



# **THE SUPREME COURT OF THE UNITED KINGDOM**

## **BUSINESS PLAN**

**1 April 2012 – 31 March 2013**

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# **Section 1**

## **Introduction and Summary**

## **Introduction**

1. The Supreme Court of the United Kingdom (UKSC) was established by the Constitutional Reform Act 2005 (CRA) and came into being on 1 October 2009. Its mission and strategic objectives, which can be found in the next section, remain essentially the same as those set out at its launch, although they have been slightly broadened to encompass, where relevant, the work of the Judicial Committee of the Privy Council. This Business Plan covers the UKSC's third full financial year of operation and sets out our key aims and objectives for that period and how we plan to achieve them. Our key Performance Indicators (PIs) are set out in Annex A to this Business Plan.

## **The Judicial Committee of the Privy Council (JCPC)**

2. From 1 April 2011 the UKSC took over from the Ministry of Justice (MOJ) responsibility for the administration of the Judicial Committee of the Privy Council (JCPC), which has been co-located with the UKSC since the UKSC's inception in October 2009. A key aim in 2012 – 2013 will be to continue the integration of the administration of the JCPC with that of the UKSC, begun in 2011 - 12. More detail on this is set out in Section 7 below.

## **Managing within the Spending Review (SR) Settlement**

3. This is the second of the four years covered by the settlement resulting from the 2010 Spending Review. This will be a period of declining resources for the UKSC. How the Court more broadly envisages it will manage within its resources for the remainder of that period is set out in the UKSC's Strategic Plan for 2012 – 2015, but this Business Plan sets out how it plans through greater efficiencies and otherwise to meet the key aim of living within its declining means in the financial year 2012 – 2013.

## **Background and Context**

4. The UKSC's creation in 2009 marked the visible separation of the United Kingdom's highest court from both the executive and the legislature. It was designed both to increase the transparency of the judicial process and to clarify the relationship between the Judiciary, Government and Parliament. The role of the Court and the Justices is to act as the final Court of Appeal for arguable points of law of general public importance arising from civil cases throughout the United Kingdom; and from criminal cases in England, Wales and Northern Ireland. The Court also hears cases to determine issues relating to the legal competence of the devolved administrations, Parliaments and Assemblies. (This jurisdiction transferred to the UKSC on 1 October 2009 from the JCPC.)

5. The UKSC is independent of the Ministry of Justice and of the separate Court Services in England & Wales, Scotland and Northern Ireland. As an administration it is a non-Ministerial department headed by a Chief Executive who is also the Accounting Officer. The CRA sets out the statutory framework and defines the responsibilities of the Lord Chancellor, the President of the Court and the Chief Executive. An ongoing task for the

Court is to ensure that the separate roles of the Judiciary, Executive and Legislature are clear and widely publicly recognized.

### **Ongoing aims for 2012 – 2013**

6. (i) We will maintain the constitutional position of the UKSC as the apex of the judicial branch of the State and its independence from the Executive, in reality as well as in theory. Since the Executive is a party in over half the cases which come before the court, it is particularly important that this both is, and is seen to be, the case.

(ii) A key outcome will therefore be that the UKSC will continue to be publicly recognized as unequivocally independent of political influence and interference; and it will remain visibly separate from both the executive and the legislature and be publicly acknowledged to be such.

(iii) It will also continue to be recognized as the single apex of the UK's civil law and, apart from Scotland, for criminal law as well. A key indicator will be that there will therefore be no successful challenges in the European Court of Human Rights on the grounds that a lack of judicial independence in the UKSC has compromised the Article 6 Requirement for a fair trial.

(iv) The UKSC will also devote effort to demonstrating that, although London based, it is truly a UK institution. The Justices reiterate that, if suitable cases arise, they would in principle hold sittings in Edinburgh, Belfast or Cardiff.

## **Section 2**

### **Securing the Justices' Constitutional And Financial Independence**

## **Relations with the Lord Chancellor**

7. The President of the Court has regular bilateral meetings with the Lord Chancellor approximately every six months to discuss matters of mutual concern, although the Lord Chancellor and his officials are not in any way involved in the day to day running of the Court, the administration of which is a fully independent non – Ministerial Department in its own right. In accordance with Section 48(4) of the Constitutional Reform Act 2005 (CRA) the Chief Executive of the Court must carry out her functions in accordance with any directions given by the President. These meetings will continue in 2012 – 2013.

## **Financial Independence**

8. The main interface with the Lord Chancellor is that the CRA (Section 50(1)(b)) places upon the Lord Chancellor the duty of providing the UKSC with such resources as he thinks are appropriate for the Court to carry on its business. In practice this duty is discharged in the context of the Spending Reviews conducted Government wide by the Treasury from time to time, which determine Departmental budgets for the following three or four years. 2012 – 2013 is the second year of the Spending Review settlement announced in the autumn of 2010 for the four fiscal years running from April 2011 to March 2015. Thus the Court knows what its resources should be for the 2012 – 2013 fiscal year and the two following ones. Like the resources of all other Departments the Court's resources are set to decline each year in this period.

9. The duty on the Lord Chancellor to provide the Court with adequate resources to carry on its business is balanced by a duty on the Chief Executive to ensure that the Court uses those resources to provide an efficient and effective system to support the Court in carrying on its business (CRA Section 51).

10. The UKSC has remained within its budget in every financial year since its inception and will aim to do so again in 2012 - 2013.

11. The UKSC's resources actually comprise four different elements. The first is an amount directly voted by Parliament in accordance with the terms of the Spending Review settlement.

12. The other three elements comprise:

(1) fees paid directly by UKSC litigants. The amount the UKSC expects to receive from these is obviously a forward projection, based on fee levels and the volume of cases the UKSC has historically received in recent years. Although we can control fee levels, we cannot control demand. Indeed to the extent that fee levels increase, they will likely act as a small disincentive to demand, although the larger drivers of demand are likely to be factors in the wider economy and in society determining the propensity to litigate and over which the UKSC has no control.

