

Departmental Plan 2022-23

Supplementary Information

Mission

The Courts Administration Service (CAS) was established on July 2, 2003, with the coming into force of the [*Courts Administration Service Act, S.C. 2002, c. 8*](#) (CAS Act). Our role is to support Canada's justice system by providing innovative, timely and efficient judicial, registry, corporate and digital services to the Courts. By delivering these services, CAS enables the Courts to hear and resolve the cases before them fairly, without delay and as efficiently as possible. Our services also facilitate access to justice for all Canadians by enabling litigants and legal counsel to submit disputes and other matters to be heard before the Courts.

Mandate and role

As stated in section 2 of the CAS Act, CAS is mandated to:

- facilitate coordination and cooperation among the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court of Canada and the Tax Court of Canada (the Courts) for the purpose of ensuring the effective and efficient provision of administrative services;
- enhance judicial independence by placing administrative services at arm's length from the Government of Canada and by affirming the roles of Chief Justices and judges in the management of the Courts; and
- enhance accountability for the use of public money in support of court administration while safeguarding the independence of the judiciary.

Operating context and key risks

Operating Context

In 2022-23, the environment within which CAS operates will remain complex and challenging, owing in part to the following.

The COVID-19 Pandemic

The COVID-19 pandemic has had a significant impact on the Courts and CAS operations. CAS continues to work with the Courts and with public health authorities to adapt to the new reality, to continue to ensure access to justice for Canadians.

Judicial Independence

Judicial independence is a cornerstone of the Canadian judicial system. Under the Constitution, the judiciary is separate from, and independent of, the executive and legislative branches. Judicial independence is a guarantee that judges will make decisions free of influence based solely on facts and law. It has three components: security of tenure, financial security and administrative independence. Safeguarding the principle of judicial independence is a key operational consideration for CAS when providing services to the Courts, as well as in supporting the roles of the Chief Justices and judges in the management of the Courts.

Distinct Requirements of the Courts

Services required by the judiciary - including registries, hearing-related activities, legal counsel, judicial administrators, law clerks, jurilinguists, judicial assistants, library personnel and court attendants - are provided as directed by the Chief Justices. The Courts' national and itinerant nature also requires CAS to provide support to members of the Courts and deliver court and registry services in various locations across the country. As such, the individual and unique requirements of each of the Courts, the distinct nature of the Courts' business, and the characteristics of the Canadian judicial system are all factors that CAS must consider when delivering services to the Courts. Additionally, throughout the COVID-19 pandemic, CAS has had to accommodate each Court's practices and guidelines and their distinct requirements while adapting to the evolving situation.

Volume and complexity of cases before the Courts

The volume of cases before the Courts is a key consideration in providing the level of support required, particularly in delivering registry and judicial services. This volume can be somewhat unpredictable, as changes in legislation and regulations, policy decisions, and precedents from judgments can influence the number of cases submitted before the Courts. Also, the nature and increasing complexity of the cases filed can considerably influence the Courts and registries' workloads, particularly in those related to national security, intellectual property, Aboriginal claims, taxation and immigration - which can exacerbate resource pressures, including the level of judicial and registry support required. Moreover, Government of Canada policy initiatives including additional funding for the Canada Revenue Agency to combat tax evasion and fraud, as well as COVID-19 financial relief programs, are expected to generate increased workload pressures for the Courts and CAS.

Service delivery capacity

CAS's ability to provide the required level of mandated services to meet the Courts' operational needs and associated services to litigants and their legal counsel is dependent on available financial and human resources. CAS will continue with its efforts to ensure that the organization has the resources necessary to deliver the level of services required by the Courts. In addition, CAS will pursue its transformative agenda and implement initiatives identified in the 2022-23 Departmental Plan to strengthen and enhance the elements required to deliver better services to the Courts and to respond to the evolving expectations of Canadians.

