

The Supreme Court of the United Kingdom Management Board

Minutes of the meeting held on 23 July 2018

Attending: Mark Ormerod (Chair)

William Arnold
Louise di Mambro
Paul Brigland
Chris Maile
Joyti Mackintosh
Sophia Linehan-Biggs
Kathryn Cearn (Non-Executive Director)
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 21 May 2018.

2.1 The minutes were approved subject to one minor correction.

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 MB18/32, and in particular the following points –

- A review of working arrangements on the third floor had been carried out and had recommended the creation of a Deputy Registrar position to provide additional resilience. The post holder would assume line

management responsibility for Judicial PAs and the Judgments Clerk. Additionally, some behavioural attitudes had been highlighted which, while not affecting the overall quality of work produced, would require consideration as to how best to address them.

- The UKSC Arts Trust would meet on 25 July. It was to be hoped that the recent proposals would be addressed.
- Several possible sites in Cardiff would be visited during August in preparation for the Court sitting there in 2019.
- Preparations for the arrival of new Justices in October had been proceeding well. Discussion with the Ministry of Justice as to the timing of the appointments process to replace those Justices retiring in 2020 had begun.
- Consideration would be given to developing greater strategic focus for international judicial activities.

6. Management Information Dashboard.

6.1 The Board noted the contents of papers MB18/33, and 33a, and in particular the following points –

- The performance monitoring of budget performance would be amended in future to distinguish administrative and capital expenditure.
- Staff absence during May and June had accounted for a small drop in the proportion of invoices paid within 10 working days.
- The number of reward and recognition nominations approved had not been reported correctly. The correct numbers were two and four for May and June 2018 respectively.
- One FOI request had missed the statutory deadline by one day. Significantly fewer requests had been received in May and June than in previous months.
- Concern had been expressed that the listing of three or more one-day hearings in a week did not permit sufficient judicial preparation time.

- The number of JCPC cases awaiting Permission to Appeal determination had increased significantly since February and was, at the end of June, much higher than at the same point in 2017.
- A model for fee income forecasting would be shared at the next meeting in September.

7. Risk Register.

7.1 The Board noted paper MB18/34, and in particular the following points –

Risk 1 (*Disruption from breach of physical security*) – The site of the secondary business continuity location would be reconsidered as the site previously identified could be subject to closure.

The report of an external audit of security arrangements would be shared and discussed at the next Audit and Risk Committee meeting.

Risk 2 (*Loss of / decline in infrastructure performance*) – Cyber security modification work had proceeded well although completion of the Cyber Essentials accreditation would be deferred until the end of July 2018.

The IT Manager would be contacting Non-Executive Directors shortly to facilitate remote access to the network.

Risk 3 (*Damage to reputation*) – Media training for newly appointed Justices would be arranged.

Risk 4 (*Financial challenge*) – A meeting to discuss capital expenditure planning would take place shortly. With the creation of a new, previously unbudgeted, Deputy Registrar position, it would be necessary to preserve sufficient headroom on expenditure.

Risk 6 (*Workload movement*) – Referenda on proposed constitutional amendments in both Grenada and Antigua and Barbuda, scheduled for November 2018, were noted.

7.2 Internal auditors had commented that the Risk Register consistently rated only 3 of the 7 risks as Green. Both Non-Executive Directors were of the view that the risk ratings reported were correct as the prevailing situation was relatively static. Nevertheless, a review of longer-term trends in risk monitoring would be beneficial. This would be considered in greater detail at the next Audit and Risk Committee.

8. Finance and fees.

8.1 The Board considered papers MB18/35 and 35a, and noted the following points –

- Fee income in the year until the end of June had been greater than the budgeted £248k, by a total of £80k. However, significant volatility in income levels had been observed month-on-month.
- Expenditure in the year until June revealed an underspend of £98k although the projected underspend for the whole year had been reduced to £41k. Additional developments, such as the new Deputy Registrar position, would add further downwards pressure to this figure. Consequently, expenditure restraint would be necessary, and reassessment of some budget items could be required (e.g. OJEU procurement costs).
- Although there had been no formal announcement from HM Treasury regarding the timing of the Spending Review the Court had planned on the assumption that it would occur in 2019. Following on from discussions at the June meeting of the Strategic Advisory Board, JM would be preparing the necessary groundwork with appropriate staff in the coming months.

