

Public Accounts Committee

Oral evidence: Court Reform, HC 1002

Thursday 30 March 2023

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Public Accounts Committee Members present: Dame Meg Hillier (Chair); Olivia Blake; Dan Carden; Sir Geoffrey Clifton-Brown; Mr Jonathan Djanogly; Nick Smith.

Justice Committee Member present: Sir Robert Neill.

Gareth Davies, Comptroller and Auditor General; Jenny George, Director, National Audit Office; and Marius Gallaher, Alternate Treasury Officer of Accounts, HM Treasury, were in attendance.

Questions 1-115

Witnesses

I: Antonia Romeo, Permanent Secretary, Ministry of Justice; Nick Goodwin, Chief Executive, His Majesty's Courts and Tribunals Service; Andrew Baigent, Chief Financial Officer, His Majesty's Courts and Tribunals Service; and Gemma Hewison, Director of Strategy and Change, and SRO of the Court Reform Programme, His Majesty's Courts and Tribunals Service .



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Report by the Comptroller and Auditor General

Progress on the courts and tribunals reform programme (HC 1130)

Examination of witnesses

Witnesses: Antonia Romeo, Nick Goodwin, Andrew Baigent and Gemma Hewison.

Q1 Chair: Good morning and welcome to the Public Accounts Committee on Thursday 30 March 2023. Since 2016, His Majesty's Courts and Tribunals Service has been pursuing a programme to modernise working practices and reform existing case management systems, which are complex and inefficient, with a lot of old-fashioned bureaucracy. This Committee has been looking at this issue since then. This is, I think, our third official look into the system, but we have raised it at other times as well. The programme is delayed; it is now set to complete three years later than initially planned, while at the same time costing more and delivering less in savings to the taxpayer. I think we all have constituents who are affected by the delays in the courts process, which this does not help.

Today we have senior officials from His Majesty's Courts and Tribunals Service and the Ministry of Justice to discuss what is going on with the court reform programme. I would like to welcome Antonia Romeo, the permanent secretary at the Ministry of Justice; Nick Goodwin, the chief executive of His Majesty's Courts and Tribunals Service; Andrew Baigent, the chief financial officer at HMCTS; and Gemma Hewison, the director of strategy and change, and senior responsible owner of the court reform programme, at HMCTS. We are also delighted to welcome Sir Bob Neill, Chair of our sister Committee, the Justice Committee, who is guesting with us on this issue today.

Before we go into the main session, I want to kick off with a couple of brief points, Ms Romeo. First, how are you doing on the shortage of judges, which we believe is having a big impact on courts' ability to sit?

Antonia Romeo: You are right that judicial recruitment is something we are very much focused on. We are planning to recruit 1,000 judges in '22-'23, and we have also had agreement from the Lord Chancellor to recruit an additional 1,000 in '23-'24. You will be largely referring to the Crown court outstanding case load. Circuit judges are obviously the key thing. It is right that we had a 20% shortfall in appointments in the last round, but we are currently in the process of a new recruitment. That concludes in April, so we will be in a good position then to tell you whether we can close that gap.

I know that the Committee is also interested in district judges. Here, again, the shortfall remains a concern. The shortfall was 35% in the last



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round, but that was significantly lower than the two previous rounds. We are running a new recruitment exercise to try to close that gap as well.

Q2 Chair: On the 1,000 for 2022-23, how many did you actually recruit?

Antonia Romeo: We are in that process at the moment. That is across all jurisdictions, of course.

Q3 Chair: We are just coming to the end of March. When you say '22-'23, do you mean the calendar year?

Antonia Romeo: No, the '22-'23 financial year. We will know the full figures in April.

Chair: Okay, well we would like an update on that, and I am sure our sister Committee would too.

Q4 Nick Smith: Can you please tell us what your target was for '21-'22 and how many were recruited then?

Antonia Romeo: Well, it depends. I don't know if Nick knows the overall aggregate figure, but I can tell you, for example, that for the circuit, in '21-'22, the vacancy request, which is what we call the target number, was 78. That was the shortfall I referred to of 20%, so that was a shortfall of 16. For recorders, we do not yet have the outcome; we were seeking 125, but we increased that to 172 to target the backlog. For district judges, 100 was our vacancy request. That was the shortfall of 35% I referred to earlier. I can keep going down the list if you wish.

Q5 Nick Smith: Can you please update us later on what your target was for '21-'22, so we can better understand how well you are likely to meet it in the future?

Antonia Romeo: Yes, absolutely. In fact, someone just needs to sum up the different things, so we might be able to give it to you during the session.

Q6 Chair: I am sure someone clever behind you will work that one out. Given the pace of recruitment, how are you making sure that you are getting the training and quality of judge that you need?

Antonia Romeo: You are right; obviously, the crucial issue is the pipeline. Nick will want to say something more about this. We are trying to build the pipeline for the future as well as to manage just for this year. For example, we recruit recorders because they can help backfill the gaps when we need, in particular as we are trying to bring down the outstanding case load. Obviously, we have to maintain really high quality. We are also looking to build diversity into the pipeline. We are doing all of those things, but you will know this is largely done through the JAC—the Judicial Appointments Commission—and they are very much focused on this. They are at max capacity in terms of running judicial recruitments at the moment. I know that because we have recently been talking to them about it.

Chair: Mr Goodwin.



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Nick Goodwin: The only thing I would add is that training is of course for the Judicial Office through the Judicial College rather than for the Ministry. That is how we ensure that the quality of new judges is up to standard.

Q7 **Sir Robert Neill:** Thank you very much for those details, Ms Romeo, but can you split down the 1,000 that you are looking for? How does that split between full-time judges and fee-paid judges, and how does it split between criminal, civil and family, and tribunal jurisdictions?

Antonia Romeo: Nick, do you want to—

Nick Goodwin: It might be good if we gave a round-up at the end. It depends on the jurisdiction. In the—

Antonia Romeo: But you are talking about '22-'23.

Q8 **Sir Robert Neill:** Yes, '22-'23. You are recruiting 1,000. How many of those will be circuit judges and how many will be recorders, and how many of those will be sitting in crime as opposed to civil or family?

Nick Goodwin: We are looking for 80 circuit judges.

Q9 **Sir Robert Neill:** Across all jurisdictions?

Nick Goodwin: Mainly crime.

Antonia Romeo: Because circuit is mainly crime.

Sir Robert Neill: Yes, predominantly.

Nick Goodwin: And recorders will be almost exclusively crime—126. I can give you a full breakdown if that would be useful.

Q10 **Sir Robert Neill:** Twenty-six recorders for what? Forgive me.

Nick Goodwin: Sorry?

Sir Robert Neill: You mentioned a figure of 26, Mr Goodwin. [Interruption.] Oh, 126?

Nick Goodwin: Yes.

Q11 **Sir Robert Neill:** Thank you. I misheard you. We have been told, as the Justice Committee, that there are also shortages of recorders to sit in the county courts.

Nick Goodwin: The county courts are short of all species of judge, if you like—yes, there will be recorders, but particularly district judges and deputy district judges. The figures are around 100 district judges and 150 deputy district judges.

Q12 **Sir Robert Neill:** So although crime and the Crown court get the headlines, we actually have a problem in all jurisdictions.

Nick Goodwin: The county court, in particular, is a critical area of concern, particularly in the south-east and London.



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Q13 **Sir Robert Neill:** I know you will talk to the Judicial Appointments Commission. It carries out some surveys as to the attitude of potential applicants. It is right to say that the quality of working conditions—physical or general—is one of the inhibiting factors that have been identified as something that prevents people from applying to sit.

Antonia Romeo: It is accurate to say that, in those surveys, court maintenance and the state of the physical estate is something that is given as a reason, yes.

Q14 **Sir Robert Neill:** What is being done to reflect that in speeding up the maintenance programmes of the courts?

Antonia Romeo: This is probably the thing that Nick and I spend most of our time discussing. In the year just gone, we invested £75 million in court maintenance and the previous year it was over a hundred, but Nick might be able to add on that. There is a full programme run by Andrew to go round the estate. As you will know, we operate in a tight fiscal context. There is a certain amount of money that is agreed between the Lord Chief Justice and the Lord Chancellor on the whole range of court funding, and that includes money for maintenance.

Q15 **Sir Robert Neill:** The problem is not a new one either, is it?

Antonia Romeo: It certainly isn't.

Q16 **Sir Robert Neill:** There has been a persistent difficulty with recruitment, just as there has been a persistent backlog in maintenance as well.

Antonia Romeo: I think there are two different things here. On the estate, obviously, we also—in another part of the forest—run the prison estate. We have a big physical estate, much of which was built many years ago. There was always an issue about degradation of the estate and maintenance that is needed, so we have a constant process of investing in that maintenance.

The judicial recruitment issue is slightly different because, as I say, you have to have the pipeline because of where—as you well know, Sir Bob—the judiciary are recruited from. We are trying to build up that pipeline all the time. That is a different-shaped problem, but you are right: both of them are constant challenges that we face in the system.

Q17 **Sir Robert Neill:** But there is a connection. It is not the sole explanation; it is one of the explanations.

Antonia Romeo: Yes, I agree it is one of the reasons given.

Q18 **Sir Robert Neill:** As of today, going back to the Crown court, I have seen some statistics that show out of 498 Crown courtrooms, 83 were not sitting, so that is 17%. You probably see the blog "Idle Courts", Mr Goodwin. That is a fairly common figure—about 17% of courtrooms not actually sitting for whatever reason. Some of that may be because the trial has been adjourned for a day, but in other cases it will be because there is either no judge or the courtroom is not available for some physical or other operational reason. Is that a sustainable figure—nearly one in five



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Crown courtrooms not being available?

Nick Goodwin: We are sitting over 400 courtrooms a day. That is actually an extremely high figure, and we are sitting pretty much to our maximum capacity with the judges we have. In a sense, it might be looking at the wrong figure. We have more physical estate than ever before, but we are sitting at extremely high levels. This year we should have something close to 100,000 Crown court sitting days. That is historically an extremely high figure, and it is for those reasons that we have been able to reduce the backlog. So the courts are at full tilt.

As for whether courts are offline, some do need to be taken offline for routine maintenance, as you say. Depending on what is going on with a case, a court may not be sitting at the moment in time that that data is presented back. I do not want you to believe the courts are not sitting at full tilt because they absolutely are. We are able to do that because of the amount of sitting days we have been afforded this year, and because we have put so much focus on ensuring that the estate is there, including Nightingale courts.

