



National Audit Office




REPORT

# Progress on the courts and tribunals reform programme

HM Courts & Tribunals Service

---

SESSION 2022-23  
23 FEBRUARY 2023  
HC 1130



We are the UK's independent public spending watchdog.

We support Parliament in holding government to account and we help improve public services through our high-quality audits.

The National Audit Office (NAO) scrutinises public spending for Parliament and is independent of government and the civil service. We help Parliament hold government to account and we use our insights to help people who manage and govern public bodies improve public services.

The Comptroller and Auditor General (C&AG), Gareth Davies, is an Officer of the House of Commons and leads the NAO. We audit the financial accounts of departments and other public bodies. We also examine and report on the value for money of how public money has been spent.

In 2021, the NAO's work led to a positive financial impact through reduced costs, improved service delivery, or other benefits to citizens, of £874 million.



National Audit Office

# Progress on the courts and tribunals reform programme

**HM Courts & Tribunals Service**

---

## **Report by the Comptroller and Auditor General**

Ordered by the House of Commons  
to be printed on 21 February 2023

This report has been prepared under Section 6 of the  
National Audit Act 1983 for presentation to the House of  
Commons in accordance with Section 9 of the Act

---

**Gareth Davies**  
**Comptroller and Auditor General**  
**National Audit Office**

**16 February 2023**

## Value for money reports

**Our value for money reports examine government expenditure in order to form a judgement on whether value for money has been achieved. We also make recommendations to public bodies on how to improve public services.**

The material featured in this document is subject to National Audit Office (NAO) copyright. The material may be copied or reproduced for non-commercial purposes only, namely reproduction for research, private study or for limited internal circulation within an organisation for the purpose of review.

Copying for non-commercial purposes is subject to the material being accompanied by a sufficient acknowledgement, reproduced accurately, and not being used in a misleading context. To reproduce NAO copyright material for any other use, you must contact [copyright@nao.org.uk](mailto:copyright@nao.org.uk). Please tell us who you are, the organisation you represent (if any) and how and why you wish to use our material. Please include your full contact details: name, address, telephone number and email.

Please note that the material featured in this document may not be reproduced for commercial gain without the NAO's express and direct permission and that the NAO reserves its right to pursue copyright infringement proceedings against individuals or companies who reproduce material for commercial gain without our permission.

Links to external websites were valid at the time of publication of this report. The National Audit Office is not responsible for the future validity of the links.



# Contents

**Key facts** 4

**Summary** 5

**Part One**

The evolution of the courts and tribunals reform programme 11

**Part Two**

Common platform 29

**Part Three**

Completing the reform programme and delivering the benefits 40

**Appendix One**

Our evidence base 51

**Appendix Two**

Details of projects included in HM Courts & Tribunals Service's (HMCTS's) reform programme 55

This report can be found on the National Audit Office website at [www.nao.org.uk](http://www.nao.org.uk)

If you need a version of this report in an alternative format for accessibility reasons, or any of the figures in a different format, contact the NAO at [enquiries@nao.org.uk](mailto:enquiries@nao.org.uk)


The National Audit Office study team consisted of:


Darya Bordbar, Kemi Duroshola, Emma Green and Andy Serlin, with assistance from Colm Molloy and Joe Warwick, under the direction of Jenny George.

For further information about the National Audit Office please contact:

National Audit Office  
Press Office  
157-197 Buckingham Palace Road  
Victoria  
London  
SW1W 9SP

 020 7798 7400

 [www.nao.org.uk](http://www.nao.org.uk)

 @NAOorguk

## Key facts

---

**£1.1bn**

spent on the reform programme at December 2022, including £286 million on the crime workstream, which includes common platform

---

**£220mn**

annual savings HMCTS expects from reforms from 2025-26 onwards, 7% lower than in HMCTS's 2019 business case

---

**24**

out of 44 projects completed as at November 2022

---

**£1.3 billion**

HM Courts & Tribunals Service's (HMCTS's) courts and tribunals reform total programme budget, around 10% higher than when the programme was established in 2016

