

MEETING OF THE COURTS SERVICE BOARD

15th October 2018

The Courts Service Board met on 15th October 2018.

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, 11th June , 2018
- Minutes of the Family Law Court Development Committee 14th May and 18th June, 2018
- Audit & Risk Committee – 26th March and 22nd June 2018
- Building Committee – 12th April, 2018
- Appropriation Account 2017

The Board considered and approved the following Reports:

Report on Membership of the Courts Service Board and Committees

The Board noted the appointment of the following new members and approved their membership of Committees as follows:

- The Hon. Mr. Justice Seamus Noonan, Judge of the High Court - elected representative of the ordinary judges of the High Court
- Mr. Micheál P. O'Higgins, Chairman of the Bar Council – representative of the Bar Council
- Mr. Michael Quinlan, President of the Law Society – representative of the Law Society
- Ms. Karen Kiernan – Ministerial nominee representing court users.
- Ms. Deirdre Kiely – Ministerial nominee - a person who, in the Minister's opinion, has relevant knowledge and experience in commerce, finance or administration.

Membership of Committees

- Ms. Karen Kiernan - member of the Family Law Court Development Committee and
- Ms. Deirdre Kiely – member of the Finance Committee and Audit & Risk Committee
- The Hon. Mr. Justice Seamus Noonan – member of the Building Committee
- Mr. Michael Quinlan – member of the Building Committee.

Report on Risk Management

The Chief Risk Officer, Mr. Sean Quigley briefed the Board on the key issues presented in the Report. He informed the board that engagement with Risk Management continues to be high across the organisation. He outlined the High Risks for the organisation in relation to Finance, Service Delivery, Buildings and Technology, People, Compliance and Governance which included a new risk in relation to capacity to manage change and recognised BREXIT as a significant external risk. The Board considered the report and discussed the key high risks, the controls in place and progress made in relation to mitigating risks.

Report on Expenditure and Budget 2018

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

- **Financial position to end August**– the gross expenditure to end August showed an underspend of €7.606m and excess receipts of €3.78m attributable mainly to once receipts from the Examiner’s Office
- **Budgetary Review and Forecast outturn at year end** - A review of expenditure and income to the end August has been completed. The Review which is a key part of our budgetary management process aims to identify expenditure and income trends and act as an early warning mechanism for underlying issues. Key trends include
 - an underspend on Pay which is a problem shared across government departments and agencies and is being actively addressed
 - an overspend on Current Non Pay across a range of headings
 - an underspend on Capital due mainly to the delay in the completion of the PPP projects and
 - Appropriations in Aid are expected to exceed target due mainly to once off legacy fees in the Examiners Office

It is expected to achieve a balanced budget at year end and the situation will continue to be monitored very closely.

- **Estimates 2019**–The Estimates 2018 were published on 9th October and based on the published figures the Courts Service allocation for 2019 is €138.405m. which represents an increase of €6.830m or 5% when compared with 2018. While this is not as much as was sought, it is considered sufficient to meet operational needs and allow for work to

commence on the strategic development of the organisation and the development of a long term vision including a digital services strategy. Additional funding has been provided across current and capital expenditure as follows:

- **Current Funding - €4.330m (5%)**
- **Capital Funding - €2.50m (5%)**

The Appropriations in Aid target has remained unchanged. The Board considered the Report and the key issues raised. It was agreed that a draft Budget for 2019 will now be prepared for consideration by the Finance Committee and the Board at the December meetings and that the role of the Board in relation to the Strategic Change Process in the organisation would also be considered.

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:

including:

- **Corporate Business Plan** – significant progress continues to be made in meeting the targets set out in the Corporate Business Plan for 2018.
- **Change Management Governance Arrangements** – over the past number of months the Senior Management Team has been reviewing the governance arrangements, structures and resources required to ensure the more effective implementation of a comprehensive reform programme which includes a high level digital services strategy for the future delivery of court services. A revised governance model for delivery of a portfolio of projects is being put in place and work on a long term vision and strategy with clearly defined implementation plan, resource requirements, benefits to users and timescales has commenced. A number of reports and reviews are also underway and under consideration including the Report of the Capability Review, a Review of the Change Management office; a review of the SMT structures and a presentation on the experience of the Australian Federal Courts in developing a digital strategy. Any change process will also be informed by the work of the Review Group on the Administration of Civil Justice chaired by the President of the High Court. A further report will be brought to the Board in the matter.
- **Oversight Agreement with the Department of Justice and Equality 2018** – this agreement is now in place and sets out the commitments of each organisation in supporting each other and

identifies Courts Service objectives for 2018. These objectives are taken from the Courts Service Corporate Business Plan 2018 as approved by the Board.

