

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

Minutes of the meeting held on 27 July 2010

Attending: Jenny Rowe (Chair)

William Arnold
Louise di Mambro (item 5 onwards)
Alex Jablonowski (Non-Executive Director)
Sian Lewis
Olufemi Oguntunde
Philip Robinson (Non-Executive Director) by telephone
Caroline Smith
Martin Thompson

Ann Achow (Secretary)

1. Apologies for absence

1.1 There were no apologies for absence.

2. Approval of the minutes of the MB meeting held on 22 June 2010

2.1 The minutes were approved subject to a minor amendment to indicate that although absent PR had submitted written comments to the Chair before the meeting.

3. Matters arising not covered elsewhere in the minutes

3.1. The issue concerning the bookcase shelves was ongoing. JR had met Alan Sloan. It had been agreed at a defects meeting with Keir Wallis that strengthening wires should be fitted to see if they solved the problem. This work was scheduled to start on 4 August. In the meantime MT was invited to make any further enquiries about the proposal and its suitability.

3.2. JR thanked AJ for his help in securing a retired member of staff free of charge from the House of Commons to undertake some work on policy issues.

3.3 AA had incorporated the few comments received from the SIRO at the Government Office for London into the Security Information Policy. MB members were welcome to see the revised version which was shortly to be posted on the intranet.

3.4 JR was due to circulate two update papers from the Awayday. This topic would be included in the agenda for September's MB meeting.

Actions:

- (1) JR to circulate Awayday papers,**
- (2) AA to include the Awayday on the September MB meeting agenda.**

3.5 LdiM and PR had met to discuss the case statistics section of the scorecard. They felt that the scorecard did not highlight the scale of build up of cases within the system. This raised the question of our tolerance to a build up of 'work in progress' cases. WA and LdiM will re-examine the format of the scorecard to address the capture of this data.

Action: WA and LdiM to look at the format of the case statistics section of the scorecard.

3.6 JR reported that Tony Burn's work on shared services was continuing. It was important that any cost savings achieved as a result of his work should start to be realised as quickly as possible, preferably in the second half of the current financial year. CS had been in contact with the Home Office in connection with 'Next generation HR'.

3.7 MT had looked into the Carbon Trust but felt we already had the benefit of a newly reburbished building to the latest standards and were also not of sufficient size to interest them.

3.8 The work on charging identified at the July meeting was ongoing. The priced tour guide leaflet should be ready for sale by the second week in August. OO was purchasing a till and developing a cash handling protocol. A meeting with the front desk staff had taken place and LdiM was to invite the Justices' secretaries to carry out exit surveys of visitors. The invitation for volunteers to conduct guided tours for those attending evening functions and suitable training for volunteers was being prepared.

3.9 JR thanked all involved in the production of the Annual Report and Accounts which had been laid before Parliament on 12 July.

3.10 The issue with MoJ concerning the blocking of appointments resulting from two recent recruitment campaigns had been resolved. Appointment documents had been issued to the successful candidates.

3.11 The first bilateral between the Lord Chancellor and the President had taken place in July as planned.

4. MB draft Terms of reference

4.1 AA presented MB paper 10/41 which contained the draft Terms of Reference (ToRs) for the Management Board. Members agreed to adopt the ToRs subject to minor layout changes and the inclusion of frequency (monthly or quarterly) for standing agenda items.

Action: AA to re-circulate a revised version.

5. Spending review

5.1 Board members had been kept informed of exchanges with MoJ in connection with the SR bid. A further meeting with MoJ officials was due to take place the following day.

Reducing costs was a challenge and a number of options were being considered including the level of fees – which were the policy responsibility of the Lord Chancellor not UKSC. There was also a problem with non cash costs resulting from the diminution in the value of the building which was entirely outside our control. It was noted that the Court covers the

whole of the UK, not just England and Wales and this was a powerful point which should be highlighted during negotiations. JR will keep members informed of developments.

6. Scorecard report

6.1 The Board considered paper MB 10/42 which contained scorecard figures up to and including June 2010. LdiM tabled a revised version containing updated case statistics. She reported that there was a good flow of cases and that the Michaelmas and Hilary terms' lists were now officially full. Listing and cases were being handled more quickly than in the House of Lords although it was expected that a backlog of Permission to Appeal applications would build up as a result of the summer recess.

6.2 The performance on prompt payment of invoices had improved. The FOI figures now showed the number of internal review requests and referrals to the Information Commissioner's Office. The customer satisfaction section had been altered to capture judicial and non-judicial complaints separately. There had also been changes made to the method used to calculate training activities.

7. OGC gateway review

7.1 JR reported that MoJ had held a meeting in June about the gateway review but had not sought representation from UKSC. It was decided at that meeting that the review should be postponed in order to draw on the experiences of a longer period of operation. This should allow for a more meaningful review to be undertaken. A further assessment meeting was due to take place in October or November to discuss when in 2011 the review should take place. JR expected to receive an invitation to send a representative to the assessment meeting.

