

MEETING OF THE COURTS SERVICE BOARD

5th February, 2018

The Courts Service Board met on 5th February, 2018.

The Chief Justice welcomed Ms. Carol Baxter to her first meeting of the Board.

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, 4th December, 2017
- Minutes of the Building Committee 3rd October, 2017
- Minutes of the Audit & Risk Committee, 2nd October 2017
- Report to the Audit Committee on Protected Disclosures 2017.

The Board considered and approved the following Reports:

Report on Membership of Committees of the Board

The Board approved membership for the following Board Committees:

- Finance Committee
- Audit & Risk Committee
- Family Law Court Development Committee and
- Building Committee

Report on Risk Management and Corporate Risk Register 2018

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is reviewed annually and the Risk Overview compiled for 2018 captures 21 risks including 6 High Risk areas - ICT (outdated systems); People (filling of vacancies and age profile of staff) and Financial (Court Funds rated High due to the size and scale of funds being managed in the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 Corporate Risk Register sets out the risks, risk owners, controls and mitigating actions being taken. Risk Management is an

evolving exercise and the risks, risk ratings and actions are kept under review. The Board considered and approved the Report and Corporate Risk Register for 2018 as circulated.

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 2017** – the financial position at year end showed successful management of the overall budget and included securing approval to utilise €1.0m of the underspend on Pay to provide for additional expenditure in Non-Pay current expenditure during 2017. Sanction was also received to carry over €6.0m capital funding underspend, arising chiefly from the non-completion of all of the PPP projects in 2017, to the Capital budget for 2018. The net position for 2017 showed expenditure net of receipts of €85.174m giving a net underspend of €1.078m (1.25%) which formed the Surrender Balance required under Government Accounting. As part of managing the year end process all possible payments were made so as to maximise expenditure within available funding and alleviate pressure on the 2018 budget. In relation to the Pay budget the Chief Executive informed the meeting the Pay budget allowed for the filling of approximately 30 additional posts across key areas in the organisation, in the last quarter of 2017. This will mean that the Pay Budget for 2018 will be fully expended. An additional €1.6m for new posts had been sought as part of the Estimates submission for 2018 but only €0.5m was allocated. This will create challenges in relation to additional appointments e.g. resourcing new areas of work such as compliance with the General Data Protection Regulations which must be in place by 25th May 2018. To ensure the effective management of the Pay budget in 2018 and to provide the necessary management information to maximise the budget, an analysis of payroll expenditure is being carried out and will be finalised shortly.
- **Budgets 2018** – following the approval by the Board, budgets have been allocated across the Directorates and expenditure subheads as set out in the Report.

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

- **General Data Protection Regulations (GDPR)** - the Courts Service has put in place arrangements to be substantially compliant with GDPR by 25th May, 2018. It involves a gap assessment to review the current level of compliance across a range of representative Courts Service offices and it is intended that the information obtained will inform the roll out of the GDPR Readiness Checklist for completion by offices. An awareness and training programme is also being developed to support offices in relation to GDPR and the implementation of the provisions. While it is intended to have achieved a good level of compliance by 25th May, it is expected that after this date 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 and the development and implementation of the necessary policies and procedures. Integrity 360, who are supporting our Information Security Framework are also providing support in the development and implementation of an appropriate strategy. The Head of Reform and Development is working with the Chief Justice and the Department of Justice and Equality in relation to the specific arrangements to be put in place for Court records which will also have to be resourced and supported .
- **Protected Disclosures** – no disclosures were received by the Courts Service in 2017.
- **Human Resources** –the HR Strategic Plan is being developed and will be brought to the Board at its meeting in April.
- **ICT** – the Chief Executive outlined the very significant ICT difficulties being experienced throughout the organisation since late December which have seriously impacted at all levels. Every effort has been made to address these by the Courts Service and the external service providers. These difficulties which arose from 4 separate but related issues, were due, in part, to the new equipment installed to meet security and operational needs and incompatibility in certain cases with older equipment and systems. The ICT environment in the Courts Service is very complex and the lack of investment during the economic crisis, which resulted in systems not being updated or replaced, has exacerbated the situation. A strategy to identify the specific problems and find a long term fix for the issues is being pursued.

Progress in relation to ICT continues to be made in several areas including:

- **Government Cloud Network** - roll out to all major regional sites and main Dublin sites completed and it will also be installed in all PPP sites

- **Disaster Recovery** – under review and a Disaster Recovery Upgrade project will begin this year to ensure it meets business requirements and is fit for purpose.
 - **Judicial ICT** – following meetings with judges of the Supreme Court, the Court of Appeal and a number of District Court judges, it is proposed to conduct an analysis of the processes used by the judiciary in their day to day work using a “Customer Journey” approach to provide insight into how technology is being used and how best to meet judicial ICT needs in each jurisdiction
 - **Systems development** – major work is also being carried out in the development of new systems including eLicencing, the Legal Costs Adjudicator Project, the Bankruptcy Conversion Project and on line application for leave to appeal to the Supreme Court as set out in the Report. Other work includes CCTS being maintained, the Oracle Upgrade; Video conferencing facilities in 60 courtrooms nationwide by year end; DAR upgrade with 65% of all equipment upgraded since December 2016 and ongoing participation in the Criminal Justice Hub and in particular, electronic lodgement of charge sheets.