9. Press and communications.

9.1 The Board considered paper MB18/36, and noted the following points –

- There had been significant media interest in the *Northern Ireland abortion* case and the *Pimlico Plumbers* employment decision. The BBC's *Newsnight* programme had also run a feature story in advance of a case hearing the next day regarding disclosure of criminal records. There had been coverage of Lord Mance's retirement as well as the announcement in late June of the new judicial appointments to the Court.
- It was queried whether the range of material covered by the Communications Team's monitoring activities was broad enough. The Court relied on media monitoring services as well as freely available web tools to aid knowledge capture and was supported in their activities by other relevant parts of the Court, such as the Library, where necessary.
- Planning had begun for the intended launch of an educational MOOC (massive open online course) focussing on the role and work of the

Court in partnership with the FutureLearn platform. The ambition would be for this to be cost neutral.

- Nine international delegations had been hosted by the Court in addition to a bilateral exchange on the 8 June between the Justices and their counterparts from the Supreme Court of Ireland.
- Income from venue hire had been above budget forecasts for both May and June by a combined total of £4.2k. Although income generating, it was thought that such hire events only covered the direct costs of running the function and made no allowance for indirect costs. When compared to similar venues, the Court's charges were, however, at the more expensive end. This issue would be reviewed by the Finance and Communications teams.

10. Human Resources.

10.1 The Board noted the contents of paper MB18/37 and in particular the following points –

- Recruitment campaigns had been launched to appoint a successor to the Director of Corporate Services as well as to the new position of Deputy Registrar. Once appointed, the Deputy Registrar would join the Management Board.
- An internal audit of the new performance management system, Clear Review, and how it was being used by staff, would take place to ensure consistent adoption throughout the Court.
- A GDPR training session for managers, delivered by ACAS, took place on 13 July alongside telephone training for all staff on 27 June. A half-day training session on effective behaviours for the Management Board would also take place in September.
- An Employment Tribunal claim against the Court had been filed by a former employee of one of the Court's contractors. A preliminary hearing, to determine a strikeout application by the Court, would take place by the end of July.

11. Case update.

11.1 The Board noted the oral update from the Registrar.

12. IT update.

12.1 The Board noted the contents of paper MB18/38 and in particular the following points –

- The programme of works to update and reconfigure the IT system to improve resilience had been completed.
- The second meeting of the Websites Project Board had agreed that user requirements research would be carried out by external consultants. Meetings with staff, Justices and external users would be arranged.
- Major work to reconfigure the Case Management System would take place throughout August and September to ready the system for linkage to the new websites and any new online filing portal.
- The nature of the management information necessary for the Board's consideration was discussed.

13. Remuneration Committee – Chair's update.

13.1 The Board noted the oral update from the Chair and in particular the following points –

- The Pay Award, including the level of performance bonuses, had been approved by the Committee. This had comprised a 1.5% increase to all basic salaries for non-Senior Civil Servants (SCS) staff with effect from 1 August 2018, with a 1% increase for SCS grades. Consideration would be given as to how best to communicate these changes to staff within the context of other reported changes to public sector pay awards.
- A special pay allowance for a member of the Judicial Support Office had not been approved as the work proposed would already be included within the current job description.
- The current method of calculating 'a day's pay', used for example when staff sell part of their leave allocation, would be appraised to ensure that the Court remained in line with best practice.

14. Health and Safety.

14.1 The Board noted the contents of paper MB18/39 and in particular the following points –

- The Health & Safety Committee had met on Thursday 12 July 2018. No H&S incidents or accidents had been reported within the period, all DSE assessments had been up to date and all other KPIs had been met.
- Consideration was given as to whether to offer storage facilities for breast milk, should a Court user bring it onsite. The Committee agreed it was appropriate to do so and, assuming the receptacle was correctly marked, it could be stored upon request in a fridge in one of the kitchens off the lobby outside Courtroom One.
- The Committee also agreed that any first-aid needs of visitors should be handled, initially, by appropriately trained staff or security officers on the public side of the building.
- The report of the external auditors had been received and would be discussed at the next H&S meeting, although no fundamental problems had been identified.

15. Equality and Diversity.

15.1 The Board noted the contents of paper MB18/40 and in particular the following point –

- The Office for National Statistics would be publishing Gender Pay Gap reports from across the public sector, including the Court's. CM would liaise with the Communications Team around the publication to ensure any media queries could be resolved successfully.

UKSC
August 2018