



The Supreme Court of the United Kingdom

Management Board

Minutes of the meeting held on 7th October 2020

Attending: Vicky Fox (Chair)
Sam Clark
Louise di Mambro (partial attendance)
Paul Brigland
Chris Maile
Sanjeet Bhumber
Sophia Linehan Biggs
Janet Coull-Trisic
Ian Sewell

Kathryn Cearns (Non-Executive Board Member)
Tim Slater (Non-Executive Board Member)

1. Apologies for absence.

1.1 No apologies were received.

2. Approval of the minutes of the meetings of 22nd July 2020.

2.1 The minutes were approved with two minor amendments.

3. Actions and matters arising not covered elsewhere on the agenda.

3.1 Progress against each of the actions was considered. The Board discussed the ongoing data cleanse and how work continued but the future direction and how steps could be put in place to safeguard the integrity must be defined in a clear plan.

4. Declaration of conflicts of interests.

4.1 No declarations of conflicts of interest were made.

5. Chief Executive's Overview and First Impressions (item taken after Item 14).

5.1 Vicky Fox, the new Supreme Court Chief Executive Officer provided her first impressions of the Court since joining on 21st September and her early priorities. The Board noted the following:

- The welcome she had received had been very warm and, considering the pandemic and the impact that was having on everyone's lives and how people worked, there was a clear sense of community within the Court.
- The priority was to continue to support all the staff and justices to work in a safe and supporting environment looking at both their physical and mental wellbeing.
- The vision and purpose of the Court was also to be a key area of development going forward. Key was to make sure that it was set out clearly for the next Business Plan and build on Lord Reed's priorities, what already worked well, making sure staff were engaged and having in place clear and defined KPIs.

6. Management Information Dashboard.

6.1 The Board noted the contents of the dashboard and paper and made the following points:

- The overall narrative of the dashboard may need to evolve to ensure it continued to demonstrate delivery of the corporate objective and identified any emerging trends.
- The measures for Finance and the payment of invoices within the prescribed period had dipped slightly in July because of transitioning to a more electronic way of working and the ongoing limited access to the building. Lessons had been learned about that and new ways of working had not been embedded.
- The overall sick absence for in July and August was noted as being very low and that there were no long-term sickness absences to report. The Board did however discuss whether this was because of home working and people not having to commute so if they were a little unwell, they could manage it better at home or whether sick absences had truly reduced. It was challenged as to whether this had an impact on overall productivity and further thought should be given to considering appropriate boundaries to if people were truly too unwell to work, they should not just work at home instead
- The Board were pleased to see that there was a great deal happening in relation to training and development and noted the completion of the Skills Audit which was being considered and would be used to set the direction across the Court going forward.
- The number of Freedom of Information Requests remained broadly consistent and deadlines were being met.
- The Board noted the reduction in outreach activities because of the COVID-19 pandemic.
- The impact of the COVID-19 situation was again less evident in this period's UKSC figures, at least in terms of PTAs coming in. The throughput of PTAs was noted and the positive impact of electronic working which had supported a more straightforward approach.

- The Board discussed judgments.

7. Risk Register.

7.1 The Board noted the risk register and cover paper. The following points were discussed:

- The highest risk to the UKSC being continued to be Risk 7 (the UKSC does not manage high profile service delivery failure). Work had taken place over the summer to ensure that remote hearing could operate effectively with a mixed economy of having some cases in the building as well but the recent decision to have all hearing operate remotely for Michaelmas term had mitigated some of the risk to the building, but the resilience of the IT systems remained a key area of focus.
- Risk 6 (Performance) had increased in likelihood since the last report. This was as a result of the number of cases listed for Michaelmas term and the nature of those cases.
- The Board considered further some of the mitigation planned for Risk 7 and sought assurance that any planned building and IT works aligned to managing the risk. The Board also challenged the ability to operate remotely and asked to not lose sight of the intention to find an alternative business continuity site.

