



Oversight Agreement 2018
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 1025.6 (FTE) at 1st January, 2018 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. The judges are, under 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 representatives from the legal professions, trade unions and business world.

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 or her 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
- 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** will be carried out annually in relation to Board and committees and arrangements will be 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.
- **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 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 Circular25/2016 - 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 an Annual Report 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 2018 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 strategic justice sector committees such as the Criminal Justice Strategic Committee and has also 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.

The Courts Service is also a key member in the development of the 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 sufficient information to allow the Minister discharge appropriate accountability to the Oireachtas.

3.3 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 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 in legislation, where required, of Courts Service proposals for reform of court jurisdiction, procedure or operations, agreed with the Department;
- 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. Inputs

4.1 Financial Inputs (Vote 22)

The following table summarises budget allocations for 2014 – 2018

Subhead (Current) (Gross)	Vote 22	2014 REV €'000	2015 REV €'000	2016 REV €'000	2017 REV €'000	2018 REV €'000
A	Manage the Courts and Support the Judiciary - Pay	47,679	50,019	50,226	€51,814	53,975
A.1	Non- Pay – Current	26,023	26,083	26,583	€27,583	28,583
A.3 + A2 (v)	Capital (including ICT)	9,700	9,700	10,700	€15,200	15,318*
A.4	PPP Costs	21,163	22,163	22,163	€45,483	39,699*
	Total Gross	104,565	107,965	109,672	€140,080	137,575
B	Appropriations- in- Aid	46,535	47,815	46,003	€47,828	47,969
	Total Net Funding	58,030	60,150	63,669	€92,252	89,606

* Includes capital carryover over from 2017 of €6.0m, being split A3 + A2 (v) €2.264m and A.4 €3.736m

4.2 Human Resource Inputs

Breakdown of staff numbers at 1st January, 2015 - 2018

GRADE	2015 Head Count	2015 FTE	2016 Head Count	2016 FTE	2017 Head Count	2017 FTE	2018 Head Count	2018 FTE
Chief Executive	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
Assistant Secretary/ County Registrar	19	19.0	19	20.0	19	19.0	21	21.0
Principal Officer	29	29.0	32	30.5317	31	31.0	32	32.0
Assistant Principal Officer	98	94.3317	110	106.7	110	107.8	118	115.4

Higher Executive Officer	137	129.4688	144	137.6	143	136.2317	151	144.2317
Executive Officer	214	204.0317	231	221.0317	234	225.0317	269	259.2317
Staff Officer	15	13.2317	12	10.7	10	8.5	0	0
Clerical Officer	279	246.6018	261	231.4387	289	260.8387	309	282.4753
Tipstaff	67	67.0	62	62.0	58	58.0	52	52.0
Judicial Assistant	57	57.0	57	57.0	55	55.0	48	48.0
Court Messengers	20	19.5317	17	16.8	20	20.0	18	18.0
Services Officers	31	29.9	31	29.9	28	27.3	28	27.3
Cleaners	4	4.0	4	4.0	4	4.0	3	3.0
TCO	8	8.0	9	9.0	18	18.0	17	17.0
Total	984	927.0974	995	942.7021	1024	975.7021	1072	1025.6387

5. Outputs /Targets

The Courts Service have identified six 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.

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. 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 - €4.5m

Goals	Actions	KPIs	Target
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	Implement recommendations of the Review of Judicial Assistants as agreed by the Board in mid-2017	Revised system in place for management of judicial support	Q4 2018
ICT support for the Judiciary	Induction training provided to all new judges and ongoing ICT training provided as required	All newly appointed judges received ICT training	100% of all new judges trained Requests for additional training met
Contribute and input to the development of primary legislation as required	Liaise with DJE in relation to the forthcoming Data Protection Bill and provisions in relation to court/judicial records	Legislative provisions in place in relation to court and judicial records in the context of appropriate control and processing of records	Q2 2018

Strategic Objective 2 - High Quality Service Delivery

Estimated Cost of Delivery - €67m

Goals	Actions	KPIs	Target
Maintain Court Services	Provide the necessary supports to the courts and court offices to facilitate the effective disposal of litigious and non-litigious court business and provision of services	Level of supports in place adequate to support the effective disposal of business	Courts and court offices resourced appropriately

