



**Oversight Agreement 2019**  
**between**  
**the Courts Service**  
**and**  
**Department of Justice and Equality**

## **Part 1 – Oversight Agreement**

### **1. Introduction**

The Code of Practice for the Governance of State Bodies 2016 which sets out the corporate governance arrangements to be adopted by State Bodies, provides for written oversight agreements to be put in place to support robust and effective governance. This Oversight Agreement is a written statement between the Courts Service and the Department of Justice and Equality in accordance with the requirements of the Code.

### **2. Legal Framework**

The Courts Service is a State agency established in November 1999 pursuant to the provisions of the Courts Service Act, 1998 (Act) to manage and administer the Courts. In accordance with the Act the Courts Service is a body corporate which is independent in the performance of its functions.

#### **2.1 Functions**

The statutory functions of the Courts Service as set out in the Section 5 of the Act are:

- To manage the Courts;
- To provide support services for the judges;
- To provide information on the Courts system to the public;
- To provide, manage and maintain Court buildings;
- To provide facilities for users of the Courts; and
- To perform such other functions as are conferred on it by any other enactment.

The powers of the Service in exercising its statutory functions are set out in section 6 of the Act.

#### **2.2 Purpose and Responsibilities**

The Courts Service is responsible for the management and administration of the Courts.

The Courts Service has a staff of 1048 (FTE) at 1<sup>st</sup> January 2019 and a network of 33 court offices outside Dublin and offices in Dublin (Four Courts, Criminal Courts of Justice, Dolphin House, Swords, Dun Laoghaire and Cloverhill). The Courts Service supports the Supreme Court, Court of Appeal and High, Circuit and District Courts and provides services to court users. The Courts Service has 5 directorates based at its Headquarters in Dublin - 2 Operational Directorates - Superior Courts Operations and Circuit and District Court Operations and 3 Support Directorates - Resource Management, Infrastructure Services and Reform and Development.

### **2.2.1 Mission**

The mission of the Courts Service is *to support the judiciary and provide excellent services to all court users, thereby facilitating access to justice.*

The administration of justice is a matter for the judiciary who are supported in this function by the Courts Service. Judges are, under the Article 35(2) of the Constitution, independent in the exercise of their judicial functions. The Courts Service Act precludes the Courts Service from interfering in any way with the conduct of the business of the courts required to be exercised by a judge or impugning the independence of a judge or quasi-judicial officer in the performance of his or her judicial/quasi-judicial functions.

### **2.2.2 Board**

The Courts Service is governed by a Board consisting of a chairperson and 17 other members (see Appendix 1). The Courts Service Act provides that the chairperson of the Board will be the Chief Justice or a judge of the Supreme Court nominated by the Chief Justice as Chairperson, and that the Board membership will include judicial representatives from each court, a staff representative, a representative of the Minister for Justice and Equality, representatives from the legal professions and trade unions and nominees of the Minister to represent the business world and court users.

The Board is collectively responsible for leading and directing the activities of the Courts Service in a framework of prudent and effective in accordance with the Code of Practice for the Governance of State Bodies (2016).

The functions of the Board are to consider and determine policy in relation to the Service and to oversee the implementation of that policy by the Chief Executive Officer. The Act also provides that the Board may establish committees of the Board to advise it in relation to the performance of its functions.

The Board in the performance of its functions must have regard to the resources of the Service to secure the most beneficial, effective and efficient use of these resources. The Board must also have regard to any policy or objective of the Government or a Minister of the Government insofar as it may affect or relate to the functions of the Service.

The Ethics and Standards in Public Office legislation does not apply to the Board of the Courts Service. The Board of the Courts Service is comprised of judicial and non-judicial members. Section 18(3) (b) (v) of the Ethics in Public Office Act, 1995, precludes the

designation for the purposes of the Act of "the office of Judge of any Court". It is intended to apply the Ethics and Standards in Public Office legislation to non-judicial members of the Board of the Courts Service in the future, subject to the necessary amending legislation.

In accordance with best practice Board members are required to make annual declarations of interests and, prior to consideration of reports on procurement or relevant matters, all Board and Committee members are requested formally to declare if there is any conflict of interest and to absent themselves from consideration of the item if a conflict exists. The minutes of the meetings note any such abstentions.

### **2.2.3 The Chief Executive and Accounting Officer**

The Chief Executive is appointed by the Board of the Courts Service and is responsible for the implementation of policies approved by the Board and management and control generally of the staff and business of the Service. The Chief Executive is responsible to the Board for the performance of his functions.

The Chief Executive is also the Accounting Officer for the Courts Service. As Accounting Officer, the Chief Executive is responsible to the Oireachtas for the proper expenditure of monies provided by the Exchequer for the management and administration of the Courts Service. He signs the Annual Appropriation Account and a Statement of Internal Financial Controls providing assurance on the internal financial control environment operating within the Courts Service.

In accordance with the Act, the Chief Executive may be summoned before the Oireachtas to account for the general administration of the Service including the 3 year Strategic Plan. The Chief Executive cannot be requested to give account for any matter relating to the exercise by a judge of his or her judicial functions including a matter which is or has been or may at a future time be the subject of proceedings before a court.

## **2.3 The Courts Service and the Department of Justice and Equality**

In the management and administration of the Courts, in accordance with the provisions of the Act

- The Board must have regard to any policy or objective of the Government or a Minister of the Government insofar as it may affect or relate to the functions of the Service;

- The Courts Service must furnish an annual report to the Minister on its activities;
- The Service must submit a draft strategic plan every three years for approval by the Minister;
- The Service must provide at the Minister's request any information on any matter concerning its policy and activities generally or any specific matter or account prepared by it;
- The Service must contain expenditure within the funding provided by Government; and
- The Service must appoint such numbers of staff as are approved by the Government.

The Department of Justice and Equality has responsibility for

- Securing the annual vote of funds from the Oireachtas for the Courts Service;
- The legislative function in relation to the courts and the Courts Service;
- Liaising with and representing the interests of the Courts Service and the courts at Government level; and
- Appropriate oversight to discharge the Minister's accountability to the Dáil.

In relation to funding for the Courts Service an agreed mechanism has been put in place whereby a meeting will be held between the Department, the Department of Public Expenditure and Reform and the Courts Service immediately following the submission of the Courts Service Estimates Submission to the Department. Where necessary a meeting at ministerial level will be held with the Chief Justice and Chairperson of the Board before the end of July to discuss the funding requirements of the Courts Service.

