



House of Commons
Committee of Public Accounts

Progress on the courts and tribunals reform programme

Sixty-First Report of Session 2022–23

*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
to be printed 22 June 2023*

The Committee of Public Accounts

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Committee staff

The current staff of the Committee are Lucy Bishop (Committee Operations Officer), Ameet Chudasama (Committee Operations Manager), Vanessa Donhowe (Second Clerk), Sarah Heath (Clerk), Rose Leach (Committee Operations Officer), Edward Sheridan (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Committee of Public Accounts, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 5776; the Committee's email address is pubaccom@parliament.uk.

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Summary

Despite previous assurances to the Committee, seven years into the programme, HM Courts & Tribunals Service (HMCTS) is once again behind on delivering critical reforms to its services. Overall, despite an increase in budget, the programme is set to deliver less than originally planned, at a time when the reforms are even more vital to help reduce extensive court backlogs.

HMCTS's ambitious £1.3 billion reform programme aims to modernise courts and tribunals by digitising paper-based services and centralising administration processes, improve efficiency and access to justice while reducing operating costs. Its continued underestimation of the programme's complexity along with the impact of the pandemic means it has struggled to deliver the reforms it promised and meet its deadlines. HMCTS has extended its timetable again and now aims to complete most projects in March 2024, three months later than planned, and its digital case management system, common platform, in March 2025, over a year later than planned. It will also deliver less than previously promised, with work on some services paused altogether and expected savings at least £310 million lower than the £2.3 billion forecast in 2019.

HMCTS's approach to implementing the common platform has remained detached from the needs of those who use the courts system. For example, court staff such as legal advisers, have had to deal with common platform technical and functionality issues in an already stressful court environment. It has not done enough to listen and respond to users' concerns, leaving staff and courts to suffer the consequences. HMCTS's lack of data and research means that it has a limited understanding of whether reformed services are delivering the expected benefits, the total cost of its reforms to the taxpayer, or the impact on other services. Its research so far is insufficient and the evidence that does exist is concerning. The common platform has already placed an unacceptable additional burden on the courts, and HMCTS clearly has a lot to do to make it a success. Given the Ministry of Justice's large portfolio of major projects, it is vital that it takes lessons forward into other projects as well as the remainder of the programme.

Introduction

HM Courts and Tribunals Service (HMCTS)—an executive agency of the Ministry of Justice (the Ministry)—is responsible for the administration of the criminal, civil and family courts in England and Wales. In 2016, HMCTS launched an ambitious portfolio of reforms which it later consolidated into the courts and tribunals reform programme (the programme). Through its reforms, HMCTS aims to modernise the courts and tribunals system by introducing new working practices and moving inefficient paper-based services online, while also improving access to justice for users of its services, including vulnerable groups. Overall, the reforms are expected to reduce operating costs within the criminal justice system.

The programme comprises 44 projects across five workstreams: criminal courts (crime); civil and family courts and tribunals (civil, family and tribunals); the court and tribunal estate (property) and two workstreams for cross-cutting projects such as video hearing technology. The projects cover a wide range of services, some of which the public can access directly, such as new online portals for probate and divorce applications. HMCTS is also rolling out a new digital case management system for criminal courts called common platform, to address inefficiencies such as paper-based working. Common platform is intended to allow access to all parties involved in a case including the Crown Prosecution Service (CPS), an independent organisation that prosecutes criminal cases in England and Wales.

HMCTS originally planned to deliver the programme within four years but is now seven years into the programme. When we last reported on the programme in 2019, HMCTS had extended its timetable twice and expected to complete the programme by December 2023. In March 2023, following increased delivery risk, HMCTS decided to reset its programme and extend its timetable for the third time. It now plans to deliver most of its projects by March 2024, three months later than planned, and expects to complete delivery of common platform, in March 2025, over a year later than planned. By December 2022, HMCTS had spent £1.1 billion of its £1.3 billion budget for the programme. However, as at December 2022, it only had £120 million of funding left to deliver the rest of the programme as HMCTS was not able to retain unspent funding from previous years. HMCTS expects the reforms to provide £220 million in yearly savings from 2025–26, with a total of £2 billion in lifetime savings, although this does not reflect the impact of its recent reset of the programme.

Conclusions and recommendations

1. **We are seriously concerned that despite a long history of resets to the programme, HMCTS has had to revise and delay its plans again.** HMCTS has revised the timetable and altered the scope of its programme several times. This has largely been due to its consistent underestimation of the scale and complexity of its reforms. When we last examined the programme in 2019, HMCTS had already extended the time it expected to take to deliver the reforms twice, from four years to six years and then to seven years. We warned that its timetable was over-optimistic given the work still required. By November 2022, HMCTS had only managed to complete 24 of its 44 (55%) projects. HMCTS has since decided to reset the programme again. This includes extending the overall timetable for most projects to March 2024 and completing its common platform project over a year later, in March 2025. HMCTS asserts that it is confident it can deliver the remainder of the programme within the new timetable, but it gave us the same assurances in 2018, 2019 and 2021. HMCTS has also reduced the programme's scope several times. For example, in 2021 it changed the design of its common platform which will now involve interfaces with the Crown Prosecution Service's (CPS's) system, instead of the more complex single system HMCTS and CPS originally envisaged. HMCTS recognises that it has a lot left to deliver for many of its projects, particularly the common platform.

