



**THE SUPREME COURT OF THE  
UNITED KINGDOM AND THE  
JUDICIAL COMMITTEE OF THE  
PRIVY COUNCIL**

**BUSINESS PLAN**

**1 April 2017 – 31 March 2018**

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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. The strategic priorities and objectives of the administration of the Court for 2017 – 2018, which can be found in Annex A, remain essentially the same as those set out at the Court’s 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 eighth full financial year of operation and sets out the aims and objectives of the administration of the Court for that period and how we plan to achieve them. Our key Performance Indicators (PIs) are set out in Annex C to this Business Plan.

## **Background and Context**

2. 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, the Executive 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, Northern Ireland and, in certain cases only, from Scotland. The Court also hears cases to determine issues relating to the legal competence of the devolved administrations, Parliament and Assemblies. This jurisdiction transferred to the UKSC on 1 October 2009 from the Judicial Committee of the Privy Council (JCPC.)

3. The UKSC is independent of the Ministry of Justice and of the separate Court Services in England & Wales, Scotland and Northern Ireland. It is based in the former Middlesex Guildhall in Parliament Square in London, although it has always made clear that it is willing to sit in any of the territorial jurisdictions; and indeed there are plans for it to sit in Edinburgh in June 2017. The Administration of the UKSC is classified as a non-Ministerial department headed by a Chief Executive who is also the Accounting Officer. The CRA (as amended by the Crime and Courts Act 2013) 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 recognised.

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

4. 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 had been co-located with the UKSC since the UKSC’s inception in October 2009.

5. The JCPC 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 B to this plan. The JCPC normally sits in London, although hearings have taken place in Mauritius and more recently in the Bahamas. Although the JCPC was formalised as an institution by a United Kingdom Act, the substantive law which it applies is the law of the country or territory from which the appeal comes.

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

6. This year is the second year covered by the settlement announced in November 2015, which resulted from the 2015 Spending Review (SR) and which covers the years 2016 - 2020. This SR was undertaken following the General Election in May 2015. The outcome for the UKSC was essentially a flat line in cash terms, albeit that allowing for expected inflation and already known increases, such as in the rent the UKSC pays under the terms of the lease and leaseback scheme by which the building was refurbished between 2006 – 2009, this is a projected 7% reduction in real terms over the Spending Review period.

7. How the administration of the Court more broadly envisages it will manage within its resources over this four-year period is set out in the UKSC's Strategic Priorities document for 2016 – 2020, which the UKSC Strategy and Management Boards approved at their respective meetings in February and March 2016. This has set the parameters for this annual Business Plan.

## **Ongoing aims**

8. (i) We will safeguard the constitutional position of the UKSC as the apex of the judicial branch of the State and support its independence from the legislature and the executive branches, both in theory and in reality. 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. A key outcome will therefore be that the UKSC will continue to be publicly recognized by the people of all four parts of the UK as unequivocally independent of political influence and interference;

(ii) We will also ensure that the UKSC and its Justices are enabled to promote, and to be seen to promote, the rule of law in the United Kingdom.

(iii) A key indicator will therefore be that there will 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 be prepared, if and when appropriate and efficient, to sit in Edinburgh, Belfast or Cardiff.

## **Section 2**

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

## **The Context of Relations with UK Ministers, Parliament and the Devolved Administrations**

9. The President and the Deputy President have occasional bilateral meetings with the Lord Chancellor, the UK Law Officers and, as appropriate, the Law Officers of the devolved jurisdictions, in order to discuss matters of mutual concern, although neither the Lord Chancellor nor any other Ministers are in any way involved in the running of the Court, the administration of which is a fully independent Non – Ministerial Department in its own right. (Rather, pursuant to section 48(4) of the Constitutional Reform Act 2005 (CRA), the Chief Executive of the Court must carry out his functions in accordance with any directions given by the President.) These meetings will continue in 2017 – 2018. In 2013 the President and Deputy President began making an annual appearance before the House of Lords Constitution Committee to give evidence on topical issues which might impact upon the Court, although they did not do so in 2016. They did, however, appear before the Committee on 29 March 2017 and we expect them to appear again before that Committee some time later in 2017 – 2018.

### **Financial Independence**

#### **A: Statutory Framework**

10. 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 she thinks are appropriate for the Court to carry on its business. In practice this duty is discharged via the Spending Reviews conducted Government wide by the Treasury, which normally determine Departmental budgets for the following three or four years. The Spending Review conducted between July and November 2015, following the General Election in May 2015, has determined the level of the Court’s resources for the four fiscal years running from 1 April 2016 to 31 March 2020. This Business Plan therefore relates to the second of the four years covered by that settlement.

11. 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).

#### **B: Structure of Funding**

12. The UKSC has remained within its budget in every financial year so far since its inception, will hope to do so in the out-turn of 2016 - 2017 and will aim to do so again in 2017 - 2018.

13. The UKSC / JCPC’s resources comprise four different elements. The first is an amount directly voted by Parliament to fund both Courts in accordance with the terms of the Spending Review settlement.

14. The other three elements comprise:



(1) annual contributions from the judicial systems of the three jurisdictions from which cases come to the UKSC - England and Wales, Scotland and Northern Ireland. This is the largest of these three elements (about 84% of our total income from these three elements). In turn the lion's share of these contributions (88%) inevitably comes from England and Wales, since the contributions are based on the proportions of civil cases which come from each jurisdiction. 8% comes from Scotland and 4% from Northern Ireland. This 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;

(2) fees paid directly by UKSC / JCPC litigants. This currently amounts to 15% of our income from these three elements. The amount the UKSC / JCPC expects to receive from these is obviously a forward projection, based on fee levels and the volume of cases the two courts have historically received in recent years. Although we can control fee levels, we cannot control the number of applications that come to the Court for permission to appeal (PTA). Indeed, to the extent that fee levels increase, they may tend to operate as a small disincentive to apply for such permission, although the larger drivers of demand for this are likely to be factors in the wider economy and in society determining the propensity and ability to litigate and over which the UKSC / JCPC has no control;

(3) income derived from 'wider market initiatives', the final 1% of our income. In our case this means the income the UKSC / JCPC can generate from hiring out parts of the building and from the sale of gifts and souvenirs. We have some influence over the level of this income by means of promoting the marketing of the building as a suitable venue for events and from offering a suitable range of souvenirs for sale at attractive prices.