- **Well Being Policy** – the Courts Service Wellbeing policy was launched on 10 October and focuses on mental and physical wellbeing through a calendar of events up to summer 2019.
- **Learning and Development** – significant progress continues to be made in the delivery of the Learning and Development strategy with a 53% increase in the funding allocation over the same period last year.
- **ICT** – Progress is being made across a number of systems which are under development at present including the
 - the eLicensing system – slow but steady progress
 - Legal Costs Adjudicators – go live early next year
 - Bankruptcy Register – completed with deployment in July and
 - On Line system for Leave to Appeal in the Supreme Court- due to be released in January 2019.

Progress is also being made in extending Video conferencing facilities which are now in place in all PPP projects and a refresh of equipment has been carried out in the CCJ. The final phase of the DAR refresh project was completed during the summer recess involving overall in excess of 240 courtroom solutions at a cost of €1.2m. Work on DAR Access control has also commenced and is of particular importance in the context of the GDPR and the Data Protection Act 2018. The Criminal Justice Hub is also progressing and the priority for the Courts Service is the electronic lodgement of charge sheets which will yield very significant efficiencies for both An Garda Síochána and the Court offices. The Courts Service website project is also progressing well and significant progress has also been made in relation to the ICT infrastructure, ICT Security and Courts Wide Area Networks.

- **PPP Courthouse Bundle** –Mullingar courthouse, the final PPP project, has been completed and is operational. The official opening of the Courthouse will take place on 23 November.
- **Hammond Lane** – the issue in relation to the provision of adequate funding to develop the full potential of the Hammond Lane is being pursued with the Department of Justice and Equality and it was agreed that the Hammond Lane Project Board would bring a report to the December meeting of the Board in the matter.
- **Future Provincial projects** –a site is being procured for a new courthouse in Portlaoise.
- **Waiting Times** – the Courts Service continues to work with the judiciary and the Presidents of the Courts in ensuring waiting times are kept to a minimum within the resources available.

- **Judicial Assistants** – All Judicial Assistant vacancies have now been filled and a senior manager with responsibility for this overall judicial support and research will be appointed.
- **Legal cost Adjudicator’s Office** - work is progressing in relation to the establishment of this Office and the target date for the commencement of the relevant legal provisions is now April 2019
- **eLicensing** – Roll out of the eLicensing system is continuing with 29 out of 34 offices now using the system and positive feedback has been obtained from the pilot project carried out for the Annual Licensing courts this September. it is expected that the system will be fully operational for the licensing courts in September 2019.
- **Communications process concerning legislation affecting court jurisdiction and operations** – Arrangements have been agreed to provide for liaison, in advance, between parliamentary draftsmen and the Courts Service in relation to impacts or resource implications of proposed legislation for the Courts or Courts Service. This is very important in ensuring that the necessary resources are made available to implement legislation.

The Board considered the Report and discussed the key issues raised.

Capability Review

The Board considered the Report of the External Capability Review of the Courts Service. Chief Executive presented the Report and outlined background to the review, the structure, methodology and agreed terms of reference. The Review which was carried out by a Capability Review Team based in the Reform and Delivery Office of the Department of Public Expenditure was carried out primarily by interview on a secure and confidential basis with representatives of staff and senior management, Chief Justice and Presidents of the Courts, Board members, representatives of the legal profession and other key external stakeholders. The team reported to an External Review Panel and the process was overseen by a steering group of 3 sponsoring Secretaries General from the Civil Service Management Board. The review commenced in June 2017 and a final report was submitted to the Courts Service in 2018. The Report acknowledges the challenges faced by the Courts Service in recent years and the progress made in that period. It also identifies a number of current challenges in relation to the capability of the organisation and makes over 40 recommendations in this regard. Many of the Recommendations have already been identified by the Courts Service and work has commenced on their implementation.

The Board considered the Report and the key issues raised. Following full discussion the Board approved the Report and it was agreed that an Action Plan to implement the recommendations will be brought to the December meeting of the Board.

Contract Register

The Board noted the Contract Register as circulated.

Date of Next Meeting

The next meeting will take place on 10th December 2018.

ATTENDANCE

Present: The Hon. Mr. Justice Frank Clarke, Chairperson
The Hon. Mr. Justice George Birmingham
The Hon. Mr. Justice Peter Kelly
The Hon. Mrs. Justice Elizabeth Dunne
The Hon. Mr. Justice Michael Peart
The Hon. Mr. Justice Seamus Noonan
The Hon. Mr. Justice Ray Groarke
Her Honour Judge Doirbhile Flanagan
Her Honour Judge Rosemary Horgan
Judge Gerard Haughton
Mr. Brendan Ryan
Mr. Micheál P. O'Higgins S.C.
Mr. Michael Quinlan
Mr. Damien Downey
Ms. Carol Baxter
Ms. Karen Kiernan
Ms. Patricia King
Ms. Deirdre Kiely

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

Ms. Marie Ryan, Secretary