Recommendation 1: *In the Treasury Minute response, the Ministry and HMCTS should outline what they are doing to assure themselves and Parliament that their plans are now realistic and will not require further resets. The response should state how HMCTS will continue to monitor the feasibility of its plans.*

2. **HMCTS's failure to engage sufficiently with staff and stakeholders throughout the common platform rollout has increased the burden on courts and staff already under significant pressure.** When we last reported on the programme, HMCTS assured us that it intended to do more to ensure staff and stakeholders felt listened to. We are therefore disappointed to hear that these groups still feel that the quality of engagement has been insufficient – particularly during the rollout of common platform. HMCTS initially rolled out what it considered to be a minimum viable version of common platform to criminal courts. But this version was not sufficiently developed, and staff have had to deal with multiple technical and design issues, including system outages. HMCTS acknowledges that this has created challenges for its staff, who have also been working hard to deal with the extensive case backlogs worsened by the pandemic. However, users of common platform say that they have often not felt heard. This is reflected in HMCTS's poor staff satisfaction scores and user perceptions of common platform. HMCTS established a new feedback mechanism in October 2022 and recognises that it needs to do more to improve its approach to engagement going forwards.

Recommendation 2: *HMCTS should set out in its Treasury Minute response how it will improve its approach to engagement and transparency to ensure that staff and stakeholder concerns are responded to adequately. This should include how it will monitor the effectiveness of its new feedback mechanism.*

3. **We are concerned that HMCTS does not yet fully understand how reforms are impacting court users, victims, or the public's access to justice.** In 2018 and 2019,

we raised concerns around HMCTS's lack of understanding of the wide-ranging impacts of its reforms on those who use the courts. But HMCTS has still not shown that it is doing enough to understand this. While it does have some avenues for user feedback, these are not comprehensive and do not always capture the end-user perspective, or how reforms may impact vulnerable people. Stakeholders such as the Law Society and Bar Council told us that their members have had to deal with how some reformed services are working. This includes issues with the online portal for the family public law service, which have meant solicitors have not received the necessary notifications, as well as reports of issues with the portal causing significant delays to cases. HMCTS has made too little progress in addressing findings from its access to justice assessments, which aim to analyse how access to the hearings, decisions and sentences vary by user groups and case type. By November 2022, HMCTS had completed four access to justice assessments. In those assessments it has undertaken, HMCTS has identified concerning disparities in the way the divorce and probate services perform for different user groups, such as ethnic minorities, but it is yet to make any changes based on its findings. HMCTS plans to publish some of its findings in Autumn 2023, but it will continue to risk undermining public confidence in the fairness of the justice system if it does not increase the pace at which it takes action in response to their findings.

Recommendation 3: HMCTS should outline in its Treasury Minute response:

- a) *how it intends to obtain regular feedback on how services are impacting users and access to justice more widely; and*
 - b) *dates for when it plans to publish access to justice assessments for the remaining services, together with any actions it will take in response to findings for all completed assessments.*
4. **HMCTS and the Ministry cannot fully assess whether the reforms have provided value for money as they have not captured the full costs of the programme.** Despite our earlier concerns, the National Audit Office found that the programme costs still may not capture the full costs of reforming the courts and tribunals. HMCTS's latest business case does not include costs incurred by the CPS in developing interfaces with common platform, following changes made to common platform's design. Of its £1.3 billion budget, HMCTS has £120 million remaining to deliver outstanding reforms and claims that it has a clear understanding of what is left to deliver with the remaining funding as it has costed most elements left to deliver for each project still underway. However, this will not reflect all of the remaining work needed to support the reforms. HMCTS has already moved some projects out of the programme into its business-as-usual activities, even though they are not complete and require further work. For example, despite HMCTS moving the online portal for divorce cases to business as usual, the portal continues to require improvements. In March 2022, HMCTS found that 55% of divorce cases could not be completed online and required manual interventions. Although fixing this is important if HMCTS is to gain the benefits it planned from this reform, HMCTS will fund the future costs of this and similar projects from outside of the budget for the reform programme. HMCTS also plans to reform fewer services than it intended with its remaining budget because it has assessed that it could not finish all the projects

within the programme timeline. As part of its recent reset, it has paused reforms to several services which will no longer be covered by the funding allocated to the programme.