## **Financial Aims for 2017 - 2018**

15. In 2017 – 2018 the UKSC / JCPC will continue to seek to secure the resilience of each of these three elements. In respect of UKSC fees, in 2014 – 2015 we reviewed the relative staff costs of the various elements of case processing with a view to determining how closely the fee structure matches our staff costs structure. In the light of this we then consulted our UKSC User Group on possible changes to our fees structure and, as a result of this consultation, in 2015 – 2016 we proposed to the Lord Chancellor, who under the CRA has the statutory responsibility for determining the UKSC's fees, a number of changes in structure and quantum to take effect from 1 April 2016. Under the CRA the Lord Chancellor is herself required to consult on the proposed changes. Decisions by the MOJ to delay completing this consultation have meant, however, that at the time of writing this Business Plan we are not expecting the proposed changes to take effect before October 2017.

16. It is also particularly important that we can continue in 2017 – 2018 to rely on receiving the annual contributions from the three jurisdictions, and especially that from England and Wales, since this forms such a high proportion of the income the UKSC receives which does not come directly from Parliament.

## **Section 3**

### **Promoting the Rule of Law**

## Context of Casework Processes

17. Casework is the core work of both the UKSC and the JCPC and it will continue to be given the highest priority. The jurisdiction of the UKSC and the permission to appeal (PTA) requirements are set out in Annex B to this Plan, as are the jurisdictions from which cases come to the JCPC.

18. 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 has been, and in 2017 – 2018 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

19. Appeals are normally heard in open court before five Justices, although in cases which meet the criteria set out below seven or nine Justices will sit. In December 2016 for the first time 11 Justices sat on *R (on the application of Miller & Dos Santos) v The Secretary of State for Exiting the European Union*, the so-called 'Article 50' case, because of its high constitutional importance. 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 of the House of Lords or the Supreme Court.
- 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

20. Once permission to appeal has been granted, the panel granting permission will give a time estimate and a hearing date will be fixed taking that into account. 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. The average hearing in the UKSC lasts for two days. It remains the Court's target that all appeals should be heard within nine months of the grant of permission.

21. 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; subject to very rare exceptions, this is in practice the only factor which causes hearings to be delayed beyond nine months from the grant of permission. The Court would not wish to insist on parties instructing new counsel, if their existing counsel was not available on a particular date, simply in order to meet the nine months' target, where it would

be expensive for parties to do so and the Court could see no supervening reason for an earlier hearing. In contrast the Court can and has arranged hearings within weeks of the grant of permission in a number of urgent cases (e.g. family and extradition cases).

## **Policy Developments in 2017 - 2018**

22. The UKSC/JCPC will aim to keep in touch with relevant policy developments, both from the United Kingdom Government and from the devolved Governments, which might impact on our business. Issues we have highlighted here are changes which are already in hand. Others will probably need to be added during the year.

23. In 2013 the Ministry of Justice introduced changes to the legal aid schemes in England and Wales. There have also been changes to the legal aid schemes in both Scotland and Northern Ireland. We will continue to monitor the impact of these changes to see how far they affect the flow of cases, and the type of cases, in which permission is sought to appeal to the Supreme Court. We will in particular monitor the number of cases where litigants in person seek permission to appeal to the UKSC. In 2014 – 2015 there were 24 such applications, in 2015 – 2016 there were 22 and in the first ten months of 2016 – 2017 there were 14.

24. The cost of litigation continues to be a concern for all of those who work in and use the courts. We will continue to monitor developments in the lower courts in all the United Kingdom jurisdictions to ensure that we are responding in whatever is the most appropriate way to any new developments.

25. The Criminal Justice and Courts Act 2015 introduced changes to judicial review and appeals in England and Wales. These included provisions extending the range of cases which can leapfrog appeals to the UKSC. We will continue to monitor closely the practical impact of these and other changes: our expectation is that this will lead to more applications for permission to appeal, once all the provisions are in force.

26. One area which may have significant implications for the UKSC is the withdrawal of the UK from the European Union (EU). The Court has already in December 2016 heard one case on the legal process necessary for giving notification to leave; and it is possible that in 2017 - 2018, as the Government continues the process of negotiating the UK's departure from the EU, other issues may arise which are brought before the Court. In addition, but probably on a longer timescale and not within 2017 - 2018, once the UK has left the EU, the Court will presumably cease to make references to the Court of Justice of the European Union (CJEU) in Luxembourg on the meaning of points of EU law. Thus, the UKSC's relationship with that Court will then fundamentally change.

27. Also in the further future, if the Government revives its proposals for a 'British Bill of Human Rights', that fresh legislation is likely of itself to generate increased litigation, as people seek to test the meaning of the new legislation in the Courts. So there may also be changes in the longer term in the relationship between this Court and the European Court of Human Rights (ECHR) in Strasbourg. We cannot now anticipate what those changes might be, but we will be alive to any implications for the nature and volume of our caseload.

28. The relevant sections of the Courts Reform (Scotland) Act 2014, which introduced a permission to appeal mechanism for civil cases from Scotland, came into effect in September 2015. In 2017 – 2018, as in 2016 – 2017, we will be monitoring the impact these changes have on the numbers and types of Scottish cases coming to the Court. In addition, the Scottish Government has just launched a review of the operation of Sections 34 – 37 of the Scotland Act 2012, which are the provisions which allow for issues relating to the compatibility with EU law or with the Human Rights Act 1998 of steps taken in criminal proceedings in Scotland to be referred to the Supreme Court. This review, coming three years after the coming into force of those provisions, is itself a requirement of Section 38 of the Scotland Act 2012. Lord Reed has agreed to represent the UKSC on the review body; and in 2017 – 2018 we shall be monitoring its outcome carefully for any likely impact on the workload of the UKSC.

29. In 2016 the UK Government enacted the Scotland Act 2016 to give effect to the proposals in the Smith Commission Agreement, which was published in November 2014, for further devolution to Scotland. In particular, the Act makes some changes, which have not yet been brought into force, to the timetable and procedure for making references to the Supreme Court of draft Scottish legislation. There have in fact been no references of such legislation from Scotland since 1998 to either the JCPC or, since this jurisdiction transferred to the UKSC in 2009, to the UKSC. Once the relevant provisions have been brought into force, we will be assessing what, if any, implications there are, both of these changes in particular and of the greater devolution of powers more generally, to the Scottish Parliament, for the nature and quantum of the workload of the Supreme Court.

30. The Wales Act 2017 (Royal Assent 31 January 2017) similarly gives effect to the proposals for further devolution to Wales announced by the UK Government on 27 February 2015 (the St David's Day agreement). It also moves Welsh devolution to a reserved powers model similar to that which underpins the devolution settlement in Scotland and it makes similar changes to those in the Scotland Act to the timetable and procedure for references to the Supreme Court of draft Welsh legislation. In contrast to Scotland, there have been three references of draft Welsh legislation to the UKSC since 2011. Once the Wales Act comes into force, we will similarly monitor any implications for the nature and quantum of the workload of the UKSC. The President has already stated that, wherever a UKSC case involves an appeal relating to Welsh devolved issues, the Court will, if possible, always include a judge who has Welsh experience and knowledge.

