

MEETING OF THE COURTS SERVICE BOARD

26th June, 2017

The Courts Service Board met on 26th June, 2017.

Presentation on the Hammond Lane Complex

The Board received a presentation from Mr. Ciaran O'Connor, State Architect providing an update on the design of and facilities to be provided in the proposed new Family Law and Children Court Complex on the Hammond Lane site which will house the Dublin Family Law courts of all jurisdictions, the Children Court and the Supreme Court, support services and court and administrative offices. The underlying principle in creating this design was to promote architectural design that rises above utility, beyond basic construction, to combine all that is practical and necessary with courts that are culturally meaningful, humane and civic in nature while being both functional and economical. The building has been designed to be bio-dynamic with the lowest possible energy usage. The courts and other accommodation have been situated in the building to ensure the capacity of the site is fully utilised and the requirements of all those using the complex are met in as far as is possible through appropriate formal and informal spaces. The circulation routes are being designed to promote free flow of movement while ensuring secure access and egress from the building. Fire safety measures have also been carefully considered and this will be the first public building in the country where lifts are fully powered in the event of a fire. A 3 D model has been developed and work on the external views is underway. The development of the design has involved a comprehensive consultation process. A realistic reliable costing exercise has been carried out and the building will represent good value for money. The next steps in progressing the project include the Part 9 Planning process

The Board thanked Mr. O'Connor and his team for the work already carried out in progressing this project and for the interesting and informative presentation.

Report of the Judicial Assistants Review Group

The Board considered the Report of the Review Group established to carry out a review of the system of judicial support and make recommendations in relation to meeting the current and future needs of the judiciary. The report made a number of recommendations in relation to remuneration, term of contract, recruitment, supervision and assignment which were approved by the Board. The Chief Justice thanked the Review Group for their report

which represented a significant step forward in the development of a future system of judicial support.

Minutes and Documentation from Committees of the Board

The Board noted minutes of meetings of Committees of the Board as follows

- Minutes of the Finance Committee Meeting, 27th March 2017
- Minutes of the Audit Committee 27th March, 2017
- Report to the Audit Committee on Protected Disclosures 2016
- Self Evaluation by the Audit Committee for 2016
- Minutes of Family Law Court Development Committee Meeting, 27th February, 2017.

The Board considered and approved the following Reports:

Report on Expenditure and Budget 2017

The Chief Executive Officer briefed the Board on the key issues in the report including:

- **Financial position to end May, 2017** – the Chief Executive outlined the financial position as set out in the Report which showed a gross underspend of €3.494m. across a number of subheads. A budgetary review has been carried out and the Capital and Non Pay subheads are expected to come in on budget at year end. There will be some underspend on Pay mainly due to delays in filling vacancies and this is being addressed. A 2nd Budgetary Review will be carried out in September.
- **Court Funds** – Despite the very challenging conditions and volatility in the markets, overall the investment performance is in line with expectations and performing well against benchmark.

The Board considered and approved the Report.

Chief Executive Officer's Report

The Chief Executive presented his report and briefed the meeting on some of the major issues outlined in his report including

- **Corporate Business Plan 2017** – significant progress continues to be made in implementing the Plan and meeting the targets set out.

- **Strategic Plan** - a new Strategic plan for the period 2018 – 2021 is now being prepared and will include a comprehensive consultation process. A draft plan will be brought to the October meeting of the Board.
- **Courts Service Board** – arrangements are being made for the appointment of the members of the new Courts Service Board which will take up duty on 9th November.
- **Appraisal of Chairperson of the Audit Committee** – in accordance with good governance and as part of the Board oversight of the Audit Committee, the Chief Justice, in her capacity as Chairperson of the Board, carried out an appraisal of the Audit Committee Chairperson which found that he was fulfilling his role in an effective and appropriate manner resulting in a high functioning Audit Committee.
- **Capability Review** – In accordance with the Civil Service Renewal Plan a programme of organisational capability reviews is being carried out by Public Expenditure and Reform. The Courts Service is the 2nd organisation to be selected for review which will commence very shortly and take in the region of 3 to 6 months. The Review will involve interviews with internal and external stakeholders and the Head of the Change Management Unit has been nominated to act as Liaison Officer.
- **Staff Engagement Survey** – the Staff Engagement Survey was carried out in March of this year and had a 58% response rate – 4% increase on the previous survey. Overall the results were positive and showed improvement in a number of areas which can be attributed in great part to the work being carried out in Learning and Development. However there are still areas which need improvement and consideration is being given to identify actions to address the issues raised.
- **Human Resources** – the current Head of HR is taking up duty as the Dublin Circuit and District Court Office Manager shortly and a new Head of HR is being appointed. In making this appointment the focus was on the development of a strategic approach to HR within the organisation and to this end, a person with significant HR experience and qualifications has been selected. The successful candidate will commence duty in the Courts Service in early August.
- **ICT** – work across all areas of ICT, to address the issues arising from the underfunding during the economic downturn, is continuing and the additional funding and increased staff resources has resulted in significant progress being made. One of the key areas of focus is ICT security and a company, Integrity 360 are working with the Courts Service to put in place policies and standards up to the ISO 27001 standard to give the Service the option of becoming ISO certified in the future. Some security projects have been accelerated especially Patch Management due to the potential impact of the recent global malware issue. The Chief Executive outlined the new systems developed or

