

Northern Ireland Courts and Tribunals Service Framework Document

serving the community through the administration of justice

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MINISTER'S FOREWORD

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1 STATUS, AIMS AND OBJECTIVES

1.1 Status

The Northern Ireland Courts and Tribunals Service (NICTS) is an agency within the Department of Justice (the Department). This Framework Document sets out the arrangements for the effective governance, financing and operation of the NICTS.

The NICTS carries out the court administrative functions previously undertaken by the Northern Ireland Court Service. The Court Service became part of the Department of Justice upon the devolution of policing and justice and its functions transferred to the Department (by virtue of the Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 made under section 78 of the Justice (Northern Ireland) Act 2002).

The principal functions of the NICTS are:

1. Providing administrative support for Northern Ireland's courts and tribunals.
2. Enforcing civil court judgments through the Enforcement of Judgments Office.
3. Providing support for the judiciary.
4. Providing advice to the Minister for Justice on matters relating to the operation of the courts and tribunals and the Enforcement of Judgments Office.
5. Providing advice to the Minister for Justice on the legal aid system in Northern Ireland and acting as sponsor for the Northern Ireland Legal Services Commission.
6. Providing, managing and maintaining court and tribunal buildings.
7. Acting as the Central Authority under certain international Conventions.

The NICTS has a typical annual budget of approximately £160m (including legal aid) and approximately 900 staff, based at its headquarters at Laganside House, Belfast and at court buildings, tribunal hearing centres and other offices throughout Northern Ireland. A map of the court divisions and venues is at **Annex A**. A list of the tribunals for which NICTS is responsible is at **Annex B**.

1.2 Aim

The Corporate aim of NICTS is 'Serving the Community through the Administration of Justice'.

1.3 Objectives

The objectives of the NICTS are -

- To deliver responsive customer services;
- To improve access to justice;
- To promote confidence in the justice system;
- To support an independent judiciary.

1.4 In support of its objectives NICTS:

- Develops and implements policy concerning the operation of the courts, tribunals and the enforcement of judgments.
- Communicates the aims and objectives of NICTS;
- Ensures a strong working relationship between the staff of NICTS and the judiciary at all levels;
- Works with other stakeholders in the justice system;
- Provides cost effective services and operations to meet the needs of users;
- Contributes to public confidence in the administration of justice;
- Promotes access to justice;
- Ensures Performance management;
- Ensures Corporate Governance.

1.5 Key Targets

The Department will consult with the NICTS both on NICTS targets and the relevant PSA targets prior to Ministerial approval.

1.6 Organisation

The NICTS Board provides leadership and direction to the NICTS. The Chief Executive of the NICTS (the Director) is responsible for the day-to-day running of the NICTS.

The organisational structure is at **Annex C**.

2 RESPONSIBILITIES

2.1 Minister

The Minister for Justice (the Minister) is responsible to the Assembly for the justice system including the courts. His accountability includes the Department's responsibility under section 68A of the Judicature (Northern Ireland) Act 1978 to ensure that there is an efficient and effective system to support the carrying on of the business of the courts and that appropriate services are provided for those courts.

The Minister does not intervene directly in the day to day operational decision making of the NICTS. The Director will consult the Minister on any operational matters which could give rise to substantial public, Assembly, judicial or Ministerial concern.

2.2 Lord Chief Justice

The Lord Chief Justice is the head of the judiciary in Northern Ireland and President of the Courts of Northern Ireland. Under sections 12(1A) and 16 of the Justice (Northern Ireland) Act 2002 his responsibilities include judicial deployment, the provision of welfare, training and guidance to the judiciary, dealing with complaints and representing the views of the judiciary to Ministers, the Assembly and Parliament.

The Concordat between HM Government and the NI Executive on Judicial Independence is attached at **Annex D**.

2.3 Permanent Secretary

The Permanent Secretary of the Department of Justice is the Minister's principal adviser on matters affecting the Department as a whole, including policy, resource allocation, expenditure and performance against the aims and objectives of the department.

2.4 The Department

Under section 69 of the Judicature (Northern Ireland) Act 1978 it is a function of the Department to:

- facilitate the conduct of the business of the Court of Judicature, County Courts, Magistrates' Courts and Coroner's Courts,
- to give effect to judgments to which the Enforcement of Judgments (Northern Ireland) Order 1981 applies; and
- to discharge such other statutory functions as are conferred on it.

The Department discharges its functions in this respect through the NICTS.

2.5 Chief Executive

The Chief Executive (the Director) of the NICTS is responsible for the day-to-day operation of the NICTS and the leadership and management of its staff. He works under the direction of the Minister and in accordance with this Framework Document. The Director is accountable for the delivery of the NICTS budget and the efficient and effective delivery of NICTS business.

The Director is accountable to the Permanent Secretary of the Department of Justice, for his personal performance.

The Director chairs the NICTS Board and is also a member of the Department's Board.

The Director's responsibilities include:

- delivery of the NICTS Business Plan;
- providing such advice to the Minister as may be required in relation to operational matters including operational policy affecting the courts and tribunals;
- providing support to the judiciary;

- the day-to-day management of the NICTS;
- providing effective leadership to the staff of the NICTS;
- the performance, welfare and training of NICTS staff;
- ensuring that the Minister is provided with high quality, impartial, transparent, independent and honest advice on all areas of the Agency's responsibilities;
- developing a comprehensive risk management plan;
- representing the NICTS, including before the Assembly;
- preparing the Annual Report of NICTS which is required to be laid before the Assembly;
- ensuring regularity, propriety of expenditure and value for money;
- ensuring that the NICTS adheres to best practice in its corporate governance;
- achieving the NICTS' business objectives and key performance targets;
- managing resources efficiently, effectively and economically;
- ensuring regularity, propriety of expenditure and value for money;
- notifying novel or contentious issues to the Minister and Permanent Secretary;
- accurately accounting for NICTS' financial position and transactions.

2.6 Accounting Officer Responsibilities

The Permanent Secretary of the Department is the Principal Accounting Officer and is responsible for ensuring a high standard of financial management in the Department.

The Director is designated as Agency Accounting Officer for the NICTS by the Principal Accounting Officer and is accountable to the Permanent Secretary and to the Assembly for those responsibilities.

2.7 NICTS Board

The NICTS Board is chaired by the Director and provides direction to the NICTS in the discharge of its responsibilities

The members of the Board work together to fulfil the functions of the Board. Each Board member is committed to ensuring that the Board has high quality, impartial and independent advice on all areas of its responsibilities.

The Board's specific functions in relation to finance, planning, performance and policy are set out in the following chapters. The Board is responsible for NICTS business and corporate planning and reporting and the discharge of the NICTS executive functions. It shall not interfere with the independence of the judiciary.

The NICTS Board consists of the Director, who chairs the Board, the NICTS Divisional Heads, a Department of Justice representative nominated by the Permanent Secretary of the Department and up to two non-executive members. Four judicial representatives nominated by the Lord Chief Justice will be in attendance.

A summary of the Board's functions is at **Annex E** and its Standing Orders at **Annex F**.

The Board may establish committees to perform some of its functions. Such Committees will be appointed by and report to the Board and to the Director and will be chaired by a member of the Board.

The Board has established an Audit & Risk Committee and a Finance Committee as Standing Committees to assist it in carrying out its functions.

Reports from committees are provided to the Board. Such reports are standing items on the Board's Agenda.

The Board will arrange periodic reviews of its own and of its committees' operations and effectiveness.

The Director may convene such meetings of the executive members of the Board as he considers necessary.

The Board approves an Annual Report for the Minister each year which is laid before the Assembly as the report required by Section 68A (2) of the Judicature Act.

2.8 The Department of Justice representative

The Department's representative on the NICTS Board is nominated by the Permanent Secretary.

The Department's representative is a non-executive member of the Board and keeps the NICTS Board informed of the Department's views on the NICTS and its operations. He will also inform the Board as to any Departmental issues likely to affect the NICTS.

In the event that the representative appointed to the Board is unable to attend a meeting of the Board, the Permanent Secretary may appoint an alternate by notice to the Chairman.

2.9 The judicial representatives

The judicial representatives attending the NICTS Board are the representatives of the Lord Chief Justice and the judiciary and keep the NICTS Board informed of the views of the Lord Chief Justice and the judiciary on the NICTS and its operations.