### **3. Governance**

The Courts Service has strong governance arrangements in place at organisational and Board level providing a framework of rules and practices to ensure accountability, fairness and transparency across organisational activities.

As a state agency, the Courts Service is subject to a range of statutory and corporate governance obligations including the 2016 Code of Practice for the Governance of State Bodies.

In carrying out its functions, the Courts Service operates in accordance with Courts Service policies and wider government and Civil Service policies regulations across all areas

including financial management, internal control, Human Resources, ICT, Capital building and Reporting. Compliance is monitored on an ongoing basis and both compliance and the policies in place are subject to Internal Audit review and review by the C&AG.

The Courts Service ensures that it complies with government regulations and best practice in relation to risk management, internal audit and the Public Spending Code.

### 3.1 Compliance with the Code of Practice for the Governance of State Bodies

The Code of Practice for the Governance of State Bodies 2016 applies to the Courts Service.

The Courts Service is compliant with the main requirements of the Code as follows:

- **The legislative framework** for the Board and the Courts Service has been augmented by the Board Framework Document, Terms of Reference, Standing Orders and role profiles for the Chairperson, Chief Executive, Board member and secretary. These documents set out the functions, authorities and procedures of the Board and define the roles of the Board, the Chairperson and the Chief Executive.
- **A Code of Conduct** has been put in place for Board members.
- **A self-evaluation assessment** is carried out annually in relation to Board and committees and arrangements are made for an external evaluation at least every 3 years.
- **Disclosure of Interest** procedures are in place for Board members.
- **Committees of the Board** have been established with clear terms of reference, accountability and reporting arrangements to assist it in the performance of its functions which are reviewed annually.
- A robust **Risk Management** policy and framework is in operation in the Service in accordance with best practice and the requirements of the Code and the Board approves the annual Corporate Risk Register and receives reports on the measures being taken to address identified risks.
- **Effective systems of Internal control** in place in relation to the financial, operational and compliance environment and obligations.
- **Audit arrangements** in place include
  - an effective internal audit function which has an independent appraisal function charged with reviewing operations across all area
  - an Audit and Risk Committee which was established and operates in accordance with the provisions of the Code.

- **A Comprehensive Report** is submitted annually to the Minister on behalf of the Board in relation to the compliance with the Code and government policies and regulations.
- **A Strategic Plan** is submitted to the Minister every 3 years.
- **A Protected Disclosures Policy and procedures** are in place in accordance with the Protected Disclosures Act 2014.
- **Financial Reporting** is carried out in accordance with C&AG and government accounting procedures.
- **Procurement procedures and a Corporate Procurement Plan** are in place annually as required by the Code.

**3.2** Implementation of the Code is on a **“Comply or Explain”** basis. The Code acknowledges that all aspects of the Code may not necessarily be appropriate to all organisations and in some circumstances the provisions of the Code may be more appropriately achieved by other governance measures. In such circumstances, should they arise, the Courts Service will reach agreement with the Department and report on and provide explanations in relation to any such derogations.

#### **4. Commitments**

##### **The Courts Service will**

- Continue to carry out its functions in accordance with the Courts Service Act, 1998;
- Report annually to the Minister on its activities as required under the Courts Service Act and in accordance with the provisions of the Code of Practice for the Governance of State bodies;
- Comply with the Code of Practice for the Governance of State Bodies as appropriate and, if necessary, reach agreement with the Minister in relation to any derogations;
- Provide a comprehensive report, as required under the Code, to the Minister, annually to provide assurance that the systems of internal control, risk management and other areas of compliance are operating effectively;
- Comply with the requirements of the Public Spending Code;
- Comply with Government regulations and procedures in relation to all aspects of Courts Service management including procurement, financial management, internal control, Human Resources, ICT procurement and development, Capital building and reporting;
- Submit a Strategic Plan every three years to the Minister for approval;

- Adopt an annual planning and budgeting cycle to facilitate implementation of the Strategic Plan;
  - Provide at the Minister's request any information on any matter concerning its policy and activities generally or any specific matter or account prepared by it;
  - Comply with the requirements of D/PER Circular 25/2016 - Protocol for the Provision of Information to Members of the Oireachtas by State Bodies under the aegis of Government Departments/Offices in relation to
    - the provision of information within prescribed timeframes,
    - dedicated email address,
    - formal feedback process,
    - designation of the Head of the Office of the CEO as the senior official with responsibility for ensuring the timely provision of information, and
    - seeking where appropriate to publish the response to queries from members of the Oireachtas on the Courts Service website. In accordance with the circular the Courts Service will report annually on compliance, as part of the Comprehensive Report to the Minister.
  - Contain expenditure within the funding provided by Government;
  - Appoint staff of the Courts Service in accordance with delegated sanction;
  - Prepare the Annual Appropriation Account and financial reporting in accordance with the C&AG Appropriation Accounts guidelines; and
  - Implement Courts Service policy and procedures in relation Protected Disclosures and publish material annually on the matter.
5. Governance arrangements and compliance will be reviewed as part of the overall monitoring process of the Oversight Agreement.
6. This Agreement may be amended to include derogations or agreed exemptions from the provisions of the Code of Practice for the Governance of State Bodies and the reasons for such derogations or exemptions.



## Part II – Performance Delivery Agreement

### 1. Introduction

This Performance Delivery Agreement is an agreement between the Department of Justice and Equality and the Courts Service, documenting an agreed level of service and performance, designed to result in the improved effectiveness and efficiency of public services.

### 2. Objectives of the Agreement

The Agreement sets out

- Key inputs, outputs and expected outcomes of Courts Service activities in 2019 on which performance will be measured;
- The expectations of the Department in relation to the Courts Service;
- The expectations of the Courts Service in relation to the Department.

The Agreement will

- Support the Courts Service in fulfilling its remit under the Courts Service Act, 1998;
- Support the Courts Service in achieving its high level goals as set out in its Strategic Plan 2017 – 2020 and
- Support the achievement of the high level goals of the Department.

#### 2.1 High Level Goals

The Courts Service is responsible for the management and administration of the Courts and its functions are set out in section 5 of the Courts Service Act, 1998 (*see para.2.1, Part 1*). In developing the objectives of this Agreement, particular regard was had to the Courts Service's organisational and strategic objectives and the Integrated Reform Delivery Plan that is a sector wide programme aligned with the Public Service Reform Plan.

