

**The Supreme Court of the United Kingdom
Management Board
Minutes of the meeting held on 29 September 2009**

Attending: Jenny Rowe (Chair)

William Arnold
Alex Jablonowski (Non-Executive Director)
Sian Lewis (items 1-6)
Louise di Mambro (items 1-5)
Olufemi Oguntunde
Philip Robinson (Non-Executive director)
Martin Thompson (items 1-11 and 16-17)

Ann Achow (Secretary)

1. Apologies for absence

1.1 Apologies were received from Caroline Smith and Sue McKenzie.

2. Approval of the minutes of the MB meeting held on 17 August 2009

2.1 The minutes were approved.

3. Matters arising not covered elsewhere in the minutes

3.1 PR asked for an update on the UKSC's and JCPC's readiness to open and be fully operational on 1 October. JR confirmed that all essential systems and procedures for case management, IT, payroll, finance, the website, data protection registration etc were in place. There were concerns about the possible volumes of lawyers, press and the general public wishing to visit from 5 October. Lines to take had been prepared, should some visitors have to be turned away because of insufficient seating space in the courts. On the question of CTC clearance a check would be made to ensure that all contractor staff working in the building had been CTC cleared and, if appropriate, had the necessary work permits.

3.2 JR had received a formal handover letter from MoJ which she was working through.

Action: MT to check that all contractors had been checked by their employers for nationality and right to work

4. Policies and procedures

4.1 JR was satisfied that key policies and procedures were in place. The Health and Safety Policy was due to go to the first meeting of the Health and safety Committee before going to the Management Board for approval. In the meantime, it was in place as interim policy. UKSC were following MOJ's policies, for example on finance, procurement, IT security, diversity and equality pending its own being fully developed.

5. Arrangements for the official opening on 16 October

5.1 The Board noted MB paper 09/07 which provided an update on the plans for the official opening. It had been confirmed that the Dedicatory Prayers would take place after the unveiling ceremony. The Metropolitan Police were in charge of all external security and the Palace was responsible for media coverage. No decision had been made about the presence of a member from SCIP to talk to guests about the refurbishment. A meeting to discuss this was scheduled for 2 October.

5.2 Plans had been finalised for the swearing-in of the Justices on 1 October with pre-recorded media interviews taking place on 30 September, embargoed until midnight. There was a possibility that a demonstration might take place outside the building. The police were dealing with the arrangements for cordoning off an area for demonstrators.

6. Strategic Plan and Objectives and Business Plan (2009/10)

6.1 The Board considered the revised draft Strategic Objectives which had been prepared as part of MB paper 09/09. They agreed the draft with a minor change to the position of SO6 which would become SO8. JR would put the final draft to the President and Deputy President for approval.

6.2 The remainder of MB paper 09/09 contained the draft interim Business Plan for the period from 1 October 2009 to 31 March 2010. The following points were agreed:

- The plan should be revised to remove the mix of presentational formats
- It should contain a summary table of between 5 and 10 KPIs, indicating how they were to be measured
- Careful thought should be given to devising sensible, measurable targets and not setting ourselves up to fail
- A shorter list of Finance KPIs should be produced
- Statistics on cases and their status on the handover date from the House of Lords as well as for the first half of 2009/10 should be included
- The plan should include an introduction from JR and should be ready for publication as close as possible to 1 October
- The plan would then be used as the basis for consulting stakeholders including the UKSC Users Committee and other UK jurisdictions on the 2010/11 Business Plan. JR would like the Audit Committee to have input into future business and strategic plans.

6.3 The Board discussed the availability of the Court's broadcasting output to the media, public and others. The Broadcasting Protocol had to be signed by all those wishing to receive broadcasts. It was intended primarily, but not exclusively, as a resource for the media. Educational establishments might also wish to use it.

6.4 The question of financial opening balances was discussed. OO reported that these had not been fully agreed with MoJ but that work on settling them was underway.

Actions:

(1) LdiM to provide case statistics at the point of transition as well as for those cases handled from 1 April 2009 onwards by the House of Lords.

(2) WA to provide a re-draft for JR to seek approval from the President and Deputy President

7. Gateway Review benefits realisation

7.1 The Board discussed MB paper 09/10. This was a version of the previous Supreme Court Implementation Project (SCIP)'s Benefits Realisation Plan, condensed to show only those benefits which fell to the UKSC Chief Executive to deliver. There were concerns that the development of our scorecard coupled with the gathering of evidence for the purposes of benefits tracking could overstretch our small organisation. As previously discussed, there were also difficulties around base-lining and the lack of existing reliable data.

