



An tSeirbhís Chúirteanna
Courts Service

Courts Service Board Meeting Minutes

Minutes of the meeting of the Courts Service Board

12th December 2022

Present:

- The Hon. Mr. Justice Donal O'Donnell, Chairperson of Courts Service Board
- The Hon. Mr. Justice George Birmingham, Board Member
- The Hon. Ms. Justice David Barniville, Board Member
- The Hon. Mrs. Justice Elizabeth Dunne, Board Member
- The Hon. Mr. Justice Tony O'Connor, Board Member
- The Hon. Mr. Justice Patrick McCarthy, Board member, Chair of Building Committee
- The Hon. Ms. Justice Patricia Ryan, Board Member
- Her Honour Judge Alice Doyle, Board Member
- His Honour Judge Paul Kelly, Board Member
- Judge Alan Mitchell, Board Member
- Ms. Angela Denning, Board Member
- Ms. Deirdre Kiely, Board Member, Chair of Audit & Risk Committee
- Ms. Karen Kiernan, Board Member, Chair of Family Law Development Committee
- Ms. Patricia King, Board Member
- Ms. Sara Phelan, Board Member
- Ms. Michele O'Boyle, Board Member
- Mr. Doncha O'Sullivan, Board Member
- Ms. Hilary McSweeney, Board Member

Also in attendance

- Executive
- Mr. John R. Cleere, Head of Corporate Services
- Mr. Peter Mullan Head of Circuit and District Operations
- Secretariat
- Maura Howe, Secretary to the Board



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- Deirdre Doyle, Secretariat

The Meeting was held virtually via Zoom platform, A Quorum was reached.

1. Minutes of meeting of 7th November 2022

The minutes were agreed following minor amendments.

2. Meeting actions and decisions:

Action No.	Report	Action / Decision	Update/ Status	Responsibility	Due date
Meeting actions					
CSB 68/22	Matters arising	Department report to be released in 2023 and a briefing note to be developed for the Board on release.	For agenda	Secretary	Q1 2023 (dependent on Department)
CSB 69/22	Matters arising	Report updated to include total amount fines	Update for Board	Secretary	Before 23 Jan 2023
CSB 70/22	Item 8. Report 54/2022	Report to the Board on risks for those with accessibility requirements coming to court	For agenda	CEO	Spring 2023
CSB	Item 9.	To add an update on	For agenda	Secretary	Every 6



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71/22	Report 55/2022	PQ's and complaints received by the Office of the CEO			months approximately
CSB 72/22	Item 10 56/2022	Comprehensive update on modernisation	For Agenda	Secretary and head of Strategy and Reform	Upcoming meeting
CSB 73/22	Item 11 57/2022	Update to all members on their tenure	For Agenda	Secretary	Next meeting
CSB 74/22	Item 12 58/2022	Update to Gender Pay Gap Report to reflect pay bands	To update Board	Secretary and Head of HR	As soon as possible (depending on NSSO)
Meeting Decisions					
	59/2022	The stenography & transcription service and the Interpretation contracts were approved.			
	Item 7 53/2022	The Financial outturn for 2022 and the proposed budgets for 2023 were approved.			

Full action and decision log can be seen at appendix 1.

2. Update outstanding fines data Report (48/2022)

Mr. Peter Mullan, Head of Circuit and District Operations attended for this and the next item on the agenda. He presented the report as highlighted which was brought to the Board following a query raised at the previous meeting. An overview was provided of the current implementation of the provisions of the Fines (Payment and Recovery) Act and the issues being encountered with the current enforcement regime, following which a discussion took place. A number of limitations, at an operational level, to the fines regime were noted and it was felt that these limitations might reflect negatively on the whole system. The Board noted that a paper is being by the Department of Justice to look at improving collection in the short and medium term. The Board requested that this be placed as an agenda item once the report was received. (Action CSB 68/22) A concern was raised that enforcement of child maintenance orders will fall to the Courts; whereby similar collection issues might be encountered. A question was raised in



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relations to the totals for overall fines and Mr. Mullan undertook to have this available for the next Board meeting. (Action CSB 69/22)

Extension of contracts (Stenography & Transcription and Interpretation Report 59/2022)

Mr. Mullan presented the two reports as circulated. Approval of the Board was sought to extend;

- the current contract for the provision of Stenography and Transcription services by Epiq Global for a period of 4 months to the 26th of February 2023.

And

- the current contract for the provision of Interpreting services Translations.ie to the Courts Service for a period of 5 months to the 21st of June 2023.

As both service contracts require new contracts be put in place following a competitive tender exercise, derogation had been sought and received from the Head of Internal Audit to seek extensions of the contracts for a period until new contracts are put in place.