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

31. 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 we hold with court users to ensure that the procedural regime we have in place continues to achieve our objectives. We will make any revisions to our procedures, which appear to be necessary, and consider any recommendations for changes which promote service improvements. The User Group includes representatives from all the UK jurisdictions and from users of the

JCPC and the minutes of the User Group meetings can be found on the UKSC website.

- In 2014 we published a guide to appealing to the Supreme Court on the UKSC website, which was designed to assist those without legal representation. Although the number of parties seeking permission to appeal (PTA) to the UKSC without legal representation is relatively small, as we anticipated, the proportion has tended to grow. The guide was written to help answer the most common questions asked by those who approach the UKSC to appeal a decision, rather than to serve as a comprehensive guide to court procedures or advocacy skills. We shall continue to monitor its use and how helpful it is to those seeking PTA without legal representation.

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

32. Since January 2014 the UKSC has operated using its own independent Information Technology (IT) system. This supports all aspects of the Court's work including the conduct of cases in the courtrooms as well as back office case management, library services and office work. It has allowed Justices and staff to have more efficient and easier remote access when working away from the Court building and for the in – house IT team better to assist remote users. Over the past two years, work has been undertaken to improve both the robustness of the system and also the way in which it supports users and their varying requirements.

33. There are separate UKSC and JCPC websites as well as an intranet for Justices and staff and there are plans to update all of these by early 2018 to make them clearer and more interactive, in order better to support all Court users. At the same time a portal will be included on the new websites to allow Court users to complete and submit court forms, make payments and submit case bundles on-line. This is part of our broader plans to reduce the amount of material required to be provided in hard copy, given that all case papers also have to be supplied in digital form.

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

34. A continuing objective of the UKSC / JCPC is to present the two Courts' activities in the clearest and most accessible ways possible, to the widest range of audiences. During 2016/17 we welcomed over 90,000 visitors to the building and we expect that number to increase in 2017/18, in addition to receiving at least 60,000 distinct visitors to the UKSC website and 7,000 distinct visitors to the JCPC website on average each month.

35. By welcoming visitors, providing educational opportunities and working with the media to communicate news about the Courts' work, we aim to increase understanding of the role played by the UKSC and JCPC in promoting and sustaining the Rule of Law across the jurisdictions we serve.

## **Access to the Court**

36. The UKSC and JCPC building is easily accessible by the public who are able to visit and attend hearings. We will continue to offer a dedicated reception/information desk service every day the Court is open, in order to welcome visitors and deal with enquiries. Details of any planned building closures will be published online.

37. We will continue to live stream all proceedings of the Court via the UKSC and JCPC websites (subject to any exceptions ordered by the Justices) and, on request, make recordings available to educational establishments and to the main public broadcast organisations for use in news or current affairs programmes. In May 2015 the live feed was supplemented by the launch of an ‘on demand’ archive of the last year’s case footage. These video services receive approximately 20,000 and 10,000 distinct users each month respectively. We will continue to monitor usage figures and other feedback to ensure these services are providing good value for money

38. We will continue to provide training for our staff on how appropriately to assist visitors with access difficulties. Audio booster loops are available for those with hearing difficulties joining guided tours, and Braille versions of our visitor guide complete with tactile maps and illustrations are available to borrow from Reception.

39. In 2017 – 2018 we will again open the Court for seven ‘Open Days’. These are designed to give members of the public the opportunity to see some private areas of the building, and to provide additional explanatory material about the artwork on display. The dates (which will include the popular ‘Open House London’ weekend in September) will be publicised on the Court’s website, via social media channels and through clear external signage.

40. We will continue to monitor feedback received via comment boxes available throughout the building for both general visitors and court users. Feedback will be reported to the Management Board on a regular basis to identify areas where we can enhance the experience of using the Court, either professionally or as a casual visitor.

## **Media liaison**

41. We will continue to distribute alerts about forthcoming judgments, and to 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.

42. We will respond to media requests promptly, continue to develop our database of media contacts and identify proactive opportunities to highlight aspects of the Court’s work. We will also continue to manage the steady flow of requests for interviews with Justices, making arrangements as necessary. There will be a particular focus on judicial appointments during the year, and we will make appropriate arrangements to both promote public

understanding of the independent appointments process and to profile successful candidates and their predecessors as they retire.

43. We have so far attracted more than 220,000 ‘followers’ (as at February 2017) on the UKSC’s official Twitter feed– which we use to alert users to judgments and other announcements – and during 2017/18 we will continue to engage with users according to our published policy.

## **Education and Outreach**

44. We aim to maintain the number of visits from school, college and university groups during 2017/18, especially from the state sector and from schools in Wales, Scotland and Northern Ireland. A strategic review conducted at the end of 2016 will inform our priorities for 2017/18, and ensure our resources are targeted appropriately. As part of this, we will seek to ensure our educational tours are more tailored to UK examining board syllabuses, and we will introduce a nominal fee to help cover the cost of tours for international and commercially-arranged group visits.

45. We have revised the format of our monthly ‘debate days’, which offer school groups the opportunity to consider the issues behind past UKSC cases and debate them in front of a panel of their peers. This year we hope to reach a broader range of schools and ensure that as many students as possible can benefit from this experience. We are grateful for the support offered by lawyers who attend on a voluntary basis to help the students prepare for these debates.

46. In addition, during the spring of 2017 we will again host the final rounds of mooting (mock legal debate) competitions for at least 12 different university groups, selected through an application process. Supreme Court Justices will be provided to judge these final round moots.

47. We will provide continued support for the ‘Magna Carta Convention’ project (led by Egham Museum and Royal Holloway University) involving Y10 and Y12 students debating fundamental rights, scheduled for July 2017; and the student-led ‘Big Voice London’ project which provides extra-curricular legal research activities for Sixth Form students from across a range of schools in London.

## **Arts Trust**

48. In February 2016 we secured registration of the UKSC Arts Trust as a Charitable Incorporated Organisation by the Charity Commission, i.e. a legal entity entirely separate from the UKSC and the JCPC. The charitable purposes broadly cover the use of artwork to promote knowledge of the development of justice and the Rule of Law within the context of the UK’s and the Commonwealth’s legal systems.

49. The Arts Trust is formed by five independent (i.e. not Justices or members of staff of the Court) Trustees. They are Sir Anthony Salz (Executive Vice Chairman, NM Rothschild) as Chair, Dinah Casson (Casson Mann), Sir Christopher Frayling (former Chair of the Arts Council, England), Elsie Owusu (formerly of Feilden and Mawson, the



conservation architects who were responsible for the refurbishment of the UKSC building between 2006 and 2009) and Sharon Witherspoon (formerly of the Nuffield Foundation).