**£2 billion**

expected net lifetime savings of the reform programme, £310 million lower than in HMCTS's 2019 business case

**10**

out of 17 planned reforms to court and tribunal services HMCTS has partly or fully rolled out, at November 2022

**76%**

percentage of criminal courts using common platform, HMCTS's new digital case management system, at November 2022

**25%**

proportion of the programme's total gross benefits HMCTS expects common platform to deliver

**December 2023**

date when HMCTS planned to complete the reform programme. It planned to finish all projects by March 2023, with a nine-month contingency period built into the timetable. HMCTS is now considering an extension to the timetable following increased delivery risk

# Summary

**1** HM Courts & Tribunals Service (HMCTS) is an executive agency of the Ministry of Justice (MoJ) and reports jointly to the Lord Chancellor, Lord Chief Justice and to the Senior President of Tribunals. It is responsible for supporting the independent judiciary in the administration of criminal, civil and family courts and tribunals in England and Wales, and non-devolved tribunals in Scotland and Northern Ireland.

**2** In 2016, HMCTS launched an ambitious portfolio of reforms, which were later brought together to form the courts and tribunals reform programme (the programme). The programme aims to modernise the justice system by reducing complexity and providing new ways for people to engage. HMCTS intends to achieve this by introducing new technology and working practices, moving activity out of the courtroom, streamlining processes and introducing services that people can access online.

**3** We have reported on the programme twice previously. Our last report in 2019 concluded that the programme's timetable and scope remained ambitious despite HMCTS extending the programme's end date by three years to December 2023. We stressed that HMCTS would need to manage the tension in delivering reformed services quickly without risking damage to existing and future services.

**4** HMCTS's courts and tribunals reform programme is now in its final phase. The COVID-19 pandemic has increased the programme's importance as the reforms are central to the MoJ's commitment to reduce court backlogs and improve the overall resilience of the justice system. A significant part of the programme's success depends on how effectively HMCTS implements its new digital case management system for criminal courts, common platform. HMCTS expects the system to deliver a quarter of the programme's estimated gross lifetime savings.<sup>1</sup> In this report, we examine:

- HMCTS's progress since 2019 (Part One);
- whether HMCTS is rolling out common platform effectively (Part Two); and
- whether the reform programme is on course to achieve its expected benefits (Part Three).

As HMCTS has not yet completed the reform programme, we conclude on risks to the programme achieving value for money.

<sup>1</sup> We refer to the proportion of gross savings as total net savings include certain ongoing costs that are difficult to attribute to individual parts of the programme. Gross savings are likely to underestimate common platform's contribution to the programme benefits slightly as ongoing costs directly attributable to common platform are low compared with the other main workstreams such as property.

## Key findings

### Managing the programme

**5 Since we last reported, HMCTS has continued to roll out reforms within a challenging operational environment.** It has made more services available online and begun introducing new digital systems, including common platform, to criminal courts. It has also now opened all five of its Courts and Tribunals Service Centres, to provide centralised case management and administration support to courts and tribunals. The programme team adapted its plans to respond to the pandemic. For example, it introduced audio and video hearings to courts, quickly enabling virtual court hearings when buildings closed. HMCTS has now completed 55% of its reform projects, although some remain in development, for example, some reforms to civil courts (paragraphs 1.5, 1.6, 1.9 and 1.14, and Figure 3).

**6 The pandemic's effects and HMCTS's underestimation of the programme's complexity delayed projects and increased cost pressures.** HMCTS delayed several projects due to challenging operational conditions and competing priorities created by the pandemic. As we found in previous reviews, HMCTS has also continued to find that the scope and complexity of delivering several aspects of the programme were greater than it estimated despite building in contingency to the business case. In its 2021 business case, HMCTS stated that both issues created a risk to the programme's ability to deliver reform for the approved cost (paragraphs 1.8, 1.10 and 1.13, and Figure 4).

