



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

Minutes of the meeting held on 29th July 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)
Tim Slater (Non-Executive Director)

1. Apologies for absence.

1.1 Apologies were received from Paul Sandles

2. Approval of the minutes of the meeting of 20th May 2019.

2.1 The minutes were approved.

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

3.1 Progress against each of the actions was considered and those closed since the May meeting noted.

4. Declaration of conflicts of interests.

4.1 No declarations of conflicts of interest were made.

5. Chief Executive's Overview.

5.1 The Board noted the contents of the paper, and in particular the following points which are areas not covered substantively elsewhere in the meeting –

- Staff changes and the potential impact on the administration and how this is being managed.
- The financial pressures for 2019-20 remain a significant concern but this is being proactively managed and discussed with HM Treasury on a regular basis.
- The events and activities planned for the 10th Anniversary continue.,

- International engagement and the visibility of the Court has increased over recent months and is going well.
- The announcement of the new President and three new justices was made on the 24th July. The next round of appointments would be for the Deputy President and that would be an internal competition due to be concluded at the end of the year.
- The impact of Brexit uncertainty continues and there are no further updates at the current time on the Spending Review.

6. Management Information Dashboard.

6.1 The Board noted the contents of the papers, and in particular the following points –

- The number of available sitting days in the Trinity Term was recorded incorrectly so needs to be amended, likewise the percentages referenced in the finance data.
- Following from the dip in the previous period's data, the number of staff training days has increased significantly and is on target.
- The incidents of staff sickness had plateaued.
- Freedom of Information Requests numbers were noted. The Board agreed that in the light of experience from other departments, the Supreme Court should be open to seeking external advice, particularly when there might be a link to General Data Protection Regulations (GDPR).
- The Complaints data on the dashboard was incomplete and would be provided for the next meeting.
- Performance remained relatively steady, but the Board noticed the bigger difference in the JCPC performance.
- PTA results remained in line with earlier periods.
- By way of induction, it was agreed that it would be helpful for Tim to have a session with the Registry.

7. Risk Register.

7.1 The Board noted the paper and the accompanying risk register noting the new style and approach and agreed risk management will remain work in progress. The following points were discussed –

- Risk 7 (*High Profile Failure*) – this risk should cover buildings and IT so further information pertaining to IT failures should feature in the causes and effects.,
- Issue 1 (*Commercial Capability*) – this is a current issue which was proactively recognised and is being taken forward to ensure that we have consistent and effective contract management in place supported by all parts of the business.
- Risk 3 (*Website Project*) – this is a new risk and reflects the current position pertaining to the overall project, this needs to be evolved over the coming months to ensure it reflects not only the current but emerging elements as well. It was agreed that Tim Slater will be actively involved.

- Cross cutting risks were discussed as well as wider themes, such as culture and IT and how that impacted on the organisation and were a factor in several of the risks. The Board generally agreed that the current spread of risk was right as was the current level of exposure, but this should be considered in the light of the current Risk 5 (*Capacity and Capability*).

8. Finance.

8.1 The Board considered the paper and noted the following points –

- The projection for the full year showed a forecast overspend of £596k on resource expenditure. The forecast for capital expenditure projected a balanced budget.

Significant progress had been made to close the funding gap, however an increase in judicial pension liabilities of c.£350k has meant the projected overspend has increased.

9. Press and communications.

9.1 The Board considered the paper and noted the following points –

- There had been a few very high-profile cases heard over recent months which had attracted a great deal of attention.
- Visitor numbers increased to 8,795 visitors in May and 9,478 visitors in June. This represents an 9.68 % increase on the same period in 2018 (May 8,048 and June 8,613 - that's 16,661 across both months). We delivered 50 school and college group tours between May and June 2019 period.
- In May 2019 and June 2019, the UKSC website received 85,869 and 70,858 unique visitors respectively. The JCPC website received 11,461 unique visitors in May 2019 and 10,210 in June 2019.
- The successful sitting of the Court in Cardiff was discussed by the Board, which attracted some good press coverage. The hearings were popular despite not being in the legal quarter and outside of school and university term time. Thanks were extended to the National Assembly for Wales which was extremely helpful and supportive. The presence of a small exhibition area with bi-lingual features worked well as a concept but in future, a better location may have assisted in attracting more visitors. The Board would like to offer thanks to all involved in arranging and supporting the Court to sit in Cardiff.

10. Human Resources.

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

- Ten new Judicial Assistants have been recruited and will join the Court on the 9th September.
- The campaign to recruit a permanent Judicial Assistant is ongoing, as is the campaign to recruit a new Finance Director.
- A new Information Officer starts with the Court on 5th August.
- The Board would like to formally welcome Tim Slater as the Non-Executive Director replacing Kenneth Ludlam who retires at the end of July.

- During June a number of training sessions took place including pension awareness, performance management for managers and success profiles for managers.
- The current position in relation to pensions was discussed and the Board noted the linked principle affecting changes made to public sector pensions schemes in 2015.

