

MEETING OF THE COURTS SERVICE BOARD

23<sup>rd</sup> April, 2018

**The Courts Service Board met on 23<sup>rd</sup> April 2018.**

**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, 29<sup>th</sup> January, 2018
- Minutes of the Building Committee 18th January, 2018
- Minutes of the Family Law Court Development Committee 24<sup>th</sup> July, 2018
- Minutes of the Family Law Court Development Committee 22<sup>nd</sup> January, 2018
- Minutes of the Audit & Risk Committee, 29<sup>th</sup> January, 2018
- Audit & Risk Committee Work Plan 2018
- Internal Audit Plan 2018

**The Board considered and approved the following Reports:**

**Report on the Annual Report of the Audit & Risk Committee 2017**

The Board considered and approved the Annual Report of the Audit & Risk Committee which set out the activities, priorities and issues for the Committee in 2017 and the priorities for 2018. Key issues for the Committee in 2017 included

- Adequate staffing levels and the potential risks in relation to the loss of corporate knowledge and expertise due to the age profile of staff
- ICT issues and vulnerabilities
- Courtroom Security
- Court Poor Box
- Issues in relation to Sheriffs
- Contract Management

The Committee will continue to have oversight of these issues in 2018. The Committee were pleased to note that the Courts Service received unqualified audits for the C&AG Audit of the Courts Service 2016 appropriation Account and the external audit of the Financial

Statements of the Accountant of the Courts of Justice for the year ended 30th September, 2017.

### Terms of Reference of the Audit & Risk Committee

The Board considered and approved a Report from the Audit & Risk Committee proposing an amendment to the Terms of Reference to provide for periodic disclosure of interests by members. The arrangements proposed mirror those in place for the Board and meet the requirements of the Code of Practice for the Governance of State Bodies 2016.

### Report on Risk Management

The Chief Risk Officer, Mr. Sean Quigley briefed the Board on the key issues and advised the Board as follows:

Engagement with and awareness of Risk Management continues across all levels of the organisation and risk is proactively managed. The Report set out the risk methodology which aligns risk with the strategic priorities for the organisation. The Risk framework is reviewed annually and the Risk Overview compiled for 2018 captures 21 risks including 6 High Risk areas - ICT (outdated systems); People (filling of vacancies and age profile of staff) and 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), Implementation of the Fines Act and GDPR (General Data Protection Regulations).

The Board considered and discussed the High Risks for the organisation and in particular the issues in relation to the enforcement of the non-payment of fines under the Fines Act. It was agreed that a further report on this matter would be brought to the October meeting of the Board. A report on the Assisted Decision Making legislation would also be brought to the Board at this meeting.

### 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 March** – gross expenditure to 31 March was €26.202m compared with a budget of €30.907m showing a gross underspend of €4.704m comprised of underspends on Pay (€0.277m), Non Pay (€0.446m) and Capital (€3.980m). Appropriations in Aid show an excess of €0.086m (0.8%) against profile. At this early stage of the year the variances are largely timing related. The detailed review of Payroll Expenditure was completed earlier this year and will inform payroll

expenditure and recruitment during the year. The financial position at the end of Quarter 1 is satisfactory but will continue to be monitored very closely.

- **Appropriation Account 2017** – was considered and approved by the Audit & Risk Committee at its meeting on 26<sup>th</sup> March and was submitted to the C&AG by end March in accordance with Government Accounting regulations.
- **Estimates 2019**– Work on the Estimates campaign has commenced and the Courts Service submission in relation to additional funding will be submitted to the Department of Justice and Equality in May. Significant additional funding will be sought for 2019 to meet operational and developmental requirements.
- **Court Funds** – The Report also includes information on the management and investment of court funds.

### 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** – the process to fill the two outstanding vacancies is underway. The assessment of applications received will take place shortly and it is hoped that the vacancies will be filled for the June Meeting of the Board.
- **Head of Circuit and District Court Operations** – Mr. Peter Mullan, Assistant Secretary in the Department of Justice and Equality will replace Mr. John Coyle as the Head of Circuit and District Court Operations.
- **General Data Protection Regulations (GDPR)** - the Courts Service has put in place arrangements to be substantially compliant with GDPR by 25<sup>th</sup> May, 2018 and good progress is being made. A significant programme of work will need to be carried out after 25<sup>th</sup> May and funding will be sought as part of the 2019 Estimates submission for additional resources to support the ongoing implementation of GDPR in the Courts Service.
- **Capability Review** – The Capability Review has been completed and a draft Report will now be considered by the SMT following which a meeting will be arranged with the External Review Panel.
- **Human Resources** – a Wellbeing Policy has been developed to support staff in a safe and healthy working environment and create a culture of health and wellbeing.

