meeting and or provide information to the Committee.
- Notification and documentation for meetings will issue where possible at least 5 working days in advance of the meeting.
- The secretary shall minute the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance.
- Minutes of meetings shall be circulated promptly to all members of the Committee.
- Where a conflict of interest arises in the course of the work of the Audit committee, the member will bring this to the attention of the Chairperson and, where necessary, leave the meeting for the durations of the discussion and not take part in any decisions relating to the discussion. A note to this effect will be included in the minutes of the meeting.

### **4. Resources**

The Committee will be supported and resourced in its work by the Courts Service through the

- Provision of the secretarial and administrative support necessary to undertake its duties.



- Support from the Internal Audit Unit which has an independent internal appraisal function and which reports to the Audit Committee on professional matters.
- Obtain outside legal or other independent professional advice and invite outsiders with relevant experience to attend meetings.

## **5. Training**

Committee members will be provided with appropriate and timely training as required.

## **6. Remit and Responsibility**

The Committee shall carry out the duties below on behalf of the Board and Accounting Officer, as appropriate.

### **6.1. Financial reporting and Budgeting**

The Committee should:

- Review and challenge where necessary, the actions and judgements of management, in relation to the Courts Service's financial statements (Appropriation Accounts and Financial Statements of the Accountant of the Courts of Justice)
- Pay particular attention to:
  - Critical accounting policies and practices and any changes to them;
  - Financial reporting decisions requiring a significant element of judgement;
  - The extent to which the financial statements are affected by any unusual transactions in the year and how they are disclosed;
  - The clarity of disclosures
  - Significant adjustments resulting from the audit;
  - Compliance with any accounting standards specified by the Department of Public Expenditure and Reform;
  - Compliance with other legal requirements.

### **6.2. Internal Control and Risk Management**

The Committee should review the adequacy and effectiveness of the Courts Service systems of internal financial control (*i.e.* the systems established to identify, assess, manage and monitor financial risks) internal controls and risk management by.

- Reviewing at least annually reports from the Head of Resource Management on compliance with internal financial controls
- Reviewing the Courts Service's procedures for detecting fraud and irregularities

- Reviewing the Statement on Internal Financial Controls prepared in conjunction with the annual Appropriation Accounts.
- Receiving reports from management on a regular basis on the effectiveness of the risk management systems established and taking such reports into account in developing the priorities of the Internal Audit Unit work programme.
- Report to the Board annually on the operation of the operation of the risk management framework.

### **6.3. Internal Audit**

The Committee shall:

- Review and approve the remit of Internal Audit having regard to the complementary roles of the internal and external audit functions.
- Review and monitor the adequacy of the annual Internal Audit Plan; the resources available to the Internal Audit Unit to enable it to carry out its functions and its standing within the organisation
- Receive progress reports on the implementation of the Audit Plan
- Ensure that the Head of Internal Audit has direct access to the Board Chairperson and Committee
- Raise concerns (if any) with the Chairperson of the Board and Chief Executive regarding the independence of the Internal Audit Unit.
- Monitor and assess the role and effectiveness of the internal audit function
- Meet separately with the Head of Internal Audit where necessary to discuss any matters that the Audit Committee or Internal Audit Unit believes should be discussed privately.
- Receive and consider report on the results of the internal auditor's work on a periodic basis
- Review and monitor management's responsiveness to internal audit findings and recommendations
- Receive other reports (internal or external) on any topic(s) that the Audit Committee considers relevant to its work.

### **6.4. External Audit**

External audit is carried out by both the C&AG and external audit firms. The C&AG audits the Courts Service Annual Appropriation Account. An external audit firm audits the court funds managed by the Accountants' Office.

The Committee should

- Review on an annual basis the planned scope of audit work to be carried out by the office of the C&AG, the external auditors and internal audit with a view to maximising the efficiency and effectiveness of the audit process. This does not in any way restrict the statutory right of the C&AG to pursue any matter as he /she sees fit.
- Meet annually with representatives of the C&AG and other external auditors.

