

Public Accounts Committee

Oral evidence: Electronic monitoring programme, HC 34

Monday 20 June 2022

Ordered by the House of Commons to be published on 20 June 2022.

Watch the meeting

Members present: Dame Meg Hillier (Chair); Dan Carden; Sir Geoffrey Clifton-Brown; Mr Louie French; Kate Green; Craig Mackinlay; Nick Smith; James Wild.

Gareth Davies, Comptroller & Auditor General, National Audit Office, Adrian Jenner, Director of Parliamentary Relations, and David Fairbrother, Treasury Officer of Accounts, were in attendance.

Questions 1 - 92

Witnesses

I: Antonia Romeo, Permanent Secretary, Ministry of Justice; James McEwen, Chief Operating Officer, Ministry of Justice; Dr Jo Farrar, Chief Executive Officer, HMPPS; Jim Barton, SRO, HMPPS.

Written evidence from witnesses:

– [Add names of witnesses and hyperlink to submissions]



Report by the Comptroller and Auditor General
Electronic monitoring: a progress update (HC 62)

Examination of witnesses

Witnesses: Antonia Romeo, James McEwen, Dr Jo Farrar and Jim Barton.

Q1 **Chair:** Welcome to the Public Accounts Committee on Monday 20 June 2022. Today, we are looking at electronic monitoring, which is also known, more commonly, as tagging. Tagging enables the police, courts and probation service to monitor an offender's location and compliance with court orders. There has been recent publicity about this now being applied to people under the immigration system, but that is not the main topic of our conversation today. We are talking to the Ministry of Justice about people who would otherwise be in prison.

We last looked at this, as a Committee, in 2018 and raised some concerns then. Since that time, the Ministry of Justice has stopped a new programme, which was to expand tagging, and introduced a new case management system. It has written off a staggering £98 million of taxpayers' money, which is delicately described as "fruitless payments". That is £98 million of taxpayers' money that did not deliver what it was expected to.

I would like to welcome our panel today. We have Antonia Romeo, the Permanent Secretary at the Ministry of Justice, joined by Jo Farrar, who is the Second Permanent Secretary at the Ministry of Justice, but also Chief Executive of Her Majesty's Prison and Probation Service. Congratulations on your elevation to Second Permanent Secretary, Dr Farrar. Jim Barton is the senior responsible owner for the programme at the HMPPS. James McEwen is the chief operating officer at the Ministry of Justice.

Before we start, a couple of members have declarations to make.

Craig Mackinlay: I was appointed a magistrate in 2006. I do not sit actively, but I am now on the supplemental list.

Kate Green: I am a life member of the Magistrates' Association.

Dan Carden: I am a director of a non-for-profit company and think-tank, Addiction Recovery Now.

Chair: Before we get into the main session, Sir Geoffrey Clifton-Brown has a question.

Q2 **Sir Geoffrey Clifton-Brown:** Good afternoon everybody, Ms Romeo. *The Times* today, as you will have seen no doubt, carries a report that 240,000 criminal barristers are balloting today on industrial action that could see them walking out of courts as early as next Monday. That would bring,



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presumably, considerable chaos and even more delay to the courts than there already is. Have you had the results of the ballot yet? What action are you or your Department taking to try to avoid these strikes?

Antonia Romeo: The results are out. From what I have seen, the decision is to move to the next step of action. The Government are very disappointed by the result of the ballot. As you know, we consulted in March on implementing the results of the Christopher Bellamy review. That included a 15% uplift in barristers' fees and an injection of £135 million in steady state overall.

As Minister Cartlidge said last week, we are currently reviewing the results of the consultation. Subject to what we have seen so far, there is no reason to think that we will not be laying an SI in July, which we would intend to come into force before the end of September. We are bringing it on stream as quickly as possible, to the extent that the independent report by Christopher Bellamy made the proposals.

We are very keen to continue work with the professions. That joint working between the HMCTS staff, the judiciary, the professions and MoJ has been essential in all the progress we have made thus far in bringing down the Crown Court backlogs. We are extremely keen to continue to work closely with the professions. As I say, the Government are disappointed with the results of the ballot.

Q3 Sir Geoffrey Clifton-Brown: Is that statutory instrument to implement a 15% increase? If it is, the report in the *Times* today says that Lord Christopher Bellamy said that, not only is the 15% inadequate, but not all of that will go to them. The result of the strike ballot, as we know, is today. It sounds as though they have already discounted that 15%.

Antonia Romeo: There are two things. First, I cannot prejudge the results of the analysis that we are doing on the consultation responses. We have had over 200 responses. It closed 10 days ago. The SI will depend on what comes when we have done that analysis.

I do not think that it is correct to say that Sir Christopher Bellamy said that 15% would be inadequate. I am not speaking about what the article says.

Q4 Sir Geoffrey Clifton-Brown: To be absolutely accurate and quote exactly what it said, it says, "However, barristers claim that, not only is 15% inadequate, but that not all of that money would go to them", because they have costs.

Antonia Romeo: That is a different thing. Sir Christopher Bellamy recommended the 15%, to be clear for the purposes of the Committee. What we end up laying the SI on is to be determined, depending on the analysis of the consultation responses. We consulted on 15% uplift for barristers' fees. I am not sure exactly why they would not think that would go to them, because it will be a 15% uplift in barristers' fees.

Q5 Sir Geoffrey Clifton-Brown: I think that they are saying that the 15% is



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an overall figure and they have costs to come out of that.

Antonia Romeo: If they mean that it will not necessarily lead to an increase in take-home pay—

Sir Geoffrey Clifton-Brown: Correct. That is the implication of what is being said there, I think.

Antonia Romeo: That may be so.

Chair: It is difficult to discuss an article in *The Times* that not everybody has seen, but the point has been made. As you know, we are concerned about court backlogs and have been raising the issue of the shortage of barristers for a while. We are also disappointed that it has got to this point, because we would have hoped that it might have been picked up and dealt with sooner. Let us leave that there for now. I am going to go to Kate Green on an issue related to what we are discussing today, but slightly different.

Q6 **Kate Green:** This is the immigration issue that the Chair mentioned a few moments ago. We appreciate that the responsibility for the immigration system is not with the MoJ but with the Home Office. However, is it intended that this proposal for tagging will be administered as part of the MoJ's tagging programmes?

Antonia Romeo: As you rightly point out, this is a Home Office policy. All I can say is that we will be in a position to tag those who we are asked to tag, whether or not it is included in what we call the electronic monitoring expansion programme. I suppose it would be, because it would be a number that will be part of the increase in tags. To your question on whether we are going to be tagging, all I can say is that we will be ready operationally to tag—or rather it will be Capita that will be doing the tagging—those people we were asked to tag.

Q7 **Kate Green:** Will there be a transfer of resource from the Home Office to MoJ, if that is the case, to pay for it?

Antonia Romeo: Under the Home Office immigration enforcement programme, which is part of our electronic monitoring expansion programme, we already tag about 1,400 individuals. For that money, we are transferred the funding from the Home Office.

Q8 **Kate Green:** Any analysis of costs and benefits, I guess, would be for the Home Office, not for the MoJ.

Antonia Romeo: I am sure that it will be doing the cost-benefit analysis of the policy. We would, essentially, be passing through the cost to the organisation that did the tagging.

Q9 **Kate Green:** Will there be any requirement for new legislation to enable you to do this tagging?



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Antonia Romeo: It would all be done as part of the Home Office approach to policy. We already tag those foreign national offenders, for example, who we are required to tag.

Q10 **Kate Green:** These people will not be offenders.

Antonia Romeo: No, indeed. I am saying that we already tag those.

Jim Barton: I understand that the Home Office has sufficient powers to tag cases as part of immigration bail. Those are the powers that would be used in this instance.

Q11 **Dan Carden:** Were you consulted by the Home Office ahead of its announcement? It seems strange that this would not form part of the expansion project.

Antonia Romeo: Sorry if I have misunderstood you. I do not quite see what seems strange. Of course we were. This is a cross-Government policy. All Government policy secures collective agreement. We were obviously closely involved because we are the people who work with the organisation that does the tagging.

Q12 **Dan Carden:** We are about to go into all the detail of some of the successes and failures from within your Department. Were you consulted by the Home Secretary before the announcement was made on tagging asylum seekers?

Antonia Romeo: Yes, we work very closely with the Home Office all the time. We would have been working closely with the Home Office on all implications, especially those that fall within our bailiwick, such as tagging, for which we are responsible.

Q13 **Chair:** You knew that that was going to be announced in the speech last week.

Antonia Romeo: Everybody who is involved in collective Government policy is subject to collective agreement.

Dan Carden: That sounds like a no.

Q14 **Chair:** Sorry; that is slightly different from you knowing when it was going to be announced. If something is announced by the Home Secretary, it is inevitable that you and others will be asked questions about that very policy the next time you appear in front of hearings like this.

Antonia Romeo: We knew what was going to be announced. That is why I can say that we are operationally ready to deliver what may be required of us.

Q15 **Chair:** Do you know the timeframe?

Antonia Romeo: This is the Home Office SI. I am keen not to come to this Committee and speak for the Home Office policy.

