

MEETING OF THE COURTS SERVICE BOARD

10th December 2018

The Courts Service Board met on 10th December 2018. All members of the Senior Management Team attended the meeting.

Retirement of Her Honour Judge Doirbhile Flanagan and Judge Gerard Haughton

As Her honour Judge Flanagan and Judge Haughton are due to retire shortly the Chairperson, on behalf of the Board expressed sincere appreciation and gratitude for the commitment and contribution shown by Judges Flanagan and Haughton during their membership of the Board and committees of the Board and wished them well in their forthcoming retirement.

Minutes and Documentation from Committees of the Board

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

- Minutes of the Finance Committee Meeting, 4th October, 2018
- Minutes of the Family Law Court Development Committee 23rd July and 15th October, 2018
- Audit & Risk Committee – 26th March and 22nd June 2018
- Building Committee – 18th June, 2018
- C& AG Management Letter - Appropriation Account 2017
- Report on Audit & Risk Committee – Self Evaluation.

The Board considered and approved the following Reports:

Report on Expenditure 2018 and Draft Budget 2019

The Board considered the report on Expenditure 2018 and Draft Budget 2019, as circulated. The Board noted the

- **Financial position to end October 2018** – Expenditure against budget profile showed an underspend on total gross expenditure of €3.61m in addition to excess receipts of €1.902m. The underspend consists of an underspend on Pay arising from delays in the filling of new and existing posts and an underspend on Capital arising from delay in the completion of the PPP Bundle of projects. Receipts are also ahead of profile due to once off receipts from the

Examiner's Office. Sanction has been given for a Technical Supplementary to avail of the underspend on Pay and the excess fee receipts which will allow for management of the end of year budget and a surrender balance, as required under government accounting. Sanction has also been sought to carryover €2.5m of the underspend on Capital as provided for in the framework for the management of capital allocation.

- **Proposed Budgets for 2019** – The gross funding allocation announced for the Courts Service in the 2019 Estimates was €138.405m which represents an increase of 5% on the allocation for 2018 and includes the following:
 - **Current Funding** - an increase of €4.3m (5%) as follows:
 - **Pay** - an additional €2m for the appointment of additional staff chiefly to support the implementation of the Reform programme and €0.830m for pay increases
 - **Non Pay** - an increase of €1.5m (5%)
 - **Capital Funding** – an increase - €2.5m (5%) as follows
 - **ICT** - an increase of €0.746m (9%).
 - **CCJ PPP – Unitary Charge** – an increase of €0.810m (4%)
 - **Regional PPPs** - an increase of €0.944m (7%) to meet full year contractual commitment

The Target for **Appropriations in Aid** (A-in-A) **-€47.781m** shows a slight decrease on 2018 which is welcome.

The Board considered the proposed allocations across the main expenditure headings, as set out in the Report as follows:

- **Payroll – proposed budget of €56.805m – increase of €€2.830m or 5%.** The allocation of €2m. for additional staff is critical to the successful implementation of the projects under the Reform Programme to allow for the release of business experts to work on change projects.
- **Non- Pay – proposed budget €30.083m – increase of €1.5m (+ 5%)** with additional funding spread across a number of headings including Light Heat and Fuel, contract services Interpreting; Digital Audio recording, Learning and Development, Postal Services, Advertising and Contract Services. Savings have also been identified across a

range of headings including Telecommunications, Courthouse maintenance, Leases, Managed Printing Service and reduced interest on the Cork loan.