#### **6.4.1 External Audit – C&AG**

The Committee should

- Oversee the Courts Service's relationship with the C&AG
- Review the terms of engagement in respect of audit services provided
- Discuss with the C&AG the nature and scope of the audit, including the nature of any value for money auditing
- Review with the C&AG, the findings of their work, including any major issues that arose during the course of the audit which have subsequently been resolved and those issues that have been left unresolved; key accounting and audit assumptions underlying the audit; levels of errors identified during the audit, obtaining explanations from management and, where necessary other external auditors, as to why certain errors remain unadjusted
- Review audit representation letters giving particular consideration to matters that relate to non-standard issues.
- Assess, at the end of the audit cycle, the level of assurance provided to the Accounting Officer and the Board by the audit process
- Review and monitor the content of the C&AG's management letter, in order to assess whether it is based on a good understanding of the Courts Service's role and establish whether recommendations have been acted upon.
- Evaluate the cooperation received by the C&AG, including access to records, data and information
- Obtain feedback about the conduct of the audit from key personnel involved.

#### **6.4.2 External Audit – External Audit Firms**

The Committee should

- Oversee the Courts Service's relationship with the external audit firm;
- Make recommendations on the appointment, reappointment and removal of the external auditor
- Review the terms of engagement and remuneration in respect of audit services provided
- Assess the qualification, expertise, resources, effectiveness and independence of the external auditors
- Ensure that the procurement of external audit services is subject to competitive tendering on a regular basis, and at least every three years
- Discuss with the external auditor, before the audit commences, the nature and scope of the audit, including the nature of any value for money auditing expected by the Audit Committee
- Review with the external auditor, the findings of their work, including any major issues that arose during the course of the audit which have subsequently been resolved and those issues that have been left unresolved; key accounting and audit assumptions underlying the audit; levels of errors identified during the audit, obtaining explanations from management and, where necessary other external auditors, as to why certain errors remain unadjusted
- Review audit representation letters before consideration by the Accountant of Courts of Justice, giving particular consideration to matters that relate to non-standard issues
- Assess, at the end of the audit cycle, the level of assurance provided to the Courts Service Board by the audit process
- Review and monitor the content of the external auditor's management letter, in order to assess whether it is based on a good understanding of the Courts Service's role and establish whether recommendations have been acted upon
- Evaluate the cooperation received by the external auditor, including access to records, data and information
- Obtain feedback about the conduct of the audit from key personnel involved.

## **6.5 Governance**

The Committee should consider and review:

- compliance with the Code of Practice for the Governance of State Bodies.

## **6.6 Value for Money**

The Committee should:

- Review reports produced as part of the new performance budgeting arrangements introduced in 2012, including the new format Appropriation Account incorporating an annual output statement, showing outputs achieved and key performance indicators
- Report to the Board on the effectiveness of the arrangements for ensuring value for money
- Ensure that in planning, executing and reporting its work, the internal audit function gives adequate attention to value for money auditing.

## **7 Review and Reporting Procedures**

The Committee shall

- At the end of each year prepare a report on its role and responsibilities and the actions it has taken to discharge those responsibilities.
- Report annually to the Board and the Accounting Officer on its performance during the year including an assessment of the work of the Internal Audit Unit. The Committee will follow up on any recommendations from the Board arising from consideration of this report or in the course of other interactions.
- Circulate the agreed minutes of audit committee meetings to the Board
- Advise the Chief Executive of concerns raised by the committee at its meetings
- Conduct an annual review of its performance
- Review the Terms of Reference regularly and make recommendations to the Board as appropriate.

## **8. Protected Disclosures**

The Audit Committee will review implementation of the Protected Disclosures Act 2014 and any organisational policy put in place.

In the event that the Audit Committee receives a protected disclosure the Audit Committee will refer the protected disclosure made to it to the relevant area in line with organisational policy.

## **IRISH SENTENCING COMMITTEE**

- To plan for and to provide information on sentencing.

## APPENDIX 7

### THE COURTS SERVICE CODE OF BUSINESS CONDUCT FOR BOARD MEMBERS

#### INTRODUCTION

The Code of Business Conduct for Board members sets out the standards of business conduct to which the members of the Board of the Courts Service have agreed to adhere in the performance of their duties.

The Code applies to all members of the Courts Service Board and outlines the ethics regime under which the Board operates. In accordance with the Code Board members will strive to perform their duties in accordance with the highest ethical standards of honesty, integrity, fairness, confidentiality and independence and will actively seek to prevent the development of unethical practices.

Procedures in relation to Disclosure and Conflict of Interests; Gifts and Entertainment and the provision of independent professional advice for Board members are set out at page 84 below.

