

THE SUPREME COURT OF THE UNITED KINGDOM

BUSINESS PLAN

1 October 2009 – 31 March 2010

Introduction

The Supreme Court of the United Kingdom (UKSC) was established by the Constitutional Reform Act 2005 and came into being on 1 October 2009. This is its first Business Plan, covering the court's responsibilities, aims and objectives for the first six months of its work. Subsequent Business Plans will be aligned to the financial year and run from 1 April of one year to 31 March of the next. During the next six months we are going to consult on the content of our 2010/2013 Strategic Plan and our 2010/2011 Business Plan.

Establishment of the institution

The Court's creation marks the visible separation of the United Kingdom's highest court from the legislature. It is designed both to increase the transparency of the judicial process and to help clarify the relationship between the Judiciary, Government and Parliament. The role of the Court and the Justices is to act as the final Court of Appeal for arguable points of law of general public importance arising from civil cases throughout the United Kingdom; and from criminal cases in England, Wales and Northern Ireland. The Court also hears cases to determine issues relating to the legal competence of the devolved administrations, Parliaments and Assemblies. The UKSC is independent of the Ministry of Justice and of the separate Court Services in England & Wales, Scotland and Northern Ireland. As an administration it is a non-Ministerial department headed by a Chief Executive who is also an Accounting Officer. The Constitutional Reform Act 2005 (CRA) sets out the statutory framework and defines the responsibilities of the Lord Chancellor, the President of the Court and the Chief Executive.

Performance Indicators

Section 51 of the CRA places a duty on the Chief Executive of the UKSC to 'ensure that the Court's resources are used to provide an efficient and effective system to support the Court in carrying on its business.' The UKSC Rules also provide statutory time limits for certain steps and processes. We are therefore committed to seeing that the administration of casework and other non-judicial activities is carried out as efficiently and effectively as possible, whilst fully respecting and upholding the independence of the judiciary.

There are performance indicators for handling correspondence, including Freedom of Information and Data Protection requests and for the prompt answering of telephone calls, as set out in later sections of this plan. It is too early to publish meaningful performance indicators for the administration of the Court's casework. These will be developed in readiness for publication in our 2010/11 Business Plan, in consultation with the UKSC User

Committee and with reference to statistical data from the work of the Appellate Committee of the House of Lords.

Benefits Realisation

In addition the Chief Executive and the executive team have inherited responsibility for delivering a range of business benefits identified by the Government's programme to establish the UKSC. They are:

1. A modern, transparent and independent institution
2. Greater transparency in the use of public funding
3. Use of accommodation to conduct business more easily
4. Use of modern technology to improve court operations
5. Raising public awareness of the role and functions of the UKSC
6. A court and procedures which users find clear and easier to use
7. A place where people want to work

During the six months covered by this Business Plan detailed benefits realisation plans will be put together both to establish or confirm baselines and to identify how these business benefits are to be realised and measured.

Court Users

The UKSC is committed to providing an efficient and effective service to all court users. As part of this a dedicated suite has been provided for the use of lawyers involved in cases, which provides a comfortable working environment with, for example, access to Wi Fi. Litigants in Person will also have access to a dedicated room for their use during cases.

We have established a User Committee which will provide a forum for practitioners and staff to review the operation of the Court and to make recommendations for changes to its procedure and practice with a view to promoting continuous service improvements. Meetings will take place twice a year with regular contact as required between meetings.

Cases

Jurisdiction

The jurisdiction of the UKSC is the same as the House of Lords previously had in its judicial capacity, with the addition of devolution matters. These issues were formerly determined by the Judicial Committee of the Privy Council and have transferred to the UKSC. As the final court of appeal, the UKSC hears appeals from the following courts in each jurisdiction:

England and Wales

- The Court of Appeal, Civil Division
- The Court of Appeal, Criminal Division
- (in some limited cases) the High Court

Scotland

- The Court of Session

Northern Ireland

- The Court of Appeal in Northern Ireland
- (in some limited cases) the High Court

The procedure for appealing: permission applications

In nearly all cases an appellant requires permission to appeal before he or she can appeal to the UKSC. The court appealed from may grant permission, but where that court refuses permission, the appellant can then apply to the UKSC itself for permission. Such applications are generally decided on paper without an oral hearing.

Once the required papers have been filed, an application for permission will normally be determined within eight sitting weeks. In urgent cases, a request for expedition may be made and an expedited application can be determined within 14 days.

In 2008 the House of Lords received 207 petitions for leave to appeal. In the same period 63 petitions were granted and 156 refused. In comparison in the first nine months of 2009 the figures were 154 received, 50 granted and 65 Refused. On 1 October 2009 the UKSC inherited 63 outstanding applications for leave not yet dealt with, of which 17 were lodged in the house of Lords before 31 July 2009, when the Judicial Office closed there.