- **Capital – Proposed Budget €55.517m.** – an increase of €2.5m. to be allocated as follows:
 - **ICT Capital – Proposed Budget - €8.920 (+9%)** to meet contractual obligations and fund ICT projects.
 - **Courthouse Capital - €4.880m** – to fund ongoing preparatory work on Hammond Lane project; repayment of the principal element of the Cork Loan; Capital lease; condition survey of the court estate nationwide; possible site acquisitions and minor capital works.
 - **PPP CCJ Unitary Payment - €22.973m (+4%)**
 - **PPP Regional Unitary Payment €14.744m (+7%),** to meet full year costs for all 7 courthouses in 2019.
- **Appropriations in Aid - €47.781m (- 0.4%)**

The funding provided in the 2019 Estimates will largely meet overall funding requirements including the funding required to support the reform programme and the implementation of the recommendations of the Organisational Capability Review. Expenditure will be closely monitored throughout the year with regular budgetary reviews carried out to identify any further actions that may be required to effectively manage the budget.

The proposed Budget for 2019 was considered by the Finance Committee at its meeting on 3rd December and the Committee agreed to recommend it to the Board for approval. The Board approved the proposed Budget for 2019.

Chief Executive Officer's Report

The Chief Executive presented his report as circulated, which was considered and approved by the Board. The Chief Executive briefed the meeting on some of the major issues outlined in his report including:

- **Strategic Change Programme** – the Courts Service plans to embark on a significant change programme with the central objective of delivering improved services to court users , optimising the use of technology with a new digital model of online services. The development of a long term vision and strategy is a key foundation step in this process. The Finance Committee at its meeting on 10th December approved the procurement of PA Consulting Services to support the Courts

Service in developing a strategy to 2025, setting out how the delivery of court services will be transformed in a modern digitally enabled organisation. The Board has a key strategic role to play in relation to the development, approval and oversight of the long term strategy and it was agreed that a Change Strategy Board meeting would be held on 14th January and PA Consulting would attend. It was agreed that further meetings would be arranged as required.

- **Human Resources** – A number of targeted recruitment campaigns have already been held to recruit staff directly to the Courts Service and competitions underway at present include the recruitment for the Head of Legal Research and Library Services; a Judicial Secretary competition and competitions for a number of ICT specific posts. A further Judicial Assistant competition will be advertised in December and it is also intended to run an internal Executive Officer competition by the end of the year.
- **ICT Review** – the intended focus of the new Strategy on the delivery of digital services through an ambitious reform programme, will give the ICT Unit a very significant role in delivering the change agenda. In parallel the Unit will have to maintain and enhance day to day business services and it is therefore critical that it have the necessary capacity and capability in terms of resources and expertise to effectively deliver the necessary services. A review of the current governance, organisation structure, skills and resources of the ICT Unit will be carried out in Q1 2019 and will set out the proposed future state required and resources necessary to put it in place. Tenders from service providers to carry out the review are under consideration at present.
- **Video Conferencing** – there has been a very significant increase in recent years in video-conferencing facilities in courthouses in Dublin and around the country. The number of courtrooms has increased since 2015 from 23 to 58 (+126%) which represents a considerable investment by the Courts Service.
- **PPP Projects** – Mullingar Courthouse, the final PPP project, was officially opened on 23 November. All 7 buildings have been delivered to a high standard, providing appropriate and enhanced accommodation and facilities in key provincial locations around the country. There are outstanding issues with the PPP company in relation to costs associated with changes to design specifications and latent defects allowed for in the contract. This was particularly relevant where old courthouses were being renovated. We are working with the NDFA to resolve the matter to the satisfaction of both parties. A Report on the matter will be brought back to the Board in due course.
- **Review of Probate Services** – the Board approved the Report on the Review of Probate Services in June and implementation of the recommendations is underway. The introduction of revised

business processes has already resulted in a reduction in waiting times to 3 weeks for solicitors and 13 weeks for solicitor applications. This represents a significant improvement on waiting times as compared to end of 2017. Work is continuing in relation to the information available on Probate on the Courts Service Website and it is also proposed to meet with the Law Society to discuss further proposed changes to reduce delays in the assessment of papers. Work on changes to Rules of Court is also underway and there will also be a need for legislative change in relation to recommendations on District Probate Registries. Discussions have also already taken place on the development of an eProbate system which will be progressed in the context of the Courts Service overall change agenda.