Demands for digital services

Today, court users routinely conduct business online and demand the same services from the Government of Canada as they receive from private sector organizations. Emerging technologies and new digital services trends are vital considerations for CAS in its service delivery and systems. The COVID-19 pandemic has also underscored the Courts' requirement to strengthen capacity to provide online services to meet augmented demands. Hence, CAS will continue to enhance the capacity of the Courts to manage their activities digitally and virtually and interact with litigants electronically. This includes continued work to implement a new Courts and Registry Management System (CRMS).

Workforce

Providing the level of mandated services required by the Courts depends largely on CAS's ability to attract, retain and develop a highly skilled, diverse and engaged workforce. A robust and effective judicial and registry services provider needs a workforce with specialized skills, varied experiences and expertise, and a strong knowledge of the jurisdiction of each Court. These workforce needs, combined with the pressure brought on by the pandemic and requirements for work onsite, have challenged our ability to recruit and retain staff. CAS also faces challenges attracting and retaining employees in corporate functions (HR, Security, IT, Finance and Facilities) who are in demand in all federal departments and agencies. Retaining experienced, qualified personnel is an additional challenge for a small organization where there are limited promotion opportunities. Accordingly, CAS will invest in building an agile, diverse, high-performing and innovative organization that is responsive to the Courts, court users, and Canadians. A key focus will be to develop strategies to attract, retain and develop a bilingual, diverse, engaged and highly skilled workforce to deliver the range of judicial, registry and administrative services and advance the modernization and digitization of services to the Courts. Additionally, CAS's mature workforce highlights the need for succession planning, talent management and knowledge management strategies.

Key Risks

To effectively address the risks faced by the organization, CAS has an integrated risk management process through which the corporate risk profile is developed. This process is applied consistently throughout CAS and engages the most senior levels of the organization—the Chief Justices of the Courts, the Departmental Audit Committee, the Executive Committee, and the Senior Management Committee—in the identification and evaluation of the most pertinent risks for the organization, and the determination of appropriate response strategies to manage these risks effectively. Assigned risk owners are responsible for monitoring risks and the effectiveness of mitigation strategies.

An in-depth review and update of CAS's corporate risk practices and the CAS corporate risk profile is planned for 2022-23.

Pandemic

There is a risk that CAS will not be appropriately nimble in managing the changing impact of the pandemic, either removing restrictions too quickly with a negative impact on the health and wellbeing of employees and members of the Courts; or moving too slowly, impeding the operations of the Courts and CAS in the delivery of access to justice for all Canadians.

This risk is driven by the evolving impacts of the pandemic on Canada and internationally; unpredictable implications on the Courts' work; changing public health recommendations/restrictions; and the pandemic's significant impact on the manner of delivery of services to the Courts.

Mitigation measures will include ongoing monitoring of the pandemic, public health guidelines and practices of other courts, as highlighted by the Action Committee on Court Operations in Response to COVID-19.

While an increase in onsite staff is expected, CAS will continue to support remote work and services, including the electronic filing of court documents and virtual hearings, based on court participant interests and the Courts' operational requirements. Several programs and services to promote employee wellness and resiliency, including focusing on mental health, physical well-being, training, and advice on adapting to working remotely, will also continue to be offered. To that end, CAS will make resources and tools available to members of the Courts and employees.

Courts and Registry Management System (CRMS)

There is a risk that CAS will not be able to procure a new CRMS that meets the evolving requirements of the Courts, litigants and CAS staff with available resources and in the timeframe desired, impacting project delivery confidence, and in turn, service delivery efficiency and access to justice.

Many factors are driving this risk including the need for CAS to redirect efforts during COVID, the lack of fully bilingual COTS (commercial off the shelf) solutions for the Courts, and increasing market costs. An additional driver is the ongoing need to reconcile the needs of four Courts for a future solution while continuing to support day-to-day operations as well as targeted enhancements to legacy systems, which are becoming limited in terms of growth. During COVID, CAS was able to pivot to more online services through a series of workarounds, which facilitated access to justice for litigants but created more complexity for staff in IT and registry operations. This further highlights the need for robust, integrated electronic systems.