Recommendation 4: *The Ministry and HMCTS should write to us within six months setting out how they will assess the full cost of the reform programme. This should include:*

- *costs not included in its most recent business case, such as CPS's development of common platform interfaces;*
- *costs of additional functionality required to get services up to the standards intended; and*
- *estimated costs to complete paused projects if it decides to continue them in the future.*

5. **HMCTS has not specified how its recent changes to the programme will impact the savings promised, nor can it demonstrate whether reformed services are on track to deliver the required efficiencies.** In 2019, HMCTS expected the programme to save £244 million a year and claimed that it had saved £133 million so far. The National Audit Office found that HMCTS expects reforms to deliver £220 million in annual savings from 2025–26 onwards. However, it has not outlined how these savings will be impacted by its recent decision to pause reforms to some of its services. In response to our previous concerns that HMCTS's ability to monitor whether programme savings are directly linked to reforms, it has developed a new methodology to assess how efficiently its services are working. But HMCTS acknowledges that this methodology still needs to be refined as although it provides comparative information about the cost of services, it still cannot identify whether this is due to the effect of reforms, or due to another reason such as changes in demand. Although the analysis cannot explain why, the results suggest that the costs per user have increased rather than decreased for most services, so there is still a lot to do to reduce costs and make savings. HMCTS recognises it needs to do more to understand whether reforms are having the impacts they intended.

Recommendation 5: *As part of its Treasury Minute response, HMCTS should set out:*

- a) *The impact of recent changes to its plans on the expected savings from the programme; and*
 - b) *What it is doing to better understand how efficiently reformed services are working and how it will use this information to ensure it is on track to deliver expected savings.*
6. **The Ministry and HMCTS have not demonstrated that lessons learned from this reform programme and their other major projects have been put into practice effectively.** The Ministry and HMCTS recognise that there are several lessons to be learned from the court reform programme, particularly from the implementation of common platform. For example, the Ministry and HMCTS highlighted the importance of understanding the impact of delivering a programme of this size while

also maintaining performance and the importance of having a whole programme-level view of progress. However, the Ministry and HMCTS do not appear to have learnt lessons despite previously assuring us that they had. When we first reported on the programme in 2018, the Ministry told us that it had learnt lessons from both reform and its other major programmes, such as its reforms to the rehabilitation of offenders and its electronic monitoring system. However, seven years into the programme, HMCTS continues to make many of the same mistakes.

Recommendation 6: The Ministry and HMCTS should write to us as part of the Treasury Minute response setting out how they will ensure lessons learned from digitalising their processes are fed into both the remainder of the programme and into other major departmental projects.

1 Delivering the reforms

1. On the basis of a report by the Comptroller and Auditor General, we took evidence from the Ministry of Justice (the Ministry) and HM Courts & Tribunals Service (HMCTS) on progress in delivering reforms to courts and tribunals since we last reported in 2019.¹
2. HMCTS launched its ambitious portfolio of reforms in 2016, which it later brought together to form the courts and tribunals reform programme (the programme) which comprises 44 projects. These projects sit across five workstreams: criminal courts (crime); civil and family courts and tribunals (civil, family and tribunals); the court and tribunal estate (property) and two workstreams for cross-cutting projects such as video hearing technology.²
3. HMCTS aims to modernise the courts and tribunals system and improve access to justice by introducing new technology and working practices, moving activity out of the courtroom, and introducing services that people can access online. It is also rolling out a new digital case management system, common platform, which aims to reduce inefficiencies associated with paper-based working. Common platform is intended to allow access to all parties involved in a case including the Crown Prosecution Service (CPS), an independent organisation that prosecutes criminal cases in England and Wales. In 2021, HMCTS expected its programme to cost £1.3 billion and for it to generate £2 billion in savings, £0.3 billion less than the £2.3 billion previously forecast in 2019. But this figure does not reflect recent changes to the programme which are likely to lower expected savings further.³

Delays and increased delivery risk

4. We previously examined the programme in 2018 and 2019 and have consistently raised concerns about HMCTS's ability to deliver its ambitious plans within its timetable and the extent of delays and revisions to its timeline. HMCTS first extended its timetable in 2016, from four to six years, following an external review from the Major Projects Group and challenge from Cabinet Office and Treasury.⁴ In 2019, HMCTS extended its timetable again by a year to seven years and planned to complete its reforms by December 2023. At that time, the Ministry considered the programme to be well governed and broadly on track. But we warned that its timetable was over-optimistic given the work still required to deliver reforms.⁵ However, HMCTS has since experienced more delays. The National Audit Office found that HMCTS's underestimation of the programme's complexity delayed projects and increased cost pressures. We therefore asked HMCTS why this had been the case. HMCTS accepted that its underestimation of the scale and complexity of the programme at earlier stages had led to delays, but noted that it had now made the changes that it thought were necessary to deliver the programme.⁶

