

The Supreme Court of the United Kingdom Management Board

Minutes of the meeting held on 23 May 2018

Attending: Mark Ormerod (Chair)

William Arnold
Louise di Mambro
Paul Brigland
Chris Maile
Joyti Mackintosh
Sophia Linehan-Biggs
Kathryn Cearn (Non-Executive Director)
Kenneth Ludlam (Non-Executive Director)
Paul Sandles (Secretary)

1. Apologies for absence.

1.1 All members attended.

2. Approval of the minutes of the meeting of 19 March 2018.

2.1 The minutes were approved subject to one minor correction.

3. Matters arising not covered elsewhere on the agenda.

3.1 The independent Health and Safety audit had taken place during the week commencing 14 May 2018. It was expected that the report would be shared at the next Health and Safety Committee meeting.

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 MB18/21, and in particular the following points –

- A review of working arrangements on the third floor would be carried out by the Chief Executive. The review would look at the organisational structure, use of physical space, services provided and ways of working, including attitudes and behaviours. A consultation paper would be prepared in advance of any meetings discussing these issues with relevant members of staff.
- The Chief Executive had been asked by the Chair of the Supreme Court Arts Trust to set out proposals for the future relationship between the Court and the Trust.
- The sitting in Belfast had been successful. The experience had revealed issues that would require consideration for future visits. These included whether timing the event in April was helpful as it coincided with the preparation of the Annual Report.
- Announcement of the appointment to the Deputy President's position would be within the next two weeks. The process for filling the remaining judicial vacancies was on track and an announcement could be expected by July.
- The Director of Corporate Services would be retiring at the end of December 2018. The requirements of the role in the future were under consideration.

6. Management Information Dashboard.

6.1 The Board noted the contents of papers MB18/22, and 22a, and in particular the following points –

- A discrepancy in the number of applications for Permission to Appeal recorded in the Registry section of the Dashboard for the year ending March 2018 and what had been included in the draft version of the Annual Report was noted.
- The number of days lost due to staff illness had been significantly higher in 2017-18 than in the previous year. This had been, in large part, due to a long-term absence by one member of staff.
- A large increase in Freedom of Information requests had been observed in March and April. This had been due to repeat requests from a small number of requestors, and many of these had been classed as vexatious.

- The number of JCPC appeals without an agreed listing date arranged had been increasing steadily. This would be monitored.
- The table of workload movements had been annotated to reveal the fee income realisation points throughout a case's progress.
- Missing data for the January and February 2018 PTA grant rate tables would need to be back-filled.

7. Risk Register.

7.1 The Board noted paper MB18/23, and in particular the following points –

Risk 1 (*Disruption from breach of physical security*) – A secondary business continuity plan site had been identified at Blackfriars Crown Court. A site visit would take place in June in advance of a full test exercise.

Risk 2 (*Loss of / decline in infrastructure performance*) – The roll out of new desktop devices to staff had commenced after the resolution of the supplier's ongoing issue with the processor. The default operating system would now be Windows 10.

Cyber security testing would be taking place, in time to permit Cyber Essentials accreditation by the end of June 2018.

Risk 5 (*Staff resilience*) – The large number of changes in the Communications team had been absorbed successfully.

Risk 6 (*Workload movement*) – The throughput of cases had the potential to be affected by the change in judicial personnel. The loss of considerable JCPC related expertise would pose a particular challenge.

Risk 7 (*Breakdown of relationships*) – The Belfast court sittings had done much to bolster relationships in Northern Ireland although the challenge to Brexit legislation passed by the Scottish Parliament, listed for a hearing by seven Justices in July, had the potential to prove challenging.

8. Finance and fees.

8.1 The Board considered paper MB18/24, and noted the following points –

- Fee income in April had been greater than the budgeted £82k, by a total of £47k.

- Expenditure in April revealed an underspend of £91k. Since the approval of the draft budget at the previous meeting further expenditure plans for capital expenditure had been submitted. Taking these into account, the forecast utilisation rate had been raised to 95%.
- The final outturn for 2017-18 had revealed an underspend of £134k on resource expenditure and £17k on capital expenditure which was an extremely satisfactory overall result.
- The Annual Report and Accounts were scheduled to be laid before Parliament on 5th June 2018.