Q16 **Chair:** It is just the timing of the Home Office SI that determines how



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quickly you could deliver it. That is what I am asking.

Antonia Romeo: I am saying that we are ready to deliver it.

Q17 **Chair:** You are ready to deliver. Is there anything else to add on that, Jim? Mr Barton agrees, so that must be the case. We are going to get into some more of the detail. I want to move into the main discussion about electronic monitoring or tagging. Having read what the NAO has dug out, the first and obvious question is why £98 million was wasted on this failed case management system.

Antonia Romeo: The first thing to say is that there were four main objectives of the programme. This has been a long programme. It ran for 11 years before we terminated it at the beginning of this year. The vision was to deliver a modern, scalable electronic monitoring system to transform criminal justice service outcomes.

There were four main strategic objectives. One was replacing the existing curfew tag provision. One was improving and expanding the GPS capability. One was building a scalable and robust service. The last was introducing a new case management system. On the first three of those, the objectives were achieved. On the fourth, as you have noted, they were not. The decision was taken earlier this year, first, to suspend, pending a decision to terminate, and then, in the summer, to terminate, because, at that point, it was the value-for-money decision to do that. That triggered the £98 million fruitless payment.

I am sure that we will get on to timings of the decision. The NAO Report has a lot of really helpful information and lessons learned in it, which we have taken fully into account, alongside the lessons learned work that we have done. One thing it points out is that the vast majority of the fruitless payment had been incurred up to 2019. Even if the decision had been taken earlier, the size of that payment would still have been similar. In practice, the decision in 2019 was to continue with the programme. The decision in 2021 was to terminate.

Q18 **Chair:** That is scant comfort when you think about what £98 million could buy in your Department alone. What would you spend £98 million on?

Antonia Romeo: I can think of many things I could spend £98 million on. I am injecting £135 million in steady state into bar fee uplifts, so one could do a lot with £98 million.

Q19 **Chair:** You are modelling your 20%, 30% and 40% reductions in headcount.

Antonia Romeo: Yes, indeed.

Q20 **Chair:** There are all these things. How much of this is down to the contractor? Perhaps I will ask you first and then Dr Farrar. We see repeated failures of the big projects in government, sometimes with the same contractors, and yet they keep winning business. How much of it is down to Capita?



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Antonia Romeo: In a lot of cases, we operate in a world where we do contracting.

Chair: This Committee is very aware of that.

Antonia Romeo: That is often why we are here. In that space, the question is how the contract was set. Was the design of the programme the right programme? We might come on to talk about the detail of the so-called tower model, which involved four suppliers. The complexity of the original design of the system, as well as some issues around the timeframe, contributed to where we ended up.

Jo might want to comment on the specifics of, particularly, what was for Capita and what was for us. We got from Capita the maximum payout we could get for damages under the terms of the contract, which would indicate that it bore a lot of responsibility for what had happened. Note that we are still working with Capita, which is still, in fact, tagging individuals for us. This was just about the case management system, the so-called Gemini part of the programme.

Q21 **Chair:** It was the bit that was going to try to transform quite a lot of the way that you operate. Dr Farrar, were all these delays and challenges partly down to the ability of your team to manage and co-ordinate the work of the suppliers that were contributing to this, including Capita?

Dr Farrar: This goes back to the 2011 decision to move forward with this type of programme. Looking back, we would all now agree that the model was very complex. It was ambitious and I think was entered into for the right reasons. We wanted to deliver something transformative, but it was very complex and there are multiple suppliers involved in that project.

The Permanent Secretary referred to the other parts of the legacy programme, some of which were very successful. It was the case management system that we found very difficult. The performance of Capita in remedying defects probably was not addressed early enough. There are definitely questions for us in terms of whether we spotted early enough that they were not taking this action. It paid £10 million in compensation for not remedying the defects.

Q22 **Chair:** I appreciate your candour in saying that things did not go as well as they could have done. It seems to me, from what the Report says and what you have said as well, that there is that integration not working, which we have seen in lots of other projects, particularly rail, because of the complexity of the different IT and technical things, as well as the policy and practical delivery end of it. Do you agree with that characterisation? If so, who bears the brunt of the responsibility for that?

Dr Farrar: I cannot comment for other projects, but in terms of this programme, when we first entered into the agreement, both the MoJ and Capita did not understand fully how complex this would be. As we worked through it, the complexity became clearer. That is where there were certain points during the lifetime of this programme where both the spec and the



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timescales were explored and changed as a result. We are going back a number of years here.

In terms of the multiple suppliers, we have learnt lessons from that. In terms of the new contracts that we are entering into, we are trying to simplify that and not have as many suppliers involved in the same contract. We are also making sure that the contract itself is simplified and more straightforward. I think that that will lead to greater success of the current programme.

Q23 Chair: I was not going to go into that just yet, but you have raised it. If you look at the National Audit Office's Report, page 14 in the summary, paragraph 15, it highlights that your bit of the Department, HMPPS, has again chosen to outsource the role of systems and service integrator and must be prepared to step in to handle any problems arising. You want to again outsource that integration work. We have seen it in lots of other projects. Are you prepared to step in to handle any problems arising? How can we be assured?

Dr Farrar: Yes, absolutely. We are at the moment having weekly meetings with suppliers, monthly monitoring meetings. We have strengthened our governance. We are absolutely ready to step in, but it is really important that the best person who can deliver the programme is able to do that. The MoJ is not always going to be the best placed to supply the service, and Capita is providing a really strong service for us in other areas, as we have already said.

Q24 Chair: You keep saying the MoJ, but of course this was a Her Majesty's Prison and Probation Service project. You have mentioned the MoJ, but one of the criticisms of this is that you were not escalating problems early enough to the Ministry of Justice as a whole, where there was perhaps better or different expertise that could have helped to see and solve some of these problems. Do you take that?

Dr Farrar: Yes, I absolutely agree with that. That is one of the big lessons that we have learnt. The governance of the programme was within HMPPS. It complied with the rules at the time, but we felt that there should have been greater governance and more exposure from HMPPS into the Ministry of Justice. That is why we have made a number of governance changes.

Q25 Chair: That bit would have been before both of you were in your positions. Is that right? I lose track, with Covid, as to who arrived when.

Antonia Romeo: I started the month of the IPA review that rated it red, after which we then made the decision to terminate.

Dr Farrar: I started just over three years ago, in April. A lot of it predated me, but some of it did not. In March 2020, I took the decision to review the governance of HMPPS. Between October 2020 and January 2021, I made a number of changes to governance that led to greater scrutiny of these programmes and projects, meaning that they came through my



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leadership team at a more regular interval. We had a number of deep dives and they were also reported into the MoJ.

The other thing that we have learnt through this programme is that we tended to wait for gateway reviews for the IPA to look at programmes. Now we are much more proactive at inviting the IPA, and in fact we did in January 2021.

Chair: That is the Infrastructure and Projects Authority, for those people who may not be familiar with the everyday workings.

Sir Geoffrey Clifton-Brown: Dr Farrar, I believe you were chief executive of HMPPS in April 2019.

Chair: That is what Dr Farrar just said, yes.

Q26 **Sir Geoffrey Clifton-Brown:** You were very much there when the termination of the contract was contemplated. Can I take you to page 43 and paragraph 3.4? It says, "At the point of project suspension in May 2021, an assurance review found that neither HMPPS or Capita had sought to check the portal design against the specification in the contract, nor did documentation describe how users would engage with the system. However, Capita shared evidence with us showing that it did check the design back to contractual requirements. Agreeing requirements upfront requires detailed input from digital specialists, but there was a lack of involvement from the Ministry of Justice's digital and technology function". Why was that?

Dr Farrar: That is one of the lessons that we have learned. You are absolutely right; the portal design was not checked against the specifications. That is something that should have happened. That is why we have increased our governance. We now report through to a portfolio board in the Ministry of Justice, which digital is represented on, so there is now a much closer relationship between digital and our major programmes. That is definitely one thing that we found through our governance review—that there just was not sufficient audit of the programmes.

Q27 **Sir Geoffrey Clifton-Brown:** Surely, if there is a dispute of any kind, the first thing one would do is go back to the contract and see what it actually specified should or should not be done.

Dr Farrar: Yes, that is essentially what we did. Then we invited the IPA in to review the contract and help us look at that in January, to make sure that it was performing against the contract. At that time, we knew that it was not and that is when we started to take the decision to end the contract.

Q28 **Sir Geoffrey Clifton-Brown:** Yes, but at the point of suspension in May 2021, which was when you effectively decided to end it, you had not looked at the contract. That seems a little curious.

Dr Farrar: No, we had looked at the contract by then.



Q29 **Sir Geoffrey Clifton-Brown:** This is an agreed report. It says very clearly—I have read it out—“At the point of project suspension in May 2021, an assurance review found that neither HMPPS or Capita had sought to check the portal design against the specification in the contract”. Are you saying that what is written here is wrong?

Dr Farrar: No. I am saying that we asked the IPA to review it and that was one of the things that it identified and reported to us. Jim might come in in a bit more detail.

Q30 **Chair:** Mr Barton, do you want to clarify?

