



Dame Meg Hillier MP
Chair of the Public Accounts Committee

Sent by email

17 March 2023

Dear Dame Meg

NAO report, Common Platform and delivering the final phase of reform

The National Audit Office (NAO) published its report, Progress on the courts and tribunals reform programme, on 23 February 2023. I am writing to provide further detail on two elements highlighted in the report. The first concerns an historic technical error on our new digital case management system, Common Platform. The second is clarification about our approach to delivering the final phase of reform, which has now been agreed with senior judges and our Ministers.

Historic technical error

I want to start by acknowledging that Common Platform did not issue some email notifications to our partners. The example highlighted by the NAO, which resulted in 35 people not being tagged at the right time, came about when email notifications were not sent from our system. The problem was fixed within 24 hours of it being identified, and a technical review was completed to understand how the issue occurred. No further offences were committed for the period that defendants or offenders were untagged. I have provided further detail about the nature of the cases in an annex to this letter.

Delivering the final phase of reform

Our existing criminal court systems are over 20 years old sitting on antiquated infrastructure, out of manufacturer support and urgently need replacing. They reflect an analogue, resource intensive, paper focussed process that is no longer viable in the modern justice system. Keeping the legacy systems going is not an option.

While there have been issues with the implementation of Common Platform, it remains fundamental to modernising the criminal court system – bringing justice partners together in a way that has never been done before. Some of the key benefits Common Platform will deliver are:

- A seamless flow of cases and information between magistrates and crown courts.

- Information and results sharing with criminal justice partners in real-time – removing the need for manual notifications and reducing the scope for error.
- Sophisticated data collection and analysis of case flow in order to improve the efficiency of the courts service and help reduce the backlog.

Common Platform is now live in 76% of courts. An independent technical review undertaken before Christmas was reassuring and we therefore decided to continue rollout to the remaining courts where it is not yet in use.

I am now able to update you on how we will deliver the remainder of our reform programme, including improvements to the way we complete the implementation of Common Platform. The NAO report noted that this was under discussion with judges and Ministers at the time of their report. I have attached a copy of a blog that will be published on the *Inside HMCTS* (web page), copies of which will be placed in the Libraries of both Houses. I am happy to provide further details at your request.

The twin demands of reform and recovery from the pandemic have been immensely challenging for everyone working within the justice system, but our achievements have been significant. Our digital services have been used over 2.1 million times so far by professional and public users, making access to justice simpler and quicker. I am very grateful for the support of my HMCTS colleagues, judges and partners who have been involved in designing, testing, planning and implementing all our reforms over a number of years.

Having written to you and the Chair of the Justice Committee, I now plan to make the information enclosed publicly available on Monday 20 March. I look forward to speaking with you and the Committee on 30 March 2023 and would be happy to provide any detail you need in the meantime.

Yours sincerely



Nick Goodwin
Chief Executive, HM Courts & Tribunals Service

Annex A – Tagging data

Annex B – Delivering the final phase of our reform programme (draft blog)

Annex A: Common Platform incident

In September 2022, a technical issue was identified that meant that 3,011 operational notifications had failed to send between June 2021 and August 2022. This represents 0.8% of operational notifications sent during this time. We reviewed all of them individually and no operational risks or impacts were identified for the vast majority. As reported by the NAO we did, however, identify 35 instances relating to a delay in electronic tags being fitted. The system issue was fixed within 24 hours of being identified.

Judicial office holders make the decision to bail or remand a defendant and have the authority to make a Tagging Order. The Electronic Monitoring Service (EMS) is responsible for applying tags upon notification of an order from the court. HMCTS is responsible for communicating a judicial decision for a Tagging Order to EMS.

The 35 cases impacted by this incident did not occur concurrently, however for context as at 31 December 2022 the total number of individuals being actively monitored through electronic tags was 15,760.

