

The Supreme Court of the United Kingdom

Management Board

Minutes of the meeting held on 23 September 2013

Attending: Jenny Rowe (Chair)

William Arnold
Chris Maile
Olufemi Oguntunde
Martin Thompson
Ben Wilson
Alex Jablonowski (Non-Executive Director)
Philip Robinson (Non-Executive Director)

Paul Brigland (Secretary)

1. Apologies for absence

1.1 Apologies were received from Louise di Mambro.

2. Approval of the minutes of the meeting of 24 July 2013.

2.1 The minutes were approved subject to three minor textual corrections.

3. Matters arising not covered elsewhere on the agenda

3.1 JR said that most matters arising were covered by items on the agenda.

3.2 Following on from point 1.7 of the July minutes, PB updated the Board on the ongoing ICT project. The Board noted that,

- following confirmation from the MoJ Information Assurance assessor, it had been agreed that the Aptos finance system would not require IL3 hosting.

- the proposed new HR system would not be hosted by the UKSC
- 3.3 The effect of these changes in requirements meant that there was no longer a need to have any IL3 level hosting. This had a cost benefit, as IL0-2 hosting did not incur the same level of expense. For this reason the IT Project Board had approved a decision to use Microsoft for the Court's hosting requirements.
- 3.4 PR asked where there any other issues that could impact on or delay the project. PB said that the main thing outside UKSC control was the agreement by Nominet to the new domain name in time for the switchover in December and the go live target of 5 January 2014. For this reason regular contact was being maintained with Nominet and, so far, their consultation process was keeping to timetable. The Board then discussed possible contingency arrangements in the event that the Nominet timetable slipped.

4. Scorecard

- 4.1 The Board noted the contents of paper MB13/53, but agreed to discuss this in more depth when item 12 was reached. The Board noted that the only item marked amber was sick leave, as a result of a member of staff being on long term sick absence.
- 4.2 PR also noted that he had a query on the PTA year to date figures, but agreed to defer discussion until item 12 was reached.
- 4.3 BW noted that the positive feedback year to date figure should be 20.

5. Risk Register

- 5.1 The Board noted paper MB13/54. JR said that she had updated the register following the MB Workshop in July. The Board noted the following points –

Risk 3 – MT was arranging a test at the RCJ, but a separate desktop test for the new IT system would be needed.

Risk 6 – the Board noted the article in the Scottish Legal News which reported on the debate hosted by the Scottish law firm on a possible Supreme Court of Scotland.

Risk 8 – the board noted that the 6 month bedding in period for the new lifts was almost at an end. This risk could be reviewed in October and, if appropriate, removed from the register.

Risk 9 – JR had amended to reflect discussions at the MB Workshop.

Risk 12 – The PM of Dominica had written to the FCO explaining that his government were planning to leave the JCPC if they could gain a majority vote in parliament.

Risk 13 – the Board noted the referral to the Court of Welsh Assembly legislation, relating to the Agricultural Wages.

6. Finance and fees

6.1 The Board noted paper MB13/55, and in particular the following points –

- August had been as expected, but fees income for the UKSC of £86k was higher than expected. This meant that actual income had now caught up with projected income.
- All contributions due in the first and second quarters had been received. The invoices for the third quarter contributions were being raised.
- Efficiency savings had now been shown on a new chart at the end of paper MB13/55 Annex A. This compared categorised spend with budget and spend in the previous financial year
- There had been some fluctuation in the figures for HR and IT. This was due to staff changes, cover for staff on long term sick leave and revised broadcasting charges.
- Income from the wider market initiatives had not been as high as expected. It was hoped that the level of income would be raised by the end of the financial year after renewed efforts to promote the availability of rooms for event hire had been undertaken.