Andrew Baigent: The only thing I would add to what Nick said, to answer your question, is that in the Crown court, we lost 369 sitting days last calendar year because of unplanned maintenance. That gives you a feel. We are sitting around 100,000 days a year, and 369 were lost because of unplanned maintenance, which is a reasonably high number. I would like it to be lower, but it is not at the levels you are talking about. As Nick says, most of the rooms that are not being used are not being used because we do not have enough judges to fill those rooms.

Q19 **Sir Robert Neill:** And 19% of the courts have recorders sitting in them, but of course the recorders are the very same senior barristers who you need to prosecute or defend in the serious cases, so that can never be a sustainable, long-term solution, can it?

Antonia Romeo: You are right at one level, although of course this is a sign of the system working—the flexibility to allow recorders. The recorder model that allows them to sit is something that we can do when we are trying to, as Nick has said, sit a record number of sitting days. As you will know, we have removed the cap on sitting days for the second year running, which means we are trying to max out. That is why we are focused so much on judicial recruitment and on maintenance to bring the physical estate into maximum use. Using recorders gives you that flexibility to allow you to sit more in Crown when needed. You are right, as per my pipeline point, that that draws on the professions. That is a kind of natural consequence of the way the profession is structured.

Q20 **Sir Robert Neill:** But despite those efforts at sitting at high volume, as you put it, Mr Goodwin, although the backlog has reduced, it remains stubbornly above pre-pandemic levels and shows no sign of dropping below them.

Nick Goodwin: We discussed this at the Justice Committee. What has happened is that we reduced the backlog quite quickly post the pandemic.



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It came down very quickly from 60,600 in June '21 to just over 57,000 in March '22. We then had the Criminal Bar Association industrial action, and that put us back to around 62,300, which was in October of last year. We have made good inroads into that since the end of the Bar strike, so by January we were down by 1,000 to 61,300. New figures coming very shortly will show that continued progression.

As we discussed at the Justice Committee not too long ago, the stock of cases—what is in that 62,000—are quite heavy cases, so one can expect the disposal rate not to be quite as high as it has been since the Criminal Bar Association industrial action. But progress is being made into the backlog—not quite at the speed that it was earlier in the year.

Antonia Romeo: The target, of course—the commitment—is to get the backlog down to 53,000 by the end of the Parliament.

Q21 **Sir Robert Neill:** That will still involve long custody cases being listed very often two years or more after charge, and sometimes after the incident. That is just a fact, isn't it?

Antonia Romeo: We start from where we start. As Nick has set out, having made a lot of progress on the backlog, it has gone back up as a result of the CBA industrial action, and the complexity of the case mix, as Nick said, is making it harder as well. None the less, the target remains 53,000 by the end of the Parliament, and we are still hoping to do that.

Q22 **Mr Djanogly:** Good morning. My question has essentially been covered, but given the extended opening of the courts and given the current backlog, do the numbers work out in terms of doing what you say you want to do by the end of the Parliament?

Antonia Romeo: We are pushing absolutely everything at this. We are obviously focusing on judicial recruitment and removing the limit of sitting days, as I mentioned. We have 24 Nightingale courts that we are going to continue into the next financial year. We have the two super-courtrooms, which will allow something like 250 additional cases per year. So we are doing everything we can, and we are not currently planning to revise the target. That is the target, and we are hopeful of getting there by the end of the year.

I think that the last year taught us something about plans. We thought we were actually going to be ahead of target, because we were bringing the outstanding case load down so quickly. Obviously, the industrial action took us back up. So I do not want to over-commit, but I think we feel confident, and we are all working together, across the whole of the justice system, to get there.

Q23 **Mr Djanogly:** I was going to ask about the Nightingale courts, but you have confirmed that you will keep them going. Are they a cost-efficient way to deliver justice?

Antonia Romeo: Nick and Andrew will want to comment, but yes, bluntly: they are what you've got. They are value for money, because otherwise we wouldn't be doing them. If you had a load of other super-



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courtrooms, perhaps you wouldn't need them. None the less, when you are trying to bring on track physical estate quickly so that you can use the maximum amount of judges that you have, they are the best way to do it. In so far as we have stopped using Nightingales, it was because the ones we stopped using were less good value for money. The 24 we have are all good value for money.

Nick Goodwin: There are a couple more points about trying to improve the efficiency of the overall system that I think are worth noting. The first is the Crown court improvement group, which is a judicially led initiative to try to ensure that cases run better, with better case management and so forth. Antonia also chairs the criminal justice action group, which is very much focused on efficiency in the criminal justice system. We will get on to common platform at some point. When right, common platform in the Crown court will also be a good enabler to more efficiency across the criminal justice system. Those things are coming as well. Andrew is the absolute expert in Nightingale courts, having set them up, so I will allow him to talk to that.

Andrew Baigent: Just to answer the question more on the value for money side, what the Nightingale courts do is enable us to use our specialist estate for the things it is really needed for. We don't have any custody suites in our Nightingale courts, but it takes that work out of the courts that have custody suites. Because of that, they are relatively inexpensive, because the real cost in our estate is the custody suites. That is what it enables us to do. It also takes some work out of the county court, where we could use those rooms, because they are suitable for criminal work—to do criminal work. The 24 are a combination of where we need them regionally and the type of work we need to cover off.

Chair: Sir Bob has a very quick question on the Bellamy review.

Q24 **Sir Robert Neill:** I wonder where we are in relation to the Bellamy review. The SI in relation to section 28 cross-examination has now been issued. There remains a concern with criminal solicitors in relation to payment for some preparatory work, and some solicitors are saying that they would not undertake criminal work. What is the state of negotiations there?

Antonia Romeo: To come back to your point on the SI, at the end of January, we laid the SI on section 28—there is £4 million of additional funding for that. As you will know, this week, we laid another SI on special prep and wasted prep, which is an additional £3.3 million over the spending round.

In terms of the solicitors, just to remind the Committee, the whole point of the Bellamy review—the CLAIR—was to support justice and its efficiency, but also not to encourage perverse incentives. Ministers have been clear throughout that the 15% increase would apply to as many schemes as possible, but not to those that might create perverse incentives. There are some schemes where the full 15% was not applied. None the less, there has been a £141 million additional increase per annum steady state for



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barristers and solicitors, which includes £85 million steady-state new money for solicitors. You referred to the position of the Law Society—I don't think it would be appropriate for me to comment further on that during the legal action.

Q25 **Sir Robert Neill:** That remains an outstanding issue, at any rate.

Antonia Romeo: It remains an outstanding issue that—well, as I say—

Sir Robert Neill: Okay, we've got the picture.

Q26 **Chair:** I think the permanent secretary has been clear about where Ministers are on this. Thank you, Sir Bob. We need to move on to the issue of common platform. Thank you, Mr Goodwin, for your letter of 17 March. First, to be clear, in that letter you told us that common platform is now live in 76% of courts and that you were planning to roll it out to the remaining courts where it is not yet in use. When will that have taken place?

Nick Goodwin: We are now at 78% of courts; we had another roll-out in Dorset more recently. Common platform comes in a number of phases. Phase 1, which is rolling out the first version of common platform, will complete this calendar year. In broad terms, London is the next really significant roll-out, and we hope to be doing that in around May or June time—so 100% this year.

What I also set out in the letter is that with the further releases of common platform, and the more complicated releases that will apply in particular to proceedings in the Crown court, we are taking some more time to get those right. It is really important that we do not disrupt the recovery efforts in the Crown court by landing anything other than an absolutely tip-top product. Our intention now is to do that roll-out a little later and complete that roll-out by March '24.

Q27 **Chair:** You just said that you want to get it right and not necessarily do it too fast, but it has missed its targets along the way. Do you think the initial plans were realistic about rolling out common platform?

Nick Goodwin: I think they probably were—

Chair: Sorry, they probably weren't or were?

Nick Goodwin: Were.

Chair: I thought we were going to have a moment of pure honesty from the civil service there.

Antonia Romeo: No, hang on, you are saying were they realistic.

Chair: Were they realistic—yes.

Nick Goodwin: Since the initial plans, the pandemic has hit us really hard. We have been discussing the pressures on the courts during the pandemic, which were extreme. As recognised in your report on how we dealt with covid, the courts actually did exceptionally well to get up and



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running in that time, but every single court is running extremely hot at the moment, as I have already explained.

Introducing change into that context is incredibly difficult. People are struggling for the bandwidth to be able to take new things on, for example, as well as the pressures on the team. That is the principal reason why we have moved to what I believe is now a more realistic timetable.

It is also true that we have learned a lot from our experience of rolling out common platform into the magistrates court in particular. I think we recognise that when people are under pressure in the courtroom, we need to ensure that the product is better than a minimum viable product and received in a way that is less disruptive.

Q28 Chair: So the user interface has been a problem.

Nick Goodwin: To a degree. There have been some technical problems with common platform in the early days and, to a large degree, they are sorted or being sorted. For example, the speed and stability problems that existed in early roll-out are no longer an issue of primary concern.

Some of our users, particularly in the magistrates court—which is a slightly different issue—have struggled with some of the interfaces and how it differs from the previous system. That is to be expected, to a degree: the previous system has been in existence for the last 20 years and people are very familiar with it. Alas, it is now very fragile.

We have been spending a lot of time trying to take the edges off those issues and make it more user friendly in the courtroom. We have a top 10 list, if you like. We have five issues that should improve things in the magistrates court for our legal advisers, who are the absolute lifeblood of the magistrates court, and we will be dealing with those. Likewise, there were some slightly different issues of concern to Crown court clerks, and we are also focusing in on those.

We have really learned a lesson here. We had all the right methodology—agile methodology—to take feedback to design, but I think we have realised that we need to do better than that and listen even harder and be more fleet of foot in responding and getting the confidence of other people who are using new systems. We are asking a lot of them; change is difficult, and when you are a dealing with a court it is a pressurised environment.

Antonia Romeo: I completely agree with everything Nick has said, but I think there are two particular things. First of all, given the complexity and ambition of the programme, it has literally been like redesigning the jet engine while it is in flight. Managing those two things, particularly during a pandemic, has been very difficult. I have to say that I think the HMCTS staff, to whom I want to pay tribute, have done a fantastic job over many years to try to keep performance going while also absorbing the results of reforming, including on common platform.

In response to Nick's point about culture, I am sure we will come on to lessons learned, but if there is one thing that we might have learned at the outset, as it were—if one can do such a thing—it is the culture change that was required. It was listening to that feedback that triggered the original pause, which I think was the right thing to do; once that feedback had been listened to, we were able to be in a good position to resume after the pause. Of course, that has led to the reset and the new timetable.

Q29 Chair: What you are saying—that it is not just an IT system; it is actually about changing the way people work—is not exactly rocket science for Whitehall. Do you think, in retrospect, that there should have been better planning with the personnel who have to do it to make sure you had that understanding not just of the technical requirements but of how it was going to be used?

