

**Minutes of the meeting of the Courts Service Board  
17<sup>th</sup> July 2023**

**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 (left meeting at 8.30am)
- The Hon. Mrs. Justice Elizabeth Dunne, Board Member
- The Hon. Mr. Justice Patrick McCarthy, Board member
- The Hon. Mr. Justice Tony O'Connor, Board Member
- 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. Patricia King, Board Member
- Ms. Sara Phelan, Board Member
- Ms. Michele O'Boyle, Board Member
- Ms. Hilary McSweeney, Board Member
- Ms. Rachel Woods

**Apologies**

- Ms. Karen Kiernan, Board Member, Chair of Family Law Development Committee

**Also, in attendance**

- Mr. John Cleere, Head of Corporate Services
- Ms. Deirdre Doyle, Secretary to the Board
- Ms. Rachel Murphy, Secretariat

A Quorum was reached.

## 1. Minutes of meeting of 22<sup>nd</sup> May 2023.

The minutes of the meeting of the 22<sup>nd</sup> May were approved.

Matters arising:

- Action CSB 22/2023 refers, as detailed on the Actions log at the back of these minutes. At the last meeting the Chair undertook to share a noted regarding the process of the review of the performance of the CEO.
- Action CSB 18/2023 refers. The CEO provided an update on the designation of Court venues as a question had arisen at the meeting of 27<sup>th</sup> February on this point.
- Action CSB25/202 refers. Ms. Denning advised, following discussions at the previous Board meeting that she had asked the Head of Internal Audit to examine the legislation we are required to comply with and how an audit of our compliance might be carried out. It was noted that the Internal Audit have now been requested to carry out an audit, the findings of which would be brought to the Audit and Risk Committee in the usual way. It was noted that separately the OPW is carrying out an accessibility audit of the buildings it owns, which included a number of Courthouses and the outputs of this can also be considered.

The Board noted and agreed with the proposed approach.

## 2. Meeting actions and decisions:

Action No.	Report	Action / Decision	Update/ Status	Responsibility	Due date
<b>Meeting actions</b>					
CSB 30/2023	FLDC	Agenda next meeting	For agenda	Secretary	September
CSB 31/2023	New Boarding working group	Diary consideration of Board Composition for new Board	For agenda	Secretary	Year end
CSB 32/2023	Matters arising delegation court venues	Consider any proposal to amend wording of delegation	For Agenda	Secretary	When proposal brought to Board
<b>Meeting Decisions</b>					
CSB8/2023	The Board approved the Corporate Risk Policy for 2023				
CSB9/2023	The Board approved the extension of interpreting services contract				

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

### **3. Family Law Development Committee update (report CSB 39/2023)**

The Chair of Family Law Development Committee, Ms. Karen Kiernan had given her apologies, this update will be considered at the next meeting of the Board.

### **3. Finance Committee update (report CSB 40/2023)**

The Chair of the Finance Committee The Hon. Mr. Justice George Birmingham, presented the update as circulated, which covered meeting of 3<sup>rd</sup> July. Topics dealt with at the meeting were as follows;

- Annual Self evaluation
- Estimates 2024
- Financial update
- Procurement Plan Update
- Deloitte Transformation Partner review
- Evaluation report Coaching Framework. It was noted that this contract was approved.
- Extension interpreting contract. It was noted that the Committee were recommending that the Board approve the extension. It was further noted that The Hon. Mr. Justice Barniville had absented himself from the consideration of that item when it was considered at the meeting of 3<sup>rd</sup> July.

### **4. Q1 CEO report (Report CSB 41/2023)**

Ms. Denning presented the report as circulated highlighting a number of updates.

- JPWG. Each implementation group (Judicial, Courts Service and the Department of Justice) had prepared draft implementation plans in advance of the first meeting of the Department of Justice's overall implementation group.

Ms. Denning advised that a large amount of preparatory work is being undertaken, that data indicators/metrics have been agreed, against which the benefits of implementation will be measured. These reports may be supplemented with qualitative data if required.