- 6.2 The Board agreed that we had probably done as much as could be done by way of savings through efficiency measures, and that a record of savings should be kept to use in the Spending Review in 2015. It was noted that the only item where we had not achieved all we had hoped was the wider market initiative, but that this was a comparatively small figure. WA said that it was anticipated that the new catering contract would help and that it would be good to get the figures for the wider market initiative going in the right direction as this would give us a clean sweep.
- 6.3 The Board noted that the second part of the new chart in annex A covered the spend on salaries (staff and Justices, building costs etc, and set out what was fixed spend.
- 6.4 AJ said that we had a good story to set out for HMT, and that it was good that we had clearly documented all we had done.
- 6.5 The Board noted that meeting dates had been agreed with the NAO and that the date for the next Audit Committee meeting had been arranged in October, where dates for the next two meetings would be agreed.

7. Press and communications

- 7.1 The Board noted paper MB13/56, and the following points -
- a visit to the Court by a group of Scottish political journalists organised by the Scotland Office had been successful and they had been added to the circulation lists used by the Communications team.
 - Lord Neuberger and Lady Hale would be holding a press conference in the following week. This would be the first by Lady Hale following her appointment as Deputy President.
 - PR said that consideration would need to be given to managing the number of high profile ‘morality’ cases later in the Michaelmas Term.
 - July and August had both been busy months in terms of visitor numbers, educational tours and events. This was thought to be

due to the continued knock on effect of the Olympics, combined with good weather and the effect of the open days. Figures were up on the same time last year, particularly the August bank holiday.

- BW drew to the Board's attention the conference that had been hosted for teachers of A Level Law, and that some educational tour bookings had been generated as a result of this.
- The number of visitors to the website was down in July and August compared to the same period in 2012. However, there had been some high profile cases in July 2012 that had generated interest.
- A new Content Management system for the website was being investigated but would not be implemented until after the switchover to the new IT system.

8. Human Resources

8.1 The Board noted the following points –

- The new JAs had started and had settled in well
- A new member of staff had started in the Registry as part of the succession planning for that section.
- The member of staff on long term sick leave would be starting a phased return to work within the next two weeks
- A new pay policy was being developed for discussion at the next Remuneration Committee meeting. CM was looking at the MoJ policy to consider what we would want to retain and what we would want to do differently
- CM had been trialling the Octopus HR system and had been impressed as it was clear, simple and easy to use. The only negative aspect was the overtime module which would incur a charge of £90 per month, but CM was discussing this with Liberata. There were no other hidden or additional charges and work was underway to ensure the data transferred from Phoenix was, as far as possible, correct. It was expected that, once the

switch to Octopus had been done, line managers would ensure staff checked their details. CM and OO confirmed that we would probably need a separate contract with the CS Pension provider, but this would not create any problems from an audit point of view.

- AJ suggested that it would be useful to document the change in HR systems as a case study. This could be useful if we were challenged on why we were bucking the trend and moving away from a shared services approach to HR.

Action Point – all involved to produce a Case Study by November (CM, OO, PB)

- The annual Staff Survey would be launched on 23 October, with a few additional questions on benefits
- A Performance Management workshop for line managers would be held on Friday 27 September.

9. Parliamentary Questions and Freedom of Information

9.1 PB reported that no FOI requests had been received in July or August. No PQs had been tabled.

10. Case update

10.1 LdiM had carried out an analysis of when we had reached 215 PTA applications during each year of operation. The results showed a slightly accelerated rate each year.

10.2 A date had been found in November for the Welsh referral. The parties had said they would need two days and that they did not mind waiting until 2014. LdiM would need to consult the President

10.3 BW pointed out that the Dewani case would be heard in the Court of Appeal on 22 October. If it was decided he could appeal against the extradition order, it was possible that the case could come to the Supreme Court.