Nick Goodwin: Without any doubt, there was a great deal of effort put into understanding how it landed and understanding that people were under more pressure. In the first stages of covid, we weren't able to do as much face-to-face training as we would have liked. We have learned from that. Our training is better and better, and there is more support around the place. We have better Teams chats.

Every single director in HMCTS is sponsoring an area. They are going out and listening at first hand to what people are saying, and then bringing that back in really quite a real way for us. We have about six or seven other new mechanisms of getting better feedback. I don't think there was an absence of design or methodology; I think it is that the particular circumstances that we landed common platform into created more difficulty than we perhaps anticipated. We also have to understand that common platform relies on not just HMCTS staff but staff across other criminal justice agencies aligning to the process. That is a really difficult challenge. Gemma may—

Q30 Chair: I was just going to turn to Ms Hewison. The decision made in 2021 to have an interface, rather than one single system, is delivering much the same outcome. Why was the decision made to try to have one big, all-singing, all-dancing system in the first place if you were then going to change it?

Gemma Hewison: The original ambition was to have a single system for HMCTS and CPS, and that was agreed with HMCTS and CPS at the time. That aligned with best practice, in terms of delivery models, at that point.

As with any major programme and any IT project, over time the best way to deliver the outcomes has been reviewed by the programme board, HMCTS governance, and by CPS and HMCTS together. Best practice advice has also shifted during that time. When we reviewed it in 2021, reflecting on the challenges of the pandemic on HMCTS and CPS operational staff, the other changes happening in the landscape for CPS and some of the police forces, and the changing best practice in terms of the ability to do that integration, the recommendation from the programme board was that



we would integrate the systems, rather than build a single system for the whole.

Q31 Chair: It is interesting, because we have looked at other projects across Government, and the Home Office's approach to trying to deliver the police national computer and the police national database crashed and burned too, and they decided to change it. Are you saying that the world decided that there was a different way of doing it, and the Ministry of Justice went with that? I am a bit puzzled about who made the decision. You say that the best practice changed. Is that in the profession of digital programmes?

Gemma Hewison: We sought assurance from the Government digital advisers to assist with that review. They looked at it and assured us that the integration model could provide us with the same benefits, ways of working and strategic outcomes for the programme. We sought that advice from a technical perspective. The critical part of that decision was about the pressure, particularly for CPS post pandemic, of having to do a change of system. If we interfaced with their system, they would be able to maintain it and there would not be that sizeable business change for CPS.

Q32 Chair: Antonia Romeo talked about being in flight while making major changes. If you had the interface system in the first place, you would have had at least one bit of the system stable while you were trying to change the other. Was it really wise to go in trying to keep everything running while also changing the system? Was there no way of running a separate pilot? Do you think you piloted enough? Do you think there are lessons that could be learned about that big-bang approach, which we have seen a slight change on since?

Antonia Romeo: Can I comment first of all on the CPS interface issue, and then I will come on to that? On the CPS issue, the first best solution would have been to have everybody on the common platform. The clue is in the name. As it turned out—

Q33 Chair: Or is it that the "common platform" name drove it, so everyone had to be on it? I'm not sure who made the decision.

Antonia Romeo: I think the original vision was that it would enable sharing off a common platform between the CPS and HMCTS, and that putting everyone on the common platform would have been a simpler way of doing that than an interface. That was the original plan with the CPS's original case management system. but once they had done the investment into the new case management system, that changed, and the programme made the decision—I will come on to the assurance of that decision in a moment, if I may—that the best thing was to go for the interface.

As you will be aware, that triggered a constructive loss in two years. Obviously, it was not first best to have triggered that loss. That was because the investment had been made by the CPS into their system. That meant that in '20-'21 there was an £18 million constructive loss and in '21-'22 there was a £4 million constructive loss, because of the assets that



had been invested into in the common platform that were no longer going to be able to be used.

Given that, I think it is fair to say that at the outset the plan to put everyone on the common platform led to that investment, and that in due course, when it turned out that the new investment by the CPS into their case management system meant that it was better to go with an interface, ideally we would not have had a constructive loss. However, the reason the programme made that decision was that at that point, it was the best position to be in—it was tested that the interface would work. That went up through quite a lot of governance. Of course, as PAO, I had to give advice to then Secretary of State, which I did, because it was clear, based on the recommendation of the programme team, as well as on external assurance, including by GDS, as Gemma mentioned, that from where we were that was the best place.

Q34 **Chair:** From where you were—that's the point.

Antonia Romeo: Agreed, and this might be a theme of the session: in these long programmes, which involve a lot of technological change and investment, and culture change—in an agile programme, ideally—you are also learning. At some point, you have to be prepared to say, "We're now going to change." That is the point, and that is good practice. Sticking with something that is not the best from where you are I think would be the wrong approach to take as an accounting officer.

Q35 **Chair:** But you are absolutely clear now that the interface is the final, permanent solution to the issue.

Antonia Romeo: Yes.

Gemma Hewison: Yes.

Q36 **Chair:** So we are not going to see another change—that is helpful. It is interesting that you made that decision to have the single system. In other big systems in Government—look at the health service, for example—there are interfaces all the time. To be clear—starting with you, Ms Hewison—why was there the desire to have the common platform? You can almost see the big plan announced by Government: the common platform, which is all very big, sexy and exciting, and which will solve the world's problems. We see that across other Departments in Government, yet you came to the same conclusion as many other projects, retracted that and did something different. Do you think that the decision in the first place was the right one? You have said, "Well, at the time it was," but was that technically driven or driven by a desire—I don't want to say a simplistic desire—by non-experts to see a simple programme to launch? That is a bad way of phrasing it, but you know what I mean, I think.

Gemma Hewison: I think that the ambition to have everyone on that single platform makes sense, and made sense at the time. Also, looking at the—

Q37 **Chair:** But we have heard that the interface creates no detriment to performance.



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Gemma Hewison: The interface now prevents no detriment to performance, because CPS's system has moved on. At the time, CPS were looking to replace their system, and HMCTS had a suite of legacy systems. Therefore, there is a logic to replacing the whole with one. CPS continued to invest in their system, and therefore their system is in a better performance—a better state—than it was at the time the decision was being made.

Q38 **Chair:** How much did they discuss this with the Department? You had part of the empire, Ms Romeo, making its own decisions, which were impacting very expensively on a taxpayer-funded programme from the Ministry. Were you happy about them carrying on doing their own thing?

Antonia Romeo: As an accounting officer, you never want to find yourself in a position of accepting a constructive loss in your accounts because you have made an investment when things have changed. However, I think it is fair to say—Gemma may want to say more—that the ultimate conversation about it and the decision were made by the reform programme committee, so at that point it was clear that that was the best thing to do. I don't know the extent to which before then there had been a lot of discussions about it.

Q39 **Chair:** But the CPS were at that meeting, or in that room.

Antonia Romeo: Yes.

Q40 **Chair:** Yet the CPS went off and upgraded their old systems. They and you must have been aware that this was going to cause potential tension in this idea of one common platform. From an early stage, they were not really invested in the common platform solution.

Gemma Hewison: I would say they were completely invested in the common platform solution. They were part of the then programme board. In fact, they were joint SROs with the HMCTS chief exec at the time. They were fully committed and maintained that commitment throughout the programme. To be fair, the initial development periods for common platform from the HMCTS side were not as fast as we had anticipated. There were elements where they needed to invest in their system to keep up with changing legislation and user requirements. We have to acknowledge that that is part of the picture—that our delivery in those first years was not as fast as it should have been.

Q41 **Chair:** Which is a big lesson. Looking back, Ms Romeo, as the accounting officer, what would you have done differently? That divergence has led to a lot of taxpayers' money being spent.

Antonia Romeo: One of the changes that we have made since, which Nick has already mentioned, is the existence of the criminal justice action group. I chair it, the DPP is on it, the permanent secretary of the Home Office is on it, and it has HMCTS representation and police representation, etc. We tend to take these big issues. I do think things like that—there is a steering group underneath—would have been an additional place for these issues to be flagged; you would not just have been relying on the conversations that were happening in the programme board. I think that is



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one thing. Joined-up working is always the holy grail, and ensuring that we, as I think Gemma said—

Q42 Chair: Joined-up working is the holy grail across the whole wider Government, but this is within the family of Justice. There is a pretty close relationship between the CPS, HMCTS and the Ministry at the centre. You are being very polite, but was there a big falling-out, because they were saying, “You’re not going as fast as we need you to go, so we’re going to go and do our own thing”? We looked at the Home Office’s emergency services network, which is riddled with the same issues, with distrust from a partner in the programme. Are relations good between the CPS and the MoJ?

Antonia Romeo: Definitely yes, I would say—

Q43 Chair: But was there a period when relations weren’t so good, Ms Hewison, and when they just said they were going to go and do their own thing because you weren’t going fast enough? Were they difficult conversations to have?

Gemma Hewison: I don’t think that they made a decision to go and do their own thing; I think there was a reflection that the common platform delivery was not as fast as it should have been. They had to keep up with legislation and their user demand, so they did—

Chair: So they did go and do their own thing.

Gemma Hewison: But they shared that latterly with the crime programme board. I think our partnership with the CPS throughout has been strong. You can see that by their continued commitment to the programme.

Nick Goodwin: The relationship between ourselves and the CPS on common platform to this day—and since I have been here—is extremely good, and the conversations we have on the crime programme board are really constructive, even when we are occasionally doing things that are of difficulty with the CPS. As things now stand, and with the planned integration, we are really shoulder to shoulder, so there are no concerns at this point from my perspective. I think it is important to share that.

Q44 Chair: I want to touch on the issue of the email failure that you wrote to us about—thank you for the letter. To recap, there was a point, identified in September last year, where there was a problem with some email notifications, due to a technical issue, which meant that just over 3,000 operational notifications failed to send between June 2021 and August 2022. So there was a long period when it was happening before it was noticed. You point out that it was only 0.8% of operational notifications. The upshot was that 35 people were not tagged when they should have been. Things will go wrong; we recognise, as a Committee, that technical issues will arise and you will need to resolve them. Why did it take so long, though, for that to become apparent? Can you just explain to the Committee?



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Nick Goodwin: Essentially, it was to do with how the—I may rely on Gemma in a moment. Essentially, common platform was doing what it needed to do; it was sending the notifications out. Our error reports were saying, “Common platform is sending the notifications.” The problem was that those notifications then relied on a subsequent email system, and that system was being overloaded, so they were not reaching the recipient. If you like, we were patrolling the boundaries of common platform in a purist way and not picking up on errors beyond that. That was the essential problem, which was why, as soon as we were alerted to the problem, we could fix it actually quite quickly. We needed to add further capacity to the outgoing email system. That is how it happened and that was how it was remedied, in broad terms.