2.10 The executive members

The NICTS Divisional heads are executive members of the Board.

2.11 Non-executive lay members

The non-executive lay members of the Board bring an independent perspective and expertise to the work of the NICTS Board. One of them is the Chair of the Audit & Risk Committee.

The appointment of the lay members are based on a recommendation from a panel including the Director, a senior judge nominated by the Lord Chief Justice and a person nominated by the Permanent Secretary. Their tenure and other terms of appointment will be agreed by the Minister and the Lord Chief Justice or their nominees.

The non-executive lay members will be paid their reasonable expenses along with any agreed fee which will be met by the NICTS.

The appointment process will be compliant with Guidelines on Public Appointments and the cost of recruitment will be met by the NICTS.

2.12 Accountability

The judicial representatives on the Board are accountable to the Lord Chief Justice for their conduct and can only be removed by him. They are not subject to the direction of, or accountable to, the Minister.

The executive and other non-executive members of the Board are accountable to the Minister for their conduct as Board members. The loss of confidence in any Board member by the Minister may be a factor in their removal.

2.13 Secretariat

The Secretariat to the Board will be provided by the NICTS.

2.14 Reports

The Board must report to the Minister on any matter that it sees fit or that it is asked to report on by the Minister.

3 RELATIONSHIP WITH OTHER ORGANISATIONS

NICTS works in a co-operative and consultative manner with all bodies, including other government departments that have an interest in the work of the courts and tribunals. These bodies include those listed below.

3.1 Court users

NICTS makes appropriate arrangements to ensure that the views of court users are taken into account, including through Court User Groups and customer surveys.

NICTS is committed to ensuring that any complaints received from court users are responded to promptly in line with the published complaints procedure.

3.2 Judicial Appointments Commission for Northern Ireland

The Northern Ireland Judicial Appointments Commission (NIJAC) is an NDPB with certain responsibilities for judicial appointments.

NICTS advises the Minister on judicial resource requirements and liaises with NIJAC on judicial recruitment schemes.

3.3 The Criminal Justice Board

The Criminal Justice Board for Northern Ireland comprises the Chief Executives of the various criminal justice agencies. The Criminal Justice Board co-ordinates activity to deliver agreed objectives across the criminal justice system. NICTS is represented on the Criminal Justice Board by the Director.

3.4 Civil Justice Committee

The Civil Justice Committee is a body chaired by the Lord Chief Justice with responsibility for reviewing the performance of the civil justice system. A representative of the NICTS attends the meetings of the Committee.

3.5 Court Rules Committees

The Court of Judicature, Crown Court, Family Proceedings, County Court and Magistrates' Courts Rules Committees are responsible for maintaining the statutory rules regulating the procedures of those courts. The NICTS provides the Secretariat for each of these rules committees.

3.6 The Northern Ireland Legal Service Commission

The Northern Ireland Legal Services Commission (NILSC) is an NDPB responsible for running the legal aid scheme in Northern Ireland. The NICTS is the sponsor body for the NILSC and provides funding for the legal aid scheme.

3.7 The Children Order Advisory Committee

The Children Order Advisory Committee maintains oversight of the operation of the Children (NI) Order 1995. The NICTS provides the Secretariat for the Committee.

3.8 Ministerial Sub Group on Children and Young People

NICTS is represented on the interdepartmental group chaired by the Office of the First Minister and deputy First Minister which steers the Executive's Strategy on Children and Young People.

3.9 Criminal Justice Issues Group

The Criminal Justice Issues Group provides a forum for discussion of operational issues aimed at improving the criminal justice system. Its members include representatives of the main criminal justice agencies, the legal profession, and the voluntary sector. It is chaired by a Senior Judge and other judges attend. The NICTS is represented on the Group.

3.10 Others

There are a range of other interdepartmental Project Boards and Steering Groups on which the NICTS is represented and which contribute to developing policy and improving operational effectiveness across NI Departments.

4 ACCOUNTABILITY

4.1 Assembly Committees

The Permanent Secretary is the Principal Officer of the Department for the purposes of Public Accounts Committee referrals, but he delegates responsibility for reporting and replying on matters concerning the NICTS to the Director.

The Director of NICTS will report PAC referrals that raise significant issues to the Board and keep it informed about the action being taken.

The Director and the Permanent Secretary or his delegate may be asked to appear before the Public Accounts Committee concerning their respective Accounting Officer responsibilities.

The Director may be asked to appear before the Justice Committee to give evidence on the work of the NICTS but may not be required to answer any question relating to a specific case or any judicial decision or any matter falling within the responsibility of the LCJ for the judiciary.

4.2 Assembly Ombudsman

The administrative activity of the NICTS is subject to the jurisdiction of the Northern Ireland Assembly Ombudsman. Under Schedule 4 to the Ombudsman (NI) Order 1996 work done by the NICTS at the direction of a judge or a person acting in a judicial capacity is not subject to the Ombudsman's jurisdiction.

4.3 Assembly Questions and Correspondence

The NICTS has its own Departmental Assembly Liaison Officer (DALO) who works with the Department's DALO in processing any business which is primarily a matter for NICTS.

The Minister will normally respond personally to Assembly questions or correspondence addressed to him by an MLA.

If the question or correspondence relates to the day-to-day operation of the NICTS, the Director may be asked to provide a response.

The Director, and other members of the NICTS staff, may receive correspondence directly from an MLA on matters concerning the day-to-day operation of, or services provided by, the NICTS. They will respond to such correspondence and raise any issues of significance with the NICTS Board.

Members of the Assembly, public representatives and the general public are encouraged to deal directly with the Director on matters which are the responsibility of the NICTS.

If the question or correspondence relates to matters solely or substantially within the responsibility of the Lord Chief Justice or a tribunal President, it is referred to the office of that office holder.

If correspondence relates to a complaint about the conduct of a judicial office holder (or to a disciplinary matter) it will be sent to the Lord Chief Justice for consideration in accordance with the Code of Practice under section 16 of the Justice (NI) Act 2002.

4.4 Complaints

The NICTS operates a published complaints procedure.

5 FINANCE AND PLANNING

5.1 Financial Regime

The NICTS is subject to public expenditure controls, and its expenditure will form part of the Departmental Expenditure. Decisions on allocations to the NICTS rest with the Department. The Director accounts for NICTS expenditure and will consult and advise the Board through its Finance Committee on how the allocation will be spent.

The terms of reference for the Board's Finance Committee are at **Annex G**.

5.1.1 Budgeting procedures

Each year the Department will inform the NICTS of the budget provision allocated by the Department to the NICTS.

The annual NICTS Business Plan will take account both of approved funding provision and any forecast receipts, and will include a budget of estimated payments and receipts together with a profile of expected expenditure and of draw down of any Departmental funding and other income over the year. These elements form part of the Business Plan for the year in question.

The NICTS Board develops the budget and supporting plans for the NICTS. The plans will include any performance standards agreed for the NICTS. The NICTS Board finalises the budget and plans following the financial allocation.

In doing so the NICTS Board works with the Department, the judiciary and other relevant organisations, and within the aim and objectives agreed by the Minister.

The process of allocating funding to the NICTS is conducted as follows:

- The NICTS Board prepare a bid for resources which is submitted to the Department.
- The Department scrutinises the bid and negotiates with the Director, who is to keep the Board informed.

- The Minister and the Department's officials (with the support and involvement of the NICTS as necessary) negotiate with DFP until the departmental settlement is reached.
- The Minister conveys the final departmental settlement to the Permanent Secretary who conveys the final departmental settlement to the Director who advises the Board.

NICTS will comply with the general principle that there is no payment in advance of need.

Following the funding settlement, the budgetary allocation is reviewed in-year and, if necessary, adjusted annually between the NICTS Board and the Department in accordance with the principles set out above.

Funding will be allocated as formal budgets to the heads of the business units concerned, who will be personally responsible for ensuring that their expenditure is consistent with the policies of the NICTS and within the ambit of the Department's allocation.

