

Public Accounts Committee

Oral evidence: [Transforming Courts and Tribunals: progress review](#), HC 27

Wednesday 16 October 2019

Ordered by the House of Commons to be published on 16 October 2019.

[Watch the meeting](#)

Members present: Meg Hillier (Chair); Sir Geoffrey Clifton-Brown; Chris Evans; Shabana Mahmood; Nigel Mills; Bridget Phillipson; Lee Rowley.

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

Questions 40-132

Witnesses

I: Sir Richard Heaton, Permanent Secretary, Ministry of Justice, Susan Acland-Hood, Chief Executive, HM Courts and Tribunals Service, and Richard Goodman, Change Director, HM Courts and Tribunals Service.

Report by the Comptroller and Auditor General
Transforming courts and tribunals: a progress update (HC
2638)

Examination of witnesses

Witnesses: Sir Richard Heaton, Susan Acland-Hood, and Richard Goodman.

Q40 Chair: Good afternoon and welcome to the Public Accounts Committee on Wednesday 16 October 2019. We are here today to look at the ongoing work of the Department and the Courts and Tribunals Service in transforming courts and tribunals.

This has been quite a long-standing programme from the Department—one of the many things undergoing change in the Ministry of Justice. The NAO has come out with a Report. It is about 18 months since we last looked at this in detail, although we had a very useful pre-session with various court user groups last week, which I hope you have been able to catch up on.

You started this in 2016. It was proposing to remove 2.4 million cases from physical courtrooms every year by using better digital processes and, significantly, to bring financial benefits of £2.1 billion over the 15 years, but costing £1.2 billion in order to get to that point.

We want to pick up with you on the savings issue and on how it is working practically. You are obviously aware of the Report, as are we, and we had a good session last week. We are hoping to really understand the practical issues that still need to be resolved that have been problematic, and what you think is going well. Getting into the practical side of it will be really helpful.

We are hoping to keep this to an hour and a half, if you are brisk and we are brisk. I think we know the subject and we know you know the subject, or you would not be here! Don't look at me like that, Sir Richard—it makes me nervous.

We will produce our report in due course.

The reforms were due to complete in 2020, but they are now planned for December 2023, which is three years later than originally planned back in 2012-13. I am sure Ms Acland-Hood can explain that when we get to her. They are now three years later than originally planned, but that has slipped by a year since we last saw you, and we want to know the implications of that. In our last report, we said that sometimes speed is not of the essence, and it is better to get it right—so we will be pushing you on whether that is what that year is for.



HOUSE OF COMMONS

I will introduce the witnesses. We have Susan Acland-Hood, chief executive of Her Majesty's Courts and Tribunals Services; Sir Richard Heaton, Permanent Secretary at the Ministry of Justice; and Richard Goodman, who is the change director at Her Majesty's Courts and Tribunals Service. Welcome to you all.

I will ask Sir Geoffrey Clifton-Brown to pick up on some issues raised this morning with the Justice Committee, Sir Richard, so you will have a chance to revisit some of those points.

- Q41 **Sir Geoffrey Clifton-Brown:** Good afternoon, Sir Richard. We were waiting in the Queen's Speech for the Courts and Tribunals (Online Procedure) Bill to be among the 26 Bills brought forward. It was not and it wasn't in the carryover. What implications does that have?

Sir Richard Heaton: We hope very much to see that Bill reintroduced. You are right that it was not in the Queen's Speech as such. By the nature of these things, the text of the speech tends to cover high-profile political Bills rather than smaller profile, administrative Bills, but we expect and hope to introduce it in one of the two Houses as soon as time allows. Do not take the absence as being that we have abandoned the Bill; we haven't. It nearly got through and we look forward to reintroducing it.

- Q42 **Sir Geoffrey Clifton-Brown:** I am glad to hear that you haven't abandoned it, because that would be quite serious. Inevitably, there will be some delay in getting it restarted in both Houses. What are the implications for the whole project of transforming courts and tribunal services?

Sir Richard Heaton: The implications would be for the online parts of the project that are due to be delivered first. Could I ask one of my colleagues to comment on which of those are affected directly?

Susan Acland-Hood: The Courts and Tribunals (Online Procedure) Bill essentially sets up a new rule committee to cover rules for the online court. What we have been doing so far is putting rule adjustments that allow us to work digitally through the existing rule committees. The absence of the new rule committee has not led us to not be able to do the things that we want to—it has just meant that we have to do them in a slightly more incremental and probably slightly slower way than we would have been able to if we had had that separate rule committee. We will continue to work through the existing rule committee until the new committee is set up.

- Q43 **Sir Geoffrey Clifton-Brown:** One of the great issues with the whole project is how fast you move from paper to online. It is all very well saying you will do it with the existing procedure committees, but will it hamper this transformation?

Susan Acland-Hood: It should not do, no. In the services we have set up online so far, we have been able to use the existing rule committees to get the rule change that we need in order to be able to start to move to delivering a digital service. As we do more, and at greater scale, it gets harder to operate through incremental change to the rules, but our



HOUSE OF COMMONS

starting point will be that we will continue to work very hard with the existing rule committees, who are very supportive and helpful, to do as much as we possibly can through that route. There isn't a single identifiable thing that I definitely cannot do; it is about scale, pace and ease of being able to make those changes.

- Q44 **Sir Geoffrey Clifton-Brown:** So in the overall scheme of things, you do not think this will cause a delay.

Susan Acland-Hood: I hope it will not cause a delay.

- Q45 **Sir Geoffrey Clifton-Brown:** I hope.

Sir Richard, may I raise a different issue with you, which is the welcome increase in resources for increased police numbers? I asked questions about this in our evidence session last week: presumably that translates to more work for the Courts and Tribunal Service. What allowance for that have you made in your whole transformation programme?

Sir Richard Heaton: You are right, Sir Geoffrey. I should say we do not quite know how the 20,000 police officers will be deployed and whether they will pursue serious cases that tend to come into the prison service, or lower cases, which tend not to, but we anticipate an increase in charge volumes and, therefore, an increase in work for the Courts and Tribunal Service and for the Prison and Probation Service.

We successfully achieved some of that increase in the recent spending round. We have won a long-standing battle to make sure that the downstream parts of the criminal justice system are properly funded when you fund the upstream parts. So the recent spending settlement was very welcome in that it implied greater spending both on the Courts and Tribunal Service—sitting days, for example—and also on the Prison and Probation Service. I am not saying that we have got all the money we will need to deal with the downstream consequences, but the link has been properly recognised by the Treasury.

- Q46 **Sir Geoffrey Clifton-Brown:** Money is one thing. Are you physically prepared for the increase in work in all three bits of the criminal justice system that you have outlined: the Courts and Tribunal Service, the prisons, and particularly probation? We have had previous dealings with probation.

Sir Richard Heaton: Let me take the prisons one first—because, if I am honest, that is the one that worries me the most. On some scenarios, we would be looking at a very substantial increase in the prison population, which requires a prison building and prison maintenance programme that is bigger than anything that has happened in recent years. We are engaged in exactly that programme. Can I say with confidence now that that programme is in hand and will be delivered? No, it is too early. We are putting together as fast as we can a prison building and prison maintenance programme to give us the prison places we will need for that extra volume.



HOUSE OF COMMONS

On the courts side, perhaps I could ask one of my colleagues to comment on the operational impact on the courts service.

Susan Acland-Hood: Yes, in terms of more volume in both the magistrates and Crown courts, which is what I would expect to see as a result of an extra 10,000 police, we have reasonably good experience of flexing our volumes up and down. At the moment—you may be coming on to this later—we have some capacity in the Crown court in particular which we could move to use relatively easily as long as we do the work that the permanent secretary has described and make sure that we have the funding flows to allocate sitting days. In terms of the judges and the rooms, I am not too worried about that in the Crown court.

In the magistrates court, again, it is within the realm of the sorts of changes that we have seen over relatively recent times, and I think it can be accommodated. At the very upper end of the projections, I would start to have serious concerns about court maintenance in the same way that we have concerns about prison maintenance. We need to make sure that we can guarantee that the buildings are in good shape if we are to use all of them to maximum capacity.

Q47 **Sir Geoffrey Clifton-Brown:** So that is two legs of the stool. What about the third leg, the probation service?

Sir Richard Heaton: As you know, in the probation service, like in the courts area, we are engaged in major reform. These increased numbers should not blow us off track. It will require a proportionate scale-up of resources and more probation officers, but we will be in a better place to deal with flexing volumes once we have unified the offender management function. Under the current system, we had very little flexibility with our contracts with the CRCs, so we were not well placed to deal with volume fluctuations. We will now be in a better place. So it adds to the imperative of getting the probation reforms done on time and well. If we do that, we should be able to manage with increased volumes.

Q48 **Sir Geoffrey Clifton-Brown:** I do not want to labour this whole thing, because we have got a whole hearing, but I would like to ask you another question on prisons. Have you quantified what sort of an increase in number of inmates you are likely to get over what period of time?

Sir Richard Heaton: In some of our pressures we have quantified them. I know you were not talking directly about sentencing reform, but to the statutory instrument we have laid in draft we have attached an impact assessment that predicts an increase in the prison population of 2,000 by 2030. For the 20,000 police officers, it is just a bit harder. We have internal estimates, but until we begin to see some evidence of where the police officers will be deployed, I would be really reluctant to share them publicly because they are so varying. There are so many different scenarios.

Q49 **Sir Geoffrey Clifton-Brown:** I guessed that that would be your reply. Can you let us know, as a Committee, as we are thinking about possibly revisiting this subject, the sort of timescale on which we might be able to



HOUSE OF COMMONS

see some of that?

Sir Richard Heaton: I will say two things. First of all, six months, and if you want an order of magnitude we were promised to be given £2.5 billion to build 10,000 new prison places. That is the order of magnitude that we are talking about, and if you revisit in six months we will be able to give you some accuracy.