1 C&AG's Report, *Progress on the courts and tribunals reform programme*, Session 2022–23, HC 1002, 30 March 2023

2 C&AG's Report, para 1.2, Figure 1

3 C&AG's Report, paras 1.2–1.3, 1.5

4 Committee of Public Accounts, [Transforming courts and tribunals](#), Fifty-Sixth Report of Session 2017–19, HC 976, 20 July 2018, paras 1, 3; Committee of Public Accounts, [Transforming Courts and Tribunals: progress review](#), Second Report of Session 2019, HC 27, 5 November 2019, para 4

5 Committee of Public Accounts, [Transforming courts and tribunals: progress review](#), Second Report of Session 2019, HC 27, 5 November 2019, paras 1, 3–4; C&AG's Report, para 1.10, Figure 2

6 Q 85; C&AG's Report, para 1.13

5. HMCTS’s progress on delivering the programme has been slow and some projects are still in the early stages of development. By November 2022, HMCTS had only transitioned 24 out of its 44 projects (55%) to business-as-usual activity. HMCTS decided to reset the programme again in March 2023. It told us this was prompted by increased delivery risk, in part due to challenging operational conditions caused of the pandemic.⁷ HMCTS told us that it now planned to complete the majority of the programme in March 2024, three months later than planned. It expects to finish delivery of common platform over a year later in March 2025.⁸ We asked HMCTS whether its original plans for rolling out the common platform were realistic. It told us that, despite the extensions to its delivery programme, it thought that the initial timetable for the rollout of common platform had been realistic. But it accepted that the COVID-19 pandemic had resulted in extreme pressures on the court system, and that introducing change in these circumstances had been extremely difficult. It recognised that “people are struggling for the bandwidth to be able to take new things on” which was the main reason why it had moved to the new timetable.⁹

6. HMCTS explained that it had a clear view of what it has left to deliver and asserted that its new timetable was now more realistic given the pressures people were facing. The Ministry stated that it had the necessary governance structures in place to allow programme risks and issues to be raised at a departmental level, and that these processes had led to the decision to reset the programme.¹⁰ But HMCTS gave us similar assurances about its reform timetable in the past. In 2019, HMCTS told us that while it could not rule out another extension, its seven-year timetable was “a realistic and deliverable one.” It also told us in 2021 that despite the impacts of the pandemic, it had no plans to extend its timetable.¹¹

7. The scope of the programme has also changed significantly since it began in 2016. HMCTS altered and reduced the scope of what it planned to deliver several times. For example, HMCTS and the Crown Prosecution Service (CPS) were originally jointly responsible for the common platform project and planned to deliver common platform as a single system. However, in 2021 the project board chose to change the design of common platform to involve interfaces with the CPS’s system.¹² As part of its recent reset, HMCTS also paused work on three projects. This included reforms to its civil possession service, family adoption and all special tribunals, with the exception of the criminal injuries compensation tribunal.¹³

Engaging with court staff and stakeholders on common platform

8. When we examined the programme in 2019, we were concerned that many stakeholders did not feel listened to, undermining trust in the reforms. We highlighted

7 Qq 28, 86, 105; C&AG’s Report, paras 1.9, Figure 3

8 Q 24; [Letter from Nick Goodwin, Chief Executive HM Courts and Tribunals to Dame Meg Hillier MP, Chair of Committee of Public Accounts, 17 March 2023](#)

9 Q 27

10 Qq 28, 105

11 Q 33; Committee of Public Accounts, [Transforming courts and tribunals: progress review](#), Second Report of Session 2019, HC 27, 5 November 2019, paras 4; Committee of Public accounts, [Oral evidence: Ministry of Justice Recall](#), HC 1190, 11 February 2021, Pages 13–14

12 Qq 33–34; C&AG’s Report, para 2.6 and Figure 2

13 Qq 27–34, 85– 86; [Letter from Nick Goodwin, Chief Executive HM Courts and Tribunals to Dame Meg Hillier MP, Chair of Committee of Public Accounts, 17 March 2023](#)

HMCTS risked undermining public confidence by proceeding with reforms without sufficiently demonstrating that it understood the impact on people or on justice outcomes. We recommended that HMCTS should change its approach to engaging with stakeholders from broadcasting information to genuinely listening and responding to feedback.¹⁴ In its response to our report, HMCTS recognised the crucial role that stakeholders play in the design of the reformed services to the success of the programme. It accepted that it needed to do more to engage with stakeholders and ensure that it was listening to their views.¹⁵

9. However, users including court staff and stakeholders, still feel that HMCTS's engagement with them has not been sufficient, especially during the rollout of common platform. We received written evidence from the Bar Council, which told us that as far as it was concerned, the designers and producers of the common platform appeared to have a limited understanding of working needs and practices, and “displayed a marked reluctance for the system to be designed in conjunction with, and for the benefit of, professional court users”.¹⁶ It similarly told us that the systems that have been put in place do not work efficiently, and appeared to have been designed “in a vacuum rather than with a proper understanding of how those who use the court actually work”. It explained that in designing the new systems, HMCTS had not, for example, shadowed advocates, court staff and judges to see the systems in operation. Overall, it asserted that the roll out of the common platform was “widely perceived” as a failure, and that court users had struggled to log onto the system, there were doubts about the design of the platform, there was little information on take-up by those who were supposed to use the system, and guidance was of insufficient quality to meet the needs of users.¹⁷