5.1.2 Financial management

The Director is responsible for ensuring that the NICTS management information and accounting systems allow for effective control over its use of resources. The accounting system will permit verification of the accounts by the Comptroller and Auditor General and the NICTS will maintain the necessary interfaces with the Department's financial and accounting systems. The Agency will supply the Departmental Accounts Branch with such summarised information from the NICTS as is necessary for resource accounting purposes.

Reports on the NICTS financial performance will be submitted regularly to the Board through its Finance Director.

Reports on the NICTS financial performance are to be supplied to the Department in such manner, and at such times, as the Department reasonably requires. Any significant concerns raised by the Department will be drawn to the attention of the NICTS Board by the Chief Executive.

The NICTS will operate management information and accounting systems that enable it to review in a timely and effective manner its financial and non-financial performance against the budgets and targets set out in the corporate and business plans. The NICTS will inform the Department of any changes that make achievement of objectives more or less difficult. It will report financial and non-financial performance, including performance in helping to deliver the Minister's policies, and the achievement of key objectives on a regular basis. The NICTS performance will be formally reviewed by the Department during the year. The Minister will meet the Director and the NICTS Board at least once each year.

5.1.3 Delegated authorities

The Principal Accounting Officer makes delegations to the Director, which he may from time to time revise and which will be confirmed in writing. The delegations and any changes are reported to the NICTS Board.

The NICTS delegated authorities are set out in **Annex H**. The NICTS will obtain the Department's prior written approval before:

- Entering into any undertaking to incur expenditure falling outside the delegations or which is not provided for in the NICTS annual budget as approved by the Department;
- Incurring expenditure for any purpose that is or might be considered novel or contentious, or which could have significant future cost implications;
- Making any significant change in the scale of operations or funding of any initiative or particular scheme previously approved by the Department;
- Making any change of policy or practice which has wider financial implications that might prove repercussive or which might significantly affect the future level of resources required; or
- Carrying out policies that go against the principles, rules, guidance and advice in *Managing Public Money*.

Delegated authorities will be clearly defined in a finance manual or equivalent instructions, and be consistent with the rules of *Managing Public Money* and the internal accounting policies laid down by the Director.

The Director will ensure that appropriate appraisal of projects is carried out.

NICTS will conduct its affairs within an approved Corporate Plan and associated Business Plan.

5.1.4 Financial delegations

Subject to standard government supply procedures and the financial delegation authority, the Director has authority to approve all expenditure within the resources allocated to the NICTS and the delegated authority which is consistent with the strategic and business plans for the NICTS.

The Director, as the Agency Accounting Officer, has the right to approve all items of expenditure, use receipts, award contracts, write off losses and make special payments which are within the provision of this Framework Document and consistent with the strategic and business plans. Responsibility for expenditure will be at the relevant delegated level in the NICTS, consistent with the needs of financial control and propriety.

The Director has responsibility for ensuring that the NICTS can account for all assets under its control.

The Director has responsibility for ensuring that the NICTS achieves high standards of regularity and propriety.

The Director will follow the guidance on the treatment of losses and special payments set out in *Managing Public Money* and the Department of Justice Finance Manual. All claims of a value exceeding these limits will be referred to the Department.

5.1.5 Contractual delegations

The Director will establish appropriate policies and practices for the NICTS purchasing arrangements, in accordance with Departmental and DFP guidelines and will ensure that instructions are promulgated to all staff. The Director may authorise contractual sub-delegations to staff within the NICTS.

The Director may delegate to other NICTS officers authority to purchase goods and services, pay invoices and use receipts, as far as considered necessary, within the needs for financial control and propriety.

5.1.6 Court fees

Court fees are set in accordance with section 116 of the Judicature (NI) Act 1978.

5.1.7 General accounting rules

NICTS is subject to the rules and policies laid down by HMT in Managing Public Money, and other accounting instructions that are issued from time to time by DFP or the Department. The Annual Accounts will be prepared in accordance with the provisions of the Government Financial Reporting Manual.

5.2 Planning

5.2.1 Corporate and business plans

The NICTS will submit to the Department a draft of its Corporate Plan covering three years ahead and which will have been considered by the Board. NICTS will agree with the Department the issues to be addressed in the plan and the timetable for its preparation.

The Department will assist the NICTS in its corporate planning process by providing information on relevant policy developments. The plan will reflect the statutory duties and, within those duties, the priorities set from time to time by the Minister. The plan will demonstrate how the NICTS contributes to the achievement of the Department's PSA targets.

The first year of the Corporate Plan will form the annual NICTS Business Plan. The Business Plan will include key targets and milestones for the year immediately ahead and will be linked to budgeting information so that resources allocated to achieve specific objectives can readily be identified by the Department.

The financial strategy for the NICTS for each spending review period approved by the Board is published in an NICTS Corporate Plan that includes:

- the aim and objectives for the NICTS, including Public Service Agreement (PSA) and performance standards;
- how it plans to meet these objectives and standards;
- a summary of how performance will be measured by the NICTS;
- supporting proposals to demonstrate how the assets under the control of the NICTS will be utilised and developed;
- the operating assumptions (including available resources and shared services) upon which the strategies are based;
- an overview of the key risks to successful delivery of the strategic plan and how these risks will be managed.

The detailed activities for the NICTS in the forthcoming financial year are published in an annual Business Plan. The plan includes:

- the priorities and work programme for the year as derived from the strategic plan;
- PSA and NICTS performance standards against which the NICTS will measure its performance and achievements; and
- the operating assumptions and budget upon which the plan is based.

The Corporate and Business Plan will be published on the NICTS website and copies will be available from the NICTS Communications Unit.

5.3 Annual Report and Accounts

Under section 68A of the Judicature (Northern Ireland) Act 1978, the Department is required to lay before the Assembly an Annual Report on how it has discharged its duty under that section to ensure there is an efficient and effective system to carry on the business of the Court of Judicature, county courts, magistrates' courts and coroner's courts and that appropriate services are provided to those courts. The Report will also cover the Enforcement of

Judgments Office and will be prepared by the NICTS and approved by the Board and Minister.

The Director, as Accounting Officer, is responsible for producing and signing an audited Annual Report in accordance with section 68A and Accounts on the performance of the NICTS during the previous financial year.

The Director will obtain the approval of the Board for the Annual Report and Accounts, which include:

- a review of the NICTS activities during the year;
- performance against the annual Business Plan;
- a true and fair view of the agency's financial position;
- the NICTS Statement on Internal Control; and
- any additional information the Minister or the Board may require.

The Annual Report includes a set of annual financial accounts prepared on an accruals basis. The accounts are produced in accordance with a direction issued by DFP under section 11 of the Government Resource and Accounts Act (Northern Ireland) 2001 and are audited by the Comptroller and Auditor General for Northern Ireland. The Minister lays the Annual Report before the Assembly.

Information on performance against financial performance measures and NICTS financial performance standards is included in the notes to the accounts. Information relating to such measures is within the scope of the audit undertaken by the Comptroller and Auditor General for Northern Ireland's audit. Information on performance against non-financial performance measures is published in the Annual Report.

NICTS publishes its Annual Report in the financial year following the year to which it relates.

5.4 Performance Standards

The process for setting performance standards and objectives for the NICTS is normally conducted at the same time as the Budget Allocation, although where necessary measures may be agreed at other times.

5.4.1 Central Measures

The process for setting performance standards is conducted as follows:

- The NICTS executive team works with the Department and other government departmental officials and the judiciary on identifying any proposed measures which may impact upon the NICTS;
- The NICTS team puts proposals to the Board, together with information on the resources and the plans required to deliver the proposed measures;
- Once approved, the Director advises the Minister;
- No measure should impact upon the independence of the judiciary. No central government measure fetters the exercise of judicial discretion in any individual case.

5.4.2 NICTS performance standards

As part of developing the plans and budgets for the NICTS, the Board, in consultation with the Department, may develop performance standards for the NICTS designed to meet its agreed aims and objectives.

5.4.3 Performance management

Reports on NICTS performance are submitted to the Board. The Director draws to the attention of the Board any concerns he may have, together with advice as to the steps that should be taken.

The Board reports to the Minister on performance on an annual basis. If performance in any area of NICTS business becomes a cause for significant concern then an immediate report will be submitted.

The Lord Chief Justice is responsible for all matters relating to judicial performance. Where the Board considers a matter raises such issues it will refer them to the Lord Chief Justice.