Q50 **Chair:** Before we move on to Ms Mahmood, I want to pick up on where things are at between you and the right hon. Lady Justice Macur, who is the senior presiding judge for England and Wales. You have obviously had a correspondence with her about the backlog in Crown courts. She says, in her letter, "The decision not to further reduce the backlog was a political decision."

I raise this because we have picked it up in Committee before. There has been a big issue in the past—and, from what she says, it is ongoing—about the number of judges available to be sat in court, and therefore for court sessions to go ahead. That has been one of the big challenges in capacity. Perhaps I can start with you, Sir Richard, and ask where things are at there. Then Ms Acland-Hood may wish to add something.

Sir Richard Heaton: Yes, certainly. As happens every year, we set a budget, an allocation, for sitting days in each of the jurisdictions, and the number for the Crown court was lower this year than last year, principally due to the quite striking reduction in receipts—in volumes of cases coming into the Crown court. Correspondingly, the other jurisdictions saw an increase, such as in family law where there were particular pressures. We keep an eye, when setting that number, not just on the flow in but on the backlog, or the head of work waiting to be heard, and the average waiting times. The average waiting times are historically low and they have fallen again in the recent statistics. The head of work, again, is historically low, beginning to tick up in the last quarter.

The decision was made. Lady Justice Macur described it as political, I think. With the Lord Chancellor this morning, we preferred the word Executive. It was, at the end of the day, an Executive allocation decision, rather than a judicial decision. It was taken because the Ministry of Justice every year makes difficult allocation decisions. We did not decide to allocate money in such a way as would eradicate the backlog; we decided to allocate money in a way as would keep the backlog steady if possible. We keep it under review, and the Lord Chancellor told the Justice Committee earlier that he keeps this under very close review and, if it looks like cases are waiting too long to be heard, he, in the interests of justice, will revisit this and will want to revisit the question of allocation of sitting days.

Q51 **Chair:** Do you want to add anything, Ms Acland-Hood?

Susan Acland-Hood: The only thing I want to add is that we are very conscious that there is a human impact on people who are waiting for their cases to be heard. The process through which we agree the allocations for HMCTS goes through a thing called the concordat. There is a shared



HOUSE OF COMMONS

process with the judiciary to look at those decisions, and as part of that it was agreed that there would be this process of review. Having seen the number of cases just slightly start to tick up for the second half of the year, as the permanent secretary says, we are currently reviewing the sitting day allocation for the second half of the year now, and that process will involve the judiciary as well as the Executive, because the concordat requires that it should.

- Q52 Chair:** You talk about it being too long—I think Sir Richard said that. How long is too long for people to wait? We have covered this before as well in this Committee, and justice delayed can be justice denied for people.

Susan Acland-Hood: I agree. At the moment the mean waiting time in weeks in the Crown court for anything that we deal with—this is just a mean average—is 13.5 weeks. That is from the latest published figures, and that is the lowest that it has been for some considerable time—at least the last four years. Of course, the waiting time is a lag indicator, so we measure the waiting time at the point when the trial is heard. We also try to look forward at where we are listing, and we also try to split it out.

Those who plead not guilty and go for trial will wait a little longer; the average waiting time for those who plead not guilty at the moment is 27.7 weeks. Similarly, we have custody time limits, so we make sure that those who are remanded in custody meet the custody time limits. If you are remanded in custody, on average you will wait 12.9 weeks. If you are on bail, it is 20.9 weeks.

- Q53 Sir Geoffrey Clifton-Brown:** So someone can be remanded in custody for 12 weeks, which is three months. That is a long time for someone who might well be innocent to be waiting, surely?

Susan Acland-Hood: I agree. Nevertheless, it is the lowest for about four years.

- Q54 Sir Geoffrey Clifton-Brown:** I accept that, but is that good enough, Sir Richard? For someone who has pleaded not guilty, 27 weeks—over half a year—sounds too long. These waiting times are getting too long, aren't they?

Sir Richard Heaton: I think the Committee is right to be concerned. The Lord Chancellor is concerned and will be looking at this, with an eye on exactly that sort of case. We have to be guided both by the real-life human stories of people waiting for their cases, and by the means and the statistics, which sound a bit dry. The statistics are reasonably good, but there is beginning to be evidence that some classes of case are probably waiting too long.

Susan Acland-Hood: It is important to say that these are waiting times from first hearing in the magistrates court and they include time that is required by both sides to prepare the case. It is worth remembering that we will never get these numbers down to—there is a certain amount of time that has to be spent preparing the case for trial.

Chair: But not as many weeks as clearly people are waiting. I am going to



ask Ms Mahmood to pick up, because we need to get on to other things as well.

- Q55 Shabana Mahmood:** I want to come back to some answers you gave previously to Sir Geoffrey around the use of the procedures committee and how much more you can do with that, while you are waiting for a Bill. One of the concerns, as you will know, is the lack of Parliamentary scrutiny when implementation matters are dealt with by way of the procedures committee. What is your analysis of your reason for saying the scope of using procedures committee is limited? Is it based around the practical implementation of what you need to do, in terms of the pace at which you can move forward with your reform? What consideration have you given to the need for parliamentary scrutiny to consider issues of access to justice and fairness in the system?

Susan Acland-Hood: The existing rule committees are not exceeding their remit, as set out. They are established under parliamentary governance. It is important that they are not doing anything that is outside their remit or that is illegitimate.

- Q56 Shabana Mahmood:** My suggestion is not that they are doing something outside their remit. These reforms are huge in scale, they are very ambitious and they have big changes for the way the system works. What is the flex in the system for getting away with doing more, without the additional parliamentary scrutiny that would come from having a Bill?

Susan Acland-Hood: My preference would be to have the Bill; it is probably worth saying that. You have seen everything that there is to see in the Bill. If we sat down and went through all the things that we have done through the existing rule committees, I honestly don't think this Committee, the Justice Select Committee or other parliamentarians with an interest would find anything there to concern them. They are quite technical changes that relate to the way that cases progress through the court.

- Q57 Shabana Mahmood:** Of course, parliamentary scrutiny means you can take an overview of the whole system. That is where the access to justice issues come in, but I am sure we will return to that if and when we get a Bill.

Looking at progress on the delivery of the reform, the last time we met things were behind schedule and the programme was in trouble; we are still behind schedule and the programme is still in trouble. Why are things still not going as expected and why are we still seeing these significant delays?

Sir Richard Heaton: My overall take on this programme is that some of the benefits unquestionably have moved to the right and have drifted. Some of the costs have increased—I beg your pardon, we have held costs down overall.

Overall this is a programme that is doing some very difficult stuff; it is doing it well and in a well-governed, responsible manner. It is certainly alive to its risks. I discuss with the chief executive and her team issues

such as the speed of the digital build on the civil and tribunals side; the common platform and the joining of the CPS on to the common platform; and user and professional engagement. This is a difficult programme and not everything is green, in the language of programmes.

It is still scheduled to deliver in 2023. It will still broadly deliver the benefits that it said it would. The products are being rolled out successfully and are going down well. The teams are responding well to user feedback. It is a programme that I keep an eye on. It is not going swimmingly, but it is, broadly speaking, on track and it is a well-governed programme. That is my overall take.

There is plenty to get into, and there are plenty of red-ambbers and difficult stuff. In particular, just to take another example, we discussed the contractual capability—the commercial capability of the Department to contractualise some of the really difficult technology build. That is difficult stuff, and much of it is unprecedented in Government, but we have a good team on it and they are doing well. That is my overall account. It is not over-optimistic, but it is not “this is a failing programme”, because it is certainly not.

Q58 Shabana Mahmood: Ms Acland-Hood, is there anything you would like to add before we dig into Sir Richard’s response?

Susan Acland-Hood: We have scaled up a lot since we were last in front of the Committee. We have had about 140,000 people use our new services. The average satisfaction rate for those people is above 80%, and we are starting to do things that we can see making a difference, both in terms of people’s engagement and access to justice and their sense of how responsive and accessible the system is to them. Fundamentally, this programme is not just about how quickly we can digitise our existing processes; it is about trying to build them better around the people who use the system, and there were definitely times when we had to think, “Shall we go faster, or shall we pause and make sure we are doing it better?”

The decision to add a year to the programme’s timescale was a difficult one, but it was fundamentally about trying to make sure that we did it properly, and that has given us much more comfort that the timetable we are now working to is a realistic and deliverable one. There was recognition of that in the NAO Report, which also—I am very grateful to say—recognises the progress that we have made, as well as outlining some of the challenges that Sir Richard alluded to. It is a difficult programme, and there is a lot of challenge here. We are trying to do things at very large scale, and we know there will be some things that do not go exactly as we first plan them. We try to manage that well and recognise early when things need to be shifted.

Q59 Shabana Mahmood: Thank you for that. That is quite a rosy sort of picture that you have both painted about how things are going much better than the last time we saw you. However, it is the case that this was supposed to be a four-year programme; it then became a six-year



HOUSE OF COMMONS

programme, and now it is a seven-year programme.

Susan Acland-Hood: The four-year—I don't know, Richard, if you want to—

Sir Richard Heaton: I will do the four to six, because that was certainly on my watch. The original four-year conception was hopelessly over-ambitious, and it was frankly to scale the programme into an artificial spending round period. The move from four to six years happened, actually, just before the programme got started. It was the first bit of serious, rational looking at the programme. Scaling it up to six was absolutely the right thing to do. It was not a delayed programme; it was just a recognition that the spending round period was an artificial timescale for a programme of this magnitude, so that accounts for the four to six. It really was not a drift; it was a proper re-baselining.

