Northern Ireland Courts and Tribunals Service

Framework Document

serving the community through the administration of justice

Document Details

Date issued: 23 June 2010
Date last updated: 29 October 2013
# TABLE OF CONTENTS

Minister’s Foreword  

1 Status, Aims and Objectives  

2 Responsibilities  

3 Relationship with other Organisations  

4 Accountability  

5 Finance and Planning  

6 Policy  

7 Audit and Inspection  

8 Support Services  

9 Staff  

10 The Framework Document  

Annex A Map of Court Divisions and Venues  

Annex B Tribunals for which the NICTS provides administrative support  

Annex C Organisational Structure  

Annex D Concordat between HM Government and the Northern Ireland Executive on Judicial Independence  

Annex E Board Functions  

Annex F Board Standing Orders  

Annex G Membership and Terms of Reference for Finance Committee  

Annex H Terms of Reference for the Audit and Risk Committee  

Annex I OLCJ Organisational Chart
MINISTER’S FOREWORD

FOREWORD

The Northern Ireland Courts and Tribunals Service (NICTS) is an executive agency within my Department which aims to serve the community through the administration of justice. My Department has a statutory duty to ensure there is an efficient and effective system to support the administration of justice in Northern Ireland and discharges this duty through the NICTS.

The purpose of this Framework Document is to define the responsibilities of, and the relationship between, the NICTS, the Department of Justice, Ministers and the Northern Ireland Assembly and to outline the arrangements for the effective governance, financing and operation of NICTS and its relationship with other agencies. The Framework Document has been reviewed by my Department and the NICTS in accordance with Department of Finance and Personnel guidance on Framework Documents and reflects organisational, policy changes and new relationships arising from the devolution of justice.

In particular, it now outlines the arrangements for consultation with the Lord Chief Justice, as President of the Courts and Head of the Judiciary, on the setting and monitoring of the NICTS budget. The NICTS Board, which provides strategic direction to NICTS in the discharge of its responsibilities and is chaired by the Chief Executive, includes four ‘judicial representatives’ of the Lord Chief Justice (rather than ‘members’) who will keep the Board apprised of the views of the Lord Chief Justice and the Judiciary.

The Chief Executive (as the Agency Accounting Officer) is responsible for the day-to-day operation of NICTS and is accountable to the Assembly for the delivery of the NICTS budget and its business.
The NICTS is part of the wider justice system and has a range of administrative targets across criminal, civil and family court business, tribunals, the Enforcement of Judgments Office, Coroners Service and Parole Commissioners Secretariat. The Lord Chief Justice has set judicial standards for criminal court business. These are published annually in the NICTS Business Plan and performance reported on in the NICTS Annual Report and Accounts.

The NICTS has responded positively to significant changes since the devolution of justice, including the inclusion of new business areas, and remains committed to delivering quality services.

David Ford MLA
Minister of Justice
1 STATUS, AIMS AND OBJECTIVES

1.1 Status
The Northern Ireland Courts and Tribunals Service (‘the 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 administrative functions previously undertaken by the Northern Ireland Court Service. The Northern Ireland 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 role of the NICTS is to:

1. Provide administrative support for Northern Ireland’s courts, tribunals and Parole Commissioners.

2. Support an independent Judiciary.

3. Provide advice to the Minister of Justice (‘the Minister’) on matters relating to the operation of the courts, tribunals, EJO and Parole Commissioners.

4. Enforcing civil court judgments through the Enforcement of Judgments Office (‘the EJO’).

5. Managing funds held in court on behalf of minors and patients.

6. Provide high quality courthouses and tribunal hearing centres.

7. Act as the Central Authority under certain international conventions.

The NICTS has a typical annual budget of approximately £81 million and manages funds in court of approximately £290 million. Sponsorship of the NICTS falls within the Access to Justice Directorate of the Department. The NICTS currently employs approximately 775 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 the NICTS is responsible is at Annex B.
1.2 Aim
The Corporate aim of the NICTS is ‘Serving the Community through the Administration of Justice’.

1.3 Objectives
The objectives of the NICTS are -

• To deliver efficient and effective Court, Tribunals, Enforcement services;

• To deliver high quality services that meets the needs of our customers;

• To develop and lead our people to achieve our business objectives;

• To deliver a controlled financial and commercial environment achieving value for money.

1.4 In support of its objectives, the NICTS:

• Implements policy concerning the operation of the courts, tribunals, EJO and Parole Commissioners;

• Communicates the aims and objectives of the NICTS;

• Ensures a strong working relationship between the staff of the 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 best practice corporate governance.
1.5 Key Targets

The Department will consult with the NICTS on both NICTS targets and the relevant Programme for Government (‘PfG’) targets prior to Ministerial approval.

1.6 Organisation

The NICTS Board (‘the Board’) oversees the work of the NICTS. The Chief Executive of the NICTS is responsible for its day-to-day operation and the leadership and management of its staff.

The Chief Executive may make any changes to the structures and staffing of the NICTS considered necessary to maintain and improve the efficiency and overall performance of the NICTS, within the policy framework and resources set by the Minister and within the delegations outlined in this Framework Document or subsequently approved by the Minister.