6 POLICY

6.1 Policy development within NICTS and the Department

The NICTS has lead responsibility for the development and implementation of policy and legislation concerning the operation of the courts. It consults the judiciary and others in the criminal, family and civil justice systems where necessary and with the concurrence of the Department where appropriate. NICTS also works with other NI Departments and the judiciary in developing tribunal policy.

It is understood that the judiciary will not be involved in discussion on public funded legal services nor comment on substantive policy issues but may wish to comment on the operational implications of policy for the effective running of the courts.

The Department consults the NICTS on all policy and legislative proposals which it is developing that may have an operational impact on the courts. Where such proposals raise significant issues they are reported to the Board.

6.2 Policy development outside the Department

The Department refers to the NICTS policy and legislative proposals being developed by other government departments upon which it is consulted and which may have an operational impact on the courts. The NICTS will ensure that the Department is advised of its response to the proposal. Where such proposals raise significant issues they are be reported to the Board by the Director.

The provisions in this chapter do not affect the operation of the procedure under which the Government may consult the judiciary on legislative proposals.

7 AUDIT AND INSPECTION

7.1 Internal audit

The Director is responsible for making arrangements for the provision of internal audit services within the NICTS. The NICTS' own auditors, the Department's Internal Audit Division or other auditors may be used, provided that the service complies with Government Internal Audit Standards and is delivered according to the standards and best practice set by DFP and, in particular, in adherence to the Internal Audit Standards promulgated by DFP.

The Department's Internal Audit Division has a right of access to the NICTS in support of the Permanent Secretary's responsibilities as Principal Accounting Officer.

7.2 The NICTS Audit and Risk Committee

The NICTS Audit & Risk Committee is a committee of the NICTS Board appointed by the NICTS Board according to standards and best practice to support the Director as Agency Accounting Officer in relation to issues of risk, control and governance. The Terms of Reference for the Committee are at **Annex I**.

The Audit & Risk Committee will operate in accordance with the Good Practice Principles Guidance for audit committees issued by HM Treasury in March 2007. The Committee will review the comprehensiveness of assurances provided to the Board and the Accounting Officer and review the reliability and integrity of these assurances. The scope of assurance will include all aspects of reporting on, and suggestions for improvement with regard to, governance, internal control and risk management.

The Audit & Risk Committee is chaired by a non-executive director.

The Audit & Risk Committee advises the Board and Director on the:

- strategic processes for risk management, control and governance and the Statement on Internal Control;
- oversight of the management processes for risk, including top threat identification and assessment, risk management policy,

prioritisation of action, top threat ownership, review and reporting processes and audit risk management;

- corporate governance within the NICTS;
- anti-fraud policies, whistle-blowing processes, and arrangements for special investigations;
- awareness of external impacts on the NICTS control environment to include auditing and accounting standards, Government and Parliament, the European Union and other stakeholders;
- accounting policies, the accounts and annual report of the organisation;
- planned activity and results of both internal and external audit including Financial and Value for Money audits, the results of their work, their reports and follow-up action;
- adequacy of management response to issues identified by audit activity;
- assurances relating to the corporate governance requirements for the organisation;
- (where appropriate) proposals for tendering for internal audit services or for purchase of non-audit services from contractors who provide audit services;
- delivery of services to the NICTS, as well as on the impact on the operation of the NICTS of any programmes or projects being undertaken either jointly with, or external to, the NICTS (ie by the Department or any other organisation); and
- outcome of investigations on any matter brought to its attention within the scope of its duties.

The Chair of the Audit & Risk Committee will ensure that effective arrangements for communication with the Department's Corporate Audit Committee are

maintained. [The Chair of the NICTS Audit & Risk Committee will be a member of the Department's Corporate Audit Committee].

The Board will report annually, within the departmental report, on the work of the Committee in discharging its responsibilities.

The Director has responsibility for developing and implementing a comprehensive risk management plan for the NICTS and the Board is responsible for implementing the risk management plan.

7.3 External audit

The Comptroller and Auditor General for Northern Ireland audits NICTS expenditure and income, examines their regularity and propriety and certifies and reports on the NICTS Statement of Accounts.

The Comptroller and Auditor General for Northern Ireland sends copies of all management letters and correspondence relating to those letters to the NICTS Director of Finance, who will draw issues of significance to the attention of the Board.

The NIAO has the right to conduct value for money studies relating to the NICTS activities.

7.4 Inspection of Court Administration

Under sections 45-49 of the Justice (Northern Ireland) Act 2002 the Chief Inspector of Criminal Justice for Northern Ireland must inspect the NICTS.

The Director will inform the Board and Minister of any inspections to be carried out on the NICTS and reports provided by the Chief Inspector will be sent to the Board and the Minister by the Director.

The NICTS will report on any matters set out in any report by the Criminal Justice Inspector which may give rise to significant concern on the part of the Minister, Department or Lord Chief Justice.

8 SUPPORT SERVICES

8.1 General

Where appropriate to do so, the Finance, HR and IT systems are provided to the NICTS under an agreed framework and Service Level Agreement.

Most support functions are provided to the NICTS via in-house or contracted out arrangements; others are provided by the Department. The Department will provide support services in accordance with any service level agreements and other arrangements between the Department and the NICTS.

8.2 Estate

The NICTS headquarters is located at Laganside House in Central Belfast.

The NICTS separately controls a significant estate for the purposes of court and tribunal administration and accommodation.

The management of the NICTS estate forms a key element of the business and strategic plans for the NICTS.

The NICTS Board will work to achieve the best use of resources and to deliver services that best meet the needs of the justice system.

The Minister will take the final decisions on the location and closure of courts, after appropriate consultation and having taken into account advice from the NICTS Board.

8.3 Procurement

Procurement services will be provided to the NICTS via in-house resources for all activities under £10,000 or where the nature of the procurement is such that it can only be delivered by the in-house resource. All other procurement will be provided by the Department or by the Central Procurement Directorate of DFP. The NICTS in-house resources will be responsible for day-to-day contract governance.

9 STAFF

9.1 Human Resources Policy

The Department works in partnership with NICTS managers in the formulation and delivery of Human Resource (HR) policy.

The Department consults the Director, along with the other department business heads, to set common HR policy in the following areas:

- performance management;
- recruitment and mobility;
- conduct, discipline and grievance procedures;
- reward management, including pay, grading and benefits;
- managing organisational change;
- managing attendance;
- employee relations;
- learning and development; and
- workplace support.

9.2 Terms and Conditions of Service

The NICTS staff are members of the Northern Ireland Civil Service and staff of the Department of Justice. Existing terms and conditions are not affected by this Framework Document.

9.3 Management of People

Staff are subject to the direction of the judiciary when they are supporting them in the conduct of the business of the courts and tribunals in matters such as listing, case allocation and case management in accordance with established court and tribunal processes.

The NICTS staff who are working in the Office of the Lord Chief Justice carry out their functions and responsibilities in accordance with his directions.

Existing line management arrangements are not affected by this Framework Document.

9.4 Staffing Levels

The Director is responsible for establishing and keeping under review the NICTS staffing levels, in consultation with the Department.

The Director has delegated authority from the Permanent Secretary for the creation and management of posts below SCS level.

The Director will ensure that the necessary arrangements are in place for consultation with the Departmental Trade Union Side.

9.5 Recruitment

The Director's post is an SCS appointment at Grade 3 Level.

Any vacancy in the post of Director will be appointed through open competition.

Executive Heads of Division are members of the SCS at Grade 5 and are appointed through open competition or on transfer from the Department or any other Northern Ireland Department.

Appointment of non-Executive Board Directors will be in accordance with Chapter 2.11.

Other staff will be recruited through normal NICS procedures.

9.6 Conduct, Discipline and Efficiency

The Director will have full powers in matters relating to the conduct, discipline and inefficiency of all employees, in accordance with the NICS code. A system of grievance and appeals procedures will be available to staff, including the right of appeal to the Director on all such matters and an officer subject to disciplinary and/or inefficiency proceedings will be advised of any other rights of appeal to which he/she may be entitled.

9.7 Promotions and Transfers

The Director is responsible for the assignment or transfer of all staff within the NICTS, other than for members of the Senior Civil Service, whose deployment is considered centrally by the Permanent Secretaries Group. Staff in the general service grades will come within the Department's arrangements for promotion.

