



## Courts Service Board Meeting Minutes

<b>Minutes of the remote Meeting of the Courts Service Board 18 July 2022 @ 8am on Zoom.</b>		
<b>Name</b>	<b>Role</b>	<b>Attendance</b>
The Hon. Mr. Justice Donal O'Donnell	Chairperson of Courts Service Board	Present
The Hon. Mr. Justice George Birmingham	Board Member	Present
The Hon. Ms. Justice David Barniville	Board Member	Present
The Hon. Mrs. Justice Elizabeth Dunne	Board Member	Present
The Hon. Mr. Justice Tony O'Connor	Board Member	Present
The Hon. Mr. Justice Patrick McCarthy	Board member, Chair of Building Committee	Present
The Hon. Ms. Justice Patricia Ryan	Board Member	Present
Her Honour Judge Alice Doyle	Board Member	Present
His Honour Judge Paul Kelly	Board Member	Present
Judge Conal Gibbons	Board Member	Present
Ms. Angela Denning	Board Member	Present
Ms. Deirdre Kiely	Board Member, Chair of Audit & Risk Committee	Absent
Ms. Karen Kiernan	Board Member, Chair of Family Law Development Committee	Present
Ms. Patricia King	Board Member	Present
Ms. Maura McNally SC	Board Member	Present
Ms. Michele O'Boyle	Board Member	Present
Mr. Doncha O'Sullivan	Board Member	Present
Ms. Hilary McSweeney	Board Member	Present
Mr. John R. Cleere	Head of Corporate Services	Present
Ms. Maura Howe	Secretariat to the Board	Present

A Quorum was reached.

### 1. Minutes & Redacted minutes of meeting of 13 June 2022

The Minutes of the 13 June 2022 were agreed, with confirmation to include John Cleere as present on the list of attendees. A conversation started about the Actions which are listed below, and the secretary confirmed that:

- Actions CSB 38/22 and CSB 40/22 were being worked on and it is hoped to have an update at



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the next meeting.

- Action CSB39/22 is ongoing and will be discussed under the CEO quarterly report.
- Action CSB 41/22 has been achieved and can be removed, Action CSB 42/22 should be achieved by the next meeting at which point it should be removed, also CSB 43/22 is to be updated at the next meeting.
- Action CSB 44/22 is being deferred to the next meeting due to annual leave
- A brief discussion took place in relation to the update on the work of the OECD on judicial numbers and the Judicial Planning Working Group. It was confirmed that the Courts Service currently employ 6.6 staff to each judge to run the Courts. It was also confirmed that the chair of the Judicial Planning Working Group is recommending that judges be appointed to High Court, District and Circuit Courts to deal with urgent work pending delivery of the report of the group. Further discussion was deferred to later in the meeting.

### 2. List of ongoing Actions:

No.	REPORT	MEETING DATE	SUBJECT	DECISION / ACTION	RESPONSIBILITY
CSB 38/22	N/A	13/06/2022	Role of the Board and boundary lines between the Courts Service, the judiciary, and the Board.	Paper is being prepared by the Executive and Chair and update will be available to the Board in advance of the next meeting.	Chair/ CEO/ Secretary
CSB39/22	N/A	13/06/2022	Resources and Judicial numbers an important issue and needs to be kept under ongoing review.	Resources and Judicial numbers to be added as an Agenda item. *	Chair/Secretary
CSB 40/22	10/2021	13/06/2022	Board effectiveness review	Proposals for the formal performance review process for the Chief Executive to be re-visited.	Chair/Secretary
CSB 41/22	56/2021	13/06/2022	Board effectiveness review	An update from the small working group chaired by President Birmingham was provided at the meeting. It was agreed that the induction documentation include an organization chart. A final report shared with the Board and	Working group



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				attached.	
CSB 42/22	N/A	13/06/2022	Condition of Children's Court Building in Smithfield	<p>Works planned for the Easter break may take longer than initially envisaged and may be postponed until August to ensure completion without disrupting Court sittings.</p> <p><b>Update:</b> EMU and the Dublin Combined office have confirmed that works will take place in the Children's Court Public toilets from 2nd – 26th August. The Children's Court (Court 55) sits each Tuesday and Thursday throughout August to deal with new custody and/ or time sensitive matters.</p> <p>8 sittings will be impacted by the works and therefore the Court will relocate to Blanchardstown District Court on those specific dates. Blanchardstown Courts do not sit throughout August and so no adult cases will be listed.</p> <p>The Children's Court Office will remain in operation in Smithfield for administration purposes, with the assistance of Blanchardstown Court Office on the 8 Court dates.</p>	Chief Executive
CSB 43/22	39/2021	13/06/2022	Operational Committee	Working group is being considered.	Chief Executive/ Secretary
CSB 44/22	N/A	13/06/2022	Sustainability	<p>An update on Sustainability to be brought to the Board to the next meeting and then to be removed.</p> <p><b>Update:</b> Due to annual leave this item is proposed for the next meeting in the autumn, date to be agreed.</p>	Chief Executive
CSB 45/22	N/A	18/07/2022	Judicial Planning Working Group (JPWG)	Ms. Denning to speak to the chair of the JPWG about access by the Board to a report submitted to the JPWG by the Courts Service executive	Chief Executive
CSB 46/22	N/A	18/07/2022	Away Day	Secretary to find suitable city centre location for Away Day with hybrid meeting facilities	Secretary