(2) income derived from so called 'wider market initiatives', which in our case means the income the UKSC can generate from hiring out parts of the building and from the sale of gifts and souvenirs. We have some control over this by means of promoting the marketing of the building as a suitable venue for events and from producing an attractive range of souvenirs and selling them at attractive prices.

(3) the largest of these three elements (about 85%) is annual contributions from the judicial systems of the three jurisdictions from which cases come to the UKSC - England and Wales, Scotland and Northern Ireland. In turn the lion's share of these (88%) inevitably comes from England and Wales, since the contributions are based on the proportions of civil cases which come from each jurisdiction. This last element is intended to reflect the benefits to all civil litigants of judgments given here. This is a regime agreed by Ministers as part of the funding arrangements after the passage of the CRA.

13. In 2012 – 2013 the UKSC will continue to seek to secure the resilience of each of these three elements. It is particularly important that we should be able to rely on receiving the annual contributions from the three jurisdictions, and especially that from England and Wales, since these, and especially this last one, form such a high proportion of the income the UKSC receives which does not come directly from Parliament.

### **Research Project on Judicial Independence and Accountability**

14. The court is contributing to a research project on judicial independence and accountability being undertaken by academics from the Constitution Unit at University College London, the School of Law at Queen Mary College, London and the University of Birmingham. The Chief Executive, the Director of Corporate Services and the Registrar have all been interviewed as part of the project. The project is also running a series of seminars on the issue, one of which will be held in the Court on 3 October.



# **Section 3**

## **Promoting the Rule of Law**

## **Casework**

15. This is the core work of both the UKSC and the JCPC and it will be given the highest priority. The jurisdiction of the UKSC and permission to appeal (PTA) requirements are set out in Annex C to this Plan; and the jurisdictions from which cases come to the JCPC are listed in Annex D.

16. In cases where PTA is required from the UKSC (or, more rarely, the JCPC), once the required papers have been filed with the Court, the Court's target is, and in 2012 – 2013 will continue to be, to determine that application within twelve sitting weeks. In urgent cases, a request for expedition may be made and the Court can often determine an expedited application within 14 days or even less.

## **Appeals**

17. Appeals are normally heard in open court before five Justices, although in cases which meet the criteria set out below seven or even nine Justices will sit. The criteria to be used when considering whether more than five Justices should sit on a panel are:

- If the Court is being asked to depart, or may decide to depart from a previous decision.
- A case of high constitutional importance.
- A case of great public importance.
- A case where a conflict between decisions in the House of Lords, Judicial Committee of the Privy Council and /or the Supreme Court has to be reconciled.
- A case raising an important point in relation to the European Convention on Human Rights.

## **Sitting Days**

18. Once permission to appeal has been granted, a hearing date is fixed based on the time estimate provided by the parties. The Court's target is that all hearing dates will be offered within four sitting weeks of the grant of permission for UKSC cases and within eight sitting weeks of the grant of permission for JCPC cases. Hearings in the UKSC usually last for two days. The Court's target remains for all appeals to be heard within 9 months of the grant of permission.

19. The Court is, however, sensitive to the needs of a particular case and of its parties. It therefore seeks to arrange hearings according to the availability of parties' legal representatives. The Court would not be accessible, if it insisted on parties instructing new counsel, if their counsel was not available, and it would be hugely expensive for parties to have to instruct new counsel simply in order to expedite a hearing. In practice the Court can and has arranged hearings within weeks of the grant of permission in a number of urgent cases (e.g. family, extradition cases).

## **Policy Developments**

20. The UKSC will aim to keep in touch with relevant policy developments throughout Government, which might impact on UKSC business, as Departments introduce initiatives designed to improve their own efficiency and value for money.

21. The Ministry of Justice, for example, has reviewed the provision of legal aid, which could impact on the flow of cases to the UKSC. Also, following Lord Justice Jackson's report on civil costs, the UKSC will be monitoring developments closely in order to conduct its own review of costs, as necessary, to see whether the UKSC's procedures and those of the JCPC should be changed in the light of that report and whether costs can be reduced.

22. The Government has launched a major initiative to seek to reform the flow of cases to the European Court of Human Rights. We shall be watching to see if there are any consequential implications from this for the nature and volume of the UKSC's own caseload.

23. Equally there may be consequences from the debate about a UK Bill of Rights, which would impact upon the UKSC's caseload.

24. We understand the Foreign and Commonwealth Office (FCO) are intending to publish a White Paper on future relations with the UK Overseas Territories and Crown Dependencies early in 2012 – 2013; and we shall fully collaborate with them on any implications this may have for their relationships with the JCPC.

## **A court and procedures which users find clear and easier to use**

25. Another key objective for the UKSC is that it should be an accessible court for users with procedures which are clear, simple and understandable, providing an efficient and effective service to all court users:

- We will continue the regular meetings with court users to ensure that the procedural regime we have in place continues to achieve our objectives. We will make any revisions to the procedural regime, which appear to be necessary, and consider recommendations for changes to procedures and practices to promote service improvements. The User Committee includes representatives from all the UK jurisdictions and the minutes of the User Committee meetings can be found on the UKSC website.

## **Use of modern technology to improve court functions**

26. The UKSC has an integrated modern Information Technology (IT) system, supporting both the conduct of cases in court and the back office case management, library services and office support work. There is a UKSC website as well as an intranet for Justices and staff.

- This technology has begun to enable the development of more effective and efficient support to the Justices with improved and quicker access to UKSC judgments. Judgments are usually placed onto the UKSC website within an hour of their being handed down in court.
- The UKSC and the JCPC have started to move towards the use of electronic bundles accessible on screen for the actual hearing of cases in court. The first case relying primarily on an electronic bundle was heard in December 2011. Further progress with this depends mainly on the professional parties to cases also having the willingness and the skills to use this technology. Lord Kerr as the Justice responsible for IT continues to take the lead to enable users to make the most of this facility.

