



## The Supreme Court of the United Kingdom

### Management Board

### Minutes of the meeting held on 22<sup>nd</sup> July 2020

Attending: Mark Ormerod (Chair)  
Sam Clark  
Louise di Mambro (partial attendance)  
Paul Brigland  
Chris Maile  
Sanjeet Bhumber  
Sophia Linehan Biggs  
Janet Coull-Trisic  
Ian Sewell

Kathryn Cearns (Non-Executive Board Member)  
Tim Slater (Non-Executive Board Member)

#### **1. Apologies for absence.**

No apologies were received although it was noted that the Registrar attended only part of the meeting.

#### **2. Approval of the minutes of the meetings of 27th May 2020.**

2.1 The minutes were approved without amendment.

#### **3. Actions and matters arising not covered elsewhere on the agenda.**

3.1 Progress against each of the actions was considered and the Board briefly discussed the importance of the presentation of data and how the Court could continually improve in that area.

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

4.1 No declarations of conflicts of interest were made.

## **5. Chief Executive's Overview and COVID-19 update.**

5.1 The Board discussed the Overview provided by the Chief Executive and noted the following:

- Progress in ensuring the building was COVID-safe over the summer had gone well and staff were gradually starting to return to the building. The COVID Risk assessment was in place and was being reviewed regularly. The feeling across the Court and how more members of staff wanted to return to the building so long as it could be made and maintained COVID-safe was discussed. The stimulus for change from the “old” way of working in the Court to a move flexible and electronic based one was also considered and work must be done to identify what could and should be kept. The recent announcement by the Prime Minister confirmation that after 1st August employers may make decisions on who can and should come back to work, or in the UKSC's case, the building, was welcomed. Rotas would be put in place and the operating assumption was that physical hearings would resume in the building in October however, all managers must consider and balance the justices and staff's views against keenness to come back.
- Whilst the financial position for 2020-21 was relatively stable, the future and the SR20 bid was more uncertain and the impact of COVID-19 was expected to be significant.
- The appointment of a new justice to replace Lord Kerr's was expected to be confirmed in late July or early August. The Swearing In for the new Justice needed to reflect how the building was operating at the beginning of next term and the Board recognised that this was the third Swearing in of a Justice since lockdown.
- The activity of the Constitution Commission continued to develop. It was understood that the first area of review was to be Judicial Reviews.
- Richard Heaton, the Permanent Secretary at MoJ had announced his departure and whilst the Supreme Court was not part of MoJ a good relationship had been maintained for some time.
- The departure of the CEO and his hand over to his successor Vicky Fox. The NEBMs offered to engage with Vicky at the earliest opportunity.
- The justices had recently provided evidence to the Constitution Committee.

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

6.1 The Board noted the contents of the dashboard and paper and made the following points:

- There were no significant matters arising from the dashboard, but the supporting narrative continued to evolve and provided a clearer picture of the case volumes for which Ian was thanked.
- The number of PTAs had remained consistent despite the impact of COVID-19 however, new appeals since April (by way of intention to proceed) were lower. This position was being actively monitored. Going forward, systems were now in place for parties to file papers electronically and the onward transmission of work to JAs and then justices and back to Registry seemed to be going smoothly.

- The Board recognised the JCPC jurisdictions may have been adversely impacted because of COVID so consideration was being given to what support could be provided by the Court and the justices.
- The reported incidents of sickness absence had reduced significantly since lockdown and as a result the Court now significantly below the civil service average for that period.
- There had been an increase in the amount of training being done online whilst working remotely. The Board discussed whether this was pre-planned or opportunistic training as a result of people operating differently whilst at home and whether there was any merit in looking at organisation wide needs.

## **7. Risk Register.**

7.1 The Board noted the risk register and cover paper. The following points were discussed:

- The highest risk to the UKSC being managed was Risk 7 (the UKSC does not manage high profile service delivery failure). Whilst the focus on the building had reduced there had, by necessity been an increased focus on the use of IT and the resilience and support required. In line with the last review, Risk 2 (security and safety) was below target because of the building being closed.
- The Board noted that all risks were being impacted by COVID which, in some instances had changes the likelihood of the risks being realised.
- The three ongoing issues were noted but it was agreed that two additional issues be added to the Issue Log.

## **8. Finance.**

8.1 The Board considered the finance report and noted the following points:

- The NAO were to return to re-commence the 2019-20 Accounts audit. The intention was, subject to a clean set of Accounts, to lay the Report in Parliament in September.
- For 2020-21, robust financial and budgetary controls had been put in place through formal delegations of authority to appropriate budget holders supported by new business partnering services being provided to each.
- The timetable for CSR20 still remained uncertain following the Chancellor's letter in March but it was expected to be launched in the summer with a return due in the autumn. The impact of COVID was likely to be central to the Spending Round with a focus on efficiencies and savings because of lessons learned. Scrutiny on pay and pensions should also be expected. The Transformation Project Business Case would form part of the UKSC's bid and will provide a clearer picture of what investment is required to enable the processes to improve.