Jim Barton: I agree with Jo. We undertake work post the decision that starts in January 2021 that we are going to change tack to properly go back over history to review the position. That finds that we could have done more to consider whether the project was ready for service at earlier points in time. Capita had undertaken work. Some of that was visible to us and some of it was not.

Q31 **Chair:** That brings me to my next question about the overoptimism. I will go to you, Mr Barton, first and then Dr Farrar. It seems that there was a belief that this would deliver, even despite the very tight timetables. In February of 2021, last year, you told us that Gemini was 11 months late and expected in June. In May you suspended it and then cancelled it a few months later. Why were you so overoptimistic about it? What was missing in your knowledge?

Jim Barton: I will answer the question first for the period in which I have been SRO and then expand out to discuss the wider history of the programme. I took over in March 2020, at which point the contractualised plan was for Capita to deliver Gemini in August 2020. We were working hard with them on that plan in the context of Covid. In July of 2020, Capita notified us that it was not going to be ready. At that point, we considered our options.

We held them to that contractual date while we worked with them on a reset of the plan. That reset would have seen Gemini delivered in February 2021. We never contractualised that plan, in order to be able to preserve our options. In not contractualising the change to the plan, when we ultimately took the decision to stop we were able to claim £12.8 million in damages from Capita for that delay from August 2020.

Q32 **Chair:** You basically reached an informal agreement with it about an extension to its original plan.

Jim Barton: We held it to the August 2020 date.

Q33 **Chair:** I think that used to be called a gentleman’s agreement.

Jim Barton: No, we held it to the August 2020 contractual position while we gave it the space to come up with a reset of the plan. We supported it in doing that, but that reset plan for February 2021 was never



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contractualised, because we wanted to have the option to be able to put ourselves on a different path if that was necessary.

From summer of 2020 through, we are making prudent decisions about whether it is right to continue investing in Gemini. When we get to January 2021 and it is patently apparent that Gemini is not going to be ready for service, we invite the IPA to come in to review the programme. They agree with our assessment. That leads to a red delivery confidence assessment and sets us on the path to suspension in May and termination in October 2021.

There are of course, as this Committee is aware, previous points in the history of this programme where it is arguable with hindsight that different decisions could have been made. In particular, there is the decision in the summer of 2019 as to whether we should then carry on with Gemini, because this Committee will know that the Report says very clearly that Capita had missed their delivery dates in the summer of 2019.

We have reviewed that decision. We invited government internal audit to review it as well. Even with the benefit of hindsight, we believe that decision is right on the facts that existed at that point in time. The decision was not to carry on regardless. It was to make changes to the technical architecture. That has moved elements of the EM system into the cloud. That has enabled us to do all the work to expand the service over the course of the last 18 months that would otherwise have been impossible.

You are right that there are multiple points in time over history where the programme should have and did consider whether it was the right thing to carry on. Over the course of the last 18 months, we have taken those decisions in a really careful, prudent way.

Q34 **Chair:** When could you have made a decision that would have saved the fruitless spending of £98 million of taxpayers' money?

Jim Barton: The last active point at which we did consider that was the summer of 2019. We decided at the time to continue. We had confidence that Gemini could be delivered by the summer of 2020. Ultimately, that confidence has not borne out. As Antonia mentioned earlier, if the decision had been made at that point in time, the vast majority of the £98 million was already sunk.

Q35 **Chair:** As recently highlighted, it was not escalated. From your perspective, Mr Barton, as the SRO, what was the thing that stopped it being raised at a higher level in the Department?

Jim Barton: For clarity, I was not SRO at the 2019 decision point, but I take responsibility as the person who is currently sat in the chair. The view was taken that the changes being made in 2019 fell within the scope of the business case and therefore the delegated authority that had been assigned to the SRO. There was a conversation at MoJ investment committee. The programme did not ask investment committee to review the decision, but simply to note it.



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Q36 **Chair:** Are there minutes of a discussion at the investment committee? Did anyone talk about that decision?

Jim Barton: There is a short minute of the discussion and it notes that the SRO is asking the investment committee only to note the decision. Reflecting back on 2019 has made us review that governance and introduce further controls that colleagues to my right have introduced and may want to talk to. That level of delegated authority to SROs that existed in 2019 no longer exists today.

Dr Farrar: We spotted that, when there was a decision to continue, the decision-making parameters were very much with the SRO. There was not the same requirement for it to be reported up through the HMPPS leadership or into MoJ. If it had been a decision to stop, it would have absolutely gone through that governance, but the decision to continue was within those parameters. Reviewing it now, we think that, even if it is a “Let us proceed” decision, where there are issues with a programme, we should be reviewing that. That is one of the lessons that we have learned. We have changed our governance as a result of that, in both HMPPS and MoJ.

Q37 **Chair:** Ms Romeo, does it concern you that there was perhaps a lack of curiosity, whatever the formal process was, about something that was quite significant, in terms of delivery for the Department?

Antonia Romeo: You might recall that, out of the many times I have been in front of this Committee since being in this job, one of the three things that I raised in my first appearance, I think in week three, was getting a grip on our big delivery programmes. That was one of those things. The other two were digital and data. In April 2021, we put in place a delivery board, with a lot of non-execs on it, which scrutinises programmes that are happening in the agencies.

It is partly the nature of big Departments. Sometimes this happens. Agencies are working very hard, doing great jobs, delivering big programmes. The question is to what extent the quite small corporate centre then demands scrutiny of it. As I have said before, my own view is that we should do a lot more of that scrutiny. That is what we are now doing via the delivery board.

As Jo has said, we recognise that it was not sufficiently scrutinised within HMPPS at the time, so two things have happened. Jo has done a lot of work on the control governance in HMPPS, and James and I have done a lot of governance work on improving governance, risk controls, escalation. Projects understanding what the thresholds are for escalation—that is a classic problem. Things can go wrong and it is seen as being within the tolerance of the programme, but actually nobody has ever explicitly agreed that. All these things that would be considered best practice on delivery—I do think we have brought about significant improvement. I do not want to sound complacent, but the work of the last year or 18 months has improved those.



Chair: It is an expensive learning curve.

Q38 **Sir Geoffrey Clifton-Brown:** Mr McEwan, I am not entirely clear from your biogs, but you were either chief financial officer, deputy chief executive or group finance director in 2019. I am not quite sure which of those roles it was. Why was this issue not escalated to the MoJ quicker?

James McEwan: It goes back to the conversation we have been having. At the time, this was a decision to continue the programme. The programme was working within a cost envelope. In fact, it has continued to work within that cost envelope over the duration of the programme. The SRO brought a decision to note that had been fully scrutinised through second-line assurance at the programme board and we have changed a lot since then, so we have reflected on that.

To Antonia's point, we now set tolerances at investment committee, so there cannot be any doubt for an SRO about the point at which they have to come back to the investment committee of the organisation for the investment committee to reconsider whether a case remains investable. In that way, we have completely transformed how we expect SROs to interact with that committee.

At the time, the committee is seeing an SRO come to the committee to say, "We have been doing a lot of work with Capita. We have put a new plan on the table. We believe that the benefits of Gemini are worth pursuing. This is the impact that it has on the overall envelope. You note the decision we have made." I don't think that would happen now. That would have triggered a threshold. We put thresholds on affordability, the timetable for delivery, benefits slippage and on looking at risks and issues in the programme. If the cumulative financial risk of the programme hits a certain threshold, we, the investment committee, will invite them back in. We completely revamped the approach.

Q39 **Sir Geoffrey Clifton-Brown:** I have a point of clarification. Do those governance criteria apply to all the agencies that the MoJ is responsible for?

James McEwan: For every programme that is of a scale to come to the investment committee, that is true. That is a £30 million whole-lifetime cost threshold.

Q40 **Chair:** Going forward, do you think that the current case management system can cope with the extra cases that it will have to manage?

Jim Barton: Before making this decision, we undertook a technical review of the current case management system—the system called Integrity. We were only prepared to suspend and then terminate Gemini when we had satisfied ourselves that Integrity was working today, would continue to work for the next several years and could deal with the additional caseload we are putting on it.



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As the Committee will know, the EM caseload has grown by about 50% over the course of the last two years. Integrity is holding up with that caseload volume. We are investing about £5 million to undertake some remediation work on Integrity, work that had been paused because we had assumed that it would not be needed, because Gemini was coming in. That work will move Integrity to cloud-based hosting, which has many benefits, not least that we will be able to make changes to the system more easily, should we need to. It will also replace the telephony system that sits alongside Integrity. Yes, we are confident that Integrity will hold up.

Q41 **Chair:** That will include these immigration cases the Home Office might be sending your way.

Jim Barton: It will include any case that is managed by EMS, which is the element of Capita that runs our field and monitoring service.

Q42 **Chair:** Do you know how many that might be from the Home Office, additional to what your existing HMPPS caseload would be?

Jim Barton: I think that, within the Home Office announcement, there is reference to a potential pilot of up to 1,200.

Q43 **Chair:** It is a potential pilot of up to 1,200 at this point. How far can the current case management system extend to?

Jim Barton: As the Committee knows, we have a forecast/target to get to 25,000 cases under tag by March 2025. Integrity will be with us until at least spring of 2024, so it will have to cope with a caseload of about 20,000 to 22,000. We are confident that it can.