## **Public Access, Education & Outreach**

27. A key objective of the UK Supreme Court is to present the Court's activities in the most clear and accessible ways possible, to the widest range of audiences. We now average over 70,000 visitors to the building per year with our website averaging over 35,000 distinct visitors each month.

28. During 2012 – 2013 we plan to build further on this progress and, informed by our experience to date, develop programmes and initiatives to increase awareness of the Court taking account of present resource limitations.

## **Access to the Court**

29. The UKSC is easily accessible by the public who are able to visit the court building and attend hearings. Details of forthcoming cases and judgments are already published on our website, and we will continue to explore what further background papers might be made available online to assist those interested in attending cases. Details of any planned closures will be published online.

30. The UKSC will continue the work begun in the previous year to improve accessibility of our website for partially sighted users, alongside further training for our staff on how appropriately to assist those with access difficulties.

31. In addition, we will continue to film all proceedings of the court and, on request, make recordings available to educational establishments and to the main public broadcast organisations for use in news or current affairs programmes. Since May 2011 we have allowed Sky News to use our footage to stream proceedings live on a specially created Sky webpage which is currently visited by 73,000 unique monthly users.

32. We will continue to offer a dedicated reception/information desk service every day the Court is open, to welcome visitors and deal with enquiries. We are also introducing more exterior signage and seeking more entries in key tourist guides to encourage more visitors. In the light of feedback and experience we will revamp and consolidate our existing visitor leaflets to make them more streamlined and informative, and to generate cost savings over the longer term.

33. In 2012 – 2013 we will again open the Court for seven ‘open access’ days. These are designed to give members of the public the opportunity to see some private areas of the building. The dates will be publicized on the Court’s website and through clear external signage. We plan again to include children’s activities and materials about the Middlesex Guildhall art collection.

34. Two of the days will be planned to coincide with the London ‘Open House’ weekend, when numerous buildings of architectural interest in the capital are open to visitors. Tours of the building offered over this weekend have in previous years been oversubscribed, so in the coming year we plan to repeat the Court’s participation in the scheme, but instead of pre-arranged tours to allow visitors to come to the building at their leisure. This will enable many more people to take advantage of the opportunity to explore areas not normally open to the public.

## **Media liaison**

35. We will continue to distribute alerts about forthcoming judgments, and issue judgments to media contacts by email as soon as they are delivered in Court. We will continue to supplement this with forward planning lists highlighting the forthcoming cases likely to be of the most public interest before each legal term.

36. We will respond to media requests in a timely fashion, continue to develop our database of media contacts, and identify proactive opportunities to highlight aspects of the Court’s work, particularly focusing on forthcoming cases and our educational work.

37. We will develop a media handling strategy for the retirement of Lord Phillips as well as the appointment of his successor.

38. In 2011 – 2012 we launched an official ‘Twitter’ feed for the Court, to keep users of this popular micro-blogging site updated with information on our judgments and other news, and in 2012 – 2013 we will continue to monitor tweets received (although as a matter of policy we do not reply to all messages received).

## **Education and Outreach**

39. We aim to continue to increase the number of visits from school, college and university groups during 2012, especially from beyond England, and to add value to their time in the Court by developing pilot curriculum-related materials that groups can use

before, during and after their visit. Feedback on this material will be collected and analysed to inform future developments.

40. We have developed our partnership with the National Centre for Citizenship and Law to offer schools the opportunity to spend a half-day at the Court learning about the concepts of advocacy, common law, and the Rule of Law. During 2012 we will organize one of these sessions each month. The Court is also serving as a venue for a number of mooting (mock legal debate) competitions organized by university groups following a targeted marketing initiative.

41. Other initiatives in the coming year include organizing a focus group of A Level teachers to help advise us on the development of our schools' worksheets; and supporting the "Big Voice London" project (an student-led initiative exploring themes around legal and political advocacy, aimed at engaging AS Level students who might not usually consider a career in law) for their second year.

### **Exhibition Development**

42. Exhibition development will demand a considerable amount of attention over the coming year. Our temporary summer exhibition will be titled 'Playing by the Rules: Sport and the Law' which we are creating with the help of De Montfort University and the British Association of Sport and the Law. It will look at some historical and socio-economic developments relating to the law and the Olympics as well as highlighting famous Olympians who are or were also lawyers.

43. We will be producing another temporary exhibition later in the year on the Court of Claims (an ad hoc tribunal called to hear disputes over the right to perform certain roles and functions during the Sovereign's Coronation), to mark the 60 years since it last sat ahead of the Coronation of Her Majesty the Queen. In addition we are developing our permanent exhibition informed by visitor feedback: we will add one of the Justices' ceremonial robes, an example of the Letters Patent granted to new Justices, and add provision for the continual playing of a film about the history and jurisdiction of the JCPC.

### **Guided tours and other new services**

44. Demand continues to grow from membership and professional organisations for Court staff to provide guided tours of the building. The guided tours, for which we now charge, include areas not normally open to the public. Offering pre-bookable tours on certain days allows us to concentrate more fully for the remaining majority of days on educational tours and activities, while still encouraging 'ad hoc' visitors freely to explore the building.

45. As part of the Court's objective to take opportunities to develop appropriate revenue streams, we began to hire out some of the building's larger rooms for corporate events during 2010 and 2011. Following a successful 'soft launch', we plan to continue to promote this service more widely and, from 2012 – 2013 onwards, we aim to make a profit from

hosting events, which will make a reasonable contribution towards the overall running of the Court.

46. Similarly, opportunities to extend the range of souvenir gifts available at the Court and to promote these via the Court's website will be explored. In particular, during 2012 – 2013 we aim to provide a range of goods linked to topical events with which the Court has a link, such as the Queen's Diamond Jubilee.