It was noted that some recommendations which it was thought were to be implemented in the short-term now had an indicative timeframe of 2 years, such as case management by staff.

It was noted that the Department of Justice is carrying out a series of bi-lateral meetings, the first of which has taken place with the Judicial implementation group, and one is being scheduled with the Courts Service. Ms. Denning advised that she is working closely with the Court Presidents, Department of Justice, DPENDR and other agencies to manage the programme of work. It was noted that a Government Memorandum is in preparation for September and that a supplementary estimate may

be required to fund the short-term implementation.

A discussion took place on the timing of provision of the draft report to the Board. Ms. Denning advised that time pressures meant that the draft Courts Service implementation plan could not be considered by the Courts Service Board, prior to the first Department of Justice implementation meeting, however it was still a draft plan should the Board have any observations on the same. It is expected some changes to the plan will be made following the bilateral meeting with the Department of Justice.

A question was raised regarding the preparatory work being undertaken in advance of the additional judges being put in place. Ms. Denning advised that the appropriate resources will be in place, regarding courtrooms and chambers and having a registrar in place, however it was noted that there will be no additional courtroom capacity in Dublin at present.

A discussion took place on the ratio of support staff required per judge. Ms. Denning advised that this ratio had been agreed and accepted by the JPWG and had been the working ratio in the organisation for a number of years, with the staffing not only covering registrar, judicial assistant but the operational office support and back-office support such as ICT, HR and Finance.

- Assisted decision making – It was noted that the volume of applications is quite low at this point and would be closely monitored.
- Hammond lane – It was noted that it has been decided that to decouple the Garda projects from the Justice PPP project, as a result a revised preliminary business case has been submitted to the Department of Justice for approval.
- Judge Haughton report. The Board noted that J. Haughton's report recommends that the Courts Services Audit and Risk Committee should be requested to audit accounts and records relating to uncollected bail. It was noted that the Audit and Risk Committee will bring a report on same to the Board in due course.

A discrepancy in the data contained in the report regarding the commercial court list was raised. Ms. Denning undertook to revert to the Commercial Court Registrar in relation to this.

## **5. Q2 Corporate Business Plan update (Report CSB 42/2023)**

Ms. Denning presented the report as circulated.

It was noted that two actions due for completion are outstanding.

- Customer service high level design – this will be complete by end August.
- Implement a structured water waste management programme – this has been deferred to 2024 as not all our sites have water meters.

#### **6. JPWG update (Report CSB 43/2023)**

This item was discussed at item 4 as part of the CEO Board update

#### **4. Estimates (Report CSB44/2023)**

Mr. Cleere presented the report as circulated which issued to the Department of Justice. In summary total net funding of €28.156m is being sought for 2024. This is inflated by €3.1m repurposed COVID funding, supplementary estimate funding for eProbate of €0.5m and utility inflation of €3.168m. When account is taken of this the real net increase for 2024 is €21.388m. It was noted that this is €0.5m higher than the figure provided to the Finance Committee at its 3<sup>rd</sup> July meeting. (to take account of ICT funding needed to fit out temporary Courthouse accommodation in Galway)

He highlighted the following points.

- The Modernisation programme is the key pillar for funding for 2024 with the completion of 'Transform' phase by end 2024. This intensive phase of change builds on the previous activities which included the launch of a series of strategies to support the delivery of our long-term vision and ambition.
- The JPWG have accepted that additional resources will be required by the Courts Service to support the increased number of judges recommended and the enhanced roles required to be carried out by the Courts Service, to support full implementation, further funding will be required.

Budget 2023 provided placeholder funding of €1.5m payroll and €1m non-pay to support the recommendations. The Committee were advised that a supplementary estimate will likely be required in 2023 to support the very short-term recommendations accepted by Government to allow implementation to commence immediately. It was noted that further funding for the JPWG was not included in the Estimates submission and business case is being prepared for separate submission.

Mr. Cleere provided the detail on the additional funding being sought, for pay, non-pay and capital, in the areas of Modernisation programme, e-Probate, Courtroom sound estate consolidation, Courthouse projects, sustainability, PPP cost, Utilities

inflation, Jury minding outside Dublin, cost of new legislation re transcripts, resources for operations, and inflation.