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\* The impact of the work of Judicial Planning Review Group and the work of the OECD on judicial numbers and on the Courts Service was discussed as part of the risk reporting and the CEO report later in the meeting.

### **3. The Chair of the Finance Committee President Birmingham and Head of Corporate Services Mr. John Cleere delivered the Finance Committee Update including the following papers:**

- Annual Report 2021 for sign-off (report 25/2022)
- Finance Chair Committee update (report 26/2022)
- Financial Report (report 27/2022)
- Financial Update month end June 2022 (report 28/2022)
- Estimates 2023 (report 29/2022)

The financial position to the end of May was reported to the Finance Committee at its meeting on the 4 July, where an underspend of €1.541m (2.6%) against budget profiled was recorded. This was made up of underspend on Pay and Non-Pay, which was consistent with previous reports, compensated by a small overspend on capital. A marginal underspend was recorded for 2021 which went as an update to the Finance Committee on 4 July 2022. Of note was Court Fee income which recorded a small excess due to removal of Covid restrictions at the end of April 2022 .

At the last meeting of the Finance Committee there was an update on financial risks and finance management. Including an update on inflation which Mr. John Cleere delivered which seeks to assess the impact of inflation on our budget for 2022.

The Finance Report included a revision of its Terms of Reference including clarification around the achievement of Value-For-Money (VFM) and realisation of business benefits and efficiencies. Reference was made to a Benefits Framework which was nearing completion and links into the series of Modernisation Programme projects. (Reference Report 27/2022)

There was a question about the Public Appointments Service and whether the Courts Service were under an obligation to always use them. Mr. Cleere confirmed with the Chief Executive that the Courts Service has its own recruitment license to use their own panels for specialised roles and on a geographical basis. Examples of this include how the Courts Service has gone to market recently for Clerical Officers and Executive Officers in regional areas which turned out to be very successful recruitment campaigns. The Chief Executive confirmed that a similar campaign is being used for recruiting registrars, for example Assistant Principal registrars in the High Court for which interviews were being organised on Saturdays. Specialist recruitment would also include registrars in the CCJ and ICT roles etc.

Mr. Cleere concluded with the figures for 2022 at the June half-way point confirming that there was nothing arising from the figures and that a review to end of year would happen in September.

In relation to the Estimates 2023 (report 29/2022) Mr. Cleere noted the total net funding request is €9.212m plus a retention of Covid-19 funding of €3.1m and includes an increase in the target for Appropriations-in-Aid which reflects the increase on Court Fee income following the lifting of Covid-19 restrictions. The estimates request had been carefully scrutinised by the Senior Management Team (SMT) before its submission to the Department of Justice. The Board were also informed of a subsequent meeting on the Estimates with the Department of Justice. The Modernisation Programme is a key part of the estimates and next phase which is the 'transform' stage, requires larger scale implementation of new systems involving skilled multi-disciplinary teams. The agile



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approach being used for the transformation was mentioned because it allows a quick turn around and enables co-designing of systems with users.

The Microsoft Power technology is enabler of the programme and progress is already being made this year on the digital jury platform. Other projects envisaged under the Modernisation Programme which need support and funding include the case-management system across Civil, Criminal and Family Law Reform including Digital Debt and potentially eProbate for example. Funding is required for ICT and improving cyber security, as well as for the Estates Management Unit for courthouse capital and sustainability. The estimate includes funding for additional resources to provide necessary training, support for the High Court and modernisation programme initiatives in the High Court. The Assisted Decision-Making Capacity Act 2015 (ADMC) is also due to commence later this year and will require additional staff in the regional offices and in the General Solicitors Office. Mr. Cleere also stated that we are seeking to retain an element of the Covid funding into 2023.