Q45 **Chair:** Is there anything you want to add to that, Ms Hewison?

Gemma Hewison: No, that covers it.

Q46 **Chair:** How are you sure that this is not going to happen again? What are you now doing to ensure that this does not happen?

Antonia Romeo: Shall I start? This is an example of good working within the Department, and complete joined-upness. As soon as it was discovered, Nick and I were in conversation about it.

Q47 **Chair:** How did you discover it? Sorry, that was the bit that I skipped over.

Antonia Romeo: First of all, because Nick told me, and then it comes up through assurance. We are talking all the time.

Q48 **Chair:** But it took 18 months, didn't it?

Antonia Romeo: Do you mean how was the actual problem discovered?

Nick Goodwin: I believe there was a case identified in Wales where a sharp-eyed court clerk or justice clerk checked in to see if the notification had been received and found that it had not. That kicked off an extremely thorough investigation by Gemma and this team, where they unearthed that there was this failure.

Q49 **Chair:** So good old human beings still have an important role. Hats off to that eagle-eyed individual.

Antonia Romeo: Exactly. Once that happened, it would have come up as well through the formal channels. I then commissioned an independent technical review. One of the questions was, has the system been designed to the spec as intended, and are defects and issues that come up well managed? I commissioned that review in September, it began in October and reported in November. It was reporting to both the judiciary and the MoJ and looking in particular at those issues of notifications.

First of all, the report said that there was no technical reason why we should not continue with the roll-out of common platform—that is very important. Also, there were a number of other issues it identified, including things such as data integrity and all records needing to be



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captured in a different way, as well as performance and scalability, data sharing, and issue tracking and resolution.

The way we are running assurance around the programme is that the programme team have a lot of good assurance going on already, which is reporting to Gemma or Nick. But also, on the big issues, MoJ is separately getting its own assurance outwith HMCTS, so that it can assure itself independently from what is coming out of the programme.

Q50 Chair: So you have all the technical assurances in the world, but, Ms Hewison, are you ensuring that, as a result of this human picking up the problem, you are doing some deep dives into individual cases and following through on where they have gone, each step of the way, to check that the system is working?

Gemma Hewison: Yes, absolutely. The assurance around the programme and the review post this incident of the root cause of where the failure was and how we can prevent it has all been completed. We have monitoring across the platform to check at all points. As Nick mentioned, that is not just around the platform itself, but reaching far into ensuring receipts at the other end.

One of the points from the technical review—it is an absolutely fair point—is that some of our systems are still using email notifications. That is not the best mechanism for communicating with other systems. That is something that we are looking at across CJS, because there is a dependency on the recipient organisations to have the right technology to enable an API interface with our system.

Q51 Chair: An API interface?

Gemma Hewison: I am not going to be able to give you the terminology, but it is effectively a system-to-system interface that allows data to be transmitted without someone opening an email. The concerns about emails are around mailboxes and somebody not looking at the right mailbox. Those are the challenges that are inherent in that system. That is much broader than just the common platform. The work that is ongoing now with wider CJS partners is to look at how and where we can reduce that risk even further.

One of the key strengths of the common platform is the fact that we are able to access this data so quickly. On the identification of the error in Wales, we were immediately able to interrogate the system, identify exactly where the issue was, fix it immediately and review each of those cases with our partners.

Q52 Chair: There were 35 cases. How long was the longest that anyone was without a tag who should have had a tag? I know they did not commit a further crime.

Gemma Hewison: Six months—up to six months.

Q53 Chair: Nobody else picked up that they did not have a tag for six months—not the individual who should have had a tag?



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Antonia Romeo: We don't know whether they picked it up or not, of course.

Nick Smith: I bet they would have noticed.

Q54 **Chair:** Well, exactly. I would have thought that other people around them would have.

Gemma Hewison: Just to confirm, for those cases we found no further offences committed by those individuals during that period of time.

Chair: No doubt there was a big sigh of relief in the Ministry when that happened, because it could have been a lot worse. Mr Nick Smith MP is next.

Q55 **Nick Smith:** I start off with some sympathy with the Department in the way it has to deal with work connected to Parliament. It seems that justice Bills come along as often as London buses—that has been my experience in this place over the years.

May I return to the issue of system interconnectivity? Ms Hewison, you talked about having an integrated system, not a single system. How well does the system connect to other agencies that have an interest in your work such as the police or the probation services?

Gemma Hewison: The common platform is interfaced or linked to the police systems. That is a real challenge because there are 43 different police forces, with different systems, so every time we go live with the common platform in a new area with a new police force, a comprehensive suite of testing needs to be done with that police force to ensure that the common platform notifications and the communication between the two systems work effectively. We have somebody from the police seconded on to the crime programme to provide that police interface and to make sure we are doing that work with the police forces as we go through the group.

The common platform is also interfaced with the legal aid system to provide information about cases and case progression, for the billing of legal aid, with DVLA, with CPS and with multiple systems within the HMCTS infrastructure. So there are numerous points at which we communicate with other systems.

Equally, there are areas where there is not an interface, but where the notifications are shared from common platform. Notifications are sent to the electronic tagging teams, the probations, the prisons, and as soon as a result is entered on the system, that information is immediately shared. That is one of the real strengths. Historically, for cases resulted in a court, it might take a day or so to result that case and for those notifications to be sent out. Now, as an individual or a legal adviser results a case in court, the notifications are shared instantly with all of the parties that need to have that detail.

Q56 **Nick Smith:** Thank you. That sounds really complicated—43 different police service links sounds like a really difficult thing for you to grip. What do the police service say about the interface with your system?



Gemma Hewison: The police forces have been really supportive as we have gone through the process. As I say, they have been involved, with a secondee on the programme representing the police interests. The programme board has a lead police member on it, so they are part of the programme team continually and part of the governance structure. They are also part of the design work, so the police are involved in all of the design for common platform.

Although we have rolled out to 78% of the courts already, the Metropolitan police and a couple of the Yorkshire forces have asked for an additional bit of data from the common platform, or a change in the way it is presented to them, and that is being released over the next couple of weeks to enable them to get what they need. Again, the team continues to listen to feedback from the police forces and adapts to meet their needs.

Q57 **Nick Smith:** That sounds good. How about the police officers and the users in the police forces? How do they find the system works for them as far as they come across it? What is their feedback?

Gemma Hewison: In the police forces, from a police perspective it is mostly used to take data from common platform to update the police national computer on the results from the Crown court. The results from the magistrates court go straight into the system, but the Crown court results are more complex and there is a human interface whereby individuals within the police forces take that information from common platform to enter into the police national computer.

Part of the feedback that we had recently is that they are getting a lot more information than they have historically had. That has made it harder for them to distil the key bit that they want, so one change that we are making over the next few weeks is to distil that information to a tighter set of information for them.

Q58 **Nick Smith:** We received some input from the Law Centres Network—I want to talk about ongoing digital work with external organisations—and they tell us: “You are unable to file an appeal by email when it exceeds 16 pages as the CPR require documents over 16 pages to be filed by post, unless you pay the court to copy the extra pages.” There seems to be an issue with the CPR and the rules that you have to work within. When were the CPR rules involved with this instance last updated? From this information, it seems that those rules are making life difficult for real users across the country.

Antonia Romeo: I should say that Nick is going to want to comment in a sec, because he is about to go and talk to the Master of the Rolls about all sorts of things related to CPR, so this might suddenly become item 1 on the agenda. It sounds—

Chair: Odd.

Nick Goodwin: It would be very useful to have the information you are referring to. I am not quite sure what the issue is, but as Antonia says, civil procedure rules and how they interact with reform are things that we



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are very much keeping on top of. I and Naomi Mallick, who is Antonia's head of legal, are going to see the MR very shortly to discuss where they are. I will certainly pick up that issue with him, and I am very happy to pick it up from you.

Q59 Nick Smith: Can you, please? The next paragraph of their example goes on to say: "Lots of courts do not care about this rule," which feels a bit odd, "but Bristol is a stickler, and we got caught out by this rule when the court struck out our appeal, saying we had failed to request permission to file late. The court told us three months later that we had not effectively issued the appeal, as our document was not 16 pages but 18 pages." It does seem to be a little niggle.

Antonia Romeo: Is this a public letter?

Chair: It is evidence to us. We will get a copy for you, because we thought it was quite extraordinary.

Nick Goodwin: The thing I am struggling to respond to is that it is not clear from what is being read out whether this is a reform issue or a wider civil justice issue. But we will look into it—I am very happy to.

Q60 Chair: It was something that came up in evidence, and as laypeople—well, most of us; a few of our colleagues are learned—we were pretty surprised to discover that there is a 16-page limit, and that if you put 18 pages, your appeal is lost. That is catastrophic for the individual, and it seems like people are jumping through hoops for the sake of it, rather than for practical purposes.

Nick Goodwin: It is worth saying—I am not quite sure if this is a reform issue or a non-reform issue—that the civil justice reforms have gone exceptionally well, largely. If we look at what we have done with online civil money claims or damages, which have been an important part of reform, the process is getting really high user satisfaction rates. The user satisfaction rates for online civil money claims are over 95%, which is extremely high. For the process in the civil jurisdiction, particularly the lower-volume, higher-value cases, if you like, the timeliness has been accelerated—three times quicker. I will read this as we are talking and see whether I can come back in a bit more detail, but there is a really strong user satisfaction rate in civil jurisdiction. Let me look into this and come back.

Nick Smith: If you could, we would be grateful. It seems to us, at least on the basis of this evidence, that the CPR rules are not keeping up to date with the systems that you have. If you could let us know whether that is the case, we would be grateful.

Q61 Chair: Thank you very much. If we have a new system that is supposed to be all-singing, all-dancing and making interfaces easier, and we are still dealing with paper rules, there is obviously an issue. I am sure that, between Mr Goodwin and the permanent secretary, once they get their teeth into this issue, we may see some progress, which I am sure our sister Committee will pick up.



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Nick Goodwin: On a very quick scan of this letter, this does not relate to what we are discussing today—the reform agenda. It is a wider civil justice issue—one that we will look into.

Q62 **Chair:** Absolutely. But we feel that, if that is the issue in the wider civil system, and you have a new system that is supposed to be all online, and you have this problem that you have to go to paper when you hit a certain limit, that is, for laypeople, a bit fantastical.

Antonia Romeo: We will take it forward.

Q63 **Chair:** Okay. We have the common platform. We have staff out there trying to use it. We recognise as a Committee that all civil servants put a lot of effort into keeping things going during covid and courts were back up and running; we acknowledge that. But you have a lot of different moving parts. We touched a bit earlier, Mr Goodwin, on the morale of people trying to use it. You talked about people using the interface in the courtroom and how easy that was. What is morale like generally, but also particularly in relation to using this new system?

