

Public Accounts Committee

Oral evidence: Ministry of Justice Recall, HC 1190

Thursday 11 February 2021

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Members present: Meg Hillier (Chair); Shaun Bailey; Olivia Blake; Sir Geoffrey Clifton-Brown; Sarah Olney; James Wild.

Justice Committee Member present: Sir Robert Neill, Chair.

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

Questions 1-71

Witnesses

I: Antonia Romeo, Principal Accounting Officer, Ministry of Justice, Dr Jo Farrar, Chief Executive, HM Prison and Probation Service, Kevin Sadler, interim Chief Executive, Her Majesty's Courts and Tribunals Service and James McEwen, Chief Financial Officer, Ministry of Justice.



Examination of witnesses

Witnesses: Antonia Romeo, Dr Jo Farrar, Kevin Sadler and James McEwen

Chair: Welcome to the Public Accounts Committee on Thursday 11 February 2021. We are here today to talk to senior officials at the Ministry of Justice and its arm's length bodies about a number of the challenges that that Department faces.

We are delighted to welcome Antonia Romeo, the permanent secretary—she is new, having been in post for about six weeks—at the Ministry of Justice, to lead her team. We also have Dr Jo Farrar, chief executive of Her Majesty's Prison and Probation Service; Kevin Sadler, chief executive of Her Majesty's Courts and Tribunals Service, who is also new in post, having replaced Susan Acland-Hood recently; and James McEwen, chief financial officer at the Ministry of Justice—for good reason, because a lot of the challenges that the Ministry faces are financial as well as very practical.

There is pretty much nothing that is not moving in the Ministry of Justice. It has been an issue of concern for us as a Committee for some time simply because of the challenges it faces, let alone how any of them are being dealt with. I ask Sir Geoffrey Clifton-Brown to please kick off.

Q1 **Sir Geoffrey Clifton-Brown:** Good morning, Ms Romeo. You have had a glittering career. You have been consul general in the USA, and you were the permanent secretary at the Department for International Trade just when it was beginning to really hit the crest of a wave in negotiating free trade agreements. It was a slightly surprising move to become permanent secretary of the MOJ. Were we right to have been surprised?

Antonia Romeo: First, thank you very much for inviting me and colleagues here today, in my fourth week in post. I think not, because as the Committee knows more than almost anyone else, this Department is where we do some of the most important things affecting the public—crucial social justice issues; it was an opportunity, having spent 12 years of my career in this Department and its predecessor Departments, that I couldn't resist. It is also incredibly important work and it is a real privilege to be appointed to this job.

Even in the short time I have been in post, I have already seen the unbelievable work that staff in the MOJ, prisons, probation, courts, HQ and all our agencies, working with partners across the CJS, have done during this pandemic to keep the public safe. It is extraordinary, so I feel very privileged to be part of the team.

Q2 **Sir Geoffrey Clifton-Brown:** Apart from the three big issues that we are going to cover this morning—courts, prisons and probation—in the very short time that you have been in post, what big issues have you identified in the Ministry of Justice, some of which have been a continuing theme for this Committee, that need your great attention? It seems like your Ministry is like a series of spinning plates: you have to keep them spinning so that they do not drop to the floor and smash.



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Antonia Romeo: I think that is an excellent point. Obviously, one of the major issues is the sheer amount of work going on. We have a large number of programmes—we actually have 15 now on the GMPP. There are the particular ones that you have referred to already. There is a large amount of really important change happening, and ensuring that we have the right challenge and scrutiny across all those programmes—assurance above the programmes, working very closely with the IPA—is going to be essential, and that is going to be a big part of my focus.

Obviously, there will be a continued focus during the pandemic on keeping the justice system going, including the excellent work that I have already referred to, minimising the impact on prisons and probation and looking at courts' recovery and CJS recovery in particular.

I will be focusing quite a lot of my time on the capability of the Department. That is both planning for the SR21 and making sure we are going to get the resources we need in the future, and capability in areas like data, project delivery and contract management to make sure we can deliver what we need to do. Finally, as part of that capability, there are our people and their wellbeing. Like everybody, and like all public servants, they are obviously feeling the effects of the pandemic.

Q3 Shaun Bailey: Welcome, Ms Romeo. A few questions from me. First of all, can you update us on how many Covid-19 outbreaks there have been on the court estate so far?

Antonia Romeo: On outbreaks on the court estate, I might pass you quite quickly over to Kevin. The courts are in the community, essentially, so we don't really talk about outbreaks in a court, because it is people who live and work in the community who also work in a court.

As you know, early on we had to stop jury trials when we first went into lockdown, but we believe we were one of the very first countries to get jury trials up and running again. We have been doing a huge amount of work to ensure we are getting the system through. We have had a record number of sitting days in the family courts, and already, just before Christmas, our disposals in the Crown Courts were nearly at pre-pandemic levels. In terms of outbreaks, I am not sure exactly what you mean. I might ask Kevin whether there is anything to add on that point about staffing.

Kevin Sadler: Thanks, Antonia. It really depends on what you mean by "outbreaks". In the early days of the Covid pandemic, testing was very limited. There is not great data from that period. We can say that the incidence in court staff and the judiciary tracks the incidence in the general population. There is no evidence or indication that there is a greater number of cases in courts than in the general population.

Q4 Shaun Bailey: It would probably be helpful for Mr Sadler and Ms Romeo to clarify one thing. Where there had been a considerable number of cases in staff within particular courts or settings, do you have any data around that? That is what I meant in terms of "outbreaks". I don't know if



you have specific data around that at all.

Antonia Romeo: I will let Kevin comment on specific courts. Our Covid-related absence rate in courts is under 2%. It does not feel as though it is at crisis levels, and it is being managed in the Courts Service. With the help of the £110 million that we have injected for supporting courts in this period specifically on Covid, we have recruited nearly 1,600 more staff. We are doing everything we can at the staffing end, to ensure the justice system continues to operate. Kevin, do you have any more points on staffing?

Kevin Sadler: I would just add that there are very few cases where transmission has been identified within the court estate itself. Obviously, our staff and users have lives outside the court, so there will be a lot of cases, as there are a lot of cases in the general population. The public health agencies that we work with are very comfortable with the arrangements that we have in place.

Q5 **Shaun Bailey:** Thank you. If I can, I want to turn a bit more to the court backlogs. The Crown Prosecution Service stated in June 2020 that it would take roughly 10 years to clear the current backlog. How big a risk is that to the administration of justice?

Antonia Romeo: I shall say a few things on that and then Kevin may want to come in. The first thing to say is that we published a strategy last year for what we were going to do to deal with the backlog. We have already injected £142 million into upgrading courts and tribunals. We have the £110 million that I mentioned for Covid. That has gone into things like plexiglass, the new Nightingale courtroom of which there are 40 so far and there soon will be 60—and making courts Covid-safe.

As an example of where courts reform helps with what we need to do to address the pandemic and recovery, we have rolled out video hearings across many courts. We were running 20,000 remote hearings per week in recent months. A huge amount has been done already to ensure that we are in the best possible place. There is no doubt that although we are making some inroads—the magistrates courts, as you will know, are bringing down the backlog—this is very challenging for us.

Like every sector in the economy, the pandemic has had a massive impact. We are doing what we can, with the injection of new funding and the additional staff, as I mentioned, to ensure we are putting in place as much as possible to have Covid-safe courts, so we can have confidence in the courts. We want to get the flow-through going. We want to do that remotely. Where we need to, we have more jury trial rooms than we had before the pandemic. We are very focused on this, but I cannot pretend it is not a significant issue for us.

Q6 **Shaun Bailey:** I would like to understand where these measures actually take you. In October 2020, a report by Crest Advisory stated that on the current trajectory, even if we got back to pre-pandemic levels, we would be looking at cases increase by 10 times in the magistrates court, and the backlog would continue beyond 2024.



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I suppose my question is this: where are you trying to get to? Are you trying to get to that pre-pandemic level? Are you trying to optimise that—because even pre-pandemic there was still somewhat of an issue? I am just trying to understand where we are modelling that on.

Antonia Romeo: Obviously, one has to aim for the optimum level, if you like, of how long it takes for justice—for cases to go through the system—in the same way that there are doctors' waiting times, for example.

Just before the pandemic, I think that backlogs had come down significantly. Obviously, we want to drive down and not only get back to that level but continue to drive down further. Equally, however, we can only do so in a way that is safe and with the constraints in the work that we have got.

The reason why we can't put precise numbers on it, which I know is frustrating, is that listing, of course, is a judicial function. Judges, magistrates and sentencers are prioritising those areas with the most vulnerable victims or where there is most need—the particular types of cases that we most want to get through and reduce the backlog in that space.

None the less, that situation combined with all sorts of functions—what we call demand, so the number of cases flowing in, and crime rates. All these things have an impact, so it is impossible to put a precise number on where you are going to be, in terms of the backlog, at any particular point in the future.

However, I can assure you that we have injected significant resourcing into this; we have got the staff and the rooms in place. And we are doing everything we can, working with sentencers and with the professions, to get the backlog down as quickly as possible in a safe way.

Q7 **Shaun Bailey:** That is somewhat reassuring to hear. However, I suppose that the point I am trying to get across is that even if we were back at pre-pandemic levels, we still will not have dealt with the backlog. Where do we go to? I appreciate that you cannot necessarily put a specific figure on it. However, from what we are hearing and from what I have read, it would sound as if we have got to exceed where we were.

I am curious to understand this. You have outlined a bit there, but how do we have a consistent strategy? I appreciate that we are in unprecedented times at the moment, but how do we keep that consistency going with that strategy to expand capacity? I ask that because it sounds like a capacity issue here. I am curious to understand that, because it sounds as if you will effectively really ramp up and even in spite of Covid continue that ramping-up process.