50. The Trust is able to seek to raise its own funds from charitable sources in order to acquire (and if appropriate dispose of), to maintain and to manage works of art for its collection (which may be displayed within the UKSC with the agreement of the Court). Similarly, it is able to accept or decline gifts of appropriate works of art, as well as to commission appropriate new works of art. It is able to raise (from willing donors) and hold funds to be used for these purposes. It is also able to raise funds to support and sponsor temporary exhibitions within the Court which further its purpose of educating the public about the rule of law and the role of the UKSC. It does not have any ongoing access to funds from the UKSC or JCPC to use for these purposes.

51. During 2016/17 the Arts Trust facilitated an exhibition of prisoners' artwork curated by the Koestler Trust, and additionally an exhibition of architectural designs and models from Supreme Courts around the world. Both proved popular with visitors, with the former generating funds for the Koestler Trust and Victim Support through the sale of some of the works exhibited. In 2017 - 2018 the Trust will continue to develop a work programme to deliver its charitable aims, with an exhibition planned for the summer months on a historic/comparative legal topic.

52. A part-time curatorial consultant is likely to be contracted during the year to develop a fundraising strategy and to work with the Court's Communications team on planning this and future exhibitions.

### **Guided tours and other revenue generation activity**

53. We will continue to provide guided tours (on Fridays during term time and other occasional days during the vacations), aimed predominantly at groups from membership and professional organisations. We will hold the price at 2016 levels, following a small increase in April 2016. We aim to deliver at least the same number of 'paid for' guided tours as we did in the financial year 2016-17 (approximately 160), though as noted above we will supplement these with additional evening tours on a number of occasions during the year.

54. In November 2016 and February 2017 we repeated two series of evening tours for members of the public who purchased tickets in advance. This initiative offered the opportunity for visitors, especially those unable to visit during our standard working hours, to see the building and ask questions of staff. Tickets sold very quickly and feedback after the events was positive. We therefore plan to offer these more regularly, over at least six evenings during 2017/18.

55. We will also continue our popular free lunchtime 'taster' tours for those who work in the local area. The tour encompasses the courtrooms and exhibition area, and also showcases the café as a venue for staff from nearby public sector bodies and government departments to use in the future.

56. This year, we will continue to seek increased income from hiring areas of the building for corporate events when the court is not sitting. This activity enables us to reduce

the Court's overall call upon public finances. During 2015/16 we introduced hire of smaller meeting rooms where this will not disrupt the core work of the Court, and in 2016/17 launched a microsite and complementary material to generate a greater volume of venue hire enquiries. We will, however, rigorously apply our existing criteria on client suitability to ensure that the Court's independence and dignity are not undermined.

57. We will also continue to work closely with our catering concessionaires (Zafferano's, which took over in-house catering operations in April 2014) to try to broaden the range of products offered in our café, and also to ensure the range of souvenir items bearing the Courts' branding remains of a high standard and appropriate for the UKSC. As with corporate venue hire, once certain thresholds are met, revenue raised by the café and associated activities helps reduce our overall call upon other sources of funding.

## **Section 4**

### **Providing Efficient and Effective Administration**

## Governance Arrangements

58. To support the Chief Executive both in his statutory responsibilities, and his responsibilities as an Accounting Officer, an internal governance structure was established in 2009, which comprised a Management Board, an Audit & Risk Assurance Committee, and a Health and Safety Committee. A Remuneration Committee was added in July 2013 following the repeal by the Crime and Courts Act 2013 of the requirement for the Chief Executive to seek the formal agreement of the Lord Chancellor to staff terms and conditions of service (although they must continue to be in line with the arrangements for the Civil Service as a whole).

59. Mark Ormerod, the Chief Executive appointed in September 2015, with the agreement of the Management Board and the President and Deputy President, modified these arrangements. With effect from 1 January 2016 the Management Board has met every two months (the odd numbered months, so January, March etc.). At the same time a new Strategic Advisory Board was established, which comprises the President, the Deputy President, one other Justice appointed by the President (who is currently Lord Hodge), the Chief Executive, the Director of Corporate Services, the Registrar and the UKSC's two Non – Executive Directors. Its remit is to consider the strategic direction of the Court and to approve and review the UKSC's Strategic Framework.

60. This board has no role in directing the judicial functions of the Court; nor, following the President's delegation to the Chief Executive of all the non – judicial functions of the Court and in the light of the Chief Executive's formal position as Accounting Officer, does it have any role in directing the running of the non – judicial functions of the Court, including the allocation of resources, which remains the responsibility of the Management Board. The Strategic Advisory Board meets three times a year in February, June and October. Neither Board meets in April, August or December (the Management Board has never met in August since the inception of the UKSC in 2009).

61. The UKSC's two Non – Executive Directors are Kenneth Ludlam whose current three-year appointment runs until 31 July 2017 and Stephen Barrett whose current three-year appointment runs to 31 July 2018. In 2017 – 2018 the Management Board will meet every two months, as set out above, and its committees, the Audit & Risk Assurance Committee, the Remuneration Committee and the Health and Safety Committee will meet approximately three times, a reduction from quarterly to reflect the reduction in the number of Management Board meetings, albeit the Remuneration Committee may have short additional ad hoc meetings, if needed.

62. The two Non-Executive Directors are members of the Management Board, one of whom (Kenneth Ludlam) also chairs the Audit and Risk Assurance Committee and the other of whom (Stephen Barrett) also chairs the Remuneration Committee. The Audit & Risk Assurance Committee also includes representatives from Scotland and Northern Ireland (N.I.). The membership of these committees as at 31 March 2017 is as follows:

## **Management Board**

Mark Ormerod – Chief Executive (Chair)  
William Arnold – Director of Corporate Services  
Louise di Mambro – Registrar  
Paul Brigland - Head of Office Services  
Chris Maile – Head of Human Resources  
Olufemi Oguntunde – Director of Finance  
Ben Wilson – Head of Communications

Paul Sandles – Librarian  
(Secretary)

Stephen Barrett – Non-Executive Director (NED)  
Kenneth Ludlam – Non-Executive Director (NED)

## **Audit & Risk Assurance Committee**

Kenneth Ludlam – Chair  
Stephen Barrett – NED  
Charles Winstanley – NED Scottish Government  
Peter Luney – Acting Chief Executive Officer, N. I. Court  
Service

## **Remuneration Committee**

Stephen Barrett - Chair  
Kenneth Ludlam – NED  
Mark Ormerod (Chief Executive) OR in his absence William  
Arnold

## **Health and Safety Committee**

William Arnold (Chair)  
Paul Brigland - Head of Office Services  
Ryan Stanbrook – Building / H&S Manager  
Toyin Soleye – Deputy Building / H&S Manager  
Chris Maile – Head of Human Resources  
Ian Sewell - Trade Union H&S representative

James Noone – Security Manager – Carlisle Security  
Clive Brown – Building Engineer – MJ Ferguson - Hard FM  
Contractor  
Caroline Hutchins – General Manager for Julius Rutherford

– Cleaning Contractor  
David Winter – Director Zafferano’s – Café Concessionaire

## **Finance**

63. The Finance Division supports the Chief Executive and the Management Board in order to enable effective corporate decision making, to assist in the shaping of the Court’s future direction and to ensure that its finance and procurement systems and processes meet the needs of the Court, the Justices and the Court’s staff, as well as those of all Court users and visitors.