Q44 **Chair:** You said it here. Sorry; we are a bit cynical sometimes on this Committee. What planned efficiencies and benefits are not going to happen, just to put it in really clear terms? Practically, what is not going to happen as a result of the old system being in play, rather than Gemini?

Dr Farrar: We will gain the thing that Gemini was going to give us through other means, but not immediately. The big benefit was going to be the data location and the immediate location data. We are introducing that through the acquisitive crime tag. We are monitoring and evaluating that and we hope to roll it out more widely. Gemini would have given us that earlier.

Q45 **Chair:** Can you explain it in simpler terms? People might be following this. Explain what that would mean for someone who is an offender and someone who is managing that offender.

Dr Farrar: Someone who is managing the offender will be able to see in real time where offenders are at any point. That would be important for us in terms of tracking people and, as we are finding with the acquisitive crime tags, in working with the police. It is a really useful tool for them as well. They can ask for permission to access that data in certain cases. That can also lead to a reduction in crime or solving crimes more quickly.



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Q46 **Chair:** That is, if a crime takes place somewhere, asking who on a tag was nearby and seeing—

Dr Farrar: You can see where people are.

Q47 **Chair:** What data protection do you have around that? What threshold do the police have to meet to prove that they need that data for you to release it to them?

Dr Farrar: There is a threshold and the police cannot just access that data. They come through us. That will be assessed and then, in certain cases, that will be agreed. For the probation work, for probation officers who can access that data, it is incredibly useful, because they can talk to people about where they have been at any point. People on tags are aware of that, so they will be able to have a really open conversation with their probation officers.

Jim Barton: For the acquisitive crime pathfinders, which is the service we are operating in 19 police forces at the moment, that is undertaken with new legislative powers that were introduced to enable it because of the depth of supervision that it means we are imposing on those individuals. We do not directly provide the police with access to location data, so they cannot see it themselves. They can make a request for information round location where they have a reasonable suspicion of crime.

How that operates in its main form is that every night those 19 police forces send us data of every acquisitive crime on their patch. That data is tagged to a 2-metre radius in a specific time zone. We then overlay that with all the data coming off the GPS tags of the individuals in that cohort. Where there is a match, we confirm that match to the police, who can then undertake further investigation as to whether there is other corroborating evidence and arrest people.

We have had just over 30 charges relating to that service since it was introduced. There have been a lot of requests from the police for us to provide them with direct access to the system. That is something that we have not as yet done. I can see real operational benefit in doing it. The reason we have not is exactly the point you are making, Chair, around data controls and wanting to step through that very carefully.

As Jo said though, for probation officers today, they can directly, via their computer in their probation office, log on and, in real time, see the location of offenders that they are monitoring. For the 700-plus acquisitive criminals across the country, we have delivered something that I would argue is better than the functionality that Gemini and the portal were designed for originally. The challenge now for us is whether we can match that for the rest of the caseload.

Chair: You have managed to do it better for a small upgrade. Let us just remind ourselves of the £98 million again.



Antonia Romeo: In addition to what Jim said, there is no doubt that it is suboptimal to be here. One reason why there was so much faith and hope in Capita in delivering the case management system was because we were so keen that it was going to deliver what Jim has described, which was really impressive real-time data mapping, location monitoring and all those things. It would have been a really big prize.

The team have essentially come up with the second-best solution in the circumstances we are in, because that option was no longer the best value for money. The key will be getting it right when we get into 2024 for the reprocurement. Then we have to get off the system where we are using the legacy systems and get into the better space.

I wanted to say something about governance. Before the decision was taken to terminate, we obviously looked in detail at all these things. We did a complete review, a detailed analysis of the current systems, to ensure that they would be able to take the additional caseload. We did a six-week discovery exercise into the existing systems architecture, with the full involvement of suppliers, to check that it would be sufficient. We had an external information security consultancy come in and look at how we were planning on running it. Satisfying ourselves on these things was all part of the decision taken to terminate.

Q48 **Sir Geoffrey Clifton-Brown:** Can I come back to you, Mr Barton, on the inference that I got from your very important answer to the very important question by the Chair about the lifetime usefulness of Integrity? Could I take you to page 40 and paragraphs 2.22 and 2.23 and ask you two or three questions about this? It seems to me that this is deeply troubling. Paragraph 2.22 names a number of problems with the Integrity system. First, it talks about the telephone system. There have already been six major incidents affecting the telephone system since 2021. How do you know that the telephone system will hold up?

Jim Barton: It is right and I think that I referenced earlier that replacing the telephone system is one of the investments that we are making. That is part of the £5 million we are spending in the current infrastructure.

To put those outages in context, the system goes down and it pings back up again. I think that the maximum was about six hours overnight. We have a contingency plan in place where the system goes down. If the system was perfect, we would not be spending £5 million to improve current infrastructure, but it works today and is the means by which we have successfully increased the EM caseload by 50% over the course of the last two years.

Q49 **Sir Geoffrey Clifton-Brown:** With great respect, I wonder if that answer is a bit complacent. If a major criminal breaks the terms of his tagging order when the system is down and goes and commits a serious crime, that is a serious issue, is it not?



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Jim Barton: Yes, absolutely. That is why we paused on the decision as to whether it was right to cancel Gemini. We undertook all the reviews that Antonia spoke to in terms of what our options were at that point in time. It is why we are investing money to improve the stability of the current system. Right here, right now, in the period that I have been SRO, so now just over two years, has there been a moment where the telephony system falling over has jeopardised our ability to effectively manage offenders in the community? I do not believe there has been.

Q50 **Sir Geoffrey Clifton-Brown:** If you think the telephone system can cope, what about stability? It says, "Capita-managed components are no longer supported by manufacturers". Where are they going to come from if you need spares?

Jim Barton: I think "technical debt" is the term that is used. It is an issue that is not unique to EM. It is seen across government. Once again, this is why we are taking decisions and investing money to improve the stability of the infrastructure. That will see us move Integrity to cloud-based hosting, which will address these issues.

The specific components that I am aware of that are out of date are failover devices, so there are multiple devices in use. It would take all those devices to fall over for the system itself to be compromised.

Q51 **Sir Geoffrey Clifton-Brown:** Are you aware of any offender breaking the terms of their tag during one of the outages that the report refers to?

Jim Barton: Of course there will be non-compliance. We have non-compliance that, sadly, happens every day, in terms of managing 15,000 people, who, by definition, are on a tag due to some previous criminal behaviour.

Q52 **Sir Geoffrey Clifton-Brown:** Non-compliance is slightly different to a serious crime being committed.

Jim Barton: I am trying to answer the question completely, for which apologies if it feels like I am getting there slowly.

Sir Geoffrey Clifton-Brown: If you cannot answer it now, we are very happy if you give us a note, if that would help.

Jim Barton: No, I think I can answer the question. I was just trying to get there, if I may. I was trying to acknowledge that of course there will have been instances of non-compliance during periods where one or other part of the system was out. That is very different from that information not then being available to us or decision makers quickly to work out what should be done in response. That data is all recovered when the telephony system is available again.

I am not aware—and I would be, because every time we have an outage we consider this really carefully—that there has been an individual offender who has gone on to commit a seriously harmful offence while our systems have been down.



Q53 Sir Geoffrey Clifton-Brown: That is very helpful. The third issue that that paragraph refers to in relation to Integrity is scalability. It says, "HMPPS has decided it cannot test such volumes 'live' within its existing budget". So how do you know that the system can cope with this additional 16,000 people that you are going to tag in one of the various categories, and that the whole thing will not just crash?

Jim Barton: It is an extra 10,000 to take us from 15,000 to 25,000. The point in the report is absolutely right. We do not have a test environment. If we had a test environment, we would be able to undertake a different form of analysis as to whether our platforms can cope with a hypothetical volume of 25,000, 35,000 or 45,000. We don't have that test environment, so we have undertaken all the reviews, including independent technical reviews that Antonia referenced earlier, to ask the question, "Can the system cope?" We are content, off the back of those reviews, that the system can cope with a volume of cases that will be nearing 25,000 by the time Integrity is taken out of service.

Q54 Sir Geoffrey Clifton-Brown: Finally, in paragraph 2.23, it says, in relation to unsupported operating systems, "Up to that point, HMPPS was not aware of the level of obsolescence". There was an eight-year maintenance backlog. You are now going to have a £9.8 million upgrade for the next two years while it is in operation. Are you absolutely sure that that upgrade will be able to support the system and that it won't crash—that it will operate satisfactorily in the next two years?

Jim Barton: To break the £9.8 million figure down, £5 million of that is investment in the system. The remaining £4.8 million is the cost of leasing that system over the next two years.

Q55 Sir Geoffrey Clifton-Brown: You are breaking down between the costs, the existing contract terms to run the system, and the actual increased money you were going to put into it to upgrade it.

Jim Barton: Yes.

Dr Farrar: The fact that we are investing £5 million in the development of the system and, as Jim said, the £4.8 million in running costs will mean that we can keep the service running at an effective level. We are confident in that. We have been testing it. As Jim said, it is the cloud-based technology, which is widely tested, that will help with the scalability. It will help with the stability and the telephone system. It is a really important investment for us.

