

DÁIL ÉIREANN

AN COMHCHOISTE UM DHLÍ AGUS CEART

JOINT COMMITTEE ON JUSTICE

Dé Máirt, 28 Meán Fómhair 2021

Tuesday, 28 September 2021

Tháinig an Comhchoiste le chéile ag 3.30 p.m.

The Joint Committee met at 3.30 p.m.

Comhaltaí a bhí i láthair/Members present:

Teachtaí Dála/Deputies	Seanadóirí/Senators
Jennifer Carroll MacNeill,	Robbie Gallagher,
Patrick Costello,	Lynn Ruane.
Michael Creed,	
Pa Daly,	
Brendan Howlin,	
Martin Kenny,	
Thomas Pringle,	
Niamh Smyth.	

Teachta/Deputy James Lawless sa Chathaoir/in the Chair.

Courts and Courthouses: Discussion

Chairman: This is the first time since the onset of the pandemic that we have had a physical quorum, which is something I welcome. It is great to see faces around the table again and not to be here on my own as was the case during the dark times of the past few months.

I want to check the sound and acoustics. We previously had a hybrid meeting and there was some delay with sound. I take it that everything is working. Very good.

I have received apologies. Senators Ward and Smyth have been in touch to say that they hope to be present at some point but may be delayed. They hope to make the latter part of the meeting. The position with Deputy Costello is similar. I note, however, that the Deputy is on the call. I take it the issue of Western Sahara did not detain him longer than necessary.

Deputy Patrick Costello: No, but I may have to leave to attend a meeting of the Joint Committee on Children, Equality, Disability, Integration and Youth.

Chairman: Very good.

I remind members and witnesses, as usual, to turn off their mobile phones or to switch them to flight mode. It is not that the sound necessarily carries but it can interfere with the recording and broadcast at times.

The purpose of this meeting is to have an engagement with a number of stakeholders, all of whom had made written submissions to assist the committee in its consideration of courts and courthouses. All witnesses are appearing virtually before the committee from locations outside the Leinster House precincts. I can see our guests logging on and coming up on screen. They are all very welcome. I wish to formally welcome to the meeting Mr. Darren Lehane SC, and Ms Mema Byrne, barrister at law, as representatives of the Council of the Bar of Ireland; Mr. Kieran Kenny, chairperson, and Ms Dympna Kenny, general manager, from Victim Support at Court; Dr. Aideen Hartney, director and Ms Susan Kennefick, senior policy and public affairs adviser from the National Disability Authority; Ms Angela Denning, CEO, and Mr. John Cleere, assistant secretary, from the Courts Service; Ms Nicola Matthews, senior architect, from the Department of Housing, Local Government and Heritage; and finally, Mr. Gerry McDonagh from the Department of Justice, who is joining in an observer capacity today, in accordance with the Standing Order we agreed to at the last meeting.

I welcome all the witnesses. I must declare an interest or connection to one of the witnesses, namely, Mr. Darren Lehane SC, who had not so much the privilege but the dubious distinction of being my master when I trained at the Bar. I am therefore well acquainted with him. Any gaps in my knowledge are entirely my own and certainly are not the fault of the tutor but rather, are of the pupil. I wish to acknowledge that and to thank him for his assistance throughout same.

I ask the witnesses to unmute their devices when they are contributing and to mute them when they are not to minimise interference and manage the sound. Can all the witnesses hear me? Yes; good. I also ask witnesses to be aware that mobile phone signals can interfere with the sound system, even if the phones are not making noise.

The following should be noted in relation to parliamentary privilege. All witnesses are reminded of the long-standing parliamentary practice to the effect that they should not criticise

or make charges against a person or entity by name or in such a manner as to make him, her or it identifiable, or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity. Therefore, if their statements are potentially defamatory in regard to an identifiable person or entity, they will be directed to discontinue their remarks. It is imperative that they comply with any such direction. For witnesses, in particular those attending remotely from a place outside of the Leinster House campus, they should be aware there are some additional limitations to parliamentary privilege and, as such, they may not benefit from the same level of immunity from legal proceedings as a witness who is physically present in the complex. I do not think any witnesses are participating from a jurisdiction outside the State today. Members are similarly advised of the same procedure as regards privilege. We are meeting in a hybrid mode today, with some members and witnesses attending remotely and others attending in person. Unfortunately, members who are not physically present within the confines of the Leinster House complex will not be able to participate. They can observe but cannot speak at the meeting because they do not satisfy the constitutional requirements to benefit from parliamentary privilege of being present on the Leinster House campus.

Finally, I remind members that the discussion today has a particular agenda, theme and tone. I therefore ask members and indeed witnesses to adhere to that as much as is practical and possible throughout the discussion because time is somewhat limited, although we do have two hours for our deliberations. The provisions on Standing Orders in relation to matters which may be *sub judice* place an onus on members to avoid comment on any matters which may be subject to proceedings, live or otherwise. We will not stray into any matters that are the subject of current litigation in the course of the meeting.

The format of the meeting is that each organisation will be granted five minutes to make an opening statement. That can be shared between witnesses or one representative can speak on behalf of each organisation. We have a rota system in place on the committee. Each member is allocated seven minutes for the first round, including both the questions and responses. It is up to the members as to how they use their time during the engagement, whether it is a seven-minute monologue or a rat-a-tat seven minutes full of questions and answers. I will move on after seven minutes has been allotted to each member. If there is time at the end, there will be a second round of five minutes per member for secondary supplementary questions.

I will call on the witnesses in the following order, namely, Ms Byrne of the Bar of Ireland, Ms Kenny of Victims Support at Court, Dr. Hartney of the National Disability Authority and finally, Ms Denning of the Courts Service. Each witness has five minutes to make their opening remarks. I invite Ms Byrne to present to the committee.

Ms Mema Byrne: The Council of the Bar of Ireland welcomes the opportunity to address members of the Oireachtas Joint Committee on Justice in relation to the topic of courts and courthouses. Committee members have already received our written submission. Therefore, I intend to briefly summarise some of the salient points made in our submission.

The council considers that there are two broad issues to be addressed. First, the physical infrastructure of courthouses and second, the requisite IT upgrades required to facilitate remote and hybrid hearings. Notwithstanding significant improvements to many courthouses in recent decades, it remains the position that all those who use courthouses, and in particular, litigants, are faced with wholly unsuitable and inconsistent court facilities, where in some instances even basic needs are not met. A lack of adequate consultation rooms and of separate waiting areas in court venues have a direct impact on the manner in which proceedings are conducted. The lack of appropriate facilities significantly increases stress and anxiety, which can result in volatility

and, on occasion, violence in the course of litigation. A modern and efficient courts infrastructure will undoubtedly improve the experience of court users and the management of litigation. The council supports the Courts Service in its endeavours to bring new technology and modern ways of working to the administration of justice in order that it operates to the highest standard for everyone, from vulnerable court users, witnesses and litigants to judges and legal professionals.

Much work was done to ensure the safety of all court users during the pandemic. While the introduction of remote hearings has greatly assisted stakeholders, there are significant aspects of litigation that are negatively impacted by remote hearings rather than in-person hearings. It is the council's view that in-person hearings are essential for the majority of cases. It is imperative that the physical infrastructure is not overlooked or neglected due to the reduced number of in-person hearings due to the pandemic. It must be considered that not every person involved in litigation owns the technology or has access to appropriate facilities or has the capability, due to vulnerability or otherwise, to conduct a remote hearing. Access to local courts must be facilitated in a manner which can meet the reasonable needs of all citizens. Our written submission sets out further detail on some of our concerns regarding the physical infrastructure of courthouses. We do not intend to address each and every one of those issues in this opening statement but rather note that they include ascertaining whether there are sufficient number of courthouses in a given district or circuit, which requires an analysis of the geographical location of courthouses; ensuring that every courthouse has adequate facilities for users, including bathroom facilities and consultation rooms; ensuring that the provision of supports and facilities extend to all users of the court, including those with a disability; and ensuring that acoustics generally are central to any courtroom adaption or redesign in order that all parties to proceedings can be adequately heard. While physical access to courthouses and to hearings is imperative, it is likely that some form of remote hearings will continue in the future. As a result, consideration must be given to how those who have no access to or can least afford the technology required to participate in a remote hearing can be facilitated.

All courts should have adequate broadband and Wi-Fi to support remote hearings together with hearing rooms or pods so that participants with inadequate facilities of their own may use such a room or pod to participate in the hearing. At present, not all courthouses have adequate broadband. This matter urgently requires action. There is a lack of facilities in courthouses at present to allow persons with no personal devices and-or physical space to participate in remote hearings. This matter requires urgent action as it may deny litigants and accused persons their right to effectively participate in proceedings.

Those who are accessing a court remotely require the ability to hear and see anyone that may not be in a position to participate remotely and who may be addressing the court. This will require a significant upgrade in technology for many courthouses, which at present do not have such technology. Our written submission contains more detail on the technology required at appendix 1.