# **Section 4**

## **Providing Efficient and Effective Administration**



## **Governance Arrangements**

47. To support the Chief Executive both in her statutory responsibilities, and her responsibilities as an Accounting Officer, an internal governance structure has been established which comprises a Management Board, an Audit Committee, and a Health and Safety Committee. The Management Board meets monthly, and the Audit Committee and the Health and Safety Committee meet quarterly. Two Non-Executive Directors have been appointed to the Management Board, one of whom chairs the Audit Committee. The Audit Committee also includes representatives from Scotland and Northern Ireland. The membership of these committees as at 31 March 2012 is as follows:

### **Management Board**

Jenny Rowe – Chief Executive  
William Arnold – Director for Corporate Services  
Louise di Mambro – Registrar  
Olufemi Oguntunde – Finance Director  
Martin Thompson – Building/Health and Safety Manager  
Chris Maile – Head of Human Resources  
Sian Lewis – Head of Communications  
Paul Brigland – Records Manager  
Alex Jablonowski – Non-Executive Director  
Philip Robinson – Non-Executive Director

### **Audit Committee**

Philip Robinson – Chairman  
Alex Jablonowski  
Charles Winstanley – Representative from Scotland  
Laurene McAlpine – Representative from Northern Ireland

### **Health and Safety Committee**

William Arnold (Chair)  
Martin Thompson  
Chris Maile  
Trade Union H&S representative  
James Noone – Security Manager  
Clive Brown – Building Engineer  
Georgina Isaac – Head of Judicial Support  
Jackie Lindsay – JCPC Chief Clerk  
Paul Brigland

## **Finance**

48. The Finance Division supports the Chief Executive and the Management Board in order to enable effective corporate decision making and to assist in the shaping of the Court's future direction. Its aim is to put the Court's customers (both internal and external) at the heart of everything the UKSC does, ensuring that finance & procurement systems and processes meet their needs and continue to meet the expectations of all stakeholders.

49. Its main priorities in 2012 – 2013 will be to

- Consolidate its revised financial processes following the successful implementation of the new finance system (APTOS) in Autumn 2011 and also continue to seek more efficient ways of delivering value for money in the finance, procurement and payroll functions by fully optimizing the opportunities presented by the new finance system.
- Continue to improve the existing arrangement between HR Shared Services Payroll and look to find the most cost effective way to deliver an efficient payroll service that is suitable for the Court.
- Continue to maintain a robust framework of financial planning, management and reporting (including value for money) in the court; and
- Respond to requirements from key external Departmental stakeholders (e.g. the Treasury, the MOJ and both Internal & External Auditors etc.) in a timely manner.

## Resources

50. The division also manages UKSC finances overall and ensures that none of the control limits imposed by the Treasury is breached.

51. The UKSC's Spending Review 2010 Budget Settlement (including JCPC budget transfer from MOJ) for 2012 - 2013 is summarised below:

	<b>£ '000</b>
<b>Judicial Pay &amp; Expenses</b>	<b>3,650</b>
<b>Depreciation</b>	<b>1,041</b>
<b>Other Costs</b>	<b>7,777</b>
<b>Total Gross Costs</b>	<b>12,468</b>
<b>Contributions from Jurisdictions</b>	<b>(5,970)</b>
<b>Fees &amp; wider Market Initiatives</b>	<b>(705)</b>
<b>Net Resource DEL</b>	<b>5,793</b>
<b>Capital DEL</b>	<b>52</b>

52. The main finance objectives of the UKSC over the period covered by this plan are:
- Operating within the agreed budget control limits and ensuring value for money, propriety and regularity are demonstrated in all financial decisions.
  - Ensuring all processes are in place to make timely and accurate financial payments.
  - Production of an unqualified set of 2011/12 Resource Accounts and ensuring they are laid before the summer 2012 Parliamentary Recess.
  - Ensuring an adequate system is in place to monitor spending and report it regularly to the Management Board.
  - Ensuring timely and appropriate Supplementary Estimates are agreed with the Treasury.
  - Producing IFRS compliant resource accounts at the end of 2012 - 2013 in accordance with a timetable agreed with the external auditors.

### **Greater Transparency in the use of public funding**

53. The UKSC's last two sets of accounts demonstrate that proper financial systems and controls are in place with clear accountability for all funding and services and that efficiency and value for money are being delivered from the resources consumed through the UKSC's improved facilities (and its co-location with the JCPC). The aim is that this will continue in 2012 - 2013.

54. Key indicators will continue to be no adverse National Audit Office (NAO) comments on the accounts; and that these and the Annual Report are produced and published before the Summer Parliamentary Recess.

55. Details of Justices and Senior Management remuneration will be published in the Annual Report together with the details of Justices' expenses, which will also continue to be published annually on the UKSC website.

### **Risk**

56. Risk is an inherent part of doing business. The management team has the responsibility for managing principal risks on a day to day basis and has developed a robust process for identifying, evaluating and managing the risks faced by the UKSC. These are formally reviewed by the Management Board on a monthly basis with a more detailed review taking place quarterly. The identified risks are captured in the UKSC's Risk Register. Ownership of each risk is allocated to an individual member of the Management Board who is responsible for managing actions devised to reduce the likelihood and impact of the risk.

57. There is also a Business Continuity Plan in place to support the continued operation of the UKSC (and / or the JCPC, as the case may be) and in particular its casework.

58. Additionally, the audit committee reviews and advises how the UKSC should identify, model and manage risks. The committee comprises two non executive directors and two members from the contributing jurisdictions of Scotland and Northern Ireland.

59. In relation to internal risks the UKSC has a clear set of rules and procedures. This covers all aspects of finance, HR, procurement, information security and general areas of governance. In relation to external risks the UKSC conducts an annual review of what these might be and how it might mitigate their impact upon the conduct of the business of the court.

## **Integration of the JCPC**

### **Background**

60. The Judicial Committee of the Privy Council is a separate Court from the Supreme Court of the United Kingdom but its permanent Judges are the Justices of the Supreme Court. The JCPC is the Court of final appeal for the UK Overseas Territories and Crown Dependencies and for those Commonwealth Countries that have retained the appeal to Her Majesty in Council or, in the case of Republics, to the Judicial Committee. A list of the relevant countries is at Annex C to this plan. The JCPC normally sits in London, although recent hearings have taken place in Mauritius and in the Caribbean. Although the Judicial Committee was instituted by a United Kingdom Act, the substantive law which it applies is the law of the country or territory from which the appeal comes.

