

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

## **Minutes of the meeting held on 23 January 2017**

Attending: Mark Ormerod (Chair)

William Arnold  
Louise di Mambro  
Paul Brigland  
Olufemi Oguntunde  
Ben Wilson  
Stephen Barrett (Non-Executive Director)  
Kenneth Ludlam (Non-Executive Director)

Paul Sandles (Secretary)

### **1. Apologies for absence and introduction.**

1.1 Apologies were received from Chris Maile.

### **2. Approval of the minutes of the meeting of 28 November 2016.**

2.1 The minutes were approved.

### **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 MB17/1, and in particular the following points –

- Given the challenges faced in achieving a satisfactory end of year budget position, a special Management Board away-day would be desirable to analyse how best to proceed in future years.
- The launch of the competitions for judicial appointments would take place in February 2017. The intention would be to have the new appointments announced in late June 2017.
- Issues surrounding the potential sitting of the Court in Edinburgh in early June would be explored.
- The hearing in the Article 50 ‘Brexit’ case had presented organisational challenges but these were met successfully.

5.2 SB queried how exceptional staff efforts during the Article 50 ‘Brexit’ hearing would be recognised. MO confirmed that all staff had been granted a half-day’s leave on the final working day before Christmas. The Justices would also be making a personal donation to the Results into Action Team to enable the purchase of items to enhance the working environment for staff. Awards had been made under the Reward and Recognition scheme and those who had made a contribution had been thanked by email and in person. Lord Neuberger and MO had sent all staff emails, thanking everyone for the success of the hearing.

5.3 KL queried how the learning points from the experience of holding such a high-profile hearing had been captured. MO explained that there had been regular debriefing meetings throughout the hearing as well as afterwards. The Court had gained greater understanding of the additional financial impact as well as logistical issues surrounding accommodating large numbers of legal representatives. BW would be conducting a lesson learnt exercise.

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

6.1 The Board noted the contents of paper MB17/2, and in particular the following points –

- Justification as to why one Supreme Court, and one Privy Council, permission application had not been determined within the 12-week target period was supplied. There would be the potential for a greater number of applications missing this deadline owing to the

amount of material being presented. The Board discussed ways in which the Court could reduce the volume of material submitted.

- KL queried the increase in the number of judgments outstanding at the end of each term. This situation would be resolved once the ‘Brexit’ judgment, and some other judgments that had been grouped together, were handed down.
- 16 FoI requests were received in November 2016. To date, this was the highest number recorded in a single month.

## 7. Risk Register.

7.1 The Board noted paper MB17/3, and in particular the following points –

Risk 1 (*Disruption from breach of physical security*) – Revised dates for tests of the Business Continuity Plan and the invacuation procedure were noted. New emergency door-release boxes had been installed throughout the building

Risk 2 (*Loss of / decline in infrastructure performance*) – The new telephone system and equipment to enable hearings via video-link in Court 3 had been installed during the Christmas recess. After testing, cases could be listed to use the video-link facility from the beginning of the Easter term. Investigation of ‘cold spots’ throughout the building had revealed that changes to the configuration of the heating system were necessary.

Risk 3 (*Damage to Reputation*) – The handling of the ‘Brexit’ case hearing had been successful. An increase in correspondence after the hand-down of the judgment could be anticipated.

Risk 4 (*Financial Challenge*) – The proximity warning for the financial risk area had been changed from ‘ongoing’ to ‘close’.

Risk 5 (*Staff resilience*) – A vacancy would be created in the Registry team in February 2017.

Risk 6 (*Workload Movement*) - A litigant-in-person had been granted permission to appeal although it was likely that they would have legal representation at the hearing.

Risk 7 (*Breakdown of relationships*) - The Board noted the issues arising from requests by Government officials to see judgments in advance of hand-down.

7.2 The Board noted the publication of the *Framework for the Management of Risk in Government*.

## 8. Finance and fees.

8.1 The Board considered paper MB17/4 and noted the following points -

- Figures for December had been in line with budget estimates. Cumulative totals up to the end of December, showed an underspend of £90k, or 1% of the profiled budget. Current projections suggested that there would be an underspend of £20k for the year overall, although this was contingent upon fee income reaching target levels in remaining months. This projection was much tighter than in previous years. In light of this, MO requested that Board members consider whether there were any further steps necessary to ensure a successful outcome. Board members were content that all possible measures had been taken.
- A Reserve Support application for £25k to cover additional expenditure relating to the administration of the Article 50 'Brexit' case had been made successfully to HM Treasury.
- Projections for capital expenditure until March 2017 revealed a £60k underspend.

8.2 An analysis of court fees income prepared by OO was discussed. This had revealed that the main contributor to the income shortfall was a reduction in the number of cases requesting costs assessments. There were also fewer 'Notice of Intention to Proceed' applications and 'Statements of Facts and Issues' filed in 2016.

8.3 There was discussion of the potential risk of losing a base-line for comparison when making in-year revisions to budget forecasts.

8.4 The Management Board away-day referred to at para. 5.1 above was discussed in more detail. It would consider whether linking

discretionary parts of the Court's expenditure to contingent income sources would be beneficial.

- 8.5 KL requested that figures for the number of cases granted permission to appeal be incorporated into the chart showing fees income by month.

**Action point: OO to incorporate the statistics requested at para 8.5 into future versions of the fees income analysis.**

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

- 9.1 The Board noted the contents of paper MB17/5, and the following points –

- The number of educational visits during 2016 was similar to previous years although there were more visits from university-level organisations. The challenges of increasing visits from Scotland, Wales and Northern Ireland were discussed as there had been an observable dip in visits from these nations.
- BW proposed a non-refundable fee of £50 for non-UK educational groups to start with effect from 1 March. It was hoped this would reduce late cancellations of bookings.
- Statistics on visitor numbers and web traffic reports revealed an increase in visits in November and December, largely attributable to the Article 50 'Brexit' case hearing.

- 9.2 SB queried whether there was scope for the Court to explore the use of *LinkedIn*.

## **10. Human Resources.**

- 10.1 The Board noted the contents of paper MB17/6 and in particular the following points –

- There would be a vacancy in Registry in February.
- The recruitment campaign for Judicial Assistants would be launched shortly with a closing date of 30 March 2017.

- New performance management guidelines to cover all civil servants were in preparation. This would be monitored for its impact on the Court.

## **11. Parliamentary Questions and Freedom of Information.**

- 11.1 The Board noted that 16 FOI requests had been received in November and 12 in December.
- 11.2 1 PQ had been received in November requesting detail of any responsibility the Lord Chancellor had for the conduct of Justices of the Supreme Court.

## **12. Case update.**

- 12.1 The Board noted the contents of Paper MB17/7.

## **13. Transitioning.**

- 13.1 The Board noted the contents of paper MB17/8, setting out initial thinking on the logistical work necessary to prepare for the changes in judicial personnel over the Summer. More detailed requirements for individual business areas would be prepared for the next meeting.

UKSC  
January 2017