There needs to be a more streamlined approach to ensuring e-briefs are before the court. Many courts are not equipped to hear remote applications and-or remote evidence. Investment in screens and other such equipment is important as they would be used beyond the pandemic for the presentation of paperless evidence. It is the council's view that there should be uniformity across the country in respect of the facilities to conduct remote hearings. Mr. Lehane and I are happy to address any questions that members of the committee may have arising from our submissions.

Chairman: I thank Ms Byrne. I am sure that members will have plenty of questions as we move forward. I call Ms Kenny from Victim Support at Court.

Ms Dympna Kenny: Victim Support at Court, V-SAC, would like to thank the committee for the opportunity to participate. In the statement I am about to deliver, we summarise the key items recommended to the committee regarding courts and courthouses. These are outlined in more detail in our written submission.

V-SAC is the only voluntary service in Ireland that specialises in court accompaniment for victims of all types of crime. Our service currently operates in the Dublin, eastern and south-eastern courts. V-SAC has an agreed strategy, which includes expanding its service nationwide over the next two to three years. It is V-SAC's mission to provide a safe and supportive environment for victims of all types of crime, their families and prosecution witnesses when they attend court.

V-SAC acknowledges the great work being undertaken by the Courts Service in managing and maintaining the court buildings and the facilities within them. Our recommendations are based on our staff and volunteers' experience working within the criminal courts where our service operates. The facilities in the Criminal Courts of Justice, Parkgate Street, Dublin, are of a high standard and should be used as the benchmark for all courts within the State when considering any renovations or updating of facilities for victims of crime and-or those involved in criminal proceedings. This means no matter what court a criminal case is due to be heard in, all involved in those proceedings are afforded the same level of service and standard of facilities when attending court.

To address the backlog of court cases, V-SAC recommends the following actions. The first is to review the court legal terms and give consideration for staggering court closures, particularly during August and September. The second is to review the sittings for Circuit Courts in the regional courts as some only sit for a number of weeks during the court term. The third is to consider facilitating more Central Criminal Court trials in the regional courts, which would alleviate some of the pressure in the Criminal Courts of Justice. The fourth is to consider non-court venues to hold proceedings, for example, Croke Park, or other suitable venues.

Some positive changes have been introduced because of the restrictions imposed to prevent the spread of Covid-19. For example, the staggering of court lists throughout the day should continue when restrictions are lifted. This would reduce the numbers of people attending at any one time and reduce the waiting times for all involved in the proceedings, especially the victims, as waiting around in the courthouse can add to anxiety levels. V-SAC welcomes the increase in the use of technology within the courts, particularly for remote participation. Where possible, this process could be used more extensively if courthouses are equipped to facilitate that. V-SAC holds the view that every victim should be entitled to access our accompaniment service, regardless of what part of the country they live in. We would be happy to discuss any of the recommendations set out in our submission.

Chairman: I thank Ms Kenny. I call Dr. Hartney from the National Disability Authority.

Dr. Aideen Hartney: The National Disability Authority, NDA, would like to thank the Chair and the members of the Joint Committee on Justice for the opportunity to present here today. The NDA was established in 2000 to provide independent and evidence-informed advice to the Minister on policy and practice relevant to the lives of persons with disabilities, and to operate a centre for excellence in universal design. Universal design promotes the design

of the built environment, products, services and ICT, so that they can be accessed, understood and used by everyone, regardless of age, size, ability or disability. Our work includes research, advice, guidelines, codes of practice, and input to standards, and is also informed by the experiences and views of persons with disabilities.

Ireland ratified the UN Convention on the Rights of Persons with Disabilities, UNCRPD, in 2018. Many of the convention's articles are relevant to the remit of the Joint Committee on Justice, most notably Article 13, which obliges states parties to ensure effective access to justice for persons with disabilities on an equal basis with all others. Other relevant articles include Article 5 on equality and non-discrimination, Article 9 on accessibility, and Article 12 on equal recognition before the law.

Article 4(3) obliges states parties to closely consult with and actively involve persons with disabilities in the development and implementation of legislation and policy relevant to the convention. The NDA advises that this Joint Committee might consider to how it could engage with the voice and lived experience of persons with disabilities in its work, including through disabled persons organisations.

The National Disability Inclusion Strategy 2017-2022, or NDIS, is the whole-of-Government approach to improving the lives of persons with disabilities, and is also the current vehicle for progressive realisation of the UNCRPD. Our written submission outlines several NDIS actions that are relevant to the work of this committee, including Action 18B which obliges the Department of Justice and agencies to ensure all initiatives relevant to access to justice incorporate the needs of persons with disabilities.

Previous research points to the over-representation of persons with disabilities interacting with the Irish justice system, as both victims and perpetrators of crime. However, the collection of data is fragmented and does not fully capture the reality of persons with disabilities engaging in court proceedings, or the wider justice system. We urge agencies to put in place a co-ordinated approach to collecting, disaggregating and sharing data, in order to inform future policymaking, in line with UNCRPD Article 31.

Realising the goals of the convention will require implementation of accommodations across the system that enable persons with disabilities to have access to justice on an equal basis with others. Some of these accommodations will concern procedural matters within the justice journey and others will concern matters related to physical accessibility. One of the key areas where procedural accommodations can be made is in upholding the rights of victims of crime to understand and to be understood in the context of criminal proceedings. This includes provision for the use of an intermediary to facilitate communication with the individual giving evidence. In an independent advice paper from 2020, the NDA set out how a standardised and regulated system could be put in place to support the provision of intermediaries to all persons with communications difficulties. Many have disabilities from the earliest moment of engagement with the justice system, often in a Garda station, and onwards to court, as required. The NDA is pleased to be contributing to the work being done by the Department of Justice to establish a pilot scheme of trained and accredited intermediaries.

The Irish Sign Language Act 2017 obliges courts to do all that is reasonable to ensure that a person who chooses to communicate in Irish Sign Language, ISL, during court proceedings is accommodated to do so. A report that we recently submitted concerning the operation of the Act found that, for the most part, criminal courts do provide ISL interpretation as needed, although improvements in the knowledge and awareness of the Judiciary would support more

robust provision. Civil courts, however, showed less preparation in respect of the commencement of the Act. We look forward to the forthcoming amendment to section 7 of the Juries Act 1976 to ensure that deaf persons who need the services of a sign language interpreter will be able to undertake jury duty. We also welcome the landmark inclusion of Patricia Heffernan as the first deaf member of a jury in September 2020.

Existing legislation and strategies oblige all public bodies to ensure that their buildings, including courthouses, are physically accessible to all persons, including persons with disabilities. Section 25 of the Disability Act 2005 requires public buildings to be compliant with Part M of the building regulations of 2010 by 1 January 2022. These obligations extend to relevant courthouses. Our review of this section of the Act in 2019, conducted with the Office of Public Works, OPW, highlighted poor awareness of these obligations across the public sector. More modern courthouses are often more accessible-----

Chairman: I am sorry to cut off Dr. Hartney's flow, but I am conscious that we must move on with the meeting because of our tight timeline. Dr. Hartney may wish to finish that last sentence, and then we will move on to the next speaker.

Dr. Aideen Hartney: That is fine. We welcome the ongoing modernisation work being undertaken by the Courts Service and we look forward to it being extended more widely across the sector.

Chairman: I thank Dr. Hartney for her contribution and I apologise for having to interrupt her. It is because we have a tight timeframe and we must keep each speaking slot to a designated length. However, there will be more opportunities to contribute during the meeting. I call Ms Angela Denning.

Ms Angela Denning: I thank the Chair and the members of the committee for the invitation. The Courts Service is responsible for the management and administration of the courts in Ireland. The Courts Service has a unique role supporting the third branch of Government. I report to a board, chaired by the Chief Justice, that is responsible for the determination of policy and for oversight of the implementation of that policy by me and my management team. The Courts Service was established 21 years ago. We inherited more than 240 court venues, many of which had fallen into serious disrepair. The functions of the board of the Courts Service include the designation of court venues. The Courts Services' building committee, which is a subcommittee of the board, has responsibility for the preparation and development of capital building and maintenance programmes and for establishing priorities in respect of the implementation of those programmes.

Our estate now comprises 103 courthouse venues, with 251 courtrooms. Since its establishment, the Courts Service has invested more than €500 million in courthouse buildings. The maintenance of court premises is generally provided by the OPW on a reactive basis, but funded by the Courts Service. Regular and planned maintenance of courthouse buildings on the scale required to keep the buildings in a good state of repair has not always been possible when limited funding was available. A survey of conditions in 60 venues was done in 2019 and 2020 and found that 83% of the buildings that were inspected are protected structures, with an average time since being built of 162 years. These findings set some of the context for our challenge.

While we always have ambitions to provide enhanced services, there is a limit to what can be achieved with the available resources and what constitutes value for money for the Exchequer. For instance, many of our District Court venues are only used once or twice a month be-

cause the court business of the districts does not require more sittings than currently provided. The locations of courthouses are, in the main, legacy decisions associated with historical factors. While these venues are extremely valuable to their locality, having these court buildings sitting idle for most of the year is not a good use of public resources. Outside Dublin, there is generally no issue with the sufficiency of courtrooms. In Dublin, in the short term, courtroom capacity will be a challenge that we expect will be alleviated by the development of a new and dedicated family law centre at Hammond Lane.