In all 35 cases that were a result of this incident:

- There were no further offences reported while defendants/offenders were untagged.
- There were no cases where the Prison Service did not receive the information it needed to detain or release a prisoner.
- There are no individuals who remain untagged that should be tagged.

Released on Bail:

Of those people that were untagged as a result of this issue, 13 had been charged with an offence and bailed and had therefore not yet been convicted or sentenced.

It is a Judicial decision to grant bail of defendants and on this order, a defendant is released from custody and then the electronic tag would be fitted at their home within 24 hours.

In these cases other conditions were in place (such as surrendering a passport, attending a police station or specific instructions for the defendant) in addition to the tagging order.

Offences Charged with (Pre-conviction)	Type of Tag (GPS, Curfew, Exclusion, AAMR)	Type of condition - Bail or sentence	Implication
Manslaughter	Curfew and exclusion	Release on Bail	Untagged for 36 days as a result of this issue
Assault by beating Criminal damage to property valued under £5000 Threat to Kill Affray	Exclusion TAG	Release on Bail	Untagged for 8 days as a result of this issue.
Threaten a person with an offensive weapon / bladed article / corrosive substance in a private place Criminal damage to property valued under £5000 Racially / religiously aggravated criminal damage Assault by beating Racially / religiously aggravated common assault	Curfew - TAG	Release on Bail	Untagged for 38 days as a result of this issue
Conspire to supply a class A controlled drug - cocaine	Curfew - TAG	Release on Bail	Untagged for 19 days as a result of this issue
Sexual assault	Curfew & Exclusion	Release on Bail	Untagged for 30 days as a result of this issue.
ABH Assault by beating Threatening behaviour	Curfew (bail)	Release on Bail	Untagged for 42 days as a result of this issue
Harassment (under protection from Harassment Act)	Curfew (bail)	Release on Bail	Untagged for 23 days as a result of this issue
Assault Possession offensive weapon Possess Class B drug	Curfew (bail)	Release on Bail	Untagged for 88 days as a result of this issue
GBH with intent	Curfew (bail)	Release on Bail	Untagged for 5 days as a result of this issue
Kidnap Aide/abet penetration of boy Robbery	Exclusion	Release on Bail	Untagged for 194 days as a result of this issue.
Burglary	Curfew (bail)	Release on Bail	Untagged for 73 days as a result of this issue
Stalking involving fear of violence	Curfew (bail)	Release on Bail	Untagged for 28 days as a result of this issue
Possess class B drug Possess class A drug Possession with intent to supply class B drug No insurance No licence	Curfew (bail)	Release on Bail	Untagged for 28 days as a result of this issue.

Sentence condition

In 22 cases, a defendant's sentence included a period of time under the monitoring of an electronic Tag.

In the majority of these cases individuals were also ordered to be under Probation supervision and were sentenced to community orders or other conditions.

Sentence Condition: Alcohol Abstinence Tags

There were 5 cases impacted by this incident where defendants' sentences included a period of monitoring using an Alcohol Abstinence Tag. Of these 4 were untagged for a period of time as a result of this incident and 1 did not have an alcohol abstinence tag, but was still being monitored under a curfew tag.

Offences	Type of Tag (GPS, Curfew, Exclusion, AAMR)	Type of condition - Bail or sentence	Impact
Criminal damage to property valued under £5000 Assault a constable in the execution of his / her duty Racially / religiously aggravated harassment / alarm / distress by words / writing Drunk and disorderly in a public place	Alcohol Abstinence (AMMR) TAG	Sentence	Untagged for 13 days as a result of this incident.
Drive whilst disqualified Drive motor vehicle when alcohol level above limit Use a motor vehicle on a road / public place without third party insurance	Alcohol Abstinence (AMMR) TAG	Sentence	Untagged for 53 days as a result of this incident
Assault emergency worker	Alcohol Abstinence (AMMR) TAG	Sentence	Untagged for 22 days as a result of this incident.
Assault emergency worker Possess bladed article x 2	Alcohol Abstinence (AMMR) TAG	Sentence	Untagged for 15 days as a result of this incident
Burglary	Alcohol Abstinence (AMMR) TAG	Sentence	As a result of this incident did not have the correct Tag: Did not have an Alcohol abstinence Tag for 120 days however did have a curfew tag for this period.

