

**The Supreme Court of the United Kingdom
Management Board**

Minutes of the meeting held on 19 March 2018

Attending: Mark Ormerod (Chair)

William Arnold
Louise di Mambro
Paul Brigland
Chris Maile
Joyti Mackintosh
Sophia Linehan-Biggs
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.

2. Approval of the minutes of the meeting of 22 January 2018.

2.1 The minutes were approved, subject to one minor amendment.

3. Matters arising not covered elsewhere on the agenda.

3.1 The whistleblowing policy had been shared with the Non-Executive Directors.

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 MB18/19, and in particular the following points –

- Interviews to select the 2 or 3 new Justices to replace those retiring during 2018 would take place during the final week of March 2018.

- A further recce to Belfast ahead of the Court's sitting there in April/May had taken place on 22 February. Preparations were well advanced.
- Further discussions regarding the future of the Supreme Court Arts Trust had taken place at its most recent meeting and it had also been discussed at the previous Justices' meeting. Further discussions with the Trust would be necessary.
- The potential for a case reference regarding withdrawal from the EU that could arise as a result of legislation currently passing through the Scottish Parliament and the Welsh Assembly was noted.

6. Management Information Dashboard.

6.1 The Board noted the contents of papers MB18/10, and 10a, and in particular the following points –

- Figures for the number of appeals with 'other result' and for those that had been referred to the CJEU as well as the 'workload movement' table showing what stage applications had reached within the Court's internal process, that had been outstanding at the previous meeting, were supplied.
- In the February report on numbers of FOI requests received, the number with an answer outstanding after 20 days would be corrected from 3 to 0.
- Further work would be required to ensure all the objectives of the first phase of the CVM project were fully met. Some gaps in the process of automating the collection of the required data were still evident. The narrative explanation of the workflow situation 'behind' the raw numbers would require further attention to ensure that the objective of making it meaningful to the Board was fully achieved.
- An increase in the number of permission applications building up with the Permission to Appeal Panels, for both UKSC and JCPC applications, had been observed during January and February.
- The use of Key Performance Indicators (KPIs) in the Business Plan had been discussed at the recent Strategic Advisory Board, and subsequently at a Justices' meeting. There would be no explicit KPI regarding time taken to give final judgment although progress would continue to be shared internally.

7. Risk Register.

7.1 The Board noted paper MB18/11 and 11a, and in particular the following points –

Risk 1 (*Disruption from breach of physical security*) – PB reported that, contrary to previous reports, the wi-fi upgrade at the second BCP site at the Royal Courts of Justice would not be completed for some time. Consequently, further alternative locations would need to be identified and considered for their suitability.

The invacuation procedure would be tested via a series of tabletop exercises over the next few months.

Risk 2 (*Loss of / decline in infrastructure performance*) – New laptops have been issued to all Justices, using the Windows 10 operating system. The roll out of new desktop devices to staff has been delayed due to an industry-wide problem with the Intel processor.

Risk 3 (*Damage to Reputation*) – The Communications and Outreach Manager had left the post in March 2018. A new Media and Communications Manager had been appointed via an internal promotion and a further campaign to recruit an Education and Visitor Services Manager would commence in April.

The Board noted the recent publication of a paper by Sir Stephen Laws for the Judicial Power Project commenting on the decision in the *Unison* employment tribunal fees case from July 2017.

Risk 4 (*Financial Challenge*) – Initial contact had been made with officials at the Department for Exiting the European Union to ensure that the Court would be engaged with any consideration of future expenditure requirements that could originate as a result of leaving the EU.

Risk 7 (*Breakdown of relationships*) – The impact on the Court of the move by Parliament out of the Palace of Westminster would require consideration.

8. Finance and fees.

8.1 The Board considered papers MB18/12 and 12a, and noted the following points –

- Fee income continued to be above the budget estimates. Actual income for the year to the end of February 2018 was £329k above the

conservative budget forecast. Income for March also appeared to be on track to exceed the forecast. Income from Wider Marketing Initiatives had been boosted by Lord Reed's sitting in the Court of Final Appeal in Hong Kong.

- The full year forecast for the Resources budget predicted an underspend of £112k. The equivalent figure for the Capital budget revealed a £7k underspend.
- The planning assumptions underpinning the draft budget for 2018-19 were explained. Forecast monthly income from court fees would be revised upwards to £83k compared to the £60k assumed during 2017-18. The sum of £83k would stand £14k below the actual income recorded during 2017-18 and had been based on an examination of fee income trends over the previous three years.
- Existing capital expenditure plans for 2018-19 account for a utilisation rate of 51% of the budgeted £500k.

8.2 The draft budget was approved by the Board.

9. Press and communications.

9.1 The Board noted the contents of paper MB18/13, and the following points –

- There had been high-profile media interest in the *DSD* and *Pimlico Plumbers* cases.
- The Moot programme for 2018 began in February. A notably diverse range of universities had been successful in their applications for the opportunity to have their moot final held at the Court and judged by one of the Justices. Similarly, there had been a fourfold increase in the number of applications from secondary schools for the Debate Days programme.
- The pilot of the Supreme Court Writing Competition had been evaluated positively and it would be repeated in future taking into account several recommendations to improve the process. The winner of the 2017-18 event had been from Scotland and would be visiting the Court on 21 March.
- A pilot of the 'Skype a Justice' project would be delivered between April and June. Over 40 requests had been received from schools wishing to be involved and 6 had been chosen to take part.

- The Court's Instagram account had been nominated in the 'Best Use of Social Media' category in the Legal Cheek Awards 2018.