under development including full IT support for the Legal Cost Adjudicator regime which will come into effect later this year; the Third Payment Option to allow for the payment of an on the spot fine after a summons has issued which is now in place, upgrade of the Agresso system for the Funds Accounting system and the Courts Accounting system which has commenced; refresh of the DAR system which is continuing and ICT for the 7 PPP projects.

- **PPP Courthouse Bundle** – construction is underway on all 7 PPP courthouse sites and significant progress is being made with all projects. There have been some delays in the Drogheda project but it came on stream this month and will be officially opened by the Minister for Justice and Equality on 10th July. Progress on the other sites is being monitored very carefully and while there has been some slippage, particularly in Mullingar where the site is very tight, this will not have any cost implications for the Courts Service.
- **Hammond Lane** - Work on the Hammond Lane project is also continuing and good progress is being made. The costing exercise carried out shows that the net cost of the building represents real value for money in the provision of a suitably located, city centre building which is required to provide the facilities necessary to meet the needs of court users. It is anticipated that Part 9 Planning process will be undertaken during the 3rd Quarter of 2017 and subject to the approval of the Department, the procurement process could begin in early 2018.
- **Future Provincial projects** – there are 5 provincial city/county town projects remaining to be completed – Galway, Tralee, Portlaoise, Roscommon and Wicklow. Agreement has been reached with Roscommon County Council in relation to the sale of the Council's space in the building which will allow for the refurbishment of the courthouse. There is already space on site for the refurbishment and extension of the Courthouse in Wicklow. Discussions are still underway in relation to the acquisition of sites in Galway and Tralee and OPW are assessing the suitability of a site identified by the Laois County Council as a possible location for a new courthouse.
- **Clonakilty Court Office accommodation** - works have been carried out to address the immediate health and safety concerns at Clonakilty Court Office and efforts to locate alternative suitable office accommodations are continuing with the OPW.

The Board considered and approved the Report and noted the issues raised. The President of the High Court stated that the additional staff appointed to the Wards of Court office and the solicitor appointed to the General Solicitor's Office has enabled the arrears which had built up to be addressed and it is anticipated that these arrears will be eliminated in the coming weeks.

Risk Management

Mr. Sean Quigley, Head of Resource Management and Chief Risk officer presented the report and briefed the meeting on risk management in the organisation which plays a key role in providing the necessary assurance to the Senior Management Team (SMT), the Audit Committee and the Board. The SMT and Audit Committee recently considered the report on Risk Management which sets out the major risks for the organisation. The additional funding provided to the Courts Service in 2017 across two of the high risk categories, People and ICT is enabling the organisation to deal more effectively with the risks in these areas. The strategic priorities of the organisation are closely aligned and correlated with the Risk categories.

The Report outlines the Risk Overview for 2017, the High Rated Risks and associated mitigating actions as set out in the Report - 3 ICT Risks, 2 HR Risks– filling of vacancies and age profile of staff and 1 Financial - Court Funds (rated High due to the size and scale of funds being managed in the context of the risk appetite of the organisation and level of public scrutiny). It also sets out the actions being taken to address these risks including increased investment in ICT and the adoption of the Workforce Plan, training and succession planning. The Spending Review which is being completed highlights the progress made by the organisation which has an ongoing modernisation and reform programme. This review will be published when completed. Concerns in relation to court security and the risk posed were considered and will be raised at the Justice Risk Forum.

Risk management in the organisation will continue to be monitored closely.

The Board considered the Report and the President of the High Court briefed the meeting on recent developments in relation to court funds. The Board noted the issues raised and progress being made.

Draft Annual Report 2016

Ms. Helen Priestley, Information Officer, attended the meeting for this item.

Ms. Priestley presented the draft Annual Report which follows the layout of the 2015 Report and is designed to highlight the following:

- the work and modernisation measures carried out by the Service by reference to the key priorities in Courts Service Strategic Plan

- the work of the courts by reference to different jurisdictions and areas of law including waiting times

An increased range of statistics is provided which meet not only Annual Report requirements but also Council of Europe reporting needs. The Report also includes information on corporate governance, the work of the Rules Committees and the Annual Financial Statements for the Courts Service in 2016. Ms. Priestley paid tribute to the work of all court offices and staff who contributed to the report particularly in relation to the collection and collation of statistics.