Sentence condition: Curfew and GPS monitoring tags

Offences	Type of Tag (GPS, Curfew, Exclusion, AAMR)	Type of condition - Bail or sentence	Impact
Send letter/communication/article conveying a threatening message and Breach of non-molestation order	Curfew - TAG	Sentence	Untagged for 19 days as a result of this incident
Theft from a shop	Curfew - TAG	Sentence	Untagged for 3 days as a result of this incident.
Assault ABH	Curfew - TAG	Sentence	Untagged for 6 days as a result of this incident
Drive motor vehicle when alcohol level above limit Drive a motor vehicle dangerously Drive a motor vehicle otherwise than in accordance with a licence Use a motor vehicle on a road / public place without third party insurance Fail to stop a mechanically propelled vehicle	Curfew - TAG	Sentence	Untagged for 10 days as a result of this incident.
Dishonestly fail to disclose information to make a gain for self / another or cause / expose other to a loss Fraud by false representation x 5	Curfew - TAG	Sentence	Untagged for 21 days as a result of this incident.
Theft shop x 2 Criminal damage	Curfew (requirement)	Sentence	Untagged for 4 days as a result of this incident.
Produce class B drug Possess class B drug	Curfew (requirement)	Sentence	Untagged for 11 days as a result of this incident.
Possession of offensive weapon	Curfew (requirement)	Sentence	Untagged for 8 days as a result of this incident.
Fail to provide specimen for investigation into possible drink drive offences	Curfew (requirement)	Sentence	Untagged for 8 days as a result of this incident
Burglary Attempt Burglary Going Equipped for theft Possess Blade/knife	Curfew (requirement)	Sentence	Untagged for 11 days as a result of this incident.
Produce class B drug Abstract electricity	Curfew (requirement)	Sentence	Untagged for 9 days as a result of this incident.
Possession bladed article	Curfew (requirement)	Sentence	Untagged for 28 days as a result of this incident.
False representations	Curfew (requirement)	Sentence	Untagged for 8 days as a result of this incident.
Drive whilst disqualified Drug drive Obstruct PC No insurance	Curfew (requirement)	Sentence	Untagged for 8 days as a result of this incident.
Criminal damage Theft from motor vehicle Obstruct PC	Curfew (requirement)	Sentence	Untagged for 4 days as a result of this incident.
Affray	Curfew (requirement)	Sentence	Untagged for 4 days as a result of this incident.
Threatening behaviour and intentional harassment alarm or distress (under the public order act)	Curfew (requirement)	Sentence	Untagged for 84 days as a result of this incident.

Our review also found that three people had their tag removed late, and there were four instances where interventions by the Probation Service were delayed. We also identified 43 cases where, because of delayed notifications, updates to the Police National Computer (PNC) were completed later than they might otherwise have been. No further offences were recorded on PNC during the time when any updates were outstanding.

Annex B: Delivering the final phase of reform (blog)

External *Inside HMCTS* blog

HMCTS reform: achievements, challenges and next steps

Nick Goodwin, Chief Executive, HMCTS

Our CEO Nick Goodwin gives an update on our reform progress so far.
Back in 2016 we started work on one of the most comprehensive court and tribunal reform programmes in the world.

Our vision for Reform was to modernise and redesign simplified services, such as civil money claims, divorce, probate applications - all built around the needs of the end user.

Reform aimed to better manage cases by taking out of court those that do not need to be there. Using more virtual working meant physical attendance would be required only for the more difficult or sensitive cases.

Celebrating achievements

We've achieved a huge amount already. [Reform is having a significant impact for the public](#) with our digital services used over 2.1 million times so far.