### **Transfer of the Administration**

61. The administration and staff of the JCPC transferred to the UKSC from the Ministry of Justice (MOJ) with effect from 1 April 2011. The JCPC continues to be a separate Court and, where appropriate, separate planning and reporting of its activities continues, for example, in respect of its case load.

62. In the same way, it continues to have its own fee regime and the fee income it receives is identified separately in the UKSC Accounts. This provides the necessary transparency between the two courts. During 2012 – 2013 after consultation with those Government departments which have an interest in the operation of the JCPC, we intend to consult the jurisdictions which use the JCPC on a rationalization of the JCPC fee regime, so that JCPC fees better reflect the marginal additional costs of bringing cases before the JCPC.

63. In 2011 we integrated the 'back office' functions of the JCPC with those of the UKSC. This ensures a high level of service continues across both the UKSC and JCPC Registries while delivering additional efficiency in, for example, the handling of paperwork. For practitioners and litigants, there will in practice be an improvement in the level and quality of service provided.

64. As with the UKSC, casework is the core work and will be given the highest priority.

## **People**

65. In 2012-13 the financial resources available are likely to reduce. Our challenge will be to find imaginative ways of maintaining our commitment to developing our staff and to build on the achievements made during our first three years of operation.

66. To assess levels of employee engagement our second staff survey was issued in October 2011. We received a 90% completion rate and very positive responses from staff about working at the UKSC with an overall engagement score of 78%. The survey also highlighted some areas for improvement, such as ensuring strategic objectives are linked with individual performance objectives, and improving internal communication across different areas of the Court. A 'Results Into Action' Team has been set up and an action plan has been published on the Intranet to address the areas for improvement during 2012-13. Progress with the action plan will be measured against the 2012 staff survey results.

67. In order that we make the best use of the range of skills that we have, we will continuously review our existing staffing structure to ensure that it continues to offer the best value for money, making any changes that from time to time may seem appropriate.

68. During 2012-13 consideration will be given to improving the service provided by the HR shared service centre and pre-existing ties with the Ministry of Justice. Preparation will begin to explore alternative options that may have the best value for money in the long term for UKSC.

## **A place where people want to work**

69. The 2011 staff survey revealed an excellent overall employee engagement score. 97% of respondents said that they were proud of the work that they did at the UKSC and that they enjoyed their work. The staff survey will be an annual exercise and will be repeated in October 2012.

70. We have agreed a set of shared values for staff and will ensure that these are recognised by UKSC staff as a set of values that they can all adhere to and that are reflected in everyday actions.

## **Complaints, correspondence and core standards**

71. The UKSC deals with complaints in accordance with our complaints policy covering staff and administrative procedures. We are monitoring the level of complaints, using them as a tool to improve our performance. We have begun to register an increasing volume of general correspondence and requests to the UKSC, which in 2012 – 2013 could lead to a pressure for additional staffing resource to enable them to continue to be handled in line with the relevant performance indicators (as set out in Annex A).

72. All staff at the UKSC operate under a set of agreed core office standards which deal with external contacts and communications, together with internal issues such as staff management, Information Technology, use of resources, health and safety, security and team-working.

## **Library facilities**

73. Access to relevant and up-to-date legal information is important to the Justices and to the court. The librarians will continue to ensure that the library contains, identifies and acquires material that supports the work of the Justices and the court, and that there is also access to relevant electronic databases.

74. The librarians produce and disseminate information on legal resources, both print and electronic, via the Library Guide, which will be expanded and reissued, and also via the library intranet pages, which are updated regularly. As a means of alerting the Justices and the court to relevant books, articles, and court judgments, the librarians will continue to compile a monthly current awareness newsletter.

75. In 2012 – 2013 by converting most of its pay-as-you-go subscriptions to annual subscriptions the library will achieve greater value for money, since there is now increasingly frequently a discount for annual payment and the transactional costs of processing large numbers of invoices are removed. These subscriptions comprise approximately a third of the library budget.

76. The library will monitor the situation regarding copyright for print material, i.e. central government negotiations with the Copyright Licensing Agency. In addition to maintaining the current copyright compliance information on the Intranet, it will produce summaries of copyright information for the commercial databases to which it subscribes.

77. The library will build on its relationships with other law libraries, both in the UK and abroad, with a view to sharing information, expertise and resources. The library will be represented at the British & Irish Association of Law Librarians (BIALL) annual conference in June 2012. The Librarian will attend and contribute to the quarterly meetings of the Government Law Librarians Forum (GLLF).

## **Security Guarding Contract**

78. Security guarding is an area of significant expenditure and great operational significance. At its establishment, the Court secured guarding through a Ministry of Justice contract. That contract came to a conclusion on 31 January 2012 and, as of 1 February 2012 and following an open competition, the UKSC now has a direct contract with the same service provider as before (Carlisle). The contract period is four years with an option to extend by up to two years.

79. As part of the award criteria for the new contract, we sought a company that would not only provide value for money, but also both ensure the safety and protection of Justices, staff and members of the public and recognise that it is important to enhance the visitor experience. We routinely received praise for Carlisle's attitude to the public during 2011/12, and in 2012/13 we will continue to monitor whether exemplary levels of security and service are maintained.

## **Building and Accommodation**

80. Subject to the availability of funds we will continue to operate the building at the best efficiency we can achieve, and to maintain it in excellent condition as befits such an important public building. As a Listed building the court must secure consent for any work affecting the historic fabric, and to this end we maintain a close working relationship with English Heritage and Westminster City Council Planning Department through six-monthly liaison meetings.

81. Some further energy conservation measures are being looked at for 2012/13, but expenditure on building projects is expected to reduce markedly, although this is difficult to predict in that there have previously been instances of unforeseeable repair works being necessary.

