

The Supreme Court of the United Kingdom Management Board

Minutes of the meeting held on 26 November 2018

Attending: Mark Ormerod (Chair)

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

Sam Clark

1. Apologies for absence and introduction.

- 1.1 No apologies were received. Sam Clark was welcomed to the meeting. She would be replacing William Arnold as Director of Corporate Services upon his retirement at the end of December 2018.

2. Approval of the minutes of the meeting of 24 September 2018.

- 2.1 The minutes were approved.

3. Matters arising not covered elsewhere on the agenda.

- 3.1 Remote access to the UKSC secure network for the two Non-Executive Directors had been completed.
- 3.2 All minutes from previous Board meetings had been published to the website.
- 3.3 The Websites Project Board would investigate how to best represent the content of the Annual Report and Accounts within the website.

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 MB18/52, and in particular the following points –
- ✓ The financial situation for the current year remained challenging.
 - ✓ The significant number of imminent staff changes in senior positions would present challenges for organisational resilience.
 - ✓ The international work of the Justices would take on greater significance in future. Ensuring that this could be accommodated within the straitened financial context would prove challenging.
 - ✓ A venue for the sitting in Cardiff in 2019 had been agreed. Although broadcasting costs were forecast to be lower, accommodation costs could be significant.
 - ✓ The timetable and personnel for the commissions that would recommend forthcoming judicial appointments, including the appointment of the next President of the Court, had been established. It was anticipated that these recruitment campaigns would launch in February 2019 with the aim being to have announcements of the successful candidates communicated by October.

6. Management Information Dashboard.

- 6.1 The Board noted the contents of papers MB18/53, and 53a, and in particular the following points –
- ✓ 2 FoI requests had not been handled within the 20 working day statutory period in October 2018. The administrative cause had been identified and internal processes had been changed in consequence to ensure that this could not happen again.
 - ✓ The number of Permission to Appeal applications awaiting Bench Memos from the Judicial Assistants by the end of October 2018 appeared to have increased when compared to the same period in 2017. This would be reviewed and monitored carefully.

ACTION: IS to circulate the relevant statistics for November and December to MO and LdiM as soon as available.

7. Risk Register.

7.1 The Board noted paper MB18/54, and in particular the following points –

Risk 1 (*Disruption from breach of physical security*) – The test of the lock-down system took place on 28 September.

Recommendations from the review of physical security were shared at the last meeting of the Audit & Risk Committee. In consequence, plans were being developed to extend CCTV coverage to corridors on the private side of the building.

A secondary business continuity location had been identified. A test of the wi-fi capability had been arranged. The wi-fi upgrade project at the Royal Courts of Justice (RCJ) would be due for completion by March/April 2019.

Risk 2 (*Loss of / decline in infrastructure performance*) – Two of the main servers that support the Court's IT infrastructure would be replaced during the Christmas vacation period. It was not expected that there would be any risk of downtime for users. The IT Risk Register would be reviewed, updated and signed off by the end of December 2018.

Future Risk Register reports would include updates on the Websites Project Board.

Risk 3 (*Damage to reputation*) – Media monitoring of the reaction to the two referenda in Antigua and Barbuda and Grenada on the constitutional position of the JCPC had taken place.

Risk 6 (*Workload movement*) – It had been proving difficult to increase the judicial throughput of PTA applications as the number of applications being considered by each Panel had already been increased to ten.

Risk 7 (*Breakdown of relationships*) – The bilateral with the Court of Justice of the EU had taken place successfully on 5 November. A change of personnel in a key policy post at the Ministry of Justice had occurred.

8. Finance and fees.

8.1 The Board considered papers MB18/55, and noted the following points –

- ✓ Significant volatility in fee income levels continued to be observed month-on-month although for the year to October, fee income remained £39k above budgeted levels. However, fee income received in the year to October remained £40k below the sum at the same point in the previous financial year.
- ✓ Expenditure in the year until October revealed an underspend of £28k although an overall overspend of £272k had been forecast for the resource expenditure budget. This figure included the recently announced pay increase for Justices which had been above the budgeted 1% uplift. £12k of savings had been identified by the cost reduction exercise, although it had proven difficult to make more significant savings as any clear efficiencies had already been actioned in previous years. Consequently, a request had been made to HM Treasury to provide additional funding that would cover the shortfall and a small contingency. The outcome of this would be expected by late December/early January 2019.
- ✓ A bid of £505k for additional Brexit-related funding had also been made which, if approved, would be included in the 2019-20 budget. This would assist in covering, for example, the costs of an increase in the number of Judicial Assistants as well as greater use of the Supplementary Panel.
- ✓ The timetable for the next Spending Review remained uncertain. Nevertheless, the draft budget for 2019-20 would be presented at the January Board meeting.

