

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

Minutes of the meeting held on 21 January 2019

Attending: Mark Ormerod (Chair)

Sam Clark
Louise di Mambro
Paul Brigland
Chris Maile
Joyti Mackintosh
Janet Coull Trisic
Ian Sewell

Kathryn Cearns (Non-Executive Director)
Kenneth Ludlam (Non-Executive Director)

Paul Sandles (Secretary)

1. Apologies for absence and introduction.

1.1 No apologies were received. Janet Coull Trisic was welcomed to the meeting. She would be the Interim Head of Communications during Sophia Linehan-Biggs' maternity leave.

2. Approval of the minutes of the meeting of 26 November 2018.

2.1 The minutes were approved subject to one amendment.

3. Matters arising not covered elsewhere on the agenda.

3.1 No Justice would be sitting in the Court of Final Appeal in Hong Kong during this financial year.

3.2 The President and Deputy President had been briefed by the Chief Executive about the malware incident that had affected a limited span of archival case hearing footage.

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 MB19/1 and 1a, and in particular the following points –

- The financial situation for the current year had improved as a result of the successful application to HM Treasury for additional funding.
- The arrival in post of a new Director of Corporate Services had presented an opportunity to clarify how the role and its associated responsibilities would interact with those of the Chief Executive.
- The forthcoming working visit to the Court by Their Royal Highnesses The Prince of Wales and The Duchess of Cornwall on 5 February had required a significant level of planning.
- The possibility of an application arising from the Brexit process and reaching the Supreme Court swiftly remained. As was normal practice, allowance for the need to handle any urgent applications would be considered when listing decisions were made.
- Preparations for the sitting in Cardiff were well advanced and a public announcement would be made soon.
- The Court would be entering its tenth anniversary year during 2019 and a programme of events had been established to commemorate this milestone.
- Kenneth Ludlam would be ending his term of appointment as one of the Court's two Non-Executive Directors at the end of July 2019. An advert to start the process of recruiting his successor would be distributed soon.

6. Management Information Dashboard.

6.1 The Board noted the contents of papers MB19/2, and 2a, and in particular the following points –

- One formal staff grievance had been lodged in December 2018.
- An issue with the methodology for recording the stage PTA applications had reached within the Court had been identified and would be corrected. IS and MO would discuss how to develop the overview paper so that analysis of trends would enable areas that required management

attention to be identified more readily. A regular audit process to provide greater assurance over the management information on PTA application handling would be recommended.

7. Risk Register.

7.1 The Board noted paper MB19/3, and in particular the following points –

Risk 1 (*Disruption from breach of physical security*) – A site visit to the proposed secondary business continuity location had taken place. A Memorandum of Understanding to specify the terms of the agreement would be prepared.

Preliminary work for the annual Departmental Security Health Check, due for completion by 24 June 2019, had begun.

The risk level had been retained at red until the second BCP site had been finalised. It was observed that greater flexibility in the Risk Register to distinguish impact levels both prior to and after mitigation actions had been taken would be preferable.

Risk 2 (*Loss of / decline in infrastructure performance*) – The planned replacement of two of the Court's main IT servers had been delayed and would instead be completed by mid-February.

Risk 4 (*Financial challenge*) – The risk level had been reduced as a result of the securing of additional funding from HM Treasury for 2018-19.

Risk 7 (*Breakdown of relationships*) – Following the hand down of the judgment in the Scottish devolution reference, meetings with the Law Officers from Scotland would now resume.

ACTION: SC would review the risk management process.

8. Finance and fees.

8.1 The Board considered papers MB19/4, and noted the following points –

- An additional sum of £340k for 2018-19 had been supplied by HM Treasury following the request made in November 2018. This had eliminated the previously forecast £272k spending gap. The position at the end of December 2018, showed a forecast underspend of £92k on resource expenditure.

- The bid for additional Brexit-related funding had been approved. This expenditure would be ring-fenced and could be used only for those spending categories identified in the submission.