7.2 More fundamental, however, was the need to understand the thinking behind the development of these particular benefits. For example, some of the PIs, measurement processes and outcomes for benefit 1 (which dealt with constitutional clarity) might be seen to impact on the independence of the judiciary. It was decided that JR should seek clarification from the SCIP on the thinking behind the benefits. This, together with a formal request to the House of Lords for whatever baseline information they were able to provide for all the listed benefits, was needed before further discussion could take place at a future MB meeting.

7.3 Discussion was needed at the next MB meeting on the content of the scorecard report.

7.4 JR said the Post Implementation Review was for MoJ to prepare. UKSC were not expecting to be called to the Public Accounts Committee before the 2009/10 accounts had been completed. There was a slight possibility that attendance might be required in the near future at either the Justice or Constitutional Affairs Select Committees.

Actions:

(1) AA to include an agenda item for the 19 October meeting dealing with the scorecard report.

(2) JR to contact SCIP for clarification of the thinking behind the benefits.

(3) Baseline data to be sought from the House of Lords.

(4) WA to provide a further draft for the next meeting

8. Risk register

8.1 The risk register circulated by JR on 10 September was discussed. Information assurance would be included as a risk and the next step was for 'owners' to be allocated to populate the actions column.

8.2 Drafting of the Business Continuity Plan was underway. The next draft would be circulated to MB members. Richard Atkinson who is responsible for business

continuity and security at MoJ had agreed that staff from his team would undertake a desktop assessment of our procedures. JR advised the board that, in the event of an incident which affected the use of the building, there were arrangements in place to use the court facilities at the RCJ. This meant that sittings should suffer no more than a 48 hour delay.

Actions:

(1) JR to allocate risk owners to complete the actions column

(2) The next draft of the Business Continuity Plan to be circulated to MB members.

9. Terms of reference and membership of MB sub committees

9.1 A nomination from Scotland for the Audit Committee was still awaited. In the meantime it was agreed that the first meeting date should be set. There was a discussion on the advantages and disadvantages of having Audit Committee meetings on the same day as MB meetings, although no firm decision was made.

9.2 A date was to be set soon for the first meeting of the Health and Safety Committee.

9.3 The first meeting of the User Committee was likely to take place towards the end of November. Lord Phillips was due to nominate Justices to sit on the Committee.

10. Dates of future MB meetings

10.1 It was decided that the quorum for the MB should be at least 5 UKSC members attending and one Non-Executive Director.

10.2 The dates for future MB meetings were discussed. To fit in with the production of the finance figures MB meetings should be scheduled for no earlier than the third Wednesday of the month. The fourth Tuesday of the month was suggested as a suitable regular date with flexibility to offer an alternative should all members not be able to attend a particular meeting.

Action: AA to circulate members with proposed meeting dates.

11. Finance and fees

11.1 The Board considered MB paper 09/08. OO mentioned the following points:

- All finance systems were ready for go live on 1 October
- Work was underway on the net cash requirement for HM Treasury
- Agreement had been reached with the House of Lords on apportionment of fees from the end of July
- Views from MB members on additional information which they would like to see included in the monthly finance paper would be welcome.

11.2 OO had met NAO who had asked to be advised of the Audit Committee dates. The Board agreed that early contact between NAO and the Audit Committee was desirable.

11.3 Staff from MoJ's Internal Audit had been contracted to act as the UKSC's internal auditors. The intention was that they would conduct their audit in January with a view to flushing out any issues before NAO's audit of the year end accounts. OO was due to meet them on 8 October with, prior to that date, a meeting between OO and PR as Audit Committee Chair to discuss the IA plan.

12. Risk

12.1 Matters relating to risk were discussed under item 8 of the agenda.

13. Health and safety

13.1 An introduction to health and safety had been included in the Welcome Information pack issued to all staff.

14. Human resources.

14.1 Recruitment campaigns for ushers and a secretary for Lady Hale were underway.

15. Press and communications

15.1 The Communications Team were very busy dealing with all issues relating to the opening on 1 October and beyond.

16. Case statistics

16.1 Further to the discussion on statistics (paragraph 6.2 above) it was agreed that the items of information required for consideration at the next and subsequent MB meetings were:

- number of permission applications received and outstanding / to be dealt with;
- number of appeals where leave has been granted yet to be heard;
- number of appeals heard where judgment had yet to be given; and
- number of cases where costs issues were still outstanding

16.2 The initial set of these figures should provide the position as at 1 October 2009, the date the UKSC came into being. They would then form the baseline for future measurement of performance. They should be updated on a monthly basis to include additional information on throughput times etc.

Action: LdiM to prepare statistics for the next and future MB meetings.

17. Any other business

17.1. WA updated members on the preparation of the policy on taking bookings for external events. A meeting had taken place earlier that week. The policy was now being drafted and would be circulated to members for discussion at a future MB meeting.

UK Supreme Court

7 October 2009