The Committee were advised that a Supplementary Estimate will be sought to address the following items -

- **JPWG** –draft business case indicates funding will be required to meet the initial costs of implementing the JPWG recommendations, including increased resources to support new Judges and related ICT and corporate costs.
- **eProbate** agreed to initial funding of €0.500m for the eProbate Project for 2023, split across pay and capital.
- **Utility costs** – shortfall of circa €3.2m under this heading in 2023.

Mr. Cleere outlined the areas which were not being included in the submission.

- Judicial Planning Working Group (JPWG) – A Business Case is being compiled and will be submitted separately.
- Pending legislative changes – the full impact and changes, which will be required following an impact assessment of pending legislative changes
  - Judicial Appointments Commission Bill 2022
  - Sale of Alcohol Bill 2022
  - Family Courts Bill 2022

A question was posed regarding the ICT funding being sought, and whether this included funding to replace legacy systems such as CCTS/ICMS. Mr. Cleere advised that it does and that additional funding is being sought under pay for a resource to manage this work. It was noted that funding for cybersecurity licences was also included in the ask for 2024.

#### **4. Financial update (Report CSB 45/2023)**

Mr. Cleere presented the report as circulated and highlighted the main points:

- The Financial position to the end of May shows total Gross expenditure of €63.160m when compared to budget of €64.822m results in an underspend of €1.662m
- This is made up of overspend across expenditure headings namely: pay of €0.176m, Non-Pay of €0.193m combined with an underspend on capital of €2.031m.
- Appropriations in Aid which amounts to €13.826m resulted in excess receipts of €2.083m when compared to budget target of €11.743m Expenditure net of income is

recorded at €49.334m which gives rise to underspend of €3.745m, when compared with budget of €53.079m.

He advised that at a high level that the variances on expenditure to May can be explained as follows:

- **Pay** - overspend due to the accelerated recruitment of staff since Q4 2022 in preparation for the appointment of additional Judges in 2023 as part of the JPWG recommendations, This will be addressed by the additional funding being sought by way of a supplementary estimates later in the year.
  
- **Non-Pay**
  - overspends attributable to a number of headings; light, heat & fuel, DAR, Postal, Travel and subsistence, Judicial supports, telecommunications, printing/online publishing, leases, general premises expenses, jury meals & transport, sustainable energy initiatives, stationary & office equipment.
  - Underspends attributable to a number of headings Contract Services, – Courthouse Maintenance, Interpreting, Law Books , Jury Minding, Learning & Development, Legal Services, Consultancy
  
- **Capital** – underspends in ICT, capital works, PPP regional unitary payment, and PPP unitary payment CCJ, it was noted that the timing of payment of invoices has contributed to the underspend.
- **Appropriations in Aid (AinA) (Receipts)** - made up of excesses on Fee Income of €1.980m and Pension Levy of €0.113m and a shortfall on Miscellaneous Income of €0.01m

An update on Court funds was provided, it was noted that the 31<sup>st</sup> March 2023 the total value of funds managed by the Accountant's Office was €2.429 billion. The overall value of assets managed by the Accountant's Office increased by a net €38 million (1.5%) during the quarter to 31<sup>st</sup> March 2023. This increase in the market value of funds is attributable to a net increase from investment performance of €18.3 million and a net increase in capital transactions of €19.7 million.

Mr. Cleere advised to end June the trend is that there is an increase in overspend on pay and non-pay and that capital continues to trend as underspent. A forecast out-turn

is planned for September when a further review will be carried out.

### **Risk Management update (Report CSB 46/2023)**

Mr. Cleere presented the report as circulated. He provided the background and context to the risks and outlined the actions and progress made as of end of Q2.

He then gave an overview of risks contained in the Register, highlighting the 5 highest risks, 3 of which relate to ICT, 1 to buildings and 1 relating to the resources required to support the appointment of additional judges.