64. Its main priorities and objectives in 2017 – 2018 will be to:

- Implement the plans for the second year of the four year Spending Review settlement covering the years 2016 – 2020 obtained by the Court from the Treasury in November 2015.
- Operate within the agreed budget control limits and ensure value for money, propriety and regularity are demonstrated in all financial decisions.
- Ensure all processes are in place to make timely and accurate financial payments.
- Continue to seek more efficient ways of delivering value for money in the finance, procurement and payroll functions.
- Continue to maintain a central system for recording and tracking the assets of the Court.
- In particular, maintain the effectiveness of the contract with Liberata UK Limited, which provides payroll services via our in-house HR System, and implement the new procurement policy that was drafted last year, provided it is approved by the Chief Executive and the Management Board.
- Produce an unqualified set of 2016 - 2017 Resource Accounts and ensure they are laid before the summer 2017 Parliamentary Recess.
- Ensure an adequate system is in place to monitor spending and report it regularly to the Management Board.
- Ensure timely and appropriate Supplementary Estimates are agreed with the Treasury.
- Produce IFRS compliant resource accounts at the end of 2017 - 2018 in accordance with a timetable agreed with the external auditors (the National Audit Office).

- Implement a revised fees regime for the UKSC, if agreed by the Lord Chancellor.
- Respond to requests from key external Departmental stakeholders (e.g. the Treasury, Cabinet Office, the MOJ and both Internal & External Auditors etc.) in a timely manner.

## Resources

65. The UKSC's 2015 Spending Review Budget Settlement for 2017 - 2018 is summarised below:

	£ '000
<b>Judicial Pay &amp; Expenses</b>	<b>5,400</b>
<b>Depreciation</b>	<b>1,150</b>
<b>Other Costs</b>	<b>6,061</b>
<b>Total Gross Costs</b>	<b>12,611</b>
<b>Contributions from Jurisdictions</b>	<b>(6,631)</b>
<b>Fees &amp; wider Market Initiatives</b>	<b>(900)</b>
<b>Net Resource DEL</b>	<b>5,080</b>
<b>Capital DEL</b>	<b>450</b>

## Accountability for Public Funding

66. The UKSC's last six 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 2017 - 2018. We will also continue in 2017 - 2018 with regular audits which form part of a rolling three year programme we agree with our Internal Auditors (the Government Internal Audit Agency), whom we employ on an agency basis to carry out audits for us).

67. We will therefore also endeavour to ensure that there continue to be no adverse National Audit Office (NAO) comments on the annual accounts, which both our internal auditors and the NAO examine; and that these and the Annual Report are produced and published before the summer Parliamentary Recess.

68. 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.

## **JCPC Fees**

69. As a separate court the JCPC 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 2013 the JCPC fee regime was rationalised, so that JCPC fees might better reflect the marginal additional costs of bringing cases before the JCPC.

70. In the financial year 2017 – 2018 we shall continue to monitor carefully what impact this has on both JCPC workload and the overall income generated by JCPC fees.

## **Risk**

71. 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 a robust process in place for identifying, evaluating and managing the risks faced by the UKSC. In 2017 – 2018 the Management Board will continue its practice of reviewing the UKSC Risk Register and Performance Dashboard at every meeting with a more detailed review taking place three times a year. Ownership of each risk is allocated to an individual member of the Management Board who is responsible to the Board for managing the actions devised to reduce the likelihood and impact of that risk.

72. Risks cover all the main areas of challenge to the Court, such as securing its income, especially from fees which relate to its level of business, changes in the composition of the Justices – retirements and appointments, continuing a high level of security and maintaining effective outreach and public relations. In relation to internal risks, the UKSC / JCPC 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.

72. There is also a Business Continuity Plan (BCP) in place to support the continued operation of the UKSC and the JCPC. The BCP is tested at regular intervals using different hypothetical scenarios and we are continuing to develop our off – site physical exercises.

73. Additionally, the Audit & Risk Assurance Committee reviews and advises how the UKSC / JCPC should identify, model and manage risks, especially those related to maintaining income and planned expenditure. This committee comprises our two non-executive directors and two members from the contributing jurisdictions of Scotland and Northern Ireland.

## **People**

75. In 2017 – 2018 our challenge will be to find imaginative ways of maintaining our commitment to developing our staff and to build on the success and achievements made since the Court opened, while continuing to ensure that all new initiatives and existing



services offer value for money and are the right decisions for the long term future of the Court.

76. In October 2016, our seventh annual staff survey was completed. All staff completed the survey and this led to an overall engagement score of 85%. The score is slightly higher than the previous year and very encouraging. The challenge, however, will be to maintain such a high score for 2017 and beyond. The survey helps demonstrate that our staff are loyal and committed to the future of the Court. In 2017 – 2018 the Results into Action Team, which now has five members of staff from different business areas, will look to develop new ways to bring staff together by identifying opportunities to share common interests outside of work activities. The team will continue to organise a wide range of lunchtime and after work events, such as a book club, Pilates, badminton, our choir group and a Friday lunchtime football team supporting a local youth club. During 2017-2018 opportunities will continue for staff to learn more about different job roles and functions within the Court. Progress will be measured against feedback throughout the year and the staff survey results, when the next staff survey takes place in October 2017.

77. The Court will continue to demonstrate its corporate social responsibility by encouraging members of staff to undertake voluntary activities to help others outside the office and by continuing to support and collect for a number of charities and local organisations. We have continued to support young people at St Andrew's Westminster youth club and held events to support other charities such as The Royal Marsden Hospital, Cancer Research, Save the Children and the various charities for the homeless for whom we collect at our annual Christmas carols concert. In addition, a number of staff give up their spare time on a regular basis as volunteers for the benefit of local communities and we are signed up to the Inspire the Future initiative to inform secondary school pupils about the work of the court and opportunities in law related roles.