Work remains to be done in some of our older stock of buildings to facilitate access to services for physically disabled people. The question to be considered in retrofitting these venues is whether the usage of the building justifies the investment. Increased use of technology and remote court sittings during the Covid-19 pandemic has eased some of the challenges associated with travel to court buildings for vulnerable users, including those with physical disabilities. It is the policy and practice of the Courts Service that all newly-constructed and refurbished buildings should be fully accessible, provide for the needs of vulnerable witness and have dedicated victim support rooms. This includes heritage buildings, which otherwise may be exempt in some respects. The Courts Service values the historic significance of the many heritage buildings which it occupies nationwide. Where facilities require improvement, it has always been the preference of the Courts Service to refurbish and to extend an existing courthouse so that it can remain in court use in the future. Due to site or building constraints, however, it is not always possible to provide the full range of facilities on an existing site. In such cases, it is the policy of the Courts Service to hand over the building concerned to the local authority for alternative community use.

One of the pillars of reform in our modernisation programme is the provision of a modern estate and facilities, along with a rationalised estate, concentrating court sittings in fewer venues, the development of specialist centres and investment in modern facilities to support court users. It is our ambition to reduce the requirement to attend courthouses and offices through the use of improved digital services designed to best serve users. An estate strategy will be developed that will be underpinned by data. These data will include demographics, case loads, distances between courthouse and travel times. Future decisions about courthouses will be influenced by the national planning framework and spatial strategy and policy, and by policy on climate and the environment. Given the age of our estate, it will be a significant challenge to meet environmental targets. We have established a dedicated sustainability unit, which was recently expanded to face the challenge ahead.

Our estate strategy will be guided by the family court Bill that aims to provide regional dedicated courts and by our experience during the pandemic. For the last 18 months our aim was, and remains, to protect the health and well-being of employees, judges and court users while continuing to provide access to justice. We succeeded in providing a safe environment through the use of a robust Covid-19 safety management programme, while quickly adapting and maximising the number of court cases that we could progress within the provisions of the public health guidelines. Physical distancing requirements had an especially dramatic effect on our operating environment. The Courts Service has provided in-person and remote facilities throughout the pandemic, with a particular focus on prioritising urgent business and those who are vulnerable, such as victims of domestic abuse. We dramatically increased the use of video links to prisons and this has had a significant benefit across the justice system, as has the introduction of remote court sittings.

To meet future challenges and demands for new means of providing access to justice, we

have commenced a €2.2 million investment in the installation of video technology to provide 103 video-enabled courtrooms by the end of the year. Throughout the pandemic, part of our strategy was to manage footfall in court buildings while also ensuring that justice was administered in public. Media outlets have been facilitated via priority access to the courtroom and the provision of links to observe remote court sittings without needing to leave their offices. Court reporters have been the eyes and ears of the public in our courts.

Juries are always a priority group in the courts system, and we prioritised their accommodation before and during the pandemic. We put arrangements in place, sometimes using external venues, to ensure that, to date, jurors have been kept safe - and they have told us that they felt safe - while providing their invaluable service to the State. In summary, the aim of the Courts Service in the years to come is to provide just, user-centric, simplified and timely access to justice. We intend to do this by maintaining the innovation and agility that we have demonstrated in the past 18 months, by collaborating with users and by keeping the needs and requirements of litigants at the centre of everything we do.

Chairman: I thank Ms Denning. As our final witness before we go to the members for questions, I call Ms Nicola Matthews.

Ms Nicola Matthews: I thank the committee for the invitation. I am based in the Department of Housing, Local Government and Heritage. We responded to the request that was made. Our first point is that the sensitive adaptation of court buildings to allow them to continue to serve as courthouses should be the first consideration. Alongside the impacts of climate change and the focus on the reuse of buildings, making these buildings redundant and moving an important civic function out of a town, usually to the periphery, can have a detrimental effect on a town centre's vitality. If the decision is made that a courthouse cannot continue to fulfil its original function, we advocate the importance of it continuing in public use, such as a suitable community use. There are many successful examples throughout the country of reused courthouses. I will provide information to show work that has been carried out by the Courts Service with the OPW on adapting buildings and reusing them.

Part 4 of the Planning and Development Act 2000 gives primary responsibility to local authorities to identify and protect architectural heritage by including particular structures on their respective records of protected structures. Many of our courts and courthouse buildings are included in the records of protected structures. Such inclusion places a duty of care on the owners and occupiers of the buildings as well as giving planning authorities powers to deal with development proposals affecting them. The architectural conservation officers in local authorities can provide advice and support on the conservation and reuse of historic buildings.

With regard to the wider thinking on reuse and adaptation, there are key points worthy of consideration. The collection of courthouses and courts represents an important built heritage legacy as many of the buildings were designed by eminent architects of the day, employing the best of traditional craftsmanship skills and using high-quality materials. The buildings are often among the core buildings in Irish towns and cities and reflect the evolution of the legislative system in Ireland and the impact they have had on society. The buildings encapsulate an important primary social record. The abandonment of court buildings and courts removes an important function and a point of social interaction in town centres and this should be considered. Any decision to abandon these buildings should be carefully considered in this context by suitably qualified conservation architects and should be based on an assessment of the significance of the site, the condition of the building fabric and its potential for repair, upgrade and need.

With the impacts of climate change becoming pronounced, the use of historic buildings is no longer just a cultural heritage issue but also one of mitigation based on the well-considered reuse and adaptation of existing cultural resources due to their embodied energy, craftsmanship and materials. Many examples of good practice can be drawn on that show how high-quality design may be considered in the context of historic buildings and their sites, which will unlock their potential and sustain their long-term use. I will provide the list of Ireland's courthouses in the Irish architectural archive that shows the range of them we have. The Courts Service database shows new, old, adapted and extended court buildings. I thank the committee and I am happy to answer questions.

Chairman: I thank the witnesses for their very informative opening statements. I have a number of questions and I will focus on the contributions of Ms Denning and Ms Matthews. I will take off my Chair's hat for this interaction and be a little parochial. Ms Denning spoke about courthouses in other countries. I was quite interested, and it was probably also of interest to the Department of Housing, Local Government and Heritage, to hear her say certain buildings are left idle for large parts of the year. This is true. My concern is that other buildings are the opposite. They are at overcapacity. I am thinking about Naas Courthouse which is local to me. In recent years, the courthouse in Kilcock has closed. The courthouse in Newbridge was burned to the ground, allegedly by an aggrieved defendant. It is long gone. The courthouse in Athy works two Thursdays a month. It is not very often. Naas Courthouse serves a population of most of County Kildare and west Wicklow. According to the most recent statistics, in 2019 it served 17,000 cases and this does not include interlocutory motions. This makes it the fourth busiest district in the country after Limerick, Cork and Dublin. Limerick, Cork and Dublin all have more than one judge. I am given to understand they have a wider choice of venues and a number of courthouses. Put simply, the district is under severe pressure with the volume coming through a single judge and a single courthouse, bar Athy which is used twice a month. This single courthouse has no car parking. It has a common entrance for witnesses, defendants, practitioners, the judge, gardaí, accused parties and all the rest. The whole spectrum of family, criminal and civil cases is heard there. The Circuit Court sits there in parallel with the District Court. On occasion, the High Court has sat there when it is on circuit. The Circuit Court and District Court sit most weeks in the year at the venue. It is under severe pressure. I understand there are some plans to expand it. It is desperately needed. Perhaps we might take this question first and Ms Denning will answer it. I will then have further questions.

Ms Angela Denning: Naas Courthouse was built in approximately 1807. It has four court-rooms. Two of them are technology courts. The court sits there 14 days in the month. It has two cells. There has been significant population growth in north Kildare. Our plans certainly are to provide a new or refurbished courthouse in Naas. It is included in our plans in the national development plan but no specific funding for Naas has been provided yet for the project. It is not possible to provide the full range of facilities we would wish to provide in a modern courthouse on the current site due to its constrained nature. The options open to us are to extend the site, and there is a site available at the back of the courthouse, or to provide a new courthouse somewhere else in the town. We have consulted with Kildare County Council's director of services, planning and strategic development. The council's preference, as is ours, is to keep the courthouse in the town centre location. We are actively engaging with site vendors at present so I would rather not say any more at this point in time.

Chairman: That is understood and I thank Ms Denning. I agree with her sentiments and those of the local authority on the town centre location. It is a fine building. It has a common facade with the Old Bailey. It is an impressive building and it dominates the landscape on the

main street. There are certain retail and hospitality benefits to having that activity on the street. I agree with keeping it in the centre of the town.