Jim Barton: The challenge around visibility of obsolescence in the system was in part because the contract for Integrity was via Capita. It was arguably not in the interests of parties to invest in Integrity while Gemini was due to replace them. We have now taken the contract for Integrity directly. That has had two benefits. First, we now have direct sight and visibility over the system and the extent to which the programme of improvement work is what we want it to be. Secondly, we have reduced cost. We believe that moving the contract directly to ourselves, rather than



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being via Capita, has saved circa £6 million over the course of the next two years.

Q56 **Chair:** You talked about outages. Has there been a cyber-attack on the system at all, or an attempt?

Jim Barton: There has not been one directly through to the system itself. Like most Government systems, we are aware of people attempting to get in, but I am not aware that we have had an attack on the system itself.

Q57 **Chair:** You are confident that, though it is a legacy system that you are going to be moving into the cloud, you have all that tied up tightly.

Jim Barton: Yes.

Chair: That was a very quiet but firm yes, Mr Barton.

Jim Barton: I am sure you will remind us of that at a future point.

Chair: It is probably a question that everyone says yes to when asked and you are hoping desperately that all your work is delivering that.

Jim Barton: This is a version of the points you and Committee members were making earlier around the level of oversight in 2019. With no hesitation, I can say that the decision to suspend and terminate Gemini was one that was taken with a grave degree of caution and care as we stepped towards it.

That led to all the internal analysis and assessment that Antonia and Jo have referenced earlier, as well as all those reviews that we have touched on. That level of assurance and interrogation of the decision that the programme started to move us towards in January 2021 gives me confidence that we have looked at this from all angles and therefore should have confidence in the forward plan.

Q58 **Kate Green:** May I turn to the expansion programme, the new categories that you are hoping to move into and that indeed you have already begun, in some cases, to trial? How confident are you that the expansion programme will be effective? What will you judge as effective?

Dr Farrar: We are actually very excited about the expansion, and the early data is showing some really promising results. If we take alcohol monitoring, for example, recent evaluation is showing 97% compliance, which is really positive. If we take acquisitive crime and the feedback we are gaining from the 19 police forces, again, that is very positive.

One thing that the report recognises, and we have also recognised, is that we need to spend a lot more and put a lot more effort into our evaluation going forward. We are evaluating our current and our future programmes and looking to link that with looking at outcomes, such as reducing reoffending, so not just looking at behavioural compliance while people are wearing tags but whether that leads to a change in behaviour going forward.



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It is important to say that we have extended our analytical capacity. That was one lesson that we learned, that I have not yet mentioned, from the legacy programme: that we had a small analytical capacity. We are increasing that by another 14 analysts. We are also using some of the £18.5 million innovation fund for the expansion of EM to make sure that we do proper evaluation.

The international studies that we have looked at suggest that there is a deterrent effect. As I say, the early signs that we are seeing from the alcohol monitoring and the acquisitive crime are that it is proving really positive.

Q59 Kate Green: To understand, on the acquisitive crime, you said that the feedback from the 19 police forces is very positive. Is it that anecdotally it is very positive, or do you have data to show that the charging rate is increasing and that it is doing so cost-effectively?

Dr Farrar: It is very early days. At the moment, it is conversations and discussions with the police forces. It has only recently been rolled out. We are testing whether that is leading to a longer-term behavioural change. We will have those results over the next three years, so we will be monitoring it over the next three years and then we will have some really robust evaluation. We have said, with the acquisitive crime tags, that we will not be rolling them out further until we have evidence that they are working.

Antonia Romeo: These are small numbers. Even when you get evidence, it is about the extent to which you can be wholly confident on it. This is an innovative pilot. It is one of the most innovative and, as Jo says, exciting things we are doing in the Department. We have 656 people on these acquisitive crime tags. You obviously need a lag to know what happens during that time.

There is a lot of evidence that suggests that, while people are wearing a tag, it stops them from behaving in a certain way. We do not have a lot of evidence on whether the fact of the tag means, once the tag comes off, they do not go on to reoffend. That is like the holy grail of what we are trying to do. The end of all this, of course, is to reduce reoffending, but we do not yet know. We have to be clear to the Committee. We do not yet know the answers to all those. One of the reasons we are doing so many pilots in so many different areas is so that we can pilot it, evaluate it, get the answers and then roll it out.

Q60 Kate Green: I absolutely appreciate what you say. Are there international examples that could already give you information about the trends in reoffending, or are we first in the field here?

Antonia Romeo: In terms of our rollout, we have looked a lot to New Zealand, which has also done much more electronic monitoring. Jim might have more info on that. There are a number of studies of different types of things. There has been a pilot study on GPS, for example. There has been



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a particular study, a London alcohol abstinence and monitoring pilot study. There are things there that indicate that tagging shows some desistance. I do not think that there are longitudinal studies that show that, over time, we can be that confident about reducing the offending, although, by the way, it would make sense intuitively.

Jim Barton: Most of the international evidence base compares the reoffending rate of individuals who have been sent to prison or kept in the community with a tag. That evidence base is quite strong: that people are less likely to reoffend if you keep them in the community with a tag. We know that anyway, in terms of the comparisons between reoffending rates for those on short custodial sentences as opposed to those in the community.

The evidence base is weaker around the counterfactual between somebody in the community without a tag and somebody with a tag. That is one of the things we are clearly interested in understanding, because there is a cost to tagging somebody—a financial cost to us and a cost to that individual, in terms of the restrictions you are imposing. We need to better understand, through further evaluation, the extent to which that is right and proper and represents good value for money.

Q61 **Kate Green:** That is really helpful. In relation to the alcohol tagging, again I guess the same applies. While they are wearing the tag, you see less breach of the requirements around alcohol consumption. In the case of alcohol tagging, is it normally accompanied by other requirements that the person tagged is required to fulfil? Are you able to isolate out the effect of the tag?

Antonia Romeo: On isolation, the short answer is no. That is exactly the problem. You do not have a control group managing for all the counterfactuals. That is why we are building really detailed evaluation into the next programme. As the numbers grow, we will be able to do much better evaluation. If you are on an alcohol abstinence tag, based on the numbers we have, you are 97% likely to abstain from alcohol. That is not just due to the tag.

Dr Farrar: That is absolutely right. We are doing some quantitative studies to look at the data and we are also doing some qualitative studies and taking case studies. I can give you a case study of someone at the moment—this is the type of thing we are collecting—who has been in trouble since he was 14. He is now 37. He has been a habitual reoffender. He has been on an alcohol tag. He did not offend during that period of being on the alcohol tag and also feels that that has led to his behaviour being better, now he is off the tag. Knowing that he can remain sober has helped with his behaviour moving forward. We are collecting that kind of data as well to make sure we have really robust and rounded evidence.

Q62 **Kate Green:** What information, as you gather it, is being shared with the judiciary in order to inform their sentencing choices?



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Chair: Mr Barton, everyone is looking at you.

Jim Barton: We have an extensive programme of court or judicial outreach to try to ensure that judges and magistrates are fully aware of all of the provision that is available. We are really cognisant of the fact that there are quite significant variations in the use of electronic monitoring between different courts. There is quite a lumpy picture. Some courts make really extensive use of radio frequency but do not use GPS; in other courts it is the other way around.

We definitely see part of our job being to ensure that sentencers, judges and magistrates, have the information about what is available in their jurisdiction to make those choices. That is something our Minister is very focused on, as he has spoken about at the last couple of resident judges' conferences, with the aim of ensuring that judges have that visibility on the services available.

Q63 **Kate Green:** We spoke a few moments ago about some of the systems challenges that you had faced. Do you have any evidence of how that might have impacted the judiciary's confidence in tagging as a disposal?

Jim Barton: Earlier we were discussing the issues around using technology that is slightly aged. I would struggle to construct a logic tree that translates that into something that would compromise judicial confidence in the system, because it is invisible to them. This is a back office system that we/Capita use to manage day-to-day operations.

What is important for judges and magistrates? I am conscious that I am speaking to—

Kate Green: I am not one now, actually.

Jim Barton: When somebody is placed on electronic monitoring, it is important that it happens in line with judges' expectations. If there is non-compliance at a scale that justifies a breach, it is important that we action that and that the information we put back in front of judges is robust, clear and sufficient for them to make decisions.

Dr Farrar: This is a new and innovative system. We are fully aware, hence the outreach, that we need to help judges to be really confident in the new things we are rolling out. They need to understand how alcohol monitoring and acquisitive crime tags are going to work in order to be confident in them. That is why we are doing the outreach and the evaluation, and sharing information with judges through that outreach.

Antonia Romeo: The answer to your question on evidence is that, in a way, the numbers speak for themselves. There has been a significant increase in the number of people going on to tag, which suggests that there is not a lack of confidence in the system. In fact, if anything, it is going up exactly as we hoped it would.

Q64 **Kate Green:** I know Mr Carden wants to ask another couple of questions



about the alcohol desistance programme, but I want to ask you briefly about the tagging of foreign national offenders and the initial approach, which turned out not to comply with government cybersecurity standards. How did that happen?