We've made courts and tribunals services easier to use and more efficient to run. Our services are faster. Cases submitted digitally through our social security and child support service took a third of the time to complete compared to those submitted on paper.

They're also simpler. We settled over a quarter of online immigration and asylum appeals early in the process without the need for a hearing.

Our modernised services are more accurate. We returned less than 1% of online divorce applications because of user error, compared to 40% on the paper-based system.

And they're better joined up. Common Platform, our criminal case management system, is now live in 76% of criminal courts. Although we still have some refinements to make, we're already realising huge benefits by allowing all parties involved in a case to access information on a single system for the first time.

Our reformed services are essential to provide the best access to justice for every victim, witness, defendant, claimant, business and family that needs the courts and tribunals, to protect the vulnerable and hold the powerful to account. I'm immensely proud and grateful to all those who have played their part in transforming those services.

Overcoming challenge

In spite of the various achievements, none of us could have predicted the extraordinary challenges we've faced. The impacts of the coronavirus (COVID-19) pandemic have been significant and far-reaching for HMCTS.

Our staff and justice partners have been under pressure to deal with the high number of outstanding cases across our courts and tribunals. At the same time, they're implementing a demanding rate of change to ways of working as we deliver the final stages of the reform programme (which are also integral to our recovery work).

I know that the twin demands of reform and recovery have been immensely challenging for everyone working within the justice system.

Taking stock

We remain committed to fulfilling the vision of our reform programme, but there are some things we need to address. We've looked at the difficulties and identified where barriers exist and have reviewed our options accordingly to relieve pressure wherever we can.

We know that trying to change too much, too quickly has undermined confidence at times. But I want to assure you that we're continuing to learn from our experiences and feedback, and I'm confident we can do better.

So we've taken stock and looked realistically at what we can achieve and by when. As a result we've adjusted certain elements of the reform programme. Our revised schedule minimises overlap and allows more preparation time. We have the full support of the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals in making these adjustments.

Our focus now is still on tackling outstanding cases, but also to better prepare courts and tribunals - and everybody who works with them - for the remaining changes we'll deliver over the coming year.

Impact on projects

In the crime jurisdiction, we'll continue introducing Common Platform into remaining Crown and magistrates' courts by the summer. This will allow more time for our staff and partners to develop, adapt to and embed the system.

We will continue to develop further functionality on the Common Platform to enable all case types to be processed on the system, reducing the dual running of systems, particularly in magistrates' courts which can make things more complicated.

The integration with our scheduling and listing tool - List Assist - and enhanced case progression functionality will follow, after they've been tested for longer in early adopter courts. This may take a little longer but means the end result will be better, with more time to prepare and support all of our users.

Away from the criminal jurisdiction, we're prioritising the work to improve and embed the family public law service, before we introduce the new private law functionality. Similarly, we'll take more time in early adopter courts to ensure processes are right for all users, including our partner agencies.

In civil, we are making really good progress in extending functionality to our newly reformed systems. We'll take a measured approach, delivering the remaining services in online civil money claims, civil enforcement, bulk claims and damages over the next year.

We'll also be completing the reform of employment, immigration and social security and child support tribunals.

We'll integrate our new scheduling and listing tool with each of the reformed civil, family and tribunal case management systems, and continue to develop the Video Hearing Service.

To complete these prioritised projects, we'll pause digital reform work on adoption and possession for now. We also plan to deliver the new service for the Criminal Injuries Compensation Tribunal but then pause work on all other Special Tribunals.

We'll implement all remaining civil, family and tribunal services by March 2024.

In making this decision we have listened to feedback, acted on it, and prioritised the experience of all court users: our partners, our staff and the people we collectively serve.

A positive start

Although there's lots of detail still to work through, I hope this adjustment for the year ahead provides reassurance.

I'm confident that by seeking out constant improvements and testing the boundaries of our capabilities, while continuing to work effectively alongside our partners, we can deliver a world-class justice system.