Nick Goodwin: Generally, staff have been through an extraordinarily difficult period: the pandemic and then having to change the work they are doing on top. That applies to just about every jurisdiction in HMCTS over the last few years. The stage we are at in the programme now is the hard end of the reform programme. We are asking a lot of our—frankly fantastic—staff. Our latest staff engagement scores reduced slightly due to two reasons. They reduced by two points, and the main reason for that drop was pay. Staff are very concerned that they are losing pace vis-à-vis other Government Departments.

The second reason—for a smaller percentage point—was in relation to managing change. Given where we are in our change programme, that is entirely understandable, to be honest. It is true that we have a particular cohort of very valued staff—our legal advisers in the magistrates courts—who have felt particularly upset by some of the changes in common platform. Not all, but a significant number have done. For that reason, we are absolutely listening and trying to respond to those concerns as best we can through a number of ways.

Q64 **Chair:** What are the particular concerns? When you say they are upset by issues with common platform, what is the rub?

Nick Goodwin: The particular issue is that common platform requires legal advisers in a magistrates court to result in real time in the courtroom. That means that they are, as Gemma said, basically completing the case in the courtroom. That has been a fact of being a legal adviser for the last five years, but doing so under common platform has caused some concerns for some legal advisers. We have looked in quite some detail at which cases are causing the main concern, and there are some cases that, in the pressured environment of the courtroom, are potentially more difficult to resolve for legal advisers, particularly in remand courts. We have been working with them on those cases—first, to improve the system and do away with those issues, and secondly, to see



whether we can take some of that pressure off in the interim. We are in conversations with them, following some industrial action that happened late last year and early this, to move through that issue and really understand what we can do to make that less of a concern for them.

Q65 Chair: This goes back to when the system was designed. How much thought went into the people who would have to be interfacing with it?

Nick Goodwin: How much thought went into the original design?

Chair: Yes. You had the all-singing, all-dancing idea, but these things only ever work if, when they hit the people who have to use them, it works for them. Was there enough work done to think about that?

Nick Goodwin: A lot of thought did go into it. I think what we have recognised is that, given the particular pressures in the courtroom, even more thought than under standard methodology needs to go into this. But as I said, I am deeply concerned about those legal advisers who feel that this is difficult for them. It is not all legal advisers. Legal advisers who are new to common platform and who have not operated prior systems are more likely to say that they are actually quite comfortable with common platform.

There are a number of things going on here. In a way, all of that does not matter. What matters is that we listen and respond as best we can, and make life for our legal advisers as comfortable as possible. They are the absolute lifeblood of a magistrates court. They are extremely proficient professionals, and our change in approach—which is not just about common platform, but about implementing the reform programme generally—is designed to really support the frontline, so they want the changes. The changes are being delivered to them in a way that hits their need more than we were able to do in the pandemic, so we really have learned from the feedback we have had from legal advisers. I want legal advisers to be coming to us with trust that we are improving things, rather than going to the unions or anyone else.

We have put an enormous amount of effort into it, and we have held a number of webinars with legal advisers on this specific issue. When we first started holding those webinars—by which I mean a Teams webchat—legal advisers were reporting back that they did not have that much faith and confidence that we were addressing their issues. I think it was only 22% in November, when we started this process. That has completely turned around.

Q66 Nick Smith: What was the number?

Gemma Hewison: Twenty-two per cent.

Nick Goodwin: The last time we surveyed whether our legal advisers thought we were responding to their needs, the response was very much higher. I think it was in the—

Gemma Hewison: Fifty-eight per cent.



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Nick Goodwin: It was in the 58% range, and there were some better metrics on top of that, so I think we are making inroads.

Q67 **Chair:** Do you have an aim for how fast you want user satisfaction to increase? I would love it to be 100% tomorrow, but I am sure it is not going to be that fast.

Nick Goodwin: We would all like everything fixed tomorrow. We have a number of actions. We monitor them. I chair a steering group with all my directors on a pretty regular basis. I think we have about 40 actions on there. We are really ploughing through them. I will give you a figure later, but we are getting through them. Some of them require more difficult changes, potentially, to common platform, and we will have to think hard about that, but where we can, we are ticking them off as quickly as possible.

Q68 **Nick Smith:** Mr Goodwin, on user satisfaction, about 20% up to about 60% is good, but it still means that 40% are unhappy with the system. You talked about particular cases being problematic. Which areas or cases do you need to do better to support users?

Nick Goodwin: Your run-of-the-mill case, largely, is fine. Dealing with some cases, particularly complicated multi-handers, in a court room obviously requires you to have to resolve in quite a different way. They are obviously particularly difficult. We are picking up, and our data shows, that for the most part the time it takes to result in a courtroom has not really changed since common platform has been put in, but we have a particular issue in respect of some remand hearings.

Gemma Hewison: The criticality and what we have understood in the remand courts is that it is not necessarily about the resulting—it is about all the other activities that are happening in a busy remand court. In the morning, a legal adviser is facilitating and organising multiple parties coming in and out of the courtroom and there are lots of other activities that they are overseeing. That impacts their ability to focus on the resulting elements of common platform.

From an operational perspective, a set of work has been done to look at how we can reduce the workload and the activities that the legal advisers are having to do in the court at the same time as common platform. That will mitigate the challenge and the pressure of those remand court sessions.

Additionally, as Nick says, we are providing that opportunity for legal advisers to identify cases where there are multiple defendants or multiple offences, and there is therefore a series of results, and to defer that and result that out of court.

Q69 **Nick Smith:** It must be really hard to bob between information on your IT in cases. We all understand that. We all have difficulty ourselves moving between systems.

You talked about remand courts. Are there particular types of cases? You talked about multi-handled cases as being problematic. Are there



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particular areas of law where this is harder, affecting particular victims or victim groups?

Gemma Hewison: From the research we have done so far, what we have identified is that it is actually about those more complicated cases. It is not about a particular case type. It is where there might be multiple defendants and multiple offences, with therefore multiple results for each offence and each defendant. That is quite complex to get right and takes more time.

Q70 **Nick Smith:** It is not about a particular case type.

Gemma Hewison: No.

Q71 **Nick Smith:** Have you analysed the different case types and their difficulty?

Gemma Hewison: We did look at case types when we looked at that study, and there was not sufficient evidence to suggest that any particular case type was more challenging.

Q72 **Nick Smith:** So it is about the fact that they are complex.

Gemma Hewison: Yes.

Chair: Thank you very much, Mr Smith. Sir Bob Neill.

Q73 **Sir Robert Neill:** Thank you very much. I am grateful for being allowed to come back after I had to pop out for Attorney General's questions.

Talking about lessons learned, I gather there has been a discussion about that already. At the moment, you have got the Crown court cases digital system still running. I know it is a legacy system. There are some things it can do that, at the moment, common platform, cannot do, aren't there? What is being done to make sure that they are all replicated?

Nick Goodwin: I will make a general point and then allow Gemma to come in on the technical details.

Getting things right in the Crown court is absolutely critical. As you would imagine, the senior judiciary are very strong on this point. They want something that will be implemented, in their view, as well as the previous system was. One of the learnings that I took from Adrian Fulford when I first took this on was that if we could follow that model of implementation, we would be in a good place. That is the principal reason we have adjusted the timetable, to make sure that when it lands, it lands with more comfort.

We speak to the judiciary all the time about this. Gemma was there talking to the Judicial Executive Board last week, to give comfort on their questions—essentially the same question that you have. Certainly, the feedback I have had from the judiciary is that they are much more comfortable with what we are planning to do now, particularly on the timescale changes. Gemma might want to come in on the technical aspects.

Q74 **Sir Robert Neill:** Just before Ms Hewison comes in, can I pick you up on



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one point there? You have spoken to the senior judiciary—that we accept—but how much have you spoken to the Bar Council and the Law Society? How much have you spoken to the people who actually use it most?

Nick Goodwin: A good deal. I will allow Gemma to talk more on that. I should say that lots of co-design and sharing goes on with all our users across the reform programme. I have had conversations with the chair of the Bar Council and the president of the Law Society.

The president of the Law Society was very gracious in writing me a letter earlier this week to say that they were very pleased we had looked at the timetable here, because they were supportive of new technology in the courts but realised the need to get it right and ensure we were getting the right dividend in terms of access to justice. Likewise, I have had very good conversations with the chair of the Bar. In terms of joint working, I think Gemma is probably the best person to talk about that.

Gemma Hewison: I will pick up the question about the digital case system that is currently in use and how we ensure that common platform can provide that functionality. We have a judicial working group and a design group developing that functionality. The judiciary have been heavily involved all the way through this process, reviewing the requirements and agreeing what the elements of requirements are from a judicial perspective.

We also have staff engagement and legal professional engagement in that discussion and in the development and design so that we can ensure common platform can provide all the functionality that is there today, but also considerably more functionality as we go forward. The current system in the Crown court does not allow automation of notifications, for example, which common platform will, so that people can see what is happening with the case and be notified of progress and activities.

There are a number of elements that common platform will add, in terms of functionality, and enable for the Crown court. It is absolutely critical that we get that design right, which is why we have been involving the judiciary, legal professionals and staff all the way through that process and continue to do so. The timelines we have set out in the proposal allow us to have more time in an early adopter phase, again, to check with the judiciary, legal professionals and staff that we have got that right and make changes before we then proceed to a national roll-out.

We know just how critical this functionality is for the Crown courts, the judiciary and our legal professionals, and we want to ensure we get that absolutely right—hence the period of time for design and testing. The judiciary and others will be involved in that testing phase and then in the early adopter phase to give us time in a live environment to check that it is right.

Q75 **Sir Robert Neill:** What feedback do you get, and how regularly, from barristers about what is happening with the system—about the actual day-to-day use of the system?



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Gemma Hewison: The programme team receive feedback from barristers relatively frequently. They also hold events and webinars with legal professionals to get that feedback, answer questions and provide training and support. That happens continuously every month: there are different sessions with different engagement.

Q76 **Sir Robert Neill:** So you will be aware of the concern that has been raised that common platform works on the assumption that there is an organisation administrator who is the gateway to access to user accounts.

Gemma Hewison: Yes.

Q77 **Sir Robert Neill:** You will also be aware that that works fine for a large law firm, but barristers are self-employed. Therefore, it is not always appropriate to have a systems administrator to work for barristers. What are you doing to resolve that?

Gemma Hewison: My understanding of that point is that the systems administrator role—

Sir Robert Neill: “Organisation administrator” is the phrase.