#### General Policy and Objectives

The objectives of the code are to

- Establish an agreed set of ethical principles
- Prevent the development or acceptance of unethical practices
- Promote and maintain confidence and trust in the Board and the Courts Service

#### General Principles

Board members are expected to adhere to and support the following fundamental principles.

##### **Integrity**

Take decisions solely in terms of the public interest

Exercise their skills and abilities in the execution of their duties and give adequate consideration to Board matters.

Participate in Board activities vigorously but also ethically and honestly at all times

- Ensure the Service conducts its business fairly
- Ensure that Court Service resources are used for the benefit of the organisation and not for personal gain or benefit of persons or organisations unconnected with the Courts Service or its activities.

- Ensure that the purchasing activities of goods/services are carried out in accordance with best business practice

### **Information**

- Support the principle of access to general information (as set out in Freedom of Information Acts and the Data Protection Act) relating to Board activities, in a way that encourages a spirit of accountability to the public.
- Maintain, both during and after term of office, the confidentiality of information obtained in the course of the business of the Service and respect the confidentiality of sensitive information held by the Service including
  - commercially sensitive information on future plans or details of major organisational changes
  - personal information
  - information received in confidence.

### **Loyalty and Obligations**

- acknowledge responsibility to be loyal to the Courts Service and to be fully committed to its activities and decisions.
- Acknowledge duty to conform to the highest standards of business ethics
- Make all reasonable efforts to attend all meetings
- Regulatory and statutory obligations imposed on the Service are fulfilled and procedures and controls in relation to procurement, prevention of fraud and conflict of interest are complied with.
- The necessary systems are in place to ensure economy, efficiency, transparency and effectiveness of expenditure by the Service
- The accounts and reports of the Service are true and accurately reflect performance.

### **Fairness**

- Employment equality and equal status legislation is complied with
- Commitment to fairness in all business dealings
- Customers are valued and all customers are treated equally.

### **Work/External Environment**

- Systems, equipment and procedures are implemented to promote and preserve the health and safety of employees.
- Community concerns are fully considered when taking decisions

- Minimise in so far as is possible any detrimental impact of the operations of the Service on the environment.

### **Responsibility**

A copy of this Code of Business Conduct will be circulated to all Board members, who must acknowledge receipt and understanding of same.

The Code of Business Conduct will be reviewed annually or more frequently should circumstances so require.

### **PROCEDURES FOR BOARD MEMBERS IN RELATION TO DECLARATION OF INTERESTS AND CONFLICT OF INTEREST**

The Ethics and Standards in Public Office legislation does not apply to the Board of the Courts Service. The Code of Practice for the Governance of State Bodies (2009) requires that procedures be put in place for Board members for addressing conflict of interests. The following procedures have been put in place:

1. At each meeting of the Board or Committee of the Board, where a procurement proposal is being considered, the Chairperson will request as a matter of good governance that any member of the Board who considers that he or she or a person or body connected with him/her may have an interest which may represent a conflict in the consideration of a proposal, should absent themselves from discussion on the item.
2. A member will absent himself/herself from any meeting, or part of a meeting, at which the Board is deliberating or deciding on matters in which he/she (other than in his/ her capacity as a member of the Board) or a person or body connected with him/her has an interest. The minutes of the meeting will record any such abstentions and a separate record (to which the member will not have access) will be maintained
3. If a member has a doubt as to whether an interest of his/her own or of a connected person represents a conflict that member should consult the Chairperson.
4. Should a matter relating to the interests of the Chairperson arise at a meeting, the members present shall choose one of their members to chair the meeting and the Chairperson will absent himself/herself when the matter is being considered.
5. If a Board member receives documents relating to his/her interests or of those connected with him/her, then these documents should be returned to the Secretary at the earliest opportunity.
6. Serving and former Board members must respect the confidentiality of sensitive information received while acting as members of the Board. This includes



commercially sensitive information, personal information, and information received in confidence by the Service.

7. Board members should not retain documentation obtained during their terms as member and should return such documentation to the Secretary or otherwise indicate to the Secretary that all such documentation in their possession has been disposed of in an appropriate manner. In the event that former members require access to Board papers from the time of their term on the Board, this can be facilitated by the Board Secretary

#### PROCEDURES FOR BOARD MEMBERS IN RELATION TO GIFTS AND ENTERTAINMENT

A Board member must not obtain personal advantage from any person dealing with the Courts Service.