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

9.1 The Board noted the contents of the Press and Communications paper, in particular the following points –

- The building had been closed since the end of March and as a result the Open Days planned for 26 and 27 May were cancelled. There were no visitors during this period, compared with 8,795 and 9,478 for May and June 2019.
- In May, a new interactive Virtual Tour was developed for education groups. An Information Officer guides students through a fully accessible slide deck, sharing information about the role and work of the UKSC and JCPC, as well as showcasing the building and highlighting cases. Sessions also include Q&A sessions. In June, six virtual tours were delivered as part of a pilot programme.
- Media coverage had been slightly reduced over the last two months, but the notable activities which drew attention included the swearing in of Lord Burrows in June and the announcement of the new Chief Executive.
- In May and June 2020, the UKSC website received 96,458 and 97,057 unique visitors respectively. The JCPC received 10,930 in May and 10,392 in June 2020.

## **10 Human Resources and Performance Management Overview.**

10.1 The Board noted the update from HR and in particular the following points –

- The recruitment of the new Chief Executive and Judicial Assistants had concluded, and all were due to start in September 2020. Other recruitment exercises were progressing well.
- The work of the staff engagement groups continued, and the Board was grateful for the progress made and the links being established across the Court to take matters forward.
- The Diversity and Inclusion Strategy was to be developed and implemented this year. Following the events which took place over the summer, the Board were encouraged that a high percentage of staff were becoming involved. The direction for the Court however needed to centre on meaningful actions not just be a statement.
- The Board considered the overview of Performance Management in 2019-20 and were encouraged to see that most staff were using Clear Review and that regular check-ins were taking place.
- Whilst the Board recognised that Clear Review was being used, there were concerns about consistency and the effectiveness of its use overall. A clear view was expressed that if the organisation determined that Clear Review was a performance management tool, it should be used and that those leaders who are not using it or using it inconsistently should have that reflected in their box marking. The Board agreed and all members of the Management Board must ensure that was conveyed to their teams.

## **11. Case Update (taken out of order after Agenda Item 15).**

11.1 The Board noted the update from the Registrar.

## **12. IT Update (taken out of order after Agenda Item 11 above).**

12.1 The Board noted the contents of IT Update and in particular the following points:

- The successful use of WebEx hearings would continue until the end of term. During the summer recess work would take place to put in place the necessary arrangements to enable more than one case to be heard at once. The current planning assumption was to have a physical hearing in courtroom 1 and one simultaneously taking place by WebEx.
- Picking up on earlier observations the Board noted that as a result of the implementation and use of SharePoint, the interaction between the Registry and the justices was more straightforward, and that reverting back to a paper-based approach should be avoided. The Board challenged whether anything could be done to make sure that Court user's electronic experience was as good as it should be. Staff from across the Court were working closely with the IT Team to progress that and would ensure that was a focus through continues engagement with the Court User's Group.
- Cyber essentials was to be renewed over the summer/ early autumn.
- The Board discussed how incidents and service requests were monitored.

## **13. Audit and Risk Assurance Committee update.**

13.1 The Board noted the oral update provided the Chair of Committee and noted that some matters had already been raised under agenda item 8 pertaining to the annual report and accounts. Additionally, the following was discussed:

- The overall Internal Audit assessment for 2019-20 was MODERATE.
- The challenges presented by the NAO

## **14. Remuneration Committee update.**

13.1 The Board noted the update provided by the Chair of the Committee, in particular:

- The legal requirements for how overtime considerations were to be dealt with.
- Pay award and the need to engage with PCS pending an announcement.

## **15. Applications for Permissions to Appeal**

15.1 The Board thanked Ian for his annual overview of PTAs and noted the following areas:

- The number of applications made over the last six years has remained broadly consistent, with this year, perhaps being slightly higher than last.
- It was agreed that the grant rate would be monitored.

## **16. Accommodation, facilities management & energy consumption**

16.1 The Board considered the report provided and noted the impact the closing of the building had had on the accommodation arrangements as technically the courtrooms and building had been “mothballed” since late March with only necessary services being turned back on when staff attended. The Board thanked the team for all their hard work and noted the following points:

- Since June a clear desk policy had been in place which was aiding the control of information in the building and assisted greatly with the deep clean of the whole building which took place shortly thereafter.
- Following work to make the restricted side of the building COVID-Safe, the focus had moved to the public side and putting controls in place first for the public and then later parties and other court users
- The Sustainability Survey had been completed in 2019-20 and as a result some actions and KPIs were being developed. The Board noted the list of recommendations and agreed the proposed outline plan to take them forward.
- As a result of the remote working arrangements the Board asked about the impact on consumables, such as paper, photocopying/ printing etc. It was confirmed that certain things had already stopped or reduced significantly, such as photocopying but this would be monitored going forward.

## **17. Progress against the Business Plan 2020-21.**

14.1 The Board noted the update on the Business Plan and in particular the impact of COVID-19 on those milestones which were considered building specific. The Board discussed:

- The successful delivery of a number of milestones including: the implementation of a delegations of authority framework with supporting finance business partnering, the appointment of eleven Judicial Assistants and the progress of the new Diversity & Inclusion Strategy.
- The delays to some of the milestones and possible deferral of others including the production of the Annual Report and Accounts and sitting outside London, were agreed subject to every effort being made to ensure completion by the end of the year.

## **18. Any other Business.**

18.1 Mark concluded the meeting by reflecting this was his last Board Meeting as Chief Executive and Chair and thanked all members who had supported him during his time with the Court. A great deal had been achieved over the last few years and he wished all the staff and justices well for the future.

18.2 Kathryn, on behalf of the Board, thanked Mark for his leadership and the guidance he had given the Court over the previous five years and how he had guided it through some very sensitive times, not least the latest COVID-19 pandemic.

UKSC  
August 2020