- ICT, 3 risks were still High
- Buildings, that progress is being made on mitigating actions.
- Inadequate resources and structures to support the appointment of additional judges, Ongoing engagement is taking place with DOJ and DPENDER, a business case is being compiled for submission to DoJ and DPENDR for the resources required to implement the recommendations of the Judicial Planning Working Group report.

It was noted that a number of Heads of Directorates had attended the ARC meeting of 3<sup>rd</sup> July and provided a comprehensive update on their own directorate risk registers.

Mr. Cleere advised that the SMT would undertake a review of the register in September to satisfy themselves that all risks have been captured. It was noted that anywhere any mitigating actions had not been finalised/completed for Q2, this was due to the ongoing nature of the action.

A question was posed on the cybersecurity risk. Mr. Cleere confirmed that significant progress has been made in this area following investment, and all that can be done is being done. It remains the case that ongoing funding will be required in this area.

### **Risk Management policy (Report CSB 47/2023)**

Mr. Cleere presented the Corporate Risk Policy which has had some small updates in wording for 2023. It was noted that it had been reviewed for 2023 and considered by the ARC on 3<sup>rd</sup> July. Approval of the Board was sought, subject to the flagged tracked changes.

A discussion took place on horizon scanning and how that might take place in practice.

Decision: The Board approved the policy.

### **Interpreting Contract extension (Report CSB48/2023)**

#### *Declaration of Conflict of Interest*

*The Chair enquired whether any Committee member has a conflict of interest regarding this item and if so, they must absent themselves from the discussion. Mr. Justice Barniville was not present for this item, having left the meeting earlier.*

Mr. Cleere presented the report as circulated and advised that Translation.ie signed a one-year contract for interpretation services in January 2020. This contract was for a period of one year only with no extensions, based on advice from the Office of Government Procurement following legal challenges to other mini competitions under the framework. This contract was extended for two periods of one year and one period of 5 months on submission to Internal Audit, Finance Committee and Courts Service Board. The current extension expires on 21st June 2023.

It was noted that DPENDR carried out a procurement for the provision of the services, for use by all Public Sector Bodies and a contract was entered into by that Department on the 18th of November 2022.

Mr. Cleere advised that Interpreting Services Ireland, (a Consortium comprising of Forbidden City Ltd. t/a translation.ie and Schedule Intelligence Ltd). is the Framework Member that the Courts Service must use and that discussions are ongoing with the Consortium's key account management team. It is expected that there will be significant and lengthy exchanges regarding the delivery of the service. As there will be insufficient time to have a new contract in place prior to the expiry date for the current contract extension on the 21st of June 2023, approval was sought to extend the contract with Translation.ie until 31st October 2023.

Decision: The Board approved the extension of the contract

### **New Board working group report (Report CSB48/2023)**

The Hon. Mr. Justice McCarthy presented the report as circulated.

Following discussion, it was agreed that the Board accept the practical recommendations such as circulating prospective Board members with role description and skills audit of the new Board. It also agreed that consideration of the Board

composition as suggested by the IPA review report should be a matter for the new Board.

It was suggested that staggering the entry of new members to the Board would be good practice as this is beneficial for Board stability.

Action: Diary discussion of Board composition once new board in place.

### **Bi-annual update PQs, Complaints, Protected Disclosures (report CSB 50/2023)**

Ms. Deirdre Doyle presented the report as circulated. A discussion followed regarding the nature of PQs, representations and complaints received. It was noted that an FOI update had recently been given the Board, and that the cadence of these updates would be aligned.

### **AOB**

Further discussion on matters delegated to the CEO took place, with a view expressed that wording of the delegation regarding designation of court venues, should be amended to reflect that the CEO should obtain the consent of the Court President for changes. Ms. Denning outlined that it was her understanding that 'consent' had purposely been left out to allow for situations, such as during Covid where a change was required, and the Court President was unavailable. It was agreed that in practical terms that the Presidents consent is always obtained.

It was noted that any proposal to review and revise the delegation would require Board approval.

Action: The Board agreed to consider any proposal to change the wording which is brought before it.

It was noted that the next Board meeting was a full day off site meeting on 25th September which will be held in the Customs House.

**Ends.**