**7 Despite increasing the programme's budget by around 10% in 2021 to reduce delivery risk, HMCTS does not expect to be able to deliver the programme to its current timetable and full scope.** HMCTS aimed to reduce delivery risk and avoid further scope reductions by increasing the budget from £1.2 billion to £1.3 billion in 2021. It attributed around two-thirds of the total increase to cost underestimates in previous business cases, and 3% to the pandemic. Although it delayed many projects, HMCTS did not request another timetable extension, which increased the pressure on programme teams to work quickly. HMCTS told us that this was because it did not foresee the continued impact of the pandemic when it wrote its 2021 business case in mid-2020. It has also meant that courts have had to manage a lot of change alongside trying to reduce court backlogs following the pandemic. However, in late 2022 HMCTS began considering changes to the programme following increased delivery risk. In particular, it was concerned about the remaining timeline for the delivery of common platform in Crown Courts. HMCTS has requested some of the programme's underspend to complete the programme. While HMCTS had spent £1.1 billion of its £1.3 billion budget as at December 2022, only £120 million of its funding remained due to underspend in previous years that it could not automatically rollover. As at the end of January 2023, HMCTS was still considering proposed changes to the programme with ministers and the senior judiciary (paragraphs 1.8, 1.10, 1.11, 1.13 and 1.14, and Figure 5).



**8 The expected savings from the programme have decreased since we last reported.** The programme's expected lifetime savings are now £2 billion, £310 million (13%) less than in 2019. Expected annual savings are now £17 million (7%) lower at £220 million and forecast to start a year later, in 2025-26. The decrease is due to HMCTS's revised (lower) savings assumptions in certain programme areas, a change to the design of common platform and higher than anticipated ongoing costs. The scale and timing of savings will be further impacted if its proposals are approved (paragraph 1.15).

### Developing and implementing common platform

**9 HMCTS's and the Crown Prosecution Service's (CPS's) design of common platform as a single system proved more complex than first anticipated, leading to early project delays and financial losses.** Through the common platform project, HMCTS and CPS aimed to reduce inefficiencies across the criminal justice system by digitalising all stages from around the point of deciding whether to charge a suspect to the conclusion of a court case. To do so they planned to replace both organisations' existing systems with a single shared system. They did this despite previously recognising that this was the highest-risk option and without fully appraising all other options at the outset. The project team faced difficulties managing the project's technical requirements, causing significant delays. In 2021 the project board approved a change to a new court system for HMCTS only, which would share information with CPS's existing system via interfaces. HMCTS concluded that the design change would not change the intended outcomes for users, but it estimated that annual savings would reduce by £9 million per year (around 8%). In total, HMCTS had to write off £22.5 million of the money it spent developing the CPS functionality (paragraphs 2.3, 2.4, and 2.6 to 2.8, and Figure 6).

**10 HMCTS's rollout of common platform has been significantly delayed due to technical problems including issues that have affected some justice outcomes and burdened courts.** HMCTS used an agile approach to develop common platform, which allowed iterative design changes. But HMCTS had to pause the rollout for long periods following performance issues such as lagging and slow system responses that interfered with the live-running of courts. In September 2022 HMCTS found that the system had failed to notify partner agencies of required actions in approximately 3,000 cases, impacting justice outcomes in a small number of instances. For example, 35 people were not fitted with electronic monitoring tags when they should have been (paragraphs 2.5 and 2.10, and Figure 7).

**11 HMCTS did not get sufficient assurance that common platform was ready to be introduced to courts.** Its own testing strategy review found that it was not sufficiently focused on understanding and mitigating risks. Although agile projects must check that they meet user needs, HMCTS did not clearly articulate the standards the system would need to meet before the rollout continued. HMCTS had only partly evaluated one early adopter site before deciding to roll the system out nationally (paragraphs 2.13 to 2.16).