78. In November 2016 the Court was accredited with the Healthy Workplace Charter achievement award by the Mayor of London and we will continue to support the health and wellbeing of all staff by adhering to our commitment and ensuring opportunities are accessible for everyone.

79. In order that we make the best use of the range of skills and experience that we have, we will continue to keep our staffing structure under review in 2017 – 2018, to ensure that it continues to provide an effective, resilient and efficient service. Developing roles and posts and the skills required from our workforce.

80. The UKSC has direct control of all HR contractual, policy and pay issues, subject to the framework set for the Civil Service by the Treasury and central Government; and we are in a good position to react positively and creatively to challenges we may face in the future. In the year ahead we will look to improve our staff performance management process in line with new guidelines issued by the Cabinet Office and help support on-going conversations about performance through-out the year.

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

81. The Court has maintained a low staff turnover rate and has offered promotion opportunities to existing staff where this is possible within a small organisation. We had two retirements in the last year and one junior member of staff was successful in a promotion to another department. We have also worked closely with other government departments in finding creative opportunities for possible loans or secondments to help have a clear succession plan for the future in more specialist roles and help individuals develop their career. It is expected that turnover will increase in future years, although in key areas a stable core set of knowledge and experience remains. Our sick absence levels are monitored regularly and show a low absence rate for short term absences and we have been fortunate not to have had any long term absences. We intend to ensure the high level of staff engagement continues in 2017 – 2018 and that we continue to encourage the development of individuals. Staff consistently indicate that they take pride in working at the Supreme Court and enjoy their work.

82. The annual Judicial Assistants (JAs) Campaign successfully continues to attract a wide range of able lawyers interested in one of the seven opportunities to work closely with the Justices and assist in researching appeals. Candidates apply from across the United Kingdom and we actively encourage applications from all the jurisdictions in the United Kingdom. The annual campaign allows us to promote the profile of the Court across the legal profession and to any relevant law related organisations. We shall again be recruiting new JAs in the Spring of 2017 to work in the UKSC for 11 months from September 2017 to July 2018.

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

83. The UKSC / JCPC deals with complaints in accordance with policies covering staff and administrative procedures. We monitor 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 2017 – 2018 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 C). We also have a Whistleblowing Policy available and a number of routes available to report any concerns.

84. All staff at the UKSC / JCPC operate under a set of agreed staff values and 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 services**

85. Access to relevant and up-to-date legal information is vital to the Justices and their Judicial Assistants. We will continue to ensure that the Library contains, identifies, acquires and catalogues material that supports the work of the Justices – both print and electronic. In

respect of print material, the Library contains some 100 sets of law reports and journals, and approximately 3,500 textbooks. Some 300 textbooks are added each year. We will also continue to identify areas for improvement in the collection, that is, to fill gaps in our sets of law reports and journals, to broaden and deepen the textbook collection, and to build up a collection of old editions of key textbooks. We will continue to identify items for binding, both monographs and serials. The previous Librarian produced a strategy paper in 2015, which was approved by the Chief Executive and the Justices, and the main proposal, to move gradually from print to electronic for many law reports and journals, will be progressed in 2017 - 2018.

86. In respect of electronic resources, the Library will continue to provide the Justices and JAs with access to a range of subscription databases and will explore new databases. We will encourage greater use of the electronic databases by publicising their contents and by providing guidance and training on their use. The Library will also catalogue details of our holdings of non-print publications such as electronic journals, law reports and e-books, to assist users when searching for such material. For the JAs' induction programme in September we will arrange presentations by the most important databases, as we have done since 2009.

87. The Library will continue to assist the Justices, JAs, and court staff with information and research. This may be in the form of ad-hoc enquiries or regular monitoring of certain subject areas. We will continue to alert Justices, JAs, and the court to relevant books, journal articles, and court judgments via a monthly newsletter. In order to assist the Justices and JAs in keeping up-to-date with current legal thinking we continue to disseminate contents pages of law journals, a service recently expanded to include a wider range of journals plus summaries of articles. The gathering of news on JCPC Caribbean countries is an ongoing activity, as is the monitoring of legislation passed by the devolved assemblies. The Library also monitors Parliamentary activity on areas of interest to the Court.

88. The Library will continue to build upon its relationships with other law libraries, both in the UK and abroad, with a view to sharing information, expertise and resources. The Librarian and Assistant Librarian will continue to be members of various professional library bodies. In June 2017 the Librarian will represent the Library at the annual conference of the British & Irish Association of Law Librarians (BIALL) as well as continuing as BIALL's Membership Coordinator. The Librarian is a member of the Government Law Librarians' Forum (GLLF) where he oversees the maintenance and development of the union list of law serials held in government libraries.

## **Security Guarding Contract**

89. Security guarding is an area of significant expenditure and great operational significance. From 31 January 2012 the UKSC has had a direct contract with Carlisle Security Services Limited. The initial contract period was until 1 December 2015, but there was an option for the UKSC to make two extensions to this, each of one year's duration. The contract has been twice so extended, so that it will now end on 1 December 2017. In the summer of 2017 the UKSC will therefore be carrying out a full public tender exercise, in order to let a fresh contract from 1 December 2017. Meanwhile we will continue to monitor

the performance of the existing contractor to ensure that exemplary levels of security are maintained.

90. We also recognise that the guards are in the front line of interaction with professional court users and members of the public visiting the Court. We have received many compliments in past years on their attitude to these groups, and we intend to continue to pass on such compliments in order to motivate and encourage the guard staff, many of whom have been with the UKSC continuously since 2009.

## **Building and Accommodation**

91. 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 the Court occupies a Grade 2\* Listed Building, it must secure consent for any work affecting the historic fabric, and to this end we maintain a close working relationship with Historic England and Westminster City Council Planning Department. Although we have now ceased annual liaison meetings, there is ad hoc consultation, including on any necessary applications for Listed Building Consent, when this is required for a project under consideration.

92. M. J. Ferguson Ltd commenced a direct contract in March 2013 to run Hard Facilities Management (Hard FM), for an initial period of 5 years. These works include:

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

93. Expenditure on building projects with individual values exceeding £5,000 under the MTC component of the contract in 2015 - 2016 was around £272k, and similar expenditure is likely to be necessary in 2017 - 2018.

94. Cleaning services are being undertaken by a company called Julius Rutherford under a direct contract that commenced on 1 May 2013 for an initial period of 5 years. The standard of cleaning services delivered under the new contract in 2015 - 2016 was to the entire satisfaction of the Court and we will ensure that at least such a level of performance is maintained consistently in 2017 - 2018.