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 the paper and in particular the following points –

- Work will recommence next month to install the new video cameras in the courtrooms and the IT team are working collaboratively with Bow Tie to make sure that the installation is effective, and all training takes place in a timely fashion.
- A programme to replace failing monitors has commenced and will continue over the summer but will not be a wholesale replacement programme. Similarly, the monitors currently used to screen proceedings in the Exhibition area will also be replaced. Additional activity over the summer also includes the rollout of a new search engine as Microsoft Explorer is no longer supported and is no longer effective.
- The use of IT systems and access to information was then discussed and whilst recognised as not a significant risk for us, should be considered as part of any business continuity arrangement and data access controls

13. Audit and Risk Assurance Committee update.

13.1 The Board considered the oral update on the last Audit and Risk Assurance Committee meeting on 22nd May by Kenneth Ludlam and noted the following points –

- The Committee considered the Annual Report and Accounts, Risk Management and the audit opinions of GIAA and the NAO.
- GIAA gave the Supreme Court a Moderate opinion for 2018-19 and the NAO opinion led to the accounts being unqualified and successfully laid on 6th June 2019. The Committee thanked the finance team on the accounts and all others involved in producing the overall report.
- Key actions arising from the Committee included finance to update the fixed asset register to consider real life time costs; GIAA to review the three-year audit programme; a GDPR asset register is to be explored and work should continue to secure the full set of paperwork for the Guildhall, confirming lease and detail on the annual valuation.
- The next meeting is in October and Kathryn will take over as Chair and Tim will also attend.

14. Remuneration Committee.

14.1 The Board considered the oral update on the Remuneration Committee which had taken place immediately preceding this Board meeting, by Kathryn Cearns and noted the following topics were discussed –

- The annual pay award for 2019-20 and bonus structure.
- Pay Policy and Bank Holiday working and the approach to be taken going forward.
- Bench marking against other organisations in relation to performance and pay.
- Tim Slater is to take over the role of Chair of the Remuneration Committee.

15. Applications for Permission to Appeal.

15.1 The Board considered the paper and noted the following points –

- The PTA trend is relatively stable particularly around grant and refusal rates.
- There was a fall in 2018-19 for the number of applications received and this will continue to be monitored going forward.
- The PTA grant rate continues to be dependent on the nature of the applications.

16. Accommodation, facilities management & energy consumption.

16.1 The Board noted the contents of the paper and noted the following points –

- Work will commence in August to re-organise office accommodation on the third floor to allow for the additional JAs that have been recruited this year.
- A programme of redecoration for all meeting rooms is currently in the cost and planning stage.
- The external CCTV cameras will be replaced over the summer.
- The onboarding to the Building Engineer had gone well but additional work is required to ensure the right approach is taken to support that role, whether that be in house through a deputy or another route.
- Energy consumption continues to be in-line with expected levels. We are starting to see the impact on the instillation of more energy efficient lighting, and this will be realised over the coming years. It was agreed that this would be tracked clearly over the coming years.
- Paper usage and wastage was discussed and noted that we will shortly be introducing follow me printing which was a feature of the new printers and contribute to the elimination of wasted printing. This will be an area of focus going forward.

17. Health, Safety and Security.

17.1 The Board noted the contents of the paper and the following points:

- The Committee continues to evolve where it moves away from focusing on just the building and the management of contractors towards a more rounded and effective method of overseeing the management of security and safety across all parts of the business.
- The Committee have developed some revised roles and responsibilities for all staff and contractors in the UKSC.

- Security and Safety Risks were considered and how the Committee can support the successful mitigation of corporate Risk 2 (Security and Safety). Risk themes centred around the risk of injury or harm to people (Justices, staff and visitors); the risk of damage to property and buildings; the risk to the UKSC's reputation and financial stability because of a failure to effectively manage contractors; and the risk of having untested contingency plans in place.
- Policy developments around lone working were also considered.

18. Progress against the Business Plan.

18.1 The Board discussed the contents of the paper and in particular noted the following areas –

- Of the 17 objectives due in quarters 1 and 2, seven had been delivered and three remained on target but six were at risk. For the whole year, of the 46 milestones to be delivered, 30 remained on target, but nine were at risk.
- There had been some successes this year which include:
 - The successful recruitment of ten new JA's was delivered early (due in Quarter 2);
 - The initial Spending Review bid was submitted on time to HMT;
 - The revised Annual Report and Accounts was successfully laid on 7th June 2019;
 - Success Profiles was introduced to all managers across the UKSC by way of a staff workshop;
 - The 10th anniversary logo has been designed and rolled out to the business;
 - We successfully sat in Cardiff during the week of 22nd July and actively engaged with the local and legal community; and
 - We successfully hosted, with the UKSC Arts Trust, the Night of the Three Presidents to start the commemorations of our 10th anniversary on 2nd July 2019.
- The Board noted the areas of concern including the provision of FM services and the impact that may have on the delivery of milestones as indicated in earlier papers and as part of the risk register.
- The Board discussed the website project and the recent commissioning of a vision statement and clear set of requirements by the Project Board.

19. Government Smarter Working Initiative.

19.1 The Board noted the oral update provided by Chris Maile on the current status of this Programme which is being led by the Cabinet Office. The accreditation process was noted by the Board and it was agreed that within the parameters of the status of the Supreme Court, this will be given the necessary amount of attention.

20. Any other business.

20.1 Whilst not an intended agenda item, the Board took the opportunity at the end of the meeting to thank Kenneth Ludlam for his service and contribution to the Court and the staff. Kenneth retires as a Non-Executive Director at the end of July after a tenure of eight years and will be missed. Kenneth extended his thanks to all the court staff and justices. Kenneth will be replaced as Chair of the Audit and Risk Assurance Committee by Kathryn Cearns.