9. Press and communications.

9.1 The Board considered paper MB19/5 and 5a, and noted the following points –

- Two Brexit-related matters - the Permission to Appeal determination in *Wightman* and the judgment in the Scottish Parliament bill reference - had seen significant media attention.
- Several news articles had marked the retirement of Lord Sumption on 12 December 2018.
- The Communications Team had delivered three, paid-for evening tours throughout November and December and the intention would be to deliver one or two each month as demand dictated, in subsequent months.
- 58 entries were received for the Student Writing Competition. The winners would be announced in April 2019.
- Twelve ‘Ask a Justice’ Q&A sessions between sixth-form groups and each of the Justices would take place between January and May 2019. Three Scottish, two Northern Irish and three Welsh schools would be among those participating.
- A performance of *The Merchant of Venice* had taken place in Court Room One in November 2018 and discussions to explore further opportunities with the theatre company responsible would continue.
- The Court had hosted a bilateral exchange conference with judges from the Court of Justice of the European Union in November 2018.
- Work on the production of a leaner, more visually appealing, Annual Report and Accounts had begun.

10. Human Resources.

10.1 The Board noted the contents of paper MB19/6 and in particular the following points –

- Two vacancies had arisen in the Communications team as a result of the departure of the Events and International Liaison Manager and the successful promotion of one of the Information Officers who would transfer to the Home Office. Advertisements to recruit replacements would be issued shortly although interim assistance had been secured.
- The Judicial Assistant recruitment campaign would be launched at the end of January 2019 and would be seeking eleven appointments to commence in September 2019.
- A due diligence letter to comply with TUPE requirements had been sent to the Facilities Management contractor. The Board discussed who best to recruit a suitably qualified candidate for the Deputy Buildings Officer position.
- Board members had been invited to attend the ‘Cultivating Essential Board Behaviours’ training session on 8 February 2019.

11. Case update.

11.1 The Board noted the oral update from the Registrar and in particular the following points –

- The Easter term list had been kept comparatively light on case sittings to accommodate several international commitments.
- An approach made by the President of the Caribbean Court of Justice for consideration of ways in which the JCPC could assist in enhancing the status of that court had been considered.

12. IT update.

12.1 The Board noted the contents of paper MB19/7 and in particular the following points –

- The replacement of two critical servers over the Christmas vacation had been delayed although the work was expected to be completed by the end of February.
- Upgrades to wireless network equipment and bandwidth capacity in selected public spaces throughout the building had taken place over the

Christmas vacation. The same enhancements would be carried out throughout remaining parts of the building by March 2019.

- Work to develop an enhanced video-on-demand platform that would, in due course, enable the full archive of case hearing footage to be made available permanently had begun. Further, work to replace and upgrade the broadcasting equipment had commenced and would permit streaming of proceedings in HD quality as well as improving the ability to support remote sittings.
- Significant cost reductions had been secured from the new contract to supply printers.
- A progress update on the Websites Project had been tabled at the Justices' Meeting in January. Views on some of the recommendations tabled by afh consultants had been sought in response.
- An audit and review of existing website content would be carried out with a target for completion by summer 2019.

13. Draft budget for 2019-20.

13.1 The Board noted the contents of paper MB19/8 and in particular the following points –

- The draft budget for 2019-20 would be the final year of the existing five-year settlement. There had been no announcement regarding the timing of the next Spending Review.
- Current resource budget plans resulted in a deficit of £573k existed although anticipated funding from HM Treasury to alleviate the impact of pension changes would reduce this to £459k.
- The chief cause of this deficit had been an increase in costs which were projected to be £667k above the budget for 2018-19. 83% of this variance could be attributed to increased pay costs, both staff and judicial.
- The Brexit funding allocation of £505k should not be included as part of the standard budget plan as this had been ring-fenced for specified projects. The accounting for this expenditure would be kept separate to avoid any confusion as to the extent of any expected budget deficit.

- The planning assumptions behind the projections for fee income were discussed. Research would be required to assess whether the volume of case sittings, currently listed for the Easter and Hilary Terms in 2019, was below the expected range as measured against previous years.
- Two elements, one regarding communications expenditure, and a second regarding the staffing complement, would require further consideration before they could be included. The inclusion of these items could necessitate an adjustment to be presented.
- The Board approved the draft budget.

UKSC
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