Appeals

Once permission to appeal has been granted, a hearing date is fixed based on the time estimate provided by the parties. Appeals are normally heard in open court before five Justices, although in some cases seven or even nine Justices will sit. Hearings usually last for two days.

On 1 October 2009 the UKSC inherited 41 appeal cases waiting to be heard. In addition the UKSC inherited 14 cases, which had been heard by the House of Lords but where judgment had not yet been given, and 44 cases where costs issues were still outstanding. Seven further cases have been referred to or are the subject of proceedings before the European Court of Justice.

Public Access, Education & Outreach

The UKSC is easily accessible by the public who are able to visit the court building and attend hearings. In addition, we film all proceedings of the court and we can and do make them available to the main public broadcast organisations for use in news or current affairs programmes. We are developing a Protocol under which we intend to make available (for a fee which covers the relevant costs) archive materials for educational purposes. We are committed to promoting the work of the UKSC and to providing organised visits and tours for students and the public. We intend to appoint a specialist to develop and operate an educational and outreach strategy.

Complaints, correspondence and core standards

We deal with complaints in accordance with our complaints policy covering staff and administrative procedures. We are monitoring the level of complaints, using them as a tool to improve our performance.

All staff at the UKSC operate under a set of recently agreed core office standards which deal with external contacts and communications, together with internal issues such as staff management, Information Technology, use of resources, health and safety, security and team-working.

The following service standards apply in dealings with stakeholders and members of the public:

- The UKSC will write in plain English and structure and tailor its communications to the recipient. It will aim to reply (or send a holding letter) to 90% of enquiries within 10 working days of receipt (or to an agreed timetable).
- UKSC staff will aim to answer 90% of telephone calls within 5 rings or as soon as possible if the line is engaged dealing with another caller.

Finance

The Finance Division provides the Chief Executive and the Management Board with vital support to enable effective corporate decision making and to assist in the shaping of the court's future direction. Its aim is to put the Court's customers (both internal and external) at the heart of everything the UKSC does, ensuring that finance & procurement systems and processes meet their needs and continue to meet the expectation of all stakeholders.

Its main priorities over the next 6 months are to

- develop a robust framework of financial planning, management and reporting (including value for money) in the court; and
- respond to requirements from key external Departmental stakeholders (e.g. Treasury, Internal & External Auditors, HMCS etc) in a timely manner.

Resources

The division also manages UKSC finances overall and ensures that none of the control limits imposed by the Treasury is breached.

The UKSC's estimate for the first six months of operations (Oct 2009 to Mar 2010) is summarised below:

	£'000
Gross Voted Programme Expenditure	5,250
A in A (Fees & Contributions)	(3,210)
Net Voted Programme Expenditure	2,040
Non Voted Expenditure	1,850
Total Resource Budget	3,890
Capital DEL	NIL
Net Cash Requirement	387

Some of the objectives of the UKSC over the period covered by this plan are a direct result of its status as a new organisation. These are:

- Transferring the correct opening balances whilst taking into consideration alignment of accounting policies between Ministry of Justice, House of Lords and the UKSC.
- Adoption of the reporting requirements of International Financial Reporting Standards (IFRS) coming into force for all central government departments from this financial year.
- Operating with a very tight budget coupled with the fact that there are not enough statistics or historical data reliably to forecast projected spend in this first year of operation.

Priorities for the next 6 months are:

- Ensuring the correct Opening Balances are transferred from the Ministry of Justice and the House of Lords
- Ensuring all necessary finance policies are approved and a Finance Manual issued
- Ensuring all processes are in place to make timely and accurate financial payments

- Ensuring an adequate system is in place to monitor spending and report it regularly to the UKSC Management Board
- Ensuring timely and appropriate Winter Supplementary Estimates are agreed with HM Treasury.
- Producing IFRS compliant resource accounts at the end of 09-10 in accordance with a timetable agreed with the external auditors

Risk

Risk is an inherent part of doing business. The management team has the responsibility for managing principal risks on a day to day basis and has developed a robust process for identifying and evaluating risks faced by the court. These will be formally reviewed on a quarterly basis. The identified risks are captured in the Court's Risk Register. Ownership of each risk is allocated to a member of the Management Board who is responsible for managing the likelihood and impact of the risk.

Additionally, an audit committee has been established, which will review and advise on how the Supreme Court identifies, models and manages risks. The committee is made up of two non executive directors and two members from the contributing jurisdictions of Scotland and Northern Ireland.

In relation to internal risks, the Supreme Court is putting together a clear set of rules and procedures. This covers all aspects of finance, HR, procurement, data security and general areas of governance. The focus of the Management Board in the next six months is to

- encourage a "risk aware" culture in the supreme Court;
- maintain a comprehensive and robust Risk Register; and
- allocate resources to manage high level risks

People

The UKSC's staff are crucial to its performance. We will ensure that they are trained and supported, that we identify and meet recruitment needs and that staff are engaged with the organisation.