Susan Acland-Hood: I get agitated about this, because I think this is quite a good example of Government trying to do the right thing. The business case was not approved by Treasury and the Cabinet Office until we had extended to six years. As it happened, it was just before I joined, but I was in the Cabinet Office approvals meeting at which that decision was taken. There was an early business case that said four years, and then there was a conversation around Government about that. I think that Government did the right thing, and it did a thing that it does not always do rightly in relation to these large programmes, which was to say before firing the starting gun, "Actually, this is not a realistic timetable and you need to look at it again."

I will take complete accountability for the extension from six to seven years, and I am totally happy to discuss that, but I think it is dangerous and risky to attack the programme for the extension from four to six years, which I actually think was Government doing the right thing and trying to set the programme off on the right foot. I take no credit for it, because it happened before I started, but as a senior official across Government, I would own that as Government trying to set the right parameters around the programme.

Q60 **Shabana Mahmood:** That is a great bit of justification from you, Ms Acland-Hood, and Sir Richard. I am not denying that there is some substance to what both of you have said, but the difficulty for us as a Committee is that we are here to scrutinise how you operate on behalf of taxpayers, and somebody conceived this hugely ambitious programme and put a four-year time limit on it.

Susan Acland-Hood: Yes, but they did not sign it off until it was a six-year programme.

Q61 **Shabana Mahmood:** I appreciate it was not signed off, but we have to have confidence in the deadlines and the timescales that officials are giving to us and are being scrutinised by the NAO. When we see "four years" attached to something, even if it is in an early, pre-approval stage, that raises alarm bells. Then it is up at six years, and now, of course, there is an additional one year as well. We do not mind things



HOUSE OF COMMONS

going slower if they are better and have better outcomes, but we still have to have confidence in the timescales that you set, and I do not think we have that at the moment. Could you explain to me what is going to happen in this one additional year that has now been added for this programme?

Susan Acland-Hood: The additional year of the programme consists of various things moving in different directions. Broadly speaking, it is about giving us more time to build the central spine of the new digital system for civil, family and tribunals. When we started off, we knew that we would have certain things that we had to do, which we describe as common capabilities—in other words, things like making a digital bundle to be able to hear things in a courtroom. The original conception was that we would build those as part of individual services and then we would share them across the other services, so that we were building once and using many times.

Early on, we found that when we built those as part of a single service, making sure that they were reusable without lots of additional work to bolt them into the other services was difficult. Therefore, we replanned, as part of business case 5, to say that we were going to pause some of the individual service line work and build out those common capabilities as reusable chunks in their own right. That is what we have been doing principally over the course of the last six to eight months, with an aim to have minimum viable products for each of those common capabilities by Christmas. That allows us then to build the individual services back out on the back of them much more rapidly and efficiently. That pushed back the end dates for the individual services typically by around nine months, rather than a full year, but the effect was to add a year to the whole programme.

There were some things that we pulled forward. We pulled forward the build of the replacement technology for employment tribunals, because of challenges with the legacy technology. That should be complete before the end of the year. At the margin, there were some small projects that we looked at again as part of that resequencing. But it is essentially about a change in strategy, to build out some of those common capabilities, to ensure that we are building as efficiently as we can.

Finally, we looked again at our expectations on property and we pushed our expectations about further court disposals and property sales further to the right, because we really want to stick with the principles that we set out in the “Fit for the future” consultation document that we published last year, which said that we will not close courts in anticipation of change that has not happened; we will wait until we have well-evidenced changes in demand that means that we know that we don’t need the space.

Q62 **Shabana Mahmood:** We will come on to court closures later in the hearing. I have yet to sit on any Committee that has scrutinised a project related to digital infrastructure that has come in on time. Even with additional years added on, the programmes still seem to go off the timeline. For this key bit of digital infrastructure, on which you have

already had to change your assessments quite significantly, is one year realistic?

Susan Acland-Hood: I believe it is.

Richard Goodman: I want to pick up on your point around the risk in digital programmes, because you are right that they are risky, and they have been risky in Government since digital first began. The challenge from my perspective is not to pretend that that risk does not exist or will not materialise. I said last time I was here that I would not guarantee that things would not go wrong or shift.

It is important to me that we take stock and continue to act responsibly in a way that we know will improve access to justice and give value to the taxpayer. Despite its additional year, the programme continues to represent a healthy investment for the taxpayer of £1.2 billion net present value over a 10-year period, as things stand. We have not increased our cost. We have used some of our optimism bias—about £64 million. We have about £100 million-worth of optimism bias left.

We have another review process for the business case as a whole, to look back on our overall performance in the middle of next year. That gives us the opportunity to stare things in the face and ask, “Are we continuing to present good value for money, formally, to the taxpayer?” But we are committed to delivering to seven years.

- Q63 **Shabana Mahmood:** But each time we have an unrealistic timescale, it knocks the confidence of the users of the system and makes everybody concerned that this is going off track. That is why I am pushing you on this. It would be better to say, “We need an additional two years”, rather than be optimistic, go for one year and then have to explain to us in a future hearing, “Actually, we got that slightly wrong.” There has already been so much concern about timescales on this programme. What can you tell me to give me absolute confidence that, as well as can possibly be done, this one year addition will be on point?

Richard Goodman: I am not going to give you absolute confidence that one year is 100% right.

- Q64 **Shabana Mahmood:** In which case, what is the point of the one year being added?

Richard Goodman: If you read into the history of your Committee hearings and asked officials who gave you cast-iron guarantees about timing—

Chair: Do you mean it is in the training not to give them?

- Q65 **Shabana Mahmood:** The difficulty is that we do not get cast-iron guarantees about timing; we just get vague answers on timing that always slips anyway, which is even worse.

Susan Acland-Hood: There are two things. First, we did not start from one year and then try to fit our extension into it; we genuinely sat down



and looked at where we were, what our experience had been and what plans we could see realistically going forward. As I said, that in fact gave us a nine-month extension on several of our projects, but when you put that together it is effectively a year. We did not come up with it because we thought a year sounded all right; we did proper work to try to understand what the ingredients were that made up the time we thought was reasonable.

Q66 Shabana Mahmood: In which case I look forward to the programme finishing three months early.

Susan Acland-Hood: There is a second consideration here. There is a risk that whatever timescale you set, people will work to it, and then if things happen they will go over it a little. There is a piece of human behaviour here. There is a genuine risk that if we said to ourselves, "Well, it looks like one year's about the right amount of time, but let's tell the PAC and the world that it's going to be two, because then we can be confident," everyone would relax and work to two, and then something would happen and we would go over it. There is something about being responsible and trying to set a timescale that is pacy enough that you are doing right by the people you are running the programme for. There are genuine changes that we need to make for people, and we need to make them as pacily as we can sensibly make them. I would rather give you a year's timetable, which at the moment I think is realistic, and overrun it by a month than give you two years and hit it dead on, because I think the first one is actually more responsible to the people who I am doing the programme for.

Shabana Mahmood: Okay. Fair enough.

Q67 Sir Geoffrey Clifton-Brown: Mr Goodman, I want to be really precise on this in order give us confidence in your replies to Ms Mahmood. Where exactly have you got to with the software? Is it all written?

Richard Goodman: No, it is not all written, nor was it intended to be all written by now. Let me take you through what has happened on a service-by-service basis. We have taken just over 240,000 people through new services, and as Susan said the satisfaction with those is generally very high; it averages over 80%. The divorce and probate services will move into steady-state running at the end of this year. There will be improvements that we continue to make to those services, I hope for many years to come, which we have catered for in the business case.

In civil claims, we have now taken almost 100,000 people through that procedure. It has extremely high satisfaction rates of just under 90%. Most recently, we extended the system out, so it now takes cases basically up to the point of just before hearing. As a sign of the difference that makes, that used to take 39 days on average in our old process; it will now take, on average, four. In social security and child support, we will continue to test the online resolution part of that software over the back end of this year, having built the foundations of it. The most significant thing to change over the first six months of next year will be the roll-out of



HOUSE OF COMMONS

the first version of the common platform, which you will remember I said last time was the riskiest part of the programme at that time and has improved considerably.

Q68 **Chair:** Can you give us a time for that?

Richard Goodman: Its initial version will roll out in the first half of next year.

Q69 **Sir Geoffrey Clifton-Brown:** That still sounds like a pretty challenging IT project—or number of projects—to be completed in the next two years. Are you really confident, given the history of IT projects and given that quite a lot of that software still has to be written, that two years is realistic?

Richard Goodman: It is not two years until all the IT platforms are complete, but we have done a lot to change the way we deliver technology in order to avoid some of the common Government traps.

One of the first steps we have taken is not outsourcing this to a supplier, so we can respond to changes—wider system changes, changes in behaviour and changes to statute—more straightforwardly than we could, because we own the intellectual property behind that system. We are starting the process of recruiting civil servants rather than contractors to be able to run this in the long term, so that we have a sustainable digital organisation, because one of the problems that Government has had in IT for a long time is that all the expertise is sat outside the walls, paid much more than we can afford to, rather than having people inside the walls who can tailor that for themselves.

We have also broken it down into chunks. One of the reasons we have done this on a service basis, and we release and then we test and we release and then we test, is that there is a history of building very elaborate services over a period of, let's say, two to three years, assuming that they will all work, rolling them out on day 1 and discovering that they do not work or they have unintended consequences. One of the reasons we have chunked this up into small slivers is that it allows us to test and control in a very tightly controlled environment to begin with—10, 20 or a couple of hundred cases—then to scale it out in a phase, to understand what the ripple effect is and whether it is working effectively, and then either to change tack or roll it out to the public as a whole.

At the one level, that is frustrating, because what everybody would love, myself included, is a great unveiling date when all our IT systems look perfect and marvellous and roll out in front of the public, but we have learned that that is an irresponsible way of launching software that can bring very significant changes in people's lives. That is why we do it in such a staged, controlled and phased way.