Dr Farrar: I will kick off, and then I am sure you will want to add more detail. Again, it is a new and innovative system. We entered into an agreement with the Home Office. We developed a system that was a bit like a smartwatch. When tested, it was proven not to comply with the security standards. It was really important that we did not then go ahead with that.

We have adapted that. We have now agreed with the Home Office a non-fitted device, which has been security-tested. We have just awarded a contract for that. There has been a delay for that, but the contract is now issued. We will be able to use it later on this year. As was said earlier, we have a number of foreign offenders on the GPS tags. We have up to 1,400. This is an additional system for us.

Q65 **Chair:** I am just puzzled on cybersecurity. You say it is new and innovative—you have used those words a lot, Dr Farrar—but “new and innovative” does not mean you do not do the basic checks on the cyber standards.

Dr Farrar: That is how we discovered it. We were doing the basic checks.

Chair: Surely, before you get to the point where—

Dr Farrar: You have to start to develop it in order to test whether it will meet the security requirements. Jim will probably want to add a little more detail.

Jim Barton: At the time we agreed with the Home Office to provide an EM service to them, which was early in 2020, its requirement was for a GPS tag and a non-fitted device. The GPS tag was fine and it rolled out. We had it already; it is the same technology we use with other cohorts. There was no non-fitted device available to us. We did not have one. It is not something we had previously asked the market to develop.

At the time, the requirement the Home Office set was that it wanted facial recognition. That severely narrowed the available market. When we spoke to tag providers, there was only really one option available to us, which was the device we pursued with G4S. As Jo pointed to, partway through the development of that work, it became apparent that the current operating system that device was using was out of date. That prompted considerable conversations between ourselves, Home Office and G4S as to whether that system could be updated. Ultimately, we agreed that it could not be, proportionate to the cost.

That then led to a reflection on whether facial recognition was necessary. We have now moved to a position where fingerprint recognition is deemed to be acceptable for what Home Office colleagues are trying to achieve



through that policy. That opened up the market significantly. We have now moved to a position where we have an arrangement in place with a different company. That device should be available from September of this year.

Q66 **Chair:** As the market has now opened up, is that likely to be cheaper than the facial recognition version?

Jim Barton: It is no more expensive.

Chair: Those are clever words from Whitehall. We will leave that one there. We will be keeping a close eye on that as well.

Q67 **Dan Carden:** I just want to return to the issue of alcohol tag monitoring. They can be used as part of a community sentence or as a licence condition for prison leavers. The cost of drug and alcohol-related crime, we would all accept, is extortionate. The Institute of Alcohol Studies puts it at about £11 billion. There are currently 860 people tagged. Where do you see numbers going?

Dr Farrar: They will go up significantly. One of the constraints is around the tags. Do you want to come in on the numbers of tags?

Jim Barton: Yes, happily. Our forecast is that we will have around 1,900 individuals on alcohol tag by the time the alcohol monitoring on licence caseload has got to a steady-state position. That is roughly doubling the current caseload.

Q68 **Dan Carden:** If someone receives a community sentence of, say, a matter of weeks or months, would the alcohol tag be applied for that period? Could the alcohol tag be applied for a far longer period?

Jim Barton: The common duration that we use for alcohol tags is about 90 days. There is some evidence that that is—"optimal" is potentially too strong a word—a decent period in which you can effect behavioural change without it being onerous. There is a debate around that. There is a debate as to whether, for certain categories of individuals, the tag should be on their leg for longer. That is something we will explore.

If we were to extend the periods people are on tag, the caseload would rise proportionately. As the current duration on tag is reasonably short, it is unlikely to be the case that for somebody on a community order the alcohol requirement would last for longer. Under law, I do not think it could. It is the community order that would set the parameters for the Probation Service's involvement. The alcohol requirement would be one aspect of that.

We are certainly thinking long and hard—it will be part of the evaluation work—as to what the right period under tag is. There was a question earlier about support. We are also looking at whether we are providing the right support to individuals to help reflect on what is driving their drinking



leading to crime and doing everything we can, beyond putting a tag on their leg, to support change.

Q69 **Dan Carden:** Currently, is any alternative support provided alongside the tag? For example, you can have social prescribing, such as recovery communities.

Jim Barton: The picture is potentially more inconsistent than we would like, which in part reflects the variation in the level of support services that exists across England and Wales. We would always be encouraging probation officers to be referring individuals who are on their caseload with an alcohol tag into appropriate services. We continue to reflect on whether there are specific services for our cohort that we should be commissioning ourselves.

Dr Farrar: We are really learning the lessons, because we have only been rolling out the alcohol tags in England since June. I know I keep saying that these are new services, but this is very new. We have had alcohol tags on community orders since 2020, but for people on licence we have had them in Wales since November 2021 and in England since June this year. We are still learning a lot of lessons about how we can use alcohol tags, how widely we can roll them out and how effective they will be.

Antonia Romeo: That is a really important point. We are trying to do what this Committee would advise us to do: adopt a phased approach. We started in October 2020 in Wales. The numbers were small; they have now come up. As you say, 860 is the number in the Report.

We completely share your ambition, because as you will know, 40% of serious crime is alcohol-related, so if we can crack this, it could be really significant in terms of what we are trying to do overall in reducing reoffending. None the less, we do want to learn the lessons, as Jo said. We want to adopt this phased approach and make sure we can monitor and understand before we keep rolling this out. That is important.

Q70 **Dan Carden:** There are lots of attempts from, for instance, police and crime commissioners and the Ministry of Justice to use diversionary schemes to take people with alcohol problems out of the criminal justice system. Could these tags be used at that point in the system? Or can they only be used at sentencing?

Antonia Romeo: Conceptually, yes.

Jim Barton: Conceptually, yes, absolutely. We would not see that as in scope for our responsibilities, because we are providing an EM service as part of probation, as part of licence from prison. I am aware that some police forces work directly with the same provider that provides us with alcohol tags. I do not know the details of those projects, but I can only assume that they are to achieve exactly the kind of outcome you are describing.

Q71 **Dan Carden:** Yes, and that leads me onto one more general question.



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Throughout this session, we have heard about how the evidence base that has been developed has been so weak. Why is that? I know you have plans to improve it, but why has an evidence base not been built up? We are relying on anecdotal evidence for most of this.

Antonia Romeo: I will start, and then others might want to add. I think it is clear that the evaluation strand of the programme was not as strong as it could/should have been. As Jo has already said, we are extending from three analysts involved in the programme to 17. So we are multiply increasing the number of people who are focused on supporting us on this evaluation. On the EM expansion programme, there is a particular evaluation work strand with a full and rigorous evaluation plan. We should accept that that is part of the issue.

There are other issues, such as the small numbers, the fact that you are building it up and the fact it is piloted. We have taken some evidence, for example the overseas evidence from New Zealand, Belgium, Canada and so on. It is a combination of things. It is something that we now have to and are fixing and getting right for the future. This is an area, by the way, where MoJ is increasing its support to the HMPPS programme. Due to our functional leadership approach, MoJ is responsible for analysis. We are leaning into that from HQ, as it were.

Q72 **James Wild:** Of the £183 million extra that is going into the monitoring programme, £19 million is for the technology innovation fund. How are you proposing to use that funding?

Jim Barton: It is £18.5 million over three years. It is £3.5 million this year, ramping up to £7.5 million in years two and three of the SR. We are really keen to mirror the things that we would consider a success, such as the Prison Leavers Project run within the MoJ. Rather than dictate from Petty France what we think the market should be delivering for us, we instead set some problem statements and then encourage the market, in the widest possible sense, to share with us their perspectives and their pitches for how we might move EM on.

It is fair to say there is ambition around the extent to which a drug tag could be developed. We believe that to be effective, that would need to be able to deal with multiple substances at a given point in time. That technology does not exist at the moment. We are very cautious of the history of the EM programme. We have no intention of commissioning a "build it afresh" tag off the shelf, but we do want to explore with the market where technology has got to around drug testing and what the path might be to turning that into something that could be used within the criminal justice space.

We are as interested in data. As some of the questions have touched on, we know there is a rich pool of data available to us. We know we could make better use of that. The acquisitive crime project is probably the first time that we are really leveraging the power of the location monitoring data that comes off GPS tags. We want to think more broadly about how



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data, whether it is curfew, location or alcohol monitoring, could be used on bigger problem statements for criminal justice.

As I said, we want to ask the market what they think the possibilities are rather than dictate that to them. When I say “market”, I do not simply mean commercial providers of electronic monitoring. I mean the academic community, think-tanks and others who may be putting some brainpower into this, which we could well benefit from.

Q73 James Wild: It is interesting. I was going to come on to drug testing. We have built a diagnostic industry over Covid, so there might be some lessons from that example that we could learn. The Minister for Policing has referred to drug testing as the holy grail, which is slightly different from the example you used earlier.

Antonia Romeo: We have multiple holy grails.

James Wild: How close are we? Are we talking about three years or five years? What is your working assumption?

Jim Barton: We had a session recently with a futurologist. I am not a futurologist. I do not want to speculate on how quickly the market could get there. It does not feel imminent. That is probably how I would sum it up in civil service style.