Board members must undertake not to give or receive corporate gifts, hospitality or preferential treatment or other benefits that might affect or appear to affect the ability of the donor or the recipient to make independent judgements on any business matter.

In particular a Board member must not accept or solicit any gifts or inducements where the value of such could make it appear that the giving of the gift is an attempt to influence the Board member to gain advantage.

Business gifts may be accepted by Board members as courtesies where such are designed to build understanding and goodwill, are modest in value and the refusal of the gift might cause offence.


Where the matter of the giving of a gift to persons or organisations doing business with the Service arises, the approval of the Chairperson must be obtained and the gifts should be appropriate and modest in value.

#### PROCEDURES TO ENABLE BOARD MEMBERS TAKE INDEPENDENT PROFESSIONAL ADVICE

In the event that any Board members wishes to seek independent professional advice in the furtherance of their duties, members should first consider whether such advice can be supplied by Courts Service personnel or advisors already retained by the Service.

It is only in relation to significant issues, and in circumstances where advice cannot be obtained from Courts Service personnel or advisors already retained by the Service or such advice is considered to be unreliable or lacking in objectivity that independent professional advice should be sought.

In such cases members should consult with the Chairman regarding the basis on which such advice is required. The Chairperson will determine whether such advice is warranted.



Where it is deemed to be necessary, the Secretary will arrange for independent professional advice to be provided to the member at reasonable expense to the Courts Service.

## APPENDIX 8

### TERMS OF REFERENCE FOR ICT GOVERNING COMMITTEE WITH UNDERLYING SUPPORT MECHANISMS

The Courts Service ICT strategy for the period 2016 – 2018 supports and is aligned with the Courts Service Strategic Plan 2016-2017. The strategy recognises the importance of appropriate Information Technology governance structures in the successful implementation of all the initiatives outlined in the strategy. The ICT Governing Committee has operated since

1. 2006 with a change of format introduced in 2012, when the SMT by and large took over responsibility for ICT Governance. These terms of Reference formalises and refines the approach to ICT Governance.
2. In summary the role and responsibility of the ICT Governing Committee is to provide strategic direction and oversee the implementation of the strategy in the period 2016 – 2018. To effectively undertake this task the role and responsibility of the Governing Committee must be clearly defined. For the Committee to successfully undertake this task, the underlying support mechanisms must be in place. This document is primarily concerned with the definition of its roles and responsibilities.
3. The underlying support structures for the governing committee comprise the following:
  - (a) The ICT Unit, which is organised to reflect the major ICT project groupings;
  - (b) Reporting policies, procedures and templates applicable to the Governing Committee;
  - (c) The appointment of appropriate Project Boards for the day to day management of specific projects and initiatives.

Project status reports will be provided by each of the managers for each ICT grouping. Separate reports will be submitted as appropriate from project boards established by the Governing Committee.

4. The following are the revised terms of reference agreed by the Governing Committee in December 2015:
  - To set and communicate the overall strategy and information technology vision for the organisation in the period 2016 – 2018

- Ensure that the business strategy of the organisation is supported by the information systems strategy
- Ensure that all information system developments are supported by strong business cases with emphasis on realisable benefits for the organisation
- Prioritise information system developments by reference to the priority business requirements of the organisation.
- Monitor progress on projects by reference to defined project and programme plans
- Provides for a co-ordinated approach to the delivery of projects across the organisation
- Ensure that an appropriate risk management strategy is in place and that the key strategic risks are regularly reviewed.
- Ensure that best practice is applied to ICT Projects

5. The membership of the Governing Committee is as follows:

**Chairperson:** Chief Executive Officer

**Members:** Head of Circuit and District Court Operations  
 Head of Supreme and High Court Operations  
 Head of Reform and Development  
 Head of Resource Management  
 Head of Infrastructure Services  
 Head of ICT Unit

6. New members may be added to the committee from time to time by agreement of the committee.
7. The Governing Committee will meet once a quarter or as decided by the committee members.
8. The ISD will provide a Secretary for the Committee

## ICT Governance Structure

### Description:

Continue to develop a formalised and structured IT Governance structure for the planning and delivery of strategic IT initiatives and ensure the underlying support mechanisms are put in place.