10. We asked HMCTS how much it had engaged with the Bar Council on common platform. It told us it has spoken with them “a good deal” and that it received feedback from barristers regularly. We also asked whether HMCTS was aware of the case access problems barristers had been facing on common platform. HMCTS acknowledged that some elements of common platform functionality were designed “to meet a particular need” of large law firms as opposed to self-employed barristers. While HMCTS told us it received regular feedback on common platform from barristers, it had not visited their chambers as part of its user research.¹⁸

11. Problems have also been caused by court staff having had to use a version of common platform that was not sufficiently developed, which has affected justice outcomes and burdened courts. For example, between August 2021 and March 2022, HMCTS had to pause the rollout to address performance issues including system outages, which affected the live running and stability of the service. Users told the National Audit Office that issues with the system can lead to delayed court processes when it is slow or not responding.¹⁹ However, HMCTS told us that problems with the speed and stability of common platform existed in the early stages of the rollout and were no longer an issue of “primary concern”.²⁰

14 Committee of Public Accounts, [Transforming Courts and Tribunals: progress review](#), Second Report of Session 2019, HC 27, 5 November 2019

15 HM Treasury, [Treasury Minutes: Government response to the Committee of Public Accounts on the One Hundred and Twelfth to One Hundred and Nineteenth reports from Session 2017–19 and the First and Second reports from Session 2019](#), CP 201, January 2020

16 CPR0002, [Written evidence submitted by The Bar Council](#), 30 March 2023, para1

17 CPR0002, [Written evidence submitted by The Bar Council](#), 30 March 2023, paras 1, 3, 7, 13

18 Qq 74–79

19 C&AG's Report, paras 2.9–2.10, 2.18, Figure 7, Figure 8

20 Q 28

12. Staff satisfaction scores for common platform remain low. HMCTS told us that 58% of users reported that they were satisfied with the system, up from 22% in November.²¹ We asked HMCTS whether there should have been better engagement with those who have to use the common platform to ensure that it understood both the technical requirements but also how people would use it. The Ministry compared managing changes to such a complex programme in a challenging environment to “redesigning the jet engine while it is in flight”.²² HMCTS told us that “a great deal of effort [was] put into understanding how it landed and understanding that people were under more pressure”.²³

13. It explained that it had several ways it can gather user feedback. For example, it told us that every director in HMCTS was sponsoring an area of the programme which allowed them to listen to user feedback first-hand. HMCTS also stated that it had “six or seven other new mechanisms” for getting better feedback, including webinars and an online chat system, through which users can report specific issues that they were experiencing. However, HMCTS told us that it was “deeply concerned” about, for example, legal advisers who had reported through the webinars that the system was difficult for them to use and that they did not have faith or confidence that HMCTS was addressing their issues. It committed to listening to their concerns and responding, “as best we can”.²⁴ We received written evidence from the Law Society, which told us that HMCTS tended to “focus on the positives of the common platform rollout”, despite this not aligning with user feedback about how the service was working on the ground.²⁵

14. HMCTS accepted that issues with common platform had caused significant stress for court staff, such as legal advisors, already under pressure to reduce COVID-19 backlogs.²⁶ Despite this, it assured us that it was committed to engaging with users, but it recognised that it needed to improve its approach and that this is essential to delivering the programme’s expected benefits. Both the Ministry and HMCTS recognised that there were lessons to be learned from the rollout of common platform. For example, understanding that introducing technological change also means bringing about cultural change in the way people work. HMCTS also acknowledged that common platform needs to be better than the minimum viable version that it initially rolled out.²⁷ Alongside establishing a new common platform feedback mechanism in October 2022, HMCTS told us it was taking steps to improve staff satisfaction scores and user perceptions of common platform. It also planned to monitor progress against this going forward.²⁸

Impact of reforms on users and access to justice

15. HMCTS’s reforms are wide-ranging and have the potential to impact access to justice for a range of users, including vulnerable people. In both 2018 and 2019, we raised concerns that HMCTS had not sufficiently demonstrated that it understood how reforms would impact access to the justice system or the people using it, and that it had not adequately considered how reforms already introduced, such as court closures, had impacted access to the justice system, particularly for vulnerable users. In our 2019 report we recommended

