



**Minutes of the meeting of the Courts Service Board  
6<sup>th</sup> November 2023**

**Present:**

The Hon. Mr. Justice Donal O'Donnell, Chairperson of Courts Service Board  
The Hon. Mr. Justice George Birmingham, Board Member  
The Hon. Mr. Justice David Barniville, Board Member  
The Hon. Ms. 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. Hilary McSweeney, Board Member  
Ms. Rachel Woods, Board Member  
Ms. Karen Kiernan, Board Member, Chair of Family Law Development Committee

**Apologies**

Ms. Michele O'Boyle, Board Member

**Also, in attendance**

Mr. John Cleere, Head of Corporate Services  
Mr. Shay Keary, Circuit and District Operations  
Mr. Rob Rogers, ICT  
Mr. Ciaran O Connor, State Architect OPW  
Ms. Deirdre Doyle, Secretary to the Board  
Ms. Rachel Murphy, Secretariat

A Quorum was reached.



## 1. Minutes of meeting of 25<sup>th</sup> September 2023.

Following discussion and minor amendments the minutes of the 25<sup>th</sup> September were approved.

There were no matter arising

## 2. Meeting actions and Decisions

Action No.	Report	Action / Decision	Update/ Status	Responsibility	Due date
CSB 37/2023	ARC update	Refer Audit report ICT Governance to Modernisation Committee	To action	Secretary	immediately
CSB 38/2023	ARC report re J. Haughton report	Chair to transmit report to Minister for Justice	To action	Chair	immediately
CSB 39/2023	ARC update	Ascertain timing of Internal Audit	To action	Secretary	immediately
CSB 40/2023	Estimates/budget Report	Circulate impact paper dated 1/11/2023 to Board	To action	Secretary	immediately
CSB 41/2023	Corporate Risk Register update	Training to be made available	To action	Secretary	As part of Board member induction
CSB 42/2023	CEO report	Update on Galway site	For agenda	Secretary	Next meeting
<b>Meeting Decisions</b>					
CSB10/23		Approval of interpreting services contract			
CSB 11/23		Approval of Maintenance, support & installation services of digital evidence presentation technologies, video conferencing and associated systems in the Courts Service contract			



### 3. Audit Committee

The Chair of the Audit Committee presented the following reports as circulated.

- **Audit Committee update (Report 59/2023)**

The Board noted the update.

- **Summary report of Audit of Governance and project management of ICT projects (Report 69/2023)**

An overview was provided of an audit which had been carried out re ICT governance of modernisation projects. Following discussion the Board noted the report and agreed to refer the report to the Modernisation Committee for information.

Action: refer Audit report to Modernisation Committee

- **ARC report on Foot of Haughton Report (Report 60/2023)**

The final Audit and Risk Committee report on foot of the J. Haughton report was presented to the Board. A discussion took place regarding the recommendations made in the ARC report.

The Board noted the report, which will be transmitted to the Minister for Justice by the Chair

Action: Transmit ARC report to Minister for Justice.

A question was posed regarding the timing of a planned internal audit regarding compliance with the disability legislation. The Secretary undertook to follow up on this. It was noted that the audit report would be received by the ARC and then the Board.

Action: Ascertain timing of Internal Audit

### 4. Finance Committee update (Report 61/2023)

The Chair of the Committee, The Hon. Mr. Justice George Birmingham, presented the report as circulated which covered meeting of 16<sup>th</sup> October 2023. Topics dealt with at the meeting were as follows:

- Estimates/Budget 2024 (further update on Board agenda)
- Financial update (further update on Board agenda)
- Procurement Plan Update
- Interpreting Contract (Agenda Item on Board agenda) The Committee were presented with the report regarding the provision of the above services. The Committee recommend that the Board approves this contract.
- Maintenance, support & installation services of digital evidence presentation technologies, video conferencing and associated systems in the Courts Service
- (item on Board agenda) The Committee were presented with the report regarding the provision of the above services. The Committee recommend that the Board approves this contract.



## 5. Financial Outturn and Budgetary Review (Report 62/2023)

Mr. John Cleere, Head Corporate Services Directorate attended for this item and presented the report as circulated, highlighting the main points:

- The Financial position to the end of September shows total Gross expenditure of €122.523m when compared to budget of €123.827m resulting in an underspend of €1.304m
- This is made up of overspend across expenditure headings namely: pay of €0.774m, Non-Pay of €0.210m combined with an underspend on capital of €2.258m.
- Appropriations in Aid which amounts to €26.186m resulting in excess receipts of €0.681m when compared to budget target of €25.505m Expenditure net of income is recorded at €96.337m which gives rise to underspend of €1.985m when compared with budget of €98.322m.