82. Maintenance, repairs and building projects are undertaken by a Facilities Management company operating under two Ministry of Justice contracts:

- Planned Preventative Maintenance (PPM) for day-to-day running of the building
- Measured Term Contract (MTC) for repairs and alterations as needs arise

83. These MOJ contracts come to a conclusion in early 2013 and we intend during 2012/13 to run a competitive tender for these services.

## **Information and Communication Technology**

84. The UKSC already has its own contracts for telephony services. At present IT equipment and support is provided via the MOJ's contracts with Logica and ATOS, which are due to expire in 2013 - 2014. Work is therefore now under way to look at the future provision of IT services and equipment for the UKSC. In 2011 – 2012 the UKSC engaged Farsight Consulting to investigate options for future IT provision. These options may include the UKSC having its own contracts for some or all of its IT requirements. Depending on decisions taken in the light of the report from Farsight Consulting, which is expected in April 2012, this may require a procurement exercise in 2012-13 for our own IT services.



## **Section 5**

### **Maintaining Relationships with All the UK Jurisdictions**

## **Managing Relationships with all the UK jurisdictions**

85. The Court takes very seriously its position as a Court of the United Kingdom and we seek to keep in touch with political and legal developments in all parts of the UK.

86. The context is regularly changing. For example in a referendum in March 2011 the people of Wales voted in favour of greater legislative powers for the National Assembly for Wales. In Scotland the election of a majority SNP government in May 2011 led to a change in relationships with the rest of the UK which is still developing.

87. Key issues for 2012 – 2013 are therefore to be ready for any increase in work, which may result from the greater legislative powers of the National Assembly for Wales, and the implications for the UKSC of the majority SNP Government's commitment to hold a referendum on full independence for Scotland.

88. During 2012/13 priorities will be to:

1. Develop and maintain effective communications with all the territorial authorities and courts.
2. Continue regular visits by the Chief Executive to Scotland, Northern Ireland and Wales.
3. Monitor any implications for the Supreme Court of the legislative programme being pursued by the Welsh Assembly government.
4. Monitor developments on a referendum for Scottish independence. In January 2012 the UK Government indicated that it was prepared to legislate to allow the Scottish Parliament to hold a referendum on full independence for Scotland and it is carrying out/has carried out a public consultation of how best to proceed. Later that month the Scottish government also issued a consultation paper based on its wish to hold the referendum in 2014.
5. Monitor and prepare for any changes or developments in the powers of the devolved government in Northern Ireland.
6. Continue to encourage visits from schools and educational institutions from around the UK, particularly encouraging those from Scotland, Wales and Northern Ireland.
7. Support those Justices who are participating in a conference in Belfast in May under the heading "The Supreme Court goes to Belfast".

## **Section 5**

### **Maintaining International Relationships**

## **Maintaining International Relationships**

89. The Supreme Court has attracted a good deal of international interest since its creation. If anything that interest continues to increase as the Court becomes a more established feature of the constitutional and judicial landscape. The overall volume and length of visits and visitors has become such that, in addition to our public relation staff who deal with tours, a member of staff now devotes about half of her time to international liaison work.

90. The Judicial Committee of the Privy Council is almost solely concerned with cases from overseas jurisdictions. We are keen to maintain and develop relationships with the judges and court officials in those countries which use the JCPC.

91. The UKSC receives frequent requests for information on and for visits to the Supreme Court/JCPC, combined with discussions with both Justices and administrators. We do our best to accommodate these requests and during 2012/13 we already have the following visits in the programme:

- In the week beginning 2 May we will be hosting visits from delegates to the Conference of the International Association of Women Judges.
- In the week beginning 18 June 2012, and in co-operation with members of the judiciary from around the United Kingdom, we will be hosting a British Indian judicial exchange. This will be attended by the Chief Justice of India and three of his colleagues.
- On Friday 29 June we will be hosting the inaugural session of the World Bar Conference.

92. With the agreement of the President of the Court, designated Justices will continue to sit as additional judges in the Court of Final Appeal in Hong Kong. These sittings form part of an agreement reached by the UK Government and the Government of China at the time of the handover of Hong Kong in 1997. All expenses are paid by the Hong Kong Government. We expect both Lord Walker and Lord Clarke each to spend a month sitting in the Court of Final Appeal during the course of 2012/13.

93. We will be keeping in touch with government officials about the outcome of the proposals put forward by the UK Government for reform to the European Court of Human Rights.

94. We will continue to work with the Slynn Foundation and other NGOs to assist on building relationships with other jurisdictions, particularly those in Eastern Europe.

95. We will work towards achieving a successful outgoing exchange, most likely in May 2012, between Justices of the Supreme Court with the German Federal Constitutional Court in Karlsruhe.

96. We will continue to work with colleagues in the Foreign Office to ensure that the JCPC meets the needs of the British Overseas Territories and other Commonwealth countries.

97. We anticipate that the Chief Executive and Director of Corporate Services will attend part of the Conference of the International Association of Courts Administrators being held in The Hague in June.

98. Justices will continue their regular international activities, giving lectures at and attending a range of international legal conferences.

99. We will continue to support the JAs' annual visit to the US and to welcome the Temple Bar Scholars here, in order to help maintain good working relationships with the US judicial system.

# **Section 6**

## **Delivering Corporate Responsibilities**

## **Diversity and equality**

100. The UKSC strives to be an organisation that reflects fully the diversity of the society we serve and truly values the contributions which employees from all sections of society make to our work.

101. We are also committed to providing fair and open access to justice for everyone. We want to ensure that we do not discriminate against anyone using our services and address any real or perceived disadvantage experienced by the public and/or professional court users.

102. In 2012-2013 we will continue to make progress with the actions set out in the UKSC Equality and Diversity strategy. This will include:

- ensuring compliance with the provisions contained in the Equality Act 2010 including the Public Equality Duty;
- implementing any changes still outstanding which were agreed as a result of the RNIB accessibility audit of court rooms and public areas carried out in the last quarter of 2010 - 2011;
- ensuring our website conforms to all recommended accessibility requirements;
- training relevant staff on the use of equality impact assessments to assess current policies and processes for staff, court users and visitors;
- continuing to seek ways to achieve experience among the staff from all the jurisdictions of the United Kingdom; and
- maintaining diversity among the annual Judicial Assistant appointees, as we do at present, provided this remains consistent with the requirements of fair and open competition and appointment on the basis of merit.