Gemma Hewison: Yes, the organisation administrator role. That is important when you might have a firm where you have multiple different legal professionals and you might be passing a case from one to another, in which case that enables the access for multiple people in that firm to see that file and be engaged with it. That role was designed as a request to meet a particular need from those firms.

Q78 **Sir Robert Neill:** Have any of the designers and operators of the system ever been to a set of barristers’ chambers to see how it works?

Gemma Hewison: We have had a huge amount of feedback—

Q79 **Sir Robert Neill:** The answer is no, then.

Gemma Hewison: The programme team have not been to a barristers’ chambers to see how that works, but they have had feedback directly from legal professionals and a number of groups and numerous engagements to enable that design and discussion to take place.

Chair: I think Ms Romeo would like to come in on that point.

Antonia Romeo: May I ask a question of clarification, Sir Bob? Why would an individual barrister who did not need to pass the case to anybody, because they were holding it themselves, need to have an organisation administrator in order to operate with common platform?

Sir Robert Neill: Because the Bar Council has raised the concern that, for example, you may get a late return—

Antonia Romeo: So for returns or something?

Q80 **Sir Robert Neill:** Or, of course, many barristers have pupils who work on their cases for them. In many cases, you may well wish to say to a pupil,



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“Will you look at this particular aspect of the work for me and prepare it?”
At the moment, the system does not permit easy access to the pupil.

Antonia Romeo: By multiple people in one chambers? It is not immediately obvious why that would be a problem.

Gemma Hewison: It does allow multiple people to access it from a chambers. That is the point of that organisation role. If I have that role, I can open the access to that case to numerous people within that chambers.

Sir Robert Neill: I am quoting from the evidence we have had from the Bar Council.

Antonia Romeo: I understand that. What I am trying to do is get under the skin of what would solve the problem.

Q81 **Sir Robert Neill:** Wouldn't sitting down with the Bar Council and saying, "Exactly what do you need?", solve it?

Gemma Hewison: The team do that regularly, and I will ask them to do so again.

Q82 **Sir Robert Neill:** Okay. There is another point, which is that the HMCTS helpline operates, I think, from 8 am to 6 pm, Mondays to Fridays. Most barristers tend to work in the evenings and at weekends. It's not much use to them if they are preparing a case over the weekend for the Monday, and there is a problem accessing the papers. Wouldn't it be sensible, as the Bar Council suggests, to have either an automatic pre-registration system or, as we have in the House of Commons with our IT, somebody on call as part of the system 24 hours?

Nick Goodwin: I am very happy to look at that.

Antonia Romeo: From a cost point of view—sorry, I am required to say this—the pre-registration point sounds potentially more optimal than the idea of paying somebody on a 24/7 basis on a helpline.

Chair: We are heartened, Ms Romeo, that you immediately jump on the potential cost.

Antonia Romeo: A red flag went up somewhere.

Q83 **Sir Robert Neill:** There is also a potential cost if there is a late return over the weekend and the barrister has not been able to access the papers because of a system failure, and they have to ask for the case to be adjourned.

Antonia Romeo: We understand the issues.

Nick Goodwin: It is worth saying that we have a huge number of professionals registered with the MyHMCTS system. The last figure I saw was 60,000 professionals. I think that issue will die away, because people are registering. Hopefully, as they become more comfortable with the



system, we will need the helpline less. I will certainly look at how we can smooth that transition.

Chair: Thank you very much, Sir Bob.

Q84 **Mr Djanogly:** Just to reinforce Sir Bob's point, the evidence that we received from the Bar Council and the Law Society shows that they are clearly unhappy and feel that this does not suit their purposes. I should declare that I am a non-practising solicitor. The Law Society says: "Our members who have access to common platform have stated that it is not user-friendly, and from the outset the platform has been significantly impacted by a number of issues, including, but not limited to, cases dropping off the system, meaning the court not having a record of the case, difficulty accessing case papers, directions not showing on the system, technical errors and frequent breakdowns, court starting late because judges, legal advisers and staff can't access the system." That is a pretty serious indictment. Is it justified?

Nick Goodwin: I would like to see the evidence and go through it. Of course, I will pick it up with the Law Society. I think that quite a lot of those issues relate to the very early experience with common platform, and many are now resolved. I think if that were updated to say what the issues most commonly experienced today are, it would be a somewhat different list. Nevertheless, we will of course try to meet any concerns. I would like to look at the evidence. Certainly, my conversations with the Law Society have been a great deal more positive in the round about reform than you are telling me today. A lot of them have a whiff of history about them, particularly on loading times and so forth, and we are getting through them. Access is no longer an issue. It is quite difficult to knock them down or take ownership of them in the room. Did you pick up on anything, Gemma?

Gemma Hewison: I would agree. From a performance perspective, common platform is performing far better than it ever has historically, and it is meeting all our performance targets. One of the original parts of the design was to require legal professionals to have the unique reference number for a case in order to log in to view that case. That is part of the information that would normally be available, but the legal professionals told us that was difficult, and that change has been made to enable them to log in with other details without that unique reference number. So we are absolutely responding directly to feedback to make that access more effective and efficient for them.

Q85 **Mr Djanogly:** Okay, thank you. I think I have made the point, and I am pleased to hear that consultation is going to be happening. This is an area we will want to monitor. Moving on to costs, paragraph 6 of the NAO Report summary refers to "HMCTS's underestimation of the programme's complexity delayed projects and increased cost pressures." Do you agree with that, Mr Baigent? Why was there such an underestimation?

Andrew Baigent: I can pick up on some of the mechanics. Gemma might want to pick up on some of the detail behind that. We agree with the NAO



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Report. We did underestimate some of the complexity in the early stages. I think I said that the last time I was here. That is right; we did underestimate it. I would also say that, as with any programme, we had a significant amount of contingency in the programme. When we revisited the business case that the NAO has looked at, we looked at costs and we made the changes that we thought we needed to make. We took that through governance to keep the programme going, and we retained a certain amount of contingency for further changes. I am generally agreeing with your comment there.

Q86 Mr Djanogly: Okay. The NAO Report says, "At December 2022, HMCTS had spent £1,101 million of its £1,291 million budget but had only £120 million of funding remaining to complete the programme." How confident are you that you can complete the programme with the remaining funding?

Andrew Baigent: As part of the reset exercise, we have been through the remaining work that we have to do. As Nick said in his letter to you, we have descoped a few things to do that. We have actually underspent against that budget to date. You will be familiar—I know the PAC has talked about this before—that if you do not use money in a year, you do not get it back later in the programme. We have not drawn down our contingency in the last three years—not in full—so we have agreed with the Ministry that we should be able to roll a little of that forward. At the moment, I am confident that we have enough money to complete. There is a small contingency left in the budget, but we do not have specified plans and we have two years left to go.

Q87 Mr Djanogly: That is good to hear. The NAO Report says it is unclear whether you can deliver the outstanding scope with the remaining funding, so I am pleased to hear that clarification. When do you think you will assess the scale of the outstanding changes required for all the projects?

Andrew Baigent: I will pass that one to Gemma, if I may.

Gemma Hewison: In terms of what we have left to deliver for each of the programmes, we know that in the civil, family and tribunals programme, we have 184 individually sized features. Every one of them has been sized, costed and understood. There are a lot of features because there are a lot of services. They are small; there is a level of detail in that. Every single element is worked through, sized and designed. That gives us the confidence to know exactly what we have left to deliver, and that we can afford to so within the budget. In the crime space, we have 21 key features. It is a different lens because we are in a single system. Again, those elements have been sized and scaled, and the majority have been developed—so they are ready to release.

Q88 Mr Djanogly: The further problem that the NAO Report picks up is that there is a difference between delivery and whether delivery is actually the end of the story. Paragraph 1.12 says, "it remains difficult to understand whether HMCTS has delivered the full intended scope for projects that it classes as complete. This is because HMCTS classes a project as complete



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when it considers that the service provides sufficient functionality, even if HMCTS has not developed all of the service's intended scope." How confident are you that the services you have classed as complete are delivered as intended?

Gemma Hewison: When a service is complete and the project is closed and handed over to our business-as-usual teams to manage, it goes through a series of governance steps to check that we have delivered the scope that we set out to deliver. In a number of cases with some of the earlier services, some of our common components—elements that support the system, such as work allocation, which enables the work to be moved between individuals in the courts—were not available when that service was completed, so there is work to be done to add that functionality back to that system. It would have been illogical to keep that project open for a period of time to wait for that common component to be ready, so we closed that project, noting that there is a piece of work to be done on that integration. That is funded through the reform project and allocated for in our future technology spend, so that part is clear.

Additionally, one of the key benefits of developing our services in-house and through an agile methodology is that they can continue to be enhanced. The intention was always that services can continue to be enhanced. Our services provide a platform for future opportunities and development, and we will continue to listen to user feedback and identify further efficiencies. As a result, as part of the reform programme, there is funding available in our future technology teams to allow that continual iteration of our services.

Q89 Mr Djanogly: The problem that I saw somewhere in the evidence is that this is not always a marginal issue—I think something like over 50% of divorce cases are falling off the system and still require manual intervention. Is that correct?

Gemma Hewison: In the divorce service, there are some elements where cases have not followed a happy path—a straightforward route—and they need further intervention. Some of that is around guidance and support for users, and some of it is about continual enhancements to the system, and because the divorce service was finished and completed prior to many of the lessons that we have learned subsequently in the development of the common components that will enable some of that to be resolved.

Q90 Mr Djanogly: The problem is that when we hear facts like that, the further question is: how transparent are we being here about the true costs of reform? How certain can we be about this?

Andrew Baigent: Of course, it is a very good question and something we think about a lot. There is always going to be a point where you say, "Right, we are moving something into business as usual, because that is the efficient and effective way to run that new system," so you don't hold it in an open programme. This is a whole organisational change programme. You leave stuff in a programme architecture and structure when you are making those programmatic changes, and you move it into the mainstream BAU when it is right to do so. We police that boundary



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very carefully, as Gemma says, through those handover and sign-off steps. No budget is going to be clean when you have a whole organisational change programme, but you have to have that view on when it is efficient and effective to transfer across.

Nick Goodwin: You were talking about divorce, and it is worth noting that that service is actually working extremely well if you are a user. Some 91% think it is very good or good. The changes to divorce law last April meant we were absolutely inundated with no-fault divorces—happy divorces, if you like—and the system coped incredibly well with that. There is a 20-week statutory waiting period there, and we thought we would do really well to hit 32 weeks from start to finish of those divorce proceedings. We have absolutely hit 32 weeks. However, we are not resting on our laurels. Although that service has been handed over, we are looking through our service boards about continuously improving it. There are a number of things we will pick up and get better. We respond not only to where we pick up that there may have been glitches in how things have moved through the system, but also our access to justice assessment of that service. We will continue to improve it ever more, but fundamentally it is a good service.