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

- **Pay - Projected Overspend of €1.0m.** Additional funding of €6.123m was provided in 2023 for Pay, due to the accelerated recruitment of a pipeline of staff in advance of the appointment of Judges as part of the Judicial Planning Working Group (JPWG) recommendations. Placeholder funding was provided as part of the budget for 2023 of €1.50m which was insufficient.
- **Non-Pay**
  - overspends attributable to a number of headings; light, heat & fuel, DAR transcripts.
  - Underspends attributable to a number of headings including Courthouse Maintenance.
- **Capital** – underspends in ICT, capital works, sustainability, PPP regional unitary payment, and PPP unitary payment CCJ, and Dublin family Court Hammond Lane.
- **Appropriations in Aid (AinA) (Receipts)** – primarily due to an excess on Fee Income of €2.103m linked to recommencement of licensing fee applications.

Mr. Cleere advised that due to the Budget day allocation to the Vote, certain measures will be taken in the remainder of the year to deal with a trending capital underspend so as to maximise capacity in the vote for 2024.



## 6. Estimates/Budget Announcement (Report 63/2023)

Mr. Cleere, presented the report as circulated.

The Board were advised when the Funding Allocation for 2024 is compared to 2023 it shows 2.47% increase on current expenditure including Pay, a 0.96% increase on Capital and a decrease in Miscellaneous income bringing Appropriations in Aid down 2.3%, resulting in an overall increase in funding net of income of 2.9%.

It was noted that this funding falls short of the Estimates and JPWG funding request submitted by the Courts Service. Mr. Cleere advised that engagement is ongoing with the

Department of Justice in this regard and that a paper outlining the impact of the shortfall on Court Operations, Modernisation Programme and the implementation of the JPWG recommendations had been provided to the Department. Mr. Cleere undertook to circulate this paper to the Board. It was noted that the compilation of the Budget for 2024 has commenced.

Ms. Denning advised that the funds voted to her as Accounting Officer were allocated to certain areas by Government and essentially were ring fenced for those areas of work and could not be utilised to supplement areas which had not been adequately funded. In light of this a discussion took place on the possible impacts of the funding allocation, noting that certain areas of work, such as the planned pacing of the full implementation of the JPWG recommendations, would now need to be reprioritised

Action: Circulate paper re impact of budget allocation to Board.

## 7. Interpreting Services Contract (Report 64/2023)

*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.*

The Hon. Mr. Justice Barniville absented himself from the discussion on this item.

Mr. Shay Keary, Circuit and District Operations attended for this item and presented the report as circulated, which outlined the background, procurement process, the award criteria, method of entering contract and negotiations for the provision of Interpretation Services (excluding Irish Language Services) by Interpreting Services Ireland to the Courts Service.

It was noted that the contract will be for 2 years, effective from the 1<sup>st</sup> of November 2023, with the option to renew on the same terms and conditions for a further two



periods of 12 months each, incurring a cost of approximately €8m inclusive of VAT.

As the overall total for the provision of this service is in excess of €5m (assuming the two twelve-month extensions are invoked and agreed), the report had been brought to the Finance Committee whereby the Committee recommended that the Board approve the signing of the NASF to engage Interpreting Services on foot of the DPENDR contract.

Decision: Following discussion the Board approved the signing of the NASF to engage Interpreting Services on foot of the DPENDR contract.

**8. Maintenance, support & installation services of digital evidence presentation technologies, video conferencing and associated systems in the Courts Service (Report 65/2023)**

*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. No Committee member absented themselves.*

Mr. Rob Rogers, ICT presented the report as circulated, which outlined the background, procurement process, the award criteria, method of entering contract and negotiations for the provision of CFT for maintenance, support & installation services of digital evidence presentation technologies, video conferencing and associated systems in the Courts Service. This contract will provide for the continued maintenance and support of the existing nationwide courtroom video conferencing/evidence display and remote court estate. The Courts Service may also utilise this contract for the upgrading and refreshing of existing solutions combined with the purchase of new Courtroom Technology installations and services.

It was noted that the Evaluation Panel considered that when combined with proposed costs, service processes, resources, technical capability, and technical approach detailed in the Fitting Image tender response represented the most economically advantageous tender.

It was noted that over the term of the contract, 3 years with possible two single year extensions, it is estimated that the expenditure on the technologies and services to be covered may amount up to a maximum of €10 million excluding VAT.

As the overall total for the provision of this service is in excess of €5m, approval of the Finance Committee were sought and received to recommend to the Courts Service



Board the approval of this tender outcome and the award of the contract for maintenance, support & installation services of digital evidence presentation technologies, video conferencing and associated systems in the Courts Service to Fitting Image AV Sales Ltd

Decision: Following discussion the Board approved entering into the contract.