## **Information Assurance, Freedom of Information and Data Protection**

103. Reliable and accurate information is critical to proper decision making. This makes information a vital business asset that needs to be protected. Procedures for the storage, handling, transmission and disposal of information are in place. Staff complete mandatory annual e-learning modules on information protection and use so that the UKSC's (and JCPC's) information is accurate, available only to the right people, in order to protect its confidentiality, and easily accessible for those with a right to see it.

104. In 2012 – 2013 we will start to realize the full benefits and potential of the electronic file system, which was first rolled out to some users in 2010 – 2011 with full training then being provided to the remainder of users in 2011-12. As well as providing easy access to

information for internal administrative purposes it aids the preparation of prompt replies, where applicable, to Freedom of Information (FOI) and Data Protection (DP) requests. In addition the system will be used to implement the records retention and disposal schedule which is in place, ensuring that records are destroyed or retained at the correct times according to their administrative or historical worth in line with public records legislation. Members of staff have already been trained on and are using the case management system on a daily basis.

105. Work has commenced on preserving UKSC records for future reference, in accordance with the requirements of the Public Records Act. Off-site storage facilities are being identified to ensure the UKSC is able to meet the requirement of its retention schedule to retain records for 5 years before selecting those to be sent to The National Archives (TNA) for permanent preservation.

106. Discussions have been started with TNA about the transfer of digital recordings of UKSC and JCPC cases. TNA have indicated they would want to have all recordings of UKSC cases and a selection of JCPC cases. TNA are currently developing their digital storage facilities, but they will not be able to accept digital records until 2014 at the earliest. This has required the UKSC to hire additional digital storage space to preserve the records until TNA are ready to take them.

107. Information assurance processes are in place with the allocation of responsibilities to Information Asset Owners and regular reviews of the Information Asset Register and associated Risk Register. Further work in 2012 - 2013 will involve the continuing assessment and management of information risks in order to ensure compliance with the Hannigan requirements on information assurance.

108. Our FOI Publication Scheme is available on the website and is reviewed annually in September. The Data Protection Notification is in place and will be reviewed and renewed in September 2012.

## **Sustainable development**

109. Sustainable development provides a framework for redirecting economies to enable everyone to meet their basic needs and improve their quality of life while ensuring that the natural resources on which they depend are maintained and enhanced, both for their benefit and for that of future generations. The UKSC has a role in this scheme and will continue to seek to source its supplies with sustainability as a key consideration.

110. Our building also consumes resources. The public sector is directly responsible for around 3% of the UK's greenhouse gas emissions, and there is a commitment to reduce central Government emissions by 25% for 2014/15 on a 2009/10 baseline. The Court only came into existence in the course of 2009/10, the baseline for the Government's targets, so our current consumption is being compared against the data for 2010/11. Over a period of the last nine months in 2011, there was a 16% decrease in consumption of electricity compared with the same months of 2010. And also taken over the same period of nine months in 2011, there was a decrease of 40% in kWh of gas consumed compared with the



same months of 2010. We will continue to introduce conservation measures where there is a likelihood of achieving energy savings.

## **Health & Safety**

111. The health and safety of Justices, our staff and visitors is paramount and robust management procedures will continue to be applied. All statutory requirements will be met and compliance is regularly monitored by a Health and Safety Committee which reports quarterly to the Management Board. During 2012/13 we will monitor our performance against targets set in the annually updated Health and Safety Corporate Plan.

**The Supreme Court of the United Kingdom  
Parliament Square  
London SW1P 3BD**

**2 April 2012**

# ANNEX A

## **Aim and Objectives**

### **Our Aim**

Our aim is to provide an environment which enables the Justices of the Supreme Court to carry out their duties in an effective, visible and accessible way, and which best develops the rule of law and the administration of Justice, both in the UK and in the countries which use the JCPC.

### **Strategic Objectives for 2012 – 2015**

The UKSC intends to do this by:

- Continuing to secure the Justices' constitutional and financial independence
- Promoting the importance of the Rule of Law and its role in securing democratic freedom
- Providing an efficient and effective administration
- Maintaining effective relationships with all jurisdictions in the UK
- Maintaining effective international relationships
- Ensuring the effective delivery of all UKSC corporate responsibilities

### **Continuing Objectives for 2012 – 2013 for the Administration of the UKSC**

1. The UKSC will create an environment, which effectively maintains the independence of the Justices, in which they can carry out their work protected from external pressures and which empowers them to develop the Rule of Law.
2. The UKSC will maintain and increase confidence in the administration of justice throughout the United Kingdom. It will promote transparency in, accessibility to and knowledge of the ways in which justice should be rightly administered. It will thereby promote knowledge of the importance of the Rule of Law, not least as a guarantee of democratic freedom.
3. The UKSC will run an efficient and effective administration, which enables both the UKSC and the JCPC to secure the effective determination of justice, while

4. The UKSC will promote good relations with all the individual jurisdictions, legislatures and governments in the different parts of the United Kingdom.
5. The UKSC and, as appropriate, the JCPC will similarly develop appropriate relationships with courts in Europe, throughout the Commonwealth and in other countries, especially those which share their common law heritage.
6. The UKSC will demonstrate appropriate corporate social responsibility. In particular it will promote diversity amongst its staff, ensuring they are also representative of all the jurisdictions of the United Kingdom. It will also both source its supplies and consume its resources in ways which contribute as much as possible to sustainable development and the conservation of natural resources.
7. The UKSC, as the statutory custodian of its own records, will provide the most appropriate environment it can for the organisation, preservation and future inspection of those records.
8. The UKSC, as occupant of the former Middlesex Guildhall, will promote knowledge of, and interest in, this historic building, the works of art it houses, especially the Middlesex Art Collection, and more generally the history of the County of Middlesex.

