

# **The Supreme Court of the United Kingdom Management Board**

## **Minutes of the meeting held on 27 March 2017**

Attending: Mark Ormerod (Chair)

William Arnold  
Louise di Mambro  
Paul Brigland  
Chris Maile  
Olufemi Oguntunde  
Ben Wilson  
Stephen Barrett (Non-Executive Director – via telephone)  
Kenneth Ludlam (Non-Executive Director)

Paul Sandles (Secretary)

### **1. Apologies for absence and introduction.**

1.1 No apologies were received.

### **2. Approval of the minutes of the meeting of 23 January 2017.**

2.1 The minutes were approved.

### **3. Matters arising not covered elsewhere on the agenda.**

3.1 The possibility of a Management Board away-day to discuss budget planning would be reassessed in the light of the discussion of paper MB17/12.

3.2 The Results into Action team had received a donation from the Justices in recognition of the contribution made by staff to the successful handling of the Article 50 'Brexit' case.

### **4. Declaration of conflicts of interests.**

4.1 No declarations of conflicts of interest were made.

## **5. Chief Executive's Overview.**

5.1 The Board noted the contents of paper MB17/9, and in particular the following points –

- The sitting of the Court in Scotland in early June had been announced. A working party had visited City Chambers in Edinburgh to confirm its operational suitability. As this was intended to be the first in a programme, preliminary work had begun to ensure that future visits did not encounter the same scheduling issues surrounding the listing of suitable cases.
- A review of the implementation of the new telephony system would be carried out.
- Future Government policy on the post-Brexit legal landscape would become clearer following the publication of the White Paper on the Great Repeal Bill. SB observed that a specific Brexit-related strand within the Court's strategic planning would be useful.

## **6. Management Information Dashboard.**

6.1 The Board noted the contents of paper MB17/10, and in particular the following points –

- Justification as to why one Supreme Court permission application had not been determined within the 12-week target period was supplied.
- There had been an increase in staff sickness in January, although overall figures for the year looked satisfactory.
- Two informal complaints had been received during January and February 2017. The first was about the allocation of seats to journalists during the hand-down of the *Miller* judgment; the second related to delay in delivering the *MM (Lebanon)* judgment.
- Two FoI requests were not completed within the deadline. PB was already assessing the handling process with relevant colleagues.

- A sharp increase in calls logged with the IT team had been observed in January, largely due to the new telephone system.

## 7. Risk Register.

### 7.1 The Board noted paper MB17/11, and in particular the following points –

Risk 1 (*Disruption from breach of physical security*) – Although outside the reporting period, WA gave an oral report on the Court’s security response to the terrorist incident in Westminster on 22 March 2017. A fuller debrief had been scheduled. A test of the Business Continuity Plan involving two Justices had been scheduled and a further test of the lock-down process would be arranged as two further doors had recently been included within the system.

Risk 2 (*Loss of / decline in infrastructure performance*) – Satisfactory testing of the videolink system in Court 3 had been undertaken in preparation for the first case which had been listed for June. Sessions with an external trainer had been booked to assist staff with the new telephone system.

Risk 3 (*Damage to Reputation*) – The *Miller* judgment had generated exceptional levels of public interest and correspondence. Related litigation, including the legal issues around the possible Scottish independence referendum, could not be discounted and so continued caution was advisable.

There was discussion as to whether the state of flux in the UK’s constitutional arrangements might be viewed as part of the Court’s ‘business as usual’ operating process for the next few years, rather than within the confines of the Risk Register.

Risk 4 (*Financial Challenge*) – The proximity warning had been adjusted from ‘imminent’ to ‘close’ to reflect that the Court was on course to be within budget by the end of the financial year.

Risk 5 (*Staff resilience*) – Two vacancies would be created as a result of staff moving to new posts. The judicial assistant recruitment campaign would end shortly.

Risk 7 (*Breakdown of relationships*) – The President and Deputy President would be appearing before the Constitution Committee on 29 March. Questions regarding the position taken by the Lord Chief Justice at his recent appearance before the Committee could be expected.