The Board noted that although some members reported variations in the levels of service from stenographers and lack of attendance by some interpreters which the Courts Service agreed to monitor closely, they were prepared to approve both extensions.

Decision: The Board approved the extension of both contracts.

3. Modernisation Committee update (Report 49/2022)

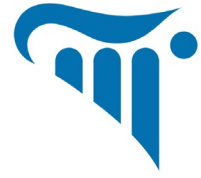
The Chair of the Committee, The Hon. Mr. Justice O' Donnell presented the report as circulated. There were no decisions required from the Board at this time.

4. Audit Committee Update (Report 50/2022)

The Chair of the Audit Committee, Ms. Deirdre Kiely, presented the report as circulated. There were no decisions required from the Board at this time.

5. Finance Committee update (Report 51/2022)

The Hon. Mr. Justice David Barniville advised that he had chaired the Finance Committee meeting of 28th November in the absence of The Hon. Mr. Justice Birmingham. As the reports



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which were considered and approved by the Committee formed part of this meeting agenda it was agreed to deal with the reports as they arose.

6. Memo extension Transformation Partner contract (Report 52/2022)

Mr. John Cleere, presented the report as circulated. It was noted that the award of the overall contract with Deloitte (as transformation partner to the Modernisation Programme) was approved by a joint meeting of the Modernisation Committee and the Finance Committee in January 2021. The Finance Committee had noted the first of a possible four, six-month extensions at its meeting on 28th November. The matter was before the Board for noting due to the size of the contract. A discussion took place as to the services carried out and the value for money achieved. Mr. Cleere advised that significant contract management activities are in place and that a formal review of the contract would be carried out in Q1 2023. The Board noted that the Finance Committee have requested a detailed report on the spend and deliverables of the contract at its next meeting.

Decision/ noting: No decision required, the Board noted the contract extension.

7. Financial Outturn October 2022 and Proposed Budgets (Report 53/20)

Mr. Cleere presented the report as circulated and advised that it had been considered and approved at the Finance Committee meeting of 28th November. He highlighted the following:

Financial Outturn to 31st October 2022

- Gross expenditure to 31st October 2022 was €126.616m; Pay of €63,316m, Non-Pay of €40,683m and Capital of €63,615m.
- Appropriations-in-Aid €34,633m; Fee Income of €31,693m, Miscellaneous Income of €1,442m and Pension Levy of €1,498m.

It was noted that the previously flagged underspend on pay has reduced following the ratification of the new pay deal and the payment of a 3% increase, back dated to February 2022, and paid by way of a lump sum, the estimated cost of which was €1.8m-€2m. This had not been provided for as part of the 2022 pay budget. There was also a 1% increase paid in October, which was provided for in the pay budget for 2022.



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It was highlighted that the underspend on pay, and the carryover of the capital underspend will result in a gross underspend of €0.076m. To ensure that there is a surrender balance, which is required under Government Accounting rules, a technical supplementary adjustment has been sought to take the excess in Appropriations-in-Aid of €1.5m and apply it on the gross expenditure line, therefore, achieving a balanced budget.

Proposed Budgets 2023

Mr. Cleere gave a high-level report on the funding provided following budget day, (€176.5m, representing an increase of €12.534m (8%) compared with the Revised Estimates 2022.) A breakdown of the funding was provided.

It was noted that sanction has been sought to carryover any unspent capital from 2022 into 2023, if successful this will be included in the Revised Estimate Volume 2023 (REV) which is due to be published in early December 2022.

Mr. Cleere advised that following extensive consultation with Heads of Directorates and other Budget Holders a proposed budget for 2023 had been framed. The context in framing the budget included:

- Payroll ratification of the new pay deal. The payroll funding allocated on Budget Day did not include the costs of the new pay deal, Building Momentum for 2023 as the deal was ratified after the Ministers Budget Day announcement. It is understood that the full year cost for 2023 will be included in the Revised Estimate Volume (REV) which will be published in December.
- The absence of funding for utilities and inflation. As part of the Estimates submission additional funding was sought to meet the costs of inflation across Utilities, ICT, and capital works. However, as part of a government wide approach no funding was provided. The approach being applied for utilities is that broader government policy measures will seek to absorb the increased utility costs.



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- Judicial Planning Working Group (JPWG). As part of the Budget Day announcement placeholder funding was provided to support the appointment of additional judges. The JPWG are due to finalise their report shortly, however, it is unknown at this point if it will be published in time to apply a budgetary adjustment in advance of the publication of the REV.
- The Judicial Appointments Commission Bill and its provisions concerning funding of the Judicial Appointment Commission and Judicial Council.