**12 HMCTS recognises that it must better understand and respond to user**

**concerns.** Common platform users, including court staff and judges, told us that although the system had improved since its introduction, it has created inefficiencies in courts, caused stress for court staff and undermined trust in the quality of court records. HMCTS has several avenues for user feedback and evaluated some of its early adopter sites. It has responded to some concerns, for example by adding additional functionality and providing live online support for court staff as they learn to use the system. But it has not been clear about how it tracks and responds to feedback, nor when users may expect system improvements. Staff have also raised concerns about the live support that HMCTS provides. In October 2022 HMCTS launched a new formal feedback mechanism to allow it to better respond individually to user feedback (paragraphs 2.18, 2.20 and 2.21, and Figure 8).

Completing the reform programme and delivering benefits

**13 HMCTS has a limited understanding of whether reformed services are delivering the intended efficiencies, despite developing a new unit cost approach.**

HMCTS recorded £311 million in net savings between 2014-15 and 2021-22. We previously found that HMCTS had reduced project budgets in line with expected savings, but had not validated whether reformed services were delivering the expected efficiencies. HMCTS has since developed a unit cost approach to understand this better. Unit costs reflect the costs required to resolve a case within a particular service. However, isolating the impact of reform in a complex organisation is challenging. HMCTS is not able to isolate the impact of reform versus other factors in its benefits tracking, and therefore it recognises that its efficiency savings claimed to date may be inaccurate. HMCTS's analysis covering April to June 2022 found that unit costs were 19% to 146% higher than expected across its fully or partly reformed services. Unit costs for many services are also higher than pre-reform baselines. It has done some work to understand the reasons for increased costs but lacks routine data on how efficiently reformed services are working, such as the time reformed processes take. This limits HMCTS's ability to identify solutions that could reduce costs (paragraphs 3.2 to 3.5 and Figures 10 and 11).

**14 HMCTS is improving its understanding of the impact of its reforms on users.**

HMCTS and the MoJ have worked with stakeholders to define the intended service outcomes for users and developed plans to measure them. HMCTS has also started collecting data on certain protected characteristics within several of its online services, so it can explore how different user groups are affected. Each service must now undergo an access to justice assessment, which analyses how access to the hearings, decisions and sentences vary by user groups and case type. To date HMCTS has completed four assessments, which 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. It has not yet amended services to address these findings but is undertaking further analysis to identify underlying causes (paragraphs 3.9 and 3.10).

**15 It is not clear whether HMCTS can achieve its expected benefits with its remaining funding.** HMCTS did not clearly specify the detailed scope and functionality of individual projects at the outset and it is not clear that it has a comprehensive view of the outstanding work needed to complete the programme. It is therefore unclear whether HMCTS can deliver outstanding functions and services with the remaining funding. Some services are not yet working as expected and HMCTS still has much work to do. For example, HMCTS found that significant proportions of its online divorce and probate cases required manual staff interventions although it classes the projects as complete. HMCTS expects common platform to generate a quarter of the reform programme's gross lifetime savings but this project still has several significant gaps in its functionality. Several courts told us that they are listing fewer cases as it is taking them longer to process cases on the system. Unit cost reporting by HMCTS also suggested that listing fewer cases could be contributing to higher unit costs than expected in courts, as staff familiarise themselves with new processes. HMCTS has yet to develop an overarching benefits realisation plan and acknowledges that achieving the intended benefits of reform relies on changing the behaviour of many staff and service users. HMCTS has always planned to make continued improvements to services after the reform programme closed. But it is not clear whether additional funding will be needed for outstanding work, which would add to the total cost of reform (paragraphs 3.8 and 3.12 to 3.14).

## **Conclusion**

**16** HMCTS is nearing the end of its reform programme. We recognise the determination and focus with which HMCTS has continued to roll out changes to services within an increasingly difficult operational environment. However, following repeated delays, HMCTS's priority has been on delivering its reforms at pace rather than embedding sustainable change. Some services it has delivered are not working as efficiently as expected at this point and while it has improved its plans to evaluate the impact of reforms on users, its understanding in this area remains limited. HMCTS must now focus on achieving the anticipated benefits of the reforms. It must get a better grasp of the outstanding improvements it needs to make across the programme and prioritise its remaining funding on those which maximise both the financial and wider benefits. Failure to do this effectively will pose a risk to the value for money of the programme.