21 Qq 66–68

22 Qq 29

23 Qq 29, 65

24 Qq 27–29, 56–57, 65, 108; C&AG’s Report, paras 2.20–2.21

25 CPR0003 [The Law Society submission](#), 30 March 2023, para 5

26 Qq 27, 63–65, 110

27 Qq 27, 32–34

28 Qq 63, 67–69, 108; C&AG’s Report, para 2.21

that HMCTS should set out what it would do to make sure that the needs of vulnerable users are considered in future closure decisions and to put in place measures to compensate for any apparent access difficulties, such as providing taxi vouchers in advance.²⁹ In its Treasury Minute response, HMCTS agreed to write to us in June 2020 with additional details on how the needs of vulnerable users were considered and what future measures would be put in place to ensure that HMCTS can identify the most appropriate measures to enable access to justice.³⁰

16. Despite these assurances, stakeholders such as the Law Society reported that some reformed services failed to meet their needs. For example, it explained that there were functionality issues with online portals for family services, such as family public law. These issues led to problems, including instances of solicitors not getting necessary notifications which made the system difficult to use and, in some cases, significantly delayed cases. It told us that it had frequently expressed concerns to HMCTS about the functionality and design of some reformed services. The Law Society stated that HMCTS had “left it too late to undertake sufficient testing” of the private family law service, which was still being developed.³¹

17. Through its reforms, HMCTS aims to improve access to justice for service users. But the National Audit Office found that it has made little progress in responding to findings from its access to justice assessments which have identified disparities in the way that some reformed services work for different user groups. Within the programme, each reformed service must undergo an access to justice assessment, which aims to analyse how access to hearings, decisions and sentences vary by user groups and case type. HMCTS recognised the importance of these assessments and told us that access to justice was “at the heart of the programme”.³² By November 2022 it had completed assessments for four of its services which had identified issues for some user groups. For example, its assessments of probate and divorce services found that cases from ethnic minority users took longer to resolve. As at November 2022, HMCTS had not yet made any changes to address these findings.³³

18. We asked witnesses about concerns highlighted by the Law Society that the reforms provided access to process, rather than access to justice. HMCTS told us that it considered the user to be “the single most important judge of whether access to justice is delivered” – for example, victims of crime, people going through divorce, or children in a custody battle. It explained that the view of legal professionals was crucial in the same way as the view of the judiciary and HMCTS staff, as users of the system, but that ensuring people were satisfied with what it was delivering was the most important.³⁴ It told us that it expected better access to justice to be reflected in staff satisfaction scores. For example, in its latest surveys HMCTS reported high satisfaction ratings for divorce (91%), probate (91%) and online civil money claims (95%) services.³⁵ HMCTS told us that it planned

29 Committee of Public Accounts, [Transforming courts and tribunals](#), Fifty-Sixth Report of Session 2017–19, HC 976, 20 July 2018, para 4, 11, 13; Committee of Public Accounts, [Transforming courts and tribunals: progress review](#), Second Report of Session 2019, HC 27, 5 November 2019, paras 2–3

30 HM Treasury, [Treasury Minutes: Government response to the Committee of Public Accounts on the One Hundred and Twelfth to One Hundred and Nineteenth reports from Session 2017–19 and the First and Second reports from Session 2019](#), CP 201, January 2020

31 CPR0003, [Written evidence submitted by The Law Society](#), 30 March 2023, paras 5, 29–30, 37–52

32 Qq 93, 96, 98, 107; C&AG’s Report, paras 3.9–310

33 C&AG’s Report paras 14, 3.9–3.10

34 Qq 98–99

35 Qq 96–97; C&AG’s Report, paras 3.9–310

to publish more access to justice assessments in Autumn 2023 which would tell it more about people's experience of using the new system, and it would respond to any feedback received.³⁶

2 Costs and savings of reform

Assessing the full cost of the programme

19. At December 2022, HMCTS had spent £1.1 billion on the programme. Of its £1.3 billion budget, HMCTS has £120 million of funding left to deliver remaining reforms. HMCTS explained that some of the total £1.3 billion budget was lost due to underspend in previous years that it cannot recover.³⁷ HMCTS assured us that it was confident that it can complete the programme as reset with the remaining funding. It explained that it had assessed the outstanding changes required for each project across the programme and had a clear view of the work it has left to do. It also told us it had a small amount of reserve money left to address any unforeseen issues.³⁸

20. In our examination of the programme in 2018, we concluded that the Ministry of Justice did not understand the financial implications of the planned changes on the wider justice system. We warned that some of the changes, such as the increased use of video hearings, could lead to increased costs for other organisations in other parts of the justice system, and could also have indirect costs. We warned that such cost-shunting across the justice system needs to be well understood given the stress that all parts of the system were already under strain and recommended that the Ministry should quantify the likely financial implications of the reforms on the wider justice system.³⁹ In its response to our report, HMCTS recognised the need for a more joined-up model to understand the costs and benefits of the programme across agencies within the criminal justice system to ensure that costs are properly distributed and prevent cost-shunting.⁴⁰