Antonia Romeo: Of course, capacity in the justice system is a range of things, so I do not think that capacity—how one says it is capacity constraints. As I say, we have more jury rooms available now than we had pre-pandemic. Sitting days is one element, the flowthrough is another element, judicial time—there are all sorts of things that feed into that. And



it's not a smooth and easy algorithm to understand, or to work out what it is.

The key thing that we can do is to spend the resource wisely in a way to lower the backlog. And going to the heart of your question, I want to reassure you that our view is not just to get back to where we were. We were already in a process of driving down those backlogs, and that is what we want to continue to do.

I should say, if I am allowed a slight segue, that this is absolutely what the courts reform programme is aimed at, because if you can get more of these online, once we have got the common platform rolled out across the country and across all jurisdictions, we are able to have a digital case file that people can access. This is the thing that is actually going to help us. It will increase productivity significantly and that will again help us to do the thing we need to do—to recover—which is why reform and recovery in this part of the justice system are essentially the same thing.

Q8 Shaun Bailey: I don't want to focus too much on the backlog, because I am sure that other colleagues will want to discuss that. I will turn my attention to how you collect data. Could you just talk me through the work that you are doing on collecting data and the impact of remote hearings on case outcomes?

Antonia Romeo: I might ask Kevin to say some things about impacts and evaluation, because obviously we have been doing some work on that.

A couple of things about data. You will have heard me say at the beginning that I want us to focus significantly on it in the Department: so, how do we collect data in different parts of the Department? Who are we getting that data from? What are the systems, and how do they talk to each other?

This will not be an overnight fix, because I can see that some of our systems that are currently collecting data are the same ones that were here when I was last in the Department six years ago. I want us to have a really good look at how we are getting all that data and bringing it together.

On impact, a couple of points from me, and then Kevin will have things to add. In particular, if you look at some of the areas where we have moved first for courts reform, for example—divorce is one and probate is another where we have got those online—we have seen that those are the places where we have not had any backlogs going up during the pandemic because they were online. That is a good example of how reform is going to help us to build resilience.

We have a 74% user satisfaction rate on those using the divorce system and an 86% satisfaction rate on those using the probate system. We feel that once you get the online solution right, once it is in and people are using it, and we are diverting people into using it, it significantly improves user satisfaction. Kevin may have some other comments to add on data.



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Kevin Sadler: I might just start by saying how proud I am of everybody who has put our remote hearing technology in place so rapidly during the pandemic. It has really kept justice going and enabled people in very difficult circumstances to have their case heard and to move on with their lives. I am really proud of that. We have been using remote hearings in all jurisdictions, with 71% of all hearings between May and December with at least one participant joining remotely.

We will be publishing a full set of data on remote hearings later this month, which will provide some really valuable information out there. Of course, there has been some external research on the use of remote hearings. Natalie Byrom did some work on civil, and the Nuffield Foundation did work on family, which has been incredibly helpful in refining the way we do things. We are commissioning our own research on remote hearings as well, and we have already had what we call an agile implementation review to make sure that we can develop and improve the key remote hearing processes. We virtually observed remote hearings. We had qualitative interviews with staff and legal professionals and judges, and so on, and we looked at all relevant external research.

As part of stage 2, we are going to do a full evaluation of the revised processes, and that is going to include user surveys and in-depth interviews with users, court and support staff, legal professionals, the judiciary and observers. That work is kicking off very shortly, and then we will be looking at the findings and publishing those following a peer review process later in the year. We are very committed to evaluating the effects of video hearings, but there is a lot of positive feedback in areas such as domestic abuse, and from legal professionals as well—including, I might say, some legal professionals who were rather more anxious about remote hearings prior to the pandemic than they are now. We have also had no cats appearing on our remote hearings so far.

Q9 Shaun Bailey: That is helpful information. Ms Romeo, you called out in particular the satisfaction rates in probate and family. Obviously, that is positive to hear, and it seems like data is becoming a focus, but as you roll this out more broadly across the justice system are you confident that you have the capacity to ensure a consistent approach to your data handling and data modelling? One of the pushbacks that we have certainly had is that that consistency at present is not there. What work are you doing to ensure that consistency is there when it comes to how you utilise and acquire data?

Antonia Romeo: That is a really good question. ¹After three and a half weeks, I suspect it is not as consistent as we might want it to be. I think that is perhaps what I should say. That is why I have made it already—I have discussed this with the Lord Chancellor—a big focus. We have to ensure that we are collecting the data. Consistency is crucial. The integrity of the data is crucial. How do the systems speak to each other? This is

¹ CORRECTION: MoJ recommended clarification to the committee: “After three and a half weeks in post”



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not, of course, just an MOJ issue, because we also have to make sure that our data is speaking to the data that the CPS has, and the data that the Home Office has, and other partners in the system.

What I think I can say is that I and the team are very seized of this and very focused on it. You mentioned data modelling. I think we have, by the way, some excellent data modellers already. We have some excellent analysts. I want to check that that capability is as strong and as large as I think it will need to be to do what we are going to need to do. As we bring data together and as Ministers make policy choices on the data that we are giving them, we have got to ensure that we have really high integrity and well-modelled data. That is probably what I will say on that at the moment.

Kevin has already set out how we have done a lot in this space already, in terms of seeking data from users. At the end of the day, we have got to be user driven and public driven. So, getting the data from them is absolutely crucial. How we do that and making sure that we are getting that from all the right sources, and how we use the data, is something that I am very focused on.

Q10 Shaun Bailey: That is somewhat helpful. I want to understand and to drill down into this a bit more. Permanent secretary, have you set any specific timetable on how you want to see these improvements and how they are going to be outlined? I know we have some data from Mr Sadler, but have you set any deadline of when you would like to see this come to fruition?

We have looked at the user experience more generally, but what about outcomes? That is another big thing that we are not perhaps talking about here—data around outcomes as a result of this. Could you drill down a bit more into the specific timeframes, what you are doing around outcomes, and also what you are doing on modelling?

Antonia Romeo: In terms of what I have done, I can tell you that in my second week, I had a two-and-a-half-hour session with the data and data modelling teams, to work out exactly where we get our data from, how it connects and what we are doing about it. I can assure you that I am very focused on this. As you may know, I am an economist, so this is going to be absolutely at the heart of what we are doing in the MOJ.

In terms of timeframes, a lot of this is about evaluation. For example, evaluation of the reform programme is something that we have been talking to Ministers about—when we are going to be announcing our evaluations. I know that is something that the Committee has expressed interest in recently. Kevin may want to say more about when we will be able to publish our evaluation framework, which is currently under discussion. That is going to be a crucial part of it.

Of course, it is not just evaluation of courts. I haven't yet set deadlines for when we are going to do that, because I am still discussing with the Lord Chancellor, the team and Ministers exactly what it is that we are trying to



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achieve. Frankly, we have a lot of data. What I am trying to work out is what the information is. Data collection for its own sake is not the thing we need. What we need is: what are the outcomes? What is the strategic benefit that we are trying to achieve with these programmes? What are the outcomes we are looking for? How are we going to know when we reach those outcomes? What is the best data that we can obtain and then model, in order to help us give Ministers the right data to make informed policy choices—evidence-based policy based on the data? Kevin might want to add something about timings of when we think we will be in a position to publish that.

Q11 Chair: Mr Sadler, we did raise this with your predecessor in quite some detail and I know that our sister Committee, through Sir Bob, has been raising some of these concerns as well. Some really precise dates would be very helpful.

Kevin Sadler: Right, okay. I don't have a precise date for the publication of the evaluation framework, which is an overall Ministry evaluation framework, but it is well advanced and moving forward. I don't think the Committee will be waiting long to see the overall evaluation framework, which is going to set out the overall methodological approach and the role of the judicial and academic advisory groups. We have already established an external academic advisory panel to advise the whole Department on how we do the evaluation and the framework will describe all the next steps. I don't think you are far away from that timetable, but I am afraid I haven't got a precise date for you today.

There is a massive commitment to evaluating the impact of the reform programme, including on outcomes. We have already launched our new strategic data platform. We launched that in mid-January, into the testing phase. That is designed to provide our analytical team with access to really good technology, with consistent storage and processing and analysis of our data. The point on consistency that was made a bit earlier will be addressed by that. We have also—

Q12 Chair: Mr Sadler, you are telling us that there is no answer. You did commission some research based on some of our previous work on this. You responded to that in October as work from the Legal Education Foundation. Here we are in February, and you are telling me that, despite that response in October about work that began two years or 18 months before that, you cannot give us dates. This is a programme that is ongoing. The change is beginning to happen, yet you are telling us that you do not have data to evaluate it.

Kevin Sadler: We are publishing a lot of data, including data on our reform services, on a regular basis. But what I am talking about here is the overall, full evaluation of the reform programme. I think we accept that we are behind time on this. There was a pandemic impact on this work, but we are not far away from publishing that full framework, and that is engaging the whole Ministry in doing that.



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Antonia Romeo: Chair, could I just add something? We are very aware that the Committee has raised this before. The evaluation framework that Kevin referred to is something that we are actively working on. Obviously, we want to make sure it is closely aligned with outcomes, and we are discussing it with Ministers. We are committing to producing it soon. I am sorry that we don't yet have a date, but we know your high level of interest and we are very focused on it as well.

Chair: Thank you.

Q13 **Shaun Bailey:** You have talked a bit about outcomes. Can we go back to that for a minute? We have talked about ministerial decisions and ensuring policy is made in the right way as a result of correct data. What about for the service user? What about people interacting with HMCTS? What are your KPIs now? What are your desired outcomes there with regards to using this data?

Antonia Romeo: Kevin will know more about the detail of the KPIs, but the crucial thing is that reform is intended to ensure that those who are experiencing the justice system are interacting with a first-class public service. This is one of the original reasons for reform: it is quite difficult to find a first-class public service when so much of it is paper based, despite the excellent work of all the staff in the courts with the sentences and the rest of the system. We are looking to ensure that the justice system delivers the right outcome in a smart and user-focused way.