Q91 **Mr Djanogly:** That leads me on to my last question, which is perhaps to Ms Romeo and Mr Goodwin. What lessons from court reform can we take forward into other major projects?

Antonia Romeo: There are obviously a large number. One of the most important things, of course, in a programme of this size is that you get the opportunity to learn lessons mid-flight. The first thing to say is that it is obviously a highly ambitious and complex programme. The scale of the programme—

Chair: Words that send a chill down the collective spine of the Public Accounts Committee.

Antonia Romeo: Indeed, and of any accounting officer as well. There are two principal results of that. One is the senior bandwidth that is taken up with a programme of this size, especially when you are trying to maintain performance as well as delivering a big transformation. In particular, the pandemic shed a light on that because the focus on performance became even harder and even more important. That was one thing: do not underestimate the senior bandwidth.

Crucially, there is also the importance of building in flexibility so that you can change things along the way. We do feel that the sequencing of roll-out of reform, particularly given the impact of the pandemic—at the start we underestimated its significance—meant that we kept going with a lot of the reform and a sequencing that, arguably, we should have been more conservative about. Of course, there were good things from that because the reformed services, including divorce and probate, were those that were more resilient during the pandemic. There was an upside, but none the less the pressure on the system was significant.



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We have talked about cultural change already. Do not underestimate the cultural change and make sure not only that you have the feedback mechanisms in place, but that you are properly telling people when you have heard and changed things. Closing the feedback loop has been quite important. Do not underestimate the importance of assurance. The NAO did a helpful Report in 2019 where we learned a number of lessons about that. One of the most significant, probably, was that when we were looking at reform, we tended to look at different programmes and how they were progressing, and we did not look enough at the whole systematic programme moving together.

Also, I want to finish on something that I think has been a really good lesson. Lessons from the pandemic did enable us to get buy-in on things like the cloud video programme and rolling that out, so swiftly getting people online and doing things online rather than moving them around so much physically. That was a really good thing that we did. There were upsides as well.

I have one final good lesson and then I will hand over to Nick, who might have more good lessons, or I might have eaten all his sandwiches by now. One thing I think the team did really well, because of the scale, was to understand what we call the change load, and to therefore do some heat maps, which the team can say more about, which identify where the change is greatest. This is actually something that we are now telling the IPA about so they can take that lesson into other major programmes.

Nick Goodwin: I was going to start on that point as well. There is an issue here about change load. The team have done really well, effectively, to develop those tools, partly inspired by the covid crisis as well, which put them under a great deal of pressure. Going to programmes and understanding that the world may tip on its axis is probably a learning we have all had over the last few years.

The other big learning, and it is not one you write down for the IPA, is to have a great team. Don't forget that Gemma has been a fantastic SRO driving this to delivery, while being responsible for setting up the facility that allowed 20,000 cases a week to be heard virtually during covid. Likewise, Andrew did a fantastic job in setting up all the Nightingale courts alongside doing this. Our staff on the ground—yes, we have heard that some of them had a rough ride—have been extraordinary, balancing both recovery and reform. We have asked a lot of them, and they stepped up every step of the way. Those are some slightly more general lessons of pride from me.

Q92 **Chair:** Ms Hewison, you have had an interesting career outside the civil service. Was it in 2020 that you took over as SRO?

Gemma Hewison: No, 2021.

Antonia Romeo: Part of the reason for that was that the SRO had been the CEO, and actually it was considered best practice. It was a change that I made with the then CEO in 2021.



Chair: Which I think is a change we would recognise from our previous work as something we would very much support. It does not mean we will not give you a hard time, but we did want to see a full-time SRO. Also, you can be the critique to the chief exec. With both, you get a better feedback loop. I am repeating the jargon you are using, Ms Romeo.

Q93 **Nick Smith:** I want to pick up on an issue raised by Mr Djanogly about the way the system supports families going through divorce, which we know is a terrible thing to go through and, of course, big in scale as well. It was suggested that there is an issue with the system in 50% of cases, as part of the Report about divorce, but then Mr Goodwin gave very positive feedback about new legislation, the way that had been implemented and how the system had supported that. All that felt very good, but there does seem to be a discrepancy. I just wondered whether, for instance, organisations like Gingerbread—people that support families going through divorce—have been part of your user group consultation, to make sure that big systems like this, which could have a big impact on families, are right and really help people across our country. How do you do that, please?

Nick Goodwin: They have. There is quite a bit in that question. We held an event last week over in Petty France, which was our sixth annual user feedback forum. We had over 100 people there, many of whom were from organisations that were interested in supporting all sorts of people going through the justice system.

It is also true that the digital take-up of divorce looks as if more people are able to do divorce, as a narrow legal process, themselves. We are effectively providing a service that people feel more confident to use themselves without perhaps the support of a lawyer or anyone else. So the dynamic is beginning to change, which is why the access to justice assessments that we will be publishing in the autumn are really important, because they will show how people have experienced that and we will respond, of course, to that feedback.

Q94 **Nick Smith:** Thank you for that. I have one small question to put to Mr Baigent. How will you ensure that reformed services deliver their intended benefits? I understand from looking through the Report that you don't routinely keep data on how efficiently they are working. Why is that?

Andrew Baigent: There are a number of complex things in here when you are looking at the benefits. Some things are really simple to trace the benefits for. If we reduce the property that we are using, we capture the rent reduction that we are not paying. That is quite simple to do.

When you get to tracking the benefits for a service, we have developed this unit cost approach that the Report refers to. That is quite helpful in tracking the cost for the organisation, but it is quite hard to differentiate between some of the impacts—for example, increases in cost because of covid—from efficiency gains that you get through reform. The NAO Report says, and I would completely agree with this, that there is more to do, and we have more to do to be able to isolate that benefit.



Q95 Nick Smith: What will you do?

Andrew Baigent: If I may just say one thing first, I could be confident that we have reduced the running cost of the organisation by that amount. Those savings are taken out of our baseline; the NAO Report confirms that.

You asked what precisely we will do. The unit cost approach, which is described in the NAO Report, will be very helpful for that. It allows us to look at variations in the unit costs that we have—so, effectively the total cost of the service divided by the number of units, which are disposals, normally, in our context. Then you can do an analysis on that to see why you are varying from where you think you should be, and in looking at those variations you can take an action plan to improve.

We have done that quite successfully on divorce and indeed on probate, so I can tell you that there are a number of variations in there. We know that cost is more in one or two places, because we have taken an active decision to put more people on the telephone lines so that we can answer the telephones. I am quite happy to say that was a good investment, it was good value for money and it was the right thing to do, but we are missing our unit cost target. I can go through and do that, and that is how we are using it.

We can do it quite effectively with the reformed services. Again, the Report has two reformed services—divorce and probate, particularly—that we were doing that through. We are now looking at online civil money claims in more detail. Family public law has also gone live, so we are looking at that in more detail, to develop those action plans. Those action plans will be taken forward. I hope that is enough detail; I didn't want to go on too long.

Q96 Chair: So you are basically going through each of these processes, as very helpfully laid out by the NAO in figure 11, and engineering each stage to see what is going wrong.

Andrew Baigent: It is a very methodical process to do that, yes.

Antonia Romeo: I just want to say something from the departmental point of view about the benefits. Obviously, more efficient services and cashable savings are the ideal. We have taken £223 million out from property rationalisation and reinvested that back in the process. So, cashable savings in terms of benefits—excellent—and some non-cashable savings, in terms of productivity gains tracked through unit costs and other mechanisms, as Andrew has described.

However, the whole point and the outcome is better access to justice, so this comes back to user satisfaction—the number of people signing up. That is something we take really seriously, particularly at the departmental level. Nick already mentioned the 91% user satisfaction on divorce, but it is also 91% for probate and 95% for online civil money claims. These are ways of improving the way we deliver justice for people. The impact assessments on particular groups are also going to be crucial,



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because that is the purpose of all this. Efficiency is definitely crucial, money is crucial, but better access to justice is what is at the heart of the programme.

Q97 **Chair:** We want both at the same time.

Antonia Romeo: We want both.

Q98 **Chair:** Figure 11 is quite instructive about the amount of work that still needs to be done. You have got the IT, but there are still, at every stage, glitches for when it hits real life and real people. That is the golden goblet that we are looking for.

Thank you very much for reminding me of the Law Society's evidence, Mr Djanogly. It highlights that some of their members have reported to us that these reforms are now access to process, rather than access to justice. What would you say in answer to them, Ms Romeo?

Antonia Romeo: I suppose I would start by saying that the single most important judge of whether access to justice is delivered is the user. It is the victim, it is the person going through it, it is the child in the custody case and it is the person going through the divorce. In a way, looking to them to ensure that they are satisfied with what we are delivering is the single most important thing. Obviously, the view of the profession is crucial in the same way as the view of the judiciary and the view of the HMCTS staff, who are having to use their system, is also crucial.

Q99 **Chair:** I will summarise in a minute, but we know that there is a lot still to be done. I just wanted to go to you, Mr Baigent, on the cost of the programme. You said, quite rightly, that at some point it has to become business as usual, but all the predication from the beginning and the first business case for common platform included the CPS. The cost of the CPS upgrade of its own programme is not included in your costings.

Andrew Baigent: As the NAO Report says. Yes, that is correct.

Q100 **Chair:** Are you keeping any eye on the whole system? For lessons learned, it is important to see if the system that was originally designed and costed for both does not cover the CPS. There is still a cost to the taxpayer, even if it is not in the Department.

Andrew Baigent: I think it is a fair point for us to look at that.

Q101 **Chair:** Okay. I think it is important for lessons learned. Just because you are off the hook, in a sense, it does not mean that the taxpayer is.

I just wanted to touch on the level of savings. The efficiency savings—do you think you are going to meet those, Mr Baigent? You went into some detail on some of the processes that you are going to have to look at, but that can be quite inefficient.

Andrew Baigent: Yes. As they are set out at the moment, I think we will. As always, we built contingency into the efficiency savings we expect to make, and there is still some of that left. There is still quite a significant



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chunk of that and, as a result, I am reasonably confident that we have built the right level of contingency in.

Q102 Chair: You do not think that, at some point, you are going to have to maybe trim the budget and trim certain capabilities if you have not met those efficiencies?

Andrew Baigent: You never say never, but I am confident that with what we have today, the plans we have and the contingencies we have, we should be able to complete the programme.

Q103 Chair: On this Committee, as you know, we are always suspicious when people talk about efficiency savings to balance the budget, because very often they do not materialise. We will be watching that closely.