21. Despite our earlier concerns, the National Audit Office found that the programme costs still may not capture the full costs of reforming the courts and tribunals. This is partly because when reporting the costs of the programme, HMCTS does not include all of the costs associated with its 2021 business case. For example, of the Crown Prosecution Service will fund its own costs to develop interfaces with common platform. As a result, these costs will not show on reform programme expenditure, even though the original budget was expected to cover the full costs of a shared platform.⁴¹ We asked HMCTS whether it thought it was important to keep an eye on the costs to the criminal justice system as a whole as there was still a cost to the taxpayer, even if it was not one it was paying for. HMCTS responded that it thought that this was a fair point for it to look at this.⁴²

22. The funding allocated to the programme will also no longer cover several projects that HMCTS has paused as part of its programme reset: these relate to its civil possession service, family adoption and all special tribunals with the exception of criminal injuries compensation tribunal. This is because it assessed that it could not finish all projects within

37 Q 86; C&AG's Report, para 1.14

38 Qq 86–87

39 Committee of Public Accounts, [Transforming courts and tribunals](#), Fifty-Sixth Report of Session 2017–19, HC 976, 20 July 2018, para 23; C&AG's Report, [Early progress in transforming courts and tribunals](#), Session 2017–19, HC 1001, 9 May 2019, para 3.8

40 HM Treasury, [Treasury Minutes: Government response to the Committee of Public Accounts on the Forty Third to the Fifty Eighth reports from Session 2017–19](#), Cm 9702, October 2018

41 Qq 99–100; C&AG's Report, paras 1.14, 2.6

42 Qq 99–100

its current timeline.⁴³ Moreover, despite HMCTS having classed the online portals for divorce and probate cases as complete, these portals continue to require improvements. For example, HMCTS found that significant proportions of its online divorce and probate cases required manual interventions from staff and in March 2022 HMCTS identified that 55% of divorce cases could not be completed online.⁴⁴ Although fixing this is important if HMCTS is to gain the benefits it planned from this reform, HMCTS will fund the future costs of these and other completed projects from outside of the budget for the reform programme. HMCTS told us that it had always planned to make continued improvements to services based on user feedback, after the programme closed. But HMCTS explained that in some instances it had been unable to make improvements to services it classed as complete and moved to business-as-usual because of interdependencies between projects in the programme which are not yet complete.⁴⁵ It also stated that it carefully considered the decision to move services into business-as-usual activity to ensure that they were transitioned to efficiently.⁴⁶

Expected savings and efficiency

23. HMCTS has reduced the savings it expected to achieve from the programme several times. When we last reported on the programme in 2019, HMCTS expected to save £244 million a year from 2024–25 through its reforms and claimed that it had saved £133 million in total so far.⁴⁷ Since then, the programme’s expected savings have decreased. The National Audit Office found that in its most recent estimate, HMCTS predicted £220 million in yearly savings from 2025–26. It expected the programme to save £2 billion over its lifetime (to 2029–30), £310 million (13%) less than the £2.3 billion forecast in 2019. However, this is likely to have decreased further as HMCTS is yet to set out how pausing work on some its projects as part of its recent programme reset will impact savings.⁴⁸

24. In 2019, we concluded that HMCTS could not demonstrate whether claimed savings were attributable to the reforms and so taxpayers could not be confident they were getting what was promised. We recommended that HMCTS should set out how it intended to measure and monitor the benefits arising from the reform.⁴⁹ In response, HMCTS developed an approach to help it understand how efficiently services are working. Its unit cost calculations compare the running costs of a service with the output produced, for example the number of cases resolved, to calculate the cost per person using the service. However, HMCTS acknowledged that it needed to do more to refine its approach. It explained that while the methodology allowed it to monitor organisational costs, it cannot differentiate between the impact of efficiencies gained from introducing reforms and the impact of other factors – for example, increases in cost due to changes in demand.⁵⁰

43 Q 86; [Letter from Nick Goodwin, Chief Executive HM Courts and Tribunals to Dame Meg Hillier MP, Chair of Committee of Public Accounts](#), 17 March 2023

44 Qq 89, 93, C&AG’s Report, para 3.8, Figure 11

45 Q 88; C&AG’s Report, paras 3.11–3.13

46 Q 90

47 Committee of Public Accounts, [Transforming courts and tribunals: progress review](#), Second Report of Session 2019, 4 November 2019, para 7; In its 2021 business case, HMCTS provided an updated estimate of £237 million in expected yearly savings for its previous 2019 business case.