- **PPP Courthouse Bundle** – Waterford and Wexford courthouses have been formally opened and Cork opening has been scheduled to take place on 28<sup>th</sup> May. Mullingar courthouse is expected to be completed in June.
- **Hammond Lane** – the issue in relation to the provision of adequate funding to develop the full potential of the Hammond Lane site is being pursued with the Department of Justice and Equality and a letter has issued to the Acting Secretary General in the matter.
- **Future Provincial projects** – progress continues to be made in relation to the 5 provincial city/county town projects remaining to be completed – Galway, Tralee, Portlaoise, Roscommon and Wicklow. The purchase of the Council’s space in Roscommon courthouse has been completed. Discussions are continuing in relation to the acquisition of a site in Galway and progress is being made in relation to the acquisition of a greenfield site in Portlaoise. There is space on site for the refurbishment and extension of the courthouse in Wicklow. Options are being explored in relation to the site of any development in Tralee in view of the fact that the size of the current site would constrain the facilities which could be provided.
- **Courthouse Maintenance** – Regular planned maintenance of courthouse buildings is necessary to keep buildings in a good state of repair and, in this regard, it is proposed to tender for a suitably qualified and experienced firm to carry out a survey of courthouses nationwide in 2018.
- **Clonakilty** – progress is being made in relation to the provision of a suitable premises for the court office in Clonakilty.
- **Legislation affecting court jurisdictions and operations** – the proposed meeting to be facilitated by the Department of the Taoiseach in relation to this matter did not go ahead as planned and it is hoped that the meeting will now take place in the near future.
- **Probate Services** – additional resources were made available to the Probate Office and in conjunction with revised work practices and the commitment and dedication of the Probate Officer and her team, significant progress has been made in reducing the level of delays which now stand at 5 weeks for solicitor applications from 17 weeks at the end of 2017. Delays for Personal Applications have also been significantly reduced to 29 weeks from over 44 weeks at end 2017 and it is aimed to have these delays reduced to 10 – 12 weeks by July.

The Board considered the Report and discussed the issues raised.

## **Extension of Contracts for the provision of Interpretation Services**

### **Declaration of Conflict of Interest**

*The Chairperson advised the meeting that as a major procurement proposal is under consideration, and, while the Ethics in Public Office Acts do not apply to the Courts Service Board or Committees, it is appropriate as a matter of good governance that any member of the Board who considers that he or she may have an interest which may represent a conflict in the consideration of this matter, should absent themselves for discussion on this item. The minutes of the meeting will record any such abstentions. No member of the Board absented themselves from the meeting.*

The Chief Executive presented the report as circulated which proposed the extension for a further year of the existing contracts for the provision of Interpretation Services with Translation.ie and Context. The estimated cost of the one year extension is €1.3m. inclusive of VAT. The total value of the contract since 2013 estimated to be in excess of €6m.

In line with the governance arrangements approved by the Board, where the total estimated cost of a contract is in excess of €5m. it is a function of the Board to approve or otherwise the proposal. It is a function of the Finance Committee to recommend or otherwise the proposal to the Board. The Committee considered the report and agreed to recommend to the Board, the extension of the contracts for Interpretation Services with Translation.ie and Context for in accordance with the terms set out in the report.

The Board considered the Report and approved the proposed extension of contracts for the provision of Interpretation Services for 1 year to Translation.ie and Context in accordance with the terms set out in the Report.

The Board also discussed the quality of interpretation required for court hearings and the Chief Executive advised the board that this had been the subject of a Working Group Report in 2006 chaired by the Department of Justice and Equality and the Courts Service will liaise with the Department in the matter which is an issue across the Public Service.

## **Report on the Review of Probate Services**

Mr. Noel Rubotham, Head of Reform and Development Directorate and Ms. Annette O'Connell, Probate Officer attended the meeting for this item.

Mr. Rubotham presented the Report as circulated and outlined the background to the Review, the internal and external consultations carried out and the chief findings of those consultations, the key issues identified and the recommendations. The Review makes a number of recommendations as set out in the Report in relation to

- Improvements to existing business processes (some of which are already under way)
- the District Probate Registries Network
- Proposed Amendment to 1965 Succession Act
- ICT efficiencies including Online Filing functionality; Online searchable Public Register of applications for grants or caveats; Access by Revenue to the Inland Revenue Affidavit; electronic payment facility and generation of caseload and case flow reports. The Courts Service and Revenue are committed to cooperating in the development of an ICT solution and it is proposed that a Project be formally established for this purpose overseen by a joint Steering Committee and Project Board with a view to having the system in place in 2020.

The Board commended Mr. Rubotham, Ms. O'Connell and the Working Group on the comprehensive Report on the issues and recommendations for the future provision of probate services. The Board considered the Report and discussed the key issues and recommendations.

The Board approved the Report and the recommendations for implementation on a phased basis. The Board also approved the Report for publication subject to final edit and any minor changes.