## 9. Risk Management update (Report 66/2023)

Mr. John Cleere presented the Corporate Risk Register (CRR) report as circulated and highlighted the following.

- The register has 19 risk, 8 of which are high.
- The register was reviewed resulting in changes to register. CRR is framed around a Risk Appetite of Medium

The following risks have been upgraded.

- **The operational & reputational implications of implementing Assisted Decision - Making (Capacity) Act 2015** - This risk has been upgraded due to the significant challenges arising from the low rates of application for discharge from Wardship. Under the new legislation there is a high number of self-represented applicants to the Circuit Court. The high volume of inherent jurisdiction applications to the High Court and scale of work from detention and welfare care reviews.
- **The failure to address knowledge management gaps due to staff movements and new entrants** - This risk has been upgraded due the significant number of new entrants in post less than three years and staff movement.
- **Failure to secure funding** – implication of budget allocation for 2024

Additionally

- **Inability to address the financial and governance arrangements due to the Judicial Council forming part of our Vote** has been taken off the CRR and moved to the OCEO Directorate Risk Register as the timeframes have moved significantly.
- **The failure to smoothly transition from the Justice Groups Shared Service to NSSO's Services, as part of the Government's FMS Project** has been added to the CRR.

Action: It was noted that training in relation to Risk Management would be made available to any board member (new or existing)



## 10. Judicial Planning Working Group update

Ms. Denning advised that a meeting of the JPWG Steering Group took place on 12 September 2023. It was noted that Terms of Reference have been agreed and draft implementation plans shared. It was noted that two sub-groups will now be established.

Tom Ward Assistant Secretary will represent the Courts Service on the group dealing with the recommendations relating to quasi-judicial office holders as well as the powers of Court Presidents. Audrey Leonard Assistant Secretary will represent the Courts Service on the group dealing with Stakeholder Engagement. It was noted that the Stakeholder engagement subgroup does not have legal practitioner membership. It was noted that at the next meeting of that group it would be suggested that practitioners would be asked to attend on an ad hoc basis, dependent on any given meeting agenda.

Mr. Justice Barniville advised that at the request of the DPP he has set out to establish a Central and Special Criminal Court user group.

## 11. CEO Q3 2022 Report (Report 67/2023)

Ms. Angela Denning presented the report as circulated, particularly highlighting,

- Activity in the modernisation programme concerning Customer service and how that can best be delivered into future.
- The roll out of the new unified case management system in the High Court to replace the old 'Progress' system and the roll of the Circuit Family UCMS in a number of offices, with very few issues encountered. It was agreed that the roll out of these new systems is a significant and positive step in the Modernisation Programme, with further case types added and rollouts planned on a phased basis.
- The update on the Assisted Decision-Making regime, which had previously been highlighted by Mr. Cleere during his Risk Register update.
- The positive progress being made regarding a long-term solution for Galway Court accommodation. Discussions are ongoing with the Land Development Agency regarding the Dyke Road site and provision of an 8-courtroom building on the site. Additionally, options regarding temporary accommodation were discussed.
- The Board noted the new Child Safeguarding statement which is in place.
- It was noted that contracts have been signed by the Courts Service for the Tralee site, however the Board were advised that whilst the development of a new Courthouse in Tralee is on the NDP, it is not funded in the plan to 2025.



Action: The Board requested an update on the Galway Dyke Road site at the next Board meeting.

#### **12. Corporate Business Plan Q3 update (Report 68/2023)**

Ms. Denning presented the report as circulated, and provided an update on the actions which were behind schedule or reprioritised.

The Board noted the report.

#### **13. Presentation State Architect Dublin Family Law Courts (Hammond Lane)**

Mr. Ciaran O Connor, State Architect OPW, attended for this item and provided a comprehensive presentation on the new Family Law Courts (Hammond Lane). An overview was provided of the internal and external design and the rationale for the design decisions. It was noted that approval had been given by the Building Committee to proceed to Part 9 planning. The Board were in full support of this decision and approved the external scheme and authorised the OPW to proceed with to part 9 planning. The Board expressed their appreciation of the work undertaken to date in progressing this important project.

#### **14. AOB**

- It was noted that the next meeting of the Board would take place on 11<sup>th</sup> December 2023 @ 8am virtually.
- It was noted that Ms. Louise Jevens (CIO, Department of Justice and The Hon. Mr. Justice Kennedy would be joining the Modernisation Committee as members.

As this was the last meeting in the current term of the Courts Service Board, the Chair took the opportunity to give his and the Boards appreciation and thanks to the outgoing Board members for their constructive input to the work of the Board over the term.