There is a common theme that some of our courthouses are perhaps less well served than others. The District Court is the workhouse of the court facilities and processes a large number of cases. The committee approved Estimates for the Department to enhance courthouses during Covid and put in place Covid protections. Ahead of today's meeting I took some soundings from practitioners and people who frequent the courts to see what issues had arisen. Tallaght Courthouse was mentioned. Several things were said to me. One is that the bar room is locked and not available to practitioners. Even during lockdown people have to robe or go in and go out or stand on the steps to have consultations and speak with each other. Wi-Fi is not turned on or not activated. At any event, it is not available to practitioners. I know of at least one barrister who was exposed to Covid on the premises despite all of the protections the committee signed off on to prevent this from happening. I can pass on the details if it is of interest. That court in particular came up in a few stories that were recounted. As I said, I took some soundings ahead of today's meeting and the feedback was not good, particularly in the context of Covid where additional supports had been given. I do not know whether Ms Denning wants to respond to this. It is something we can pick up offline if she would prefer.

Ms Angela Denning: I can respond to some aspects of it I will have to check out others. We took a risk-based approach to Covid. From the outset, we put a very robust risk management programme in place. We had recently recruited a health and safety officer and, God love him, his first job was to put our risk assessment in place. Every courthouse in the country was risk assessed. Every courthouse in the country had a maximum capacity of 2 m social distancing applied to it. We hired personnel to stand at the doors of courthouses to make sure capacity was not exceeded. We put glass screens in place. We asked everybody to wear masks. Extra cleaning was arranged. New arrangements were put in place where necessary. Regarding Tallaght in particular, I can only assume that the bar room was risk assessed and deemed as unsuitable for more than one or two persons and that was the reason it was locked. I will investigate about the Wi-Fi and revert to you, Chairman.

To my knowledge, the HSE has not contacted us and notified us of any case of Covid transmission on Courts Service premises throughout the year and a half. To our knowledge, we have not had an outbreak in a courthouse. At one stage, Tallaght was the Covid court, where Covid-positive defendants were brought to court if the Garda or the Prison Service knew that people were Covid positive. I will see what I can find out.

Chairman: There was an issue in the meat factories earlier in the past year and a half where outbreaks in the workplace were not being reported because they were reported on the basis of residence rather than of the workplace. Ms Denning said the HSE had not advised the Courts Service of any issues and I wonder if that could be the reason. We might come back to that later in the meeting or offline. I do not want to go over my time because I want all members to have the same time. My seven minutes are up so I will move on to the next member. Senator Ruane has seven minutes for her engagement.

Senator Lynn Ruane: I thank all the witnesses for their testimony and submissions. With all due respect, I did hope to see a lot more concrete proposals and insights into people. When I think of courts services and engagement with users of the court, I do not only think of victims and witnesses, which seemed to be a common theme throughout the submissions. Users are a much wider group than that. There are families, for example. There was no mention of gender, mental health, invisible disabilities or autism. The geographical location is just one part of ac-

cess to justice.

I am interested in getting an insight from the Courts Service and the Bar Council. The Bar Council is inputting into what the courts look like and access to particular rooms. Does the Bar Council have an impact assessment of the people who require its services and what their needs are? What does the Bar Council bring to the table as people who have a real input into what the Courts Service or courthouses look like? Is its focus mainly about its members or the practitioners or does it take into account the disabilities and invisible disabilities of people that require those members' services? I ask the Bar Council to speak to that and perhaps the Courts Service could speak to both the vision for people in general and everything from language, gender, culture, inaccessible legal language for people with invisible disabilities and their ability to take instruction. For example, what do you put through the machine at the entrance, in terms of the airport-style security and the fear that comes with that?

They are some of the issues I would like to have seen addressed but perhaps that is for a different session with the groups that use the service regularly. I would like to hear a little bit more about that and whether the Bar Council does any assessment of the needs of people who require its services within the courtroom when inputting into the structures.

Chairman: Does Senator Ruane wish to direct the questions to anybody in particular?

Senator Lynn Ruane: I will go to the Courts Service first, to Ms Denning, and then to the Bar Council.

Ms Angela Denning: The entire modernisation programme is about improving access to justice for people. The opening statement was geared at the questions I have been asked to respond to by way of submission earlier in the year. At the early stages of the modernisation programme, we prioritised what I call ordinary users of the Courts Service. This week, for example, we launched our just-a-minute, JAM, card initiative jointly with the Probation Service, the Department of Justice, the Dublin Coroners Court and the Prison Service. People who have a learning difficulty or something like that can show their card. Some 75% of our staff have trained in recent weeks on this initiative to help people who might be a little daunted by coming to court.

In our budget submission, I asked for a dedicated person for our website to work on plain English. We have done a lot of work on our website in the past year. We have 3 million hits on the website every year and it is a difficult choice because a lot of legal practitioners use it every day and they are looking for specific legal information. We also have a large number of ordinary members of the public or people who might be summoned to court for something, and if it is their first time going to court, plain English is very important for them. That is something we intend to look at next year.

We recently did a proof of concept in one of the buildings here in Dublin, and if it is successful, we will roll it out in other locations. We went around and filmed the premises and there are points where people can tap a mobile phone on entering and it tells them where to go next. Another option is to do a visit of the courthouse beforehand with little videos showing what the judge does, what the registrar does and so on. That can help to make it a little less daunting for people who are coming to court for the first time. If we expand it further, it will be possible for people to see the courtroom they will be in on a particular day, which might help people orientate themselves a bit.

The use of remote courts does help some people. In the Far East, they say remote is a leveler. Nobody is dressed up in a particular way and all you can see are people's heads on a screen, which levels the playing ground somewhat for people. Our vision up to 2030 is all about ordinary court users, and if we keep them at the centre of everything, then all the other parts of the jigsaw puzzle should fit into place very well.

Justice is also blind. One of the ladies on the top of the Four Courts has a blindfold. We do not distinguish between different types of court users in terms of gender, race or anything like that. Everybody is treated equally, as they should be. That is the way our strategy for the next ten years is geared: that we treat everybody equally, but that we try to improve everything for everybody.

Senator Lynn Ruane: Before I move to the Bar Council, perhaps Ms Denning could refer to the site at Hammond Lane and the fact the Children's Court is not going to go ahead on the site. What is the situation in terms of having a family law court? Have there been any challenges to the court, especially in terms of having regional courts of excellence? I would welcome an update on that.

Ms Angela Denning: Hammond Lane has been funded to the tune of €100 million in the national development plan. This week we had our first Hammond Lane project board meeting in the Courts Service. It is a joint project with the Department of Justice on a public private partnership, PPP, basis. The Department of Justice will oversee the project. We are one element of it and An Garda Síochána is another element of it, with two Garda stations. We are ploughing on with it. I will not give a finish date because we are still at the very early stages, but we will certainly be looking to be ready for Part 9 planning early in the spring with a view to getting the building up and ready.

Senator Ruane is correct that the Children's Court will not form part of that. We did indicate as part of the national development plan that in the future we will be looking for funding to renovate and refurbish the Children's Court in Dublin. The regional family law centres are proposed in the family court Bill. We have a pilot under way in Limerick at the moment with other local NGOs, the Legal Aid Board, mediation services and so on to see what facilities would be required in a family law building. Recently, as part of our family law reform work stream, we did a very short, intensive six-week burst of consultation with various user groups as to what an ideal family court building should look like and we fed that back in to the OPW team that is working on the design of Hammond Lane at the moment.

Chairman: I thank Ms Denning very much for her answer. Hammond Lane is probably of interest to all committee members. We will not get to hear from the Bar Council and Dr. Hartney in this round but Senator Ruane can come back in on the second round. Deputy Daly is next and he has seven minutes.

Deputy Pa Daly: I thank the witnesses for attending. I have one or two questions for Ms Matthews. I thank her for her presentation. Tralee court is part of the built heritage of Tralee town and was designed by a local apprentice architect, who was 16 years old. It was quarried from limestone in the centre of the town about 200 yd from where the courthouse stands. Ms Matthews mentioned the significant challenges in adapting courthouses around the country. In general, does she think they are challenges that can be overcome.

Ms Nicola Matthews: Deputy Daly will have to forgive me as I am not very familiar with the interior of Tralee Courthouse. However, I have worked as a conservation architect. The

basis for working with the historic building is to understand its significance, condition and potential for reuse. As in the case with Naas, the site may be too constrained to facilitate the scale of additional accommodation. Sometimes it is possible and I suppose there are useful examples where historic buildings can remain a presence in a streetscape with high-quality additional facilities to the rear. That is probably the most satisfactory position from our perspective in trying to keep a prominent building and its use public in a town centre.

Deputy Pa Daly: So the preference is to keep the existing building if at all possible. Is that right?

Ms Nicola Matthews: Yes.

Deputy Pa Daly: Is the witness aware that in any of the reviews conducted of the courthouses, a grade 1 example was indicated? She spoke about conservation legislation.

Ms Nicola Matthews: I have not been party to the reviews. My colleagues may be able to answer that question better. The Office of Public Works has a background in this with conservation architects in it. They would usually be called upon for those kinds of services. I can allow a colleague to clarify that.