- **Reform and Development** – a very significant amount of work has been carried out during 2018 in relation to the development and drafting court rules and support for the Rules Committees across the jurisdictions; the delivery of significant improvements to the facilities and services provided by the Judges’ Library and the implementation of a new communications process for all Government Departments in relation to legislative proposals with potential impacts on the Courts and Court Service.

Report on Risk Management

The Board considered the Report and which outlined the High Risks for the organisation in relation to Finance, Service Delivery, Buildings and Technology, People, Compliance and Governance and the capacity to manage change. The Report also recognised BREXIT as a significant external risk. The Board considered the key high risks, the controls in place and progress made in relation to mitigating risks with 75% of all actions complete and ongoing actions progressing satisfactorily. A review of the Risk Register will now be carried out and a revised Corporate Risk Register drafted for approval by the Board in early 2019. The Board noted that Risk continues to be proactively managed with ongoing oversight by the Senior Management Team and the Audit & Risk committee.

Hammond Lane Court Complex

The Board considered a Report on the Hammond Lane project and the options available to progress the project, taking account of the inadequate facilities currently available; the current and future accommodation needs of the Courts and Courts Service; the need to ensure value for money and the optimisation of the Hammond Lane site and the level of funding available. It was agreed, in view of the serious concerns expressed, that the matter Chairperson would raise the matter with the Minister for Justice and Equality.

Fines (Payment and Recovery) Act 2014

The Board considered the Report which outlined the main provisions of the Act and the issues which have arisen in relation to its implementation. The Courts Service had expressed concerns in relation to this Act prior to its enactment and repeatedly since then in relation to the impact it would have on the operation of the courts and the collection of fines. The enforcement of fines process has raised serious concerns in this regard and also in relation to impacts on An Garda Síochána in dealing with the high number of bench warrants and impacts on the administration of justice generally.

A Working Group has been established by the Department of Justice and Equality to carry out a high level review of the legislation and the Courts Service is represented on this Group. The Board agreed that in view of the ongoing serious concerns in relation to the implementation of the Act, the matter would be brought to the attention of the Minister.

Capability Review – Action Plan

The Board considered and approved the Action Plan developed for the implementation of the recommendations set out in the Report on the External Capability Review of the Courts Service.

Board Self Assessment

The Board considered the Report on this matter and agreed that in accordance with the requirements of the Code of Practice for the Governance of State Bodies 2016, members would complete the Self - Assessment Evaluation and a report would be brought to the next meeting of the Board.

Schedule of Meetings for 2019

The proposed schedule of Board Meetings for 2019 was agreed as set out below. It was also agreed with additional meetings held as required:

Meetings 2019

Monday 14th January – Change Strategy

Monday 4th February

Monday 8th April

Wednesday 26th June

Monday 14th October

Monday 9th December

ATTENDANCE

Present: The Hon. Mr. Justice Frank Clarke, Chairperson

The Hon. Mr. Justice George Birmingham

The Hon. Mr. Justice Peter Kelly

The Hon. Mr. Justice Seamus Noonan

The Hon. Mr. Justice Ray Groarke

Her Honour Judge Rosemary Horgan

Judge Gerard Haughton

Mr. Brendan Ryan

Mr. Michael Quinlan

Mr. Damien Downey

Ms. Carol Baxter

Ms. Karen Kiernan

Ms. Patricia King

Ms. Deirdre Kiely

Apologies: The Hon. Mrs. Justice Elizabeth Dunne

The Hon. Mr. Justice Michael Peart

Her Honour Judge Doirbhile Flanagan

Mr. Micheál P. O'Higgins S.C.

Officials Present: Mr. Sean Quigley, Head of Resource Management

Mr. Noel Rubotham, Head of Reform and Development

Mr. Paul Burns, Head of Infrastructure Services

Ms. Geraldine Hurley Head of Superior Court Operations

Mr. Peter Mullan, Head of Circuit and District Court Operations

Ms. Marie Ryan, Secretary

Ms. Linda Memery, Office of the Chief Executive