

The Supreme Court of the United Kingdom Management Board

Minutes of the meeting held on 22 May 2017

Attending: Mark Ormerod (Chair)

William Arnold
Paul Brigland
Chris Maile
Olufemi Oguntunde
Ben Wilson
Kenneth Ludlam (Non-Executive Director)

Paul Sandles (Secretary)

1. Apologies for absence and introduction.

1.1 Apologies were received from Stephen Barrett and Louise di Mambro.

2. Approval of the minutes of the meeting of 27 March 2017.

2.1 The minutes were approved.

3. Matters arising not covered elsewhere on the agenda.

3.1 The potential Management Board away-day suggested at the meeting in March would not be necessary.

4. Declaration of conflicts of interests.

4.1 No declarations of conflicts of interest were made.

5. Chief Executive's Overview.

5.1 The Board noted the contents of paper MB17/21, and in particular the following points –

- Interviews to select a new President and Justices of the Court had taken place. The announcement of the General Election had necessitated a shift in the intended timetable and it was unlikely that appointments would be announced until mid-July at the earliest. Planning for the next phase of appointments to replace Justices retiring during 2017-2018 would begin shortly after these announcements.
- Preparatory work for the sitting of the Court in Scotland in June remained on track.
- An advisory group, chaired by the Permanent Secretary at the Ministry of Justice and including Lord Mance, had been established to look at technical matters arising from the withdrawal of the UK from the CJEU. An internal working group, chaired by Lady Hale, had also been established to ensure that related matters of direct relevance to the Court's workload and procedures were considered.
- Initial planning to ensure that the arrival of new Justices went smoothly would be developed into an operational plan.
- The Court had been unaffected by the recent cyber-security attack in the NHS and elsewhere.

6. Management Information Dashboard.

6.1 The Board noted the contents of paper MB17/22, and the information charts in paper MB17/24, and in particular the following points –

- Further work would be necessary to consolidate the presentation of registry statistics and to ensure that appropriate mechanisms existed so that all reported data was accurate. Commentary to explain the statistics would assist the Board in ensuring that any decisions taken thus had the benefit of all relevant material. A meeting had already been scheduled to clarify how this would be achieved.
- In the April 2017 finance dashboard, the reported 2% underspend, was in fact a 2% overspend.

- Fee income in March and April had been higher than anticipated.
- There had been a 40% year-on-year increase in the number of educational groups who visited the Court but whose preferred day was such that a guided tour could not be provided by the Communications team. Strategies to improve the visitor experience for these groups would be developed by the Outreach Manager.

7. Risk Register.

7.1 The Board noted paper MB17/23, and in particular the following points –

Risk 1 (*Disruption from breach of physical security*) – Management review of security arrangements in light of recent terrorist incidents had taken place as had a test of the Business Continuity Plan involving two Justices. Work to address issues identified by the previous lock-down test had been completed and a further test would be arranged. Suitable dates in late June had been identified for a test of the invacuation process. A secondary business continuity site to combat a potential security lock-down of the entire Westminster area had been identified at the Royal Courts of Justice. Interim solutions to address issues with the wi-fi coverage there were in place. The Building and Facilities Contracts Manager would now act additionally as Deputy Departmental Security Officer.

Risk 2 (*Loss of / decline in infrastructure performance*) – Trials of an IT system that would give early warning of any potential cyber-attack would take place in June.

Risk 3 (*Damage to Reputation*) – The likelihood and potential impact of damage to the Court’s reputation had receded since the previous report. No politically sensitive judgments were scheduled for hand-down before the General Election.

Risk 4 (*Financial Challenge*) – The proximity warning had been adjusted from ‘close to ‘ongoing’ as there had been no overspend in the previous financial year. Careful monitoring of the budget would still be necessary given that a shortfall had been projected, although this had been reduced.

Risk 6 (*Workload movement*) – The figure for appeals and permission applications received from Trinidad and Tobago was queried. There had been more appeals than PTA applications owing to the number of appeals filed as of right.

Risk 7 (*Breakdown of relationships*) – The administration would be examining party manifestos as they became available as well as developments regarding Brexit.

8. Finance and fees.

8.1 The Board considered paper MB17/24, and noted the following points

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- The final outturn for 2016-17 had revealed an underspend of £128k which was an extremely satisfactory overall result. The external audit of these accounts was near completion.
- The timing of the General Election had necessitated a revision in the date for laying the Annual Report and Accounts before Parliament and it was hoped that this would take place on 28 June.
- Expenditure in April revealed an overspend of £38k, or 2% of the profiled budget. This was the result of higher than anticipated Library, IT, telephony and reprographics costs. The installation of the new telephone system had resulted in some uncertainty over operating costs. Further training and internal communications to ensure all staff were using the system in the most cost-effective manner would be required.
- Owing to higher than budgeted fee income for April, the budget had been reprofiled allowing a reduction in the projected shortfall from £150k to £126k.

8.2 Following his appointment to another role within the Civil Service, OO was thanked for his contributions, both to the Board and to the Court generally.

9. Press and communications.

9.1 The Board noted the contents of paper MB17/25, and the following points –

- There had been significant media interest in the cases of *Ilott v The Blue Cross and others*, and *Isle of Wight Council v Platt*. Comment had also centred on the status of CJEU jurisprudence post-Brexit and what impact this would have on the Court.
- A decline in visitor numbers had been observed in March and April. This appeared to be consistent with reports of lower tourist numbers to central London attractions generally and was largely a result of the terrorist incident in Westminster on 22 March.

10. Human Resources.

10.1 The Board noted the contents of paper MB17/26 and in particular the following points –

- Job adverts for three positions in Registry would be published shortly. A new IT Support Officer had begun on a three-month contract to provide additional resilience to the ICT team. An application to the Cabinet Office to create a Fast Track Digital, Data and Technology Apprenticeship would be prepared shortly.
- An advert for Non-Executive Director position would need to be delayed pending the General Election and availability of the selection panel. KL had accepted an offer to continue in his present post.
- Interviews to select the new judicial assistants for 2017-18 had been scheduled for late May.
- A new Communications and Outreach Manager had started in post and had settled well. The new Director of Finance would begin work on 5 June.
- Several performance management reports for 2016-17 remained outstanding.

- It was hoped that the pay award would be agreed in July 2017 following further meetings with the trade union side.

11. Parliamentary Questions and Freedom of Information.

11.1 The Board noted that 4 FOI requests had been received in March and 4 in April. No PQs had been tabled.

12. Applications for Permission to Appeal.

12.1 The Board noted the contents of paper MB17/27.

13. Energy consumption.

13.1 The Board noted the contents of paper MB17/28 and in particular the following points –

- The Court had achieved a modest overall reduction in expenditure on utilities in 2016-17 when compared with the previous year.
- Work to upgrade the piping to the fan core units throughout the building would be carried out shortly and it was hoped that this would permit more efficient heating and cooling.
- Further methods of reducing energy consumption were under investigation. These included; switching all remaining emergency lights to LED; replacing traditional taps with sensor taps, and potentially switching energy suppliers.

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