Antonia Romeo: It is a good example of how important it is to be putting some investment in this innovation fund. I am sure we will come on to lessons learned. One of the things we have learned is that the attempt to build for oneself both the hardware and the software is not something that reaped great rewards for the programme or the Department. Off the shelf is where we are headed, but none the less, if you only go off the shelf, you are not seed-funding some of that innovation.

As a principal accounting officer, “innovative tech” fills me with the same degree of gloom as it does the Public Accounts Committee. None the less we want to do innovation things, because, as you say, our Ministers are absolutely keen that we look into furthering it into drugs and wider spaces.

Q74 Chair: There is something different about putting money into a fund like that than innovatively procuring something, perhaps. Are you confident that by investing in that fund you are investing in something that will have wider ramifications for the public sector, rather than just normal procurement?

Antonia Romeo: The last time I was in front of the Committee, we were talking about innovation. This is an area where we are doing something that could genuinely be game-changing, depending on the technology. Jim is right. We cannot make any predictions, because we do not know, but our hope is that this could be really significant. Given the number of people we have in custody, it can only be good. Given the Government’s focus on protecting the public and reducing reoffending, it can only be a good thing if it turns into something.



Q75 James Wild: That is encouraging. One area we have not really touched on is domestic abuse offences. I believe there has been a pilot in London. What are the early findings of that pilot? How successful has it been?

Jim Barton: We have had a couple of pilots around the country. There is one in London, and West Midlands Police have been doing some work recently. The challenge is the one that Antonia touched on earlier. The volumes are so small that you cannot really draw conclusions around statistically significant impact. All of the indications are that there is a group of individuals, victims and offenders where it feels pretty certain that EM is part of the solution.

One of the things we have committed to do as part of expansion is to roll out the use of GPS devices for higher-risk domestic violence perpetrators in 2023. Over the period from when we roll out in late 2023 to March 2025, we will have about 3,000 individuals who are subject to that tag. We are not doing it now, because we are trying to smooth or spread the load of expansion. We placed the emphasis on alcohol first, because the evidence base there is a little bit stronger; the call for it is very mature. Acquisitive crime is next, and domestic violence is essentially the third plank of that expansion strategy.

Q76 Kate Green: I just have one other question about the information you have about offenders. As I understand it, at present the only information you capture about personal characteristics is age and gender. Are you planning to be able to gather more information? Specifically, what, if any, concerns do you have about disproportionality? For example, that there could be a greater likelihood of certain offenders from ethnic minority backgrounds being placed on tags or not being placed on tags.

Antonia Romeo: From now on, we will be capturing that data. The original data that we captured did not include ethnicity; it only included gender and age. The new evaluation will include those.

Q77 Kate Green: That information will then be permanently captured in future.

Antonia Romeo: Yes.

Jim Barton: Our specifications for future contracts will require all demographic data to be captured. There has been some very small-scale analysis of the alcohol tag group, for example. That happened at an earlier stage of roll-out. It was a much smaller number than 900. We looked at different demographic data. That did not show any disproportionality from a race or ethnicity perspective. It is too small a group to draw any conclusions around that.

Dr Farrar: This is an area that is really important to us. It is really important that we measure a wider range of characteristics than just gender and age in order to make sure we are providing a fair and proportionate service.

Chair: It seems a theme, though it is not all down to you. Every time we



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have questioned a Government Department recently about ethnicity monitoring, it has been quite behind the curve. I am glad that you are now doing that.

Q78 Craig Mackinlay: None of you was there in 2011 when all this was started. I am afraid that we hear that as a general excuse across different Departments: "I was not there, and I am now picking up someone's pieces." This phone has something called "Find My" on it. We all have one. With the approval of you, I could see where you are at any time of day. You can even set it up to see whether you go to a location or move from a location. That is all within the free magic that comes with these phones these days.

In essence, that is what we are trying to achieve with this. Instead of going to the proprietary market of stuff that is out there by different software manufacturers—I suspect there is an Android one that is pretty similar; there is all manner of stuff—as a Government, we have wanted something absolutely bespoke; we are going to recast the wheel and all of that. Have you not looked, even at this stage, at what is out there as technology that works?

Antonia Romeo: Yes. When I was referring to getting it off the shelf, that is what I meant. I will say a few things, and then Jo and Jim might want to come in. Can I just be really clear? There is absolutely no sense that we are coming here picking up the pieces. We take complete responsibility for the project from end to end.

The original plan—you are quite right—was something that Government were doing quite a lot of at the time, in about 2010 and 2011. It was, "We are going to build something bespoke and better." In practice, in 2016, John Manzoni, who was then chief exec of the Civil Service, did a review of the project. One of his determinations was that it was a mistake to be building new tags, new hardware, and that we should in fact buy off the shelf. Already we have moved to off-the-shelf hardware. Now, in the expansion programme, we are moving to both off-the-shelf hardware and software. The software you are referring to is a good example of that.

The one thing I would say in defence of the decision makers of 2011 was that the technology has moved on massively since then. What was available off the shelf then was not what it is now. It would not be sensible to think about building one's own software in the current world we are in.

Dr Farrar: That is absolutely right. The amount of software that was available and the number of suppliers that existed in 2011 were completely different to what they are today. As we were just talking about, for the technology for foreign national offenders and immigration cases we have been able to move to a finger recognition solution. As Jim said, there are a number of providers in that market.

We definitely want to take advantage of the suppliers and technologies that are currently available. Amongst other things, that allows us to keep up to



speed with technology, to move at the same pace and not find ourselves in the situation we were in in 2011, when we were trying to build our own system but we were not moving forward as quickly as the market could move forward.

Q79 Craig Mackinlay: As I say, I used to be a magistrate. I was always quite shocked at how the radio frequency ones used to work. You had to rely on G4S turning up at somebody's home to put the little unit in. You would often find that it was rented property and the owner would not allow it. There were all manner of problems. I can only imagine that all manner of problems still arise today when you are trying to install a base unit.

I see that three-quarters of all tags that are currently used are very old, hardly supported by telephone communications software and all the rest of it. That is still the predominant type that is used. Whereas we have got GPS-type tags, which will give you all that functionality, why are we not using more GPS types and proving their worth? Why are we still relying on this old stuff? Even when it was rolled out, it was never very good.

Jim Barton: There are three things here. First of all, cost. There is a difference in the unit cost of a GPS device versus a radio frequency device. We expect that to change as we get into reprocurement, because that reflects where the technology was at that point in time.

The second point is around accuracy. Although GPS has come on in leaps and bounds and is really accurate when you are in an open space, radio frequency can be set in a really detailed way to know the parameters of a building. For example, if somebody goes to put the bins out in a communal flat, we are likely to know that with radio frequency, because it will trigger in the box. That may well not happen with GPS to that level of accuracy.

The third reason is proportionality. It is more onerous to impose the different aspects of GPS devices that we use them for, such as trail monitoring. That interfaces back to the question of cost. If you are just using it to monitor them in their home, is it right?

We are looking at apps and the extent to which that might be part of the answer in the future. We have spent the last three months in market engagement with potential providers for our next-generation contracts. For all of us, there is a certain surety in the way we use EM at the moment, with a device physically being attached to an individual that they cannot remove without us knowing that they have done that.

Q80 Craig Mackinlay: I just have one final point on this issue about software. The system was not deemed to be up to proper data standards, so we had to scrap some of that. You mentioned face recognition, Mr Barton. My banking app has face recognition; we all have it on our phones. Even the fairly old generation iPads used to have that little fingerprint thing that used to work. They were all deemed good enough.

For all of our emails in this place—I would imagine it is probably the same across much of government—we use Microsoft 365. In terms of the level



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of security and software, that is deemed to be good enough. Why are we not just talking to banks or anyone else about what type of software they use? The banks are going to get sued if it goes wrong, so they do not want it to go wrong. Again, it is reaching for something off the shelf. Why are we not using that to get over these data problems?

Dr Farrar: Shall I kick off? You are absolutely right. We talk quite a lot to suppliers. As Jim said, we do quite a bit of market engagement to look at the technology that is available. We have to make sure it meets certain security systems. Face recognition is not quite there yet. We hope that it will be. That would certainly be an aspiration for us. We are really pleased that the fingerprint technology is now working. That gives us the option to use handheld devices rather than fixed tags for different types of cases. It is something else that has been made available to us. Jim will probably want to say a bit more.

Jim Barton: We talked earlier about the questions around data protection. That is one of the aspects we are navigating around. Of course, we could use a phone. That phone is not locked down for this specific use. That phone is potentially talking to a server in a country offshore or whatever. That doesn't meet our requirements, and that is why we have moved towards wanting something that is more bespoke to this specific set of requirements.

Of course, we should always challenge ourselves on whether we are drawing those lines too tightly, but it is fundamentally about data protection for those individuals at the other end of it. That pushed us towards the more limited market that we are exploring here.

Antonia Romeo: Might I bring in James? As COO, he is also the MoJ's senior information risk owner. He leads on a lot of our security stuff.