During this period all key HR policies such as induction, performance management, attendance and reward and recognition will be set out on the UKSC intranet. The Court employs a HR Officer for Justices and staff, but payroll and day-to-day transactional services are carried out by the Ministry of Justice and managed under the terms of a Service Level Agreement.

We are committed to ensuring that everyone is trained to enable them to meet the requirements of their roles. We recognise that without proper training and development the Court will not be able to meet the objectives it has been set. Over the coming months a detailed learning and development plan will be produced based on an assessment of needs

which will be identified through a skills needs analysis. The UKSC is committed to the principles of Investors in People.

Diversity and equality

We recognise, respect and value diversity and will strive in all we do to serve the interests of people from all sections of society. We will strive to become an organisation that reflects fully the diversity of the society we serve and truly values the contributions which employees from all sections of society make to our work.

In particular we will aim to:

- in the development of our policies, take account of the interests of all sections of society
- ensure that wherever possible the services we provide meet the needs and expectations of all our service-users
- seek to influence others with whom we work to share our commitment to valuing the diversity of our society.

We will, to meet our business objectives, aim to:

- provide real equality of opportunity in the recruitment, development and promotion of all our employees;
- ensure there is no unfair discrimination and harassment in our workplace;
- develop all our employees to their maximum potential and make the best use of their different talents
- consult employees, including employees from minority groups, about how we can improve equality of opportunity and support diversity.

We intend to set goals with measurable outcomes to assess our progress towards becoming a diverse organisation providing excellent service to all sections of society. For example, we plan to carry out a staff opinion survey in the course of 2010.

Our key HR business objectives for the next six months are to

- Ensure HR systems and processes are in place for all UKSC staff
- Finalise Service Level Agreement with MoJ HRD.
- Publish a set of HR policies on the UKSC intranet.
- Develop UKSC induction programmes and a flexible working policy.
- Publish a set of commonly used HR forms on the UKSC intranet.
- Carry out workshops on areas such as performance appraisal and attendance management for managers and staff.

- Complete a training needs analysis.
- Develop a training and development plan based on outcomes from the training needs analysis.
- Develop a UKSC Staff Handbook for the use of Justices and staff.

Information Assurance, Freedom of Information and Data Protection

Reliable and accurate information is critical to proper decision making. This makes information a vital business asset that needs to be protected. Procedures for the storage, handling, transmission and disposal of information will be developed and staff trained so that information is accurate, available only to the right people, in order to protect its confidentiality, and easily accessible for those with a right to see it.

An electronic file system will be set up in this period with users given full training to enable it to be used to maximise its potential. As well as providing easy access to information for internal administrative purposes it will aid the preparation of prompt replies, where applicable, to FOI and DP requests. In addition the system will be used to implement the records retention and disposition schedule which is in place, ensuring that records are destroyed or retained at the correct times according to their administrative or historical worth in line with public records legislation.. Training on the new system will be rolled out to staff as soon as practicable after the system administration processes have been completed. Staff have already been trained on and are using the case management system on a daily basis.

Information assurance processes will be developed in this period, beginning with the creation of an Information Asset Register and the allocation of responsibilities to Information Asset Owners. Further work in 2010 will involve the assessment and management of information risks so that we are able to comply with the Hannigan requirements on information assurance.

Freedom of Information (FOI) and Data Protection (DP) requests will be dealt with in accordance with the timings set out in the relevant legislation – within 20 working days for FOI and 40 calendar days for DP requests. Our FOI Publication Scheme is available on the website and will be reviewed at the end of our first six months. The Data Protection Notification is in place and will be reviewed and renewed annually.

Initial work is planned to begin in December 2009 on compliance with the Welsh Language Act through the preparation of a draft Welsh Language Scheme.

Sustainable development

Sustainable development provides a framework for redirecting economies to enable everyone to meet their basic needs and improve their quality of life while ensuring that the natural resources on which they depend are maintained and enhanced, both for their benefit

and for that of future generations. The UKSC has a role in this scheme and will source its supplies with sustainability as a key consideration. Our building also consumes resources. Despite the constraints imposed by a historic building, the designers have achieved a BREEAM (BRE Environmental Assessment Method) rating of "very good" and we will monitor our energy usage to direct measures to improve our efficiency wherever we can.

Health & Safety

The health and safety of Justices, our staff and visitors is paramount and robust management procedures will be applied. All statutory requirements will be met and regularly monitored by a Health and Safety Committee which reports to the Board. An innovation already implemented has been the issue of an introduction to health and safety, which draws attention in an informal way to the key measures to ensure health and safety; and all staff are receiving an induction upon starting work at the Court. The Chief Executive delivers strong leadership which champions the importance of, and a common-sense approach to, health and safety in the workplace. There will, throughout, be a focus on the core aims of health and safety to help managers distinguish between real health and safety issues and trivial matters. An early priority is to review current guidance on occupational health so that we may institute best practice on the control of stress at work.