## **Scope:**

ICT Governing Committee (comprising of ICT and business resources at executive level who should be representative of the principal user communities) who will be responsible for:

- Setting the overall strategy and defining the ICT vision
- Approving, prioritising, resourcing, funding, monitoring and signing-off strategic ICT initiatives.
- Ensuring that the business benefits are delivered (*e.g.* Time, Quality, Service, Cost)
- Managing new requirements and their impacts on the Implementation of the ICT Strategy 2016-2018
- Being accountable for linking ICT to the business strategy
- Driving cross-functional business and ICT working relationships (including defining roles and responsibilities)
- Monitoring performance on the implementation of projects and their adherence to project budgets and timescales.
- Resolving any escalated issues
- Monitoring a number of processes and support structures including:
  - Formal roles and responsibilities for Project Sponsor, Project Board, Project Manager, Project Team,
  - Formal project documentation, templates (*e.g.* business case, PID), policies and procedures
  - A monitoring process for business benefits and costs
  - A mechanism for overall resource planning – including backfilling of resources ensure minimal disruption to offices.
- Establishing a communications channel to promote the governance structure across the organisation.

## **Benefits:**

- Formalised approach to setting the overall direction of ICT across the organisation
- A mechanism for ensuring the implementation of the ICT Strategy and assigning / reassigning new priorities
- Improved project planning and execution of ICT projects and fosters transparency in the decision-making process for project prioritisation and approval

- Ensures a formal mechanism to resource planning for projects
- Ensures the balanced prioritisation of ICT projects and that the right projects are funded
- Ensures projects commence only when all the necessary elements are in place
- A structure for monitoring use of resources (financial and human) and ensuring the business benefits are delivered.
- Increased ownership by the business for ICT projects / initiatives
- Roles and responsibilities clearly defined for project team (including Business Sponsor etc)

**Challenges:**

- Ensuring the ICT Governing Committee is an active decision making body
- Ensuring that a formal ICT Governance culture is adapted throughout the organisation

**Dependencies:**

- Ensuring executive level commitment to put the ICT Governing Committee in place and underlying support processes and procedures

**Estimated Resources:**

- This will be performed by Courts Service staff. Resources required to design the governance structure and develop processes, roles and responsibilities and document templates *etc.*

## APPENDIX 9

### COURTS SERVICE INTERNAL AUDIT CHARTER

#### BOARD POLICY

It is the policy of the Courts Service to have and support the development of an Internal Audit Unit.

#### MISSION STATEMENT

The mission of the Internal Audit Unit is to be an independent, objective assurance and consulting activity, which operates as a service to the Board and senior management, and is committed to adding value and improving the Service's operations. We endeavour to assist the Service achieve its objectives by bringing a systematic, disciplined approach to evaluating and improving the effectiveness of risk management, control, and governance processes.

#### TERMS OF REFERENCE

##### Authority

Internal Audit operates with the direct authority of the Board and is empowered by the Audit Committee to direct a broad comprehensive programme of internal auditing. There are no operational areas or levels within the organisation precluded from internal audit review.

The authority of Internal Audit allows full, free and unrestricted access to all of the Service's functions, records, reports, systems, assets and personnel necessary for the proper discharge of its responsibilities.

The Head of Internal Audit reports directly to the Chief Executive Officer. He/she has unrestricted access to the Chairperson of the Audit Committee.

##### Independence

In order to ensure its objectivity and independence, Internal Audit will not assume operating responsibility for, and will remain independent of the activities they audit. Internal Audit does not participate in the development and installation of new procedures or engage in any other activity that would normally be subject to audit review. They may, if requested by management, and deemed appropriate by the Head of Internal Audit, and/or the Audit Committee, review and advise on the controls which they deem necessary to be incorporated into new or revised systems, without compromising its right to subsequently audit those systems.

## Objectivity

Internal auditors exhibit the highest level of professional objectivity in gathering, evaluating, and communicating information about the activity or process being examined. Auditors endeavour to bring an impartial, unbiased attitude and not be unduly influenced by their own interests or by others in forming judgements.

## Scope

Internal Audit is an independent appraisal function charged with reviewing operations across all areas within the Service, as a service to the Board, the Audit Committee and to all levels of management. It examines and reports on the adequacy of internal control, and on the achievement of efficient and effective use of resources of the Service, taking adequate cognisance of value for money considerations.

The scope of internal audit work encompasses evaluating the effectiveness of risk management, control and governance processes in the Courts Service.