Q70 **Sir Geoffrey Clifton-Brown:** In part of that answer I say "Hallelujah!" to you, because we on this Committee have been inquiring into all sorts of IT projects across Government, and they have let the intellectual property go elsewhere and they have tried to roll it out on a grand scale



HOUSE OF COMMONS

without testing it in small chunks first. Rather than waste the Committee's time this afternoon—if I may, Chair—could we ask you to give us a fairly comprehensive letter saying when and in what quantities these various bits of the IT programme, including the common platform, are likely to be rolled out, so that we can see whether it is all likely to be on time?

Richard Goodman: Yes. We have published timescales for the projects online, and we have written to you with our forecast indicators, but I would be very happy to consolidate that and give it to you in one view, if that would be helpful.

Sir Geoffrey Clifton-Brown: Thank you very much.

Q71 **Chair:** Before I pass back to Ms Mahmood, can I just check something, Mr Goodman? Looking at your background, you were at the UK Border Agency directing international operations, and before that you were policy director at the Financial Ombudsman Service. Have you overseen a major IT change programme in either of those roles?

Richard Goodman: I worked on very significant IT changes in the Home Office, yes.

Q72 **Chair:** With the Border Agency?

Richard Goodman: Yes.

Q73 **Chair:** And they were successful? Because a lot of things in the Home Office—

Richard Goodman: In my opinion they were successful. The IT changes made there certainly reduced our cost, increased our service and significantly reduced the risk of issuing a visa to a terrorist, so I am pleased with them.

Chair: Well, luckily for you, we are not going to go in to detail on that one today, because there is always something that has gone wrong somewhere—I don't mean that pejoratively.

Q74 **Shabana Mahmood:** I want to consider whether the savings that are being claimed are a direct result of the reforms being made to the services, and the method that you are using to decide whether the planned savings are related to the project, which is just to take the equivalent amount off the budget and then, if everything is delivered on budget, that is chalked up to the reforms being made. That does not seem to me a very good way to be monitoring whether the reforms are leading to the savings and whether there is a direct relationship between the two. What are you doing to monitor that? Why have you adopted a system thus far that, to me, seems fatally flawed?

Susan Acland-Hood: Some of this is about how we allocate our funding in general anyway, and how we run the service now. We have a real challenge when it comes to our baselines and our present-day understanding of exactly what every bit of every HMCTS member of staff is doing every minute of their day. To give you an example, we have some



HOUSE OF COMMONS

bits of the reform benefits—the NAO acknowledges that when it says that in some of our benefits it is hard to trace this down—where we have reasonably discrete groups of people who do a particular activity, and we can show through reform that it will take X minutes fewer, or that we do not need to do that particular process because we have automated it. In those cases, the tracing of the benefits back is relatively straightforward. Then, when we allocate less money in the budget, although we still broadly do it through reasonably chunky budget blocks because that is how we do our budgeting, there is a line you can draw.

In other places, it is much less easy for us to draw that line. That is partly because, taking divorce as an example, we have some people working in regional divorce units whose whole job is doing divorce all day long. In respect of them, we can make relatively good judgments about how changing our divorce processes will alter their work, but we also have bits of residual divorce work that are done in the back of county courts, and they are typically done by parts of people in parts of days. We do not have systems at the moment that mean that people's work activity is logged. In practice, a local court manager will put someone on to doing a bit of divorce when the civil counter is quiet, or take them off it when the civil counter is busy. It is almost impossible for us to track that. When we know that we have reduced the demand on people doing divorce work in the back end of a civil court, we will reduce the budget in the civil court and expect the court manager to manage that, but we cannot say that is because a particular person is not doing a particular thing. That is going to be an enduring challenge for us.

We are trying to get a much better grip on our current state using what we call a people data file, which is essentially our understanding of what people are doing now and exactly how we work the jobs down, so that we can be a bit more specific and granular than we have been so far about the activities that are changing, and we can translate that into the budget.

- Q75 **Shabana Mahmood:** That is a little worrying, because when I read the NAO Report, it suggested that you were still developing your monitoring, and that there were plans to put in a more rigorous approach. I appreciate what you have said about looking at your people file to track the differences you are making to the work that individuals are doing within the service, but it seems that you are still saying that, actually, it is not going to be a big game changer in terms of how this is monitored.

Susan Acland-Hood: In that case, I have spoken poorly. I think it will be a game changer, but I don't think it will ever give us perfection. At the margin, there will always be—

- Q76 **Shabana Mahmood:** So how good will it be? Of course, we want to ensure that there is no overclaiming that savings are related to this programme when in fact they are not, so we would like to be sure that they are related to the reforms. You are telling me that you will never be able to do that perfectly because of the challenges within the system of residual legacy cases and so on. How close will you get to having that accurate figure, so that I can be confident that overclaiming does not



take place?

Susan Acland-Hood: I will get as close as I can.

- Q77 **Shabana Mahmood:** You must know the difference between the legacy and the residual types of problems. You gave a good example of somebody going off to do a bit of work on divorce when the civil counter is quiet. You must have some sense of understanding the system well enough to know what proportion that would account for and how much of it comes from people and your estates management.

Susan Acland-Hood: For me, the critical thing here is to fit this information together with information about how well we are delivering the service. Although it is important to understand exactly what has been delivered through the reform programme, it is more important for me to ensure that I have not taken savings out of the business that are harming the service that we give to the public. If I can deliver the savings that the programme promises and increase service to the public, it suggests to me that I have not inappropriately taken savings out of activity that was not related to ensuring that we can make the business more efficient.

If I am honest, I would rather put as much energy as possible into ensuring that I am keeping a really careful eye on the delivery of service. The deficiencies in the current data we have frustrate me as much as they frustrate anybody, and I will make them as good as I can. It is another case where, given the nature of the way we work at the moment, the before and after is really difficult, because the before is very muddy. I will get as close as I can to being able to track those benefits. As I say, there are some areas where we have already done it better than others, and I am strongly pursuing the activity of trying to ensure that the rest catch up with the best, but I don't think I will ever be able to get it right down to the level of minute-by-minute timing, because I do not have that information now. Even if I have it later, I won't be able to make a comparison with the past.

- Q78 **Shabana Mahmood:** I appreciate that, for you, it is about delivering the service as well as the reforms, but we are here to scrutinise these reforms—whether they are doing what they are supposed to be doing. Although we are also very concerned about the scale of the service, whether it is a fair service and whether we still have reasonable access to justice in this country, the deliverability of what was sold to Parliament when these reforms came forward is actually quite important. It is not just something that you've got to try very hard to do; you need to come back to this Committee with some proper sense of how we will trace the savings and their relationship with these reforms better than what we currently have.

Susan Acland-Hood: I am very happy to promise to trace them better than we currently do, and I am completely clear that we need to do that.

Richard Goodman: It might be helpful if I articulate how some of the savings were generated to begin with. Obviously, we generate assumptions around what reforms will generate what savings in what



HOUSE OF COMMONS

places. We run a system that has aggregate staff timings that are spent on particular types of work. On divorce, for instance, we know that we have teams of people whose job it is to deal with checking applications and then moving them on effectively to the next phase. Work will come in, literally in a big bucket, and they will work through it and take it to the next phase. We know what that is, even if we do not always know how many individuals are working there on a given day or for how many minutes. The reforms assume that the overall volume of work that that team does, for instance, would reduce. In the case of divorce applications, we assume that the man time needed to do that will reduce by about 90%, because it will be automated. That is then cashed out and put in the overall headcount number that somebody who runs that part of the service runs.

So there is quite a lot of precision in really tying down what I think you described: what is the activity that somebody is doing that they will not have to do in the future, and how is that affected by whichever bit of change we are introducing? But when we come to manage it across the organisation as a whole, we effectively allocate out that difference in resource and time to the managers who are responsible for those teams as a whole.

Chair: I am aware of time, so maybe we could step it up on both sides.

Q79 **Shabana Mahmood:** I want to move on to stakeholders. Obviously we discussed this a lot the last time you were all here to give evidence, and I appreciate that some work has been done since then.

Chair: Thank you for the copy of the report.

Shabana Mahmood: Yes, thank you for sending that on to us. Why is it still the case, though, that stakeholders are still not happy with your communication and your transparency, after all this effort?

Susan Acland-Hood: We have just carried out the stakeholder survey, which we sent the Committee. What I am encouraged by is that people think that we are doing it better than we were. Of those people who have attended events, 82% who came to webinars thought that they were useful—76% of the public user events in November last year, for example. Where we are reaching people, they are finding the quality of our engagement good, but I think there is still a real challenge about the scale of that reach. Yes, we have 19,000 subscribers for our monthly e-bulletins, but I think that, particularly as reform goes on, the number of people who have an appetite to be not just informed but involved and engaged in what we are doing is high. We need to keep growing our capacity to reach more of those people and carry on doing better and working harder.

I also think that to some extent we need to be alive to the fact that we are unlikely to make all the people happy all the time. Sometimes people who have been engaged will not feel satisfied if the outcome is not what they had first envisaged.



HOUSE OF COMMONS

- Q80 Shabana Mahmood:** From the National Audit Office Report, we know that 42% of respondents still feel that HMCTS is not open or transparent. If the issue were that you are too slow or that you do not convene enough stakeholder panels, that would go to process and how you operate, which is fixable. Lack of openness and transparency is a little more worrying for people to agree on; I would say that the fact that 42% agree with it is quite worrying. Does it not worry you, Ms Acland-Hood?

Susan Acland-Hood: Yes, it does.

- Q81 Shabana Mahmood:** What do you think is sitting behind the fact that so many people think that you are not open or transparent? That is a pretty damning indictment. Why do you think they are saying that?

Susan Acland-Hood: We want to do a bit more work behind the stakeholder survey and make sure that we have looked at what we can understand about what people were saying. We have some qualitative work as well as the quantitative work.