- **PPP Courthouse Bundle** – Limerick Courthouse was handed over on 2nd February and official openings have been scheduled for Letterkenny, Wexford and Limerick. Waterford courthouse is expected to be finished mid-February, Cork shortly after Easter and Mullingar by mid-2018. Official openings have been scheduled for Letterkenny, Wexford and Limerick.
- **Hammond Lane** – the issue in relation to the provision of adequate funding to develop the full potential of the Hammond Lane site will be pursued with the Department of Justice and Equality and it is hoped to find a solution in 2018.
- **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 and options are being explored in relation to the site of any development in Tralee
- **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. The results of this survey will enable the Courts Service to make the necessary key decisions regarding the maintenance of court buildings in the future which will be costly and will represent a challenge for the organisation. A survey of 4 pilot sites has been completed and the findings are being analysed to help to define requirements for the nationwide survey and assess cost implications.

- **Four Courts** – work on the Dome of the Four Courts is continuing and is likely to take a further 2 years to replace the 24 capitols. Along with the restoration of the exterior of the dome, OPW has commenced work to replace the artwork in the niches above the doorways into each courtroom in the Round Hall.
- **Judicial Assistants** – a targeted recruitment campaign is underway to fill the Judicial Assistant vacancies and it is expected all vacancies will be filled over the next 4- 6 weeks. The recruitment of 2 Judicial Assistant Managers is also underway. The Courts Service will continue to work on the implementation of the recommendations of the Review and it is hoped to see significant progress by the end of this Legal Year. Further consideration will be given to the development of a model to address issues in relation to recruitment and retention and capacity to meet the differing needs of each jurisdiction.
- **Wards of Court** – the transition to the new regime will represent significant challenges for the Wards of Court and General Solicitor’s Offices. The new regime will also have significant implications for the Circuit Court which will have jurisdiction in this area.
- **Combined Office Review** – the Review has been completed and it is now proposed to implement the recommendations on a phased basis. Implementation of Phase I of the recommendations will now commence.
- **Reform and Development** – the Reform and Development Directorate continues to support the Rules Committees and legislative developments including the new Assisted Decision Making and Legal Costs Adjudicators regimes. The latter is expected to be in operation in mid-2018.

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

Corporate Business Plan 2018

The Corporate Business Plan 2018 is designed to support the implementation of the Strategic Plan 2017 – 2020 which is currently awaiting Ministerial approval. 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.

The Board considered the report and agreed that the Plan would be an agenda item for the next meeting when any views or observations by members could be considered.

Establishment of a Formal Process for Communicating between Government Departments and the Courts Service on legislative proposals affecting the Courts Service.

The Chief Justice outlined the issues caused by new legislation which fails to take full account of the impact on the courts. To address this, at least in part, it is hoped to be able to persuade Government to put in place an assessment process for the development of new legislation. The Head of Reform and Development briefed the meeting on progress made and informed the Board that a meeting had been arranged with various Government Departments to discuss the matter further. The Board considered the matter fully and it was agreed the Board would be kept updated on progress made.

Court Accommodation in Dublin

The Head of Infrastructure Services briefed the meeting on the key issues set out in the Report which outlined the current position in relation to accommodation in Dublin including the Master Plan for the Development of the Four Courts which had been developed before the economic downturn; the Hammond Lane project; the reduction in courtroom capacity during the economic downturn and the maintenance service being provided by OPW for the Four Courts. He outlined the challenges being faced which must be addressed in the short term including the accommodation requirements for the High Court and the Court of Appeal, particularly if additional judges are appointed; the need to accommodate over 60 Judicial Assistants and the repairs needed to the roof of the Chancery Street Court house. In the medium term issues to be addressed include the modernisation of Green Street if it is to act as the location for the Judicial Council and the consequent requirement to rehouse the staff and courts currently situated there; the need to progress the Hammond Lane project and the development of space subsequently freed up in the Four Courts complex. In the longer term the strategic aim for the Courts Service is to redevelop and modernise the Four Courts site as a campus style development for civil courts and a significant amount of work has already been undertaken in this regard in the masterplan and business case developed in 2009.

The Board considered the Report and discussed the key challenges to be addressed in the short, medium and longer term as outlined in the Report. The Board discussed in detail the options available to address these issues. The members expressed their serious concern in relation to the lack of adequate accommodation for courts of all jurisdictions and the need

for appropriate facilities for court users. In this regard it was agreed that a short strategic document would be prepared for the next meeting of the Board in relation to the provision of court accommodation in the Dublin area.

Review of the Operation of the Board and Committees in 2017

The Chief Justice presented the report and thanked Board and Committee members for the significant amount of work carried out by them in 2017. It was agreed that the Report would be an agenda item for the next meeting when any views or comments members may have could be considered.

Any Other Business

The Chief Executive informed the meeting that 5 additional staff members have been allocated to the Probate Office to address the delays in the processing of Probate applications and the focus initially will be on reducing the current 17 week backlog in solicitor applications to 8 weeks by June.

The Chief Justice informed the meeting that this was the last meeting to be attended by the President of the Court of Appeal. He thanked the President for his support, commitment and contribution to the Board. The President of the Court of Appeal expressed his appreciation for the dedication and work of the Board and the support he received as a member.

Date of Next Meeting

The next meeting will take place on 23rd April, 2018.

Attendance

Present: The Hon. Mr. Justice Frank Clarke, Chairperson
The Hon. Mr. Justice Sean Ryan
The Hon. Mr. Justice Peter Kelly
The Hon. Mrs. Justice Elizabeth Dunne
The Hon. Mr. Justice Michael Peart
The Hon. Mr. Justice Patrick McCarthy
The Hon. Mr. Justice Ray Groarke
Her Honour Judge Dóirbhíle Flanagan
Her Honour Judge Rosemary Horgan
Mr. Brendan Ryan
Mr. Paul McGarry S.C.
Mr. James McCourt
Mr. Damien Downey
Ms. Carol Baxter
Ms. Patricia King
(Two vacancies)

Apologies: Judge Gerard Haughton

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

Mr. Paul Burns, Head of Infrastructure Services

Ms. Marie Ryan, Secretary

Ms. Linda Memery