The High Level Goals of the Courts Service are *Enabling Access to Justice; Supporting the Judiciary and Providing High Quality Services to Court Users*.

The key reform priorities for the justice sector in the short to medium term are

1. Tackling Crime
2. Integrated Justice System
3. Fairness and Equality
4. Immigration
5. Legislative Programme.

The contributions by the Courts Service to the high level Departmental goals are included in the Justice Sectoral Plan and involve a number of specific service delivery initiatives designed to promote access to and support for the courts.

The Courts Service works closely and collaborates with the Department and other bodies both within and external to the Justice sector to promote and support the effective administration of justice using both formal and informal arrangements for engagement and collaboration. The Courts Service is a member of a number of key strategic justice sector committees such as the Criminal Justice Strategic Committee, Working Group on Juries, Working Group on Fixed Charge Penalty System, Data Needs and Interoperability Working Group, Victims of Crime Group, Video Conferencing Working Group, VFM Review of Prisoner Escorts, Review of Protections for Vulnerable Witnesses in the investigation and prosecution of sexual offences. It is also represented on recently established groups such as the High Level Group established to review the Fines Act and the Capital Projects Governance Committee.

The Courts Service has played a key role in the design and development of cross justice sector initiatives including the Criminal Justice Interoperability project in relation to the transfer of information to An Garda Síochána (circa 2m. messages annually); the ongoing development of video conferencing/video link services with the Prisons Service and the ICT system to exchange information with the Insolvency Service. It is also working closely with the Department in relation to the establishment of the Legal Cost Adjudicators' Office under the Legal Services Regulation Act 2015 and the new Assisted Decision Making Regime for persons who may lack capacity under the Assisted Decision Making Capacity Act 2015, both of which are Government priorities.

The Courts Service is a key member in the development of the Criminal Justice Hub which will act as the central enabler for electronic collaboration between justice agencies and the Hub Forum which is helping to identify projects that can be used to expand on the deliverables of the main justice stakeholders. The Service is also involved in the implementation of several of the Cost of Insurance Working Group recommendations and the implementation of a significant change affecting the justice sector, being the Schengen Information Systems project for European Arrest Warrants. The Courts Service actively participates in the Departmental and Agency Financial Management Committee.

The Courts Service continues to review its operation and streamline processes to maximise resources, ensure value for money and enhance operational efficiency and effectiveness.

### **3. Commitments**

#### **3.1 Mutual commitments**

Both parties will

- Commit to proactive and timely communications, cooperation and information sharing on service delivery;
- Support the effective achievement of agreed targets as well as the promotion of partnership, responsiveness and mutual cooperation in their ongoing interactions;
- Keep each other fully apprised of and updated on all key issues; and
- Support prompt and timely responses to correspondence, information requests and related matters.

#### **3.2 Courts Service Support to the Department of Justice and Equality**

The Courts Service will

- Work with the Department and other justice agencies, to provide an integrated justice system that provides efficient and effective services to the public;
- Participate in cross sector initiatives involving or impacting on the provision of court services and the administration of justice;
- Provide input and commentary on policy and legislative proposals where relevant; and
- Provide appropriate information to allow the Minister discharge appropriate accountability to the Oireachtas.

#### **3.3 Environmental and energy issues**

The Courts Service will fulfil statutory and other obligations in relation to environmental and energy issues, as follows:

1. In accordance with requirements set out in the Department of Communications, Climate Action and the Environment's Public Sector Energy Efficiency Strategy 2017 the Courts Service will appoint an Energy Performance Officer, who will have responsibility for the delivery of the following actions and targets:

- a) Striving to achieve the statutory target of a 33% reduction in energy use by 31st December 2020, in accordance with S.I. 426 of 2014 (European Union (Energy Efficiency) Regulations).
  - b) Accurately reporting energy use, annually, to the Sustainable Energy Authority of Ireland (SEAI), in advance of their deadline.
  - c) Publishing progress (or lack thereof) achieved on energy reduction in the annual report.
2. Eliminating the use of single-use plastics from the organisation, in accordance with the Government Decision of 3rd January 2019.
  3. Participating in Justice-sector and wider public sector initiatives in relation to energy and environmental issues.

### **3.4 Public Sector Equality and Human Rights Duty**

Section 42 of the Irish Human Rights and Equality Commission Act 2014 establishes a positive duty on public bodies to have regard to the need to eliminate discrimination, promote equality and protect the human rights of staff and persons to whom services are provided.

The Courts Service will have regard to its obligations under section 42 of the Act and, in addition to equality policies already in place, will develop policies to meet the Human Rights obligations as required under the Act including:

- Assess and identify human rights and equality issues relevant to the functions of the Courts Service, particularly when preparing its Strategic Plan 2021 – 2024;
- Identify the policies and practices that are in place/will be put in place to address these issues; and
- Report on developments in that regard in its Annual Report.

### **3.5 Department of Justice and Equality support to the Courts Service**

The Department of Justice and Equality will provide the following supports to enable the Courts Service to fulfil its mandate and play its role in the provision of an integrated justice system:

- Support the provision of the necessary funding and resources to the Courts Service to enable it to fulfil its remit in the management and administration of the courts and deliver on its commitments as set out in this agreement;
- Provide clear and timely information regarding budget estimates and annual allocations;

- Provide and support effective communication between the Courts Service, the Department and the Department of Public Expenditure and Reform in relation to expenditure, staffing and related matters;
- Inform the Courts Service of any policy or objective of the Government which relates to the functions of the Service in a timely manner;
- Apprise and liaise with the Courts Service at the earliest possible opportunity concerning any intended legislation impacting on court jurisdiction, procedure or operations to enable the potential impacts of proposed legislation on the Courts and the Courts Service and their ability to fulfil their role, to be identified, assessed and considered prior to any enactment;
- Facilitate incorporation into legislation, in a timely manner, where required and agreed, Courts Service proposals for reform of court jurisdiction, procedure or operations in a timely manner;
- Support and sanction, subject to available funding, expenditure in the delivery of the Courts Service capital programme and PPP projects;
- Support communication and co-operation between Justice Sector agencies in ICT development;
- Lead, co-ordinate and support the development of change initiatives and cross justice sector efficiency measures arising from significant changes in legislation impacting a number of justice agencies; –
- Liaise with the Courts Service in relation to Public Service Reform initiatives
- Provide guidance on Civil Service HR policy, Public Expenditure, remuneration, industrial relations, procurement and contracts as appropriate; and
- Provide guidance on Government Accounting and Governance.