9. Press and communications.

9.1 The Board considered paper MB18/25, and noted the following points –

- There had been significant media interest in the *Alfie Evans* and *Scottish EU Continuity Bill reference* cases.
- Coverage of the sittings in Belfast had been widespread and positive, particularly so in the Northern Irish press.
- Lady Hale’s appointment to the Court of Final Appeal in Hong Kong had been reported internationally. Lady Hale would not sit on any cases in Hong Kong until after her retirement from this Court.
- The Skype-a-Justice pilot had been extended to the end of July to ensure schools with scheduling clashes during exam periods could also access the initiative. Feedback from participants had been extremely positive thus far and a full evaluation would be carried out after the pilot ended.

10. Human Resources.

10.1 The Board noted the contents of paper MB18/26 and in particular the following points –

- Interviews for the 2018-19 judicial assistant posts would take place between 22-24 May 2018. Fewer applications had been received than in previous years but the standard of applications was high.

- Two permanent appointments had been made to the Communications Team to fill the Information Officer vacancies. They would both take up their posts by early July.
- Training for managers on the updated data protection laws had been arranged with ACAS for a date in July.
- An external trainer had conducted a staff skills assessment of the use of the telephone system and preparedness for moving to the SharePoint environment for file storage. A practical workshop would follow in June to address existing knowledge gaps. The move to SharePoint would necessitate reviewing existing files to ensure retention schedules were being adhered to.

11. Case update.

11.1 The Board noted the oral update from the Registrar and in particular the following point –

- A sensitive criminal case with strict reporting restrictions affecting broadcast footage would be heard on Wednesday 23 May.

12. IT update.

12.1 The Board noted the contents of paper MB18/27 and in particular the following points –

- The programme of works to update and reconfigure the IT system to improve resilience would be completed by the end of June.
- Testing of replacement mobile phones had commenced.
- Consideration was being given to what management information should be logged by the IT team. A paper would be prepared for the July meeting.
- A dedicated video archive server had been established and was now fully operational.
- Work to add flexibility as to where in the building the Skype-a-Justice initiative could take place had been carried out. Adaptations were also being made in Courtroom 3 to facilitate the use of a wider range of IT devices by Justices.

13. Applications for Permission to Appeal.

13.1 The Board noted the contents of paper MB18/28 and in particular the following points –

- The figures recording the grant rate in PTA applications had been revised to correct a statistical inaccuracy.
- The reasons why some PTA applications were not handled within the 12 sitting weeks target were identified.

14. Audit & Risk Committee – Chair’s update.

14.1 The Board noted the contents of paper MB18/29 and in particular the following points –

- The Head of Internal Audit in the Annual Report on the Internal Audit activity for 2017-18 had given the Court a ‘Moderate’ rating, a decline from the ‘Substantial’ recorded the year before. During 2017-18, Internal Audit had reported on income generation, the Registry function, public requests and complaint handling, expenses and IT systems. The audit ratings for these reports were outlined. Actions to implement the recommendations had been agreed.
- In future, audit committee members would receive the detailed Internal Audit reports and an Audit Recommendation Tracking Document would be produced as a continuous working summary. This would be reviewed at each meeting of the Audit and Risk Committee.
- The committee had discussed the Internal Audit three-year plan and it had been agreed that the time allocation to each audit and the overall audit days would be reviewed by management.
- The National Audit Office had given a qualification on regularity in their Audit Report. This was a technical qualification which relates to the valuation of buildings. The main report from the NAO had given the Court a clean position in respect of Reporting and Internal Control.
- The relevant documentation which supports the Court’s ownership and occupancy of its building would be made available for the next audit.

15. Remuneration Committee – Chair’s update.

15.1 The Board noted the oral update from the Chair and in particular the following point –

- The Pay Award had not yet been approved as the Committee awaited the receipt of central guidance from the Cabinet Office. Engagement with Trade Union representatives had commenced.

16. Energy consumption.

16.1 The Board noted the contents of paper MB18/30 and in particular the following points –

- The increase in costs for gas and electricity could be attributed to rising supplier charges.
- Water usage had been more volatile and had led to higher costs. This had been the result of the flushing of the main water tank, several known leaks as well as exceptional carpet and window cleaning projects taking place.
- There had been a small improvement in this year’s energy performance figures, included in the Display Energy Certificate, although the assessment remained at the ‘D’ rating. The assessor’s advisory report recommendations offered no “high return” medium or long-term improvement measures.

17. GDPR preparation.

17.1 The Board noted the contents of paper MB18/31 and in particular the following points –

- The implementation plan was largely completed. Outstanding measures such as the amended Privacy Notice would be published on the websites in advance of the deadline of 25 May 2018.
- Information security awareness training had been carried out by all staff members across the Court. A further GDPR awareness training event for managers would take place in July.
- Notification of the updated privacy policy would be distributed to external contacts lists.

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