Deputy Pa Daly: I know a number of courthouses around the country have been refurbished, including Letterkenny and Limerick for example. What was the budget for the Letterkenny court and what kind of money was available for refurbishing the court?

Ms Angela Denning: The Letterkenny capital cost was €20.6 million.

Deputy Pa Daly: Is the figure for the site available? Was it owned by the State already?

Ms Angela Denning: It was a local authority site.

Deputy Pa Daly: From reading the opening statement, I noted that 57% of the court venues seem to have been closed in the past 21 years. The witnesses accept that courthouses bring extra business to town centres and the average jury panel, which sits for a week or perhaps more, would be in the region of approximately 200 people.

Ms Angela Denning: It used to be 200 but during Covid-19 we reduced those to 50 and we still managed to get a jury every time.

Deputy Pa Daly: Those 200 people are in addition to gardaí, court staff, probation officers, legal professionals, witnesses, defendants and family members all coming to the centre of town. The witnesses are aware that towns have developed around courthouses. In Tralee there is Courthouse Lane, for example, and in Fermoy there is Courthouse Lawn. Many of the businesses around the area depend on courthouses in the location, which the witnesses would accept.

Ms Angela Denning: We do. During Covid-19 we used many remote call-overs, so the number of people coming to courthouses was reduced significantly. I expect that will be maintained in future and people will not be brought unnecessarily to a courthouse. Only those who are necessary will have to travel. I fully accept a courthouse creates business in the vicinity.

Deputy Pa Daly: The number of prisoners coming to a court reduced by approximately half.

Ms Angela Denning: There were 19,000 video links between courthouses and prisons in the 12-month period from the time we started the process last year. That was up from approximately 2,500 in the previous year.

Deputy Pa Daly: The Courts Service discusses what constitutes value for money for the Exchequer but that is not the only consideration. The witnesses would accept that we must take into account the national planning framework, a new Government emphasis on the benefit to town centres, spatial strategies and climate and environment concerns, as referenced by Ms Matthews. There is also the question of demographics and caseloads. The witnesses would accept that much more is to be considered.

Ms Angela Denning: Absolutely. If the Courts Service was funded to renovate every courthouse to the standard we wished we had, we would do it.

Deputy Pa Daly: Ms Denning has been in Tralee courthouse.

Ms Angela Denning: Yes.

Deputy Pa Daly: There were plans for wheelchair accessibility going back approximately ten years into the previous century. Wheelchair-accessibility has never been a feature of the courthouse.

Ms Angela Denning: No. Access has been an ongoing issue in Tralee for a long number of years. Local solutions have been found where a case might be listed in Listowel, for example, instead of Tralee if we knew somebody with a physical disability was coming to court. It was always felt that because a new courthouse was being considered, or that renovations were being considered, the cost of putting an external lift in place would not deliver value for money. It is the only option in Tralee. The design of the building is almost round so the only place we could put an external lift is at the back at the judges' entrance, which creates other problems. In a context where we wished to renovate or do work at Tralee - it is on the national development plan - there remains the question of value for money and the amount of money that would have to be spent with this building in particular in order to put an external lift on it.

Deputy Pa Daly: There was a budget of approximately €18 million for Tralee at one stage.

Ms Angela Denning: No, Tralee has not been funded to date. It is part of a proposed bundle of county town courthouses, along with Galway, Wicklow, Portlaoise and Roscommon that need to be renovated but no funding has been provided to date.

Deputy Pa Daly: Right. A former Minister with responsibility for justice told me otherwise. Has any consideration been given to having the family law and civil courts in the existing court building and maybe the courthouse requiring juries in another part of the town?

Ms Angela Denning: Our preference is to have all court facilities in one building.

Deputy Pa Daly: That is despite that in many other venues-----

Chairman: The Deputy might come in again later. I know he is passionate about the topic.

Deputy Brendan Howlin: We have had a broad tapestry presented by the witnesses. I will depart from some of my colleagues in that I will not speak from a parochial perspective because I am very glad to say we have a very fine courthouse in Wexford. From an architectural and aesthetic perspective, it arose from the merging of an old schoolhouse that was then a county

building into a very modern building. It is a terrific example.

I will take a more general view and my first question is to the Courts Service. In the written and oral submission, it submitted the legacy that 20 years ago, when the Courts Service was established, it had more than 240 venues. It now has 103, with 251 courtrooms. The built infrastructure is extraordinarily important but surely the number one priority of the Courts Service is the administration of justice in as positive, open, fair and accessible a way as possible. Accessibility is absolutely essential and there should be security so that victims do not have to sit or come into contact with alleged perpetrators. There is also the question of general comfort.

Has the Courts Service determined the optimum number of courthouses and their position across the country? Sometimes we must make hard decisions like that. If we have courthouses that are used once per month, it is a bad use of scarce resources. Does the service have a blueprint of the optimum number and location of courthouses?

Ms Angela Denning: We do not have one just yet but two pieces of work are under way. There is an estate strategy, in which we are considering our entire estate. We have gathered much baseline data in respect of demographics, travel times and distances between courts, as well as the numbers of courts in a district and circuit and so on. There is also caseload data. All that information is being gathered. We also have the venue review which looks at the cost of maintenance and covers the costs of bringing a building back to the standard to which it was built and that including water, mechanical and electrical services. Those two pieces of work together will form the basis of our plans for the future. Aligned with that, we have the proposed family court Bill and expected future demand.

We have already undertaken to refurbish every county town courthouse in the country and that work is still under way. We have to overlay that with sustainability and environmental targets. As I said, a large percentage of our buildings are extremely old. We have to meet targets of reducing carbon emissions by 50% and bringing all properties up to BER standard B by 2030. Those are significant challenges, which will require significant funding if we are to meet them all.

Deputy Brendan Howlin: With the national development plan to be launched on Monday, it strikes me that it would be impossible to have a capital plan if the Courts Service has not done the base assessment of the optimum. The service has spent €500 million in its first 20 years of its existence. Is that the optimum use of that sum? Will we continue on that basis until the overall analysis has been done of the right number, scale and location of court systems to meet the growing population and disposition of population in the Republic for the next 30 or 40 years? Should that work not be the first task of the Courts Service?

Ms Angela Denning: That work is under way but there are a lot of factors. Our road network, for example, has improved over the past two decades, which has reduced travel time. A total of 97% of the population live within one hour's drive of a county town courthouse and most people live within 30 minutes' drive of a district court office or county town courthouse. That will affect some of the decisions that need to be taken into the future. However, to take as an example the court in Achill, which is far from the next town and has a low case count, the distances required and the public transport infrastructure in the area mean it may prove impossible to close that court.

Deputy Brendan Howlin: Should we not have the best assessment and that debate?

I am heartened by some of the responses Ms Denning has given. It always struck me as an extraordinary waste of resources for prisoners to be transported around the country for momentary appearances in court. Ms Denning is saying that practice has been substantially reduced during Covid. Is that to be a permanent feature now? It is an extraordinary inconvenience for everybody, as well as cost, to do that. A similar situation applies in relation to calling 200 potential jurors when the vast bulk of them will not be used. Will the lessons we have learned during Covid be mainstreamed in future to ensure we do not have such obvious waste?

Ms Angela Denning: For justice systems worldwide, Covid has been a massive experiment. That sounds like a glib statement to make but it is true. It is my intention to maintain all the good lessons we learned during Covid and bin poorer practices.

On the movement of prisoners, we are doing a pilot with Garda stations in Dublin so that evidence can be taken directly from Garda stations to reduce further the time gardaí spend away from the Garda station. The reduced movement of prisoners around the country helped to keep Covid out of prisons. Nobody considered the disruption to prison life caused by moving a prisoner from a prison down the country to Cloverhill Prison on the night before a hearing in the Criminal Courts of Justice. There have been significant improvements in that regard and the Courts Service and, I believe, the Prison Service would like to keep these for the future.

Deputy Brendan Howlin: I thank Ms Denning.

Chairman: I agree. While I was critical in some respects earlier, the links among prisons have been a major success of Covid. They make more sense than transporting prisoners around the country to court. That has worked well and the Courts Service should be commended on it. It is a good idea to keep it.

Deputy Patrick Costello: I will pick up on Ms Denning's comment that the aim of the courts is to treat everyone equally. While that is an understandable goal, and I understand where Ms Denning is coming from, it needs to be acknowledged that not everyone's needs are equal. To treat everyone equally risks excluding certain groups which may have extra needs. I appreciate that was not Ms Denning's intention but it causes me to ask whether anyone is employed in the Courts Service who is skilled or experienced in universal design. If a court is made accessible to those who have the greatest needs, those with the fewest needs will still be able to breeze in and out without a problem. If the Courts Service is designing new courthouses, how does it ensure that universal design aspect?