#### **4. Report of the Organisational Capability Review of the Courts Service**

The Report and Action Plan to implement the recommendations of the Organisational Capability Review of the Courts Service was noted by Government in March 2019 and is published on the Courts Service website. The Report identifies a number of challenges in terms of the current capability of the organisation and identifies four key themes

- Developing strategic capability;
- Engaging in common purpose with the Department of Justice and Equality and justice agencies;
- Delivering Customer Service; and
- Creating an e-Court environment.

The Report makes circa 40 recommendations and the Action Plan addresses each recommendation and identifies the necessary actions for implementation. Many of these recommendations had already been identified by the Courts Service and work has already commenced on their implementation. The actions set out will be delivered within a maximum period of 2 years and there will be regular reviews internally in addition to an annual review of progress with the Civil Service Management Board.

## **5. Long Term Strategy for the Courts Service**

One of the key recommendations of the Organisational Capability Review is the need for the Courts Service to develop a Long Term Strategy. Work is underway at present on the development of a 10 year strategy which will set out how the delivery of court services will be transformed over the period including a vision for a modern digitally enabled organisation that provides for the maximum use of technology in the delivery of its service and in all aspects of its operations. In developing this strategy the Courts Service will have regard to and afford priority to the shared strategic aims of the Courts Service and the Department of Justice and Equality.

A comprehensive consultation process has taken place with all key stakeholders, including the Department of Justice and Equality, to ensure that the strategy is designed to deliver and better understand the needs of all service users. It is intended that the strategy will focus not only on those deliverables which are solely within the remit of the Courts Service but also on how the Courts Service can work with other agencies, the Department of Justice and Equality and the judiciary to provide an efficient, responsive and cost effective courts system providing greater access to justice and an enhanced experience for court users. The commitment and support of the Department of Justice and Equality in implementing agreed initiatives will be critical in ensuring a successful collaboration with all stakeholders and the necessary resourcing of projects.

The strategy will also set out a road map for implementation, the capabilities needed within the Courts Service to deliver and high level indicative costs. The ICT capacity and governance structure is currently under review in the context of future requirements and a revised Change Management Framework has been put in place to support project delivery.

## 6. Inputs

### 6.1 Financial Inputs\_(Vote 22)

The following table summarises budget allocations for 2015 – 2019

Subhead (Current) (Gross)	Vote 22	2015 REV €'000	2016 REV €'000	2017 REV €'000	2018 REV €'000	2019 REV €'000
A	Manage the Courts and Support the Judiciary - Pay	50,019	50,226	€51,814	53,975	56,805
A.1	Non- Pay – Current	26,083	26,583	€27,583	28,583	30,083
A.3 + A2 (v)	Capital (including ICT)	9,700	10,700	€15,200	15,318	16,300
A.4	PPP Costs	22,163	22,163	€45,483	39,699	37,717*
	<b>Total Gross</b>	<b>107,965</b>	<b>109,672</b>	<b>€140,080</b>	<b>137,575</b>	<b>140,905</b>
B	Appropriations- in- Aid	47,815	46,003	€47,828	47,969	47,781
	<b>Total Net Funding</b>	<b>60,150</b>	<b>63,669</b>	<b>€92,252</b>	<b>89,606</b>	<b>93,124</b>

\* Includes capital carryover over from 2018 of €2.5m

### 6.2 Human Resource Inputs

#### Breakdown of staff numbers at 1<sup>st</sup> January, 2015 - 2019

GRADE	2015 Head Count	2015 FTE	2016 Head Count	2016 FTE	2017 Head Count	2017 FTE	2018 Head Count	2018 FTE	2019 Head Count	2019 FTE
Chief Executive	1	1.0	1	1.0	1	1.0	1	1.0	1	1.0
Asst. Secretary (Head of Directorate)	5	5.0	5	5.0	4	4.0	5	5.0	5	5.0
Assistant Secretary/ County Registrar	19	19.0	19	20.0	19	19.0	21	21.0	21	21.0
Principal Officer	29	29.0	32	30.53	31	31.0	32	32.0	32	32.0
Assistant Principal Officer	98	94.33	110	106.7	110	107.8	118	115.4	122	118.7
Higher Executive Officer	137	129.47	144	137.6	143	136.23	151	144.23	148	140.93



Executive Officer	214	204.03	231	221.03	234	225.03	269	259.23	273	260.8
Staff Officer	15	13.23	12	10.7	10	8.5	0	0	0	0
Clerical Officer	279	246.61	261	231.44	289	260.84	309	282.48	303	278.67
Tipstaff	67	67.0	62	62.0	58	58.0	52	52.0	49	49.0
Judicial Assistant	57	57.0	57	57.0	55	55.0	48	48.0	76	75.6
Court Messengers	20	19.53	17	16.8	20	20.0	18	18.0	20	20.0
Services Officers	31	29.9	31	29.9	28	27.3	28	27.3	29	28.1
Cleaners	4	4.0	4	4.0	4	4.0	3	3.0	3	3.0
TCO	8	8.0	9	9.0	18	18.0	17	17.0	15	15.0
<b>Total</b>	<b>984</b>	<b>927.10</b>	<b>995</b>	<b>942.70</b>	<b>1024</b>	<b>975.70</b>	<b>1072</b>	<b>1025.64</b>	<b>1097</b>	<b>1048.8</b>

## 7. Outputs /Targets

The Courts Service have identified seven key strategic objectives in the Strategic Plan 2017 -2020 which are the focus of its current work programme

1. **Supporting the Judiciary;**
2. **High Quality Service Delivery;**
3. **Develop and Support Staff;**
4. **Improve Processes and Case Management;**
5. **Improve Court Accommodation and Facilities;**
6. **Optimise the use of Modern Technology; and**
7. **Ensure Effective Governance and Accountability.**

Supporting the Judiciary and High Quality Service Delivery are the two key overarching strategic priorities for the Courts Service and are achieved and supported by the strategic objectives in relation to the development of Courts Service staff, technology, court accommodation and facilities and reform. The delivery of these strategic priorities include many shared objectives of both the Courts Service and the Department of Justice and Equality e.g. establishment of the new Legal Cost Adjudicators and Assisted Decision Making Regimes; sharing of information across Justice Agencies with the expansion of the Justice Hub; improved service delivery across a range of objectives and the implementation of the recommendations of the Organisational Capability Review. In



estimating the cost of the delivery of the strategic objectives therefore, there has to be some duplication of costs across the various strategies where they overlap.

