

MEETING OF THE COURTS SERVICE BOARD

25th June 2018

The Courts Service Board met on 25th June 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, 16th April, 2018
- Minutes of the Family Law Court Development Committee 26th February, 2018

The Board also agreed that following his appointment to the Court of Appeal, the Hon. Mr. Justice Patrick McCarthy would continue as Chairperson of the Building Committee. The new High Court representative on the Board would be a member of the Building Committee.

The Board considered and approved the following Reports:

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. He informed the Board that the Courts Service is currently working to put in place the strategies to support the provision of the funding and resources necessary for the effective and timely delivery of strategic change projects. The development of digital services is critical to the development of the Courts Service and the work and outcomes from the Civil Law Review chaired by the President of the High Court will also inform the development of the necessary strategic change. He outlined the key actions being taken to address the risks facing the organisation and informed the Board that the Estimates Submission for 2019 is seeking necessary resources to address the risks facing the organisation and enable the necessary staffing, ICT and other supports to be put in place.

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:

The Chief Executive presented the report on Budget and Expenditure as circulated which was considered and approved by the Finance Committee at its meeting on 11th June, 2018. He briefed the meeting on the key issues in the report including:

- **Financial position to end May** – gross expenditure to 31 May was €49.431m compared with a budget of €56.020m showing a gross underspend of €6.589m comprised of underspends on Pay (€0.484m), and Capital (€6.416m) and an overspend on Non pay of €0.311m. Appropriations in Aid show an excess of €4.830m against profile. The variances to date, particularly Non Pay and Capital are mainly timing related and the variance on Pay can be attributed to the complex recruitment environment leading to delays in the filling of vacancies and a consequent higher than expected number of vacant posts. There is also excess in A- in-A chiefly attributable to the once off receipts from the Examiners Office..
- **Budgetary Review** – A review of expenditure and income to the end of April 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. The situation continues to be monitored very closely. An Additional funding requirement has been forecast to meet additional demand across a range of current expenditure areas and Capital expenditure is projected to be on budget. Expenditure will continue to be closely monitored and a further review will be carried out in September.
- **Estimates 2019**–The Courts Service Estimates submission in relation to additional funding for 2019 has been submitted to the Department of Justice and Equality. The submission takes account of the key challenges facing the Courts Service in 2019 and seeks the resources necessary to support court operations, implement government reform initiatives and the Courts Service modernisation programme. The Chief Executive undertook to keep the Board informed of any developments.

The Board considered the report and discussed the key issues. In relation to resource implications of Government legislation, the Chief Justice advised the meeting that progress is being made by the Head of Reform and Development in relation to the development of a formal mechanism

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:

- **Courts Service Board** – the process to fill the two outstanding vacancies has been completed and the successful candidates have been notified to the Minister for appointment. It is hoped that the vacancies will be filled very shortly.
- **General Data Protection Regulations (GDPR)** - the Courts Service put in place arrangements to be substantially compliant with GDPR by 25th May, 2018 as outlined in the Report. While a good level of compliance has been achieved a further programme of work will be required to address outstanding issues and bring about full Courts Service compliance. This will require the allocation of adequate and specific resources to support the Data Protection Officer in fulfilling her role in relation to Courts Service records and in providing support to the judiciary in relation to the Data Protection framework for court records. Funding has been sought as part of the Estimates campaign for 2019 to provide the necessary resources.
- **Learning and Development** – the Courts Service is committed to implementing the Learning and Development Strategy (L&D) which is critical to the successful operation of the Service. The strategy is now in its second year and considerable progress has been made as outlined in the L&D Annual Report 2017 which is appended to the Report.
- **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 by January 2019.

Video conferencing facilities has been extended in Cork and to Kilkenny and there will be a refresh of equipment in the CCJ during the summer vacation.

- **PPP Courthouse Bundle** –Mullingar courthouse, the final PPP project, is expected to be completed shortly.
- **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.

- **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.
- **Judicial Assistants** – A new Judicial Research Manager has been appointed and it is proposed to appoint a Senior Manager shortly to take over all aspects of judicial research and support including recruitment and training of researchers, liaison with the judiciary and the Judges’ Library. Progress is also being made in relation to the recruitment of Judicial Assistants.
- **Probate Services** – progress continues to be made in the reduction of delays in processing of applications by the Probate Office with processing times reduced to 5 weeks for solicitor applications from 17 weeks at the end of 2017 and 14 weeks for Personal applications from over 44 weeks at end 2017. Following consultation with the President of the High Court Mr. John Glennon is to be appointed Probate Officer on the retirement of Ms. O’Connell on 16th July and he is to be replaced as Examiner by Ms. Patricia Troy who is the current Assistant Probate Officer.

The Board considered and approved the report and discussed the key issues.

Annual Report of the Courts Service 2017

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.

Ms. Helen Priestley, Information Officer, presented the draft Annual Report which highlights

- 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 continues to be 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 and Court funds. The Board considered the Report and formally approved the Courts Service Annual Report 2017 subject to any minor amendments or comments from members of the Board. The Report will be formally presented to the Minister in July.

Strategic HR Challenges for the Courts Service

The Board considered a presentation from Ms. Denise Cole, Head of HR, on the HR challenges facing the Courts Service both internally and externally. The radically changed nature of work in recent years has had significant impacts on the Courts Service ability to meet its HR function. The type of factors include the emphasis on digital and virtual work environment, the macro economic factors such as full employment, cost of housing and the aging workforce; employment relations issues including diversity of workforce, expectations and average length of service and the recruitment and employment model across the Civil Service. The Courts Service is facing increasing difficulty in hiring staff at lower entry grade levels (Clerical Officer) and in retaining staff in a model which could be considered to be out of step with current employment trends.

Ms. Cole provided an overview of current staff numbers and grades, turnover per grade and a grade trend analysis as set out in the report. She also set out an overview of the operating environment both in terms of the Civil Service generally and the Courts Service which has a widely dispersed staff which brings an increased level of complexity to the organisation and management of staffing needs.

Ms. Cole briefed the Board on the work being done to address the difficulties and progress the HR strategic priorities which include

- Creating a high performance organisation
- Staff Engagement
- Organisation and Culture Development.

The Board considered the Report and discussed the key issues as outlined and the very serious challenges they represent for the Courts Service both operationally and in terms of the development of the Service. It was agreed that a draft HR strategy would be brought to the Board later this year.

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

The Board considered the Report which outlined the Corporate Governance arrangements and measures put in place to bring about compliance with the Code and with Government policy and regulations. The Courts Service has made significant progress and meets best practice in relation to the governance arrangements and the level of compliance. The Board approved the report for submission to the Minister for Justice and Equality.

Contract Register

The Board noted the Contract Register as circulated.

Date of Next Meeting

The next meeting will take place on 15th October 2018.

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 Michael Peart
Her Honour Judge Doirbhile Flanagan
Her Honour Judge Rosemary Horgan
Judge Gerard Haughton
Mr. Brendan Ryan
Mr. Paul McGarry S.C.
Mr. James McCourt
Mr. Damien Downey
Ms. Patricia King
(Two vacancies)

Apologies: The Hon. Mrs. Justice Elizabeth Dunne
The Hon. Mr. Justice Ray Groarke
The Hon. Mr. Justice Patrick McCarthy
Ms. Carol Baxter

Officials Present: Mr. Sean Quigley, Head of Resource Management
Ms. Marie Ryan, Secretary