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 - €137,575 Income Received - €47,969
Improved Service Delivery in the Probate Office Dublin	Ongoing implementation of measures to decrease waiting times to process applications for Grants	Reduction in Waiting Times <ul style="list-style-type: none"> • Solicitors applications - 4 – 6 weeks (down from 24 weeks) • Personal Applicants 8 - 10 weeks (down from 52 weeks) 	Q3 2018
Reform of manner in which Probate Services are delivered	Implementation of agreed recommendations arising from the Probate Review	Subject to approval of recommendations arising from Review, establish Steering Committee and Project Board Develop business case for ICT Project	Q3 2018 Q4 2018
Put in place protocols to meet Courts Service obligations under the Child First Legislation	Develop Child Safeguarding Statement and Committee to support review and advise on child safety procedures	Statement Issued and Committee established	Q1 2018
Evaluate views of court users and other stakeholders to improve quality and consistency of services	Actively seek views of users of court services	Mystery shopper exercise undertaken	Q4 2018

Strategic Objective 3 – Develop and Support Staff

Estimated Cost of Delivery - €1.3m

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
Develop a strategic HR function and support staff wellbeing	Develop and implement HR strategies and wellbeing work programme	HR Strategy developed and presented to Board Health and Wellbeing policy in place	Q2 2018 Q3 2018

Strategic Objective 4 – Improve Processes and Case Management

Estimated Cost of Delivery - €1.6m

Goals	Actions	KPIs	Target
Implement Legal Services Regulation Act 2015	Design and put in place Legal Costs Adjudicator regime that is accessible online and efficient	Office of Legal cost Adjudicator established with revised staff structure work flows and ICT system and court rules in place	Q4 2018
Implement processes to ensure ongoing efficient and effective service delivery by Combined Court offices	Implementation of Phase 1 recommendations of Combined Court Office Review	Implementation Plan agreed and Board and Project Team in place Management and Technical training programmes developed Progress Pilot initiatives in relation to the centralization of services Implementation Plan recommendations in Pilot Offices	Q1 2018 Q3 2018 Q3 2018 Q4

Strategic Objective 5 – Improve Court Accommodation and Facilities

Estimated Cost of Delivery - €53m

Goals	Actions	KPIs	Target
Progress the delivery of refurbished courthouses under the Government's infrastructure stimulus package	Complete construction of courthouses at Waterford, Mullingar, Cork, and Limerick	Construction completed	Q2 2018
Acquisition of sites for future county town courthouse development	Acquire sites at Portlaoise and Galway and assess proposals for Tralee and if necessary, acquire site	Sites Acquired	One site acquired by end 2018
Progress the Hammond Lane Project to provide a new Family and Children Courts complex in Dublin and new accommodation for the Supreme Court	Obtain Department approval to proceed with project Complete design and Part 9 planning for the project in cooperation with OPW Commence procurement process for delivery of the project in cooperation with NDFA	Procurement process commenced for delivery of project	Q3 2018

Strategic Objective 6 – Optimise the use of Modern Technology

Estimated Cost of Delivery - €9.1m

Goals	Actions	KPIs	Target
Optimise the use of courtroom technology	Develop videoconferencing facilities	Number of courtrooms with video conferencing capability to increase to 52 Number of courtrooms with Evidence Only Display equipment to increase to 30	33% increase in the number of courtrooms equipped with video conferencing facilities with additional video conferencing facilities to be installed in Kilkenny. 11% increase in the number of courtrooms equipped with Evidence Only Display equipment Complete refresh of both in CCJ by 31/08/2018

Develop and progress implementation of an eLicensing System to provide for the management and administration of all licensing applications to the Circuit and District Courts	Implement new system in all court office sites	New system operational in all office sites	Q4 2018
Develop new system for the Office of the Legal Cost Adjudicator	Implement new system	New system operational	Q4 2018
Develop new system for application for Leave to Appeal in the Supreme Court	Implement new system	New system operational	Q4 2018
Develop new system for the Bankruptcy Register	Implement new system	New system operational	Q3 2018
Re-designed Courts Service Website	Implement changes in the design and functionality of the website to improve the user experience	Improved user experience on website	Q3 2018

6. Potential Risk Factors

The Courts Service operates a formal Risk Management policy and maintains a Risk Register which, in accordance with the Department of Public Expenditure and Reform Guidelines, is updated on an ongoing basis, most recently February 2018. The Risk Management Policy is approved by the Board. Risk Management Guidelines have been put in place and are designed to integrate the process for managing risk in to 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 & Risk Committee and the Senior Management Team.

At the beginning of each year, the Corporate Risk Register is examined 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. 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 to the achievement of targets set out in this Agreement 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. The additional funding provided in recent years has enabled the Courts Service to appoint much needed additional staff. However there are still risks in relation to the provision of adequate resources both for court offices to support court sittings and provide effective services to court users, and also to support key corporate initiatives such as implementation of GDPR and Record Management; 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; the development of IT solutions to support more effective case management and throughput of business through the courts and implementation of recommendations arising from operational reviews to bring about more effective processing of court business in court offices e.g. the Combined Office Review and the Probate Review.

