

The Supreme Court of the United Kingdom Management Board

Minutes of the meeting held on 24 July 2017

Attending: Mark Ormerod (Chair)

William Arnold
Louise di Mambro
Paul Brigland
Chris Maile
Joyti Mackintosh
Ben Wilson
Kenneth Ludlam (Non-Executive Director)
Stephen Barrett (Non-Executive Director)
Paul Sandles (Secretary)

James Noone attended for item 16 only.

- 1. Apologies for absence and introduction.**
 - 1.1 No apologies were received.

- 2. Approval of the minutes of the meeting of 22 May 2017.**
 - 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 MB17/29, and in particular the following points –

- The appointment of the new President of the Court as well as the three new Justices had been announced. The process to appoint a new Deputy President would commence shortly.
- A valedictory ceremony to mark the retirement of Lord Neuberger and Lord Clarke would be held on Friday 28 July. A large number of invited guests were expected.
- A preparatory visit to Belfast had been scheduled for Wednesday 26 July to plan for the Court sitting there for a week in April 2018. Enabling live video streaming of hearings would be the major logistical issue to resolve.
- The European Union (Withdrawal) Bill had been published, and the Second Reading debate had been allotted two days in early September. The internal Working Party established to monitor the impact of Brexit on the Court would meet in October.

6. Management Information Dashboard.

6.1 The Board noted the contents of paper MB17/30, and the information charts in paper MB17/32, and in particular the following points –

- A higher than usual number of cases failed to meet the 12 week target for resolving permission to appeal applications. Several reasons were identified and the Registrar noted that further instances could be anticipated. To minimise the impact on Court users, applications that required more urgent treatment had been identified and prioritised.

Action point: LdiM to compare the position in July 2017 with previous years and to provide an overview summary.

- Fee income in May and June had, again, been higher than anticipated by the budget forecasts.
- An increase in sickness absence had been observed in May and June.

7. Risk Register.

7.1 The Board noted paper MB17/31, and in particular the following points –

Risk 1 (*Disruption from breach of physical security*) – The test of the invacuation process, originally scheduled for June, would be deferred to the Autumn.

Risk 2 (*Loss of / decline in infrastructure performance*) – An independent review of ICT security took place in early July. A full report would be prepared for the September meeting. ICT testing of the secondary business continuity site would occur in September.

Risk 3 (*Damage to Reputation*) – The risk description had been amended to include reference to extra-judicial activities. The *Charlie Gard* case had required sensitive handling.

Risk 5 (*Staff resilience*) – The organisation had coped well with the long-term absence of several members of staff owing to illness. A review of the Performance Management process would be undertaken to ensure that all managers applied a consistent approach.

Risk 6 (*Workload movement*) – Future risk reports would incorporate greater narrative explanation of trends revealed in the Dashboard.

Risk 7 (*Breakdown of relationships*) – The Strategic Advisory Board had met in June and had discussed relationships with the executive and Parliament.

8. Finance and fees.

8.1 The Board considered paper MB17/32, and noted the following points –

- Fee income in June had been higher than the projection and so the excess of income over expenditure was £147k, or 8% of the profiled budget.

- The full year forecast for the Resources budget predicted an underspend of £86k though this could be higher if the very conservative fee projections continued to be exceeded. As fee income receipts had proven volatile in recent years, close monitoring of this situation would continue to ensure that forecasts were as accurate as possible. Forward plans for capital and resource expenditure were in preparation.
- Further work would be necessary to ensure that, as far as possible, fee income realisation points were easier to identify.
- Income from Wider Market Initiatives had been £25k for the year to date, which was £10k over the budget forecast. Venue hire had produced the majority of this income.

Action point: JM, in collaboration with colleagues, to devise a strategy to enable greater accuracy in the forecasting of fee income. This would include re-assessing the presentation of Registry statistics to ensure all KPI information is reported.

9. Press and communications.

9.1 The Board noted the contents of paper MB17/33, and the following points –

- There had been significant media interest in the Permission to Appeal application involving Charlie Gard as well as the judgment in the case regarding the funding of abortions for women from Northern Ireland.
- Reporting of the Court sitting in Edinburgh for a week in June was positive. The Communications team had used this opportunity to launch the Court’s Instagram account. This was intended to provide a different channel to target a different audience to that of Twitter which was now being used for more business-related messaging.
- Several newspapers contained obituaries for Lord Toulson who had sadly passed away in June.

- The decline in visitor numbers continued throughout May and June, although numbers were only 6% lower than in the equivalent period in 2016. Efforts to increase awareness of the Court as a place to visit had taken place, e.g. by providing leaflets in hotels.

10. Human Resources.

10.1 The Board noted the contents of paper MB17/34 and in particular the following points –

- Two Registry vacancies had been filled. Interviews for the post of Head of Communications had taken place and it was hoped that an appointment would follow shortly. The seven judicial assistant roles had all been filled and they would begin in post on 11 September.
- An advert for the Non-Executive Director position had been published with a closing date at the end of July. This had occurred without the delay that had been envisaged originally.
- A review of the performance management process would take place. The system to permit continuous, online reporting of performance had been trialled but the experience suggested that the time was not right for the Court to implement this.
- The pay award had been agreed by the Remuneration Committee and an announcement to all staff would follow shortly.
- As a small organisation with fewer than 50 members of staff, the Court would not be obliged to provide Gender Pay Gap reporting.

11. Parliamentary Questions and Freedom of Information.

11.1 The Board noted that 8 FOI requests had been received in both May and June. No PQs had been tabled.

11.2 This item would be removed as a separate agenda item as it was already reported in the Dashboard paper.

12. Case update.

12.1 The Registrar provided a short oral update and confirmed that the constitutions for cases in the Michaelmas Term had been finalised.

13. Transitioning.

13.1 The Board noted the contents of paper MB17/35.

13.2 It was queried whether new Justices would be issued with a letter confirming their appointment.

Action point: CM to investigate the question at 13.2.

14. Health and Safety

14.1 The Board noted the contents of paper MB17/36 and in particular the following points -

- The Health and Safety Committee had met on 6 July. There had been no incidents or accidents reported within the period, all DSE assessments were up to date and all other KPIs were met.

15. Equality and Diversity

15.1 The Board noted the contents of paper MB17/37 and in particular the following point -

- It would be helpful to see similar numbers reported for other categories of worker within the Court building. This would include contractors such as the security and café staff.

16. Physical security

16.1 James Noone, Head of Security, provided Board members with a detailed update regarding security operations and the incident response procedure.

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