9.8 Redundancy

In the event of a NICS-wide redundancy situation, The Department of Finance and Personnel will consult with departments, agencies and Central Whitley Trade Union side as to how redundancies should be managed. Departmental Trade Union Side will be consulted should redundancies be proposed at Departmental or Agency level.

9.9 Staff Relations

The Director is responsible for fostering good industrial relations as an important aid to the achievement of the NICTS objectives, through the process of consultation and negotiation with NIPSA representatives and effective communication with all staff. An NICTS Whitley Council will be the main forum for consultation on matters of concern between management and unions.

Consultation on matters wholly or primarily affecting the NICTS will normally take place within the Agency. Issues of an overarching nature across the Department will be handled at Departmental or Central Whitley level.

9.10 Staff Development and Performance Assessment

The NICTS is committed to ensuring that its staff are developed and trained so that they are able to make the maximum contribution to the success of the NICTS. Staff will be given the opportunity to participate in their personal development and to link their skills and experience with the needs of the organisation.

All staff will participate in performance assessment procedures and will be encouraged to discuss their long-term development needs on a regular basis. The Agency operates the performance appraisal system currently in use of the rest of the Department.

9.11 Working Patterns

The Director may develop new working arrangements to suit the needs of the Agency.

9.12 Training and Career Development

The Director is responsible for ensuring the availability of training and development opportunities for NICTS staff and will take forward a training and development strategy which meets the needs of the NICTS and its staff and where possible, takes account of the broader needs of the Department. NICTS will seek accreditation of its training and career development processes as appropriate.

9.13 Equal Opportunities

The NICTS adheres to and positively seeks to promote the equal opportunity policies of the NICS and complies with all equality legislation.

9.14 Health and Safety

The NICTS complies with the Health and Safety at Work (NI) Order 1978. NICTS will consult with staff and their recognised trade union representatives on health and safety matters.

10 THE FRAMEWORK DOCUMENT

10.1 Review

This Framework Document will be reviewed formally after 12 months, and before the end of the transitional arrangements for the Department of Justice on 1 May 2012.

This Framework Document may be reviewed earlier if the Minister or Board so wish.

10.2 Publication

Copies of this Framework Document and of any subsequent amendments will be placed in the Assembly Library.

Copies are available on NICTS website at www.courtsni.gov.uk.

ANNEX A

COURTHOUSES IN NORTHERN IRELAND



ANNEX B

NORTHERN IRELAND TRIBUNALS

Tribunals administered by NI Court Service

Care Tribunal

Charity Tribunal Health & Safety Tribunals

Criminal Injuries Compensation Appeals Panel for Northern Ireland

Lands Tribunal

Mental Health Review Tribunal

Northern Ireland Act (National Security Certificates) Tribunal

Northern Ireland Valuation Tribunal

Pensions Appeal Tribunals

Rent Assessment Panel

Social Security and Child Support Commissioners

Special Education Needs and Disability Tribunal

The Appeals Service

Traffic Penalties Tribunal

Tribunal under Schedule 11 of the HSS (NI) order 1972

Tribunals to transfer to NI Court Service post devolution of justice

Industrial and Fair Employment Tribunals

Planning/Water Appeals Commissions

Police Medical Pensions Appeal Tribunal

Reserve Forces Reinstatement Committee

Reserve Forces Appeal Tribunal

NICTS also administers UK wide tribunals when sitting in Northern Ireland and the Northern Ireland Act (National Security Certificates) Tribunal under an agency arrangement with the Lord Chancellor.

ANNEX C

ORGANISATIONAL STRUCTURE

ANNEX D

CONCORDAT BETWEEN HER MAJESTY'S GOVERNMENT AND THE NORTHERN IRELAND EXECUTIVE

ON THE INDEPENDENCE OF THE JUDICIARY

IN NORTHERN IRELAND

Purpose

1. This concordat which will come into operation on 12th April 2010 sets out arrangements – agreed between Her Majesty's Government and the Northern Ireland Executive – for underscoring the independence of the judiciary following the devolution of responsibility for criminal justice matters to the Northern Ireland Assembly and Executive.
2. In this Concordat “the 1978 Act” means the Judicature (Northern Ireland) Act 1978¹, “the 2002 Act” means the Justice (Northern Ireland) Act 2002²; “the 2004 Act” means the Justice (Northern Ireland) Act 2004³; “the 2005 Act” means the Constitutional Reform Act 2005⁴; and “the 2009 Act” means the Northern Ireland Act 2009⁵.

Context

3. Her Majesty's Government and the Northern Ireland Executive agree that the independence of the judiciary in Northern Ireland is essential in a democratic society which supports the rule of law. It is of paramount importance that the judicial function remains independent of Government and immune from any partisan or political interest. Public confidence requires that judicial decisions are taken in a fair, impartial, objective and consistent manner. This confidence can only be maintained if judges are able to act with independence.
4. It is also recognised that responsibility for setting the overall framework for the administration of justice, including the substantive civil and criminal law will be a matter for the Northern Ireland Executive. It is understood that the judiciary will not comment on substantive policy issues but may wish to comment on the operational implications of policy for the effective running of the courts.

Safeguarding Independence

¹ 1978 c.23.

² 2002 c.26.

³ 2004 c.4.

⁴ 2005 c.4.

⁵ 2009 c.3.

5. Section 3 of the 2005 Act enacts a guarantee of judicial independence applicable to “the judiciary” throughout the United Kingdom, and imposes duties in that respect on the Lord Chancellor and other Ministers. Section 1(1) of the 2002 Act makes similar provision for Northern Ireland. The Government and the Northern Ireland Executive, agree that the other judicial office holders listed in Schedule 1 to the 2002 Act will continue to enjoy the same independence, as the judiciary to which these provisions expressly apply.

6. In order to underscore the independence of the judiciary in Northern Ireland, the following principles and arrangements have been agreed between Her Majesty’s Government and the Northern Ireland Executive:

6.1 The Lord Chancellor, Ministers of the Crown, the First Minister, the deputy First Minister, Northern Ireland Ministers and those with responsibility for matters relating to the judiciary or otherwise to the administration of justice must uphold the continued independence of the judiciary, in accordance with section 3 of the 2005 Act and section 1 of the 2002 Act (as substituted by section 4 of the 2005 Act) and the agreement set out in paragraph 5 above. This duty will operate whatever structures are put in place for administering justice matters.

6.2 Those listed in 6.1 shall not seek to influence particular judicial decisions through any special access to the judiciary or otherwise.

6.3 The responsible Northern Ireland Minister will ensure that there is an efficient and effective system to support the carrying on of the business of the courts and that appropriate services are provided for those courts.

6.4 The Lord Chief Justice shall exercise the role of the President of the Courts of Northern Ireland and head of the judiciary of Northern Ireland as provided for at section 12 of the 2002 Act (as amended by section 11 of the 2005 Act). In discharging this role he is responsible:

- for representing the views of the judiciary of Northern Ireland to Parliament, the Lord Chancellor and Ministers of the Crown generally;
- for representing the views of the judiciary of Northern Ireland to the Northern Ireland Assembly, the First Minister and deputy First Minister and Northern Ireland Ministers;
- for the maintenance of appropriate arrangements for the welfare, training and guidance of the judiciary of Northern Ireland within the resources made available by the responsible Northern Ireland Minister; and
- for the maintenance of appropriate arrangements for the deployment of the judiciary of Northern Ireland and the allocation of work within courts.

6.5 Under section 16 of the 2002 Act, the Lord Chief Justice is also responsible for the code of practice relating to complaints against the judiciary and for the referral of any serious complaints to a tribunal.

6.6 The Lord Chief Justice is also responsible for certain functions relating to the operation of the courts, which are set out at Schedule 5 to the 2005 Act.

6.7 These roles and responsibilities are fully acknowledged by Her Majesty's Government and the Northern Ireland Executive who will act consistently with and in recognition of them.

6.8 The Lord Chief Justice may lay before Parliament written representations on matters which are the responsibility of Parliament and that appear to him to be matters of importance relating to the judiciary, or otherwise to the administration of justice, in Northern Ireland. Those matters do not include transferred matters within the legislative competence of the Northern Ireland Assembly, unless they are matters to which a Bill for an Act of Parliament relates.

