

The Supreme Court of the United Kingdom Management Board

Minutes of the meeting held on 25 March 2019

Attending: Mark Ormerod (Chair)

Sam Clark
Louise di Mambro
Paul Brigland
Chris Maile
Joyti Mackintosh
Janet Coull Trisic
Ian Sewell

Kathryn Cearns (Non-Executive Director)
Kenneth Ludlam (Non-Executive Director)

Paul Sandles (Secretary)

1. Apologies for absence.

1.1 No apologies were received.

2. Approval of the minutes of the meeting of 21 January 2019.

2.1 The minutes were approved subject to two amendments.

3. Matters arising not covered elsewhere on the agenda.

3.1 The Brexit-related expenditure budget would need to be established with care so that there was no possible way to cause confusion with the regular accounts.

3.2 The cost savings as a result of the change in printer contract should be clearly recorded.

4. Declaration of conflicts of interests.

4.1 No declarations of conflicts of interest were made.

5. Cultivating Essential Board Behaviours.

- 5.1 A training session had been held on 8 February 2019 which had explored some of the skills and behaviours required to enable effective executive Boards.
- 5.2 It would be helpful for the Board to consider further its relationship with other decision-making structures that existed within the organisation. Other subjects that would merit ongoing consideration and reflection included the championing of corporate responsibility for decisions taken by the Board and a greater focus on longer-term strategy rather than more 'business-as-usual' elements.
- 5.3 Several smaller improvements were also agreed to. These covered the provision of time at the end of each meeting to reiterate decisions agreed in the preceding discussion, a forward plan of upcoming business to assist longer-term planning, and an actions log.

ACTION: PS to produce a Forward Plan of upcoming business for the Board as well as an actions log [AP 1920/1].

- 5.4 Board members were encouraged to adopt some of the behavioural suggestions identified and the Board resolved to review how effective this had been in six months' time.

6. Chief Executive's Overview.

- 6.1 The Board noted the contents of paper MB19/10, and in particular the following points –
- The financial situation for 2019-20 would be challenging. Discussions about how to tackle the structural deficit revealed in the draft budget had started taking place.
 - The selection process for the next round of upcoming judicial appointments had commenced. Although much had been learned from previous exercises, significant administrative energy would still be required.
 - The Royal Visit on 5 February 2019 had gone well. Future events to mark the tenth anniversary of the Court's opening had been arranged although the staff resource required to deliver the programme had been considered.

- The political situation surrounding Brexit continued to provide the possibility of an urgent application reaching the Court. Should this happen it could be anticipated that it would come with a high level of public and media attention. The need to proactively emphasise the Court's constitutional role in enabling the Rule of Law above all else was emphasised.
- The Arts Trust had the intention of fundraising for a portrait of the President of the Court. This would be entirely self-funding through donations and no financial contribution from the Court would be expected.

6. Management Information Dashboard.

6.1 The Board noted the contents of papers MB19/11, and 11a, and in particular the following points –

- Although the dashboard showed how many sitting days there had been during each legal term, it would be helpful to see what the maximum available sittings days had been in the same period.

ACTION: IS to identify the Court utilisation rate figures and to explore how to incorporate these into ongoing dashboard returns [AP 1920/2].

- The average payment date for invoices had increased slightly in January owing to staff illness. This situation had returned to normal in February.
- The overall staff headcount had increased in February although this was not unexpected. It was queried whether the total number of reward and recognition awards made in the year was in alignment with previous years.

ACTION: CM to identify comparative returns on Reward and Recognition awards and the total sum spent [AP 1920/3].

- The figure for internal reviews of FOI responses had been misstated. One review had taken place in February 2019.
- The methodology for compiling the workflow movement tables had been revised. Regular audits would be scheduled throughout the reporting process to ensure continuing accuracy. Further refinements would be made to the presentation of these statistics to enable straightforward, visual identification of trends.

7. Risk Register.

7.1 The Board noted paper MB19/12, and in particular the following points –

The front sheet of the Register had been updated to improve the visual snapshot of risk movement over the reporting period.

Risk 1 (*Disruption from breach of physical security*) – A fundamental review of all incident control and business continuity plans and proposals would take place in Q1 of 2019-20.

The Health and Safety Committee had met on 14 March 2019 and it had been agreed that the terms of reference would be revised to update the Committee's membership and to enable safety and security matters to be discussed.

The date for the next evacuation test would be updated.

Risk 2 (*Loss of / decline in infrastructure performance*) – The previously deferred replacement of two of the Court's main IT servers had been further delayed and would be completed over the weekend of 30/31 March 2019. This would permit the work to take place at the same time as the installation of the new printers.

The Memorandum of Understanding for the use of a secondary business continuity location would be submitted for internal sign-off shortly.

Risk 4 (*Financial challenge*) – The risk level had been increased as a result of the funding gap for financial year 2019-20. The list of possible further actions that could be taken to mitigate the risk would be reviewed and updated.