The NICTS organisational structure is at Annex C.
2 RESPONSIBILITIES

2.1 The Minister

The NICTS is subject to the overall direction and control of the Minister.

The Minister determines the policy framework within which the NICTS operates and the scope of its activities. The Minister determines the resources to be made available to the NICTS following consultation with the Chief Executive and the Lord Chief Justice, approves its Corporate and Business Plans, sets key performance targets and will be advised by Departmental officials on the performance of the NICTS.

The Minister delegates the day to day operation of the NICTS to the Chief Executive but expects to be consulted by the Chief Executive on the handling of operational matters which could give rise to significant public, judicial or Assembly concern.

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.

2.2 The 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 Her Majesty’s Government and the Northern Ireland Executive on the independence of the Judiciary in Northern Ireland is attached at Annex D.
2.3 The Permanent Secretary

The Permanent Secretary, as principal Accounting Officer, is responsible for the overall management of the Department and is the principal adviser to the Minister. The Permanent Secretary is the Sponsor for the NICTS although, on a day to day basis this responsibility is discharged on the Permanent Secretary’s behalf by the Director of Access to Justice, who is responsible for providing support and advice to the Chief Executive and for advising the Minister on the strategic direction of the NICTS, its Corporate and Business Plans, the annual setting of key performance targets and resources needed to achieve them. The Director of Access to Justice is also responsible for ensuring that the Permanent Secretary is notified of any novel or contentious issues brought to his/her attention by the Chief Executive. The Permanent Secretary, through the Director of Access to Justice, is also responsible for advising on the performance of the NICTS against its key targets and on policy issues governing the work of the NICTS.

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 also has statutory responsibility for the administration of the majority of tribunals and the Parole Commissioners (see Annex B). The Department discharges its functions in this respect through the NICTS.

Sponsorship of the NICTS falls within the Access to Justice Directorate of the Department.

Departmental officials, including the Director of Access to Justice, will be the source of advice to the Minister and to the Chief Executive to ensure that:
• the Minister is advised effectively on the strategic direction of the NICTS in the context of wider departmental or cross-governmental objectives; and

• the Chief Executive has all the necessary information to direct the NICTS’ activities so that they most effectively support the delivery of government objectives.

The Chief Executive should alert Departmental officials to any problems that the NICTS may be experiencing in achieving its key targets and seek advice on the most appropriate way to handle any such problems.

The Minister may seek input from the Director of Access to Justice and other Departmental officials when considering submissions from the NICTS on any issues but particularly in respect of:

• Corporate & Business Plan and Annual Report;

• strategic objectives;

• quality and rigour of the performance targets;

• performance, progress and results;

• appointment of the Chief Executive and Independent Board Members;

• policy advice; and

• financial impacts of NICTS plans upon Departmental resource budgets and accounts.

The Director of Access to Justice and other Departmental officials will therefore have access to relevant papers and to NICTS officials as required. These arrangements will not affect the Chief Executive’s direct accountability for the NICTS.

2.5 The Chief Executive

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

The Chief Executive is chair of the Board and his/her responsibilities include—

- delivery of the NICTS Business Plan;
- providing such advice to the Minister as may be required in relation to operational matters affecting the courts, tribunals, EJO and Parole Commissioners Secretariat;
- providing support to an independent Judiciary;
- the day-to-day management of the NICTS;
- providing effective leadership to NICTS staff;
- 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 NICTS responsibilities;
- developing a comprehensive risk management plan;
- representing the NICTS including before the Assembly;
- preparing the NICTS Annual Report which is required to be laid before the Assembly;
- laying the Parole Commissioners for Northern Ireland Annual Report 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 NICTS business objectives and key performance targets;
• managing resources efficiently, effectively and economically;
• notifying novel or contentious issues to the Director of Access to Justice, the Permanent Secretary and the Minister, as appropriate;
• accurately accounting for the financial position and transactions of the NICTS.

As sponsorship of the NICTS falls within the Access to Justice Directorate of the Department, the Chief Executive is a member of the Senior Management team of the Access to Justice Directorate.

The Chief Executive provides information to the Lord Chief Justice and the Board as required and also provides information and advice required by the Department’s Permanent Secretary in connection with his overall responsibilities for the Department. The Chief Executive has direct access to the Permanent Secretary and the Minister on all delegated matters and is consulted before any proposals significantly affecting the work of the NICTS are put to the Minister by the Department.

The Chief Executive will consult with the Director of Access to Justice and the Department in respect of any NICTS policy initiatives, in advance of seeking Ministerial approval.

The Chief Executive is accountable, through the Director of Access to Justice, to the Permanent Secretary, for her personal performance.

2.6 Accounting Officer Responsibilities

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

The Chief Executive 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.
As provided for in the Accounting Officer designation letter the Chief Executive, as NICTS Accounting Officer, is accountable for the proper, effective, efficient and economic use of resources provided to the NICTS, for the regularity and propriety of its expenditure and for ensuring the requirements of Government Accounting Northern Ireland are met. As part of these duties, the Chief Executive will establish arrangements to ensure that funds allocated to the Office of the Lord Chief Justice are properly and efficiently managed. In discharging these responsibilities, the Chief Executive should follow any relevant guidance issued by the Department and put into effect any relevant recommendations of the Public Accounts Committee, other Assembly Committees and any other Parliamentary authority accepted by Government.