I think that there is a little bit of organisational legacy there. The courts system as a whole and HMCTS and its predecessor bodies have not necessarily put a lot of effort and attention into wide public engagement. That is genuinely something that I care a lot about and have tried to do more to address.

I think that there is quite a lot of suspicion around motivation for some of the things that we do. I regularly hear people say, "Surely your reform programme is just about cost cutting and not about service improvement." There certainly is a group of people who, when I say, "No, I reject that—it really is about improving service, and it is possible both to be more efficient and to provide better quality service," find me not to be open and transparent because they do not believe me. That is really difficult to counter, because it really is true that the programme is there to try to improve the quality and the efficiency.

- Q82 Chair:** We had evidence from some of your stakeholders last week. You have this big report with lots of figures in it, but the feeling we got was that they could attend a meeting or tick a box and get basic data, but there was a lack of engagement with the reality on the ground—I think that that is a simple summary. For example, the testing of video links was very quick and there was not really enough time to evaluate it before going ahead. It looked like some of these exercises were squeezed in in a bit of a rush in order to justify the action. And of course you will have different paces and different timetables. It's quite possible that people working on something might not see the need for a particular pace of change that you might see from your perspective. But there seemed to be a gulf there. I wonder whether you agree with that at all, and what you are doing to try to bridge that. We are hearing a lot about data, which is good—we like data—but how about that real-person engagement with people on the ground? We will move on to court closures in a moment; I'm talking about listening to local communities and listening to the professionals.



Susan Acland-Hood: I think it is incredibly important. I go out and do a court visit every week. It's something I committed to when I started, and I find the time I spend speaking not just to my own staff but to users in the court really important and powerful. That has to be something for us to reflect on.

The challenge is how to have engagement that feels personal at the kind of scale that people expect and want. As I say, we have 19,000 people subscribed to an e-bulletin. I can send 19,000 people an email relatively readily, but having an engagement that to them feels personal and deeply responsive at that scale is a properly challenging thing to do. I think we just have to keep reflecting on this.

The webinars have the highest satisfaction rate of any of the engagements—interestingly, even more than the face-to-face events. I think part of the reason for that is that they help to start to bridge that divide, because people can ask us questions and we can respond to them in a relatively natural and straightforward way, but we can do it at scale and in a way that is convenient for people. We just have to keep looking for more opportunities to do that.

We can talk about video more if you like. On evaluation of video hearings, we have had academic evaluation of the tax tribunal work that we did last year. We have civil and family video hearings going on in pilot at the moment, with another academic evaluation going on of that. I take that incredibly seriously. We really have not moved to scale before we have evaluated on video hearings and civil and family. I am very happy to set that out for the Committee if it will be useful, but the evaluation, the understanding of the data, the customer feedback we get through the services that we have live—all of that informs our practice all the time.

Q83 Shabana Mahmood: Ms Acland-Hood, you have just given us a very long answer, the upshot of which is that you are very good at disseminating information to your stakeholders and you want to be better, but I heard little to suggest that when they give information back to you, you are really listening, taking it on board and changing your approach as a result of what they are saying. That might be why they think you are not transparent. Is that something you would recognise?

Sir Richard Heaton: Can I come in just slightly in support of my colleague? I do think the chief executive and her team are engaging better than I have seen a Government agency of this size and nature engaging. The effort going into this is phenomenal; I was glad to see the improvement. Take flexible operating hours: I don't think anyone can look at that episode and say that is an agency not listening. We proposed to do something, which was quite cautious, and proposed to pilot it. There was clearly a stakeholder reaction; and on reflection, we decided to do something else. So there is evidence of the agency not just broadcasting, but listening.

Richard Goodman: One thing I continue to be unrepentant about is testing. If the challenge is, when people say we shouldn't test something,



HOUSE OF COMMONS

"Should we not test it?", my answer to that generally, with some exceptions, is no. It is important for us, because it helps us to become increasingly evidence-based about what we do, rather than taking a balance of opinion about what we think might be right or wrong.

I was struck when a client at a law firm wrote to us about fully video hearings, testing last-minute family injunctions. That was extremely controversial at the point at which it was proposed. They wrote to us and said, "This person was a referral from Victim Support who commented how convenient it was for the client. The victim was too scared to go home last night and doing this over video has made a really positive impact."

Lots of people, when we first proposed that test, thought that it was a completely wrong-headed thing to do. I am not saying, on the basis of something we have not yet evaluated, that it is the right thing to do, but I do think it is really important for us to test, in a controlled, small-numbers pilot—in this case, we are talking about 65 hearings across those civil and family cases so far—to understand actually what the impact on the ground is and then to respond, off the back of that.

That focus on testing and learning from what happens on a day-to-day basis for the actual people involved is what I think we should be using to feed our engagement overall about how we take this forward.

- Q84 **Shabana Mahmood:** Except that, of course, the users of this service, your key stakeholders, are going to be the difference between whether these reforms succeed or fail in the long term, and access to justice is not something that any of us want to see compromised. That is going to be a key test for all of you, going forward, as well. Would you at least accept that you have to bring down the figure of 42% for those who currently think that you are not open or transparent, and bring it down fairly quickly? Otherwise, you can have all the great planning in the world and great systems and so on, but if the people who have to use them and have to deliver justice using these processes have no confidence in them or in you and your transparency, I am afraid it is finished. Do you agree that you need to get the 42% down?

Susan Acland-Hood: I absolutely want to see that number come down.

- Q85 **Shabana Mahmood:** Presumably you have a plan for doing that at some point. Perhaps you could write to us.

Susan Acland-Hood: Yes. It would be quite similar to the stakeholder engagement plan.

- Q86 **Shabana Mahmood:** Why did you cancel the TCEP when it was originally expected to generate quite large savings?

Sir Richard Heaton: I think I had better take that because that decision was taken at Ministry level. It was not a great decision; I would prefer that we had taken a different position but we have been structurally underfunded for three years now and we had to take some difficult decisions in 2017-18, including the ceasing of TCEP, despite the fact that it delivered the benefit. It was an uncomfortable decision but we had to



HOUSE OF COMMONS

make some really tough choices because we were so far adrift from our means.

Q87 Shabana Mahmood: Was that your decision?

Sir Richard Heaton: No. It was a collective decision and it was signed off by Ministers. At the beginning of every year we are in the position of having to make those decisions. It was not much fun. Happily, the way in which TCEP was closed down has preserved the lessons learned to date in a way that can be picked up if we get refunding in the future. But I make no apologies; it was a sub-optimal decision forced on us by the financial exigencies of the Department.

Q88 Shabana Mahmood: We have had some evidence from the Magistrates Association, which is worried that the position on fines and recovery has a real impact on people's confidence in the system. What can you say today that would help to allay some of those concerns about confidence in the system as a result of TCEP being shelved?

Susan Acland-Hood: We continue to try to do everything that we can to improve the collection of criminal fines. Clearly, some things would be much easier to do if we had TCEP. I agree with the permanent secretary: it was a joint but very difficult decision. I need to say that it was not about the quality of the programme. The people who were working on it worked incredibly hard and I pay tribute to them because they worked very hard and then it got shelved, which was very difficult.

One bit of the programme that we managed to complete was around the recovery of historic debt and, to date, we have recovered through that about £40 million-worth of historic debt that had previously been considered uncollectable. We continue to look at how we can use the techniques that we used to collect that money to improve the recovery rate on criminal fines wherever we possibly can.

Q89 Shabana Mahmood: That is why it is such a shame that it was cancelled. The thing that was supposed to be almost impossible is one of the things that—

Susan Acland-Hood: I am not going to disagree with that. It is a real shame that it was cancelled and it is something that we would look to revive in the future.

Q90 Shabana Mahmood: What else could be cut if you come under further budget pressures?

Sir Richard Heaton: From this portfolio?

Shabana Mahmood: From this programme.

Chair: Perhaps Sir Richard might have something else to offer.

Shabana Mahmood: TCEP offered a quite big change.



HOUSE OF COMMONS

Sir Richard Heaton: There is nothing in that class that is immediately detachable from this programme without a whole pile of dependencies failing. I do not think that we could deliver benefits.

- Q91 **Shabana Mahmood:** So TCEP was the only one that could be shelved without affecting all the others?

Sir Richard Heaton: It was more separable.

Susan Acland-Hood: It was to easier to detach. It was also earlier in gestation so it involved less cost.

- Q92 **Shabana Mahmood:** How far have you progressed in reducing your headcount by 5,000, which was meant to be done by 2024?

Susan Acland-Hood: Under my predecessor, the headcount of the organisation as a whole came down somewhat, and since then, it has roughly levelled off. But it is worth recognising that we have brought some people in to run the change programme, so we have effectively reduced the core number of people in HMCTS and absorbed in that total flat number the number that we needed to run the change programme. We have not enormously reduced our headcount so far because, as I explained to the Committee last time, I have wanted to be careful of reducing headcount in anticipation of change as opposed to delivering the change and then reducing the headcount.

What we are starting to do now is reduce headcount in those services where we deliver the change: divorce, probate, social security and child support, where we have digital services relatively well established and operating out of our new courts and tribunals service centres. We are starting to reduce headcount numbers in those services. This comes back to your point about being associated closely with the benefits: we will try to reduce headcount in a way that is closely associated with those changes in service.

It is limited so far. You have some figures for the headcount reductions that we had targeted to achieve in January, some of which we had undershot in January. All of those are now achieved, save I think for those in financial remedy—is that right, Richard?—because we resequenced that as part of the programme.

We are tracking rather carefully the headcount reductions that fit with what we have been asked to do. We are trying to avoid generally reducing headcount across the service in anticipation of future change because, again, that touches the service that we are able to offer the public.

- Q93 **Shabana Mahmood:** That means that you are going to have to manage a very large reduction in the next four years without damaging business operations. There is also the possibility of demand increasing, especially given the policy environment changing as well. How confident are you that that can be met?