#### **Court Accommodation in Dublin**

The Board considered and approved a report on the Recommended Actions to progress the agreed strategic approach to meeting court accommodation needs in central Dublin to progress the Hammond Lane Project; review the Plan for the development of the Four Courts complex; acquire additional space in the Four Courts and meet temporary accommodation needs.

It was agreed that the Hammond Lane project is critical to the implementation of the overall strategy and delay to progress this project will impact on the need for temporary accommodation.

#### **ICT Acceptable Usage Policy**

The Board considered the Report and draft ICT Acceptable Usage Policy for staff, contractors, third Parties and external users. The Courts Service is committed to protecting the confidentiality, integrity, availability and reliance of data and systems and ensuring that information held by the Service is processed in accordance with all relevant legislative provisions. As part of the programme of work underway in relation to Information Security

an Acceptable Usage Policy has been developed. The Policy is a key supporting policy in the Information Security Documentation Suite and sets out the standards that users must adhere to in the use of Courts Service information assets and communications technology, including specific rules and guidance for acceptable usage and how the policy will be implemented and enforced.

The Board considered the Report and approved the Acceptable Usage Policy as circulated.

### ICT Strategic Report

Mr. Paul Burns, Head of Infrastructure Services and Mr. Darach Green, Head of ICT attended the meeting for this item.

Mr. Green presented the Report as circulated setting out

- an overview of the ICT structure and function at present in relation to accountability, organisation and activities
- key elements of the ICT Strategy 2018 – 2020 being developed at present. This strategy will focus on how ICT can support and contribute to the overall Courts Service strategy and the achievement of the key objectives of that strategy in terms of Judicial Support, delivery of high quality Service, staff development, improved processes and case management, improved court accommodation and facilities, optimisation of the use of technology and effective governance and accountability.
- ICT Expenditure in the period 2008 to 2017 highlighting the very significant reduction over the period and its impact on ICT services and development
- the allocation of the 2018 budget across the range of ICT applications, infrastructure and court technology
- ICT Operational Activities which, given the range of companies that provide ICT support and services to the Courts Service, includes a significant element of procurement and contract management.
- Key challenges facing the organisation including GDPR, Cyber Security, Staff retention and skills, implementing change and supporting the eGovernment strategy as well as keeping the day to day business going and managing major incidents.
- Systems supporting the courts at present - many of which deal with a high volume of data and play a vital role in supporting court operations e.g. CCTS, Videoconferencing and CJIP - and many of which are legacy systems which need to be updated and are not suitable for online business such as Progress, , the civil case management systems, the District Court Family Law system.

- Courts Service Online (CSOL); the benefits for court users and the future systems to be developed using this platform.
- Proposed Approach and Next steps in relation to Civil and Family Law; Criminal business and court technology and the resources necessary to support them including not only staff in the ICT Unit but also the facility to release staff in operational areas to bring the necessary business knowledge to the project.

The Board considered the Report and the key issues raised. A significant increase in resources will be necessary to implement the planned projects and the proposed strategy and this will form part of the Estimates submission for 2019. The Chairperson thanked Mr. Green for his presentation and it was agreed that a further report would be brought to the December meeting setting out the next steps.

### **Corporate Business Plan 2018**

The Board considered and approved the Corporate Business Plan 2018. The Corporate Business Plan is a key part of the business planning cycle for the organisation and is required under the Code of Practice for the Governance of State Bodies. It identifies priorities and actions for the Service in 2018 and informs Directorate and Unit business plans for 2018.

### **Review of the Operation of the Board and Committees in 2017**

The Report on the Operation of the Board and Committees was considered at the Board meeting on 5<sup>th</sup> February. It was agreed that the Report would be an agenda item for this meeting. The Board noted the Report with set out the activities, issues, priorities and concerns of the board and committees in 2017.

### **Contract Register**

The Board noted the Contract Register as circulated.

### **Date of Next Meeting**

The next meeting will take place on 25<sup>th</sup> June, 2018.

## Attendance

Present: The Hon. Mr. Justice Frank Clarke, Chairperson  
The Hon. Mr. Justice Peter Kelly  
The Hon. Mrs. Justice Elizabeth Dunne  
The Hon. Mr. Justice Michael Peart  
Her Honour Judge Dóirbhíle Flanagan  
Her Honour Judge Rosemary Horgan  
Judge Gerard Haughton  
Mr. Brendan Ryan  
Mr. James McCourt  
Mr. Damien Downey  
Ms. Carol Baxter  
Ms. Patricia King  
(Three vacancies)

**Apologies:** The Hon. Mr. Justice Patrick McCarthy  
The Hon. Mr. Justice Ray Groarke  
Mr. Paul McGarry S.C.

**Officials Present:** Mr. Sean Quigley, Head of Resource Management  
Mr. Paul Burns, Head of Infrastructure Services  
Ms. Marie Ryan, Secretary  
Ms. Linda Memery