An overview of the proposed budget breakdown, across the headings of Pay, Non-Pay and Capital was provided.

A discussion happened on the placeholder funding which had been allocated to provide support to additional judges due on foot of recommendations in the Judicial Planning Working Group (JPWG) report. It was confirmed that the allocation would be sufficient to provide court going support to additional judges for 2023, however it was noted that if some of the other recommendations made by the OECD were incorporated into the JPWG report that additional funding may be required.

A discussion took place on the funding for capital works and the aggressive work programme planned, the various dependencies including working with the OPW were acknowledged. Through the Building Committee update the Board will be able to track progress with capital projects.

Decision: The Financial outturn for 2022 and the proposed budgets for 2023 were considered and approved by the Board.

8. Corporate Risk Register update (Report 54/2022)

Mr. Cleere presented the report as circulated and advised that the report had been considered by the Audit and Risk Committee at its meeting on 28th November. He highlighted that this report related to end of November rather than the full year report. It was noted that there had been reclassification of the following risks from High to Medium:

- Rules may impact on the delivery of change in an agile manner. Existing structures may conflict with agile ways of working.



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- The operational & reputational implications of implementing Assisted Decision - Making (Capacity) Act 2015.

The Board were advised that the Corporate Risk Register would be refreshed for 2023 in the context of the Corporate Business Plan for 2023 and that the risk policy and risk appetite would be brought to the Audit and Risk Committee for consideration. A discussion took place on the risk concerning the inaccessibility of certain buildings to those with disabilities, a report on this was requested from the CEO. (Action CSB 70/2022)

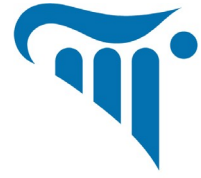
9. Parliamentary Questions report (Report 55/2022)

Ms. Deirdre Doyle presented the report as circulated and outlined the numbers and types of Parliamentary Questions which are received and responded to. It was noted that Probate waiting times are of current interest to TD's. A discussion took place on the reasons for Probate delays and future plans for an E-Probate system once funding becomes available. The Board noted the report and requested that an update be given on this area and on complaints received every six-months approximately. (Action CSB 71/2022)

10. Board Committees Terms of Reference review (Report 56/2022)

Ms. Howe (Board Secretary) presented the report as circulated the purpose of which was to allow the Board review purpose and makeup of its Committees. A discussion took place regarding each of the Committees in turn. The consensus was that the Committees are fit for purpose and functioning well. It was noted that each of the Committees review their Terms of Reference annually. It was suggested that as Estates and the Modernisation Programme both incur a large expenditure, that the Building and Modernisation Committees might consider adding the monitoring of expenditure and Value for Money elements to their TOR.

A discussion arose regarding the composition of the Modernisation Committee and whether additional membership might be required at this stage of the Modernisation Programme. It was agreed that the Chair of that Committee and the CEO would discuss and consider if this was warranted. It was noted that it was timely that a comprehensive report on the Modernisation Programme be given to the Board, and this should form an agenda item for the next Board meeting. (Action CSB72/2022)



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11. Courts Service Board Terms of Reference review (Report 57/2022)

Ms. Howe presented the report as circulated the purpose of which was to allow the Board to review its own Terms of Reference (TOR). A discussion took place regarding elements of the TOR. The consensus was that no changes are required to the TOR at this time.

It was noted that the current Board term expires in November 2023. Ms. Howe advised that a working group would set up early in the New Year to plan for a new Board. It was requested that the Secretary provide an update on the Board membership, why each member is in place and the term of office for each at the next meeting. (Action CSB 73/2022)

Ms. Howe then provided a short update on the Board annual evaluation and the use of Sharefile to house and circulate Board documentation.

12. Gender pay gap report (Report 58/2022)

Ms. Denning presented the report as circulated. The Board noted the Gender Pay Gap Information Act 2021 introduced the legislative basis for gender pay gap reporting in Ireland. The Act requires organisations to report on their hourly gender pay gap.

The gender pay gap for the Courts Service at the reference date of 23 June 2022 is 2.5% in favour of females. Of note females represent 61% of employees and the pay rates are applied centrally by NSSO. Ms. Denning was advised that information on pay bands must be included in the formal report. Ms. Denning undertook to bring that information to the Board as a supplementary report once received from the NSSO. (Action: CSB 74/2022)

13. AOB.

As there were no items considered under AOB the meeting then came to a close. The Chief Justice thanked all members for their contribution over the year and wished everyone a happy Christmas.

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