## **Catering Services**

95. Similarly, the contract for operating the café and in-house catering provision is held by Zafferano Concessions Ltd, who started operations on 31 March 2014. In addition to providing an opportunity for an improved product and service offer, as mentioned in Section 3 above, the new arrangements allowed for revenue generation for the UKSC/JCPC, once certain commercial thresholds were met.

96. In 2016/2017 we agreed several contract variations with Zafferanos, including one that removed the provision that the UKSC shall meet any loss below an agreed threshold on their income from room hire services. We also agreed a variation whereby, if the contractors total net revenue exceeds an agreed level in a financial year on café sales, the UKSC will be paid 8% of total net revenue sales thereafter. Other variations agreed included more varied

sales of food and the formal preparation of a fresh proposal every six months about current food trends and popularity. In exchange for these variations we have agreed a contract extension with Zafferanos for a further two years, to 2019. In 2017 - 2018 we shall be monitoring how successful these changes have been at delivering both an improved service and increased and more certain income for the Court.

## **London Living Wage**

97. As of 1 May 2013, no member of any contractor's staff based in the building has been paid less than the London Living Wage, and we will continue in 2017 - 2018 to require any annual increase in the LLW to be honoured. Without exception for each contract concerned there has been a reduction in the contract price relative to the previous MOJ contract despite the move to pay at least the LLW. This has been achieved as a result of running effective competitive tender exercises and in some instances modifying our requirements in the light of experience.

## **Information and Communication Technology**

98. Since 5 January 2014 the UKSC and JCPC has operated its own, in-house controlled, IT system, which is fully in line with modern standards. This has proven to be cost effective and has provided Justices, Court users and staff with IT that supports them and their work.

99. The new arrangements have given greater flexibility and control over ICT provision. This means that over the 2017-18 financial year work will continue on a number of enhancements to further upgrade a state of the art system. These include updating the websites and intranet and the digitisation of services to support efficient case management and make it easier for Court users to access services. Following a successful test case heard via video link in November 2016, work has been carried out to allow the use of video link in Court Room 3, and cases where it is deemed appropriate. It is expected that this facility will be available from the start of the 2017 Easter term.

## **Section 5**

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

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

100. The Court takes seriously its position as the one Court with UK wide jurisdiction and we naturally therefore seek to keep in touch with political and legal developments in all parts of the UK.

101. During 2017 - 2018 our particular priorities will be to:

- Sit in Edinburgh in June 2017
- Maintain effective communications with all the territorial authorities and courts.
- Continue regular visits by the Chief Executive to Scotland, Northern Ireland and Wales and enable Justices similarly to visit them reasonably frequently.
- Continue to invite eligible Judges from Scotland and Northern Ireland as well as from England and Wales to sit in suitable cases in the UKSC and JCPC.
- Continue, in the annual recruitment of Judicial Assistants, to encourage those who have expertise in the laws of Scotland and Northern Ireland to apply.
- Monitor any implications for the Supreme Court of the legislative programme being pursued by the Welsh Government, and of any further devolution of powers to the National Assembly for Wales.
- Similarly, to monitor any implications for the Supreme Court of the legislative programmes being pursued by the Scottish and Northern Irish Governments and of any further devolution of powers to the Scottish Parliament or the devolved government in Northern Ireland.
- Continue to encourage visits from schools and educational institutions from around the UK, particularly encouraging those from Scotland, Wales and Northern Ireland.

## **Section 6**

### **Maintaining International Relationships**



## Maintaining International Relationships

102. The UK Supreme Court has attracted a good deal of international interest since its creation. That interest has increased since the Court has become a more established feature of the constitutional and judicial landscape. The overall volume of visitors and the length of visits has also increased and there has been a marked rise in the number of requests received, both for information on, and for visits to, the Supreme Court and the JCPC, combined with discussions with both Justices and administrators. We will continue to endeavour to accommodate such requests during 2017-2018.

103. 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. To this end, we launched an e-newsletter in 2014 and we will continue to issue this twice a year during 2017/18, in order to keep stakeholders informed of various developments.

104. We will continue to monitor the potential impact on the JCPC's work-load and fee income of those countries in the Caribbean which may be contemplating replacing the JCPC with the Caribbean Court of Justice (CCJ) as their final court of appeal.

105. Similarly, we will continue to support international exchanges. This year such activity is expected to include:

- The fourth UK-China Judicial roundtable, at the Supreme Court, possibly in the summer of 2017;
- A UK-wide judiciary bilateral with the European Court of Justice, in Strasbourg during 2017;
- Attendance by a Justice of the Supreme Court at the opening of the legal year in Strasbourg in January 2018.

106. 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 Lord Neuberger to sit between 4-29 September 2017 in the Court of Final Appeal in Hong Kong.

107. We will continue to work with colleagues in the Foreign and Commonwealth Office to ensure that adequate briefing is provided for all incoming and outgoing visits.

108. As part of our ongoing commitment and membership of the Network of Presidents of the Supreme Judicial Courts of the European Union and ACA Europe Exchange of Judges we will continue to host visits from fellow members.

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

110. We will continue to support the Judicial Assistants' 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 7**

### **Delivering Corporate Responsibilities**

## **Diversity and equality**

111. The UKSC / JCPC 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.

112. We are 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.

113. In 2017-2018 we will continue to make progress with the actions set out in the UKSC Equality and Diversity Strategy. These will include:

- ensuring compliance with the provisions contained in the Equality Act 2010 including the Public Equality Duty.
- publishing our revised Equality and Diversity Strategy on both the intranet and the external website.
- Encouraging and supporting a diverse range of people to visit the Court and addressing any relevant concerns raised by the Court User Group.
- ensuring our website conforms to all recommended accessibility requirements.
- training staff in Diversity and Equality issues including subconscious bias to increase awareness and encourage respect for individual differences.
- continuing to seek ways to achieve experience among the staff from all the jurisdictions of the United Kingdom.
- actively encouraging diversity from across the UK jurisdictions among the appointment of Judicial Assistants in the annual recruitment campaign, 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**

114. Reliable and accurate information is critical to proper decision making. This makes information a vital business asset that needs to be protected. Appropriate 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.

115. In 2017 – 2018 work will continue on the Dynamics CRM case management system to make it a user friendly records management and correspondence tracking system. As well as providing easy access to information for internal administrative purposes this will aid the preparation of prompt replies 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, 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 will continue to be trained to use the new system as it develops as it forms an integral part of our daily operations.

116. Work has commenced on preserving UKSC / JCPC records in accordance with the requirements of the Public Records Act. Off-site storage facilities are now being used for older case records to ensure the UKSC / JCPC is able to meet the requirement of its retention schedule. These off-site storage arrangements will be reviewed in 2017 to see if they offer the best solution and value for money.

