

Agency Governance Framework 2016

Department of Justice and Equality and the Courts Service

1. Introduction

The Courts Service is a State Agency established in November 1999 pursuant to the provisions of the Court Service Act, 1998 to manage and administer the Courts. In accordance with the Act the Courts Service is independent in the performance of its functions.

The statutory obligations of the Courts Service are set out in 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 Courts Service has a staff of 950 (FTE) at 1st January, 2016 and a network of 33 court offices outside Dublin and offices in Dublin (Four Courts, Criminal Courts of Justice, Dolphin House and court offices in Swords, Dun Laoghaire and Cloverhill) providing services to court users and supporting the Supreme, Court of Appeal, High, Circuit and District Courts. The Courts Service also has 5 administrative Directorates based at its Headquarters in Dublin to manage and develop court services and court support activities. The Directorates include Resource Management, Infrastructure Services, Reform and Development and Court Operations.

The Courts Service has no role in relation to the administration of justice which is a matter for the courts and the judiciary. The judges are, under the Constitution, independent in the exercise of their judicial functions.

2. Corporate Governance

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 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 Chief Executive Officer has responsibility for managing and controlling staff as well as the day-to-day business of the Service. The Chief Executive Officer is also the Accounting Officer and in that role is responsible to the Oireachtas, for the proper expenditure of monies provided by the Exchequer for the management and administration of the Courts Service. The Accounting Officer signs the annual accounts (Appropriation Accounts) prepared for the Courts Service. As part of the Appropriation Account process, the Accounting Officer also signs a Statement of Internal Financial Control providing assurance on the internal financial controls operating within the Courts Service.

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. The Board continues to adhere to the requirements of the Code of Practice for the Governance of State Bodies as follows:

- The legislative framework for the Board and the Courts Service has been augmented by the Board Framework Document and Standing Orders which set out the functions, authorities and procedures of the Board and define the roles of the Board, the Chairperson and the Chief Executive.
- There is a Code of Conduct in place for Board members that incorporates procedures to deal with conflict of interest issues.
- The Board has established a number of committees with clear terms of reference, accountability and reporting arrangements to assist it in the performance of its functions which are reviewed regularly.
- There is a strong risk management policy and framework in operation in the Service and the Board approves the Corporate Risk Register and monitors implementation of the Risk Management policy.
- An effective Audit Committee and internal audit function are in place to oversee and advise the Board and the Chief Executive Officer on the adequacy and effectiveness of the financial/internal control and governance environment.
- An annual report is submitted to the Minister on behalf of the Board in relation to the governance framework in accordance with the Code of Practice for the Governance of State Bodies.

The Board will continue to ensure that all the necessary frameworks including those for risk management and internal audit are fully complied with.

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. However, 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.

Strategic Plan

Section 7 of the Court Service Act provides that the Service *“shall as soon as practicable after its establishment and within six months before each third anniversary of the establishment of the Service shall prepare and submit to the Minister for approval by the Minister with or without amendment, a strategic plan for the ensuing three year period.”*

The Courts Service Strategic Plan 2014–2017 was submitted to the Minister and subsequently approved in December, 2014.

Annual Report

Section 8 of the Courts Service Act (as amended by the Court and Court Officers Act, 2002) provides that *“the Service shall as soon as practicable, but not later than 6 months after the end of each year make a report in writing to the Minister of its activities during that year.”*

The 2014 Annual Report was submitted to the Minister on 30th June, 2015 and copies were laid before the Houses of the Oireachtas.

3. Objectives of this Agreement

The Objectives of this Agreement are to:

- define the role of the Courts Service in the Justice and Equality sector
- define the Department of Justice and Equality's expectations of the Courts Service
- to define the Court Service expectations of the Department
- to define the inputs, outputs and expected outcome of the activities of the Courts Service
- to support the Courts Service in carrying out its functions as set out in the Courts Service Act, 1998 and
- to assess performance of those functions through monitoring of agreed targets, output and outcome indicators.

4. The Role of the Courts Service in the Justice and Equality Sector

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 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 Court Service organisational priorities are designed to ensure that the Courts Service meets its remit under the Courts Service Act, 1998 in the effective management and administration of courts and court services, the provision of support for the judiciary and access to justice. In this regard the Courts Service works with the Department and other justice agencies, to provide an integrated

justice system. The main contributions of the Courts Service to the overarching 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 implementation of the Courts Service's operational and strategic objectives requires close cooperation and consultation with other bodies both within and external to the Justice Sector, not only to progress the Court Service's objectives but also to serve the public most efficiently.