I just wanted to touch slightly on the issue about the net present value. Obviously, the cost has gone up, but you have reduced the impact of that. We were quite interested in that, in the Report by the NAO. You have assumed an £85 million boost for wider economic benefits, which is mainly made up of a 0.5% increase in exports of legal advice and support as more people come to use our fantastic court system because it is going to be so much more efficient. Tell us why you are so confident about that figure.

Andrew Baigent: I am an accountant, so I focus on the financial side of it, so I always focus on the—

Chair: The actual money?

Andrew Baigent: On the actual money, which is the other set of figures in the NAO Report, rather than that one. When you look at the way that economic analysis is done through a net present value, you do factor those in. We have not previously done the work to do that; we have been focused in—I've been focused in—on the actual cashable ones, but it is legitimate to have those in.

Q104 Chair: Okay, Mr Baigent is passing the buck quite quickly to—

Andrew Baigent: No.

Chair: He probably doesn't see it that way, but Ms Romeo, or Mr Goodwin, how can we be really sure that this £85 million is a real figure?

Andrew Baigent: I can continue—

Antonia Romeo: I think the programme should talk about that, and then I will say how we assure it—

Chair: Okay, Mr Baigent.

Andrew Baigent: We have been through that. We have done quite a detailed analysis looking at the time that professionals will save by not travelling to and from court and that users will save by not travelling—there is a robust methodology behind that—and at another one the NAO Report highlights, which is around the improvement in the general UK.



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That is one that we are monitoring. It may not be achieved, but we will say that in terms of the NPV. That one is something that we are aspiring to, so some are firmer and harder than others.

Q105 **Chair:** That is very candid. Ms Romeo, on the wider economic benefits.

Antonia Romeo: I wanted to say something about how we assure all this stuff, if it is helpful. A lot of governance exists within the programme, and HMCTS is unusual, because it is overall governed by the HMCTS board and reports to the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals—

Chair: So many layers in Justice.

Antonia Romeo: Obviously, we are trying to de-layer, but not that part of course, because that is the crucial constitutional governance of HMCTS. Particularly on the reform programme, we have to have particular governance of the money, so Nick flows to me, AO to PAO. The way we do that is to have the delivery board, which has looked at this programme twice—that is something that the Committee will recall I set out soon after I started in this job—at the delivery and overall reform programme. We also have a report to the portfolio committee every month, and that is where we would expect—

Chair: This is departmental?

Antonia Romeo: This is the departmental portfolio committee. That is where we would expect significant discrepancies to be flagged, according to the thresholds of what needs to be flagged. We measure all that there. We also do deep dives at the executive committee into such issues. As it happens, we did one this week into the reform programme as a whole, and I will come back to why that is important. Finally, we have the quarterly performance review, which is overseen by the Lord Chief Justice, the Lord Chancellor and the senior presiding judge, which essentially tests performance of HMCTS.

The reason why I want to mention all that is that what led to the reset and the new timelines, which have already been discussed, was essentially two things. First, we had a departmental board last summer, during which process we did a deep dive into reform, and that identified some issues that the team then took away to look at in terms of timelines. Secondly, on the executive committee risk register that we look at frequently, there was a misalignment between the performance of the courts and reform. That also led to the team going away to look at that, which led to them deciding to recommend a reset of in terms of times. That is an example of the assurance process at departmental level working and leading to some change.

We all now feel confident, particularly with the strong team leading on this, that the current team will deliver within the new timelines, that the programme will deliver within the cost envelope, and that the overall NPV—subject to what Andrew has already said about it—will be met as



well, although some things including economic benefits are less specific sometimes.

Q106 Chair: The Government have a mission for international trade, so is there a mission or a target for your Department to increase the wider economic benefits by encouraging people to come shopping for their legal services in the UK?

Antonia Romeo: It is definitely a mission. I would not necessarily use the word “shopping”. We consider our rule of law to be a massive part of attracting inward investment into the country, but also of being a jurisdiction of choice in a whole range of areas. We think that that delivers much wider economic benefits. We work very closely with the Department for International Trade on that.

Q107 Chair: Are you measuring that effectively?

Antonia Romeo: Well, it is quite hard to measure—we have had these conversations before. It is hard to measure compared with the counterfactual, essentially, but that does not mean it is not hugely important. We are seeking to measure. Recently, we have been moving our progress with India, in particular, forward on trade arrangements. It is all about access to justice and access for our professions abroad, as well as about attracting investment into the country.

Q108 Sir Geoffrey Clifton-Brown: Good morning, Ms Romeo. If the new technology and the common platform are to work to their maximum potential, staff are required to be satisfied with operating it. We hear from *Civil Service World* that PCS suspended its action on 22 March, but that HMCTS had also offered assurances that its staff blame culture over the IT system would end. Surely that should never have been there in the first place.

Antonia Romeo: First of all, I want to say that we are completely reliant on all colleagues to make this whole programme work. I am delighted that the action ended, and we are all working incredibly hard to make a success of reform. I do not know about that particular issue, but clearly there is no place for a blame culture in an organisation.

What we want to do is to listen to feedback and make it the best possible system, while acknowledging that this programme is absolutely crucial to delivering all the benefits that we have talked about. I think the fact of the programme is not really a choice; it is about how we can design it and roll it out in a way that meets users’ needs, delivers the benefits and allows staff to feel that they are contributing, co-creating and giving feedback that we are listening to.

Q109 Sir Geoffrey Clifton-Brown: Well, the union says: “Our political campaign to end Common Platform and protect justice will continue.” They have concerns about the IT system, including “an ‘alarming’ increase in reports of stress and anxiety and working long hours since its introduction in September 2020”. I do not think that there is any room for complacency, and I wonder what more you can do to reassure the staff



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that they and the system's concerns will be taken fully into account.

Nick Goodwin: I think the quote relates to the industrial action that we had with PCS union in relation to common platform, which is now settled; 66% voted to—

Sir Geoffrey Clifton-Brown: There is still a concern.

Chair: The story was 22 March, so it is very recent.

Q110 **Sir Geoffrey Clifton-Brown:** This was reported on 22 March. The industrial action has ended—yes, certainly—but that does not mean that the union, at least, does not still have these concerns. If the union has these concerns, what are you doing to address them?

Nick Goodwin: I covered some of this before. When we were looking at common platform, we released that this was not just a technical issue. We needed to get things better for our legal advisers, who are the staff we are talking about in this context; via the PCS union, they had said that some were feeling stressed about common platform in the courtroom. Gemma and I have set out, I think, five work strands to look at how we improve common platform for legal advisers—particularly addressing the top five issues that they are most concerned about. We are going at that absolutely full tilt.

As I said before, my admiration for legal advisers is absolutely huge. I do not want to be in a situation again where legal advisers are projecting dissatisfaction anywhere other than to the team within HMCTS who can fix it. I also reflected a bit that those feelings of a lack of trust that we were resolving the issues and communicating with them has begun to turn during the last period. There is still work to do to resolve all those issues. We are working hand in glove with the legal advisers, and we are keeping the PCS union absolutely involved as we do it. The point is taken, and it is a No. 1 priority for HMCTS at the moment to get this aspect of common platform better.

Q111 **Sir Geoffrey Clifton-Brown:** May I ask a question about remote working? There seems to be a bit of tension between those people who are required to be in court and when they can work remotely. The Law Society gave us a little bit of evidence on this. Are you planning, as the Law Society suggested in evidence to us, to carry out another survey of staff to see whether remote working is meeting their needs and whether they feel that they have a sufficient ability to work at home?

Nick Goodwin: We have 19,000 staff. Some staff are able to work remotely; some are not. It depends on which job you are in. That creates some jealousy, to be honest. But we have been very clear about the operational imperative to be in the office and about when we can be more flexible. In our Courts and Tribunals Service centres, which are a new feature of reform—we are trying to centralise some customer contact and processes—one of the great attractions that allows us to recruit people into that is that they can work remotely. We monitor, of course, staff

morale and the number of forms all the way through to see that we are getting that right.

Elsewhere, that is just not possible for many of our staff in courts, and our job is to help them feel supported in the workplace and develop them as people. I should say, particularly in relation to legal advisers, that it is somewhat of a passion of mine to make sure that they are getting the right developmental opportunities, because they are a hugely valued profession for us.

Q112 Sir Geoffrey Clifton-Brown: That is a comprehensive answer, Mr Goodwin, but it isn't an answer to my question. My question was: are you planning to do another staff survey?

Nick Goodwin: Yes, we do a staff survey every year.

Q113 Sir Geoffrey Clifton-Brown: You do a staff survey every year, so when will the next one be available?

Nick Goodwin: It is usually October, and—

Antonia Romeo: The staff survey results, both at MoJ level and at HMCTS level, are, I think, published today by the Cabinet Office for all—

Q114 Sir Geoffrey Clifton-Brown: Today?

Antonia Romeo: I think today is the date of publication of all people survey results from last October's survey.

Sir Geoffrey Clifton-Brown: Thank you very much; that is very helpful.

Q115 Chair: Thank you very much indeed. We have looked at this matter a number of times now. The assurance process that you went through, Ms Romeo, is welcome, and the fact that there is a bit more tension in the system so that it's not just in the smaller bubble of HMCTS but there is that challenge is, I think, a good step forward, but we are still concerned that it is still not fully delivered. Figure 11 raises a number of alarms. You have heard our concerns today. But thank you very much indeed for your time. Ms Romeo wants to say something. Go on—I'll give you the last word; I'm being generous.

Antonia Romeo: Well, I promised Mr Smith I would try to revert, within the session, to his question.

Chair: Ah! The clever person behind you has the answer.

Antonia Romeo: Yes, exactly. My excellent private secretary has come up trumps. On what the programme was for 2021-22—

Chair: This was for judges' recruitment.

Antonia Romeo: Judicial recruitment overall—you asked for the aggregate figure. We sought 1,000 in aggregate. We actually think we have recruited about 1,100, because in particular in recorders, we over-



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recruited—and also in deputy district judges and in some fee-paid judges. That is by way of responding to that question.

I also gave an answer on your question as to when we will know about the '22-'23 judicial recruitment. In fact, it won't be till the summer—not April, as I said earlier—because some of those recruitments that we are launching right now are rather large and will continue into the first quarter of the next financial year.

Chair: Thank you very much. Hats off to your private secretary. Behind every good permanent secretary is an even better team!

Antonia Romeo: Absolutely.

Chair: Thank you very much indeed for your time. The transcript of this session will be published uncorrected on our website in the next couple of days, and we will produce a report in—well, it will be into May. We have a number of bank holidays, which slightly slow us down, so it may be even as late as June. Thank you very much indeed.