

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

**Minutes of the meeting held on 27 November 2017**

Attending: Mark Ormerod (Chair)

William Arnold  
Louise di Mambro  
Paul Brigland  
Chris Maile  
Joyti Mackintosh  
Sophia Linehan-Biggs  
Kathryn Cearns (Non-Executive Director)  
Paul Sandles (Secretary)

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

1.1 Apologies were received from Kenneth Ludlam.

**2. Approval of the minutes of the meeting of 25 September 2017.**

2.1 The minutes were approved.

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

3.1 There were no matters arising.

**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 MB17/47, and in particular the following points –

- Consideration of the working relationship between the Court and the Supreme Court Arts Trust would be necessary with a view to clarifying matters in a Memorandum of Understanding.

- The Appointments Commission looking at the appointments required during 2018 had held its initial meeting. The intention would be to launch the advert before Christmas with a closing date towards the end of January. The offer of ‘insight sessions’ for applicants wishing to find out more about the role would be repeated.
- The public announcement of the sitting dates and cases selected for the Court sittings in Belfast had taken place. This had involved some innovative work from the Communications team.
- IT stability had remained a matter of concern, especially now that the IT manager had begun his secondment posting. However, new staff appointments have settled well in post and structural improvements to prevent IT downtime instances remain on track.
- Although precise detail about any changes consequent upon the UK’s withdrawal from the European Union was not available, scenario planning to assess the Court administration’s resilience had taken place. This would remain under ongoing review.
- There remained a possibility that the Court would need to become more involved in programmed international visits.

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

6.1 The Board noted the contents of papers MB17/48, 48a, and 48b, and in particular the following points –

- One Supreme Court application for permission to appeal had not been resolved within the 12-week deadline and the Registrar provided justification.
- Fee income in September and October continued to be higher than the monthly budgeted amounts. The forecast for fee income in 2017-18 had been constructed on the basis of actual income to date, plus the budget of £60k per month for the remaining months of the year.
- If the existing trend for higher than budgeted fee income continued, then the full year forecast would rise accordingly. It should be noted that the monthly budgeted fee income for financial year 2017-18 had been set at a level lower than that in 2016-17.
- Managers had been reminded to ensure that all sickness absence was reported to the Human Resources team to ensure it was recorded

correctly.

- A formal complaint regarding the Court’s administrative procedure had been received at the end of October 2017. An investigation had been instigated as per the Court’s policy on complaint handling.
- Within the revised format for statistical presentation, the grant rate percentage would need to show the moving annual total. Subject to this, the Board approved the use of the new statistics for the future.
- The process for the listing of appeals was discussed. Hearing dates would be offered by the Registry to the parties in the case not long after the grant of permission. Delays were often caused when parties could not agree to a date and the statistics revealed that this was particularly true of JCPC appeals.

6.2 The Core Volumes and Movements (CVM) Project remained on track for completion by January 2018. Further iterations of the project would be required in future to ensure that data sets for other audiences could be retrieved electronically. This project had responded to the recommendations of the draft Internal Audit report on statistical information dated July 2017. Further oversight from auditors would be sought in future where necessary.

## 7. Risk Register.

7.1 The Board noted paper MB17/49, and in particular the following points –

Risk 1 (*Disruption from breach of physical security*) – Testing of IT connectivity and a review of physical security arrangements at the secondary business continuity site would take place in December 2017. This had been deferred from the previous scheduled date in October owing to delays in the roll-out of the RCJ’s wi-fi upgrade. A full BCP test would follow early in 2018. Consideration would be given to The Rolls Building as a preferred location within the RCJ complex for the secondary BCP site.

A security lock-down exercise for internal users would be carried out on 11 December 2017 and the new internal Communications system would be tested at the same time.

Any change to security arrangements for the sitting in Belfast would be considered as the need arose.

Risk 2 (*Loss of / decline in infrastructure performance*) – A new ICT apprentice took up his post in October.

The IT Manager had begun his secondment to the Commonwealth Parliamentary Association and the Systems Administrator had been placed on temporary promotion.

Risk 3 (*Damage to Reputation*) – Steps to ensure that Justices run speeches past the Communications team before they are delivered had taken place. The handling process for FOI requests had been reviewed and measures to share best practice with peer organisations had been instigated.

Risk 4 (*Financial Challenge*) – The previous wording of the Risk description would be restored.

Risk 5 (*Staff resilience*) – Plans were in place to cope with the three staff departures taking place early in the New Year.

Risk 6 (*Workload movement*) – A JCPC case listed in January 2018 would involve a litigant in person unless suitable representation could be found. A high number of Permission to Appeal applications had been lodged with the Registry in recent weeks.

Risk 7 (*Breakdown of relationships*) – Changes to senior judicial personnel would lead to new relationships developing.