## **8. Finance and fees.**

8.1 The Board considered paper MB17/12, and noted the following points –

- Figures for February had been in line with budget estimates. Cumulative totals up to the end of February, showed an underspend of £100k, or 0.3% of the profiled budget. Current projections suggested that there would be an underspend of £85k for the year overall once Justices' pay and depreciation had been excluded. Total income in the financial year 2015-16 had been around £300k higher, largely because of higher fee receipts.
- The Court's Supplementary Estimate had been published.
- The proposed budget for 2017-18 was discussed. As a result of experience during 2016-17, the estimates for fee income had been reduced to the lowest months' fee income that year. This had resulted in a projected over-spend of £150k despite the reductions in some areas of expenditure. It was expected that the fee income estimates would prove to be too conservative and the position would be monitored carefully. However it was clear that there should be no discretionary expenditure until the deficit had been eliminated.
- New performance management charts were presented and their use for the next reporting year was approved by the Board, subject to some alterations. It was emphasised that data regarding cases awaiting judgment was presented solely to inform the Board about the timing of future fee income.

## **9. Press and communications.**

9.1 The Board noted the contents of paper MB17/13, and the following points –

- Coverage of the *Miller* judgment had been extensive but less strident, when compared to that for the High Court's decision.
- The announcement of the beginning of application process for judicial appointments had received.
- The unprecedented impact of the *Miller* judgment on web traffic levels was noted.

## **10. Human Resources.**

10.1 The Board noted the contents of paper MB17/14 and in particular the following points –

- The vacancy in Registry had been filled with a three month secondment with the permanent position to be advertised after Easter.
- There had been two resignations. Interviews for a new Communications and Outreach Manager took place on 24 March and the role of Director of Finance had been advertised on Civil Service Jobs with a closing date of 31 March.
- The recruitment campaign for Judicial Assistants would close on 30 March 2017. Lord Wilson had replaced Lord Clarke on the recruitment panel and a training workshop had been arranged for him.
- New methods for carrying out and recording performance management, including continuous assessment, were being investigated.
- A formal recognition agreement between the PCS union and the Court covering collective bargaining and consultation had been signed on 20 March.

## **11. Parliamentary Questions and Freedom of Information.**

11.1 The Board noted that 6 FOI requests had been received in January and 4 in February, many of which were seeking legal advice or were not valid in some other way. No PQs had been tabled.

## **12. Case update.**

12.1 LdiM provided a short oral update noting that the Easter term list would be published shortly.

## **13. JCPC jurisdictions update.**

13.1 The Board noted the contents of paper MB17/15 and in particular the following points –

- The referendum in Grenada in November 2016 had resulted in the country voting not to join the jurisdiction of the Caribbean Court of Justice, and the proposed referendum in Antigua & Barbuda had been delayed.
- Consideration was being given as to the desirability of issuing a factual statement regarding the time JCPC cases take to proceed to judgment. This was in response to media reports in certain Caribbean nations that implied that the Judicial Committee was, in effect, preventing death penalty sentences from being carried out because of delays.
- The sitting of the Judicial Committee in the Bahamas for a week in February had gone well.

## **14. Review of Information Security Policy.**

14.1 The Board approved the Information Security Policy presented in paper MB17/16 subject to the following point –

- Reference be made to the clear-desk policy within the policy.

14.2 A reminder of the policy and its contents would be included in a future all-staff meeting.

## **15. Accommodation.**

15.1 The Board noted the contents of paper MB17/17, and in particular the following points –

- Future papers would distinguish which items of proposed expenditure relate can be included within the capital budget.
- Two of the existing contracts – security guarding and audio-visual services – would be re-tendered in 2017.
- All of the building projects capable of inclusion within the capital budget were approved. Essential projects not capable of capitalisation that could be included within the budget for small works were also approved. Stone work repairs and the access control system upgrade would be deferred and reconsidered subject to available funds.

## **16. Health and Safety.**

16.1 The Board noted the contents of paper MB17/18, and in particular the following points –

- The Health and Safety Committee had met on 16 March 2017 and there had been no incidents or accidents reported within the reporting period, all DSE assessments were up to date and all other KPIs were met.
- The Health and Safety Corporate Plan for 2017/18 was considered and approved.
- A power failure occurred in the Westminster area on Saturday 11 February 2017 at a time when staff were working in the building which affected several systems. Lessons learned had been digested and improvements actioned. Further consideration would be given to how this would have been managed on a regular working day.

## **17. Equality and Diversity.**

17.1 The Board noted the contents of paper MB17/19.

**18. Transitioning.**

- 18.1 The Board noted the contents of paper MB17/20 which outlined more detailed preparatory work necessary to welcome new Justices after their appointment this Summer.

UKSC  
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