2.7 The Board

The Board oversees the work of the NICTS in delivering its aims and objectives.

The Board consists of:

- the Chief Executive (who chairs the Board),
- Head of Court Operations;
- Head of Tribunals and Enforcement;
- Head of Finance and Estates
- the Department’s representative;
- up to two independent members.

Four members of the Judiciary (‘the Judicial Representatives’) nominated by the Lord Chief Justice also attend Board meetings.

The Head of Business Support may attend as requested by the Chief Executive.

The Board members will work together to successfully fulfil the functions of the Board. The Board is responsible for NICTS business and corporate planning and reporting and the oversight of the functions of the NICTS. The Board’s specific functions in relation to finance, planning, performance and policy initiatives are
A summary of the Board’s functions is at Annex E and its Standing Orders at Annex F.

Each Board member is committed to ensuring that the Board has high quality, impartial and independent advice on all areas of its responsibilities. In performing its functions the Board shall not interfere with the independence of the Judiciary.

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

The Board has established an Audit and 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 Chief Executive may convene such meetings of the executive members of the Board as considered 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’s representative

The Department’s representative on the Board will be the Director of Access to Justice as nominated by the Permanent Secretary.

The Department’s representative is a non-executive member of the Board and keeps the 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 are nominated by the Lord Chief Justice. They attend the Board as the representatives of the Lord Chief Justice and the Judiciary and keep the 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 (except the Head of Business Support) are executive members of the Board.

2.11 Independent members

The independent members of the Board bring an independent perspective and expertise to the work of the Board. One of them is the Chair of the Audit and Risk Committee.

The appointment of independent members is based on a recommendation from a panel including the Chief Executive, 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 independent members will be paid their reasonable expenses along with any agreed fee which will be met by the NICTS. The appointment and remuneration of independent members is carried out in line with Department of Personnel and Finance guidance.

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 independent 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 The 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 on which it is asked to report by the Minister.
3 RELATIONSHIP WITH OTHER ORGANISATIONS

The 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

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

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

3.2 The Northern Ireland Judicial Appointments Commission

The Northern Ireland Judicial Appointments Commission (‘NIJAC’) is an NDPB (sponsored by the Office of the First Minister and Deputy First Minister) with certain responsibilities for judicial appointments.

The NICTS advises the Minister on judicial resource requirements and liaises with NIJAC on judicial recruitment schemes and in relation to terms and conditions of appointment.

3.3 The Northern Ireland Judicial Appointments Ombudsman

The Northern Ireland Judicial Appointments Ombudsman is responsible for investigating complaints of maladministration alleged by applicants for judicial appointment. The Ombudsman is appointed and sponsored by the Department and secretariat support is provided by the NICTS.

3.4 The Ministry of Justice

The Lord Chancellor is responsible for the determination of terms and conditions of appointment of a number of office holders (Lord Chief Justice, Lord Justice of Appeal, High Court Judge, Statutory Officers, Coroners and Social Security and Child Support Commissioners and members of the National Security Certificates
Appeal Tribunal). The NICTS liaises with the Ministry of Justice in relation to such determinations and supports their work with the Senior Salaries Review Body.

3.5 The Criminal Justice Board

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

3.6 The 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 Chief Executive represents the NICTS on the Group.

3.7 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.

3.8 The Children Order Advisory Committee

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

3.9 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 Northern Ireland Departments.
4 ACCOUNTABILITY

4.1 Assembly Committees

The Permanent Secretary is the Principal Officer of the Department for the purposes of Public Accounts Committee (‘PAC’) referrals, but delegates responsibility for reporting and replying on matters concerning the NICTS to the Chief Executive.

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

The Chief Executive and the Permanent Secretary or his delegate may be asked to appear before the PAC concerning their respective Accounting Officer responsibilities.

The Chief Executive may be asked to appear before the Committee for Justice of the Northern Ireland Assembly (‘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 Lord Chief Justice for the judiciary.

4.2 The Northern Ireland 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 (Northern Ireland) 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

Members of Parliament and of the Northern Ireland Assembly, Members of the European Parliament, other elected or public representatives and the general public are encouraged to deal directly with the Chief Executive or other officers in the NICTS on matters which are the responsibility of the NICTS.

The Minister is answerable to the Northern Ireland Assembly for all matters concerning the NICTS and will deal with questions of policy and enquiries from
Members of the Legislative Assembly (MLAs) and of Parliament and Members of the European Parliament (MEPs) who specifically seek a ministerial response.

The Minister may ask the Chief Executive to draft replies to Members of Parliament or of the Legislative Assembly who ask Parliamentary or Assembly Questions about matters delegated to the NICTS. The Minister's reply will be published in the Official Report. Other Assembly business, and enquiries on matters not delegated to the NICTS, will be dealt with by the Minister. The Chief Executive will advise the Minister on such matters as requested.

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, it will be sent to the Lord Chief Justice for consideration in accordance with the Code of Practice under section 16 of the Justice (Northern Ireland) 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 Limit (‘DEL’) and Annually Managed Expenditure (‘AME’). Decisions on allocations to the NICTS rest with the Department within the Executive’s agreed allocations and controls. The Chief Executive accounts for the NICTS expenditure and will consult and advise the Board through its Finance Committee on how the allocation will be spent.