Context and Impact Indicators providing information on the operating environment for the Courts Service are set out in Appendix 2.

**The following Key Performance Indicators have been developed:**

*Strategic Objective 1 - Supporting the Judiciary*

**Estimated Cost of Delivery - €9.0m**

Goals	Actions	KPIs	Target
Support additional sittings of the Court of Appeal on the appointment of additional judges	Judicial and Court accommodation, ICT and other facilities, court support staff and research assistance, in place to support additional sittings of the Court of Appeal	Additional court sittings adequately resourced	Completion date Q4 2019
Support the judiciary, the Committee for the Judicial Studies, the Judicial Appointments Advisory Board and the Interim Judicial Council	Provide appropriate administrative resources	All meetings and conferences supported as required	Support provided for all meetings and conferences held by the Judicial Appointments Advisory Board, the Committee for Judicial Studies
Provide appropriate judicial assistance and research support	Management structure in place for the provision and development of Judicial Research and Support	Judicial Research Manager and support team in place and targeted recruitment of Judicial Assistants to ensure all vacancies filled	Q2 2019  Q3 2019
ICT support for the Judiciary	Development of the Judges' Digital Workplace and Intranet to provide the appropriate ICT equipment, networks and facilities for judges with links to systems such as online Leave to Appeal to the Supreme Court	A Judges' Portal with a web interface and appropriate research document management system in place.	Q3 2019

Strategic Objective 2 - High Quality Service Delivery

Estimated Cost of Delivery - €51.0m

Goals	Actions	KPIs	Target
Ensure all scheduled court sittings are supported	Resources are prioritised to ensure that all court sittings are supported	All courts sit as scheduled	47,000 court sittings supported annually
Maintain Expenditure within budget and work to meet income targets	Prudent and pro-active financial management through devolved budget process. Provide appropriate administrative resources	Balanced Budget at year end and income targets met	Expenditure in line with Budget - €140, 905 Income Received - €47,781
Improved Service Delivery in the Probate Office Dublin	Ongoing implementation of recommendations of the Probate Review  Measures in place to decrease waiting times to process applications for Grants	Reduction in Waiting Times <ul style="list-style-type: none"> <li>Solicitors applications - 3 weeks</li> <li>Personal Applicants - 12 weeks</li> </ul> Project Board set up to develop detailed business plan for the eProbate system including streamlined processes and detailed costings	Q1 2019       Business Plan approved by Q3 2019
Enhanced Customer Service	Survey of customers and staff to clarify expectation and define standards  Review of Customer Charter and revised Charter developed.	Survey issued for Circuit and District Court Offices  Revised Customer in place for all court and Courts Service offices.	Q2 2019      Q3 2019

*Strategic Objective 3 – Develop and Support Staff*

**Estimated Cost of Delivery - €3.0m**

Goals	Actions	KPIs	Target
Provide staff with a comprehensive training to equip them to support the courts and achieve objectives of Courts Service	Invest in training for staff at all levels	No. of training days provided	2000 Training days provided  2 Training days per employee (updated)
Staff wellbeing supported	Development of Acceptable Action Policy for Frontline Staff	Acceptable Action Policy rolled out across court offices	Q3 2019

*Strategic Objective 4 – Improve Processes and Case Management*

**Estimated Cost of Delivery - €1.0m**

Goals	Actions	KPIs	Target
Implement Legal Services Regulation Act 2015	Legal Costs Adjudicator regime that is accessible online and efficient supported	Office of Legal cost Adjudicator established with revised staff structure work flows and ICT system and court rules in place	Q3 2019 (subject to appointment of Legal Cost Adjudicators and legislative amendments)
Implement processes to ensure ongoing efficient and effective service delivery by Combined Court offices	Implementation of Phase 1 recommendations of Combined Court Office Review	New Resource Allocation Model for in place  Centralised Unit for service of foreign documents and Jury Summons in place in Castlebar providing efficiencies for court offices through economies of scale and development of centres of excellence  Management and Technical training programmes developed and rolled out	Q2 2019  Q4 2019  Q1 2019 and ongoing

		New Management Structure and clarified role profiles for staff developed.	Q1 2019
		Roll out to 50% of Combined Court Offices completed	Q4 2019

*Strategic Objective 5 – Improve Court Accommodation and Facilities*

**Estimated Cost of Delivery - €58.0m**

Goals	Actions	KPIs	Target
Maintenance programme for court buildings progressed	Nationwide condition survey of court buildings commenced	Pilot of 4 courthouses completed  Full Survey substantially completed	Q2 2019  Q4 2019
Acquisition of sites for future county town courthouse development	Acquire sites at Portlaoise and Galway and Tralee.	Sites Acquired	One site acquired by end 2019
Effective management of property portfolio with investment targeted at areas where it is needed most.	Estate Strategy drafted to clearly identify and prioritise investment projects	Draft Estate Strategy submitted to Building Committee and Courts Service Board	Q4 2019
Increase energy efficiency in line with 2020 targets	Improve the capacity of the Estate Management Unit to proactively manage an energy efficiency programme	Energy Efficiency Manager in place and developing plans for improved energy efficiency to achieve targeted results	Q3 2019
Progress the Hammond Lane Project to provide a new Family and Children Courts complex in Dublin subject to agreement with DJE	Project specification agreed with DJE in consultation with OPW and NDFA	Project Plan prepared for Part 9 Planning in cooperation with OPW and for procurement to commence in consultation with NDFA	Q4 2019

*Strategic Objective 6 – Optimise the use of Modern Technology*

**Estimated Cost of Delivery - €14.0m**

Goals	Actions	KPIs	Target
Develop ICT governance and capacity to meet demands of the planned new Courts Service 10 year strategy in line with eGovernment Strategy 2017 - 2020 and other public sector reform initiatives	External Review of the governance, organisation, structure, skills and Resources of the ICT Unit	Review completed and implementation plan for agreed recommendations in place	Review completed Q2 2019 Implementation Plan in place Q4 2019
Increased use of video conferencing for court appearances by witnesses including expert witness, underage witnesses, victims of crime and domestic violence as well as persons in custody thereby optimizing technology to streamline the court process	<p>Develop videoconferencing facilities in Family Law courtroom in Dolphin House arising from the requirements of the Domestic Violence Act 2018</p> <p>Refresh of Video Conferencing solutions</p> <p>Explore the future use of cloud based video technology to appearance of Remote Witnesses via cost effective and readily available solutions such as Skype, Smartphone, etc.</p>	<p>Video Conferencing and Evidence Display facilities provided in Dolphin House</p> <p>Refresh of video conferencing solutions in Dundalk Courthouse</p> <p>Initial Testing completed and Courtroom trials commenced</p>	<p>Q1 2019</p> <p>Q2 2019</p> <p>Q2 2019</p>