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

8.1 The Board considered papers MB17/50 and 50a, and noted the following points –

- Fee income had been greater than the previous financial year, for the same period, by a total of £88k. Court fees were continuing to provide the main source of variance in the full year forecasts.
- The full year forecast for the Resources budget predicted an underspend of £43k. The equivalent figure for the Capital budget revealed a £1k underspend. The forecasts for both budgets included a contingency sum of £20k in each.
- An update on changes to the budget management process was presented. Of the eight action points, six had been completed with the final two in

progress. This review had been successfully absorbed into the working capacity of the Finance team.

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

9.1 The Board noted the contents of paper MB17/51, and the following points –

- There had been significant media interest in the swearing-in ceremony on 2 October. The press conference on 5 October with Lady Hale and Lord Mance had also been widely reported.
- The Court had supported a further exhibition curated by the Koestler Trust. This would be on display in the lower ground floor area until 7 December. An exhibition entitled ‘Law and Nationhood: India and Pakistan at 70’, with support from the Supreme Court Arts Trust, would be occupying the space between mid-December 2017 and late-January 2018.
- The Court had held its first debate day involving a Scottish school in early October. There had been sixty entrants to the Court’s inaugural student writing competition and the winner would be announced in December.
- The Court had welcomed the Temple Bar Scholars from the Supreme Court of the United States for their annual visit in October 2017. Planning work had begun for the UK – China Judicial Roundtable in 2018.
- Promotional efforts to boost the attractiveness of the Court as a filming location were noted.

## **10. Human Resources.**

10.1 The Board noted the contents of paper MB17/52 and in particular the following points –

- Three members of staff would be leaving in December: one would be a retirement; the other two would be on promotion to other government departments. The increase in staff turnover rates had been noted.
- Planning for the 2018 Judicial Assistant Recruitment Campaign had begun. CM had attended the Bar Council’s Pupillage Fair in October and would also be attending a similar event in Edinburgh in February 2018.

- A series of staff engagement, corporate volunteering, and health and wellbeing events would take place throughout December.
- The Board approved two proposals from the Remuneration Committee. The first related to the continued retention of an additional allowance for one of the Judicial PAs. The second related to approval of an additional, non-consolidated payment to all staff, other than the Chief Executive, to be paid in December 2017.

## **11. Case update.**

11.1 The Board noted the oral update from the Registrar.

## **12. Performance against the UKSC Business Plan 2017-18.**

12.1 The Board considered the contents of paper MB17/53, and noted in particular the following points –

- From 2015, the Court had ceased sending quarterly updates to the jurisdictions as per the Concordat agreed with the Ministry of Justice in 2013. No comment had been received to date about this change in practice although, with the review of the Concordat due to take place in 2018, it would be necessary to write to the jurisdictions concerned to advise them formally.

### **Action: MO to write to the jurisdictions to advise them of this change.**

- Every effort was made to ensure the Performance Indicator regarding the listing of cases within nine months of the grant of permission was met. However, other factors such as the weight to be attached to the parties' preferences over listing dates, and the requirement to deal with urgent applications, often mean that the target is not met.
- Consideration would be given to methods of measuring the usefulness of the guide to how to bring an appeal to the Supreme Court mentioned at paragraph 31 of the Business Plan.
- Permanent preservation of paper and electronic media records with The National Archives was still subject to a backlog. Some additional infrastructure capacity could be necessary to ensure there were no storage issues while this backlog was being addressed. A Deputy Departmental Records Officer post had been created to assist with this work.

- The planned introduction of new websites for the UKSC and JCPC would need to be delayed until 2018/19.

### **13. Accommodation**

13.1 The Board noted the contents of paper MB17/54 and in particular the following points -

- Many of the items in the forward plan of accommodation works had involved energy saving measures. A report to the Board would be made as soon as it was possible to assess the full resource implications of these initiatives.

### **14. Staff Survey**

14.1 The Board noted the contents of paper MB17/55 and in particular the following points -

- 95% of staff responded to the Staff Survey.
- The employee engagement score had fallen from 85% in 2016, to 77% this year.
- The findings of the survey would be considered in more detail by the Results into Action Team which is composed of staff representatives from across the Court. An action plan would be developed for consideration at the next MB in January.

### **15. Amended Terms of Reference**

15.1 The Terms of Reference presented as MB17/56 were approved subject to the inclusion of a line confirming who would chair the Board in the Chief Executive's absence.

### **16. Administration of the Court of Appeal of the Falkland Islands, South Georgia and the South Sandwich Islands**

16.1 The Board noted the contents of paper MB17/57 and gave its consent to accede to the request of the Governors of the Islands to assist with the administration of the Court of Appeal for those territories.

16.2 The Chief Executive would speak with the President before any formal response was sent.

**17. IT progress update**

17.1 The IT team gave a short oral update to the Board regarding progress towards ensuring greater stability of the IT infrastructure.

UKSC  
December 2017