**17** Of most concern is the case management system for criminal courts, common platform. HMCTS's design of the system was beset with problems and its implementation is having a detrimental impact on courts. While the system has undoubtedly improved since its initial rollout, remaining technical issues are creating inefficiencies and introducing risk to courts and the wider system. HMCTS must ensure that it works with users to address these issues.

## Recommendations

- 18** HMCTS is nearing the end of its reform programme. To ensure it realises the benefits of reform, HMCTS should:
- a** **get a better understanding of how efficiently reformed services are working so it can identify where improvements are needed.** HMCTS should consider how to get more routine and timely data on how efficiently reformed services are working, including where variation exists;
  - b** **develop an overarching benefits realisation plan.** It should set out:
    - the main improvements required to each service to ensure they deliver the intended scope and how it plans to prioritise changes to maximise benefits;
    - how and when it can safely make changes that will deliver benefits; and
    - how it plans to engage partners to ensure the required behaviour change is achieved;
  - c** **publish findings from its impact on access to justice assessments for each service as they are completed** and explain how it will address any issues it identifies;
  - d** **prioritise and take forward common platform improvements that will make it easier to use, and communicate these plans to users.** It should set out a prioritised list of upcoming upgrades to the system with expected completion dates, focusing on those that will relieve workload pressures or support users in assuring data quality;
  - e** **ensure that common platform users have sufficient support as it continues the rollout.** It should assess whether its current remote support model is sufficient as the number of courts on common platform increases and avoid withdrawing support from courts until it is sure that doing so will not be detrimental to court processes; and
  - f** **identify lessons learned from the reform programme** as it comes to an end and feed those lessons into both reform and wider HMCTS and MoJ programmes. This should include a detailed section on lessons learned from the design and rollout of common platform.

# Part One

## The evolution of the courts and tribunals reform programme

**1.1** This part of the report sets out:

- the courts and tribunals reform programme's (the programme's) aims and history; and
- HM Courts & Tribunals Service's (HMCTS's) progress in delivering the programme.