We have broken that down into a number of specific things that we are delivering—for example, end-to-end online service management of civil claims, the roll-out of the common platform, and the courts and tribunal service centres. There are a number of specific things, and all of them have KPIs attached to them. Some of those will be outputs—activities—because they just have to be done, and some will be outcomes by design. Crucially, that will need the data from the users of the service to feed into that, but Kevin will have more detail.

Kevin Sadler: We already collect user satisfaction data for our online services, and we are immensely proud the high levels of user satisfaction with those services. For probate, there is 86% user satisfaction with digital applications. For civil money claims, it is 91% user satisfaction with digital applications. The user feedback is really important for our continuing to refine and improve our services. On probate, our user engagement has identified issues with the way in which we interact with HMRC on inheritance tax, which has led to improvements in the system. We are absolutely focused on the importance of the user feedback for developing and improving our services. Of course, all our services are developed through user engagement, so that we get clear and simple digital systems, rather than complicated forms full of legalese.

Q14 **Shaun Bailey:** Okay. I can see that. There is obviously more to the system than the examples you have mentioned, in terms of probate and the planning system. As I have said, my concern is that as you roll this out, are you going to be able to keep this up? I want to come back to this



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point, because I don't feel that I have had an answer. When we talk about outcomes, ultimately we are talking about the end service user—members of the public and those people who need access to justice. I am conscious of how that translates. At the moment, I am not really very clear on what that looks like to the Department, in terms of how you are utilising this data.

I have a final question on this point. Obviously, there has been a significant amount of investment as part of the reform programme. Given the fact that at the moment there is somewhat of a lack of some basic data, are you confident that you can optimise the use of the money that has been given to ensure an effective user service? As I say, without those basic datasets, how are you going to be able to ensure that you are optimising the investment that has been given?

Antonia Romeo: We do have a number of datasets. I don't think that Kevin was saying that we didn't have the data. The thing we are pulling together is the full evaluation framework. You are right: we have to have KPIs. User satisfaction is crucial, but so also are a number of other KPIs, and that is what every accounting officer lives by: what is going to be delivered, by when?

I have spent quite a lot of time working with the finance team in HQ and the HMCTS team and looking at the deliverability of the programme. And we are doing this with the Cabinet Office and with HMT, to ensure that we can deliver the spend. Obviously, we have had a delay as a result of the pandemic. We don't think that will delay the end date, by the way, but it has meant we have brought some things on early, and we have to delay some other things. And we have tested quite hard the deliverability of the remaining parts of the programme, connected with the spend against that. I feel fairly confident, in the fourth week, about that deliverability, actually.

One of the things that one has to keep on is ensuring that you get the benefits out at the end. One of the things with these programmes is that sometimes you can focus a lot on delivering the programme, and the question is: did you secure the benefits? So that's something that Kevin and his team and I are talking about a lot: how can you make sure that you relentlessly focus on the benefits, as well as just getting the online service going and getting the costs in? I should say that we are, obviously, working closely with the MPRG, in the form of the IPA, and HMT on this, so they are assisting as well.

Q15 **Shaun Bailey:** Okay. Sorry, Chair, I said that was the last question, but what are the benefits, Ms Romeo? Talk me through that. What are the benefits to me as a user?

Antonia Romeo: It depends on which bit you are using, of course, but the common platform, for example, is going to have a single joined-up system underpinning physical hearings that enables courts, police and prosecutors to access and share all the relevant information about a case. It is going to mean seamless preparation in courtrooms; it is going to have



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sharing of results. It is going to speed up the system. In a way, that is where we started this discussion: that is going to help the productivity of the system and get the whole thing going faster. That is good for everybody in the country.

On civil, an end-to-end online service for the management of civil claims is going to allow better information and increase the likelihood of success. It is going to digitise the accelerated process for, say, possession claims. So it is going to allow people to come to the system and find it easier to use; most people want to work online. And again, it will reduce delays in the system.

Obviously, family is another area, and we have very much focused in terms of rolling out things early. I think we have rolled out eight services so far, and Kevin can say more about which ones, but we have been focusing on those particularly where they want help: vulnerable people, for example. So the immigration service area is one of these.

It's about helping people to access justice in a smoother, easier and more user-friendly way because, obviously, oftentimes when people are accessing the justice system, it's at moments of high stress for them. So we are trying to make it easier for them to do so. Divorce is a classic example. I think we have taken something like 60%—sorry, we have taken six weeks out of the time to process a divorce. So if you are going through that very stressful process, that is a good outcome for you. So we can measure things like that, as well as asking whether you were happy, which, as you have heard, we have already done.

Finally, on the operating model, the Courts and Tribunals Service centres to centralise the administration of cases are, again, going to help us to provide a much more efficient service to the public. We are going to have a new tool for schedule and listing, which is, again, going to speed the thing up. So it's partly productivity—the point I am trying to make is that making the system more efficient and productive gets a better service for people, because it should reduce delays in the system, *ceteris paribus*, but it will also allow people to have a less stressful interaction with the system, and that is really what we are aiming for.

Shaun Bailey: Thank you. I will leave it there for now, Chair.

Chair: Thank you, Mr Bailey; I will come back to you a little later. I should have said at the beginning that we are delighted to have Sir Robert Neill with us today. He is Chair of the Justice Select Committee. Welcome to our Committee and over to you, Sir Robert.

Q16 Sir Robert Neill: Thank you very much, Chair, for inviting me. It is good to see you, Ms Romeo—welcome to the Department. We look forward to you coming to give evidence to our Select Committee next month. It is good to see you again, Mr Sadler.

May I come back to the point about the reform programme? The Ministry has staked a very great deal on that programme, as you have just set out, Ms Romeo. You mentioned the fact that there has been some delay



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because of the pandemic, but the problem is that the reform programme had already slipped, and had slipped more than once, before the pandemic came along. What has happened that gives you confidence to say to us, "Now we will get it pretty much on time"? What has changed, because that was not happening even before the problems of the pandemic, which clearly made it worse?

Antonia Romeo: Thank you, Sir Bob. Perhaps I can say a few things about from my perspective—Kevin knows a lot more about the history of the programme, of course. What happened with the programme was that that when it was first discussed—it is something you discussed in a previous PAC session—it was talked about as being four years, but actually, at the time of the first proper gateway and published business case, it was already set to six years. One of the lessons that I think the Department has learned is that you have to allow flexibility in things like that. Relentlessly focusing on the end date, while not acknowledging some things that you might need additional time for, is a lesson that has been learned from other programmes.

The decision that was taken with MPRG—so with the Cabinet Office and the Treasury—a couple of years ago, to extend it to seven years, was an important one, because it ensured that we had enough time. It does mean that despite the pandemic, we have not had to say that we need significantly more time, because we have built some contingency into that. What the staff have done—like Kevin, I pay tribute to them for it—in rolling out video hearings widely across the estate has been a really significant achievement, and it has helped us to deal with the pandemic. A number of things that have been done have not slowed. There are obviously areas where you require operational access into the court, for example, or areas where we are reliant on other partners, who might be prioritising their response to the pandemic so have had to slow their timelines as a result. It is inevitably the case that the pandemic has had an impact.

To your main point, it is fair to say that this Committee has scrutinised the reform programme closely. As you all know, we have put a number of things in place since then—*[Interruption.]* Is someone trying to stop me?

Chair: It is just that we need slightly more precise answers. You know that Sir Bob knows this inside out, as do other members of our Committee, so we do not need the general comment; we need precise answers.

Q17 **Sir Robert Neill:** Can you inform me that you will not come back to my Committee or to this Committee in a year's time saying, "Look, it is going to slip again"? Is it perhaps that the previous proposals were unrealistic?

Antonia Romeo: Let me let Kevin answer on the programme.

Kevin Sadler: I am not expecting to come back to either Committee with any extension of the reform programme timescales—there are no plans to do that. We are in the last third of the programme now. It is also worth



saying that we have launched a lot during the pandemic. Some things have sped up and some things have slowed down. We launched the new public service to enable online appeals against immigration and asylum decisions, and we accelerated the release of the remaining appeal types in immigration and asylum, so that legally represented appellants could use the services. We launched online applications to take children into care, and that is 60% through its roll-out now. We have bought new scheduling and listing software, which is in pilot in Oxford, and we extended our unspecified civil pilot from ten firms of solicitors to 397—again, to help with the pandemic.

The common platform, which is a key part of the reform programme, went into an early adopter phase in Derbyshire in September, and now Bristol is another early adopter as well. We are moving ahead with this, and I do not expect to come back with changed timescales for the end of the programme.

- Q18 **Sir Robert Neill:** Some things, of course, you can do very quickly, can't you? You referred to the success of the remote hearings in the evidence that our Committee had. In many cases, that works. But you don't need an evaluation to work out that, for example, in a criminal or a family hearing, the legal representative needs to have an online conference facility—a meeting room where they can discuss the case confidentially with their client. More often than not, you may well resolve the case if they can do that, but the evidence we have is that that is not systematically available. In many cases, it is not, and therefore they have to ask for an adjournment to go away and sort out something that, in a face-to-face hearing, would be compromised between the two lawyers outside the court door in about 10 minutes. You don't need a big evaluation programme to work that bit out and invest in that, so what is going to be done on that?

Kevin Sadler: The ability to do that is part of the design of the video hearing service in reform. We had to basically whack out the cloud video platform at speed to enable it to work, and it is not as good as what you will get by the end of reform. Our new video hearing service has the same underlying technology as the cloud video platform, but it has a much better interface, much better judge controls and private consultation rooms. The system has been assessed by the Digital Accessibility Centre with users to make it really easy for them to use, so it will come.