As part of its risk response strategies, CAS will update its market scan, action recommendations from a 3rd party review of the project, and refresh its approach with Treasury Board. A business case for Finance Canada will be prepared in anticipation of additional resources being required. In parallel, CAS will continue to deliver shorter-term digital initiatives. This includes working with the Courts to enhance e-filing capabilities, providing on-line access to court records, and continuing to implement fully digital courtrooms. In addition, network infrastructure enhancements will be undertaken to modernize digital services, and prepare a foundation for the new CRMS.

Court Facilities

There is a risk that current court facilities will be inadequate to respond to growth in caseloads and evolving needs of the Courts and their stakeholders.

To conduct their business, the Courts require special purpose facilities including courtrooms, judicial chambers, alternative dispute resolution and mediation rooms, registry counters and other spaces specifically designed for their operations. CAS manages 13 permanent locations to enable the Courts to hear matters and reach litigants across Canada. Growth in caseloads is straining the capacity of these facilities to support the business of four independent Courts. In addition, modernization is needed to ensure court facilities are secure, accessible and sustainable, and technology-enabled to respond to the diverse ways Canadians expect to access justice. In response to this risk, CAS will continue to advance its facilities modernization plan, subject to available funding.

Organizational Transformation and Change Management

There is a risk that resistance or insufficient capacity to adapt to a new operating environment will impede the achievement of organizational objectives.

Many factors are driving this risk, including technological advancements; rapidly evolving expectations of members of the Courts, litigants, lawyers and court users; and the ambitious transformation agenda of the CAS Strategic Business Plan 2020-25. To respond to this risk and facilitate a successful transition during this period of significant change as CAS advances its service and business transformation, investments will be made in change management capacity to ensure the effective delivery of expected results and outcomes.

Increased translation requirements

There is a risk that CAS will not be able to meet an anticipated increase in translation requirements.

Amendments to the *Official Languages Act* are anticipated that will result in a large increase in translation requirements. The amendments are expected to take effect in 2023-24, but there is a challenge in acquiring the necessary in-house or external capacity to support an increased volume of translations.

To be successful beginning in 2023-24, work would need to start in 2022-23 to increase capacity. However, this work is not funded. Incremental funding to support increased translation needs has been identified, but has yet to be secured.

Information Management

There is a risk of loss, damage or inability to access records of business value or historical jurisprudence that may, in turn, impact decision-making.

A confluence of drivers will continue to propel this risk in 2022-23. The predominant drivers are: supporting the Courts in developing rules and regulations regarding the safeguard of court documents and judicial information; need for classification schemes to more clearly define court and judicial information, including security and handling methods; need to improve management of corporate data/information; absence of backup for paper court records; lack of resources to safeguard original documents in an alternative format; the potential impact of loss of information of business value, particularly the precedent-setting nature and historical importance of court information held by CAS; increasing public demands for digital services and the corresponding need to share court information electronically; inability of current court and registry management systems to meet evolving information management needs; delays in addressing identified system gaps; and the need to strengthen the implementation of CAS's document management system in operational areas.

Risk response strategies include the rigorous application of corporate information management practices including retention and disposition schedules; analyzing options to digitize court records; and onboarding operational areas and the regional offices to the corporate electronic document and record management system. Additionally, CAS will continue to work with the Courts to manage and storing archived court documents, including space for storing and archiving hard copy court documents.

Access to Justice

There is a risk that the funding model for the Courts may not respond to changes in the volume and complexity of their business, resulting in compromise of access to justice and impacting the judicial independence of the Courts.