### **The reform programme's aims**

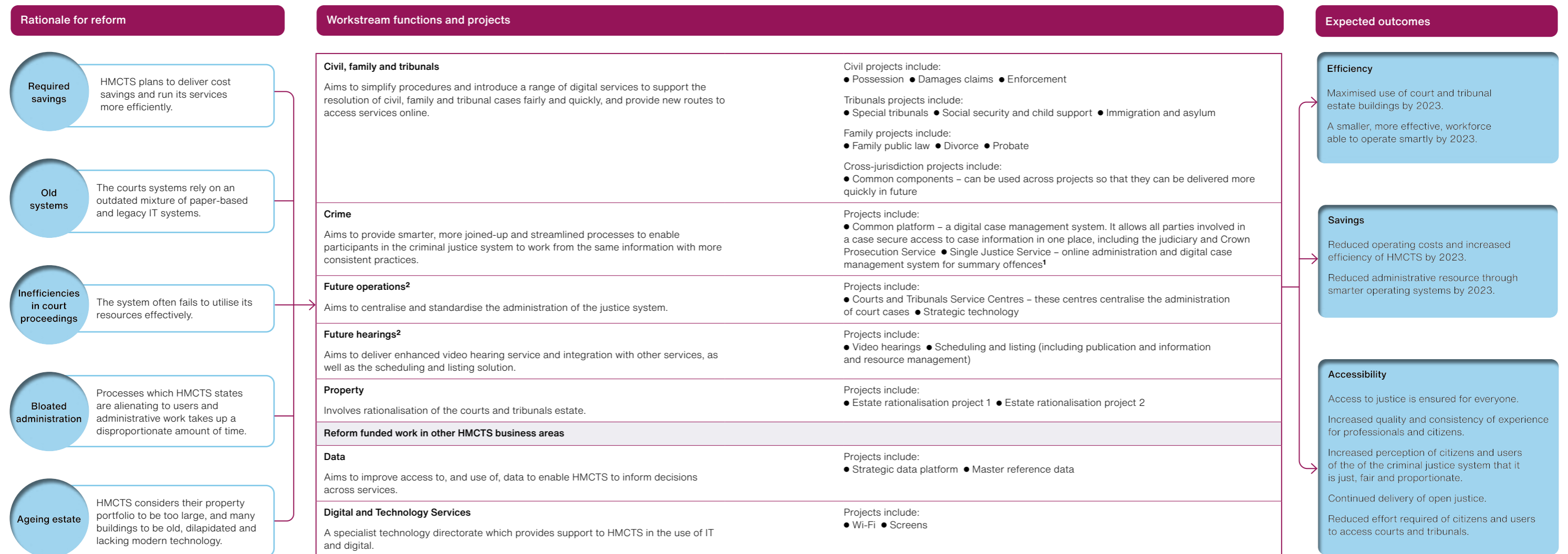
**1.2** In 2016 HMCTS set up an ambitious portfolio of change programmes (later amalgamated into one reform programme) to introduce new technology and working practices to modernise the justice system. It also aimed to reduce and modernise its court and tribunal estate. It planned to introduce cross-jurisdictional hearing centres and Courts and Tribunals Service Centres (CTSCs) to handle case management and administration to support local courts and tribunals. The reform programme comprises 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 and CTSCs (future hearings and future operations). Each workstream covers several projects (**Figure 1** on pages 12 and 13). Appendix Two provides details on projects included in each workstream.

**1.3** HMCTS plans to create a smaller and more skilled workforce by 2023 and to reduce the number of cases held in physical courtrooms. By 2025-26, it plans to reduce annual spending by £220 million per year, making savings from lower administrative and judicial costs, fewer physical hearings and running a smaller estate. HMCTS expects the reformed system to work better, be more accessible to users and to use court time more proportionately.

**Figure 1**  
The structure and goals of the HM Courts & Tribunals Service's (HMCTS's) reform programme

The reform programme is designed to address aging case-management systems and improve the efficiency of its services. It covers crime, civil, family and tribunals and several cross-cutting areas

The aim of the reform programme is to improve access to justice, create a more modern system for court users and increase workforce effectiveness and service efficiency. HMCTS has a budget of £1.3 billion to invest across 44 core reform projects.



**Notes**

- Summary offences include most motoring offences, minor criminal damage and common assault (not causing significant injury).
- HMCTS has brought together the Court and Tribunal Service Centres programme and the courts and tribunals regional tier programme into a single programme (future operations). The reform areas previously covered by the infrastructure and operations programme have been split between the future operations and the new future hearings programmes.

Source: National Audit Office analysis of HM Courts & Tribunals Service documents

## Reform programme history

**1.4** Our previous reports explained that by 2019, HMCTS had extended its reform programme timetable twice, and amended its scope several times, leading to a reduction in expected benefits.<sup>2 3</sup> It made these changes largely to decrease delivery risk. After these early resets, it planned to complete the programme by December 2023, more than three years later than originally planned. Our 2019 report stressed that HMCTS would need to manage the tension between delivering reforms quickly without risking damage to existing and future services. **Figure 2** on pages 16 and 17 describes key events of HMCTS's reform programme from our previous coverage.

## Developments since our last report

### Changing operational context

**1.5** Since we last reported, the COVID-19 pandemic has altered the environment in which HMCTS is implementing its reforms. HMCTS has had to balance its reform programme with its response to the pandemic. Our 2021 report *Reducing the backlog in criminal courts* highlighted that HMCTS responded quickly in the early stages of the pandemic, prioritising staff and court user safety and access to justice for urgent cases.<sup>4</sup> The pandemic has also increased the programme's importance as reforms are central to the Ministry of Justice's (MoJ's) commitment to reduce court backlogs and improve the resilience of the justice system.