In addition to reforms and initiatives relating to the delivery of court services the Courts Service will continue to work to streamline its support functions and processes to ensure value for money and operational efficiency and effectiveness.

5. Mutual commitments

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

6. Department of Justice 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 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 feasible opportunity concerning any intended legislation impacting on court jurisdiction, procedure or operations
- 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 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
- Provide guidance on Government Accounting and Governance.

7. Inputs

Financial Inputs

Vote 20

Subhead (Current) (Gross)	Vote 20	2014 REV €'000	2015 REV €'000	2016 REV €'000
A	Manage the Courts and Support the Judiciary	47,679	50,019	50,226
A.1	Pay	26,023	26,083	26,583
A.3	Capital	9,700	9,700	10,700
A.4	PPP Costs	21,163	22,163	22,163
	Total Gross	104,565	107,965	109,672
B	Appropriations- in- Aid	46,535	47,815	46,003
	Total Net Funding	58,030	60,150	63,669

Human Resource Inputs

Breakdown of staff numbers at 1st January, 2014 - 2016

GRADE	2014 Head Count	2014 FTE	2015 Head Count	2015 FTE	2016 Head Count	2016 FTE
Chief Executive	1	1.0	1	1.0	1	1
Assistant Secretary (Head of Directorate)	5	5.0	5	5.0	5	5
Assistant Secretary County Registrar	21	21.0	19	19.0	19	19
Principal Officer	30	29.5	29	29.0	32	31.5317
Assistant Principal Officer	104	99.9317	98	94.3317	110	106.7

Higher Executive Officer	136	128.2688	137	129.4688	144	137.6
Executive Officer	220	209.5317	214	204.0317	231	221.0317
Staff Officer	15	12.7317	15	13.2317	12	10.7
Clerical Officer	285	251.3181	279	246.6018	261	231.4387
Tipstaff	72	72.0	67	67.0	62	62
Judicial Assistant	36	36.0	57	57.0	57	57
Court Messengers	20	19.5317	20	19.5317	17	16.8
Services Officers	32	31.1	31	29.9	31	29.9
Cleaners	5	5	4	4	4	4
TCO	5	5	8	8	9	9
Total	987	926.9137	984	927.0974	995	942.7021

8. Service Levels and Performance Measurement

2016 Targets and Impact Indicators

2016 Targets

Within the level of funding and resources provided, the Courts Service commits to the following:

Quality Services and Value for Money

- Maintain Court services and support court sittings at or above 2015 levels, supporting, as a minimum, case disposal rates achieved in 2015
- Maintain Expenditure within budget and work to meet income targets
- Manage court funds as directed by the court in line with approved investment strategies and guidelines

- Put in place arrangements for the implementation of the Fines (Payment and Recovery) Act 2014 - systems in place to provide for payment by instalment and the payment option in post offices available from Quarter 1 2016
- Put in place resourcing, accommodation and court procedures to enable the 2nd Special Criminal Court to commence operation by Quarter 2 of 2016
- Establish Change Management Unit by end Quarter 1 2016.

Support Case Management, Collaboration and Reform

- Prepare procedural rules to facilitate the exercise by the Legal Costs Adjudicators of functions under the Legal Service Regulation Act and put in place the necessary administrative arrangements to facilitate the operation of the proposed new legal costs assessment regime when legal provisions are commenced
- Improve reporting capacity on case flow and disposal etc.
- Liaise with the Department on the incorporation in legislation by the Department of Courts Service proposals for reform of court jurisdiction, procedure or operations, agreed with the Department
- Present to the District Court Rules Committee, for its consideration and approval, a draft consolidation of the District Court Rules regulating procedure in criminal proceedings, by end 2016.

Utilise Modern Technology

- Optimise the use of courtroom technology in particular the use of videoconferencing through the extension of the system to 3 further sites by end 2016
- Development of online services in so far as resources and legislative provisions allow – 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 to include electronic service

of applications on notice parties, online payment of court fees and excise duties, online public access to a nationwide Licensing Register. System to be Implemented at 6 pilot court office sites by end Quarter 2 and, following review, implementation to a further 10 sites by end 2016.