# ANNEX B

## **Performance Indicators (PIs)**

Section 51 of the CRA places a duty on the Chief Executive of the UKSC to 'ensure that the Court's resources are used to provide an efficient and effective system to support the Court in carrying on its business.' The UKSC Rules also provide statutory time limits for certain steps and processes. The UKSC Executive team is therefore committed to seeing that the administration of casework and other non-judicial activities are carried out as efficiently and effectively as possible, whilst fully respecting and upholding the independence of the judiciary.

## **Overarching**

- The UKSC will continue to be publicly recognized as unequivocally independent of political influence and interference; and it will remain visibly separate from both the executive and the legislature and be publicly acknowledged to be such.

## **Casework**

Consultation with the UKSC User Committee and comparison with statistical data from the work of the Appellate Committee of the House of Lords has suggested the following PIs for the administration of the Court's casework.

## **Independence and Fairness**

- There will be no successful Article 6 challenges at the European Court of Human Rights.

## **Permission Applications**

- All decisions will be made within 12 sitting weeks of the receipt by the Court of all necessary documentation.

## **Appeal Hearings**

- All hearing dates will be offered within 4 sitting weeks of the grant of permission for UKSC cases and within 8 sitting weeks of the grant of permission for JCPC cases.

## **Costs**

- All provisional assessments of costs (which are conducted on paper) will be completed within 2 months of filing of the bill of costs.

## **Public Access, Education and Outreach**

- The UKSC will continue to ensure that film of court hearings, particularly the delivery of judgments, is made available for news and current affairs broadcasting and for educational purposes promptly and efficiently (and by prior request for live transmission), subject always to the Court's overriding right to withhold this, if it would not be appropriate.
- We will ensure press summaries of UKSC and JCPC judgments are published on the relevant website promptly (and on the same morning) after they have been handed down, and that these are simultaneously distributed to media contacts.
- We will continue to open for seven 'open access' days over the course of the year, and, through a dedicated Reception desk, we will continue to offer a welcome to court users and visitors from across the world to the building on all working days.
- Through a new partnership with the National Centre for Citizenship and Law, we aim to offer a structured education programme to groups of A-level students for at least six separate days over the course of the year.

## **Finance**

- The UKSC will produce and publish (as part of its Annual Report), by 31 July 2012, IFRS compliant resource accounts for the financial year that ended on 31 March 2012, without attracting any adverse National Audit Office (NAO) comments.
- The UKSC's Annual Report for 2011 – 2012 will demonstrate that it is using its resources efficiently and effectively.
- The UKSC will manage within its budget during the financial year 2012 – 2013, so that it is in a position to produce similar accounts in its Annual Report after the end of the present financial year.

## **Human Resources**

- 100% of staff performance appraisals will be completed within deadline.
- We will achieve at least an 87% overall engagement score measured by the annual staff survey.
- Provided resources permit, we will ensure that all training needs identified as required for staff are delivered.

## **Correspondence and Core Standards**

The following service standards apply in dealings with both court users and members of the general public:

- The UKSC will write in plain English and structure and tailor its communications to the recipient. It will aim to reply (or send a holding letter) to 90% of enquiries within 10 working days of receipt (or to an agreed timetable).
- UKSC staff will aim to answer 90% of telephone calls within 5 rings or as soon as possible if the line is engaged dealing with another caller.

## **Data Protection & Freedom of Information Requests**

- Freedom of Information (FOI) and Data Protection (DP) requests will be dealt with in accordance with the timings set out in the relevant legislation – within 20 working days for FOI and 40 calendar days for DP requests.

# ANNEX C

## **Jurisdiction of the UKSC**

The jurisdiction of the UKSC is the same as that of the Appellate Committee of the House of Lords, with the addition of devolution matters. These issues were formerly determined by the Judicial Committee of the Privy Council and have been transferred to the UKSC. As the final court of appeal, the UKSC hears appeals from the following courts in each jurisdiction:

England and Wales

- The Court of Appeal, Civil Division
- The Court of Appeal, Criminal Division
- (in some limited cases) the High Court

Scotland

- The Inner House of the Court of Session

Northern Ireland

- The Court of Appeal in Northern Ireland
- (in some limited cases) the High Court

## **The procedure for appealing: permission to appeal (PTA) applications**

In nearly all cases (but civil cases in Scotland do not need permission to appeal, unless the cases are appeals from the Upper Tribunal) an appellant requires permission to appeal before he or she can appeal to the UKSC. The court appealed from may grant permission, but where that court refuses permission, the appellant can then apply to the UKSC itself for permission. Such applications are generally decided on paper without an oral hearing.

## **Jurisdiction of the JCPC**

The jurisdiction of the JCPC depends largely on local legislation and/or the Constitution of the country from which the appeal is brought or, in some cases, on the relevant Order in Council. In many cases, there is an appeal 'as of right'; in other cases permission may be sought from the JCPC if refused by the courts below.

## **Jurisdictions where the Privy Council is the final Court of Appeal**

Anguilla  
Antigua and Barbuda  
Bahamas  
Bermuda  
British Virgin Islands  
Cayman Islands  
Cook Islands and Niue  
Dominica  
Falkland Islands  
Gibraltar  
Grenada  
Guernsey  
Isle of Man  
Jamaica  
Jersey  
Kiribati  
Mauritius  
Montserrat  
Pitcairn Islands  
Saint Christopher and Nevis  
St Helena and dependencies  
St Lucia  
St Vincent and the Grenadines  
Sovereign Base of Akrotiri and Dhekelia  
Trinidad and Tobago  
Turks and Caicos Islands  
Tuvalu

### **Brunei**

Civil Appeals from the Court of Appeal to the Sultan and Yang di-Perchian for advice to the Sultan

### **UK**

Royal College of Veterinary Surgeons  
Church Commissioners  
Arches Court of Canterbury  
Chancery Court of York  
Prize Courts  
Court of the Admiralty of the Cinque Ports

Power to refer any matter to the Judicial Committee under section 4 of the Judicial Committee Act 1833