Risks related to access to justice will continue to be driven by a number of factors including the scope of the federal Courts system and complexity of cases; the increasing workloads faced by the Courts; technological advancements; public demands for online services; non-discretionary work associated with the escalation in the number of multi-day hearings; yearly increases in the number of documents received by the Courts; and increases in the number of self-represented litigants.

Without a funding model that can proportionally accommodate future needs, there remains a risk that CAS may revert into program integrity. To respond this risk, CAS will continue to engage with central agencies to identify an appropriate funding model for the Courts and CAS.

IT Security

There is a risk that the security of information and IT infrastructure could be compromised.

CAS's IT security risk will be driven by a number of factors in 2022-23. These include the increase in the number of files that are sensitive; the ongoing need for enabling infrastructure and tools to support security, confidentiality, integrity and privacy of information; the need to protect the safety and security of the critical IT infrastructure of the Courts and CAS; repeated calls for digital services from the Courts; results of various assessments of CAS's network, architecture and computing environment conducted over the past few years; emerging international cyber threats; and a number of employees working and providing administrative services to the Courts remotely. Balancing the requirements of the Courts for flexibility and increasing access to digital services with robust IT security measures will remain a key challenge at CAS.

The most critical risk response strategies remain the implementation of measures that improve the IT security posture of the Courts and CAS, including software and hardware enhancements to systems and IT infrastructure, maintaining sound network access controls, continued IT security awareness and supporting the objectives of the Government of Canada's National Cyber Security Strategy.

Physical Security

There is a risk that the physical security of the members of Courts, court users, employees and facilities could be compromised.

Factors that will drive this risk in 2022-23 are the nature of matters brought before the Courts (which often have important security, economic and/or societal implications), increases in the number of self-represented litigants (some of whom become frustrated due to a lack of familiarity with the court system), and increased demands on limited resources.

To respond to this risk, CAS is putting into place the necessary measures to address findings of the latest threat and risk assessments. It maintains comprehensive security programs; makes enhancements to the physical security of facilities where required; keeps its business continuity plans updated; and continues to adopt risk-based approaches to security management. CAS also maintains ongoing collaboration with the law enforcement community across Canada to inform security decisions and strengthen services provided to the Courts.

Gender Based Analysis Plus

Institutional Gender Based Analysis Plus (GBA+) Capacity	
<p>CAS is committed to using a Gender Based Analysis Plan (GBA+) lens in developing policies, programs and initiatives, including considering differentiated impacts on diverse groups of women, men and non-binary people.</p> <p>The CAS Responsibility Center for developing, monitoring and implementing GBA+ practices is the Human Resources Directorate, which is responsible for collaborating with other portfolio leads within the organization to develop an approach to ensure the proper application of GBA+ analysis in decision-making.</p>	
Highlights of GBA+ Results Reporting Capacity by Program	
Judicial and Registry Services	<p>This program does not collect sufficient data to enable it to monitor and/or report program impacts by gender and diversity according to the Government of Canada's analytical process, GBA+.</p> <p>The Courts' primary responsibility is to administer justice by ensuring that disputes brought before them are settled in accordance with Canada's laws and founded upon Constitutional and Rule of Law principles. Stakeholders bringing matters before the Courts represent a cross-section of the Canadian population.</p> <p>At present, some GBA+ analysis is included in Budget requests and Treasury Board Submissions. Plans are also in place to increase collection and conduct more in-depth GBA+ research of program data to support corporate decisions. Plans are also currently being formulated to establish linkages among GBA+, diversity and anti-racism initiatives to facilitate efficiency and effectiveness. CAS has also approved and begun implementing its Anti-Racism Strategy 2021-2026 aimed at eliminating systemic barriers and proactively addressing racial inequities and unconscious biases in organizational systems and decisions. The strategy's goal is to ensure equity of treatment and an inclusive, safe and healthy environment for all employees regardless of race, gender, sexual orientation, colour, or creed. Discussions are underway to determine how GBA+ can be further advanced through the implementation of the strategy.</p>