5.1.1 Financial allocation to the NICTS

The Department makes the allocation to the NICTS in line with Ministerial priorities, taking into account the duty 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.

As part of the spending review process, the Chief Executive will submit proposals to the Department for the budget required to meet the projected resource and capital expenditure needs of the NICTS. Prior to submitting a proposal to the Department, the Chief Executive will consult the Lord Chief Justice.

The Chief Executive will keep the Board and the Lord Chief Justice apprised of the progress of discussions between the NICTS and the Department regarding the NICTS budget.

_The Minister will convey the proposed NICTS spending review allocation to the Lord Chief Justice so as to allow the Lord Chief Justice to consider the adequacy of the allocation for the purposes of the Department’s duty under section 68A of the Judicature (Northern Ireland) Act 1978._

If the Lord Chief Justice has any concerns about a proposed or actual allocation to the NICTS, he may make representations to the Minister so that these may be considered by the Minister and the Departmental Accounting Officer as part of the spending review allocations in advance of DOJ Board approval of budgets.
The Chief Executive accounts for the NICTS expenditure and will consult and advise the Board through its Finance Committee on how the allocation will be spent. A judicial representative will attend the Finance Committee meetings. The terms of reference for the Board’s Finance Committee are at Annex G.

5.1.2 **In-year adjustments**

The Chief Executive will present any in-year changes in the NICTS budget to the Board.

The Chief Executive will undertake to consult with the Lord Chief Justice in the event of any significant adjustments to the NICTS budget arising as a result of in year monitoring.

If the Chief Justice thinks necessary, he may draw any concerns to the attention of the Minister or the Departmental Accounting Officer.

5.1.3 **Financial and contractual delegations**

The NICTS is free to conduct its affairs within an approved business plan.

The delegated financial limits of the NICTS will be agreed in writing with the Department. The delegations and any changes to them will be reported to the Board by the Chief Executive. The delegated authorities of the NICTS are set out in a separate document.

In accordance with NIGEAE and other Department of Finance and Personnel (‘DFP’) guidance, the Chief Executive will ensure that appropriate appraisal of all projects is carried out, taking account of such guidance as the Department may issue from time to time. For projects above delegated limits, the NICTS will submit business cases to the Department, and, if appropriate, DFP for approval. Major capital expenditure decisions will be considered in the context of discussions leading to the approval of the business plan.

5.1.4 **Assets and investment**

The NICTS will retain, maintain and renew only the assets it needs for its business. The requirement for new assets will be determined by the planning process and approved by the Department and DFP if required. Appraisals for all
major investments will be undertaken in line with Departmental and DFP guidance.

**5.1.5 Intellectual property rights**

The intellectual property of the NICTS is vital to the delivery of its strategic objectives. Loss of intellectual property rights would undermine the ability of the NICTS to maintain the quality of its databases or invest for the future.

**5.1.6 Court and tribunal fees**

Court fees are set in accordance with section 116 of the Judicature (Northern Ireland) Act 1978. A number of tribunals may also charge fees.

**5.1.7 General accounting rules**

The NICTS is subject to the rules and policies laid down by DFP in Managing Public Money Northern Ireland (MPMNI), 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 (FRoM).

**5.2 Planning**

**5.2.1 Corporate and business plans**

The corporate and business planning requirements of the NICTS will be agreed with the Department.

The Department will assist the NICTS in its planning process by providing information on relevant policy developments.

During the business planning process, the Lord Chief Justice will notify the Chief Executive of any issues he would wish to be considered when developing the plan for the NICTS for the relevant period.

The Lord Chief Justice may write to the Minister representing the views of the judiciary regarding the proposed NICTS business plan.
The business plan will reflect the statutory duties and, within those duties, the priorities set from time to time by the Minister and will demonstrate how the NICTS contributes to the achievement of the Department’s PfG targets.

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

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;
- relevant PfG and NICTS performance standards against which the NICTS will measure its performance and achievements; and
- the operating assumptions (including available resources and shared services) and budget upon which the plan is based.

The business plan will be published on the NICTS website and copies will be available from the NICTS Central Management Team.

5.2.2 Approval

The Chief Executive will, after consultation with the Lord Chief Justice, submit the business plan to the Minister for approval each year. This aligns to Departmental corporate plans and is published on the NICTS website.

5.3 Annual Report and Accounts

After the end of each financial year the Chief Executive will submit an Annual Report and Accounts to be laid before the Northern Ireland Assembly. These Accounts will be prepared in accordance with the Accounts Direction issued by the DFP and will be subject to audit by the Comptroller and Auditor General. In accordance with Departmental and DFP guidance, the Accounts and Annual Report, which reviews the operations of the NICTS and provides information on future strategy, will show how it has performed against its targets, and will be published as a single document and laid before the Northern Ireland Assembly.
prior to the Summer Recess. The Annual Report will not present information the disclosure of which may be commercially prejudicial to the NICTS or its partners. The Chief Executive is required to provide relevant information to the principal Accounting Officer for the preparation of the Department's Resource Accounts.