Susan Acland-Hood: I am reasonably confident. I think this is one of the harder parts of the programme. What we have done in recent years is to



HOUSE OF COMMONS

increase the number of agency staff we use, as opposed to permanent staff. We have given ourselves effectively a flexibility margin to help us make those reductions when they come along, which will allow us to move permanent staff whose jobs move into jobs that are currently held by agency staff. That allows us both to look after our permanent staff properly and to make those changes more readily.

As for demand change, we look at the business case on a counterfactual basis. If demand were to go up significantly, such that without the reform programme we would have needed very large numbers of staff, we look at the savings from reform as the differential between what we would have needed without the reform programme and what we need with it. If demand doubles, my headcount will go up, but it won't go up as much as it would have done if we had not had the reform programme.

Q94 Sir Geoffrey Clifton-Brown: Can you explain why the courts closure programme has slipped from 2021-22 to 2025-26?

Susan Acland-Hood: This comes back to the combination of the effect of adding a year to the programme for the digital delivery and the fact that we have made a really clear commitment that we are not going to close courts because we expect changes in demand; we will close them only when we have evidence that we do not need the space because of patterns of use and behaviour changing in the future as a result of the changes we have put in place. That has pushed our expectations on property to the right.

We also did a value-for-money exercise to look at some of the assumptions we had made about future closures. We found that there were some that were so at the margin of being value for money that it did not make sense to keep them in the programme. There was a change to both the pace at which we expect to make property changes and the number of properties that we expect to close.

Q95 Sir Geoffrey Clifton-Brown: Where in this programme does access to justice come?

Susan Acland-Hood: We have a set of quite fundamental principles for decisions on the closure of court buildings, which have access to justice at the top. We published those in the spring. The document starts by saying that we have to start with access to justice and people's ability to access court buildings.

It is worth remembering that about 70% of our buildings are within five miles of another HMCTS building. We have many, many towns where, because of the legacy of the service—local authorities used to run their own magistrates courts; the courts service and the tribunals service only came together relatively recently—we have three or four buildings in very close proximity. It is also worth remembering that many of the closures we talk about are not about removing provision from a place; they are about consolidating.

Q96 Sir Geoffrey Clifton-Brown: We get that. It seems to be more about the



HOUSE OF COMMONS

usage of courts than it does about access to justice. There is the particular issue of vulnerable people being able to easily use public transport, at a cost they can afford, to get to court.

Susan Acland-Hood: We have said that we would expect the vast majority of people to be able to get to court for a 9.30 am start, starting off from home no later than 7.30 am by public transport. We look at that whenever we look at individual buildings.

There are two separate things. There is a set of things in the business case that are about how much space we think we are going to need on aggregate across the estate, but we do not translate that into closures of individual buildings. When we look at individual buildings, we look very carefully at the impact on access to justice—travel time, where we have set out these new parameters, and also cost and the impact on, in particular, vulnerable communities. We will always do an equality impact assessment, which also looks at nearby vulnerable communities, so it is absolutely central. There are many court buildings which on the basis of use alone you would not necessarily keep open that we do keep open for access-to-justice reasons. That will continue to be true.

Sir Richard Heaton: May I just add that there will not be another round of court closures except with full public consultation?

Susan Acland-Hood: Absolutely right.

Sir Richard Heaton: And there is no list here of 77, 87 or whatever number of courts it is that we will close—there is no such list. When we consult, if we do, it will be on the basis of usage, access to justice and travel times, and a matrix scoring each potential closure against those factors will be published. We are not closing in order to achieve a magical number, and we are not closing in ignorance of access to justice. That was the whole point of publishing our principles last year, which we did, before the last round of closures.

Q97 **Sir Geoffrey Clifton-Brown:** You published your principles after you had closed the Cirencester magistrates court. Now, all my constituents have to travel to Gloucester which, for some of my constituents, is at least 25 miles. From trying to get public transport into Cirencester and then from Cirencester to Gloucester, I doubt whether some villagers could possibly use public transport to get there by 9 o'clock with a 7.30 start. I think you had an initial round of closures and then changed your mind, because you realised that certain vulnerable groups were being significantly denied access to justice by these closures.

Sir Richard Heaton: I am afraid that I do not know which round of closures Cirencester was, forgive me.

Sir Geoffrey Clifton-Brown: It was the first round.

Susan Acland-Hood: Obviously, we have always kept the court estate under review. There is an extent to which it is legitimate to make sure that we are looking at how well buildings are used, because if we really are



HOUSE OF COMMONS

holding many buildings empty at large scale, that is resource we could put into something else in the system. I think it is responsible to keep looking at that. However, I think that to some extent it is true that in early closure rounds we focused a lot on the use of the buildings.

We have always looked at travel distances, but it is true that some years ago people focused on—for example—the point-to-point distance between the closing court and the court that they were going to go to, rather than looking at real travel distances for the actual people who use the courts, so we now do that. We look at the postcodes of people who have attended the court, and look at those distances from those detailed postcodes. We look at real travel times—actual public transport journeys—so not even just the timetable, but what the time is that those journeys typically take. For example, if there is a bus route that is always late, we factor that in as well. We really are trying to do a much better job of understanding.

There is a counterfactual here that is worth reflecting on. Many people have highlighted the fact that we have closed around half of all magistrates courts since 2010. If you look at the figures, for the percentage of people who could get to the nearest court by 9.30, leaving home at 7.30, by public transport, for magistrates court—we have closed about half of them—in December 2010 the figure was 96.7%; the figure now is 95.1%. That is a 1.6% difference.

Those people are important and they matter, and we need to make sure that we are thinking about what we do for them, but I suggest to the Committee that it would not be proportionate to decide that, in the service of those people, it would be right to reopen double the number of magistrates courts that we currently have. We have to reckon that there are good arguments for—

Q98 Sir Geoffrey Clifton-Brown: With respect, that was not what I was suggesting. I was suggesting that the closure programme in the early stages was not considering access to justice.

Susan Acland-Hood: I hope that we are considering it better than we were, but there are also those who suggest—I completely accept that you were not doing this—either that no closure should ever have taken place, or indeed that no closure should ever take place again.

Sir Geoffrey Clifton-Brown: No, I am not suggesting that.

Susan Acland-Hood: I think it is right that we keep the estate under review.

Q99 Sir Geoffrey Clifton-Brown: Unfortunately, time is moving on. May I suggest one thing? To that person whom I have described, who has to get from a village to Cirencester to get a bus to Gloucester, the obvious answer if they are a key witness or a key defendant is that they should have a taxi. However, if they have a taxi, they cannot claim the cost back until they actually get to court. If you are a low-income person having to shell out—I would imagine—£40 or possibly £50 on a taxi, that is a significant amount to have to shell out in advance to reclaim it. Is there



HOUSE OF COMMONS

anything that can be done about that?

Susan Acland-Hood: It is actually something we do slightly differently for the social security tribunals, for example. I am very happy to look at that.

Q100 **Chair:** I wonder why you have 13 sites that remain unsold. Is that because you are rethinking or because you just haven't sold them?

Richard Goodman: We have 18 courts that have closed but have not yet been sold. Eleven will be sold this year, and six will be sold next year. I'm afraid I cannot remember when the last one is scheduled to be sold. The general reason why we have difficulty selling properties sometimes is that they have historic restrictive covenants on them. There can be particular difficulties with site access—for instance, for doing building work. We did a lot of work with Homes England early on in the disposal programme, and there are now plans to build 485 homes on the basis of that work.

Q101 **Chair:** I was going to ask you how much you are feeding into the Government strategy of releasing land to build housing for central Government targets. There are two targets, of course. The last one was to get £5.5 billion and build a certain number of homes. The Government got to—well, we won't go into the detail of that. How much are you offering to both parts of that programme from the court closure programme?

Richard Goodman: I'm afraid I cannot give you a number off the top of my head, so I will have to write to you with that.

Q102 **Chair:** But all these court closures and the money raised from land sales are feeding into that programme of house building.

Richard Goodman: We have worked in strong partnership with Homes England. It depends on a site-by-site basis what the site is suitable for. Not all of them are suitable for housing. We have engaged in other schemes—for example, around community use—that would not necessarily be housing.

Q103 **Chair:** Have you made any decisions about courts? Obviously, there is a target for the Department as a whole, so this would fit into the Ministry of Justice's offer.

Sir Richard Heaton: Yes, it would. We are going to struggle with it because of the prisons budget, but that is a different story.

Q104 **Chair:** So you have to offer up some money from land sales and some housing targets. Was there any influence or pressure from the centre of the Ministry of Justice to HMCTS to release certain sites because they were more valuable than others, and therefore would increase your offering?

Sir Richard Heaton: No, the identification of the sites was not by virtue of their housing value. It was just on their merits.



HOUSE OF COMMONS

Susan Acland-Hood: Can I just clarify one thing? We do not give value from our land sales to the housing programme because we have an agreement with the Treasury that we keep the value of our disposals for HMCTS.

Q105 **Chair:** They are all ring-fenced for HMCTS?

Susan Acland-Hood: Yes

Q106 **Chair:** It is not added at all to the Treasury's £5.5 billion?

Susan Acland-Hood: No, it is not. It is adding home numbers, but not money numbers. On the point about where the pressure is brought to bear, I have had no pressure brought to bear on me whatever by the centre of the Ministry or anybody else to choose sites because they would make good houses. Once we have identified a court through the proper process, I certainly do have pressure brought on me to say, "Could you look at that for housing, as opposed to other uses?" but I don't think that is entirely inappropriate.

Q107 **Chair:** I imagine that the answer may be interesting on this one because of the types of buildings. Has there been any social housing built on HMCTS land, Mr Goodman?

Richard Goodman: I don't know. I will have to write.