- Q19 **Sir Robert Neill:** When do you think my local solicitor in Bromley in my constituency, who, let's say, is in the family court, is going to be able to make use of this in this much better way? When is it actually going to be on stream for them?

Kevin Sadler: The video hearing service rolls out from 2021, but I would say 2022 to be sure, though.

- Q20 **Sir Robert Neill:** So it could be another 12 months of having to ask for an adjournment to take pretty basic instructions?



Kevin Sadler: We are looking for improvements as much as we can as quickly as we can, and we will keep on working on that.

Sir Robert Neill: Can I perhaps come back to Ms Romeo to start with, and perhaps Mr Sadler might want to come in? Ms Romeo, you talked, perfectly fairly, about the desire to increase productivity, and you have cited a number of examples of where that has been done, but a lot of that, as Mr Sadler will observe, relates to the civil part of the jurisdiction, where much of the work is transactional, but the backlog that Mr Bailey was talking about earlier is overwhelmingly in the criminal and family side. I am sure you recognise that that work essentially cannot be measured purely in terms of productivity. A criminal trial is not a purely transactional process. I hope that is recognised by officials in the Department and HMCTS.

Chair: There were lots of nods there, Sir Bob. I think you got agreement on that.

Q21 **Sir Robert Neill:** I will take the nods as a yes, and I will carry on. That being so, you actually can't get away from the basic need for a courtroom, judges, lawyers, court staff and, in the Crown Court, jurors. Actually, that is about all it needs to make it work. What is being done to increase the availability of courtrooms and sitting times? There was a concern that sitting days had actually reduced the amount of court capacity available to reduce backlog before the pandemic. Can we have an assurance that that will not be happening in the future?

Antonia Romeo: Okay, there was a lot in that, Sir Bob. Thank you. Let me just say first of all that I was not suggesting that productivity is the only important thing, even in the other areas. What I was saying is that it can be a driver of a better service.

Sir Robert Neill: Yes, it is part of it.

Antonia Romeo: I completely agree with you that, when it comes to the crime side, in particular, how victims and witnesses feel in the process, and the swiftness of the justice, are absolutely essential. That is why we are completely focused on this. As you know, we published a strategy on what we are doing to get the backlog down, which is about maximising the current estate. We now have some 290 rooms that we can be using for jury trials, and that is more than we had pre-pandemic. On additional capacity, we have 40 Nightingale courtrooms already online, and we are bringing in another 20 this financial year. We are on track to do that. As discussed, we have had some remote hearings in the Crown Court and the magistrates courts, as well as in others. You mentioned sitting days and the question of resourcing—

Q22 **Sir Robert Neill:** This resourcing is for judges and recorders, for part-time judges, to fill in the gaps, isn't it?

Antonia Romeo: It will, indeed. As I say, there are a number of factors. There is the number of judges that you've got and then there is who else you can be using, but the Lord Chancellor has made clear that he wants to



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maximise sitting days this year. That is the commitment. We are just working out how we would do that.

- Q23 **Sir Robert Neill:** Sorry to interrupt, but will there physically be enough courts for all the available recorders to sit in—the part-time judges and the full-time judges?

Antonia Romeo: I might let Kevin answer that. I know we have plexiglass in 450 courts, but whether that is enough to—

Chair: Mr Sadler.

Kevin Sadler: Obviously, the pandemic does constrain our ability to use every courtroom in the way we did before the pandemic. Even a basic Crown Court trial involves 25 people, and then you multiply 2 metres around them all the time. We are still working on increasing our capacity in the Crown Court by making further modifications. We have more Nightingale courts to come on. We are just going to keep our foot flat on the floor and maximise the capacity.

- Q24 **Sir Robert Neill:** I have a couple more points and then I will leave it for the moment, as I know other people want to get in, Chair. The Lord Chief Justice and the Secretary of State have told us that there is going to be particular pressure coming through in the next year or so, with a number of large multi-handed, multi-defendant serious crime trials. They can't be held in the Nightingale courts because they don't have custody facilities. Those will take many months and require a large number of people. What is being done to specifically create a surge capacity to deal with this? Otherwise, it will push the backlog out even further.

Kevin Sadler: We are hearing between 35 and 40 multi-handers in the Crown Court every week now. We have made specific modifications to enable that to happen. We did a lot of work down in Newport to enable a big trial to run there. We have a programme that is going to enable a further 70 courtrooms to hear multi-hander cases, through installing screens, dock extensions and so on. We have a separate multi-hander working group, with judges and other members of the legal profession involved, to make sure we are managing this. We are close to finalising some specific plans to have some supercourts as well, which will come in.

- Q25 **Sir Robert Neill:** It that the warehousing type of scenario?

Kevin Sadler: It is about modifying the existing estate. It is much better to modify the existing estate because we need custody facilities, and they are rare to find outside the estate.

- Q26 **Sir Robert Neill:** There are a number of court buildings that were closed and made ready for disposal that have custody facilities, but have not yet been repurposed. The obvious one is Blackfriars Crown Court in London, where the courtrooms, which are still there, are being used to film court scenes in TV dramas. Why are we not having commercial negotiations with the people that has been sold to to lease it back for a short period of time, with the custody facilities, to bring it into use and reduce the



backlog?

Kevin Sadler: We have reopened a number of courts that haven't yet been demolished or changed. Cirencester is a good example of that, and Telford. We did have specific conversations in relation to Blackfriars. We couldn't make it work in terms of the timeframes and the value for money, but we continue to comb the world, looking for as much as we can find. Everywhere there has been a genuine opportunity to do that, we have taken it up.

Q27 Sir Robert Neill: Your management information shows that, at the moment, jury trial numbers are still running on a weekly basis below the number required for your target of reducing the backlog. It has got closer and sometimes you are at it, but it is not consistently hitting the target. What is the plan to achieve that and when?

Kevin Sadler: We continue to work on that. The reasons it is not quite where we thought it would be is the multi-hander trials we were talking about earlier. In one case, a multi-hander case was using up five court rooms to make sure it was done safely and to protect everybody involved in the case, so that is one trial, instead of five trials, that we could carry on with. This is back to increasing the capacity and making sure that we have got as many rooms as possible.

In December, we disposed of as many cases as we were getting in, which was a really good sign. Obviously, the lockdown has affected that a little, in the beginning of the year, but we hope to get back to that and get beyond that very soon after that.

Q28 Sir Robert Neill: But no firm timescale.

Kevin Sadler: It is very dependent on judicial listing and case mix. That is the challenge, because a very complex trial can take a lot of courtrooms out, but we do need to hear it.

Chair: Thank you very much for now, Sir Bob. We will come back to you. I am now just going to turn to Olivia Blake MP.

Q29 Olivia Blake: I just wanted to raise a personal element of this. I am aware of a case of an under-18 child who is waiting for a court date and has been waiting for four years on a serious sexual assault. Do you think that is acceptable? How can that victim be assured that their voice is being heard as part of this feedback and being prioritised in tackling this backlog? That is to Mr Sadler, first, and then Ms Romeo, please.

Kevin Sadler: That four years must be from the offence—or it must include more time than just in the court system. I find it very difficult to believe that it would be four years in the court system. That covers a period when we were performing extremely well in the Crown Court. Obviously four years is a very sad and unhappy position and none of us like that, and I am very sorry for the individual involved.

Youth cases are prioritised. There are judicial instructions for the prioritisation of cases to ensure that youth cases—particularly those who



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cross a relevant age threshold—are one of the top priorities, and we are monitoring outstanding youth cases very closely to make sure they are listed as quickly as possible. If the courts remanded a young person in youth detention the youth court will aim to list the case within 56 days. I don't know the details of the individual case. I am sure representations will have been made to the judge in charge, but we do treat these as a priority.

Chair: I think we have got the message. You don't think it is good enough.

Q30 **Olivia Blake:** Clearly it isn't good enough. How confident are you that, for vulnerable victims in particular, they are able to complain and have their complaints heard at the moment through the process where situations like this do arise? Do you think your systems are transparent enough?

Kevin Sadler: There are certainly processes in place for them to raise issues and concerns—

Chair: We know there are processes, Mr Sadler. Ms Blake is asking if they are effective.

Kevin Sadler: I believe they are being used. Ultimately these decisions will be judicial decisions on the listing of cases, which I obviously can't speak for, but I am confident that the processes for ensuring that representations can be made and considered are in place.

Q31 **Olivia Blake:** Are they transparent, though? That is my question. Are they transparent to victims? Do you think people know how to make complaints?

Kevin Sadler: I would be quite happy to go away and look at that, but there is a lot of support available for victims and witnesses, and that has been strengthened during the pandemic. I would very much hope that those processes are supporting people through that process.

Antonia Romeo: Can I come in on that? As Kevin said, obviously this is something that—we are absolutely determined to shorten these times. Ministers have been completely clear that that sort of wait is something that they absolutely do not think is acceptable and we have got to drive down. As Kevin said, these are waits in the whole—this is a whole CJS issue. I would just add that we have specifically injected £40 million. We have £40 million funding secured for victims, of which, as you will know, £25 million is for victim services, including independent advisers in cases of sexual abuse and domestic violence, and vulnerable victims. So we are very focused on that. That money is going to be important and we have also got an additional £20 million as part of that £40 million for the local community-based services, so working with voluntary organisations. So we want to reduce the time, but we also want to provide services while we are getting those times, those waits, down.

Q32 **Olivia Blake:** Finally, Ms Romeo, do you have a comment on transparency? Do you feel that those who are the most voiceless in the



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system have clarity on how to make sure their voice is heard?

Antonia Romeo: What I want to say at this point is that they should have transparency and their voice should be heard. I want to go away and talk to the team to make sure that that is happening. Your point is that we can be providing the service and we can believe it is transparent, but are victims feeling that it is? We will certainly look at that and commit to making sure that it is transparent. Thank you for your comments and for raising it, because it is obviously really important.