Progress online digital model for filing court documents in areas such as eLicensing, Legal Cost Adjudicators Regime and Leave to appeal to the Supreme Court	eLicensing - Implement and oversee Phase 2 of the project extending pilot to solicitors offices to provide on-line license application	System operational for all solicitors in 3 pilot District Court Districts - Districts 1,2, and 6.	Q3 2019
	Legal Cost Adjudicator regime - System development completed and in place	ICT system in place and operational	Q3 2019
	Leave to Appeal to the Supreme Court - Online application system in place		Q1 2019
Improve integration between Courts Service ICT case management systems and other systems	Progress Charge Sheet and Court Lists projects under the Criminal Justice Hub	Projects underway or completed	Q3 2019
	Development of system to provide for eData transfer to the Revenue under joint project board	Scoping exercise completed	Q3 2019
Promote use of electronic litigation tools	Install WiFi in designated courtroom in the Four Courts	WiFi operational	Q2 2019
Re-development of the Courts Service Website to provide improved and user friendly access to information and online services	Develop new website design and Implement changes in functionality of the website to improve the user experience	Phase 1 implemented - Beta Version of "Visit and Learn Section" available	Q2 2019
		Roll out of new website	Q4 2019

*Strategic Objective 7 – Ensure Effective Governance and Accountability*

**Estimated Cost of Delivery - €5.0m**

<b>Goals</b>	<b>Actions</b>	<b>KPIs</b>	<b>Target</b>
Enhance the capacity and capability of the Courts Service to achieve stated strategies and objectives	Publish the Report of the Organisational Capability Review and Action Plan for implementation of Recommendations	Published on Courts Service website	Q2 2019
	Ongoing implementation of recommendations	Annual review of progress with Civil Service Management Board	Q4 2019
Long Term Vision and Strategy developed to support delivery of an efficient responsive courts system providing greater access to justice	Long Term Strategy developed setting out transformative vision for digitally enabled Courts Service	Strategy approved by the Board	Q2 2019

## **8. Risk Environment and Framework**

The Courts Service operates a formal Risk Management policy and maintains a Corporate Risk Register which, in accordance with the Department of Public Expenditure and Reform Guidelines, is updated on an ongoing basis, most recently March 2019.

The Risk Management Policy, which outlines the key principles of risk management, Courts Service Risk Appetite, Risk Management Structure, Responsibilities and Reporting was approved by the Courts Service Board in April 2019. The Risk Management Policy is supported by a Risk Management User Guide. Risk Management guidelines are in place and are designed to integrate the process for managing risk with the overall governance and culture of the Service. Risk Management continues to be a standing agenda item for consideration at meetings of the Board, Audit and Risk Committee and the Senior Management Team.

At the beginning of each year, the Corporate Risk Register is reviewed and updated. The starting point for Risk Management in the organisation is the Risk Overview which identifies the major risks facing the Service at a high level across defined Risk Categories. This also allows for environmental scanning of external factors which may impact on the



operations of the Service such as BREXIT. Risk Management is integrated in to the Business Planning process and Heads of Directorates and Internal Audit are consulted in compiling and updating the Corporate Risk Register. The maintenance of the Register ensures that risks are identified and assessed and necessary mitigating actions are, where resources allow, put in place.

Reflecting the key priorities of the organisation, the current main potential risks for the organisation are:

- **People** - to support the courts and provide services to the public, the Courts Service must have adequate staffing levels with appropriate levels of expertise and knowledge. The operational administration of the courts is largely driven by Court rules and legislation and the necessary technical training must be provided to staff in this regard. The geographical spread of court office and difficulties in releasing staff in the context of the operational needs of offices makes the provision of this training more challenging and is being addressed.

The additional funding provided in recent years for the appointment of additional staff has been very welcome. However the timing of appointments has been impacted by amongst other things the overall recruitment environment with almost full employment. Risks remain in relation to the timely provision of adequate resources both for court offices to support court sittings and provide effective services to court users, and to support key corporate initiatives such: (a) implementation of GDPR and Record Management; (b) support for legislative initiatives e.g. support for and transition to the Assisted Decision Making Regime and the development of the new Family Court structure; (c) the development of IT solutions to support more effective case management and throughput of business through the courts, (d) implementation of recommendations of the Organisational Capability Review which identified findings across four key themes namely: Developing strategic capability, Engaging in a common purpose with Justice agencies, Delivering Customer service and Creating an e-court environment. Other risks include the age profile of staff which represents a significant challenge for the organisation. The high rated people risk as recorded on the Corporate Risk Register is failure to recruit and retain staff.

- **ICT** - ICT is the corner stone and enabler for the Courts Service modernisation and reform initiatives; supporting increased interaction with other justice agencies and Government Departments and providing improved customer service.



A period of significant under investment in ICT during the economic crisis seriously impacted on the Courts Service ICT infrastructure and development. This is now being addressed and a review of ICT governance and capability is underway. While progress is being made significant risks still remain in this area in relation to outdated ICT infrastructure, systems and cyber security. ICT on-line development has also been impacted by delays in enacting necessary legislative provisions to support increased efficiency in the delivery of services e.g. Debt Claims On Line. There are also ongoing challenges in maintaining ongoing businesses and services to the public, while introducing change involving modern on-line methods of service delivery to all court users that will ultimately improve access to justice for the public. The key high ICT Risks for the Courts Service include:

- Outdated ICT Systems;
  - ICT capacity to support existing and new IT systems;
  - Absence of reliable and effective Disaster Recovery and Business continuity solutions.
- 
- **Buildings** - The key risk area in relation to court accommodation relates to the Dublin area. The Hammond Lane project is considered essential to improve the quality of accommodation and services available to Family Law customers in Dublin. The current accommodation is seriously deficient and there is insufficient capacity to deal with current and projected business. Capacity constraints also exist in the Four Courts for the High Court and the Court of Appeal which the Hammond Lane project would help to address.
  - **Service Delivery** - relates to the management and operations of the courts. Service delivery is dependent on having the necessary resources in place in terms of staff, facilities, ICT and buildings to ensure that there is both capacity and capability to support the courts and provide services to court users. The Courts Service faces a number of challenges in maintaining and enhancing service delivery include provision of training, the impact of existing, new and emerging legislation e.g. Fines (Payment and Recovery) Act 2014, Assisted Decision Making Regime and the development of the new Family Court structure in addition to ICT. The key risks in relation to service delivery are
    - Inconsistent and/or Inadequate service delivery;
    - Inadequate support and research assistance for the judiciary;
    - Negative impact of new legislation of the operations of the Court.

