

MEETING OF THE COURTS SERVICE BOARD

9th October 2017

The Courts Service Board met on 9th October, 2017.

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, 19th June, 2017
- Minutes of the Audit Committee 19th June, 2017
- Minutes of Family Law Court Development Committee Meeting, 15th May 2017
- Minutes of the Building Committee 28th March, 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 August 2017 and Budgetary Review** – the Chief Executive outlined the financial position as set out in the Report and the issues identified by the Budgetary Review which was carried out as part of the budgetary management process. The main issues emerging relate to
 - **projected underspend on Pay** – arising chiefly from delay in filling vacancies by the Public Appointments Service due to the high level of demand. This is a problem across all Government Departments.
 - **Projected overspend on Non Pay Current expenditure** - due mainly to the transfer of the Dolphin House lease to the Courts Service from OPW without the transfer of the necessary funding; increases in Travel and subsistence rates and levels and the introduction of bank charges by the Bank of Ireland
 - **Projected underspend on Capital** – due to the delay in the completion of the PPP bundle of courthouse projects and the consequent impact on the up front VAT payment on construction costs and on the PPP Unitary Charge.
 - **Appropriations in Aid** – expected to be in line with budget.

Discussions are underway with the Department of Justice and Equality in relation to these matters.

- **Estimates 2018** – the 2018 funding for the Courts Service for 2018 will be announced on 10th October and a draft budget will be brought to the December Board meeting for consideration. Additional funding has been sought across a number of headings including Courthouse Maintenance, the development of the Courts Service Reform Plan and the implementation of legislative initiatives i.e. the implementation of the Assisted Decision Making Capacity Act, 2015 and the Legal Service Regulation Act, 2015)
- **Appropriation Account 2016** – the C&AG audit has been completed and the management letter is awaited.

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

- **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.
- **Human Resources** – the new Head of HR, Ms. Denise Cole, has taken up duty. Ms. Cole has the comprehensive HR experience, skills and qualifications and her focus will be to progress the development of a strategic approach to HR within the organisation.
- **ICT** – progress is being made to address the issues arising from the underinvestment in ICT during the economic downturn including ICT Security; the development of new systems (ELicensing, Legal Cost Adjudicator's Office system to provide for online processing; On line filing of appeals from the Court of Appeal to the Supreme Court and the implementation of the Third Payment option under the Road Traffic Act, 2013) and the Criminal Justice Hub which allows for the sharing of information across criminal justice agencies
- **PPP Courthouse Bundle** – the Drogheda courthouse development was completed in June and sittings commenced in early July. There has been some slippage against target dates in the other 6 projects due to the shortage of skilled M&E labour and supply chain capacity issues arising from the sudden upturn in construction activity. This is being monitored very carefully. It was agreed that the courthouse projects in Cork and Limerick would be known as "The Courthouse, Anglesea Street, Cork" and "The Courthouse, Mulgrave Street, Limerick" and this nomenclature would be followed in all future projects.
- **Hammond Lane** – An issue has arisen in relation to the level of funding which is to be made available for the Hammond Lane project. The Department of Justice and Equality

has indicated that due to competing demands across the justice sector, it is not in a position to provide the full funding sought for the project. Without the requested level of funding it will not be possible to maximise the potential of the site and provide the very badly needed facilities for family law and children hearings in Dublin, in addition to providing appropriate accommodation for the Supreme Court and for Courts Service administrative offices. This is a cause of very serious concern and the matter is being pursued with the Department.

- **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 in discussion with Laois County Council in relation to the possible acquisition of the proposed site in Portlaoise.
- **Assisted Decision Making** – the head of the Decision Support Service has been appointed and work on the establishment of the new service is progressing.
- **Legal costs Adjudicators office** – is expected to be established by mid-2018 when the necessary ICT system will be in place to allow for online filing and processing of applications.

The Board considered and approved the Report and noted the issues raised. The Board expressed its serious concern in relation to the funding of the Hammond Lane project which represents a once off opportunity to use a site in state ownership in the city centre legal quarter to provide very badly needed court facilities for vulnerable court users.

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 strategic priorities of the organisation are closely aligned and correlated with the Risk categories and this is reflected in the draft Strategic Plan 2017 – 2020 which is for consideration by the Board.

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). The Board was informed that the Courts Service will be appearing before the Joint Oireachtas Committee on Justice and Equality in relation to wards of court and the investment of court funds on 11th October.

The Report was also briefed on the implementation of the actions identified to mitigate the corporate risks.

The Board considered the Report and noted the issues raised and progress being made.

Draft Strategic Plan 2017 - 2020

The Chief Executive presented the draft Strategic Plan Annual and informed the Board that there has been significant progress in achieving the targets set out in the current Strategic Plan. The draft Plan for 2017 – 2020 which was prepared following a wide consultation programme sets out the 7 strategic priorities which will enable the Service to continue to maintain high levels of support for the judiciary and provide key services to court users. The Plan will be translated into detailed business work programmes through the annual corporate business plan and the unit business plans. He thanked Mr. Sean Quigley and Ms. Geraldine Hurley for their key roles in the preparation of the Plan.

The Plan sets out the context in which the Courts Service operates and provides high level strategic objectives and actions for the next 3 year period. An Implementation Plan will be developed and brought to the December meeting of the Board. The Board considered the Plan and it was suggested that the section of the Report in relation to the strengths, weaknesses and challenges underplays the strengths of the Service and the section on court users could also be expanded to take account of other justice sector agencies. In discussion of the Plan it was agreed that consideration be given to the development of a formal process whereby the potential impacts of proposed legislation on the Courts and the Courts Service and their ability to fulfil their role, could be identified, assessed and submitted to the relevant Department for consideration prior to any enactment.

The Board approved the draft Strategic Plan 2020 – 2017 subject to any minor amendments. In accordance with the Courts Service Act, 1998, the Plan will be submitted to the Minister for Justice and Equality for approval by 9th November, 2017 .

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

The Report outlined the progress made in relation to Board governance in accordance with the requirements of the 2016 Code including

- a. Terms of Reference for the Board
- b. Documentation of the Role of the Chairperson, Chief Executive, Board member 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 noted the progress made and approved the Terms of Reference for the Board, the role profiles for the Chief Executive, Chairman, Board Members and Secretary and revised procedures in relation to conflict of interests including a confidential register of interest and periodic disclosure of interests.

Any Other Business

This was the last meeting of the current Board and the Chairperson and the Chief Executive, on behalf of the Board thanked the outgoing members for their support and their contribution to the Board and to the committees of the Board.

Date of Next Meeting

The next meeting of the Board is scheduled for 11th December, 2017

Attendance

Present:	The Hon. Mr. Justice Frank Clarke, 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 Ray Groarke
	Her Honour Judge Dóirbhíle Flanagan
	Her Honour Judge Rosemary Horgan
	Judge Gerard Haughton
	Mr. Brendan Ryan
	Mr. Conan McKenna
	Mr. Shane Browne
	Mr. Pat Doyle
	Mr. Liam Berney
Apologies:	The Hon. Mr. Justice Patrick McCarthy
	Mr. Paul McGarry S.C.
	Mr. James McCourt
	Mr. Stephen Bracken
	Mr. Liam Berney
Officials:	Mr. Sean Quigley, Head of Resource Management
	Ms. Marie Ryan, Secretary
	Ms. Geraldine Hurley, Head of Superior Courts Operations