Chair: Thank you for now, Ms Blake. Back to Shaun Bailey MP now, as we move on to prisons and probation.

Q33 **Shaun Bailey:** The first question is for Dr Farrar. What assessment have you done as to when demand for prison places could exceed supply?

Dr Farrar: We do a lot of analysis across the MOJ and with our partners in Government to look at when demand can exceed supply. What I can say is that in the short term, particularly if we take the Covid period first where we have had to increase the number of places for compartmentalisation, we have needed about 3,000 additional places for compartmentalisation. We are confident that we will be able to keep those in place through the second wave of the pandemic and, at least until the end of this year, that gives me a lot of reassurance. For the longer term, we are working with colleagues to work out supply and demand, and we are pleased that this spending review gave us the announcement of 18,000 additional prison places, which will help us meet the longer-term demand.

Q34 **Shaun Bailey:** As we touched on earlier, given the combination of courts hopefully returning to pre-pandemic levels and the sentencing reforms that we have seen come through as well—you talked about long term there—have you done any modelling as to what the impact of that might be? Will you be pushed at any point in terms of coming close to the wire on this?

Dr Farrar: Not in the immediate short term, but it is important for us that we make sure we maintain places, because a lot of our capacity is through lost prison places, so the £315 million that has been announced for maintenance is critical for us in making sure that we continue to keep the prison estate running. The longer-term prison build programme is important to us, so I am pleased that Wellingborough, Five Wells—the new prison—and Glen Parva are on track, and the announcement of four new prisons that are going to be critical to helping us match demand in the longer term.

Q35 **Shaun Bailey:** Have you got any data on the current vacancy rate for prison officers and what the current demand is in terms of the need for staffing in prisons?

Dr Farrar: Our biggest pressure in the short term has been the number of staff that have been off because of the pandemic, but I am pleased to say that over the last week or so we have seen a large number of staff returning to work. Around 10% of our staff are off at the moment, which is well within our capacity to run the estate, particularly at the level that we



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are running it at the moment. Between October '16 and September '20 we recruited an extra 3,844 prison officers. That was above the assessment that we gave. We paused recruitment at the beginning of the pandemic, but I am pleased to say that that is back on track. We have restarted our POELT training, which is our training for new prison officers. We have trained 1,464 officers recently, and 522 additional officers are in the classroom. Between October and December we saw 432 new people start with us, so I am confident now that our recruitment is back up and running and that we will be able to match the vacancies that we have.

Q36 Shaun Bailey: I do want to touch on recruitment later, but I come back to my specific question. What is the current vacancy rate? Do you know?

Dr Farrar: I will have a look and find out for you. I am not entirely sure at the moment.

Shaun Bailey: It would be helpful if you could write to us.

Chair: If you can get the figure at the end of Mr Bailey's questioning or later in the session, we will take it then. Or you can write to us.

Q37 Shaun Bailey: A recommendation in 2018 was that you reduce the time it took to recruit prison officers. Have you done that? How has that been done? What lessons have you learned from that process?

Dr Farrar: A lot of this is done by using digital technology. We can now do a lot more online, in terms of our initial recruitment. We have also been a lot more up front. We have kept our recruitment process running, so even during Covid, we have seen 14,000 registrations of interest. That is not something that we were doing before. Previously, we would start a recruitment campaign. Now we have an ongoing recruitment campaign. That has really sped things up.

We will hopefully be able to introduce an apprenticeship of prison officers by the spring or early summer, so that instead of coming in and doing a very intensive long course, which put a number of people off, we are now spreading this over a number of years, so that people will spend time in prison, time in training and then time in prison. That is increasing the attractiveness of our recruitment.

Q38 Shaun Bailey: I would be interested to know, particularly as the recommendation was around reducing that recruitment process, what that has looked like in terms of the reduction overall, and whether you have any figures or data around what that reduction looks like. I don't know whether you have that now or you could share it with the Committee at some point. As that was a recommendation, it would be good to see how it has been carried out.

Dr Farrar, on the Covid point, how are you supporting officers who have been impacted by Covid? You have had a number off work who had suffered from Covid. What are you doing to support them back into work while they are isolating? Has there been any impact because of the long-term impacts of Covid? We have talked about long Covid. What are you doing about that?



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Dr Farrar: We have a very developed programme for working with staff. We have increased our wellbeing support through Covid. We have a number of mental health allies across the estate, and we have an employee assistance programme. Both have been very proactive during this Covid period. We have also had staff members reaching out to other staff who are off for longer periods of time, to ensure they are supported. In terms of their return to work, we have the ability to bring people back in different ways, so that they are able to work effectively. We have also had a lot more ability to work from home during this period.

We have tended to see people coming back to work. We have not seen a lot of long Covid cases, but we do have some, and we have some people who have been off work for a little while. We are ensuring that they are provided with the support that they need to be able to manage and return safely when they are well.

Q39 **Shaun Bailey:** To come back on that point, you talked about bringing people back in different ways. Could you elaborate on that a bit more? You have talked about remote working, but what else are you doing? I am conscious that for the role of a frontline prison officer, you need to be there. I am curious to understand how that has worked.

Dr Farrar: It has been very different for different people in different staff groups in HMPPS. With prison officers, we need them to be able to work on the frontline. There has been discretion for individual governors, to look at whether they might be able to bring people back on different basis but generally our prison officers need to come back full time, so we would either enable them to work at home or enable them to stay off work. We have had a number of discussions with our trade union colleagues about people who are off due to Covid and are unable to return, and the support that we give them.

I have just found the vacancy figures. This is unpublished at the moment, so it is still being verified. Our vacancy rate for band 3 to 5 officers is 4.4%, as of the end of December.

Q40 **Shaun Bailey:** That is helpful, Dr Farrar; thank you. In terms of the time it takes for those who contracted Covid to come back to work, roughly speaking, do you have any data on how long it takes for someone from going off to coming back fully operationally?

Dr Farrar: We have data. We monitor the rate of staff coming back, so that we can say on a day-by-day basis how many people have returned to work. Obviously, it would be quite hard to give data about individuals.

Shaun Bailey: Of course.

Dr Farrar: We see that, in general, people tend to be away from work for around two weeks, because we either have people who have had Covid or



we have people who are self-isolating. ²That is what we tend to see in a prison if there is a virus in the community. We have also had the impact of Test and Trace, so people will be off then for just under two weeks. We do tend to see a rolling number of staff coming back to work. From yesterday to today, we have had 143 staff return to work. ³Our current sickness absence across HMPPS is 3,683. That has come down quite considerably since the beginning of January.

Q41 Shaun Bailey: Could I turn to prison and mental health? In 2019-20, the MOJ reported incidents of self-harm in prisons remained quite high. I think it was something like 61,000 in the year up to June 2020, which was a 48% increase over the prior three years. In terms of the impact of mental health issues, what does that look like from a resource point of view? How are you having to deal with that in prison? What are your officers having to do to deal with that on the frontline?

Dr Farrar: That is a really important question. I should take this opportunity to thank all of my brilliant staff, who have worked really well through Covid and have been really dedicated to helping people, and to pay tribute to the people in prison, who have had to deal with quite a difficult period, as has the community.

You will have seen from the September statistics that the number of self-harm incidents and self-inflicted deaths has decreased over the past year. That is due not just to the work we are doing on Covid, but also to the programme of work to help people to manage their mental health that we have been putting in over the past year or so. During Covid, the lessons that we have learned are that prisoners have really welcomed one-to-one contact with staff and that camaraderie, and they have talked about the way that staff have interacted with them during this period, and also joint endeavours—*[Interruption.]*

Chair: Sir Geoffrey, you are not muted. Could you please mute?

Dr Farrar: We have had people in prison producing PPE, alongside our prison officers, for the NHS. Things like that have really helped.

What we have learned from the first wave to the second wave is the importance of keeping key work going. We have prioritised that in the second wave to ensure that people do have that one-to-one support. That is for women, men and young people. In April, we are rolling out offender management in custody for women. We have been particularly concerned about self-harm figures for women during this period. Women have really struggled through the Covid period. We have had a taskforce looking specifically at women in custody during this period and there have been a

² CORRECTION: MoJ notified the committee of a typo error: " What we tend to see in a prison is that if there is the virus in the community, we also have the impact of Test and Trace, so people will be off then for just under two weeks"

³ CORRECTION: MoJ recommended clarification to the committee: "Our current COVID-19 absence across prisons and the Youth Custody Service is 3,683"



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number of things to help them, such as the PIN credit across the estate, but slightly additional for women; as well as Purple Visits, or video visits, which have been really important in terms of keeping family contact. We have introduced greater wellbeing checks on our vulnerable prisoners, and also more psychological support and counselling to help people through this period.

For women, although we have not yet published the statistics—these are not validated—we have seen the level of self-harm reducing in recent months, which is really encouraging.

- Q42 **Shaun Bailey:** That is really helpful, Dr Farrar. You talked earlier about the immediate goals and the long-term aspects. Are you confident that this programme will be sustainable in the long term? Anecdotally, often we have found that as we tackle mental health issues, more hidden mental health issues come to light. Are you confident that you are going to be able to sustain this? Is there not a risk that perhaps as we do this work—it is work that needs to be done—there is going to be more and more and more? Where do we get to the point that we are going to be able to sustain this vital work?

Dr Farrar: You are absolutely right. This is a priority for me and it is something that I have been really clear about since I joined as chief executive—that we really need to focus on people’s mental health and reducing the level of self-harm and self-inflicted deaths in prison.

We will continue to prioritise key workers. We will roll that out in the women’s estate. We have had good progress in terms of rolling out a programme ⁴called Secure Stairs, which is really important for children. We have also had a quite intensive programme of learning during this period. We have interviewed over 2,000 prisoners and staff, and we have listened to what is important to them. We will be building that into our regimes, and we are thinking very carefully about what our regimes will look like as we start to move out of this Covid period.