- **Finance** - the provision of adequate funding to enable the Courts Service support the courts and the judiciary and implement the key strategic and business objectives is an ongoing risk for the organisation. This is particularly critical in the context of the development of the long term Strategy. The key risks Financial Risks for the Service include
  - Failure to achieve a balanced budget;
  - Risk associated with the management and investment of court funds;
  - Non-compliance with procurement Regulations;
  - Dormant Funds - failure to comply with statutory obligations.
  
- **Reform Programme** - the Courts Service is engaging in an ambitious long term transformation programme which will improve the efficiency and responsiveness of the system and provide greater access to justice with an enhanced experience for service users. Critical to its successful delivery is capacity and resources within the Service and also the support and commitment of partner agencies and the Department of Justice and Equality. The key risks for the organisation are
  - Lack of capacity to deliver;
  - Delays in enabling legislation;
  - Lack of funding and resources;
  - Lack of buy-in and support for key stakeholders;
  - Failure to demonstrate and realise benefits of the reform programme.
  
- **Governance and Compliance** – This heading covers a number of areas including Data Protection. While good progress has been made in increasing Data Protection compliance within the organisation, significant work has still to be carried out to provide for and maintain full compliance with GDPR and to support the regulations in place under the new legislation in relation to court/judicial records. Additional resources are being made available to address this but, given the volume and sensitivity of records controlled and processed by the Service, it remains a high risk for the organisation. The failure to put in place all the necessary measures in relation to Data Protection represents a significant reputational and financial risk for the Courts Service. Other risks under this heading include ensuring compliance with Health and Safety standards which impact on the security of both judges and staff as well as increased interference with the operations of the courts.

**9. Flexibility and Amendment of Targets**

Where amendments become necessary, both parties will engage to agree on amended targets.

**10. Monitoring Arrangements**

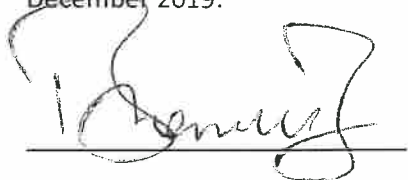
The Courts Service and the Department will meet twice yearly or more frequently if required to provide an update on developments and achievement of targets as set out in this Agreement. The Courts Service will provide a report in advance of the meeting. Targets will be reviewed and amended as necessary.

The Courts Service will provide

- (a) relevant and appropriately detailed performance information to allow for monitoring of this Agreement and
- (b) relevant and appropriately detailed performance information for inclusion in the Revised Estimates for Public Services volume.

**11. Duration and Signatories of the Agreement**

Brendan Ryan, Chief Executive, of the Courts Service, and Aidan O'Driscoll, Secretary General for the Department of Justice and Equality, agree that the arrangements as set out in this Agreement will apply with effect from the date signed hereunder until 31<sup>st</sup> December 2019.



Brendan Ryan  
Chief Executive  
Courts Service

Date: 22/8/2019



Carol Baxter  
Assistant Secretary General  
Department of Justice and Equality

Date: 21/7/2019

## Appendix 1

### Courts Service Board Membership - April 2019

Name	Appointed	Position Type	Basis of Appointment
The Hon. Mr. Frank Clarke	09.11.2017	Chairperson	Ex-officio
The Hon. Mrs. Justice Elizabeth Dunne	09.11.2017	Member	Elected by judiciary
The Hon. Mr. Justice George Birmingham	28. 05.2018	Member	Ex-officio
The Hon. Mr. Justice Michael Peart	09.11.2017	Member	Elected by judiciary
The Hon. Mr. Justice Peter Kelly	21.12.2017	Member	Ex-officio
The Hon. Mr. Justice Seamus Noonan	05.10.2018	Member	Elected by judiciary
The Hon. Mr. Justice Raymond Groarke	09.11.2017	Member	Ex-officio
Her Honour Judge Alice Doyle	12.02.2019	Member	Elected by judiciary
Her Honour Judge Rosemary Horgan	09.11.2017	Member	Ex-officio
Judge Conal Gibbons	07.02.2019	Member	Elected by judiciary
Mr. Brendan Ryan, Chief Executive Officer	09.11.2017	Member	Ex-officio
Mr. Micheal P. O'Higgins	04.09.2018	Member	Nominee of the Bar Council of Ireland
Mr. Michael Quinlan	08.10.2018	Member	Nominee of the Law Society of Ireland
Mr. Damian Downey	09.11.2017	Member	Elected by the staff of the Courts Service
Ms. Carol Baxter	09.11.2017	Member	Nominee of the Minister
Ms. Karen Kiernan	12.07.2018	Member	Nominee of the Minister
Ms. Patricia King	09.11.2017	Member	Nominee of the Irish Congress of Trade Unions
Ms. Deirdre Kiely	12.07.2018	Member	Nominee of the Minister