Mr. Cleere confirmed that any funding for the support costs (both pay and non-pay) for additional judges that might arise as a result of the Judicial Planning Working Group was not included in the Estimates submission as a report in relation to same has been separately provided to the Department of Justice. A similar approach was taken relating to the Family Law Court Bill. It was noted that the Judicial Appointment Commission Bill was at the fourth stage in the Oireachtas, and the Courts Service have signalled that a senior resource at Principal Officer level and other staffing, accommodation and interpretation resources would be needed.

Mr. Cleere confirmed the unavoidable costs of inflation, gas, ICT, and courthouse capital have to be met for 2023. A question was asked in relation to capital costs for solar etc. Mr. Cleere confirmed that the Courts Service are forecasting for €1m on lighting and an overspend on fuel. For central contracts the Courts Service are consulting with the Office of Government Procurement and their guidelines. The new boilers installed during the pandemic, as part of the programme upgrade replacing old boilers, shows that these buildings including the PPP buildings are operating with more energy efficiency. Mr. Cleere confirmed that additional funding of €4.9m being sought for utilities is high, but that the Department accept this. Mr. Cleere feels at this point the Courts Service is covered as best as possible.

#### **4. Mr. John Cleere delivered the report on the Corporate Risk Register (report 30/2022) and Corporate Risk Management Policy & supporting presentation (reports 31/2022 & 32/2022)**

As part of the Corporate Risk Register update Mr. Cleere provided an overview of the high and medium level risks. Mr. Cleere confirmed that the Financial Risks were presented to the Finance Committee at the meeting of the 4 July 2022, as part of the Finance Report.

Mr. Cleere noted a number of points in relation to the risk register the Board discussed the following risks:

- Positive wording used to describe the risk to 'ensure appropriate resources and support structures are in place should there be appointments of additional judges' was confirmed.
- Rules impacting on the delivery of change as planned under the Modernisation Programme because of existing structures which may conflict with agile ways of working". He stated that



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this future risk is reliant on the assistance of the Rules Committee in supporting the modernisation programme for new and amended rules.

- Under ICT risks, the appointment of the Head of Cyber Security was confirmed and in place since 13 June. Recruitment is ongoing to fill out the team.
- The risk of failing to fill vacancies posed by the current challenging market conditions.
- The ADMC risk prompted Ms. Hilary McSweeney how she welcomed the additional resources in the nine offices to support the ADMC.
- Following mention of the Estate Strategy and the commencement of the venue review there was a discussion around the length of time it has taken the venue review to come to fruition. It was reported that the suggestion of a venue review was first raised in 2018 and it was perceived that little has happened in the interim. There was agreement by other Board members and recognition of the importance of the Terms of Reference for the venue review. Mr. Cleere explained the process that had happened to arrive at this point, including Covid, and the prioritisation of the Estates Strategy, with the Venue Review being a key deliverable of the Strategy.
- The funding allocation to make improvements across the estate was also discussed and Mr. Cleere confirmed that Hammond Lane was separate and that there was an allocation of €5.9 million under the National Development Plan for building, purchase of sites and maintenance.
- The risks relating to ICT were recognised as important but also as risks that should decrease over time as technology improves with modernisation. The danger of making investments and not realising the benefits from those investments was called out as a primary risk. There was a discussion then with regard to modernisation driving change and ICT being an enabler. The Board discussed the Modernisation Committee's important role in having a complete view of the change and IT's role in helping the organisation to get the work done.
- In line with the governance requirements of the Code of Practice for State Bodies, the Corporate Risk Policy must be approved by the Audit and Risk Committee and then the Board annually. The Audit and Risk Committee had approved the policy at their meeting of 4 July. Mr. Cleere presented the Policy to the Board which received no comments, which was taken as approval.

### **5. Ms. Karen Kiernan, Chair of the Family Law Development Committee provided the Committee's update ref: report 33/2022**

Ms. Kiernan took it that the paper was read, there were no questions and paper was noted.

### **6. Ms. Angela Denning presented the CEO's Quarterly Report for Q2, 2022 (report 34/2022).**

Ms. Denning took her report as read and specifically highlighted a number of matters from the report:

- Vacancies in a challenging labour market: Ms. Denning confirmed that 42 interns had been taken on from University of Limerick and from DCU by 30 June. Ms Denning also confirmed:
  - Assistant Principal (AP) registrar competition has taken place.
  - Higher Executive Officer (HEO) panel interviews are starting.
  - The number of internal promotions is up in 2022 as a result of the AP High Court