- Q43 **Shaun Bailey:** Are you tying your work with mental health around the link between mental health and recidivism? If so, have you done any sort of data modelling with any other partners around that, and how are you feeding into that work?

Dr Farrar: I should mention that we are working really closely with the Samaritans. We have just funded a scheme with the Samaritans to look at things like this, and how we can improve people’s mental health. We also have quite an interesting programme to look at reducing reoffending. One of the big things that we found out that can affect people’s mental health is drugs. Not only do we have a programme to reduce drugs in prison, but we have just had the announcement of £80 million into drugs in the

⁴ CORRECTION: MoJ recommended clarification to the committee: “called Secure Stairs in the children’s estate, which is really important for children.”



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community. We think that that will really help with people's mental health, and with their reoffending behaviour. We will be evaluating that closely, and it is the subject of a prime ministerial taskforce, so there will be data published on the success of that.

Q44 Shaun Bailey: More widely into support, the other big thing that we know is that one of the ways we can cut reoffending is through ensuring that, once prisoners leave, they can get gainful employment. I know that there are many work coaches in prisons. What work have you been doing to ensure that that service is maintained, and what indicators do you have to enhance that service, so that we can cut down rates of recidivism further?

Dr Farrar: We have identified three things that are really important as part of the recent announcement on additional funding. The three things for us are around accommodation. We have a programme of work to make sure that people have homes when they leave prison. That is really important in terms of helping them with employment. We also have a programme to bring together all of our education and employment services.

We are reviewing our education contracts at the moment. We are looking at how we deliver employment opportunities in prison and then the transition to work, and we are increasing the number of employers we work with so that prisoners are able to leave prison already with a job. We are working really closely with the DWP to increase the number of work coaches. There is a big commitment from DWP to increase work coaches in prison, which we are really excited about.

Q45 Shaun Bailey: That is really helpful. On that point, though, given the economic situation that we are potentially going to end up heading into, you have talked about your work with employers. Are you concerned about any issues there in terms of linking in with employers, or any restrictions or reduction in services as a result of that?

Dr Farrar: We have seen, as with the community, a reduction in the number of people in prison who have been securing jobs during this Covid period. That will not continue. I know that in a tough economic climate, we have to work even harder to make sure that people have jobs. That is why I am really keen that the programmes that we have in prison lead people to employment. We have just recently, for example, started a new programme with Clinks to help people to work in kitchens once they leave prison. We have a number of really interesting projects with the building industry.

We are looking at industries that would employ people coming out of prison. We also have some very exciting work with the civil service, looking at our own contractors and people coming into the civil service, to remove barriers for people coming into work. That will open up another number of job opportunities for prisoners. We recently announced £20 million to support prison leavers. That will include looking at employment



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opportunities and putting wraparound support around people leaving prison, so that they are able to continue in employment.

Shaun Bailey: There is definitely an ongoing discussion to have around that as the economic climate progresses. I want to turn briefly, Chair, to probation services more widely, if that is okay.

Chair: May I just bring in Sir Geoffrey Clifton-Brown before you move on to probation? That will give you bit of a break. Sir Geoffrey, over to you.

Q46 **Sir Geoffrey Clifton-Brown:** Dr Farrar, there is bound to be an increase in demand for prison places as the court backlog subsides, hopefully, and as the 20,000 police officers come on stream. Can you therefore give us some milestones in your additional 18,000 places? It is a £4 billion programme. Can you give us some precise milestones as to when you expect what places to be brought on stream?

Dr Farrar: Absolutely. The first and most important milestone will be the prison at Five Wells, which is due to open next year, and then the prison at Glen Parva, ⁵which will be just under a year after that. ⁶We have announced new prisons before, and we will have more precise milestones for them once we know where they are going to be, and we have secured planning permission. That is the process we are going through at the moment.

The other milestone for me is making sure that we do not lose prison places. We are investing the £315 million to make sure that we keep places in prisons.

The other thing that we have been doing recently is to introduce temporary accommodation to help us through the Covid period. Also, we are looking at 1,000 more secure temporary places by the end of this year, which will help us to cope with any peaks in demand. The beauty of some of our temporary accommodation is that it can be moved around the estate. It has been welcomed by prisoners; it is very high quality. It will help us to deal with any pressures as we move forward.

Once we have the planning permission and the trajectory for the additional four prisons, I will be happy to update.

Q47 **Sir Geoffrey Clifton-Brown:** Could you keep us updated on that? A final question from me at the moment: are you absolutely confident that that increase in prison places that you are going to build will keep pace with the demand from the criminal justice system?

⁵ CORRECTION: MoJ recommend clarification to the committee: ““which will be a year after that.”

⁶ CORRECTIOM: MoJ recommended clarification to the committee: “We have announced the four new prisons”



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Dr Farrar: That is something we will have to keep under review. We are looking to the long term, and we will continue to do that—

- Q48 **Sir Geoffrey Clifton-Brown:** With great respect, Dr Farrar, it was not something that you were going to keep under review. Is all your best information telling you that the building programme will be quick enough to keep up with demand? Ms Romeo would like to come in—please.

Antonia Romeo: The first thing to say is that we are completely clear that we will have enough places for everyone who is sentenced. We have the 18,000, and the money—the four-year settlement of £4 billion—is a game changer in this regard, because of the 18,000 places that Jo has already described. We have really clear milestones for that. Jo mentioned the rapid deployment cells. Those are also a game changer, because they are much more flexible accommodation. We have predictions—you will have seen them; we have published them—of what will happen to the population, but the lessons of the past are that we have to allow ourselves the flexibility in case something unexpected happens. Even though we are bringing Five Wells on stream—by the way, to Mr Bailey’s point, that is already creating over 200 jobs in that area, just through the build—as well as Glen Parva, Full Sutton and the rest, subject to planning permission, we have to be able to do something else, because building cannot be sped up. We have to plan for that, and the rapid deployment cells will really help us.

Sir Geoffrey Clifton-Brown: That is helpful. Thank you, Ms Romeo.

Chair: Thank you. Back to Shaun Bailey.

- Q49 **Shaun Bailey:** I will turn briefly to the probation service more generally. Dr Farrar, and perhaps Mr McEwen, what work are you doing to ensure that CRCs are not withdrawing early?

Dr Farrar: We are working closely with CRCs and their parent companies. We are very close now to the June date, and we are confident that no one will be withdrawing early. At the moment, we are in the transition phase until June, so I think I can assure the Committee that CRCs will not be withdrawing early and that we are on track for our June date.

- Q50 **Shaun Bailey:** To touch on that, have you done any sort of modelling or worst-case scenario planning, were they to do so? I know you have said that you are pretty confident that they will not, but we still have four months to go. I am conscious of the need to understand whether you have done any work around that or any contingency planning, in case they do.

Dr Farrar: Yes, we have. In fact, as you know, one of them was not able to continue and we had contingency plans—that service was taken over by another CRC. Of course we have contingency plans in place, including bringing services in-house, but we are so close to the deadline now that I am really confident that the CRCs will continue until that point. If not, we will be able to manage that.

- Q51 **Shaun Bailey:** As we come to that run-down phase, what will you do to



ensure that the quality of that service remains the same? You will have those players withdrawing from the sector, so how are you ensuring that those service levels remain consistent throughout that transition period?

Dr Farrar: I think we can learn some lessons from Wales. We have seen service levels continue to stay as they were and, in fact, improve, because we have already moved to one service in Wales. That has given us a lot of important learning. We also have a really strong transition plan, which, through the pandemic, we have continued to resource. We have made sure that we will bring over all the services in June. We will then take our time to make sure that the transition runs smoothly. For example, ⁷we will not split caseloads immediately or bring them together. We will do that over a period of some months to ensure that people have the necessary training.

We have already done some things to help with the transition. At the moment, we are rolling out laptops and telephones to all our staff so that they will be working on the same system. We have brought our digital systems in-house so that we can ensure that the systems can continue after the transition. We have put an awful lot of work in place to make sure that, from day one, we will continue to run the service and will then slowly start seeing improvements, with the additional investment in probation services and as people are trained and can take on mixed caseloads as well.

Q52 **Shaun Bailey:** Just so I understand: in short, during this transition, you are pretty confident that service levels will remain the same, that the risk of the CRC withdrawing is relatively low, and that, going forward, once the transition is complete, there is a plan in place to build on existing services? Do I understand correctly from your response?

Dr Farrar: Yes, you are. We also have a fortnightly exit steering committee that challenges me and gives us the right scrutiny and assurance, to ensure that we are on track for a smooth transition and that we continue to be able to run services from June.

Q53 **Shaun Bailey:** Turning to the work of probation officers more generally, how are you monitoring their caseload?

Dr Farrar: We monitor the caseload of probation officers, and we know their caseloads. We know that they have been high and, particularly for the NPS, that the case mix has changed since we introduced the system of CRCs and the NPS. We know that we need to make sure that they have more balanced caseloads; that is why we are investing the extra £155 million in the service. That will mean more staff and lower caseloads, but it will also improve our IT to ensure that people are able to do things more efficiently—for example, doing more remotely rather than having to come back to the office under a more paper-based system, which was taking up

⁷ CORRECTION: MoJ recommended clarification to the committee: "For example, we will not bring caseloads together immediately."



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quite a bit of their time. That should improve accuracy as well time, and more staff should improve caseloads.

- Q54 **Shaun Bailey:** Have you set yourself a timeframe for when you want to see those improvements implemented or the results of those improvements come in? At the moment, caseload is very high. What deadline are you setting yourself?