117. Agreement has been reached with The National Archives (TNA) about the transfer of digital recordings of UKSC and JCPC cases. The first batch of digital records was transferred at the end of 2015 as part of a pilot scheme and going forward digital records will now be transferred to TNA once they are five years old.

118. Agreement has also been reached with TNA that paper records from cases five years old will also be transferred to TNA along with the digital records of those cases. This will ensure users accessing the archives will be able to view the full case record in all but a small number of cases where the record will remain closed, mainly for data protection reasons. It is expected that the first transfer of case records will be undertaken in 2017.

119. We will continue to require quarterly information assurance returns from Information Asset Owners and will continue regular reviews of the Information Asset Register and the associated Risk Register. We will also continue the annual review of the UKSC/JCPC specific Risk Management and Accreditation Document Sets (RMADS), which we have maintained since the UKSC became directly responsible for the provision of its own ICT services and systems. Our FOI Publication Scheme is available on our website and will be subject to its annual review in September 2017. Our Data Protection Notification is also in place and will similarly be reviewed and renewed in September 2017.

## **Sustainable development**

120. 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.

121. Since our first full year of operations (2010-2011) there has been a significant decrease in the consumption of gas and electricity. Given the age of the building and the fact that it is open to the public and has an increasing number of visitors each year, no significant further reductions are forecast. We will monitor consumption carefully to ensure that we

operate in the most energy efficient way possible; and will aim to ensure that energy consumption does at least not significantly increase. In 2016 we spent approximately £5500 less on gas than the previous year. Also in 2016 we spent approximately £2000 less on electricity than the previous year.

## **Health & Safety (H&S)**

122. The health and safety of Justices, our staff (including our contractors) 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 will report three times in the year to the Management Board. During 2017 - 2018 we will monitor our performance against targets set in the annually updated Health and Safety Corporate Plan.

123. An independent H&S audit in October 2013 found that:

- the Court is operating to a very high standard with regards to its own H&S requirements;
- the Court has a well-defined safety management system with clear evidence that it is effective in controlling risk; and
- its record keeping is good, with no statutory non-compliances identified.

The auditor also endorsed the H&S systems relevant to the Court of the four facilities management contractors.

124. The court also has a continual responsibility towards DSE (display screen equipment) assessments for all staff and now has two members of staff trained to carry out DSE assessments in-house.

125. We will aim to maintain at least such standards of performance during 2017 – 2018, and continue to work with our contractors to ensure they do likewise.

## **Business Continuity**

126. We have a Business Continuity Plan, which has been audited and deemed satisfactory. This will be kept up to date throughout 2017 – 2018, and BCP tests, including off – site training exercises, will be conducted annually or when necessary. We will also be reviewing the current BCP in 2017, with the aim of producing a simpler, clearer document.

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

**3 April 2017**

# 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 Priorities for 2016 – 2020

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
- Promoting the visibility and helping to maintain the reputation of the Supreme Court and the JCPC

### Continuing Objectives for 2017 – 2018 for the Administration of the UKSC

1. We 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. We will maintain and increase confidence in the administration of justice throughout the United Kingdom by promoting transparency in, accessibility to and knowledge of the ways in which justice should be rightly administered. We will thereby promote knowledge of the importance of the Rule of Law, not least as a guarantee of democratic freedom.
3. We will run an efficient and effective administration, which enables both the

UKSC and the JCPC to secure the effective determination of justice, while demonstrating the best possible value for the resources with which they are provided. In particular, we will operate case management systems which provide appropriate measurable monitoring of the throughput of applications and cases, thereby enabling the most effective support of the Justices in their work.

4. We will promote good relations with all the individual jurisdictions, legislatures and governments in the different parts of the United Kingdom.
5. We 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. We will demonstrate appropriate corporate social responsibility. In particular, we will promote diversity amongst its staff, ensuring they are also representative of all the jurisdictions of the United Kingdom. We 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. As the statutory custodian of its own records, we will provide the most appropriate environment it can for the organisation, preservation and future inspection of those records.
8. As occupant of the former Middlesex Guildhall, we will promote knowledge of, and interest in, this historic building, the works of art the building houses, especially the Middlesex Art Collection, and more generally the history of the County of Middlesex.



# ANNEX B

## Jurisdiction of the UKSC

The jurisdiction of the UKSC is the same as that of the former 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
- (in some limited cases) The High Court of Justiciary

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 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  
Ascension  
Bahamas  
Bermuda  
British Antarctic Territory  
British Indian Ocean Territory  
British Virgin Islands  
Cayman Islands  
Cook Islands  
Falkland Islands  
Gibraltar  
Grenada  
Guernsey  
Isle of Man  
Jamaica  
Jersey  
Kiribati  
Mauritius  
Montserrat  
Niue  
Pitcairn Islands  
Saint Christopher and Nevis  
St Helena  
St Lucia  
St Vincent and the Grenadines  
Sovereign Bases of Akrotiri and Dhekelia  
Trinidad and Tobago  
Tristan da Cunha  
Turks and Caicos Islands  
Tuvalu

### **Brunei**

Civil Appeals from the Court of Appeal to the Sultan and Yang Di-Pertuan for advice to the Sultan

### **UK**

Royal College of Veterinary Surgeons  
Church Commissioners  
Arches Court of Canterbury  
Chancery Court of York  
Court of Chivalry  
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

# ANNEX C

## Key Performance Indicators (KPIs)

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 is carried out as efficiently and effectively as possible, whilst fully respecting and upholding the independence of the judiciary. Its overarching aim is to ensure that the UKSC will continue to be publicly recognised as unequivocally independent of political influence and interference; and that it will remain visibly separate from both the executive and the legislature and be publicly acknowledged to be such. In this context its KPIs, performance against which will be regularly monitored by the Management Board, are as below:

### Casework

- There will be no successful Article 6 challenges at the European Court of Human Rights.
- All Permission to Appeal (PTA) decisions will be made within 12 sitting weeks of the receipt by the Court of all the documentation necessary to enable the PTA application to be determined.
- 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.
- The Court’s target is that all appeals should be listed for hearing within 9 months of the grant of permission, unless, because the Court lists to the parties’ convenience, it is the parties that request a later date.
- All provisional costs assessments will be carried out within six weeks of the filing of all the necessary paperwork.

### Finance

- The Court will ensure that at least 85% of all payments are made within 10 working days of the receipt of invoices.

### Human Resources

- All staff performance appraisals will be completed within deadline.

- We will achieve at least a 70% overall engagement score measured by the annual staff survey.
- We will ensure our sick absence levels remain below the Civil Service average of 7.5 days per year.

### **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.