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 Director of Access to Justice, the Department and other government departmental officials and the Judiciary on identifying any proposed measures which may impact upon the NICTS;
- the NICTS executive team puts proposals to the Board, together with information on the resources and the plans required to deliver the proposed measures;
- Once approved, the performance standards are included in the Annual Business Plan, which is sent to the Minister for approval;
- 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 Director of Access to Justice and the Department, may develop performance standards for the NICTS designed to meet its agreed aims and objectives.
5.4.3 Performance management

Reports on the performance of the NICTS are submitted to the Board. The Chief Executive draws to the attention of the Board any concerns she 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 the 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 by the Department

The Department develops policies and legislative proposals under the direction of the Minister. Those developing policy in the Department will consult with the NICTS regarding the development of policy proposals, in particular, the operational and financial impact of the policy proposal on the administration of the courts and tribunals, the EJO, the Parole Commissioners Secretariat or the Central Authority functions of the NICTS. The NICTS has no role in the approval of such policies.

The NICTS will comment on policy initiatives, in particular, providing the Department with an evaluation of the operational and financial impact on the courts, tribunals, the EJO and the Parole Commissioners Secretariat as appropriate. Where such proposals raise significant issues they will be reported to the Board by the Chief Executive. The NICTS will also ensure that the Office of the Lord Chief Justice (‘the OLCJ’) is advised of its response to the policy proposals.

The Department will consult separately with the OLCJ on its policies as appropriate. The OLCJ will ensure that the NICTS is advised of its response to such policy proposals.

In respect of any significant policy issues which may affect the administration of the courts and tribunals, the Department will consult with the Lord Chief Justice in advance of any public consultation on the proposals.

6.2 Policy development outside the Department

The Department will be the first point of contact for any policy and legislative proposals being developed by other government departments which may have an operational and financial impact on the courts, tribunals, EJO or the Parole Commissioners. Departments are encouraged to consult the Department at an early opportunity.

The Department will agree whether the matter is one with implications for its policies, in which case it will lead and will consult with the NICTS on the operational and financial impact of the policy proposal; or whether it is a practical issue where contact is best maintained directly between the NICTS and the
relevant Department, in which case the NICTS will ensure that the Department is advised of its response to the proposals. The NICTS will provide the Department with an evaluation of the operational and financial impact as appropriate.

Where such proposals raise significant issues they are be reported to the Board by the Chief Executive.

The Department will arrange for separate consultation with the Office of the Lord Chief Justice on any policy or legislative proposals referred to it by another Department which could have a material impact on the administration of the courts or the judiciary.

The Office of the Lord Chief Justice will ensure that the NICTS is advised of its response to such policy proposals.

The NICTS will work co-operatively and openly with all bodies, including other departments that have an interest in its work and with which the NICTS can engage to deliver an efficient and effective service that is accessible to, and valued by, its users.

6.3 Policy initiatives brought forward by the NICTS

In support of its strategic objectives, the NICTS may bring forward initiatives relating to the administration of the courts and tribunals, EJO, Parole Commissioners Secretariat or the delivery of the NICTS Central Authority functions.

In such cases, prior to seeking ministerial approval to either implement the proposals or to publicly consult on them, the NICTS will consult the Department.

Where such initiatives raise significant issues for the NICTS they will be reported to the Board by the Chief Executive.

The NICTS will also seek the views of the Lord Chief Justice on such initiatives as appropriate. In respect of any significant issues which may affect the administration of the courts and tribunals, the NICTS will consult with the Lord Chief Justice in advance of any public consultation on the proposals.
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 Audit and Risk Committee, in consultation with the Chief Executive is responsible for commissioning the Department's internal audit services to ensure proper and efficient management of the affairs of the NICTS to discharge her responsibilities as Accounting Officer.

The NICTS internal audit arrangements will conform to the Government Internal Audit Standards as adopted and issued in Northern Ireland by DFP.

All final internal audit reports will be copied to the sponsor division in the Department and the Department’s Head of Internal Audit on issue.

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 and Risk Committee is a committee of the Board appointed by the Board according to standards and best practice to support the Chief Executive as Agency Accounting Officer in relation to issues of risk, control and governance. The Audit and Risk Committee is chaired by a non-executive Board member.

A senior Accountant of another Agency shall be nominated as a member of the Audit and Risk Committee and the Departmental representative shall attend the Audit and Risk Committee meetings as an observer.

The terms of reference of the Audit and Risk Committee are attached at Annex H.

7.3 External audit

The Comptroller and Auditor General for Northern Ireland audits the NICTS expenditure and income, examines its regularity and propriety and certifies and reports on its 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 Chief Executive, 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 activities of the NICTS. All external audit reports must be issued to the sponsor division in the Department and the Department’s Head of Internal Audit as soon as possible.

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 Chief Executive 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 Chief Executive.

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.

7.5 Programme and project management

Programmes and projects taken forward by the NICTS as part of the corporate plan and business plans will be managed within appropriate Northern Ireland Civil Service (‘NICS’) guidance. All programmes and projects will be considered for Gateway Reviews. The NICTS will undertake post-implementation reviews to determine whether programmes and projects have achieved their objectives.

7.6 Enhanced service delivery

The Chief Executive is responsible for delivering better quality services cost effectively. The Chief Executive will arrange for services and activities of the NICTS to be reviewed, as necessary and appropriate, to decide how best to improve value for money.