Dr Farrar: We have increased the budget this year to £1.1 billion—that is quite a substantial increase. That will see a reduction in caseloads, so over the next year—I will want to monitor this—as we undertake transition, bring in new staff, and then mix caseloads, we will see steady progress on the case mix of probation officers and on the number of cases that they deal with.

- Q55 **Shaun Bailey:** When it comes to modelling more generally, do you have any sort of modelling on the threshold at which you would consider a caseload overwhelming, where an officer might be overwhelmed by their caseload? Rates are quite high, and the risk you might run is hidden in examples of officers being overwhelmed. Do you do any sort of modelling around that to ensure that you can sweep in and remediate quickly?

Dr Farrar: Yes, and we do rely on our local probation leaders to monitor the caseloads of their staff. It very much depends on the people; each case is individual. Sometimes a higher caseload might be manageable, but a lower caseload might involve a lot more detailed work. At the moment, the information that I have is that caseloads are high but manageable, but we would like to bring them down. We monitor that on a local and regional basis.

- Q56 **Shaun Bailey:** Have you got any modelling about any increase in demand? Obviously, the Government have committed to increasing police numbers, moving out of lockdown, and service levels coming back to pre-pandemic levels, and hopefully expanding as well. Have you done any work around increased demand on the probation service? What will that look like for an officer on the frontline?

Dr Farrar: We have started that modelling. We are working with the police and the Home Office to try and understand more about what the focus of those police officers will be. Obviously, some of it will be on reducing reoffending, where they will work closely with probation officer on integrated offender management. That is a different way of working that doesn't increase caseloads, but it helps to manage things more proactively. So, yes, we are monitoring that. ⁸Arguably, the increased investment in probation services was to take account of any increase in demand. We will keep that under review, ⁹as the evident new spending appears.

⁸ CORRECTION: MoJ notified the committee of a Typo error: "Part of the increased"

⁹ CORRECTION: MoJ notified the committee of a Typo error: "as we enter into new Spending Review periods."



Q57 Shaun Bailey: Finally from me, in terms of focus, not just on recruitment but on retention, can you go into more detail about the work you are doing to ensure organic progression within the probation service, as well as expanding recruitment?

Dr Farrar: ¹⁰I think retention in the new service is welcome. ¹¹The staff there are very excited about having a mixed caseload. That will help us with our retention rates. We are also putting a lot of investment into new training and development for staff, and we are introducing programmes that allow people to progress.

If you come in at the level below probation officer, then we are looking at programmes that will allow you to progress to become a probation officer, and have the right training and development to be able to do that. As you know, it requires a degree qualification, ¹²so we are looking at ways that we can do that across the service, and at ways to bring people in at different leadership levels, to make sure that we have exciting careers and opportunities, so that we can attract people into one of our services mid-career, for example. That is helpful to the way that we operate.

Chair: Thank you. We will leave it there for now, Mr Bailey. We can bring you back in later. Sir Bob Neill.

Q58 Sir Robert Neill: Good to see you again, Dr Farrar. Can I come back to the point about the 20,000 police officers? Mr Bailey was talking in terms of pressures on probation, but I suppose that the real question mark is the pressure that that is going to make when it gets to people coming into prison. Inevitably, it will lead to an increase—*[Inaudible.]* What is the modelling that is being done?

Chair: Sir Bob, your sound was a little bit broken. Try again.

Sir Robert Neill: What is the modelling being done by the Home Office around likely impacts on prison populations?

Dr Farrar: I think I got most of that, Sir Bob. I am talking about the modelling that we do. The permanent secretary might want to say more about this, but we do some detailed modelling across the MoJ and with our partners. At the moment we are working with the Home Office to understand more about where police activities will be focused. Some of that, as I said earlier, will probably be focused on reducing crime and we

¹⁰ CORRECTION: MoJ recommended clarification to the committee: "I think the new service is welcome."

¹¹ CORRECTION: MoJ recommended clarification to the committee: "The staff are very excited about having a mixed caseload."

¹² CORRECTION: MoJ recommended clarification to the committee: "so we are looking at ways that we can do that. Across the service, we are looking at ways to bring people in at different leadership levels, to"

know some of it will be focused on integrated offender management, ¹³but we do—

- Q59 **Sir Robert Neill:** I get that. To cut to the chase, do we have any estimates as to the likely increases in the prison population as a consequence of this as yet?

Dr Farrar: We are modelling that at the moment. Our published projection figures say that we think the prison population will be just over 98,000 in September '26. That is why we are building additional prisons to be able to meet that demand.

- Q60 **Sir Robert Neill:** Maybe Ms Romeo can help us, but what guarantee do you have as to the revenue funding for the staff of those prisons and the continuing maintenance of the existing estate?

Antonia Romeo: Perhaps I will make a comment here. The first thing to say is that, as Jo says, we had our population projections published in November. They do set out this gap. We are confident with both the plan that we have in place for the 18,000 places, that we will have enough spaces, but also, as I mentioned, the rapid deployment cells give us that additional flexibility.

Obviously the SR has given us certainty for the prison build but not, as you rightly note, Sir Bob, certainty for the in-year—this is the conversation of SR21—to have the resource in place to do both the rapid deployment cells and also the resourcing and the staff. But we are confident that we will have plans to be discussing with the Treasury, and that we will have spaces and the resource to deal with everyone who is coming into prison, as a result of that uplift. The final thing to say is we did, of course, in this year's SR, SR20, get an extra £275 million uplift for that demand—so specifically for both Covid and the 20,000 additional police officers.

- Q61 **Sir Robert Neill:** The Justice Committee and, I think, this Committee and also the chief inspector of prisons—the current and the previous one—have all commented upon the unacceptably high level of the maintenance backlog of the prison estate. What is the target for reducing the backlog and what do you regard as an acceptable level to have it at? Clearly it is nothing like acceptable at the moment, because of the adverse reports from the chief inspector on the condition of prisons.

Antonia Romeo: Perhaps I will comment first, and then Jo might want to add something. I think my predecessor said to this Committee that there had been some impacts of previous SR settlements that have led to inadequate maintenance into the prison estate. The legacy is not great. The £315 million that we have been given for this year to do that investment, to do that maintenance, is going to be essential. We obviously need to keep that up. So we know we will need to have, if not something

¹³ CORRECTION: MoJ notified the committee of a Typo error: : "but we do model the prison population –".



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that high, then something significantly high over the coming years, because, as you say, the backlog is really huge.

The 1,200 places that we put in—temporary accommodation for Covid—are all safe and secure, and decent, but we will want to keep working on those places. Then, of course, if it turned out happily that prison population projections were not as high as the central projection, we would be in a position where we could start to close some of the less good legacy estate. But what we are able to do with that money is refurbish and improve some of the estate that we had to close, because frankly it was below an acceptable level, and we are going to be able to bring that on stream. That is of course also in our projections in the 18,000 places.

Q62 Sir Robert Neill: Even with the £315 million, the backlog would still not be at an acceptable level, would it?

Antonia Romeo: To some extent any backlog of maintenance—anything above zero—is at some level unacceptable.

Q63 Sir Robert Neill: But it will still be remaining at much higher levels than is historically the case, because there are many years of accrual of backlog that need to be dealt with. What's the long-term programme for reducing that accrual?

Antonia Romeo: It obviously depends on the funding. We have got a backlog of up to about £1 billion. We have got £315 million this year that we can work with and we are going to keep needing money in subsequent years in order to get that backlog down. I will be making this case to the Treasury—

Q64 Sir Robert Neill: This is the final point from me—back to Dr Farrar. I recognise, and you have said it, and I agree with you, the prison staff are doing amazing work during the current pandemic, under difficult circumstances, and we all ought to recognise that. However, Dr Farrar, or Ms Romeo, I don't know if you heard Charlie Taylor, the current chief inspector, on the "Today" programme this morning. He was expressing real concern about the way restrictive regimes in some prisons are affecting both physical and mental health. He talked in terms of a "deep malaise" among prisoners. That is pretty troubling language to have from a chief inspector, isn't it, Dr Farrar?

Dr Farrar: We have been doing a lot of work with prisoners during this period to understand the impact on their mental health. We have also published—which the Committee will probably be interested in—our insight study on our website of the interviews we have done with a number of prisoners and prison staff during this period. For us the key lesson that prisoners have said—and I mentioned it before—is the one-to-one support of the staff. They have mentioned kindness and support during this period, which has had a real impact on them—doing good together and the camaraderie, but also the contact with family. That is why we continue to prioritise, and are continuing to increase, the number of video visits. We are up to over 5,000 video visits a week now. We are also continuing with the PIN credit so that people can phone their family, and we are also



making handsets available for prisoners to ensure that they can keep in contact with family.

We have improved our distraction packs, working with our education providers, so that people have things to do with themselves. Obviously, as soon as is practical, we will start to open up regimes again. As I have said, we are learning about how we open up regimes and what prisoners have found important during this period. I refer the Committee to the statistics that we have published recently, which have shown a reduction in self-harm and self-inflicted deaths, which is really important and shows that some of the things that we are doing are helping prisoners with their mental health during this period.

- Q65 **Sir Robert Neill:** The chief inspector talked favourably about the way that, during the summer, HMP Bristol had been able to get about 50% of inmates out of cells and engaged in purposeful activity. What is it that prevents the good work at Bristol from being the norm, rather than something that is a matter of exceptional comment by the chief inspector?

Dr Farrar: It is very difficult, because we have been in the middle of a pandemic, and we have seen different things in different areas. In the south-west, for example, the rates have been generally lower than in the rest of the country—not all the time, but some of the time. In the summer, Bristol was able to open up. That has not been the case for all our prisons, but it is not the only prison where we have seen good practice.

What we do as a service is monitor regimes. We monitor each prison to see how long they have people out of their cell. If we feel that people are not doing as much as they can, we have a Gold team that will intervene and talk to governors about what more they can be doing. We are generally seeing improvements. The difference in this second wave is that we have been able to keep some really important work going—not just through ROTL, but within prisons. That has allowed a larger number of people to be out of their cell for longer across the estate.