6.9 The Lord Chief Justice may lay before the Northern Ireland Assembly written representations on matters which are the responsibility of the Assembly and that appear to him to be matters of importance relating to the judiciary, or otherwise to the administration of justice, in Northern Ireland. Those matters include transferred matters and excepted or reserved matters to which a Bill for an Act of the Assembly relates.

6.10 The responsibility of the Lord Chancellor shall be recognised in respect of the determination of judges' remuneration, superannuation and other terms and conditions of service. Any determination which the Lord Chancellor makes in relation to the salaries, pensions, or other terms and conditions of the judiciary in Northern Ireland shall be accepted and given effect to by the Northern Ireland Executive.

Judicial Appointments

7. The appointment and tenure of judges is a determining factor in ensuring their independence. Appointment must be on merit alone. Judges should not be, and should not appear to be, beholden to any political office-holder or political doctrine for their appointment or preferment. Likewise, no political office-holder should be able to secure the appointment or determine the tenure of an individual judge. At the same time, and subject to the requirement that appointments and recommendations for appointment are made solely on the basis of merit, the legislation provides that the Judicial Appointments Commission should engage in a programme to ensure that judicial appointments should, so far as is reasonably practicable, be such that those holding listed judicial offices are reflective of the community in Northern Ireland. To further ensure the independence of the judiciary it is agreed between Her Majesty's Government and the Northern Ireland Executive that:

7.1 There shall be transparency and openness in the administration of judicial appointments and removals, as provided for by the mechanisms set out in sections 12 to 12C of the 1978 Act (as inserted by section 2 of and Schedule 2 to the 2009 Act) and the 2002 Act (as amended by section 2 of and Schedule 3 to the 2009 Act).

- There shall continue to be a Judicial Appointments Commission (“the Commission”), which shall –
- make recommendations to the Lord Chancellor for appointments to any judicial offices listed at Schedule 1 to the 2002 Act where the appointment is to be made by the Queen; and
- make appointments to any other judicial office listed at Schedule 1 to the 2002 Act.

7.3 Where a listed judicial office may be held by more than one person at any time, the Commission must, with the agreement of the Department of Justice, determine the maximum number of persons who may hold the office. The Commission may from time to time, with the agreement of the Department of Justice, revise the determination (paras 5(2) and (3) of Schedule 3 to the 2002 Act as substituted by section 2 of, and Schedule 3 to, the 2009 Act). Where the listed judicial office is that of a High Court judge then the maximum number shall be determined in accordance with section 2(3) of the 1978 Act.

7.4 The Commission shall make an appointment or recommendation for an appointment to fill any vacancy in a listed judicial office, unless the Lord Chief Justice has agreed that it may remain unfilled (paras 2(6), 2(7), 4(3) and 4(4) of Schedule 3 to the 2002 Act as substituted by section 2 of, and Schedule 3 to, the 2009 Act).

7.5 The Prime Minister shall make recommendations to Her Majesty The Queen for the appointment of the Lord Chief Justice and Lords Justices of Appeal unless, in relation to the latter, the Lord Chief Justice has agreed that the vacancy may remain unfilled (section 12(4) and (5) of the 1978 Act as substituted by section 2 of, and Schedule 2 to, the 2009 Act).

7.6 Before making a recommendation, the Prime Minister must consult –

- the Lord Chief Justice or, if that office is vacant or the Lord Chief Justice is not available, the senior Lord Justice of Appeal who is available; and
- the Commission (section 12(6) of the 1978 Act as substituted by section 2 of, and Schedule 2 to, the 2009 Act)

7.7 Appointments to listed judicial office and recommendations for appointment shall be made solely on the basis of merit, as required by paragraph 6(1) of Schedule 3 to the 2002 Act as substituted by section 2 of, and Schedule 3 to, the 2009 Act.

7.8 The Commission shall, subject to the principle of appointment on merit, engage in a programme of action designed to secure, so far as it is reasonably practicable to do so, that appointments to listed judicial offices are such that those holding such offices are reflective of the community, as set out in paragraphs 6(2) and (3) of Schedule 3 to the 2002 Act as substituted section 2 of, and Schedule 3 to, the 2009 Act.

7.9 The Lord Chief Justice shall hold office during good behaviour. He may be removed from office, in accordance with section 12B of the 1978 Act (as substituted by section 2 of, and Schedule 2 to, the 2009 Act), by an address presented to Her Majesty The Queen by both Houses of Parliament. No motion for the presentation of such an address may be made unless –

- the Prime Minister has, after consulting the Lord Chancellor, convened a removals tribunal;
- that tribunal has reported to the Prime Minister recommending that the office holder be removed on the ground of misbehaviour; and
- a copy of the report has been laid before both Houses of Parliament.

7.10 Lords Justices of Appeal and those High Court judges appointed before the commencement of section 7 of the 2002 Act shall hold office during good behaviour. They may be removed from office, in accordance with section 12C of the 1978 Act (as inserted by section 2 of, and Schedule 2 to, the 2009 Act), by Her Majesty following an address presented to Her by both Houses of Parliament. No motion for the presentation of such an address may be made unless –

- either the Lord Chief Justice or the Northern Ireland Judicial Appointments Ombudsman has (after consulting the other) convened a removals tribunal;
- that tribunal has reported to the Lord Chief Justice recommending that an office holder be removed on the ground of misbehaviour;
- either the Lord Chief Justice has advised the Prime Minister and the Lord Chancellor to accept the tribunal's recommendation or, if the Lord Chief Justice does not so advise, the Prime Minister and the Lord Chancellor have consulted him about the recommendation;
- a copy of the tribunal's report has been laid before both Houses of Parliament.

7.11 A person may be removed from a listed judicial office in accordance with section 7 of the 2002 Act (as amended by paragraph 6 of Schedule 3 to the 2009 Act), by the Lord Chief Justice, but only on the basis of a report of a removals tribunal convened by either the Lord Chief Justice or the Northern Ireland Judicial Appointments Ombudsman (after consulting the other) under section 8 of the 2002 Act (as substituted by paragraph 7 of Schedule 3 to the 2009 Act). A tribunal must consist of a Lord Justice of Appeal or a judge of the High Court, a person who holds an office within section 3(6)(a) to (e) of the 2002 Act (that is, a Lord Justice of Appeal, a judge of the High Court, a county court judge, a district judge (magistrates' courts) or a lay magistrate) both of whom are selected by the Lord Chief Justice and must be judicial members of the Commission (unless the Commission agrees otherwise) and a lay member of the Commission selected by the Judicial Appointments Ombudsman.

7.12 If a removals tribunal is convened under any of the legislative provisions referred to in paragraphs 7.9 to 7.11, the person convening the tribunal will inform the Northern Ireland Minister for Justice.

Review Arrangements

8. Any difficulties experienced by the Northern Ireland Executive or Her Majesty's Government in operating these arrangements will in the first instance be raised through normal administrative channels, either at official or Ministerial level. Where a dispute or difficulty cannot be resolved in this way, a resolution will be sought in accordance with the principles and arrangements set out in the Memorandum of Understanding between Her Majesty's Government and the devolved administrations.

Secretary of state

First Minister

HM Government

Northern Ireland Executive

Lord Chancellor

Deputy First Minister

Northern Ireland Executive

ANNEX E

BOARD FUNCTIONS

To provide direction for NICTS (paragraph 2.7).

To provide high quality, impartial and independent advice on all areas of NICTS responsibility (paragraph 2.7).

Approve draft corporate plans for submission to the Minister and Department.

To ensure business planning, corporate planning and reporting (paragraph 2.7).

To prepare annual bid for resources and develop budget and supporting plans (paragraphs 5.1.1)

Setting performance standards (paragraphs 5.4.1).

Approve Annual Report for submission to the Minister (paragraph 2.7 and 5.3).

Report to the Minister on any matters it sees fit or that it is asked to report on by the Minister (paragraph 2.14).

Consider significant issues reported to it by the Director raised by the PAC, Justice or other Assembly Committees, MLA, Chief Inspector, Minister and Dept and monitor progress on addressing such significant issues (paragraph 4.1).