8. Finance and fees

8.1 OO presented paper MB 10/43 which contained a full financial information pack to the end of June.

8.2 The key points for the Board to note were as follows:

- year to date expenditure was running at 2% below profile
- gas charges were understated and action was needed to ensure that the correct amounts were being billed
- fee income was running at £31,000 above budget
- the £1m non cash deficit resulting from the diminution in the value of the building was of concern. HM Treasury had asked OO to discuss this with MoJ to see if they had any available non-cash cover. This issue would be included on the agenda of the September Audit Committee meeting.

Actions:

(1) MT to write to the supplier to follow up telephone calls asking to be invoiced for gas used.

(2) Audit Committee to discuss the non-cash shortfall at their September meeting.

8.3 OO gave an update on actions to meet the requirements of the Government's transparency agenda. All invoices over £25,000 had to be published. COINS data for the first half of the year was due to be released by HM Treasury shortly.

9. Risk

9.1 The Board discussed paper MB10/44 which comprised the current risk register. It was agreed that a new financial risk concerning the possible outcome of SR10 as well as one covering fraud would be included.

Action: JR to include two additional risks on the spending review and fraud.

10. Human Resources

10.1 CS gave her quarterly update on diversity and equality. Key points were:

- a 2 hour online equality and diversity learning package would be rolled out to all staff for completion in August/September
- details of the MoJ and civil service-wide equality and diversity networks had been publicised on the intranet
- the effect on recruitment practices of the new Equality Act 2010 which was due to become law in October would remove pre-employment health questionnaires although the '2 ticks' interview guarantee arrangements would remain. CS was waiting for further information on aspects of the Act which would provide employment protection rights for carers.
- CS had attended a meeting with officials from the RCJ's judicial diversity team to discuss aspects of Baroness Neuberger's diversity report. The difficulties associated with running a marshalling scheme at UKSC were recognised. It was felt that an evaluation piece looking at the career paths of past JAs might be useful.

Action: CS to provide an update on the new Equality Act at the September MB meeting. *Post meeting update – the guidance on the Equality Act was sent to members on 10 August, removing the need for an update at the September meeting.*

10.2 Earlier in the year Internal Audit had been commissioned to carry out a staffing audit of the Judicial Support team. The subsequent report recommended a reorganisation of the team which would free two posts. Plans were underway to provide alternative posts within UKSC for those staff affected by the changes. A meeting to discuss the report's recommendations had been held with the secretaries and support staff on the previous day. JR would provide the audit team with a formal response to the report.

10.3 JR said that once responsibility for the work of the JCPC had been transferred formally to UKSC from MoJ she would ask the internal auditors to carry out a review of the registry functions.

11. Press and communications

11.1 SL's communications update (paper MB 10/46) highlighted case coverage and commentary in the media.

11.2 The number of individual visitors to the court had increased sharply in June compared with previous months. The number of group tours as well as the number of people attending those tours had also increased significantly. The number of separate visits to the website had reduced by 800 to 17,401 compared with June. JR expressed her thanks to all members of the Communications Team for their hard work in coping with the increased visitor numbers.

11.3 The Board discussed press coverage of a recent judgment which dealt with a human rights issue. As a result JR would consider the likelihood and impact ratings and mitigating actions for the risk covering the reputational risk of Justices' decisions being criticised.

Action: JR to consider the ratings and mitigating actions for risk 2 on the risk register.

12. Parliamentary Questions monthly report

12.1 There had been no new PQs received. MoJ had answered one about hospitality which included details of the British-Israeli legal exchange dinner hosted by the Lord Chancellor. JR had been consulted about the response.

12.2 The flow of FOI enquiries and internal review requests had slowed down. All requests had been answered within the 20 day deadline.

13. Case statistics

13.1 See paragraph 6.1 above.

14. Building defects

14.1 The Board discussed paper MB10/45 which comprised MT's quarterly report. The key points to note were:

- roof level structural steelwork – a risk assessment based on the results of the dynamic blast analysis were awaited from MoJ though they had indicated that they did not think work could be instructed in the face of current funding cuts. The Board did not want the risk assessment to be pre-judged in this way
- bookcases in the Justices' rooms – see paragraph 3.1 above
- temperature problems – this was ongoing in some rooms
- main entrance screen glazing – costings were awaited before a decision could be made
- floorbox lids – thinner IT cables had been sourced and would be fitted. The next step would involve identifying those boxes which needed slimline power plugs
- maintenance of high level lights and fire detectors – MoJ are to be pressed to fund the installation of abseiling points
- speech transmission in the library lightwell – no remedial action would be taken
- water leak in Court Room 1 – investigations were ongoing
- security works – MoJ had given an assurance that they would reimburse UKSC

15. Any other business

15.1 The policy on work experience and marshalling placements had been agreed last year, shortly after the Court opened. Since then no placement had been arranged and JR wished the Board to consider whether the policy should be changed. CS was asked to produce a paper for the September or October MB meeting.

Action: Work experience/marshalling placements to be included on the September or October MB meeting agenda. *Post meeting update – this item will be included on the October MB meeting agenda.*

15.2 AJ asked whether the start time for the 20 October meeting could be brought forward from 3.30pm.

Action: AA to circulate members with an earlier start time.

These minutes were approved by the Management Board on 24 September 2010.

UK Supreme Court