7.7 Information technology

The Chief Executive is responsible and holds the budget for the provision of the NICTS line of business Information Technology services. NICTS IT Strategy will be compatible with the Department’s IT Strategy and agreed between NICTS and
Departmental officials. However, line of business applications may be delivered by the NICoTS, subject to the approval of the Department, DFP if appropriate and the ICT Shared Services Centre.

7.8 Reviewing the NICoTS

The Chief Executive is responsible for keeping under review the structures, staffing levels, business processes and other specialist services for the NICoTS in accordance with the agreed procedures under which such delegated authority is operated.
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 headquarters of the NICTS is located at Laganside House in Central Belfast.

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

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

The 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 with the Lord Chief Justice (as head of the Judiciary and President of the Courts in Northern Ireland) and having taken into account advice from the Board. New accommodation and the disposal of existing accommodation require DFP approval.

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 managers in the NICTS in the formulation and delivery of Human Resource (‘HR’) policy.

The Department consults the Chief Executive, 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

Staff in the NICTS 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.
Staff of the NICTS who are working in the Office of the Lord Chief Justice (‘OLCJ’) carry out their functions and responsibilities in accordance with the directions of the Lord Chief Justice. Decisions regarding the staffing complement of the OLCJ will be made in the context of the overall staffing requirements of the NICTS. Decisions regarding the assignment of staff to the OLCJ will be made following consultation with the Lord Chief Justice. An organisational chart for the OLCJ is shown at Annex I.

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

9.4 Staffing levels

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

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

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

9.5 Recruitment

The Chief Executive’s post is a Senior Civil Service appointment.

Corporate HR in DFP is responsible for the management of Senior Civil Service (SCS) posts in the NICS. Any matter relating to a post at SCS level in NICTS, including the filling of any such post, will be for the sponsor division to take forward with the Permanent Secretary and DOJ HR, who will consult Corporate HR in DFP.

Executive Heads of Division are appointed through open competition or on transfer from the Department or any other Northern Ireland Department.

Appointment of independent Board members will be in accordance with Chapter 2.11.

Other staff will be recruited through normal NICS procedures.
9.6 **Conduct, discipline and efficiency**

The Chief Executive 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 Chief Executive 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 Chief Executive is responsible for the assignment or transfer of all staff within the NICTS. 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 Chief Executive is responsible for fostering good industrial relations as an important aid to the achievement of the objectives of the NICTS, through the process of consultation and negotiation with NIPSA representatives and effective communication with all staff. A 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 NICTS. 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 NICTS operates the performance appraisal system currently in use by the rest of the Department.

9.11 Working patterns
The Chief Executive may develop new working arrangements to suit the needs of the NICTS.

9.12 Training and career development
The Chief Executive is responsible for ensuring the availability of training and development opportunities for staff within the NICTS 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. The 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 (Northern Ireland) Order 1978 and all other Health and Safety legislation. The NICTS will consult with staff and their recognised trade union representatives on health and safety matters.
10 THE FRAMEWORK DOCUMENT

10.1 Review

The Minister, the Department and/or the NICOTS may at any time propose changes to this framework in the light of operational experience within the NICOTS or any change of circumstances.

Where the Chief Executive sees the need for flexibility in relation to the NICOTS arrangements with the Department as outlined in this framework, the Department will consider proposals accompanied by an appropriate business case. Any changes will be subject to consultation with staff and their recognised trade union representatives and to approval by the Minister and DFP.

10.2 Publication

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

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

MAP OF COURT DIVISIONS AND VENUES
NORTHERN IRELAND TRIBUNALS

Tribunals administered by the NICTS

Care Tribunal
Charity Tribunal
Health and Safety Tribunal
Criminal Injuries Compensation Appeals Panel for Northern Ireland
Lands Tribunal
Mental Health Review Tribunal
Northern Ireland Valuation Tribunal
Pensions Appeal Tribunal

[Rent Assessment Panel (this tribunal remains the statutory responsibility of DSD until transfer)]

Social Security Commissioners and Child Support Commissioners

Special Education Needs and Disability Tribunal

[The Appeals Tribunal (this tribunal remains the statutory responsibility of DSD until transfer)]

Traffic Penalties Tribunal

The Health and Personal Social Services Disqualification Tribunal
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 12 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 1978\(^1\); “the 2002 Act” means the Justice (Northern Ireland) Act 2002\(^2\); “the 2004 Act” means the Justice (Northern Ireland) Act 2004\(^3\); “the 2005 Act” means the Constitutional Reform Act 2005\(^4\); and “the 2009 Act” means the Northern Ireland Act 2009\(^5\).

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.

\(^1\) 1978 c.23.
\(^3\) 2004 c.4.
\(^4\) 2005 c.4.
\(^5\) 2009 c.3.
Safeguarding Independence

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.

<table>
<thead>
<tr>
<th>Secretary of state</th>
<th>First Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td>HM Government</td>
<td>Northern Ireland Executive</td>
</tr>
<tr>
<td>Lord Chancellor</td>
<td>deputy First Minister</td>
</tr>
<tr>
<td></td>
<td>Northern Ireland Executive</td>
</tr>
</tbody>
</table>
BOARD FUNCTIONS

Oversee the work of the NICTS (paragraph 2.7).

