

The Supreme Court of the United Kingdom Management Board

Minutes of the meeting held on 24 September 2018

Attending: Mark Ormerod (Chair)

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

1. Apologies for absence and introduction.

1.1 No apologies were received. Ian Sewell was welcomed to the Board after his appointment as Deputy Registrar.

2. Approval of the minutes of the meeting of 23 July 2018.

2.1 The minutes were approved subject to two corrections.

3. Matters arising not covered elsewhere on the agenda.

3.1 Remote access to the UKSC secure network for the two Non-Executive Directors would be finalised shortly after the September meeting.

3.2 There was a backlog of minutes from previous Board meetings awaiting publication on the website. This would be addressed by the Secretary.

3.3 The planned training session on effective behaviours for Board members would be deferred until early in 2019.

3.4 The Employment Tribunal claim against the Court had been struck out as the Deposit Order following the initial hearing had not been paid by the applicant.

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 MB18/41, and in particular the following points –

- Identification of a suitable venue for the Court sitting in Cardiff in 2019 had proven to be more challenging than the Edinburgh and Belfast events.
- Interviews for the new Director of Corporate Services had taken place.
- Preparatory work for the next round of appointments to replace the President of the Court as well as two other Justices in early 2020 had begun.
- Work to assess how the staff reporting scheme treated those on fixed term contracts would be required.
- Work undertaken over the Summer recess to prepare the Case Management System for the introduction of the new websites and to improve statistical reporting had revealed that further work would be required. This would cause delay to the launch of the new websites.

6. Management Information Dashboard.

6.1 The Board noted the contents of papers MB18/42, and 42a, and in particular the following points –

- The performance monitoring of budget performance had been amended to distinguish administrative and capital expenditure more clearly.
- The statistics on praise and feedback received by the Communications team had been updated to include written comments. These had not been incorporated into dashboards for 2018-19 thus far.
- Although a rise in external correspondence had been observed, only those complaints where the full complaints procedure had been employed were included in the dashboard returns.

- Further work would be necessary before the fee income forecasting model was completely ready.

7. Risk Register.

7.1 The Board noted paper MB18/43, and in particular the following points –

Risk 1 (*Disruption from breach of physical security*) – The annual fire drill had been carried out successfully on 13 September and the lock-down system would be tested on 28 September. The external lock-down that took place following the attack on Parliament on 14 August went according to procedure.

Recommendations from the review of physical security would be shared at the next meeting of the Audit & Risk Committee.

The site previously identified as the secondary business continuity location would be closing. Two other alternative sites had been identified following discussions with HMCTS and an initial visit would be taking place in October.

Risk 2 (*Loss of / decline in infrastructure performance*) – Cyber Essentials security accreditation had been awarded on 28 August 2018. The IT Risk Register would be reviewed and updated by November 2018.

Risk 3 (*Damage to reputation*) – The malware incident affecting archived video footage in March 2018 continued to present problems to enquirers seeking to gain access to this material. To date, fewer than 10 requests to view footage were unable to be satisfied.

Risk 4 (*Financial challenge*) – The risk level had been raised to reflect that the issues associated with the forecast overspend would become acute very soon. A spending reduction exercise had been initiated although this might not be sufficient on its own.

Risk 5 (*Staff resilience*) – No pressures to challenge the Pay Award had been evident among staff as yet which was unlike the position in some other departments.

Risk 7 (*Breakdown of relationships*) – The bilateral with the Court of Justice of the EU would be taking place at the Court on 5 November after the cancellation of the previous year's event.

8. Finance and fees.

8.1 The Board considered papers MB18/44, and noted the following points –

- Significant volatility in fee income levels continued to be observed month-on-month although for the year to August, fee income remained £54k above budgeted levels.
- Expenditure in the year until August revealed an underspend of £73k although an overall overspend of £25k had been forecast for the resource expenditure budget. Costs had risen by £250-300k over those seen in the previous year and this had been the chief cause. There remained several expenditure lines that had not yet been included so the predicted overspend would be likely to rise still further. Measures to reduce costs that had already been taken had already been factored into these figures.