Ms Angela Denning: We work closely with the Office of Public Works on all courthouse design. In relation to universal design, one of the first groups I met when I was appointed CEO of the Courts Service was an international group comprising experts worldwide who only work on courthouse design. We are leveraging its knowledge for the design of Hammond Lane. We are doing extensive user consultation on Hammond Lane and that has thrown up certain issues. We have never built a dedicated family court building before. Apart from the Criminal Courts of Justice building, which was purely for criminal cases, all of our previous court buildings had to be multifunctional. It is about ensuring the building we build meets the needs of the people who will use it.

Some of the design features people will see in Hammond Lane will be different from those in a traditional courthouse. For family law cases, we are told by practitioners that fewer consultation rooms are needed, so there will be more consultation space in order that people can have a quiet chat and take instructions quickly without necessarily going into consultation rooms.

There will also be some breakout spaces - family law cases are very emotive - where people can go outside and get a break. Those types of features, which one would not necessarily see in another courthouse, are being looked at.

We do not have universal design people on our staff. As I said, however, we will look for an expert in plain English for our website. We consult the National Disability Authority when we do signage and so on in buildings in order to assist people. We use the OPW.

Deputy Patrick Costello: I will chase up the OPW about its skills and experience. On the family courts, Pavee Point produced excellent leaflets for people who are non-literate in relation to barring orders, protection orders and domestic violence. As well as plain English, the Courts Service needs to consider people who are non-literate. I ask the NDA to give a brief input on that. I have a couple more questions.

Chairman: Another question was put to Dr. Hartney earlier. I will give her a little extra time to respond to that too.

Dr. Aideen Hartney: I appreciate that. I thank Deputy Costello for making the universal design point for me. It is crucial. When we talk about access to courthouses, it is easy to think only about wheelchair access and the small number of people who that might affect. However, if a universal design approach is taken, it benefits all users of the premises. They can be people with families and buggies or members of the older community. A universal design approach will also help to meet some of the sustainable development goals, which is important. That also links in with the location of the courthouse because a city centre or town centre location also facilitates access to public transport. That is also very important not only for users with disabilities but all potential users. I wholeheartedly agree with the point Deputy Costello made. In order to achieve equal treatment for all, sometimes a little bit extra needs to be done for some groups. We would very much advise that.

I was going to make a point on data because somebody asked how many people with disabilities or mental health difficulties are accessing the various services. Data is a huge challenge. The information we have is about 20 years old at this stage. It points to a higher prevalence of people with disabilities or mental health difficulties on the justice journey. I counsel everybody who has responsibilities in this area to gather information disaggregated according to disability so we can really get a sense of what is occurring.

It is not just about the premises; it is also about how information is provided. It is very much welcome in plain English. We make good guidance available on customer engagement to meet the needs of all persons. Increasingly, online services need to be as accessible as possible. There is now a new EU directive on the accessibility of public service websites. That will encompass some of the bodies whose representatives are present today. It is a matter of a very holistic look at everything.

Deputy Patrick Costello: I am conscious of the description of Covid as a massive experiment. This applies to many areas, not just the Courts Service. I am curious about the results of the experiment. My question is for both representatives from the Bar Council. I would like to hear their experiences of the impact of the changes under Covid and of virtual hearings on the administration of justice. I would like to know their experience of running a case, being involved in a case or representing somebody as a result of the changes made. Could the representatives of Victim Support at Court answer a similar question? How have they found the results of this massive experiment?

Chairman: Since I invited Dr. Hartney to respond to an earlier comment, I will give an extra minute but I do not believe I will be able to take in the second group. We will hear from the Bar Council representatives first and then see how we do. I will give a little extra time in the slot because of the fact that I intervened. I invite the Bar Council representatives to contribute.

Mr. Darren Lehane: I thank Deputy Costello for the question. Based on my experience of hearings conducted during the pandemic, I believe I was very fortunate that I participated in several lengthy hearings that were held online, including through the software provided through the Courts Service – the Pexip software. One hearing was held via a private operator whose use the court facilitated. One party paid for it. My comment on this flows from the fact that one party paid for it. It is rather unfair in a system of justice, which is supposed to treat all equally, that certain categories of cases can proceed faster than others based on the ability of parties involved in the litigation to fund a particular platform to the exclusion of other kinds of cases.

On the litigation experience, the Bar always takes it from the point of view not of the members as such but ultimately of the clients whom its members represent. We are very conscious at the Bar that litigation is, in ordinary times, a very stressful experience. A point was made earlier about court infrastructure. We would always want to avoid a system whereby people say that since everything can be done online, there is no need to invest in physical infrastructure. We do not want to have circumstances in which clients are forced to have consultations with their lawyers around corners outside office buildings or court buildings at what are some of the most stressful times in their lives. This applies not only in family law cases but also in others. Therefore, it is important that the facilities be provided.

I do not believe we should lose sight of the fact that, during Covid, notwithstanding the efforts of the Courts Service, Bar Council and Law Society, a lot of litigation ground to a halt and could not proceed. It was possible to deal with urgent matters but many matters that were not classified as urgent by the Courts Service, Judiciary or various professions did not go ahead. They were still urgent to the individual litigants. They have to get their cases heard as quickly as possible. That is my experience of litigation.

On a point that follows from this, on the question of vulnerable witnesses, which we were asked about earlier, the Bar Council is very conscious of the need to take account of the fact that people are vulnerable before they step into a courtroom. Everybody is vulnerable in a courtroom but there are those who are vulnerable before they enter. The Bar Council has always, or at least in recent years, provided training to its members in the form of advanced advocacy courses on how to handle vulnerable witnesses. We are also very conscious of the recommendations made in the O'Malley report.

To sum up, I had a positive experience of online hearings in which I was involved but I am conscious that they were in a particular area of law. The online forum is not suitable in many other areas of law. The recent recalibration of the listing system by the Courts Service shows that with many aspects of the law, there will be a reversion to physical hearings. It is trying to say that justice needs to be seen to be done. People need to be present sometimes to see that it is done when it is impacting on them. I hope that answers the Deputy's questions.

Chairman: I thank Mr. Lehane for his contribution. Although the time has been exceeded, I am conscious that the representatives of V-SAC have not contributed on this occasion. One of Deputy Costello's questions was directed at them. Since they have not contributed yet, I will offer a little latitude if they want to make a few comments at this stage. They are welcome to do so.

Ms Dympna Kenny: On Deputy Costello's question on how Covid affected victims and on what we have learned from that, the courts were less busy over the Covid period. When there are fewer people around, victims are less anxious. Particularly in the District Court, only people involved in the cases were allowed in. This alleviated some of the stress for victims coming into court.

Remote participation, whereby the victim did not have to travel to court, or where the defendant was brought in through video link such that he or she was not physically in the same room as the victim, worked in favour of the victim. Staggering the court lists has really worked. Prior to Covid, a victim could have gone in at 10 a.m. for the 10.30 a.m. list but might not have been heard until after lunch. Now the victims are brought in only at certain times, be it 11.30 a.m., 12 noon or even after lunch. This means less waiting for them, which helps with their anxiety levels.

During Covid, we provided telephone support when the courts were physically closed. We also provided video support whereby we talked to the victims, as we are doing now. We have learned from that. With the permission of the Courts Service, part of our service is to provide a pre-trial visit whereby we show the victim an empty courtroom. We are able to do this by video link. That was for people who may have had to self-isolate and could not travel. It meant they were getting to see the inside of the courtroom. I was glad to hear from Ms Angela Denning of the Courts Service about having the 360° video view of the courts. We engaged with the Courts Service to suggest this so that victims, no matter what court they were to attend, would be able to go online and see its interior. That will help.

Chairman: I thank Ms Kenny. We will move to Deputy Niamh Smyth, who has seven minutes for her questions and answers. She will be followed by Deputy Martin Kenny.

Deputy Niamh Smyth: I thank our guests. Is there merit to agreed and verified standards across all courts regarding Wi-Fi, consultation rooms, wheelchair access and ventilation?

Chairman: Is the question for the representatives of the Bar Council?

Deputy Niamh Smyth: There are probably numerous opinions on this.

Chairman: Whoever wishes to answer may do so.

Ms Angela Denning: I suppose I can assist. We have a list of ideal requirements — I would not call it a blueprint — if we are building a new courthouse or renovating one. They include Wi-Fi that works, two consultation rooms for every courtroom and brand-new ventilation. Everywhere, including judges' chambers and the corridors used by prisoners, jurors and the public, should be fully accessible. That is the standard we aspire to. The difficulty is the funding to meet all these criteria in all courthouses.

Ms Mema Byrne: From the point of view of the Bar Council, the short answer to the Deputy's question is that there is significant merit in having an assessment across all courthouses to see whether there is consistency among them. Our members report significant discrepancies between the services available within courthouses at different locations. It would be of significant benefit to have that information in order that the issue could at least be addressed where the greatest need is identified.