10. Human Resources.

10.1 The Board noted the contents of paper MB18/14 and in particular the following points –

- The Media and Communications Manager post had been filled by an internal promotion. This created another vacancy for an Information Officer. A new member of staff had been appointed on a temporary basis and the permanent vacancy would be advertised after Easter.
- The new performance management system, Clear Review, had been rolled out to the majority of staff in preparation for the new reporting year commencing in April 2018. Training for each team had been arranged.
- An employee benefits scheme had been explored as a contract for it was already in place with the Crown Commercial Service. Further information would be discussed with the Remuneration Committee in May before a full proposal to the Board at its next meeting.
- To assist with GDPR compliance, a letter to staff would be sent out via email in April 2018 explaining the personal data held by HR and the purposes for which this information was held. An audit of HR data and a review of all HR and recruitment policies would also take place.
- A statement of expectations had been prepared for all staff to help improve communication and consistent behaviours between teams.

11. Case update.

11.1 The Board noted the oral update from the Registrar.

12. Audit & Risk Committee update

12.1 The Board noted the oral update from the Chair of the Committee (KL), and noted in particular the following points –

- The Committee would produce a written update to accompany the year end reporting process.
- The Committee had been satisfied with the cyber-security update that had taken place in February 2018.
- The Internal Audit programme was up-to-date, with 4 out of 5 audits having taken place already. The Committee had requested further detail regarding several of the recommendations from the reports received. A tracking document to ensure progress on the recommendations had been implemented was recommended. A meeting had been arranged with the Chief Executive and Internal Auditors to discuss audit reports.
- The National Audit Office had raised an issue over the non-consolidated performance payment received by staff in December 2017 but had been satisfied that approval from HM Treasury had been given.

13. Commercial strategy and policy framework

13.1 The Board considered the contents of paper MB18/15, and noted in particular the following points –

- To ensure maximum budget efficiency was derived from both existing and future contracts, a strengthening and formalising of the commercial framework had been proposed. This would include a clear procurement policy that would be published on the staff Intranet.
- Attention to the level of procurement expertise within the Court would be necessary to ensure that future contract tenders using the OJEU process operated smoothly. Given existing staff expertise in this field, the Board discussed the extent to which external support might be required for this area and concluded that the volume of work would be insufficient to justify an additional member of staff. It was not thought that departure from the European Union would lead to major short-term change to procurement processes.
- Input from finance specialists would be sought at an earlier stage during particularly significant procurements. Furthermore, additional finance input points in the procurement process should be added at both the initial scoping stage and the contract award/final drafting of the contract stage.
- Copies of contracts would be supplied to the finance team and a tracking system instigated to permit greater forecasting of future costs. A full

examination of current processes would be carried out by finance specialists to ensure the contract was managed effectively. A small-scale pilot of this approach had already been undertaken with expenditure on vehicle hire for Justices' travel. Savings of 4% had been achieved.

- Given its size, the Court had a tendency to use smaller organisations in contracts which was in line with the stated preference of other Government Departments.

14. Health and Safety

14.1 The Board considered the contents of paper MB18/16, and noted in particular the following points –

- The H&S Committee had met on 26 February 2018. No H&S incidents or accidents had been reported within the period covered, all DSE assessments had been up-to-date and all other KPIs had been met.
- An independent Health and Safety Audit would be arranged for later this year as it was now due.

15. GDPR compliance

15.1 The Board considered the contents of paper MB18/17, and noted in particular the following points –

- The Court had commissioned an audit of its GDPR preparedness in January 2018 which had set out several recommendations. This audit had been prepared by a data security company, Securestorm, and had been based on a two-day site visit.
- PS had been appointed as the Court's Data Protection Officer, and would be supported by a Working Group. To ensure that this statutory role could be performed free of any conflict of interest, it would be necessary to amend the Terms of Reference of this Board to emphasise that his involvement was purely in a secretarial capacity. PS would require specialist training and would, occasionally, require expert support from external sources as appropriate to ensure that the Court could demonstrate compliance while this training was ongoing.
- Given that no Board meeting would take place before the implementation deadline in May 2018, the full implementation plan would be passed to the Non-Executive Directors to ensure detailed and

ongoing compliance assessment could take place before the introduction of the Regulation.

16. Accommodation

16.1 The Board considered the contents of paper MB18/18, and noted in particular the following points –

- Energy efficient lighting had been installed in various parts of the building which it was hoped would reduce electricity consumption. Further replacement lighting would be installed in other parts of the building throughout 2018-19.
- Fan Coil Flushing had taken place during the winter months to optimise the heating/cooling system throughout the building, and to ensure maximum energy efficiency.
- The design for the carpet to be used in the lobby outside Courtroom 1 had been approved and a quote had been received.
- The recently re-tendered contracts for security guarding and audio-visual services were operating well. The next contract to be tendered would be for cleaning services. The tendering process would start in Autumn 2018 to ensure the contract could commence in March 2019. A Non-Executive Director would be involved in the tender decision-making process.

17. Review of Information Security Policy

17.1 The Board considered the contents of paper MB18/19, and noted in particular the following points –

- The policy had been reviewed by Securestorm with a view to ensuring compliance with GDPR. No further changes had been recommended and the policy was approved by the Board.

18. New websites project

18.1 The Board considered the contents of paper MB18/20, and noted in particular the following points –

- A project board, chaired by WA, and including KC, would oversee planning, delivery and evaluation. The board would be composed of representatives from relevant teams across the Court.
- Pre-planned re-configuration of the case management software would need to take place before delivery of the websites could commence.
- The intention would be to launch the sites in beta form by the end of 2019.
- A budget had been provisionally allocated to the project for 2019-20 although it was possible that some capital expenditure would be required in 2018-19.
- Consultation with the Justices would take place to ensure their viewpoints were considered.

UKSC
March 2018