James McEwan: When we started, we had an existing supplier who understood our requirements. They are not exotic requirements; they are very clear. This is to your point. Underpinning all the technology in this building will be a set of standards that you want your suppliers to work to. They understood our standards. They came to us with a product. We asked the next layer of questions on the underpinning fundamentals, and they didn't meet our standards.

We looked at whether it was value for money to upgrade that device to meet those clear standards. It wasn't. We moved to another supplier. To your point, they said, "We have a product with the operating system that works for you. It is not facial recognition, but it is fingerprint." "Can you work within that parameter, working with our Home Office colleagues?" "Yes, we can." We have moved on.

We are in violent agreement. We are not trying to set up some very unique and bespoke Government standard that no one can meet. We are not asking our suppliers to develop a whole new product for government. We have some really clear and simple standards. Our job is to apply them; we



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applied them in this case. Could we have done it in a more timely way? That is a good question, which we have answered. This September we have a device coming forward that works. We are working with the grain of the market rather than trying to point them in a slightly different direction.

Q81 Chair: You have these standards. Are they standards for all digital technology? Do you now have benchmarks and a set of—

James McEwan: Yes, the Government Digital Service and the cyber team that we have set the functional standards across Government, which we expect all of our suppliers to work towards.

Q82 Chair: But they are having to alter them. I remember once dealing with a technology project in government, and by the time we were delivering it, it was already way out of date. That happens. How do you keep it up to date? They are standards; you do not specify every specific—

James McEwan: Yes, exactly. Where appropriate, you try to set a series of principles. That allows you to stay with the technology. You do not have to define operating system X-point-whatever.

Chair: For instance, links to overseas—

James McEwan: Yes, exactly. There are some principles. But to your point, we have a lot of legacy. You will see this all over government. There is a process of convergence. Some of our legacy technology does not meet those standards. Over time, we are trying to sunset that old technology and move towards the standards. When we are purchasing new kit, it would be by exception that we would move away from those standards. In this case, there was no need to do that.

Q83 Chair: We have talked a lot around what has gone wrong. It is always the tendency of witnesses to talk about the future ambition and hope and how it is all going to be fantastic, but what are the biggest risks? Perhaps I will go to Mr Barton first, because you are in that hot seat dealing with it day to day. What are the biggest risks to expanding it? What keeps you awake at night, Mr Barton?

Jim Barton: The single biggest risk for expansion is balancing the two parts of that programme. Expansion exists to do two things: to get to 25,000 people on tag but also to run procurement on what are, at the end of the day, major and essential contracts. Trying to procure something that is moving has its challenges. That is the single greatest challenge that we have within expansion.

We are managing that in a number of different ways. First of all, we are trying to get as many of the expansion projects out and into live service ahead of procurement starting. We have been successful in that. We have talked about alcohol; we have talked about acquisitive crime; we have talked about the Home Office and foreign national offenders.



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The second risk is around making sure we have dedicated resource on both. It is not me asking one person to decide which is the biggest priority on a given day. I have teams that work on both aspects, integrated but separate.

The third risk is to ensure, as the NAO nods to, that we have a change freeze built into that expansion plan, so that we are not, at the very point we are switching over from current providers to future providers, also introducing new service lines. We assume that there will be no major changes to the ask on our EM providers in that six-month window as we cut over to new contracts.

Q84 **Chair:** You have indicated this, but I just want to be really clear. Are you confident, as you sit here now, that you are going to hit that forecast target of just over 21,000 cases by 2023-24?

Jim Barton: Yes. We are trending at about 1,000 below that at the moment. That is due to a number of factors. As you will know and as we may have discussed before, demand in the criminal justice system is quite difficult to predict at the moment, for obvious reasons.

Q85 **Chair:** That is a ballpark area. You should not beat yourself up about that.

Jim Barton: That is beyond my margin for tolerance.

Q86 **Chair:** But you don't worry that there is going to be any stress on the system? You are confident that you are going to have the ability to manage and flex that, because it could equally go up? As you have highlighted, you cannot predict it precisely.

Jim Barton: What we have done so far on expansion gives me huge confidence. We delivered alcohol monitoring as a community requirement and on licence to the dates that we agreed at the outset. We did the same for acquisitive crime; we did the same for foreign national GPS devices. You have rightly called us up on the one thing that we did not deliver on time, which was the non-fitted device. Beyond that, the programme has been successful.

Chair: Obviously we pick up on the bit that has cost rather a lot of money for the taxpayer.

Jim Barton: Sure, but if the question is whether, for expansion as a new programme, we are clear on scope and on what we are trying to deliver by when, and are confident in that, yes, I am.

Q87 **Chair:** What about you, Dr Farrar? What keeps you awake at night?

Dr Farrar: Importantly, we now have the right governance in place to make sure, if there are risks, if the programme is slipping or if it is not delivering as we thought it would, we can pick that up earlier and be able to rectify it. Quite rightly, that is pointed out in the NAO Report. They are the big lessons that we have learned from this programme. That is what helps me to be able to sleep at night: the fact that we have the right



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governance in place. We can pick up issues and we have a much better and more rigorous risk management system.

Q88 **Chair:** I guess if you are running the whole prisons and probation system, there are quite a lot of things that might keep you awake at night.

Dr Farrar: There are lots of things; there certainly are, yes.

Antonia Romeo: We are ending where we began, which is that we are dependent on contractors. Everything where we are dependent on the market keeps me awake at night, because you have to have a diverse market. As you will have seen, we have moved to a two-lot provision model from a four-lot provision model, which we thought was overcomplicated. We considered whether we should go for a single supplier. We thought that would reduce the market too much. When you have two lots, by definition it introduces some element of complexity.

This is an innovative and very well-run programme, as you will have seen. None the less, it still has significant risk attached. The IPA has rated it as amber. One of those issues would be that reliance on contractors, the market and so on.

To your question about whether we will get to 25,000 by the end of the Parliament, it depends on the behaviour of sentences, as we touched on earlier. Anything we cannot directly control is always a risk, in that it is exogenous to the programme. We feel confident that we will get there, but none the less we have to keep managing that trajectory. The forecast is always difficult to project.

Q89 **Chair:** Would there be any risk that you are pushed to add people on to tagging to make that number? Ultimately, it is down to judges and magistrates, is it not? They make the decision. It really is out of your control.

Antonia Romeo: Yes, it will be up to them. They have to have confidence in the system. You are right: the decision is for the judiciary. The question is, "Do they have confidence in the system?" It is on us to deliver, as we have been discussing, something in which they have confidence. I think we will, but none the less that is another area of risk.

I could list all the other reasons why I am confident in the programme, but since you asked for risks I will give you—

Chair: Answer the question we ask. You will get a brownie point for that.

James McEwan: I have nothing more to add on what is keeping me awake at night. I actively look forward to us unpicking the really knotty evaluation challenges here. We have talked about what we do not yet know. It is fiendishly difficult to know that. We have an utterly brilliant team of researchers and analysts working with us. Pulling that problem apart, learning as we go and trying to come back in a few years' time with some



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really robust evidence, which will be world-leading, is something I look forward to, but I don't want to underestimate the challenge.

Q90 **Chair:** Mr McEwan, you are preaching to the choir here. We all love evaluation and monitoring. In fact, we have even done a Report on it recently. Just finally, Ms Romeo, I wanted to go to you. You have to model the 91,000 job cuts across the civil service; you have to model cuts of 20%, 30% and 40%. Yet you have increased the analysts on this project. From our point of view, if it is going to deliver the right evaluation and the right approach, that is a good thing. How are you looking at that modelling? Are you looking at salami-slicing? Are you looking at different teams, or cutting whole services?

Antonia Romeo: Just to be clear, those were not new analysts; that was a reallocation of analysts. We work on prioritisation. Yes, like all Departments, we are modelling a number of workforce reductions across our entire business. I don't think you can do 20% or 30% cuts to a business through salami-slicing; you have to look at transformation. In the Department we are looking at what we can achieve through efficiency savings and what we can achieve through reprioritisation—what are the things we want to most direct our resource at? We are also looking at what genuine transformation we could do.

We have to come out with that by the end of the SR. It is conceivable that we might be making arguments for additional investment early on in order to generate savings, because, at the end of the day, as the Prime Minister and the Cabinet have said, the purpose of this is to generate savings at a time of difficulty for the country. We are definitely very focused on that, and at the moment we are very in the detail of our return to the centre.

Q91 **Chair:** You are talking about spend to save. Are you confident that you can convince the Treasury of that approach?

Antonia Romeo: If Departments come up with genuine transformation options, such as increased automation in some areas, that would help them achieve the workforce reduction and generate savings over the period, I take colleagues at face value that those will be considered.

Q92 **Chair:** We have seen quite a lot of digital programmes recently that will take 20 years to deliver. In terms of transformation in a three-year SR period, you are an optimist, Ms Romeo.

Antonia Romeo: That is the challenge.

Chair: Can I thank our witnesses very much indeed for their time? The transcript of this session will be up on the website uncorrected in the next couple of days. Given the timings on this, I am not sure we will manage to get a Report out before the summer recess, so you may have to wait until September before we do. Thank you very much indeed, particularly to Mr Barton and Mr McEwan, who were first-time witnesses to this Committee, unlike the frequent flyers in the middle. Thank you very much indeed.