Provide independent advice on all areas of NICTS responsibilities (paragraph 2.7).

Approve draft corporate plans for submission to the Minister and Department (paragraphs 2.7 and 5.2.1).

Oversee business planning, corporate planning and reporting (paragraphs 2.7, 5.2.1 and 5.2.2).

Approve bids for resources and develop budget and supporting plans (paragraphs 5.1.1 and 5.2).

Approve the allocation of the NICTS budget including any necessary in year changes (paragraphs 5.1.1 and 5.1.2).

Setting and monitoring the delivery of strategic objectives and performance standards (paragraphs 5.4.).

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

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

Consider significant issues reported to it by the Chief Executive, raised by the PAC, Justice or other Assembly Committees, MLAs, Chief Inspector of Criminal Justice, Minister and Department and monitor progress on addressing such significant issues (paragraphs 4.1, 4.2 and 4.3).

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 the NICTS (paragraph 6.1).
Approve Annual financial statements for the NICTS and for the court funds office (paragraphs 2.7 and 5.3).

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

Ensure planning, performance and financial management of the NICTS is carried out efficiently and effectively (paragraphs 2.6, 5.4, 7.1 and 7.2).

Work with the Minister, Department, Judiciary and other relevant organisations within the aims and objectives agreed by the Minister (paragraph 5.2.1).

Establish Committees to assist it to carry out its functions and consider reports from such committees at its scheduled meetings (paragraphs 1.2-1.5 and 2.7).

Consider reports from the Audit and Risk Committee and report annually to the Department on its audit and risk assurance programmes (paragraph 7.2).

Meet the Minister at least once per year (paragraph 5.4.3).

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

Receive reports from Finance Committee on expenditure of allocation (paragraphs 2.7 and 5.3).

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

1. The Board will meet at least 4 times a year. The Chief Executive 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 six.

3. In the absence of the Chief Executive from a meeting, the most senior (by appointment) executive member present from the NICTS 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. Where practicable, each member will be notified in writing of the date of all meetings at least 3 weeks in advance. Papers will normally be distributed at least 5 working days in advance.
9. Each member wishing to put forward matters 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.

Miscellaneous

19. The Chair’s ruling on the interpretation of Standing Orders shall be final.

20. 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.
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 oversight and budget control.

1.2 The Finance Committee comprises:

- Chief Executive (Chair)
- Head of Finance and Estates
- Head of Court Operations
- Head of Tribunals and Enforcement Operations
- an independent Board member
- a Judicial Representative.

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 Head of Finance and Estates on the implementation of the approved annual Expenditure Budget;
- keep expenditure under review and make recommendations to the Board;
- consider and recommend the Annual Accounts to the Board for approval;
• consider and recommend the Annual Accounts for Court Funds to the Board for approval;

• monitor progress on finance projects; and

• perform such other functions as the Board may assign to the Finance Committee from time to time.
MEMBERSHIP AND TERMS OF REFERENCE FOR AUDIT AND RISK COMMITTEE

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

1.2 The 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 Agency 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 assurance.

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

1.4 The Chair of the Committee will report annually in writing to the Board on the work of the Committee in discharging its responsibilities.

1.5 The Committee will primarily consider matters within the NICTS. However the Committee will ensure that the inter-relationships between it and the Department’s Audit and Risk Committee are documented and agreed, particularly where assurance is provided on matters which properly support the Department’s Statement on Internal Control.

2 Membership

2.1 Membership of the Committee consists of:

- Chair (Non-executive member of the Agency Board);
- Judicial Representative; and
- Independent Member.
The appointment of independent external members 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. At least one member of the Committee should have recent and relevant financial experience.

2.3 The Head of Finance and Estates will attend meetings of the Committee. The Chief Executive (Agency Accounting officer) will normally be expected to attend the annual Audit Committee meeting at which the draft accounts SIC and associated NIAO report to those charged with governance are discussed.

2.4 The role of the Chair will be to ensure that the work of the Committee is conducted effectively and efficiently, that the committee has access to the resources that 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 may 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 the Chair decides to take to mitigate the conflict of interest.

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

2.7 The Committee may request approval from the Board to:

- 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.

2.8 The Committee will be provided with secretariat functions by Risk and Assurance Branch and the Governance Unit.

3 Reporting
3.1 The Chair will act as a direct link between the Committee and the Board and will provide a written briefing to the Accounting Officer and the Board following each meeting. Additionally, the Chairman will provide the Accounting Officer and the Board with an Annual Report of the Committees’ activities at the end of each financial year to support finalisation of the accounts and the Statement on Internal Control, summarising the Committees’ conclusions from the work it has done during the year.

3.2 The Committee secretary will circulate the minutes of all Committee meetings to the members of the Committee; members of the Board and the Northern Ireland Audit Office (‘NIAO’) as appropriate.

Roles and Responsibilities

4 Responsibilities

4.1 The Committee will advise and support the Board and Accounting Officer. In doing so it will review the provisions of all assurances provided and constructively challenge and test assurance providers on whether or not the scope of their activity fully meets the assurance need, and that the assurances are founded on sufficient reliable evidence and that the conclusions are reasonable in the context of the evidence provided.