Q108 **Chair:** You touched on future closures earlier in answer to Sir Geoffrey. How are you engaging with local communities around this? We have had evidence here when we have discussed this before, and interesting I have had MPs tell me that they are quite keen to see a court close in some parts of their constituency because there is a local plan to do something interesting with the site and make a better facility elsewhere. With these future closures, are you going to be having those sorts of discussions with the local authorities—health, housing, local councils and so on?

Susan Acland-Hood: Yes.

Q109 **Chair:** So that is a driver. How much is that a driver? How do you balance that with the service issue? How much are you prepared to negotiate?

Susan Acland-Hood: As I say, unless it is a consolidation into a very nearby building—we sometimes do things without consultation because the impact is so limited—for any closure we make, we go through a full public consultation, and we will also talk to the local authority and other people nearby. I can't think of an occasion when that was a very direct driver for choices about what we do. In the other direction, it has been. For example, in Newcastle, we have a project going on in partnership with the council to build a new civil justice centre, which is effectively part of a council complex. That was a joint plan that we worked on with them. We are always open to having those conversations, but I don't think we would close a court because a council said they fancied it being closed without going through a full public consultation process in which we took account of absolutely everything else.

Q110 **Chair:** What evidence would you need to commit to further closures? You



HOUSE OF COMMONS

are looking on the one hand at what the court needs are, but you might also be balancing these local things, so is there any one you can give an example of where you are in discussions now about what might happen, where you have a need to close but there might be some other factors to take into account?

Susan Acland-Hood: We haven't got any plans to close, other than those on which we've already consulted, and which are in the public domain, so I haven't got any.

Q111 **Chair:** To be clear, there are going to be no more closures, Mr Goodman?

Sir Richard Heaton: The next round has not been identified.

Q112 **Chair:** That is what I am saying. So the next round is still—

Sir Richard Heaton: The NAO Report envisages that there will be further closures but we do not have any sites or places.

Q113 **Chair:** Just to go back to this, how are you going to plan the location of those sites? Just to be clear Ms Acland-Hood: it is entirely on court needs—or not?

Susan Acland-Hood: The starting point is court need and access to justice and often that is about—it is very often a case of saying we have a particular local area where we seem to have more courts than we need in order to satisfy the demand from that area. Then we look at the pattern in that area and think about how you manage that to make sure that you are giving the greatest possible access to justice. We have got a set of principles that were set out in the "Fit for the future" document, trying to make sure that we put them in the most accessible places that we can, so that the largest number of people can get to them. Then we work through what that means for local communities—travel distances. Then we start to have conversations and open up the consultation. It is often as a part of the consultation process we would start to have conversations with local authorities; but we try not to have sort of closed conversations, if that makes sense, rather than doing it as part of a consultation.

Q114 **Chair:** Perhaps you could explain the timeline. We were discussing, earlier, savings banked before changes, but if you bring in changes and they are not successful in reducing demand for court time, are you clear—if you could just clarify from what you just said—you wouldn't be closing? So you are waiting for the reforms before you look at the next phase of closures—to be really clear.

Susan Acland-Hood: Yes.

Q115 **Chair:** So that you are going to be sure there will be delivery. Is there a point of no return, though, with the changes, where you will have to start thinking about closures in order to save money? Because you are pushing a lot of these savings—



HOUSE OF COMMONS

Richard Goodman: Demands. We have to make demand choices, or we have to reach a view on likely demand on the estate, quite frequently—where we occupy leasehold properties, for instance. So a leasehold has got a set expiry date. We then have to have a decision about do we try to renew the leasehold on that site: the landlord may or may not want us to renew the lease on that site. It may not be available. Do we consolidate it with another site? Do we build new provision somewhere else that brings three or four sites together? Can the work move to different places? So we end up with a schedule of leasehold expiries, which forces that choice upon us, notwithstanding anything that we do on a reform basis. Where we have freehold sites, that is kept under review as part of the overall monitoring of utilisation of the court estate.

Q116 **Chair:** We talked earlier about police numbers. You have got the reforms which are supposed to be reducing court time. You have kept the backlog, so you are not going to be increasing court time to deal with that. You have got the new police hopefully being recruited and trained on the streets, catching people, and a potential increase in court time; so you have got all these different tensions. Have you got an idea when you will be making clear decisions about court closure? You could easily find that those three—just for starters—do not all line up and do not all come to fruition at the same time. So what is in your mind, Ms Acland-Hood, for a timetable for the next wave of closures?

Susan Acland-Hood: What we have said in the “Fit for the future” document is that we are unlikely to see large waves of closures. In the past we did have a number of really quite large batches of court closures. We are much more likely to see individual things coming to fruition over time, rather than large chunks. As Richard has said, we keep that under review all the time and we know that we have got—overall we are still in a position where we have something like 40% of our courts being used for less than half their total available time. So there is still quite a lot of capacity in the estate. The issue is that it is not always easy to turn that into a single building that looks like you don’t need it. It can be much more evenly spread.

What we do, as I say, is keep looking at the places where because of those different fluctuations—the changes in demand that we see as a result of police charging patterns in criminal; or volumes coming through in civil and family, which have typically been rising recently; and then the changes that we make that will require less court time, for example preliminary hearings, of which we still have a very large number in the estate—as we start to see those patterns come through then we will bring proposals forward. We do not expect to see lots of reform-related proposals over the next year because we will not be at that point in the reform programme. After that, I would expect to start to see small numbers, one at a time, effectively.

Q117 **Chair:** You are in a happy position in Whitehall in that when you sell a capital asset, from what you have told us, you can keep the capital receipt to invest in other—



HOUSE OF COMMONS

Susan Acland-Hood: Yes. It is part of the reform business case. We have an expectation of what we will raise that has to go into the business case.

Q118 **Chair:** So what are you planning to spend? Will it all go on court buildings? In your own ring-fenced area of HMCTS, what are you planning to spend that capital on?

Susan Acland-Hood: It funds this programme.

Q119 **Chair:** But specifically, it is not just buildings; it will be the IT and other capital assets you are investing in.

Susan Acland-Hood: Yes.

Richard Goodman: So far we have made £125 million worth of sales proceeds and we have spent £155 million on court maintenance. In a sense, the timing of the receipts does not always match up to the activity, so we might spend it on IT in the year in which the receipt comes in to balance the books that year, but we might make it up on capital or maintenance later. We expect to make the best part of £90 million worth of further receipts over the course of the next year from disposals that are currently happening.

Q120 **Chair:** Has it been guaranteed to be ring-fenced to you? We have got a Budget coming.

Susan Acland-Hood: It has.

Q121 **Chair:** It has. Well, there is no such thing as a cast-iron guarantee in Whitehall, is there, with the Treasury at the top of the tree?

Sir Richard Heaton: Those are the terms of trade for this programme.

Susan Acland-Hood: The business case for the programme contains the total funding envelope, of which there is then a subtraction for the amount that we are assumed to raise through this aspect. It is baked into the business case process, so if it were to be changed, we would need to change the amount that we were expecting to receive.

Chair: It is worth testing that, because Treasury can do interesting things. Ministers, including pesky politicians like us, can make changes to decisions.

Q122 **Shabana Mahmood:** We know that you are planning some evaluation of the wider reform programme. Will that evaluation take place at a point in time that is early enough to influence the implementation?

Sir Richard Heaton: Shall I lead on the MOJ bit of it? We have agreed to do the overarching evaluation. I think I wrote to you in July, and I said I would write every six months, so you will get six-monthly updates from me on the evaluation, and where we are at is where I said we would be when I wrote in July. Namely, the advisory panel is up and running, we have just started to procure the two first research projects—I will be writing to you in January to let you know which they are. There will be an interim report from which the programme will learn in, I think, 2021, and



HOUSE OF COMMONS

the final report will be at the close of the programme. So we will certainly be able to learn from the interim one, and because we have got really intelligent researchers and analysts, including academics, on this, I would hope that when they spot things, we will pick them up as we go along. That is one branch of evaluation.

The other one—Mr Goodman touched on this earlier—is, when we build systems, we test them as we go. So there will be quite a lot of evaluation and user testing in the course of rolling out products. Those are the two wings of evaluation, I think.

Susan Acland-Hood: And then we have also got specific bespoke evaluations for particular parts of the programme. For video, we have evaluated both the tax tribunal hearings—we did them last year—and the civil and family hearings, which we are doing this year, with independent academics. And the flexible operating hours programme is also being evaluated independently.

Q123 Chair: We had some criticism of the video evaluation in our last session. You rattled through that—we appreciate that, because time is running out. Could you explain exactly what the evaluation is, who these academics are and what they are looking at? There is a lot of concern from practitioners not necessarily about trying it but about how it is being evaluated so that you are actually able to test whether—well, lesser justice is not quite the phrase—justice is being impaired because people are going through one route rather than another. It is difficult to have control groups, we recognise. How are you doing this?

Susan Acland-Hood: The video hearing evaluation is being conducted by Dr Meredith Rossner from the LSE. She did the tax tribunal evaluation and she is doing the civil and family evaluation that is happening at the moment. It is principally a process evaluation—in other words, it is principally concerned with whether or not people feel that they have had a chance to be properly heard, whether they felt that the technology impaired their ability to get their points across and whether, broadly speaking, it worked.

In the tax tribunal evaluation, she counted the number of times, for example, that there was a difficulty with the link, and she has written that up. We did not have the sample size in that tax tribunal evaluation to do something realistic on justice outcomes. For the civil and family pilot, a significant number of the hearing types we are looking at are process hearings in which it would be quite difficult to assess the impact on justice outcomes, because in effect, what you are doing is a form of getting ready. That fits with what we principally want to use fully video hearings for. We principally want to use video for those hearings that are not substantive full-trial hearings.