Dr. Aideen Hartney: I agree that a standard approach would help to address some of the regional variances we have been discussing. I direct members to some of the building blocks that

are in place for that kind of approach. There are codes of practice on accessible public services. The NDA has recently been asked to develop a code of practice for accessible public buildings. That will offer guidance to public bodies, including courthouses, on how to maximise accessibility. There is a code of practice on access to heritage sites that would cover the courthouses that are protected structures. Many of the building blocks are already in place. The difference in terms of introducing a standard might be to allow for it to be on a regulatory footing and, therefore, monitor compliance and address non-compliance in that way. Much of what is necessary is already in place and we just need to move to a universal approach to implementing it.

Deputy Niamh Smyth: When is it expected that the International Protection Appeals Tribunal, which deals with refugee applications for asylum, will recommence in-person hearings? That will be quite difficult. Ms Denning referred to the importance of attending proceedings in person, particularly for victims.

Chairman: Some of those appeal hearings were held from direct provision centres, etc., during the most recent lockdown, which I am sure caused difficulties. Does Ms Denning wish to respond to the Deputy's question? If other members of the panel wish to jump in, they are welcome to do so.

Ms Angela Denning: That is not a function of the Courts Service. We get the applications to court afterwards from those whose appeal has been unsuccessful. I do not think any of the witnesses could answer that question directly. Mr. McDonagh may be able to assist.

Mr. Gerry McDonagh: The best thing would probably be for me to revert to the Deputy directly with the information she is seeking. There are hearings ongoing. There have been efforts to undertake remote hearings. I will firm up the information in that regard and get it to the Deputy as soon as possible.

Deputy Martin Kenny: I thank the Chairman and all our witnesses. It has been a very interesting conversation. Many of the issues I wished to raise have been covered but there are a couple of small points I wish to clarify regarding victim support, where it is at and how well it is provided for, particularly in courts in various parts of the country. One of the things members hear regularly is that many victims of crime feel lost in the process. They do not know where to go or what is happening. There may be a garda with whom they have a relationship present in the courtroom who will give them a little advice regarding what is happening, what will happen next and when that will take place, such as advising that it will be a couple of hours before anything happens. It is sometimes the case that victims are just hanging around the courtroom and they feel lost and out of it while the process is happening. There needs to be a greater emphasis on ensuring that there is support and liaison for victims and an appropriate quiet space to which the victims can go to ensure they are looked after, particularly in more serious cases involving abuse or other issues that are difficult for people. That is one of the things which seems to be missing from many courtrooms. It needs to be prioritised and put in place.

An issue that links into that is that it is sometimes the case that victims are in the same room or use the same entrances and exits as the accused or those accompanying the accused. That creates all sorts of tension. An effort needs to be made to see how that can be managed better. In some cases, there is only one entrance that can be used. If that is the case, admission to the building should be staggered. From the point of view of the Courts Service, what further efforts can be made to resolve this issue?

Ms Angela Denning: I will deal with the questions in the order asked. We work closely

with victim support, the Garda and the Office of the DPP to provide assistance for victims of crime, particularly in the context of more stressful crimes. We have a liaison officer in place in each courthouse. Their phone numbers and so on are shared with An Garda Síochána and the Office of the Director of Public Prosecutions, DPP, in order that we can prepare in advance. In all of our modern buildings, we provide dedicated victim suites. In the newer courthouses, such as the Criminal Courts of Justice and the courthouses in Limerick and Cork and so on, the dedicated crime buildings all have dedicated victim support suites. In the older buildings, if we know when the victim in a sexual assault case or something like that is coming to court, we reserve a consultation room so that he or she has somewhere quiet to go. The Deputy is correct that the staggering of lists has assisted in the context of lower level crimes, particularly at District Court level, as that there is less waiting around. Those lower-level cases are still very stressful for those involved but the staggering of lists has helped.

When we renovate a courthouse or erect a new building, we try to provide separate entrances because we are aware of the difference they make. It avoids the potential for flashpoints outside the building. In a way, Covid has helped in that regard because the supporters who sometimes accompany accused persons to court are not admitted now and that means the courthouse itself is quieter. Only those who are necessary for the trial, such as witnesses, the accused, gardaí and so on, are admitted to the courthouse and there tends not to be the large groups of supporters who sometimes accompany accused persons.

Ms Susan Kennefick: Supports is often offered through certain procedural accommodations such as the use of an intermediary. Dr. Hartney mentioned this already but I will elaborate on it. The Criminal Evidence Act allows for several special measures to be invoked if a person giving evidence has need of them. One such measure is the use of an intermediary. That has been invoked infrequently and very much on an *ad hoc* basis, but the NDA has carried out a piece of work on intermediaries. An intermediary is a professional with a certain set of communication skills who carries out an interview with the person in question at the earliest possible step in that person's first interaction with the criminal justice system. That often takes place in a Garda station. This follows the person through the entire journey. The intermediary meets the person and assesses his or her communication difficulties. Those difficulties may result from a disability, age or other factors. The intermediary then prepares a report on the needs of the person and how best to communicate with him or her in order to get the best evidence out of the person. The Criminal Evidence Act only allows for this measure in the case of a victim or witness giving evidence. The NDA believes that intermediaries should be available to everyone engaging with the criminal justice system, and at the earliest possible point rather than just in court.

Ms Dympna Kenny: On the issue of support for victims, we are aware there are gaps. We have a two-to-three year plan for expanding our service nationwide. We will fill in the gaps where there may be little or no support for victims of crime. We have a plan to expand our service nationwide. We engage with all the stakeholders, including the Courts Service, An Garda Síochána and the other support services in the area, to ensure we are not duplicating a service but that we support people at court. Some other services might concentrate on their outreach but refer on to us for supports for victims coming to court. It is our plan to expand nationwide over the next two to three years.

Chairman: Does the Deputy have a very quick final point or question?

Deputy Martin Kenny: On the funding for that, obviously more resources will be needed to expand nationwide to have that service available everywhere. On the suites or quiet rooms

available for people to go to in courthouses, is there a video link between the courtroom and such areas so they can see proceedings going on?

Ms Dympna Kenny: On funding, we are working with the Department. We have funding for this year and separate funding from the Dormant Accounts Fund for the expansion plan. There was recently a mapping exercise as well to identify the gaps in services around the country. We received funding from that for the recruitment of more volunteers for our service.

Ms Angela Denning: As part of the design of all new courthouses or courthouse refurbishments, we include video link suites for vulnerable witnesses to give their evidence by video and we have trained video link assistants in those offices to assist children, for example, when they are giving evidence by video link.

Chairman: Does Ms Matthews want to make a point?

Ms Nicola Matthews: I thank the Chairman. Just because a building is old it does not mean it cannot accommodate change and be modified to meet very good standards. I have done some courses with the NDA in the past and accessibility, in terms of universal concepts, is very much achievable. Historic courthouses, especially the likes of the one in Tralee that was mentioned, which has exceptional craftsmanship, are worthy of the greatest possible consideration with respect to reuse and adaptation. That is a process. We fully accept that if something cannot be achieved, we must make alternative arrangements but I wanted to put across that old does not mean cold or redundant. It is very much possible to bring buildings up to standard and achieve things with them.

Chairman: I thank Ms Matthews. That is an important point well made.

I will move to the second round because all members who wished to get in on the first round have now had an opportunity to do so. A couple of members have indicated they wish to put supplementary questions, as do I. We generally allocate five minutes for the follow-up round. Our meeting is due to conclude at 5.30 p.m. sharp and we are on course for that. There are two speakers indicating and I will close the meeting after that, unless someone else indicates beforehand.

My question is probably for Ms Denning but anyone in a position to take it can do so. A few others made the point that the pandemic brought some benefits where court management is concerned. The prisoner location was one that was mentioned. I forget who made the point earlier but it was a very valid one, namely, one of the prior frustrations of anyone attending court, be they a practitioner, witness, defendant or plaintiff, is the difficulty of waiting around to find out at what time a matter might be heard. During Covid we have had, possibly for the first time, staggered lists so that a slot might be given between midday and 1 p.m., between 2 p.m. and 3 p.m., between 2.30 p.m. and 3.30 p.m., or whenever it might be. That gives an awful lot more clarity and, dare I say, productivity, to all involved because a day or half a day is not spent waiting only to find out at the last minute a matter has been adjourned. I stress the management of lists is a very positive thing.

On a related note, there is the use of remote call-overs and some motions being taken remotely. I suppose there is a hybrid model emerging now, no different to how we do it in the Oireachtas, whereby there is accommodation for some matters being taken in person and some being taken in a hybrid sense. Again, it strikes me that might be very practical, not to mention environmentally friendly, but also family-friendly. There are many benefits to the remote ac-

cess model and it would seem to make sense.

Related to those two points, are the staggered lists and the hybrid model with remote call-overs and motions where possible going to continue? The flipside of that coin is whether it is envisaged that social distancing will no longer be required in courtrooms. When will our courtrooms return to “normal”? Will the new normal be the continuation of the hybrid model?

Ms Angela Denning: I will start at the end. I heard Professor Philip Nolan on the radio last Thursday at lunchtime. He said that at the moment, the highest risk is indoors in a crowded setting with people you do not know. Currently, social distancing is 2 m and we have all our courtrooms measured to 2 m and that sets the maximum capacity. If that is reduced, we have all our courts assessed at 1.5 m and 1 m so we can instantly change the sign on the door and we will know how many extra people can be allowed in. Social distancing has had a huge knock-on effect on the operation of the courts.