Provide Suitable Court Accommodation

- Progress the delivery of 7 new refurbished courthouses under the Government's infrastructure stimulus package: Wexford, Limerick, Letterkenny, Waterford, Mullingar, Cork and Drogheda with construction commencing in early 2016 for completion by end 2017
- Commence planning work for the development of a Family Law courthouse at a site at Hammond lane/Church Street to replace existing facilities and improve the capacity and quality of services for family law. This will also provide for replacement of the Children Court and facilities for the Supreme Court - Project Board in place by end Quarter 1 and design work to commence in Quarter 2 for submission to Building Committee by end Quarter 4.

Support the Judiciary

- Prioritise allocation of staff to ensure all scheduled court sittings are supported in 2016 and additional sittings are supported in so far as is possible within the resources available
- Support the judiciary, the Committee for the Judicial Studies, the Judicial Appointments Advisory Board and the Interim Judicial Council
- Liaise with and provide assistance to the judiciary and the Department in relation to the establishment of the Judicial Council and the Judicial Conduct Committee including finalisation of the text of the Bill and assessment of the financial, personnel and other resourcing requirements. Implement arrangements for the physical accommodation of these bodies – timing dependent on passage of legislation.

Skilled and Engaged Staff

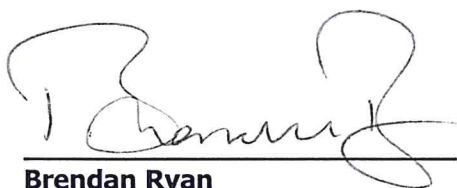
- Develop and commence implementation of Learning and Development Strategy by end Quarter 1 2016 including the establishment of a coaching programme for managers by end Quarter 2 of 2016.

9. Monitoring Arrangements and Flexibility and Amendment of Targets

In accordance with the Department's policy on monitoring of governance arrangements in relation to agencies within the Justice Sector, 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 an update in writing in advance of the meeting. Targets will be reviewed and amended as necessary.

10. Duration and Signatories of the Agreement

Brendan Ryan, Chief Executive, of the Courts Service and Noel Waters, Acting Secretary General for the Department of Justice and Equality agree that the arrangements as set out in this Agency Governance Framework will apply with effect from the date of this agreement until 31st December 2016.



Brendan Ryan
Chief Executive
Courts Service

Date: 16-2-2016



Noel Waters
Acting Secretary General
Department of Justice and Equality

Date: 16/2/2016

Appendix 1

Board of the Courts Service

Name	Appointed	Position Type	Basis of Appointment
The Hon. Mrs. Justice Susan Denham	25.07.2011	Chairperson	Ex-officio
The Hon. Mr. Justice Liam McKechnie	09.11.2014	Member	Elected by judiciary
The Hon. Mr. Justice Sean Ryan	09.11.2014	Member	Ex-officio
The Hon. Mr. Justice Michael Peart	09.11.2014	Member	Elected by judiciary
The Hon. Mr. Justice Peter Kelly	21.12.2015	Member	Ex-officio
The Hon Mr. Justice Patrick McCarthy	09.11.2014	Member	Elected by judiciary
The Hon. Mr. Justice Raymond Groarke	13.07.2012	Member	Ex-officio
Her Honour Judge Doirbhile Flanagan	09.11.2014	Member	Elected by judiciary
Her Honour Judge Rosemary Horgan	13.07.2012	Member	Ex-officio
Judge Gerard Haughton	09.11.2014	Member	Elected by judiciary
Mr. Brendan Ryan, Chief Executive Officer	18.01.2009	Member	Ex-officio
Mr. David Barniville	01.10.2015	Member	Nominee of the Bar Council of Ireland
Mr. James McCourt	09.11.2014	Member	Nominee of the Law Society of Ireland
Ms. Elaine Jones	09.11.2014	Member	Elected by the staff of the Courts Service
Mr. Conan McKenna	09.12.2014	Member	Nominee of the Minister
Mr. Pat Doyle	09.11.2014	Member	Nominee of the Minister
Mr. Liam Berney	09.11.2014	Member	Nominee of the Irish Congress of Trade Unions
Mr. Shane Browne	09.11.2014	Member	Nominee of the Minister