Some of the challenge here is that people hear “video hearings” and assume that we are talking about full criminal trial, but that is not really what we want to use video for. That is one of the reasons that we are not evaluating it in quite that way. I have heard those criticisms, and we have



HOUSE OF COMMONS

been looking at whether there are things we can do, for example, to look at our existing data on people who appear by video in the magistrates court. That is a little different from our full video pilot; it is something we have done for many years and is done in almost every jurisdiction around the world. In the past, I have not, for example, had a marker on the system to tell me whether a hearing has involved video. That has made it very difficult to look back into the data and see whether the use of video appears to have had any impact. We are starting to put those markers into our data so we can use that better in future.

Chair: Starting to.

Susan Acland-Hood: On some things in life, you can look back and think, "I wish I had done that differently," but you can only start from where you are.

Q124 **Shabana Mahmood:** Are there any overseas comparators that are of assistance in that?

Richard Goodman: On video, yes. Very rural communities tend to have a far higher use of video than we do. Western Australia is an example of that. The academic research around video, which is one of the reasons that we have an academic evaluation of what we are doing at the moment, is conflicted. A University of Western Sydney study in 2017 found that jurors—they had 445 of them involved in this study—found it better to see and understand what was happening on video. It did not affect their presumption of innocence, although their location in relation to other people in the court room did. That was an interesting ancillary factor.

That research has influenced our approach to setting up video hearings. For instance, in that family injunction case that I was talking to you about earlier, that is done in a controlled environment from a solicitor's office, to make sure there is no risk of coercion of the person who has claimed to be the subject of abuse. We are also doing things such as controlled waiting times. When you join a video hearing, you don't join in the same way you join Skype or FaceTime, where people clock on in order: you have to wait until the judge is ready, then you get a countdown telling you that the judge is going to join, and that is very material for people because they are anxious about how they talk to each other.

That is a long answer to say yes, there are international comparators, but they are not determinative of what the right answer is. Therefore, we have to pull that learning together and test it.

Q125 **Shabana Mahmood:** Finally, I come back to Sir Richard's answer on the evaluation and the interim report by 2021, 2022. I have to say that people failing to spot things as they go along, as you said in your answer, is what keeps this Committee in business. Your interim report is out in 2021 or 2022.

Susan Acland-Hood: 2021.

Q126 **Shabana Mahmood:** Okay. Will that give you enough time for learning



HOUSE OF COMMONS

before your new deadline of 2023? A cynic would say that would be the point at which you say it will take longer than expected.

Susan Acland-Hood: I expect us to get some feeds before that, but I certainly think there will be time to learn. There is a real balance here. When you talk about formal evaluation, it is extremely difficult to formally evaluate something before you have done it. There is a tension between wanting to make sure that you have all the evidence possible before you do something, and formally evaluating it. If you are going to formally evaluate it, you really do have to have done something to evaluate. That is why we are trying to introduce as much learning as possible as we go along around that formal evaluation, not just through the user research that we do with people—we invite people's views all the time as we go through—but also through just simply keeping our own. I sit and look at our performance data for our systems all the time.

We are also trying to introduce more and more metrics that look not just at the things we have always looked at but at the things we are able to see differently as a result of introducing new systems, to give us earlier warning before we get to the point where we have completed something far enough for someone to formally evaluate it.

I do think there is a tension, and there will be things that we can pick up earlier through our monitoring than a formal evaluation programme can, but we have to do a formal evaluation. We are making a very large and significant change, and it is the right thing to do. Some of that will come in 2021, and we will respond to it as rapidly as we can. There will be some things where the simple passage of time means it will be difficult to see the effect until some time has gone by.

Q127 **Chair:** Can I ask each of you in turn what you think the biggest risks are to the future of this programme? We will start with you, Susan Acland-Hood. What keeps you awake at night, worrying about the risks? What worries you?

Susan Acland-Hood: How long have you got? We continue to have a set of risks that are simply around our pace of delivery and our momentum, and that has clearly been a challenge. We have extended the programme for a year because we have had difficulties around that. As the Committee has pointed out, we have to continue to regard our wider stakeholder engagement as a risk and try to work on it.

The third one is continuing to keep the commitment and engagement of HMCTS's staff and all of the fantastic judicial colleagues with whom I work. So far, both myself and all the judges we work with have been fantastically committed and dedicated, not just to this programme but to continuing to keep the system running through what is quite substantial change, uncertainty and difficulty. However, I do not underestimate the challenge of retaining that positive good will.

Q128 **Chair:** Sir Richard?

Sir Richard Heaton: The 42%. This system belongs to its users and the people who need it, and you were right to point out that while we have a disengaged group of users of that number, that is a worry, first. Secondly, we have not talked much about Common Platform, which is in a better place than it was a year ago, but it needs to be rolled out and hooked up to the CPS and the other users.

I think I mentioned the third one to you when I was sat here in respect of other programmes. A successful programme relies on the quality of its SRO and programme director. We have two excellent ones here, but for me, my third one would be succession planning and making sure that I keep the SRO and the programme director, or people equally good, in post.

Q129 **Chair:** Mr Goodman, that is an opportunity to say you are staying or leaving.

Richard Goodman: I share Susan's concern about pace. There is a constant challenge here, which I think you have articulated differently, between sometimes an urge to slow down and take things in more steps rather than fewer, and sometimes the need to get something out, test it, and understand the impact of it before we run. Those things sit in constant tension, and there is a risk that we go too far in one direction or the other. We have to keep those evenly balanced.

This is a different version of the stakeholder risk, but I worry about myths. I still hear lots of myths about the programme. One is that efficiency is at the expense of the user, when it is normally the other way around. Some 57% of the people who call us do so to find out what on earth is happening. That is just waste. People should know what is happening, and if we design the system around the users, they will know that before we start and we will save lots of money off the back of it. There are plenty of myths around videos; I have heard people saying that we are going to do big trials by video, for instance, none of which is true. We have to work harder to give people a clear, real understanding of what we are doing, and not the one that is sometimes projected on to us.

The final one is the risk that in everything that is happening and all the other imperatives we have, at the end of it, the people who we have put at the centre of the programme—that is, the users—get lost in the mix of everything else. I am very proud of the fact that our services are offering real, new access to justice for people who thought they could not do it, and I have been inundated with emails from people telling me that they never thought they could make a civil claim and now they can. That access to justice angle must remain at the centre of what the programme does.

Q130 **Chair:** I am just noticing, looking at your CVs, that Ms Acland-Hood, you became chief executive and joined the service in November 2016, three years ago. Mr Goodman, you have three and a half years in this job, but four years in HMCTS. These for us, more cynically, are critical moments when civil servants tend to move on—and there is yet to be a 41st woman permanent secretary in Whitehall, I should say, since 1954. I just



HOUSE OF COMMONS

feel I should make the point. We think we do it badly in Parliament; my word, Whitehall has got some things to learn. Are you two committed to staying to 2023?

Sir Richard Heaton: Career conversations can't really take place in public.

Q131 **Chair:** I know. I phrased it badly. But you have been together as a team. Sir Richard raised the valid point about succession management. Is there something that you would factor in—you cannot completely factor it in—or something that is in your mind? It is obviously in Sir Richard's mind, but in a way, it is a baby that you have been trying to deliver between you. Is that something you will think about? It is a concern for us. We have another Department coming to see us next week, in which we have seen quite rapid change in posts, and it does impact on the delivery. That is why I am asking.

Richard Goodman: From my perspective, I have outlasted the average length of programme directors across Government. That has been important to me, because I think it is important that officials live to see their chickens come home to roost. In terms of succession planning generally, we have invested significant time in making sure that we have got good successors, notwithstanding whatever change happens, and growing the overall capability of the organisation—

Chair: So, the team under you.

Richard Goodman: Yes, particularly in digital, as well, because things happen, notwithstanding anybody's career. This is not designed to sound pointed—though it probably will do—but I am pleased that the programme has survived a series of ministerial changes: two Lords Chief Justice, two chairmen, three chief executives and four senior presiding judges. I do not think that is because I stuck around—much as I would love to think that—or because I have an effect. I think it is because, fundamentally, when you look 10 or 15 years ahead, the court service must adapt itself to the 21st century. I feel confident that this is not—I hope Susan will forgive me—a programme built on personalities or particular individuals; it is built on the fact that everyone is looking at an enormous opportunity for us, globally, to improve what we do.

Q132 **Chair:** You are right that there has been far more political change than official change in this situation, which is often a problem; if you get both together, it can be challenging. Ms Acland-Hood, what about succession planning from your perspective?

Susan Acland-Hood: Succession planning is something we think about a lot. We had an SMT conversation with the HMCTS about our succession planning in deep detail last week. There are a couple of things that I would say. First, I am strongly committed to this work and I have no plans to go anywhere. Secondly, although Richard and I are the ones who get the ineffable joy of appearing regularly in front of this Committee, we are part of a much larger team, and it is a very good team. There are all sorts of things that could happen. I could go under a bus tomorrow. As Richard



HOUSE OF COMMONS

said, the programme stands on its merits. We are doing a thing that needs to be done and it will continue to need to be done. I hope that I will be there to do it, but if I am not, I am confident in the team that I have built around me.

Chair: Thank you. As I said to Sir Richard, the Department is on my list of Departments to watch every year—it has been for a while—because there is so much change going on, but for all that we pick at this and there are still big issues, it does seem to have some continuity and there is a plan: whether we can get there within the timeframe, we will wait and see. I know, Sir Richard, that with other things you have much more chop and change in terms of policy and, therefore, delivery. In relative terms, this is a more stable part of the Department's work.

Sir Richard Heaton: The big game-changer for us is prison building.

Chair: It is a huge challenge and a huge transformation to be taking place, so we will continue to watch this. I am sure you will have the pleasure, Ms Acland-Hood, of coming back in front of us again before too long. Thank you very much for your time. The transcript will be up on the website in the next couple of days, uncorrected, so do have a look at that. Our report will be out, depending on what happens in Parliament, in the next couple of months. Thank you.