8. Finance.

8.1 The Board considered the finance report and noted the following points:

- The resource budget is showing a forecasted overspend of £2k against budget at the end of August.
- The capital budget is forecast to be fully utilised this financial year.
- The Court's CSR 20 bid was submitted by MoJ at the end of September with no comment. The bid was for the period 2021-2024/5 covering three financial years for resource and four for capital. The timetable for negotiations and decision were not yet defined but it was expected to be later in the autumn.

9. Press and communications.

9.1 The Board noted the contents of the Press and Communications paper, in particular the following points –

- Since re-opening on 24 August, 614 people have visited the UKSC building (figure is up to and including 21 September). This included the 564 people who attended the Open Days between 18-20 September. By comparison, in August and September 2019, respectively, we welcomed 11,688 and 12,004 visitors. The decrease in footfall is to be expected in current circumstances and tallies with the drop-off being experienced by other public buildings and museums across London – including Westminster Abbey and the Houses of Parliament. Detailed guidance on what to expect when visiting the building, including a short video, have been published online.
- Following a successful pilot in the summer term, virtual engagement was being introduced where possible and that included a virtual education programme, a fully staff lead virtual tour and virtual debate days.

- Lord Reed gave his first interview at the end of September with the BBC and that was signposted across the Court's social media.

10 Human Resources.

10.1 The Board noted the update from HR and in particular the following points –

- There were a higher than normal number of recruitment campaigns taking place but they were progressing well and a consistent and comprehensive induction programme had been introduced to support all new entrants to the Court. It was agreed this was particularly important because of the remote working and need to welcome and ensure that all new staff feel like they belong from the earliest opportunity.
- The Smarter Working Initiative had been paused as a result of the remote working across government. However, the assessment and accreditation were still to take place towards the end of the year with a focus on the wider effectiveness of working differently, sustainability and productivity rather than presence.
- The Board also discussed the potential impact of “Long COVID” which was linked to staff sickness discussed earlier in the meeting. The Board were keen to be assured that all leaders within the Court were aware of how their staff and teams were feeling and what support they may need.

11. Case Update.

11.1 The Board noted the update from the Registrar.

12. IT Update.

12.1 The Board noted the contents of IT Update and in particular the following points:

- The continued use of and resource pressures by using WebEx. The IT Team had ensured that delivery was technically possible and were working on resilience of the provision.
- The delay in some activities as a result of the COVID-19 and the additional planning required was discussed, as well as the additional resource required to support the delivery of judgments over the summer recess.

13. Audit and Risk Assurance Committee (ARAC) update.

13.1 The Board noted the oral update provided the Chair of Committee, in particular noting::

- There were two ARAC meetings since the last Board meeting: one to approve the Annual Report and Accounts and another business as usual.
- The Chair of the Committee thanked the Finance Director and his team for the progress they had made but was keen to highlight that lessons must be learned to avoid any such matters arising in the future. It was important to identify from those lessons which were because of the pandemic and which were because of internal processes and practices.
- The business as usual ARAC reviewed the risk register highlighting that with the Chair's approval, no Deep Dive had taken place at that meeting.

14. Diversity and Inclusion- Overview and Progress

15.1 The Board thanked Chris for his paper and the progress that had been made to develop a Diversity and Inclusion Strategy which matters to the Supreme Court. In particular, the Board noted the following:

- The creation of a meaningful and evolving strategy was a priority for the Court and the amount of work to be undertaken was recognised. It was agreed that the Strategy should be real and not over promise, but it should engage with and mean something to all staff. Targets and measures must be realistic and reflect the true level of inclusion. However, the position in the Court where there was no clear data regarding all staff in place.
- The Board noted the progress being made in relation to recruitment and how the way posts were advertised, where they were advertised and making sure the right skills profiles were in place. However, it was agreed that more would be required going forward to make sure the Court secured the right mix of disciplines and professions across diverse groups.
- The Diversity and Inclusion Strategy was supported by other areas of the Court, including Lord Reed's comments on diversity during his recent BBC interview, the direction of the Visitor Access Strategy to make the work of the Court accessible to all.
- The Board felt this was an area which should have a sustained high profile and should therefore be a recurring item at future Board meetings

UKSC

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