9. Press and communications.

9.1 The Board considered paper MB18/45, and noted the following points –

- There had been significant media interest about two divorce cases decided by the Court, *Mills v Mills* and *Owens v Owens*.
- The Court had seen a 21% increase, year-on-year, in visitor numbers across July and August with numbers being higher in 2018 than in any year since 2015. Café income had risen by over 50% across the same period.
- The new initiatives introduced in the August Open Days had been well received and a fuller evaluation of feedback would be presented at the November meeting. As in previous years, the Court would be supporting the *Open House London* weekend in September.
- The need to back-up content in the digital displays in the permanent exhibition space had been identified and would be addressed.
- The Head of Communications and an Information Officer would be attending an initial planning day at Royal Holloway, University of London for the proposed Massive Open Online Course (MOOC).

- A Christmas party booking had been received for late November. Overall income from event hires had been £1.5k above the projected figure.

10. Human Resources.

10.1 The Board noted the contents of paper MB18/46 and in particular the following points –

- A recruitment campaign had been launched to appoint a permanent Finance Manager.
- An audit of the new performance management system had taken place. Recommendations would be used to help provide a consistent approach across the Court. The Mid-Year Review data would be collected in October.
- The Head of Communications would take maternity leave in the New Year and consideration was being given to finding appropriate cover.

11. Case update.

11.1 The Board noted the oral update from the Registrar.

12. IT update.

12.1 The Board noted the contents of paper MB18/47 and in particular the following points –

- Digital recordings of case hearings had been transferred from the offsite backup-server to the onsite video-archive unit. Work had commenced to upgrade the offsite backup-server, increasing its storage capacity, prior to its return to the secure off-site facility.
- A new contract for mobile telephone devices had been agreed and a monitoring platform for them had been tested, agreed and implemented. Touch screen devices to improve the experience of using electronic court documents for Justices had been installed in Courts 2 and 3. Installation of the same equipment in Court 1 would follow when budgets permitted.

- An independent review of the Case Management System by Dynamics specialists revealed that the essential reconfiguration work would take longer than was initially expected.
- The report on website user requirements carried out by external consultants over recent months had been completed. This, and the revised timeframe for the project, would be discussed at the next Project Board meeting on 23 October.

13. Annual Report and Accounts.

13.1 The Board noted the contents of paper MB18/48a and 48b, and in particular the following points –

- A three-year transition to incorporate National Audit Office best practice guidelines for the production of the Annual Report would be initiated with the report on 2018-19. This transition would also permit the incorporation of changes to internal business planning.
- Part of this reappraisal would be to assess whether the content presently included in the report could be better presented on the website. The overall aim would be to make the production of the report more efficient and to improve the readability of the end product.

14. Accommodation.

14.1 The Board noted the contents of paper MB18/49 and in particular the following points –

- Improvements to reduce the noise of creaking floorboards outside Court 1 had been completed. The lobby carpet would be installed before the end of October 2018.
- Following the independent review of physical security, the Buildings Manager would lead a project to install CCTV on the staff side of the building. This would ensure that security personnel would be able to track on camera any unauthorised persons who gained access to this part of the building.
- The next contract due to be re-tendered would be the cleaning contract due to be in place by March 2019. The tendering process would commence

in the Autumn and one of the Non-Executive Directors would be invited to sit on the panel.

15. Facilities Management.

15.1 The Board noted the contents of paper MB18/50 and in particular the following point –

- A decision as to whether to retender for Facilities Management services or to bring services in-house and directly employ an on-site engineer and a deputy to manage the services would be necessary.
- The predicted costs of either arrangement over a three-year period were considered and discussed as were issues such as the probable workload of the deputy engineer, any insurance and liability implications, and the ability to secure sub-contractors at reasonable cost when required.
- The Board agreed with the recommendation to bring services in-house. A post-implementation evaluation would be required to ensure that the projected savings were actually being delivered, and that the arrangements worked well.

16. Review of Terms of Reference.

16.1 The Board approved the Terms of Reference.

UKSC
October 2018