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- Registrar competition and appointments from panels created in 2021. There are also people on panels if additional judges are appointed.
- In quarter two the staffing numbers are the highest they have ever been.
  - The blended and flexible working policy has been launched and has been well received so far by staff and unions and its launch coincides with the introduction of a shorter working week from 1<sup>st</sup> July 2022.
  - The People and Organisation strategy was launched in June which aims to support staff in new ways of working. The Principal Officer leadership in action programme is being used to drive the roll-out of the strategy.
- The Assisted Decision-Making Capacity (Amendment) Bill has been delayed in its passage through the Houses of the Oireachtas. The new ADMC services will be provided from nine different offices. IT have built and almost finalised the system to support the new process but are awaiting finalisation of the legislation before completion. Ms. Denning noted that de-risking of investments happened in Nov 2021 and that the position taken by the then President of the High Court to stop accepting applications in April had to be reversed.
  - The Department of Justice have given approval in principle to proceed with Hammond Lane. A high-level scheme has been developed and is the subject of ongoing consultation with members of the judiciary and other stakeholders.
  - Ms. Denning also confirmed that the purchase of site Naas is complete. In relation to Tralee courthouse, it is expected that a motion will go before Kerry County Council at either its July or September meeting regarding the sale of the Island of Geese site to the Courts Service.
  - The estimates paper for 2023 -2024 funding to support the next phase of the Modernisation Programme, similar to the paper two years ago, has gone to the Department of Justice and the Department of Public Expenditure and Reform. 10 high level benefits were developed by the Senior Management Team with attaching metrics tracking user efficiencies and measurable targets.

Ms. Denning then spoke about the paper which the Courts Service Management Team were asked to provide to the Judicial Planning Working Group (JPWG) whose work still continues.

Ms. Denning confirmed that the Working Group had requested the paper from the Executive which had been provided in a short turnaround time and that it was confidential to the work of the Working Group. Special permission had been sought for it to be shared with the Chief Justice and the Presidents, which has happened. There were strong views from Board members that the paper should be shared with all members of the Board. Ms. Denning explained the position - as CEO she is responsible for the management of staff together with the day-to-day operation of the Service and that as Accounting Officer, she is responsible for the resources required to manage and administer the organisation. Ms. Denning reconfirmed that the paper related to executive matters regarding the appropriate resources needed and nothing wider than that.

The Chair of the Board recognised the confidentiality of the Working Group and that the Board wouldn't want to undermine in any way the work they were doing, particularly in the context of the OECD and their work for Government.

There were calls again for the document to be shared with the whole Board and the Chair suggested that perhaps representation could be made to the Working Group to share the paper with Board members on the understanding that absolute confidentiality would apply. Ms. Denning resolved to speak with the Chair of the Judicial Planning Working. **(Action CSB 51/22)**



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During the above discussion, one member reflected that perhaps there was a need to revisit previous discussions and the paper on boundaries in relation to roles and responsibilities.

There were a number of discussions in relation to other elements mentioned in the CEO quarterly report including

- The Modernisation Programme metrics which were cited as very helpful.
- Hammond Lane and the question of inflation. It was confirmed that the Courts Service are following the Department of Public Expenditure and Reform's published guidelines.
- The Intern programme how it is progressing and the longer-term plan.
- There was also discussion in relation to data retention and the data catalogue. Ms. Denning confirmed that ICT were working on retention of data with the judiciary and the National Archives of Ireland (NAI) noting that the NAI legislation needed to be amended. Ms. Denning noted that data was not limited to ICT data and the challenge was greater not having a document management system in place. However, there is a strong and robust data retention approach in place.

Ms. Denning concluded by introducing the Annual Report 2021 for approval. There was a request to make a small amount of amendments to the Annual Report 2021 this was facilitated after the meeting. It was also requested that the high standard and quality of the Annual Report 2021 be included as feedback for the minutes and that the team who worked to put the Report together should be congratulated.

The Annual Report 2021 was approved.

### 7. AOB

There was a discussion about the date for the next Board meeting which is planned as an away day. It was agreed that Monday 26 September probably represented the best option for everyone. The location was discussed, and it was agreed that a city centre venue with the relevant technology to provide hybrid options would be the ideal scenario. The secretary confirmed they would look for a suitable venue based on the criteria discussed. **Action CSB 46/22** Secretary to find suitable city centre location for Away Day

Under **AOB** Mr. Justice Tony O'Connor noted Judge Gibbons' imminent retirement and thanked him for the contributions he had made to the Board and the Courts Service during his tenure. The Chief Justice, CEO of the Courts Service and various Board members agreed and supported Justice O'Connor's words and wished Judge Gibbons well in retirement.

**Next meeting: Away Day, Monday 26 September at 10am – location TBC**

### New Meeting Actions:

CSB 45/22 - Ms. Denning resolved to speak with the Chair of the Judicial Planning Working.

CSB 46/22 - Secretary to find suitable city centre location for Away Day with hybrid meeting facilities



An tSeirbhís Chúirteanna  
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**Ends.**