Work to secure the best use of estate resources (paragraph 8.2).

Advise the Minister on the location and closure of Courts (paragraph 8.2).

Consider legislative proposals from the Department where such proposals raise significant issues for NICTS (paragraph 6.1).

Approve Annual financial statements and annual financial statements for court funds office.

Consider any delegations made by the Principal Accounting Officer and notified to it by the Director (paragraph 5.1.3).

Work with the Minister, Department, Judiciary and other relevant organisations within the aims and objectives agreed by the Minister (paragraph 5.1.1).

Establish Committees to assist it carry out its functions and consider reports from such committees at its scheduled meetings (paragraph 2.7).

To consider reports from the Audit and Risk Committee and report annually to the dept on its audit and risk programmes (paragraph 7.2).

Meet the Minister at least once per year (paragraph 5.1.2).

Review its own performance and effectiveness and the performance and effectiveness of its Committees (paragraph 2.7).

Receives reports from Finance Committee on expenditure of allocation (paragraph 5.1 and 5.1.2).

Receive any report from the Criminal Justice Inspectorate concerning the courts (paragraph 7.4).

ANNEX F

BOARD STANDING ORDERS

Meetings

1. The Board will meet at least 4 times a year. The Director may call a meeting of the Board at any time. For the purpose of these Standing orders, “members” shall include the judicial representatives.
2. The quorum of the Board shall be five.
3. In the absence of the Director from a meeting, the most senior (by appointment) NICTS executive present will chair the meeting.
4. Every matter requiring a decision at a meeting of the Board shall be determined either by consensus or by a majority vote.
5. Minutes of the proceedings of the Board will be prepared by the Secretariat and signed by the chairman at the next meeting at which the minutes are presented.
6. A member who has:
 - a. any interest, personal or financial, in any company or concern with which the Board proposes to enter into a contract; or
 - b. any interest, personal or financial, in any contract which the Board proposes to make

shall disclose this interest and shall withdraw from the meeting during discussions. Any such disclosure shall be recorded in the minutes of the proceedings.

7. The proceedings of the Board will not be invalidated by any vacancy or vacancies among its members or by any defect in the appointments to the Board or in the qualification of any member of the Board.
8. Each member will be notified in writing of the date of all meetings at least 3 weeks in advance save in exceptional circumstances. Papers will normally be distributed at least 5 working days in advance.
9. Each member wishing to put forward policy proposals for consideration should submit the matter to the Secretary prior to the meeting. Urgent matters may be raised by any member with the permission of the Chairman under Any Other Business.

Committees

10. The Board may from time to time establish such committees of the Board to advise it in relation to the performance of its functions as it thinks fit.
11. Each Committee will be chaired by a Board Member.
12. The Board may appoint to a committee persons who are not members of the Board but have a special knowledge and experience related to the business of the committee.
13. The appointment of a person to a committee shall be subject to such terms and conditions as the Board may determine.
14. Whenever a vacancy occurs in the membership of a committee, the Board may if it so wishes fill the vacancy as soon as possible.
15. The Board may at any time dissolve a committee.
16. The acts of a committee shall be subject to confirmation by the Board unless the Board dispenses with the necessity for such confirmation.
17. The Board may regulate the procedure of a committee but subject to any such general regulation, a committee may regulate its own business.

Confidentiality

18. Reports and documents issued to members in relation to internal Board matters must be treated as confidential.
19. Miscellaneous
20. The Chair's ruling on the interpretation of Standing Orders shall be final.
21. The Chair shall have power to deal with any matter not covered by Standing Orders.

The foregoing Standing Orders shall continue in force unless altered, amended or revoked by the Board.

ANNEX G

MEMBERSHIP AND TERMS OF REFERENCE FOR FINANCE COMMITTEE

1.1 The Board has established a Finance Committee as a sub-committee of the Board to assist with financial regulation and budget control.

1.2 The Membership of the Finance Committee comprises:

- Director (Chair)
- Judicial Representative
- Head of Finance
- Head of Business Operations
- Head of Legal Aid
- non-executive member

1.3 The quorum for the Committee is 3 members and subject to any general regulation by the Board it shall regulate its own procedures.

1.4 The Committee may invite other members of the Board or NICTS staff to attend a meeting as it thinks necessary.

2. The role of the Finance Committee is to:

- consider proposals for the Annual Estimates submission and to make recommendations regarding same to the Board;
- consider proposals for the annual Expenditure Budget and make recommendations regarding same to the Board;
- consider regular financial reports from the Director of Finance on the implementation of the approved annual Expenditure Budget;
- continuously review expenditure and make recommendations to the Board;
- consider and recommend to the Board for approval the Annual Accounts;

- consider and recommend to the Board for approval the Annual Accounts for Court Funds;
- monitor progress on finance projects;
- perform such other functions as the board may assign from time to time.

ANNEX H**[INDICATIVE ONLY]****DELEGATED AUTHORITIES****Part A – Financial Delegations****Part Ai – Delegations from DoJ to the NI Courts & Tribunals Agency**

Description
NICTS Capital Projects up to £1,000,000*
Contract Variations up to 10% of project cost
IT Projects up to £300,000*
Use of Consultants by NICTS up to £40,000*
Internal CPD Procurement Authority Levels up to £750,000*
Maintenance costs for NICTS buildings up to £750,000*
Enter into Service Level Agreements on behalf of NICTS up to £100,000*
Individual extra-contractual and ex-gratia payments up to £75,000*
Individual Compensation claims up to £75,000* where the legal advice is that the NICTS will not win the case if contested in court.
Individual extra-contractual and ex-gratia payments up to £75,000*
Legal Fees incurred by NICTS up to £10,000*
Special Payments up to £10,000*

Recoupment of overpayments of pay, pensions and allowances up to £10,000*
Losses/Write Offs up to £5,000*
Write Off of irrecoverable costs in legal aid up to £5,000*
Gifts up to £100.

* These figures are purely indicative figures, which would have to be negotiated and agreed between NICTS and DOJ.

Part Aii – Matters requiring DoJ approval

Description
Fees and changes to fees
Chairman's salary etc
Staff
Budget and Statement of Accounts
Expenses of Public Enquiries
Disposal of Land

Part Aiii – Matters requiring DFP approval (through DoJ)

Description
All PFI/PPP projects
Unless other delegations specifically allow: All other expenditure on Capital Projects over £1m
IT projects over £500,000
Extra Statutory and extra-regulatory payments above £100,000
Non-statutory guarantees and liabilities in excess of £100,000
Waived or Abandoned claims above £100,000
Individual extra-contractual and ex-gratia payments above £100,000
Individual compensation claims above £100,000 where the legal advice is that the department will not win the case if contested in court
Use of consultants by departments and agencies over £75,000. NB: Ministerial approval to be cleared with DOJ Minister
Recoupment of overpayments of pay, pensions and allowances over £20,000
Individual compensation claims over £10,000 (except where made under legal obligation)
Consolatory Payments over £500
Losses due to failure to make adequate charges for the use of public property or services
Economic appraisals for spending proposals above delegated limits

Payments – advance payments
Receipts – repayment of CFERs from the Northern Ireland Consolidated Fund
Chargeable Services – as set out in existing guidance on fees and charges
Letters of comfort & general statements of support
Reporting a contingent liability in confidence
Reporting a liability outside Assembly sessions
Uninsured losses – where expenditure to replace or repair an asset or meet a claim falls outside the department’s delegated limits
Recoupsments of overpayments of grants
Waiving recovery of a collective overpayment
All expenditure over £500,000 under the EU Programmes for which the Special EU Programmes Body is responsible – currently Peace II and Interreg IIIa
Consultancy assignments co-sponsored by the Strategic Investment Board over £150,000
All gifts in excess of £250,000 and all not covered by delegated authorities.