There are also significant challenges in relation to the age profile of staff. 34% of staff are age 55 or over which has the potential for significant knowledge drain over the next 5 years. The slow rate of filling vacancies, due to demand across the public service generally is also a concern for the organisation.

The key People Risks for the Service include:

- Inability to develop and retain people with the skills and expertise required, especially at senior levels over the medium to long term
- Lack of staff with technical expertise and skills necessary to carry out their role

- Age profile of staff in key posts due to retire in the coming years.
- **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 while progress is being made significant risks still remain in this area in relation to outdated ICT infrastructure, systems and cyber security. Other risks relate to capacity to complete development of courts systems such as Courts Service On Line (CSOL) which is a civil case management system providing a platform across jurisdictions. This is also 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 ongoing challenges in maintaining ongoing businesses and services to the public, while introducing change involving modern online methods of service delivery to all court users that will ultimately improve access to justice for the public.

The key ICT Risks for the Service include:

- Outdated ICT Systems, inadequate disaster recovery solution and resilience to ensure continuity of Service
- Out of date ICT infrastructure and
- Cyber Security or malware attacks risks associated with out of date ICT infrastructure
- Delay in bringing forward essential legislative reform.
- **Buildings** – The commencement of the Hammond Lane project is 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 will help to address.
The key risk therefore to the provision of adequate and appropriate court accommodation in Dublin is the failure to progress the Hammond Lane project.
- **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 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 Service Delivery Risks include:
 - Inability to adequately supporting scheduled courts sittings and frontline services
 - Inadequate support for the judiciary
 - Legislation and policy development that impact on court operations.
 - Provision and maintenance of suitable courthouse accommodation and
 - Health & Safety risks in courthouses arising from overcrowding
- **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. In short, Finance Risks for the Service include
 - Insufficient funding and or income targets not met
 - Risk associated with the management and investment of court funds
 - Non-compliance with procurement Regulations.
- **Data Protection – General Data Protection Regulations** – in common with all private and public sector organisations the Courts Service has put a strategy in place to bring about substantial GDPR compliance by 25th May 2018. However while external support has been provided, it has not been possible to match this with the appropriate level of internal resources. Courts Service compliance with data protection is generally good but significant work has to be carried out to enhance the data protection arrangements within the organisation to provide for and maintain full compliance with GDPR and to support the regulations to be put in place under the new legislation in relation to court/judicial records. Additional resources are required to address this and will form part of the 2019 Estimates submission. 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.

7. **Flexibility and Amendment of Targets**

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

8. Monitoring Arrangements

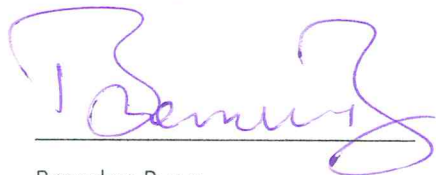
The Courts Service and the Department will meet twice yearly or more frequently if required to provide an update on developments and achievement of targets as set out in this Agreement. The Courts Service will provide a report in advance of the meeting. Targets will be reviewed and amended as necessary.

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.

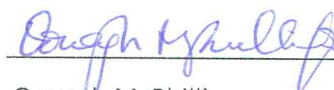
9. Duration and Signatories of the Agreement

Brendan Ryan, Chief Executive, of the Courts Service and Oonagh McPhillips, Acting 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 31st December 2018.



Brendan Ryan
Chief Executive
Courts Service

Date: 31/9/2018



Oonagh McPhillips
Secretary General (Acting)
Department of Justice and Equality

Date: 31 August 2018.

Appendix 1

Courts Service Board Membership - January 2018

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 Sean Ryan*	09.11.2017	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 Patrick McCarthy	09.11.2017	Member	Elected by judiciary
The Hon. Mr. Justice Raymond Groarke	09.11.2017	Member	Ex-officio
Her Honour Judge Dóirbhle Flanagan	09.11.2017	Member	Elected by judiciary
Her Honour Judge Rosemary Horgan	09.11.2017	Member	Ex-officio
Judge Gerard Haughton	09.11.2017	Member	Elected by judiciary
Mr. Brendan Ryan, Chief Executive Officer	09.11.2017	Member	Ex-officio
Mr. Paul McGarry	09.11.2017	Member	Nominee of the Bar Council of Ireland
Mr. James McCourt	09.11.2017	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