4.2 The Committee will report on:

- the strategic processes for risk, control and governance and the Statement on Internal Control;

- oversight and assurance over the management processes for risk, including top threat identification and assessment, risk assurance policy, prioritisation of action, top threat ownership, review, reporting and escalation processes. Responsibility for effective risk identification and control activity remains with the Board and managers at all levels;

- corporate governance within the NICTS, drawing on the Head of Risk and Assurance’s Annual Assurance Report and other reviews that support the Accounting Officer’s annual statement on internal financial control. Consideration shall be given to the development and implementation of the processes underpinning the Accounting Officer’s Statement on Internal Control;
review, and challenge where necessary, the actions and judgements of management, in relation to the NICOTS financial statements and management’s letter of representation to the NIAO before submission to, and approval by, the Board, and before clearance by the Comptroller and Auditor General for Northern Ireland. Particular attention will be paid to:

- critical accounting policies and practices, and any changes in them;
- financial reporting decisions requiring a significant element of judgement; the extent to which the financial statements are affected by any unusual transactions in the year and how they are disclosed;
- the clarity of disclosures;
- significant adjustments resulting from the audit;
- compliance with any accounting standards specified by DFP;
- The Head of Risk and Assurance’s Annual Assurance Report;
- compliance with other legal requirements;

the planned activity and results of internal audit;

- review and monitor the adequacy of the annual internal audit programme and ensure that the internal audit function is adequately resourced and has appropriate standing within the NICOTS;
- ensure that internal audit has due regard for value for money in its audits;
- ensure that the Head of Risk and Assurance has direct access to the Audit and Risk Committee Chair and is accountable to the Accounting Officer;
- receive a report on the results of internal audits work on a periodic basis;
- review and monitor management’s responsiveness to internal audit findings and recommendations;
- monitor and assess the role and effectiveness of the internal audit functions;
- make recommendations to the Board for the appointment or termination of the Head of Risk and Assurance.

- The Audit Committee will, in relation to the work carried out by the NIAO:
  - oversee the NICTS relations with the NIAO;
  - discuss with the NIAO before the audit commences, the nature and scope of the audit, including the nature of Value for Money auditing;
  - review with the NIAO the findings of their work, including any major issues that arose during the course of the audit which have subsequently been resolved and those issues that have been left unresolved; key accounting and audit assumptions underlying the audit; levels of errors identified during the audit, obtaining explanations from management as to why certain errors might remain unadjusted;
  - review the audit representation letters before consideration by the Board, giving particular consideration to matters that relate to non-standard issues;
  - assess, at the end of the audit cycle, the level of assurance provided to the Board by the audit process;
  - review and monitor the content of the external auditor’s report to those charged with governance, in order to assess whether it is based on a good understanding of the NICTS role and establish whether recommendations have been acted upon and, if not, the reasons why they have not been acted upon;
  - evaluate the cooperation received by the NIAO including access to records, data and information;
  - obtain feedback about the conduct of the audit from key personnel involved.
  - Meet privately with the NIAO Director at least once per year.

- Review anti-fraud policies, whistle-blowing processes, and arrangements for special investigations;
• Awareness of external impacts on NICTS control environment to include auditing and accounting standards, Government and Parliament, the European Union and other stakeholders.

4.3 The Committee will also periodically review its own effectiveness and report the results of that review to the Board. At the beginning of each year the Committee shall prepare a set of key performance indicators and measures for the forthcoming year. At the end of each year the Committee shall prepare a report on their role and responsibilities and the actions it has taken to discharge those responsibilities for inclusion in the annual report. Such a report should specifically include:

• a summary of the role of the audit committee;

• its performance against key performance indicators set for the year;

• the names all members of the committee during the period;

• the number of committee meetings and attendance by each member; and

• the way the committee has discharged its responsibilities.

4.4 The committee shall annually review their terms of reference and their recommend any necessary changes to the Board.

Ways of working

5 Access

5.1 The Head of Risk and Assurance and the representative of the NIAO will have free and confidential access to the Chair of the Committee.

6 Meetings

6.1 The Committee will meet at least four times a year. The Chair of the Committee may convene additional meetings, as is deemed necessary. The Committee will meet at least once per year with the Head of Risk and Assurance and without officials present. It will also meet at least once per year with the NIAO and without officials present. The Committee will also meet at least once per year to consider risk without officials present. The Committee will meet with the Accounting Officer
at least once per year or more often to be decided by the Chair or at the request of the Accounting Officer.

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

6.3 The Committee meetings will normally be attended by the Head of Risk and Assurance, the Head of Finance and Estates and representatives of the NIAO. The Risk Coordinator will attend the section of the meeting dealing with risk.

6.4 The Committee may ask any NICeTS officials to attend to assist it with its discussions on any particular matter.

6.5 The 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 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 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 and 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
- an update from the NIAO representatives 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 NICHTS Risk Assurance Policy;
- the Head of Risk and Assurance’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;
- NIAO’s report to those charged with governance; and
- a report on co-operation between Risk and Assurance Branch and the NIAO.

7.3 Copies of Risk Assurance reports, Internal Audit assignment reports, and significant management reports may be provided to the Committee upon request.
*2 Grade 7 Lawyers seconded to the Coroners Service