Part B – Non-Financial Delegations**Part Bi – Matters requiring DoJ approval**

Description
Provision of new or additional courthouse accommodation
Acquisition of land or buildings for use as courthouse accommodation or for the improvement of courthouse accommodation
Disposal of courthouse accommodation
Disposal of Land
District Judge (Magistrates' Courts) Expenses
Remuneration of interpreters
Remuneration of persons appointed as assessors by a county court judge
Remuneration and allowance paid to members of the Pensions Appeal Tribunals
Changes to travel and subsistence allowances paid to jurors and witnesses
Grants/Awards
Form of Accounts
Rules made by the DoJ prescribing the form of criminal aid certificates, the manner in which counsel and solicitors are assigned and rates and scales of payments
DoJ determinations as to the manner in which sums are paid to the Northern Ireland Legal Services Commission for legal aid
DoJ directions as to the times at which estimates of other receipts are required for the legal aid fund

Part Bii – matters requiring DFP approval (through DoJ)

Description
Economic appraisals for spending proposals above delegated limits
Estimates – form and content of main and supplementary estimates and virement
Assets - Transfer of assets at less than best consideration reasonably obtainable
Assets – to appropriate any sums realised as a result of selling an asset
Liabilities – Depts seeking statutory authority to accept liabilities should consult DFP
Banking – Proposals to open foreign currency accounts
Banking – Requests for indemnities from a bank other than “formal undertakings”
Fraud – any departure from immediate reporting
Insurance – decision to use commercial insurance
Interdepartmental Transactions – where the transaction may require legislative procedures or where DFP agreement is required under statute

ANNEX I

MEMBERSHIP AND TERMS OF REFERENCE FOR AUDIT & RISK COMMITTEE

1 Audit & Risk Committee

1.1 The Board has established an Audit & Risk Committee as a sub-Committee of the Board to support it and the departmental Accounting Officer in their responsibilities for issues of risk, control and governance.

1.2 The Audit & Risk Committee will operate in accordance with the Good Practice Principles Guidance for audit committees issued by HM Treasury in March 2007. The Committee will review the comprehensiveness of assurances provided to the Board and the Accounting Officer and review the reliability and integrity of these assurances. The scope of assurance will include all aspects of reporting on, and suggestions for improvement with regard to, governance, internal control and risk management.

1.3 This terms of reference will be approved by the Board and the role of the Audit & Risk Committee, and the delegation given to it by the Board, will be made available publicly.

1.4 The Board will report annually, within the departmental report, on the work of the committee in discharging its responsibilities.

1.5 The Audit & Risk Committee will confine itself primarily to consideration of matters within the Agency. However the NICTS Audit & Risk Committee will ensure that the interrelationships between it and other such audit committees is documented and agreed, particularly where assurance is taken from such committees on matters which properly support the Agency's Statement of Internal Control.

2 Membership

2.1 The members of the Audit & Risk Committee are:

Chair (Non-executive lay member of Board)

The appointments will be confirmed for a fixed time, after which the appointment will end or become eligible for renewal up to a maximum of five years.

2.2 The Chair of the Committee will regularly review membership so as to ensure that an appropriate skills mix is maintained to enable the committee to continue to carry out its duties.

2.3 Committee members will be appointed formally in writing and will be offered appropriate training.

2.4 The role of the Chair will be to ensure that the work of the Audit & Risk Committee is conducted effectively and efficiently, that the committee has access to the resources it requires, and that effective communication is maintained with key stakeholders.

2.5 Members of the committee will individually be responsible for bringing to the attention of the Chair any potential conflicts of interest that arise as a result of the work of the committee. Such declarations will be formally recorded in the minutes of the meeting together with the action that the Chair decides to take to mitigate the conflict of interest.

2.6 The Audit & Risk Committee may:

- with the agreement of the Board co-opt additional members for a period not exceeding a year to provide specialist skills, knowledge and experience; and
- procure specialist ad-hoc advice at the expense of the organisation, subject to budgets agreed by the Board.

2.7 The Audit & Risk Committee will be provided with secretariat functions by Internal Audit Service (Audit) and Finance Branch (Risk Management).

3 Reporting

3.1 The Chair will act as a direct link between the Audit & Risk Committee and the Board and will provide a briefing to the Board in accordance with its Standing Orders. Additionally, the Chairman will provide the Board with an Annual Report of the Audit & Risk Committee's activities at the end of each financial year to support finalisation of the accounts and the Statement on Internal Control, summarising the Committee's conclusions from the work it has done during the year.

3.2 The Audit & Risk Committee secretary will circulate the minutes of all meetings to the members of the Committee; members of the Management Board and the NIAO.

Roles and Responsibilities

4 Responsibilities

4.1 The Audit & Risk Committee will advise and support the Board and Accounting Officer. In doing so it will review the provision of all assurances provided and constructively challenge and test assurance providers as to whether the scope of their activity fully meets the assurance need, and that the assurances are founded on sufficient reliable evidence and that the conclusions reached are reasonable in the context of the evidence provided.

4.2 The Audit & Risk Committee will report on:

- the strategic processes for risk, control and governance and the Statement on Internal Control;
- the risk appetite of the organisation i.e. the balance between opportunity/innovation and risk. The Committee will also maintain oversight of the management processes for risk, including top threat identification and assessment, risk management policy, prioritisation of action, top threat ownership, review and reporting processes and audit risk management;
- corporate governance within the NICTS, drawing on the Internal Audit assurance and other reviews that support the Accounting Officer's annual statement on internal financial control. Consideration will be given to the development and implementation of the processes underpinning the Accounting Officer's Statement on Internal Control;
- the accounting policies, the Accounts, and the Annual Report of the organisation, including the process for review of the accounts prior to submission for audit, levels of error identified, and management's letter of representation to the external auditors;
- the planned activity and results of both internal and external audit;
- the adequacy of management response to issues identified by audit activity, including external audit's management letter;
- anti-fraud policies, whistle-blowing processes, and arrangements for special investigations;
- consideration of NIAO plans for Financial and Value for Money audits, the results of their work, their reports and follow-up action;

- awareness of external impacts on NICTS control environment to include auditing and accounting standards, Government and Parliament, the European Union and other stakeholders; and
- Legal Services Commission (LSC) issues. The Audit Committee will not ordinarily deal with the oversight of audit and publication of accounts of this body. However, the Audit Committee will be concerned with assurances received from the LSC Accounting Officer, particularly in relation to Corporate Governance.

4.3 The Audit & Risk Committee will also periodically review its own effectiveness and report the results of that review to the Board.

Ways of working

5 Access

5.1 The Head of Risk & Assurance Branch and the representative of External Audit will have free and confidential access to the Chair of the Audit & Risk Committee.

6 Meetings

6.1 The Audit & Risk Committee will meet at least four times a year. The Chair of the Audit & Risk Committee may convene additional meetings, as is deemed necessary.

6.2 A minimum of two members of the Audit & Risk Committee will be present for the meeting to be deemed quorate.

6.3 Audit & Risk Committee meetings will normally be attended by the Head of Finance, the Head of Risk & Assurance Branch, the Finance Division Risk Manager and a representative of External Audit.

6.4 The Audit & Risk Committee may ask the Accounting Officer, or any other NICTS officials to attend to assist it with its discussions on any particular matter. This may also include representatives of related bodies and members of their respective audit committees.

6.5 The Audit & Risk Committee may ask any or all of those who normally attend but who are not members to withdraw to facilitate open and frank discussion of particular matters.

6.6 The Board or the Accounting Officer may ask the Audit & Risk Committee to convene further meetings to discuss particular issues on which they want the Committee's advice.

7 Information Requirements

7.1 For each meeting the Audit & Risk Committee will be provided with:

- a report summarising any significant changes to the organisation's Risk Registers;
- a progress report from the Head of Risk & Assurance Branch summarising:
 - work performed (and a comparison with work planned);
 - key issues emerging from Internal Audit work;
 - management response to audit recommendations;
 - changes to the Periodic Plan; and
 - any resourcing issues affecting the delivery of Internal Audit objectives; and
- a progress report from the External Audit representative summarising work done and emerging findings.

7.2 As and when appropriate the Committee will also be provided with:

- proposals for the Terms of Reference of Internal Audit;
- the Internal Audit Strategy;
- the NICTS Risk Management Strategy;
- the Head of Internal Audit's Annual Opinion and Report;
- the draft accounts of the organisation;
- the draft Statement on Internal Control;
- a report on any changes to accounting policies;
- external Audit's management letter; and
- a report on co-operation between Internal and External Audit.

7.3 Copies of risk management reports, Internal Audit assignment reports, and significant management reports may be provided to the Audit & Risk Committee upon request by the Chair.