Context and Impact Indicators				
Court Statistics – Incoming and Resolved Cases (no. of Resolved cases shown in brackets)				
Programme A		2015	2016	2017
1-	Number of Offences: - Criminal– Incoming (Resolved)	436,471 (324,298)	413,817 (311,933)	427,090 (341,509)
	'Criminal by Jurisdictions – Incoming (Resolved):			
	• District Courts Crime	• 405,007 (298,797)	• 382,325 (284,678)	• 391,207 (290,567)
	• Circuit Court Crime	• 28,978 (23,441)	• 28,387 (25,344) • 60 (67) <sup>7</sup>	• 32,787 (47,716) • 54 (50)
	• Special Criminal	• 45 (29)	• 1,946 (734)	• 1,761 (2,098)
	• Central Criminal	• 1,579 (839)	• 1,099 (1,110) <sup>1</sup>	• 1,281 (1,078)
	• Court of Appeal (Criminal)	• 862 (1,192) <sup>1</sup>		
	Criminal Offences and Appeals	436,471 (324,298)	413,817 (311,933)	427,090 (341,509)
	• Offences	• 420,720 (310,220)	• 398,586 (294,718)	• 406,996 (307,021)
	• Appeals	• 15,721 (14,078)	• 15,231 (17,215) <sup>1</sup>	• 20,094 (34,488)
2-	Number of Cases: - Civil – Incoming (Resolved)	248,245 (190,763)	235,949 (179,823)	228,122 (185,830)
	Civil by Jurisdictions – Incoming (Resolved):			
	• District Courts Civil	• 147,617 (119,894)	• 133,724 (105,177)	• 133,823 (121,075)
	• Circuit Court Civil	• 57,161 (37,865)	• 53,287 (37,723) • 48,132 (35,964)	• 53,795 (36,612) • 39,659 (27,398)
	• High Court (includes the Commercial Courts)	• 42,717 (31,730)	• 594 (591)	• 611 (470)
	• Court of Appeal (Civil)	• 641 (750) <sup>2</sup>	• 212 (368) <sup>7</sup>	• 234 (275)
	• Supreme Court	• 109 (524) <sup>6</sup>		
	Family Law – Incoming (Resolved) <sub>3</sub>	62,408 (54,171) <sup>3</sup>	• 53,837 (42,100) <sub>8</sub>	• 57,949 (58,806)
	'Personal Injury Incoming (Resolved) <sup>4</sup>			
	• District Court	• 1,142 (501)	• 1,158 (595)	• 1,011 (527)
	• Circuit Court	• 10,631 (5,399) • 7,219 (4,191)	• 12,230 (4,672) • 8,510 (4,549)	• 12,497 (7,609) • 8,909 (3,910)
	• High Court			
	Commercial Courts Incoming (Resolved) <sup>5</sup>	• 148 (111)	• 157 (115)	• 193 (123)
3-	Civil - Non Litigious (Resolved) including:			
	Probate: Grants of representation	• 16,398 (14,705)	• 17,112 (15,952)	• 16,604 (16,080)

	Enduring Power of Attorney	• 715 (661)	• 766 (738)	• 928 (750)
	Persons declared Wards of Court	• 402 (237)	• 368 (325)	• 425 (357) <sup>9</sup>
	Licensing – Incoming (Resolved)	• 49,288 (49,288)	• 47,556 (47,556)	• 46,746 (46,746)
4-	Other Operational Data			
	Online services (On Line Fines) % of Fines paid on line	37%	36%	38%
	Fines Collection Rate	101% *	<b>Note 1</b>	<b>Note 1</b>
	Ratio of Fee Income as a % of Gross Current Expenditure	42%	41%	35%
5-	Ratio of Staff to Judges	5.9	5.9	6.4

\*The collection rate for 2015 exceeded that for 2014 due to: (a) higher level of reversals and (b) a reduction in the volume of fines imposed.

1. This excludes pending cases, e.g. those on hand at the start of the year
2. The 750 includes 109 pending appeals between October and December 2014
3. Family Law is included within the Civil figures
4. Personal Injury is included within the Civil figures
5. Commercial Court is included in High Courts Civil figures
6. The Court disposed of 447 legacy appeals during 2015
7. Matters resolved include matters pending at the start of the year
8. Includes guardianship/custody & access, divorce and judicial separation
9. 350 declaration orders and 7 applications dealt with by way of 'undertaking'

**Note 1** - Following the introduction of the Fines (Payment & Recovery) Act 2014, which commenced in early 2016 and which sees significant changes to the process for the collection of court imposed fines, including payment by instalment, it will be two years before the Service can make a proper assessment of the compliance rate.

## Waiting Times

### Supreme Court

Nature of application	Waiting time			
		2016	2017	2018
Applications for leave to appeal	The time from the filing of complete documentation to the determination of the application	3 weeks	6 weeks	5.5 weeks
New jurisdiction Appeals	The time from the determination of the leave application to the hearing of the appeal	38 weeks	54 weeks	33 weeks

### Court of Appeal

Waiting Time is the time from when an appeal is entered into the court list to the date of hearing.

#### Criminal

	2016	2017	2018
Criminal Appeals	4 months	5 months	6 months
Article 40/habeas corpus appeals	1 month (or less)	1 month (or less)	1 month (or less)
European Arrest Warrant / Judicial Review appeals	Within the current legal term	Within the current legal term	Within current legal term

#### Civil

	2016	2017	2018
Appeals	18 months*	18 months*	20 months
Fast tracked short appeals	9 months**	9 months**	9 months

\*appeals requiring more than two hours

\*\*depends on time available

### Special Criminal Court

**Waiting time:** The time from when a charge sheet is received to the trial date

2016	2017	2018
15 months	12 months (Special Criminal Courts 1 & 2)	12 months (Special Criminal Courts 1 & 2)

### High Court

#### Central Criminal Court

Waiting Times is the time from first listing before the Central Criminal Court to the Trial date.

Central Criminal Court			
	2016	2017	2018
Murder and rape trials	13 months	12.5 months	12 months



## High Court Civil

Waiting Times vary across lists and are available for all lists in the Courts Service Annual Report.

Waiting Times for Family Law, Commercial, Personal Injury and Asylum lists are set out below

<b>FAMILY LAW</b>			
	<b>2016</b>	<b>2017</b>	<b>2018</b>
Urgent applications	Within 3 weeks	Within 3 weeks	Within 3 weeks
Non-contested cases	Within 3 months	Within 3 months	Within 3 months
Contested cases	Within 3 months	Within 3 months	Within 3 months
Applications under Hague Luxembourg Convention	Case must be dealt with within 6 weeks	Case must be dealt with within 6 weeks	Case must be dealt with within 6 weeks

Bail	Date immediately available	Date immediately available	Date immediately available
Personal Injury List (Dublin)	5 Weeks	5 Weeks	5 Weeks
Commercial	1 Week to 6 months depending on duration	1 Week to 6 months depending on duration	2 Weeks to 5 months depending on duration
Asylum Pre- Leave	4 months	1 week	Date immediately available
Asylum Post – Leave	4 months	4 months	2 months

## Circuit & District Courts

Waiting time for the Circuit and District Courts vary from venue to venue based on geographical location and case volume and are available in the Courts Service Annual Reports.