In accordance with Section 8 of the Courts Service Act 1998 (as amended by the Courts and Court Officers Act, 2002), the Service must submit the Annual Report for 2015 to the Minister for Justice and Equality not later than the 30th of June.

The Chief Executive and Chairperson and Board members complimented Ms. Priestley and her team on the high quality of the Report. The Board formally approved the Courts Service Annual Report 2016 subject to minor amendments including comments from members of the Board which will be incorporated. It is intended to formally present the Report to the Minister in July.

Lease of Dolphin House

Disclosure of Conflict of Interest

As a procurement proposal was to be considered, the Chairperson requested as a matter of good governance that any member who considered that they had an interest which might represent a conflict in their consideration of any of the proposal should absent themselves from discussion on these items. The minutes would record any such declarations. No member of the Board absented themselves from the meeting.

The Dolphin House lease was traditionally held by OPW but that organisation indicated that they did not intend to renew the lease. Pending the development of the Hammond Lane Project, the accommodation at Dolphin House is required for District Court family law business. The OPW engaged in discussion with the landlord in relation to the future lease of the building by the Courts Service and a 5 year lease is proposed at an annual cost considered to be reasonable and in line with market expectations as set out in the Report. The Building Committee and Finance Committee considered and approved a report on the proposal and recommended it to the Board for approval.

In accordance with the Board Governance Framework, it is a matter for the Courts Service Board to approve any lease for a period in excess of 4 years and 9 months. The Committee considered the proposed new lease.

The Board considered the report and approved the proposed lease in accordance with the terms set out in the Report.

Annual report to the Minister for Justice and Equality under the Code of Practice for the Governance of State Bodies.

The Report is a comprehensive report to the Minister on the Courts Service and compliance with the Code of Practice and with government regulations in relation to a range of areas including travel, Board remuneration; non competitive procurement and the organisation's internal control environment. In accordance with the decision of the Board, the report will be submitted on behalf of the Board by the Chief Executive in his capacity as Board member and Accounting Officer for the Service.

The Board considered and approved the Report for submission to the Minister.

Report on the Code of Practice for the Governance of State Bodies 2016

The Report which outlined the key requirements of the 2016 Code in relation to Board governance and the measures being proposed to enhance governance arrangements and bring about greater compliance. These measures were identified following a gap analysis which reviewed the governance arrangements in place in the context of compliance with the Code. The Gap Analysis found that the Board and the Courts Service already has strong governance arrangements in place and was substantially compliant with all the main provisions of the Code. The additional measures required can be achieved by building on those measures already in place. The new measures proposed as set out in the Report include;

- a. Terms of Reference for the Board
- b. Documentation of the Role of the Chairperson, Chief Executive and Secretary
- c. formal induction training process and ongoing training arrangements for Board members,
- d. Revision of the Letters of appointment for new members to take account of requirements set out in the Code.
- e. Enhancement of the Board evaluation process to include annual Self Evaluation with an external review every 3 years
- f. Publication of the Board Code of Conduct on the website

- g. Establishment of a Confidential Register of Interests of Board members or interests of a family member which could materially influence the member in relation to the performance of their functions. to be held confidentially

The Board considered the Report and approved the proposed measures which will be progressed by the Secretary and a further report brought to the October meeting of the Board.

Courts Service Work force Plan 2017 – 2019

The Board noted the Workforce Plan 2017 – 2019 as circulated.

Contract Register

The Board noted the contract Register as circulated.

Date for Next Meeting

The next meeting of the Board is scheduled for 2nd October, 2017.

Attendance

Present:	The Hon. Mrs. Justice Susan Denham, Chief Justice and Chairperson
	The Hon. Mr. Justice Sean Ryan
	The Hon Mr. Justice Peter Kelly
	The Hon. Mr. Justice Liam McKechnie
	The Hon. Mr. Justice Michael Peart
	The Hon. Mr. Justice Patrick McCarthy
	The Hon. Mr. Justice Ray Groarke
	Her Honour Judge Doirbhile Flanagan
	Her Honour Judge Rosemary Horgan
	Judge Gerard Haughton
	Mr. Brendan Ryan
	Mr. James McCourt
	Mr. Stephen Bracken
	Mr. Conan McKenna
	Mr. Liam Berney
Apologies:	Mr. Paul McGarry S.C.
	Mr. Pat Doyle
Officials:	Mr. Sean Quigley, Head of Resource Management
	Ms. Marie Ryan, Secretary
	Mr. Paul Burns, Head of Infrastructure Services
	Ms. Helen Priestley, Information Officer