9. Press and communications.

9.1 The Board considered paper MB18/56 and 56a, and noted the following points –

- ✓ Several interviews with Lady Hale had generated subsequent press comment on judicial diversity. A hearing in October where the Judicial Panel was composed of a majority of female Justices had also received significant coverage.
- ✓ There had been a large volume of coverage, both domestically and internationally, of the judgment hand-down in *Lee v Ashers Baking Company Ltd*. Interest in this case had made a significant contribution to

making October 2018 the fourth busiest month for website visits since the Court opened in October 2009.

- Lord Sumption would be delivering the 2019 Reith Lectures on BBC Radio 4 during the Spring of 2019, although this would take place after his retirement. His theme, across five lectures, would be ‘Law and the Decline of Politics’.
- The issue over backing-up content for digital displays in the exhibition area had been resolved.
- 26 applications for places in the 2019 Moot Final Series programme had been received. Successful applicants would be informed by late November with the actual events taking place between February and May 2019.

10. Human Resources.

10.1 The Board noted the contents of paper MB18/57 and in particular the following points –

- An offer had been made and accepted for the position of maternity cover for the Head of Communications.
- Two permanent roles within the ICT team were currently being advertised with a closing date of 29 November.
- No permanent appointment to the Finance Manager position had been made. An extension had been made to the present temporary appointment.
- Several changes would be made to the next recruitment campaign for the Judicial Assistants with the aim of encouraging more applications from across the whole of the United Kingdom.
- The audit of the new performance management system had been completed and the report would be discussed at the next Audit and Risk Committee meeting. Senior managers were encouraged once again to ensure they lead by example to ensure consistency of use across the organisation.

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 MB18/58 and in particular the following points –

- A replacement media encoder unit, which enables live streaming of case footage on the websites, would be required shortly.
- New smartphones had been issued to all mobile users with positive feedback and performance reported. The new phone control and monitoring platform implemented earlier in 2018 had been working well.
- The IT risk management dashboard would be reviewed in December.
- Touch screens and single point docking stations for Justices had been installed in Courtroom 1, meaning that all three courtrooms were now equipped with this facility.
- No solution to recover the locked case footage as result of the malware incident had yet been identified. The impact on user requests remained low, although this would not reduce efforts to find a solution.
- The report into website user requirements prepared by afh consultants had been assessed and the recommendations categorised by the Project Board. Recommendations due to be actioned had been assigned to nominated staff members to take forward.
- The projected deadline for completion of the new websites had been pushed back to March 2020. This was, in part, to permit further work on resolving the structural issues with the case management system.
- Judicial views on the direction of the project would be sought at the next Justices' meeting in January.

13. Remuneration Committee. Chair's update.

13.1 The Board noted the oral update from the Chair, and in particular the following points –

- The Committee had considered the calculation of a day's pay and recommended that it be changed to one based on 1/260th of annual salary. Salary should be calculated according to basic pay and would not include any additional allowances. The recommendation was approved by the Board and would come into effect from April 2019.

- The Committee had recommended the introduction of a specialist allowance for IT positions to provide additional flexibility. This would apply to specific, named job positions.
- The Committee had discussed the starting salary for the new Building Engineer position.

14. Staff Survey.

14.1 The Board noted the contents of paper MB18/59 and 59a, b and c, and in particular the following points –

- For the first time, Judicial Assistants had been invited to complete the survey. The response rate had been 100% and the employee engagement score had increased from 77% to 82%. To evidence a fair comparison against previous years, with the Judicial Assistants excluded, the engagement score would have been 80%.
- Staff perceptions of IT had improved, although general comments about pay and internal communications continued. The Results into Action Team would explore potential actions to address these issues.

15. Performance against the UKSC Business Plan.

15.1 The Board noted the contents of paper MB18/60 and in particular the following point –

- The Chief Executive had not yet visited Scotland although there had been visits to Northern Ireland and Wales. Future speaking engagements in Scotland by the President were planned.
- Further analysis as to how helpful the guide to appealing to the Court is would be necessary, especially for those without legal representation.
- No Justice had yet been confirmed to sit in the Court of Final Appeal in Hong Kong during 2018-19.
- The financial situation for 2018-19, for administrative expenditure in particular, had been challenging.
- It would be unlikely that the 5 training days target for all staff would be met by the end of the reporting year.

- ✓ Progress had been made in transferring case hearing footage to The National Archives although training issues persisted regarding the equivalent process for paper files.

16. Health and Safety.

- 16.1 The Health and Safety Committee had met on 15 November 2018. No incidents or accidents had been reported and all other KPIs had been met.
- 16.2 The Committee had noted the recommendations made in the independent audit report. These had included a reduction in the size of the policy document and a programme of office de-cluttering.

17. Vote of thanks.

- 17.1 This had been the final meeting for William Arnold, the Director of Corporate Services, who would be retiring at the end of December 2018. The Board thanked him for his contribution especially as it had spanned the entirety of the Court's existence.

UKSC
December 2018