That said, one of the benefits has been the reduction in the waiting-around time. I should not call it this but it is almost a social contract because if you have a staggered list and you have last-minute adjournments, the judge is sitting idle for perhaps an hour, or half a day, or whatever it might be. There is that unwritten contract there with all the parties that people do as much pre-trial work as possible so as to maximise the benefit out of the court day and I hope that would stay. We have seen a very successful experiment as well with appointments for our public offices. Previously people just came in and queued up for the office with longer queues. We recently launched an online appointments system and that has been very successful. There are almost 1,000 appointments in Dolphin House, which is the District Court family law building in Dublin, in a month. Again, it is just to reduce that tension and the waiting around. Some people do not queue well. By the time you have that done, perhaps you are not in the humour to give your evidence or whatever it might be.

I hope to see staggered lists remain. I hope to see video link remain. I hope to see some level of remote remain. It is very useful for the administrative stuff like call-overs, short matters and matters on affidavit. Then perhaps the actual hearings can be dealt with in person where possible, or with hybrid means. We have seen many hybrid cases. This started with overseas witnesses. We brought the technology in to take evidence from people overseas. I see an increased demand from the likes of medical experts who do not want to leave the hospital and prefer to dial in to give their evidence before going back to their day jobs. I see the future being a mix. That is why we have done the video and the remote court expansion to allow for remote evidence to be given where the judge deems it appropriate and where it suits the case.

Chairman: Excellent. I thank Ms Denning.

Deputy Pa Daly: This question is for Ms Denning as well. On the review carried out on the 60 courthouses, in the case of any of them, and Tralee in particular, was the review carried out by a conservation architect grade 1 as outlined in a suggestion by Ms Matthews?

Ms Angela Denning: The goal of the review is to put a preventative maintenance programme in place. At the moment, all our maintenance is very reactive so we wait until the roof leaks before we go and fix it. We would like to prevent the roof from leaking in the beginning. Tralee was included in the review that was conducted. It was a team of engineers who looked at roofs, mechanics, electrical, water ingress, guttering and that type of thing. It was of the external fabric of buildings rather than the internal fabric. As the Deputy knows, the difficulty with Tralee is we need four courtrooms for Tralee and all the ancillary facilities we have

spoken about today. The OPW does not believe we can get that on the footprint. Mr. Ciaran O'Connor, the State architect, visited Tralee to look at the building. I do not know if he is a conservation architect, but I assume he is given his grade.

Deputy Pa Daly: The review related more to preservation than refurbishment.

Ms Angela Denning: Yes, absolutely.

Deputy Pa Daly: Would Ms Denning look at it again, given the recommendations and the change of emphasis as regards town centres and spatial strategies? Before any decision is taken which may detrimentally affect the town centre, would she consider sending a grade 1 conservation architect to have a look at it to see what can be done? As Ms Denning has probably seen, there is a great deal of wasted space in what was the old courtroom on the right hand side, which is a type of internal garden now. In my opinion, there is space for at least three courthouses in that space. Would she consider sending somebody down before a final decision is made?

Ms Angela Denning: The population of Tralee needs four courtrooms. It needs all the ancillary services we have discussed, such as extra consultation rooms, dedicated family law areas with the family court Bill coming, victim support suites and video link rooms. All of that is required. The footprint is the challenge in Tralee. Our absolute preference is always to maintain the existing courthouse where we can. It is the preference of the building committee, which makes the decisions on the prioritisation of works and what works will be carried out. Where that is not possible we then try to avail of a town centre site where possible.

Deputy Pa Daly: Given the suggestion that before any decision is taken to take court services from the building, it should be carefully considered by a suitably qualified conservation architect, as recommended by the heritage department, would Ms Denning consider doing that?

Ms Angela Denning: The Office of Public Works has advised us on this, and it has conservation architects on its books. I do not know if any of them visited the site, but I can check that and revert to the Deputy.

Deputy Pa Daly: Please do that.

Ms Angela Denning: However, our building committee argues that the site in Tralee cannot provide the facilities that the court users of Tralee require within the footprint.

Deputy Pa Daly: It is anticipated that most normality in indoor settings as regards Covid will be returning on 22 October. There is concern in Tralee, and some people think that court services are being almost deliberately run down. All the jury trials will be moved to Limerick for five weeks from 15 November. Given that the restrictions will be more or less removed, would the Courts Service consider moving them back to Tralee to avoid a situation where gardaí, witnesses, legal practitioners and victims of crime all have to travel outside the county to attend trials there for the five weeks, notwithstanding the lessening of the numbers with the new arrangements?

Ms Angela Denning: Again, the challenge is space. Our Covid response has differed in every courthouse in the country because every courthouse is different and the internal space has determined what can and cannot be done. Our concern with regard to criminal trials has been jury deliberation space and jury empanelling. Where that has not been possible in the courthouse, we have sought off-site facilities. We sought them in Tralee. We thought we had a venue in Tralee but it transpired we could not use the technology that was required in the venue, which

was the only venue. We assessed several venues in the town. What happens in October may change jury sessions for next term, but jurors have been summoned for Limerick for the Tralee sessions for the five weeks and no jurors have been summoned for Tralee. That is a challenge because it takes a number of weeks to get a jury panel into place. It takes a minimum of six to eight weeks to call jurors.

Just because all the restrictions are lifted on 22 October does not mean we will revert to having a couple of hundred people packed into a courtroom on the following Monday morning. I am responsible for the health and safety of all workers on Courts Service premises. That is not just my staff and judges; it is also the staff in solicitors' firms and staff in An Garda Síochána, the Prison Service, the Office of the Director of Public Prosecutions and so forth. I have to provide them with a safe working environment. Therefore, it depends on the advice we get at the time. Given what I heard Professor Nolan say on the radio last week about the risk involved with indoor crowded settings with people you do not know, we will have to take a careful and cautious approach, certainly for this term given how high the numbers are at present.

Chairman: I will have to conclude that engagement, but I will add to the point. I agree with what Deputy Daly said, and that is mirrored throughout the country. I am aware of the same situation in Naas where witnesses, practitioners, in some cases defendants and people who might have difficulty accessing transport were required to travel to Drogheda for trials. They had to travel even for call-overs, and it should have been unnecessary for defendants to have to be present at those. I believe Wicklow trials may have been held in Trim at one stage or perhaps in Drogheda as well. It is quite a trek across two or three counties in the eastern circuit to get there. Whatever about practitioners or staff who can perhaps hop into their cars, I know defendants struggled at times to make that journey. Deputy Daly spoke about Tralee. I am familiar with the situation in Naas, Kildare and Wicklow. We all hope we are at the outer reaches of the pandemic and getting back to normality, but as a general point, if that is to continue, perhaps the Courts Service could review those venues for the following term in respect of more local venues if it is possible to procure them within the county in each case rather than travelling significant distances.

Ms Angela Denning: We took a risk-assessed view of everything and we are continually looking at those assessments and renewing and reviewing them. The committee will remember that in March 2020 the courts were one of the few public services that were fully open to the public and continued to deliver services. Our aim was to provide one trial centre for Circuit Criminal Court trials in every circuit, and in most circuits we provided two. We kept trials going in every building that was suitable and we got external trial venues up and running as quickly as we could to facilitate that. I am fully aware it was inconvenient for people and required long distances, but the other option was that persons in custody could not get their trials dealt with and so forth. It is a fine balance that had to be struck.

Chairman: I appreciate that. We have been joined by one of our members, Deputy Carroll MacNeill, who has her hand up. I do not have time to allow the Deputy to put a question but if she wishes to make a very brief point or to address the meeting for a minute, she can do so.

Deputy Jennifer Carroll MacNeill: I will be brief. I have been listening to proceedings and Senator Ruane asked the questions we had talked about previously when preparing for this meeting. I thank her for doing so. However, I wish to congratulate Ms Denning on having the position of CEO of the Courts Service. She may not remember me, but I was a town agent back in 2004 in the central office. It is great to see another woman at a senior level in the justice system. I thank Ms Denning for attending today.

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Chairman: Thank you, Deputy. That is noted. That concludes our engagement on the matter. To do a little housekeeping before concluding the meeting, is it agreed we publish all the opening statements received today on the committee's website? Agreed.

That concludes our formal consideration of this topic. The committee will prepare a report in due course which we will publish and which will include a summary of today's discussion and all the submissions that came in. It was a good, robust and constructive engagement. I thank all the witnesses who participated and all the members for their questions, comments and deliberations. It was a very useful meeting.

As there is no other business, the meeting is at an end. The next meeting of the joint committee will take place at 5.30 p.m. on Wednesday, 6 October, to consider a number of housekeeping matters. I ask members to note that in their diaries.

The joint committee adjourned at 5.30 p.m. until 5.30 p.m. on Wednesday, 6 October 2021.