It is management's responsibility to establish and maintain a proper and effective control environment and to manage risk. Management also has the primary responsibility for the safeguarding and use of assets and the prevention and detection of fraud. The objective of Internal Audit is to assist all levels of management in the effective discharge of this responsibility, by carrying out appraisals and analyses, and by making recommendations, where appropriate, concerning the activities and operating procedures under their control.

Internal Audit may, if deemed necessary by the Head of Internal Audit, the Chief Executive Officer and/or the Audit Committee, procure specialised services on a contract basis.

## Role and Responsibilities

The role of Internal Audit is to understand the key risks of the organisation and to examine and evaluate the adequacy and effectiveness of the system of risk management and internal control as operated by the organisation. Internal Audit, therefore has unrestricted access to all activities undertaken in the organisation, in order to review, appraise and report on:

- the adequacy and reliability of systems of financial, operational and management control and their operation in practice in relation to the business risks to be addressed
- the extent of compliance with, relevance of, and financial effect of, policies, standards, plans, procedures established by the Board and the extent of compliance



with external laws and regulations, including reporting requirements of external bodies

- the extent to which assets and interests are acquired economically, used efficiently, accounted for and safeguarded from losses of all kinds arising from waste, extravagance, inefficient administration, poor value for money, fraud or other cause and that adequate business continuity plans exist
- the suitability, accuracy, reliability and integrity of financial and other management information and the means used to identify, measure, classify and report such information
- the integrity of processes and systems, including those under development, to ensure that controls offer adequate protection against error, fraud and loss of all kinds; and that the process aligns with the organisation's strategic goals
- the suitability of the organization of the units audited for carrying out their functions, and to ensure services are provided in a way which is economical, efficient and effective
- the follow-up action taken to remedy weaknesses identified by internal Audit review, ensuring that good practice is identified and communicated widely
- the operation of the organisation's corporate governance arrangements

Internal Audit will develop an annual business plan including an annual schedule of audits. This plan will be drawn up on the basis of risk assessment. It will include voted and non-voted expenditure.

Internal Audit will conduct its work in a manner that is consistent with the Standards for the Professional Practice of Internal Auditors, published by the Institute of Internal Auditors. Comprehensive records will be maintained to demonstrate that internal audit work has been performed in accordance with accepted standards of best practice.

Directors and their senior managers will proactively interface with auditors and respond promptly to draft audit reports. They and their senior managers will be responsible for deciding the appropriate action to be taken in response to reported audit findings, in the absence of specific recommendations by Internal Audit.

Management has the primary responsibility for prevention of fraud and for detecting and dealing with any fraud that may occur.

It is the responsibility of all auditors to ensure that confidentiality is maintained over all information and records obtained in carrying out audits. Internal auditors respect the value and ownership of information they receive and do not disclose information without proper authority unless there is a legal or professional obligation to do so.

Completed audit reports if requested will be made available to the Comptroller and Auditor's General as the national authority on auditing of government expenditures. It is hoped that a symbiotic relationship can be developed with the Comptroller & Auditor General's office which will reduce the likelihood of audit duplication.

### Planning and Reporting

The Head of Internal Audit is responsible for establishing strategic, risk-based plans to determine the priorities of the Internal Audit function, consistent with the organisation's goals. Following consultation with the Chief Executive the Head of Internal Audit will agree the annual audit plan for approval by the Audit Committee.

The Head of Internal Audit reports to the Audit Committee on the status and results of the annual Audit Plan. The Head of Internal Audit is accountable to the Audit Committee for:

- providing regular assessments of the adequacy and effectiveness of the organisation's systems of risk management and internal control based on the work of Internal Audit
- reporting significant control issues and potential for improving risk management and control processes
- providing periodically information on the status of the annual audit plan

Draft audit reports will be issued to the managers concerned and to relevant senior management for response. Final reports, incorporating management's response and an audit opinion, will be issued to the relevant managers. All final audit reports will be sent to the Chief Executive, Director of Finance and the Audit Committee. Internal Audit will maintain a follow-up process to monitor and ensure that management actions in response to their recommendations have/or are being effectively implemented. The Audit Committee and the relevant Directors will be informed of any instances where audit recommendations have not been implemented as agreed or where corrective action taken by management on foot of reported audit findings/recommendations is considered inappropriate or insufficient.