48 C&AG’s Report, paras 1.11, 1.15

49 Committee of Public Accounts, [Transforming courts and tribunals: progress review](#), Second Report of Session 2019, HC 27, 5 November 2019, para 5

50 Qq 94–95; C&AG’s Report, para 3.5–3.6

25. HMCTS's analysis covering April to June 2022 found that unit costs of its fully or partly reformed services were 19% to 146% higher than expected. HMCTS undertook some analysis of these services to try and understand this variation. Its analysis indicated that some services were not working as efficiently as expected. For example, it found that cases in its online probate and divorce services still required significant manual interventions from staff.⁵¹ We asked HMCTS how it planned to ensure that reformed services will deliver the intended savings, given that it does not have routine data to determine how efficiently they are working. HMCTS told us that it intended to use its unit cost approach to identify where there are variations between actual and expected costs. It explained it will then do further analysis to explore reasons behind this variation and develop action plans to address any issues it identifies. We asked whether HMCTS was confident that it would deliver the efficiency savings expected from the programme. HMCTS accepted that it still had a lot of work left to do to ensure savings materialise, but that it expected to be able to deliver them, and that it had built contingency into the efficiency savings to support it to achieve this.⁵²

Lessons learned

26. We asked the Ministry and HMCTS whether they have identified lessons from the programme they can take forward into other major projects. They acknowledged that there were several lessons that they have identified from the programme so far that they plan to take forward.⁵³ However, the Ministry and HMCTS have similarly given us assurances that they have learnt lessons from both reform and other major programmes in the past. For example, in 2018, the Ministry told us that it had learnt lessons from delivering reform programmes to rehabilitation of offenders and its electronic monitoring system. The Ministry explained at the time that it considered that these programmes took too long, were over-complex and difficult.⁵⁴ In particular, the Ministry's timetable for delivering ambitious reforms to rehabilitation was too compressed which in turn created an unacceptable level of risk to delivery.⁵⁵ The Ministry also asserted that the court reform programme would not have the same fate as its other large transformation programmes as the reforms were more modular which reduced interdependencies between projects and that a mistake or missed milestone would not threaten the rest of the programme.⁵⁶ However, seven years into the programme, HMCTS and the Ministry do not seem to have taken lessons on board. For example, HMCTS has had to extend its timetable for a third time and to look again at its approach to rolling out common platform.⁵⁷

27. HMCTS told us it has identified lessons from the programme. For example, it identified the importance of understanding the impact of delivering large scale changes while also maintaining performance and having a whole programme level view of progress. The Ministry and HMCTS also identified that they needed to consider the bandwidth

51 C&AG's Report, para 3.7 and Figure 11

52 Qq 95–97, 101

53 Qq 28, 32, 73 89–91, 100–101

54 Committee of Public Accounts, [Transforming courts and tribunals](#), Fifty-Sixth Report of Session 2017–19, 16 July 2018, para 3

55 Committee of Public Accounts, [Transforming rehabilitation: progress review](#), Ninety-Fourth Report of Session 2017–19, 24 April 2019, para 1

56 Committee of Public Accounts, [Transforming courts and tribunals](#), Fifty-Sixth Report of Session 2017–19, 16 July 2018, para 3

57 Q 24; [Letter from Nick Goodwin, Chief Executive HM Courts and Tribunals to Dame Meg Hillier MP, Chair of Committee of Public Accounts](#), 17 March 2023

required from senior staff when delivering programmes of this complexity. They also acknowledged the overall need for building flexibility into the programme, especially in terms of sequencing of work, to enable them to make changes that are needed along the way.⁵⁸ Finally, they recognised the importance of culture change HMCTS acknowledged that it was vital that it feeds lessons learned to date into both the remainder of the reforms and its wider programmes.⁵⁹

58 Q 91

59 Qq 28, 32, 73 89–91, 100–101

Formal minutes

Thursday 22 June 2023

Members present:

Dame Meg Hillier

Sir Geoffrey Clifton-Brown

Mr Jonathan Djanogly

Mr Louie French

Peter Grant

Anne Marie Morris

Sarah Olney

Nick Smith

Progress on the courts and tribunals reform programme

Draft Report (*Progress on the courts and tribunals reform programme*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 27 read and agreed to.

Summary agreed to.

Introduction agreed to.

Conclusions and recommendations agreed to.

Resolved, That the Report be the Sixty-first of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Adjournment

Adjourned till Monday 26 June at 4.00pm.

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Thursday 30 March 2023

Antonia Romeo, Permanent Secretary, Ministry of Justice; **Nick Goodwin**, Chief Executive, HM Courts and Tribunals Service; **Andrew Baigent**, Chief Financial Officer, HM Courts and Tribunals Service; **Gemma Hewison**, Director of Strategy and Change & SRO of Court Reform Programme, HM Courts and Tribunals Service [Q1-115](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

CPR numbers are generated by the evidence processing system and so may not be complete.

- 1 The Bar Council ([CPR0002](#))
- 2 The Law Society ([CPR0003](#))
- 3 Transform Justice ([CPR0001](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

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45th	Department for Business, Energy & Industrial Strategy Annual Report and Accounts 2021–22	HC 1254
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39th	DWP Employment Support: Kickstart Scheme	HC 655
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50th	Bounce Back Loans Scheme: Follow-up	HC 951
51st	Improving outcomes for women in the criminal justice system	HC 997
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