11. Accommodation report

- 11.1 The Board noted paper MB13/57.
- 11.2 The Board noted the work that would be undertaken on the secondary double glazing in Court Room 3 and on the smoke vent in the light well. This would require scaffolding to be put up over a weekend and would require consent from Westminster City Council.
- 11.3 The Board noted that there had been no recent reduction in costs on the new Security Guarding contract, but that it was still costing approximately 20% less than under the previous contract. The Board noted that the Hard FM contract with MJ Ferguson was running smoothly.
- 11.4 The Board noted the list of proposed works detailed in annex A of the paper and MT provided updated cost estimates. MT would be discussing this with OO and WA to decide what work we could afford to carry out in the current financial year.
- 11.5 WA pointed out that the mid year financial review being carried out by OO would identify what monies were likely to be available and allow us to prioritise expenditure. The Board also noted that the figure in the final line of the Hard FM section should be 76%, not 74%.
- 11.6 MT reported that under the new cleaning services contract, we were experiencing a better service but with no increase in costs. The relationship with Julius Rutherford was running smoothly.
- 11.7 MT updated the Board on the work being carried examining how catering services were delivered. Chris Brown from Turpin Smale had drawn up a draft specification and a decision would need to be taken on the procurement process to be followed. The Board discussed when notice should be given to Eurest. JR said that the situation would need to be explained to the staff in the café and that there would be an opportunity to TUPE across to any new contractors. JR said that she would consider when and what to tell the Users Group.
- 11.8 The Board discussed how the catering and also the quality of the gifts on sale must be to our satisfaction, as this was a reputational issue.

Action point: MT to give notice to Eurest.

12. Proposed Monthly Dashboard

12.1 The Board noted paper MB13/58, and in particular the following points –

- The balanced scorecard concept had originally been developed for use by small businesses in the US. It was not ideal for an organisation such as the UKSC.
- The UKSC was a small, non-profit making specialist organisation and the Monthly Dashboard had been developed by MT better to reflect this status.
- It could be difficult to record KPIs. MT had identified the 10 most important KPIs, which had been difficult to record on the Scorecard in a meaningful way (e.g. H&S had now been included on the Dashboard as a box to record significant events – these being occurrences that were worth reporting to the Board).

12.2 AJ said that his experience of scorecards had been that they were never fixed and not perfect. He thought the Dashboard was good as it pulled together all of the points that were regularly considered by the Board.

12.3 PR said he thought the Dashboard incorporated two major improvements – the Alert boxes and the boxes that highlighted exceptions. The Board considered who would be responsible for filling these in, and how people completing the Dashboard would know what to include in these boxes when filling in the report.

12.4 PR said it was not clear what the YTD figure for PTAs not referred to Justices represented, and that the figure did not appear meaningful. It was agreed that LdiM, MT and PB should consider this further and whether this should be recorded in future. The Board decided that, in any event, the PTA figures recorded should reflect how and if the

'cases' KPI was being met. Board members said it was not clear from when the 12 working week period commenced.

Action point: LdiM to report to next MB meeting on when the 12ww period commences.

12.5 JR said that guidelines would need to be provided to staff with responsibility for completing the dashboard, explaining what would count as an Alert or Highlight.

12.6 MT said that he had also been working on the version that was used to accompany the Quarterly Report to the Jurisdictions. This would be circulated to Board members for comment

13. Review of Management Board Terms of Reference

13.1 The Board reviewed the Terms of Reference (Paper MB13/59) and noted that they should be amended to include the JCPC.

Action point: PB to add reference to the JCPC where relevant and circulate for approval at the next MB.

14. AOB

14.1 The revised Mission Statement was considered by the Management Board and approved.

14.2 The Board noted the contents of paper MB13/60 – Parliamentary & Health Services Ombudsman's Report on complaints against central government departments.

14.3 JR reminded Board members that she was due to visit Northern Ireland in October, and had prepared a note to the President and Deputy President giving details of the visit.

14.4 The Board noted that the Judge responsible for the Falkland Islands had visited the Court. He had discussed the possibility that any oil discoveries in the Islands might lead to cases being referred to the JCPC.

UKSC
October 2013