* The Hon. Mr. Justice Sean Ryan retired and was replaced by The Hon. Mr. George Birmingham on his appointment as President to the Court of Appeal on 28 May 2018

Context and Impact Indicators				
Court Statistics – Incoming and Resolved Cases (no. of Resolved cases shown in brackets)				
		2014	2015	2016
1-	Number of Offences: - Criminal– Incoming (Resolved)	454,659 (343,716)	436,471 (324,298)	413,817 (311,933)
	'Criminal by Jurisdictions – Incoming (Resolved):			
	• District Courts Crime		• 405,007 (298,797)	• 382,325 (284,678)
	• Circuit Court Crime		• 28,978 (23,441)	• 28,387 (25,344)
	• Special Criminal		• 45 (29)	• 60 (67) ⁷
	• Central Criminal		• 1,579 (839)	• 1,946 (734)
	• Court of Appeal (Criminal)		• 862 (1,192) ¹	• 1,099 (1,110) ¹
	Criminal Offences and Appeals		436,471 (324,298)	413,817 (311,933)
	• Offences		420,720 (310,220)	• 398,586 (294,718)
	• Appeals		15,721 (14,078)	• 15,231 (17,215) ¹
2-	Number of Cases: - Civil – Incoming (Resolved)	143,466 (83,378)	248,245 (190,763)	• 235,949 (179,823)
	Civil by Jurisdictions – Incoming (Resolved):			
	• District Courts Civil		• 147,617 (119,894)	• 133,724 (105,177)
	• Circuit Court Civil		57,161 (37,865)	• 53,287 (37,723)
	• High Court (includes the Commercial Courts)		• 42,717 (31,730)	• 48,132 (35,964)
	• Court of Appeal (Civil)		• 641 (750) ²	• 594 (591)
	• Supreme Court		• 109 (524) ⁶	• 212 (368) ⁷
	Family Law – Incoming (Resolved) ³	60,694 (52,455)	62,408 (54,171) ³	• 53,837 (42,100) ⁸
	'Personal Injury Incoming (Resolved) ⁴			
	• District Court		• 1,142 (501)	• 1,158 (595)

	<ul style="list-style-type: none"> • Circuit Court • High Court 		<ul style="list-style-type: none"> • 10,631 (5,399) • 7,219 (4,191) 	<ul style="list-style-type: none"> • 12,230(4,672) • 8,510 (4,549)
	Commercial Courts Incoming (Resolved) ⁵		• 148 (111)	• 157 (115)
3-	Civil - Non Litigious (Resolved) including:			
	Probate: Grants of representation	15,776 (15,747)	• 16,398 (14,705)	• 17,112 (15,952)
	Enduring Power of Attorney	650 (620)	• 715 (661)	• 766 (738)
	Persons declared Wards of Court	429 (322)	• 402 (237)	• 368 (325)
	Licensing – Incoming (Resolved)	49,040 (49,040)	• 49,288 (49,288)	• 47,556 (47,556)
4-	Other Operational Data			
	Online services (On Line Fines) % of Fines paid on line	35%	37%	36%
	Fines Collection Rate	90%	101% *	Note 1
	Ratio of Fee Income as a % of Gross Current Expenditure	44%	42%	41%
5-	Ratio of Staff to Judges	5.8	5.9	5.9

*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

Note 1 - Following the introduction of the Fines (Payment and 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			
		2015	2016	2017
Applications for leave to appeal	The time from the filing of complete documentation to the determination of the application	10 weeks	3 weeks	6 weeks
New jurisdiction Appeals	The time from the determination of the leave application to the hearing of the appeal	24 weeks	38 weeks	54 weeks
Legacy (not including priority) appeals	The time from the filing of complete documentation to the hearing of the appeal	41 months	41 months	N/A

Court of Appeal

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

Criminal

	2015	2016	2017
Criminal Appeals	2 months	4 months	5 months
Article 40/habeas corpus appeals	-	1 month (or less)	1 month (or less)
European Arrest Warrant / Judicial Review appeals	-	Within the current legal term	Within the current legal term

Civil

	2015	2016	2017
Appeals	10 months	18 months*	18 months*
Fast tracked short appeals	-	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

2015	2016	2017
18 months	15 months	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			
	2015	2016	2017
Murder and rape trials	13-14 months	13 months	12.5 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

High Court: Family			
	2015	2016	2017
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)	4 Weeks	5 Weeks	5 Weeks
Commercial	1 Week to 4 months depending on duration	1 Week to 6 months depending on duration	1 Week to 6 months depending on duration
Asylum Pre- Leave	6 months	4 months	1 week
Asylum Post – Leave	3 months	4 months	4 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.