- Q66 **Sir Robert Neill:** Thanks very much. This is the final point from me, Ms Romeo. Our Select Committee's report on 20 February on dealing with backlog and maintenance estimated that you need something like £450 million a year over 25 years to deal with legacy estate and continuing degradation, which is an issue with the old estate. Does that strike you as being an achievable figure? I appreciate that it is a political matter that your political masters may have to do, but that's the scale of the issue that we are dealing with, isn't it?

Antonia Romeo: We are absolutely focused on a decent, safe environment. The new builds, of course, will help, because you have to maintain less, so we want to do both.

We think that the £315 million—by the way, when I said "this year", I actually meant next financial year, as it were—goes a significant way towards your £450 million. Perhaps if we had you on the team, we might

have achieved £450 million. We are completely clear that we want to get more money for this for the maintenance, so we will be keeping going. I don't know whether James, our CFO, wants to say something on this.

James McEwen: On the analysis from that report, Sir Bob, you talked about £450 million: that was a combination of maintenance and new build places. Our estimates will change over time, particularly as we bring on new aspirations and capacity.

For 2021-22, if we look across maintenance and our new build programme, we will be investing over £1 billion of capital in the estate, so on any measure we are doing what we said we would do, which is to bring forward a really ambitious plan. We also have a multi-year plan, funded through the spending review, on new capacity. That doesn't extend to maintenance, but we are working really closely with our colleagues at the Treasury. ¹⁴Some £315 million against what we are spending this year, and £175 million on maintenance—it is a significant uplift. It is at the upper end of what we could do, in terms of ramping up our ability to expand our capacity. It is a fantastic down-payment.

Chair: We will come to the numbers in a minute.

Sir Robert Neill: It is a sustained revenue commitment. Thank you very much.

Q67 **Chair:** Thank you very much, Sir Bob. I will come to you, Mr McEwen, on the numbers. You have just given a very positive spin, but your predecessors as perm sec and finance director had to grapple with the fact that there wasn't a settlement for the prison building programme. They had to raid the revenue budget for the capital, which has led to this maintenance backlog, so the long-term plan is absolutely critical.

You have £4 billion over four years for about 8,000 prison spaces—I think you referred to that earlier, Ms Romeo—and you have £315 million this year for maintenance of the old estate, but you still have a huge backlog. Are you confident that you have indications from the Treasury that you will be given enough money in the forthcoming spending review to maintain this? It doesn't take much of a slip for you to be back in the same position as your predecessors. Let's go to Mr McEwen first on the numbers.

James McEwen: Just to clarify some numbers, it is £315 million for maintenance for next year.

Q68 **Chair:** So significantly short of the £450 million.

James McEwen: The £450 million—I have the report in front of me—was about replacing major assets as well as maintenance costs. We need to look across new builds and maintenance when referring to that number. Our programme for new builds is for 18,000 places.

¹⁴ CORRECTION: MoJ recommended clarification to the committee: "Some £315 million against what we are spending this year, which is £175m on maintenance - it is a significant uplift"



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Do I have confidence? This year, we are spending around £175 million of capital on maintaining prison estates. We work really closely with our spending team in the Treasury, and they have heard our argument. They understand the dilapidation on the estate. Again, the reports refer to our projections on capacity.

On average, we would expect to lose, on the current standard of the estate, around 500 places permanently per year. The Treasury understand that. They understand the poor value for money of building new places and then seeing existing assets fall out of use. That change, from £175 million to £315 million, is a fantastic signal that our Treasury colleagues, who are really alongside us on this, are listening and are trying to give us the financial power that we need to start to turn the corner. That should start to turn the corner.

Q69 Chair: Certainly, we were heartened see that. Perhaps you can come in on that, Ms Romeo, but I think the other question here is the building programme. If it delays at any point, you will have an awful cost loop. A delay in places means more money on maintenance on the old places, which is not very cost effective and is bad for the prisoners and bad for rehabilitation.

We know all the arguments. Can you answer on the point we just raised, but also talk about how confident you are that the building programme will finally get on track and deliver?

Antonia Romeo: Of course, the answer to both of those things is your second point: the credibility of us to deliver the programme. One of the things that we believe will help our work with the Treasury to secure that additional money in the next spending round will be our credibility to deliver the programme.

I think we have a number of areas. This is obviously a huge programme, and we have an excellent team working on it. There are a few areas of risk around it. One is funding. We don't have a risk around capital funding this time, which is of course a benefit. There is always a risk around the demand flows coming into the system and whether it will be enough, but as I say, we think we are building in flexibility to do that.

But there is of course a risk around planning permission—Jo mentioned this. Planning permission issues can delay the programme, so there are some exogenous risks. We are working very closely with MHCLG and local authorities on this, but there are some exogenous risks in the programme that we can mitigate and manage but not completely rule out.

We think we are on track. We will keep close monitoring on it. I will be spending my time scrutinising the programme carefully with James and others but, none the less, those risks do remain.

Q70 Chair: Thank you. On the spending review generally, single-year settlements are very challenging. You have come into this Department, where, as I said at the beginning and as Sir Geoffrey highlighted, plates are spinning. It does not take much for something to go wrong, and you



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have had Covid.

As permanent secretary, what are your biggest worries about what you have come to oversee? What are your priorities over the next year? In a way, everything is a priority, but what worries do you have that, if you don't focus on them right now, there will be problems down the line?

Antonia Romeo: I think we, as a Department, are obviously carrying a huge amount of risk in these individual programmes. We have talked about some of that in this session.

Despite the excellent work across the whole of the justice system by staff and partners to keep the system going, the impact of Covid, both in terms of what it does to the flow into the system as we come out of the pandemic and, as Jo has described, what is happening in prisons and with probation service users in courts, is going to be a major focus of time. Priority 1 is to ensure that, as we come through and out of the pandemic, we are managing that closely, and the team are obviously doing that excellently already.

In terms of overall risk in the portfolio, I really welcome the new, strengthened IPA. The IPA is strengthening its scrutiny and assurance, because one lesson I think we have to learn is, no matter how well you think you are scrutinising yourself, external assurance is the thing that can show you that.

Chair: We would all agree with you on that, absolutely.

Antonia Romeo: What I want to spend my time on is making sure that we have proper holding-to-account sessions, with the agencies obviously, but across the whole Department, getting proper grip and scrutiny of these programmes, coming back to some of the stuff we talked about earlier.

We have a number of people and wellbeing risks that I want to focus on, but also some risk on the tech and estate side, as we have discussed. Then of course there is the overall risk that we face that we cannot manage down, which is that we essentially operate where supply meets demand. Managing that risk and that tension is important.

My priorities are focusing on, as you say, all our programmes but the key big ones: the unification of probation, the HMCTS reform programme and the prison estate build, as well as recovering justice and further investment in reducing reoffending, and making sure that we get the outcomes—

Chair: So everything is a priority, really. It just rather highlights to us all that the Department has everything on the move all at once. We would love to go into all of these moving parts. We will have you back of course in future, and I know that Sir Bob's Committee will have you in front of it.

We have not touched much on technology. I am going to ask Sir Geoffrey Clifton-Brown to come in on one aspect of technology. That is an area that



you just brushed through. We recognise that that on its own is a big challenge.

- Q71 Sir Geoffrey Clifton-Brown:** Ms Romeo, I would like to ask you about one of the spinning plates; I am happy for either you to answer it or one of your officials. This Committee has had various hearings on electronic tagging. It has been way overdue and cost a great deal more than it was supposed to. Can you tell us where the programme is at the moment, please?

Antonia Romeo: I will give you my perspective briefly, and then Jo will come in with more. The first thing to say is that in terms of actual numbers tagged, we have 3,500 ex-offenders on tagging. That is more than we have had in five years, so that is significant. A really good thing that has happened is the roll-out of GPS tagging, which has been highly successful, and 10% of the number that I just referred to are on GPS tagging. You do not want that for everyone. You need it for certain types of offenders. That, I think, is crucial.

There have been delays in the legacy project. Dealing with the legacy project remains very difficult. There are still delays in dealing with that, but in terms of the new work that we are doing, as you will know Ministers have committed us to electronic monitoring expansion, as part of what has come out of the sentencing White Paper, connected with the reducing reoffending work—a crucial priority for the Department. We are largely on track with the new work but we are still grappling with the legacy. I am sorry for the hospital pass, Jo, but over to you.

Dr Farrar: Thank you. There are different parts of the legacy. In terms of the curfew tags and the introduction of GPS monitoring, we have already rolled those out. That has gone well.

The bit that we have had a problem with is the new case management portal. The Committee has asked for that before. We are about 11 months behind. This is due to technical issues between the software and the host environment. We have learnt about that for the expansion programme. Our current delivery forecast is June. We will certainly keep the Committee updated, and we are negotiating delay costs with Capita.

Chair: May I thank our witnesses very much? This has been a useful overview of the challenges that we and the Justice Committee have been looking at over some time. I think there is a recognition of the challenges.

We are concerned about aspects of what we have heard today. There are always concerns, frankly, in this Department about the pace of change that is needed, the challenges and the financial challenges. We are heartened by your optimism with the Treasury. Let's see whether that materialises. It is easy to say it; it is harder sometimes to see it through, because it is out of your control.

We wish you the best of luck—three out of four new team members, in effect—but we will not hesitate to hold your feet to the fire on what you have told us today. You got off quite lightly, most of you, on timelines,



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dates and actual things to deliver, but we were not working from a National Audit Office Report. We will be very much holding you to those dates in future, and I know that Sir Bob's Committee will do likewise. If you are in any doubt, we do talk to each other outside of these meetings as well, so whatever you say to him we will know about, and vice versa. Thank you very much indeed.