Risk 5 (*Staff resilience*) – The risk level had been increased as a result of concern over the consistent application of the new performance management system by all managers. This could cause difficulties for staff year end performance reporting.

Recruitment to the new Deputy Building Engineer position remained challenging although a fall-back position had been established.

Risk 6 (*Workload movement*) – Two urgent case hearings had been added to the end of the Hilary Term. The forthcoming Easter and Trinity term sittings lists would appear thinly populated although space had needed to be kept free to accommodate pre-existing international

engagements.

Risk 7 (*Breakdown of relationships*) – The Chief Executive had been on an engagement visit with judges and officials in Scotland on 18 March 2019. The Chief Executive and the Finance Director had given evidence before the Public Accounts Committee on 11 February 2019 in relation to the qualification of the accounts for 2017-18. In response to the Committee's subsequent request, further evidence detailing the planned internal review of the accounts process had been supplied.

8. Finance and fees.

8.1 The Board considered papers MB19/13, and noted the following points –

- The position at the end of February 2019 showed a forecast underspend of £92k on resource expenditure. Utilisation of the capital budget was projected to be almost complete, with a small projected underspend of £10k.
- Given the forecast budget situation for the next financial year, some effort to bring forward expenditure into 2018-19 had taken place where possible.

9. Press and communications.

9.1 The Board considered paper MB19/14 and noted the following points –

- The Court had given its first British Sign Language interpreted tour during February 2019. This had been fully booked and had received positive feedback.
- Several Justices and members of staff had been interviewed by Joshua Rozenberg for an episode of *Law in Action* on BBC Radio. This had been broadcast in February 2019.
- The announcement of the Court sitting in Cardiff in July had gone successfully. A supporting video with parallel English and Welsh versions delivered by Lady Hale and Lord Lloyd-Jones respectively had supplemented the material supplied to the press.

10. Human Resources.

10.1 The Board noted the contents of paper MB19/15 and in particular the following points –

- Appointments had been made to fill the outstanding vacancies for an Events and International Liaison Manager and an Information Officer. Adverts had also been placed to attract applications for a part-time Judgments Clerk and a new Non-Executive Director.
- The Judicial Assistants recruitment campaign had closed on 20 March. Over 80 applications had been received.
- An Employment Tribunal claim against the Court had been filed and a hearing had been scheduled for June 2019.
- Further efforts would be needed to ensure that the performance management system was applied consistently throughout all tiers of management in the Court. The end of year appraisal process had demonstrated that outstanding issues still remained in this area.
- An extensive cleanse of pension data had been instigated by the Cabinet Office. All departments would be required to conduct some detailed checks of data held for their own employees.

11. Case update.

11.1 The Board noted the oral update from the Registrar.

12. IT update.

12.1 The Board noted the contents of paper MB19/16 and in particular the following points –

- New servers and printers would be installed throughout the building over the weekend of 30/31 March.
- The Website Project Board had met on 20 March 2019. Delivery of the new websites by the Spring of 2020 remained realistic.

13. Audit and Risk Committee – Chair’s update.

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

- The Committee had last met on 7 February 2019. The Committee had reviewed the programme of audit activity that had taken place throughout the year covering reports on; the administration of the judgments process; staff performance and management; budget monitoring; and GDPR and IT.
- In their recent visit, the National Audit Office inspection team had identified no material issues although some low-value errors regarding the calculation of filing fees had been raised.
- The recent appearance of the Chief Executive and the Finance Director before the Public Accounts Committee had been discussed. It was to be hoped that the technical accounting issue that had arisen had been fully resolved and that the matter would now be concluded.

14. Pay Award.

14.1 The Board noted the oral update from the Head of Human Resources and in particular the following points –

- Balloting of members of the PCS Union for strike action had taken place. The union had been proposing a pay increase of 10% to apply to all civil servants. The union had sought to resist efforts to persuade them to seek individual settlements with each department and had instead been lobbying the Cabinet Office to make a centralised decision.
- The Court had budgeted an amount in pay costs for 2019-20 although no formal announcement of the award could be expected from the Cabinet Office and Treasury until the Summer. The Court's financial position was not helpful towards doing more than the Treasury recommended.

15. Administration Business Plan 2019-20.

15.1 The Board considered paper MB19/17 and noted the following points –

- This would be the final plan covered by the strategic objectives 2016-20. Plans were being developed for how to canvass the views of the whole organisation in developing the strategy document that would replace the

current one. The format of the document had been revised and streamlined to ensure greater clarity in what was proposed for each business area.

- Several significant areas of work that were not noted in the plan would be included as part of the Chief Executive's Foreword where they would be given their due prominence. Chief among these would be the websites project and the sitting planned for Cardiff.
- Greater detail in reporting progress towards achieving each of these commitments would be provided to the Board throughout the year.
- After the insertion of the remaining text, SC would show the updated version to the Non-Executive Directors. This final version would then be published to the external website and the staff intranet on 1 April 2019.

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