**1.6** HMCTS accelerated and adapted some courts and tribunals reform projects as part of its efforts to mitigate the impact of COVID-19. For example, HMCTS:

- accelerated plans to roll out audio and video hearings, quickly establishing a taskforce to provide an interim 'Cloud Video Platform' across courts and tribunals so that cases could be heard virtually;<sup>5</sup>
- expanded several civil, family and tribunal (CFT) online services sooner than planned, to maximise the potential to resolve cases online; and
- paused further rationalisation of its courts and tribunals estate. It decided doing so was the most cost-effective approach to retaining the capacity it needed to address court backlogs following the pandemic, compared with securing alternative capacity.

2 In 2017 HM Courts & Tribunals Service reduced the scope of common platform to prioritise 'essential scope' and in 2019 it descope its transforming and compliance programme and court of protection project. HMCTS has also added additional scope to reform projects. For example, in 2019 it expanded the scope of its scheduling and listing project.

3 See Comptroller and Auditor General, *Transforming courts and tribunals: a progress update*, Session 2017-2019, HC 2638, National Audit Office, September 2019. Available at: [www.nao.org.uk/wp-content/uploads/2019/09/Transforming-Courts-and-Tribunals.pdf](http://www.nao.org.uk/wp-content/uploads/2019/09/Transforming-Courts-and-Tribunals.pdf)

4 See Comptroller and Auditor General, *Reducing the backlog in criminal courts*, Session 2021-22, HC 732, National Audit Office, October 2021. Available at: [www.nao.org.uk/wp-content/uploads/2021/10/Reducing-the-backlog-in-criminal-courts.pdf](http://www.nao.org.uk/wp-content/uploads/2021/10/Reducing-the-backlog-in-criminal-courts.pdf)

5 HM Courts & Tribunals Service did not consider this to be a long-term solution.

**1.7** In other areas, the pandemic created challenging operational conditions which contributed to delays in reform projects (see paragraph 1.10). Issues included high levels of staff illness, supplier issues, constraints due to remote working and the temporary closure of most court and tribunal buildings. Staff at all levels were also less able to focus on the reform programme as they had additional COVID-19 recovery responsibilities.

### Subsequent revisions to reform plans

**1.8** HMCTS's revised business case was approved in spring 2021. This new business case did not extend the overall reform timetable, but delayed the timings of many individual projects due to various factors, including the COVID-19 pandemic. HMCTS told us that when it was revising its business case, during 2020, the continued impact of the pandemic had not been foreseen by the government. Changes included:

- **delaying the national rollout of its new digital case management system for criminal courts, common platform** (see Part Two);
- **delaying the completion of several CFT services**, including civil enforcement and possession projects.<sup>6</sup> Although the pandemic caused delays to some CFT projects, others were delayed due to problems caused by HMCTS's limited early understanding of the scope and complexity of projects; and
- **some reductions in programme scope**. HMCTS paused further planned estate reductions and reduced the number of CTSCs it planned to deliver from eight to five, given a reduced need for physical building space as staff worked remotely.

### Current position

**1.9** At November 2022, HMCTS's management information showed that it had:

- fully or partly rolled out 29 out of 44 projects, including 10 out of 17 services accessed by external users. It has transitioned 24 of the 44 projects (55%) into business as usual, including divorce and financial remedy, probate and family public law (**Figure 3** on pages 18 to 20);<sup>7</sup>
- opened five CTSCs across England and Wales (three more than when we last reported). The CTSCs centralise administration and provide public information, allowing courts and tribunals to focus on hearings; and
- rolled out common platform to 172 criminal courts (76%) (see Part Two for further information).

Some projects remained in early development in November 2022. For example, HMCTS was still planning and designing some civil court projects.

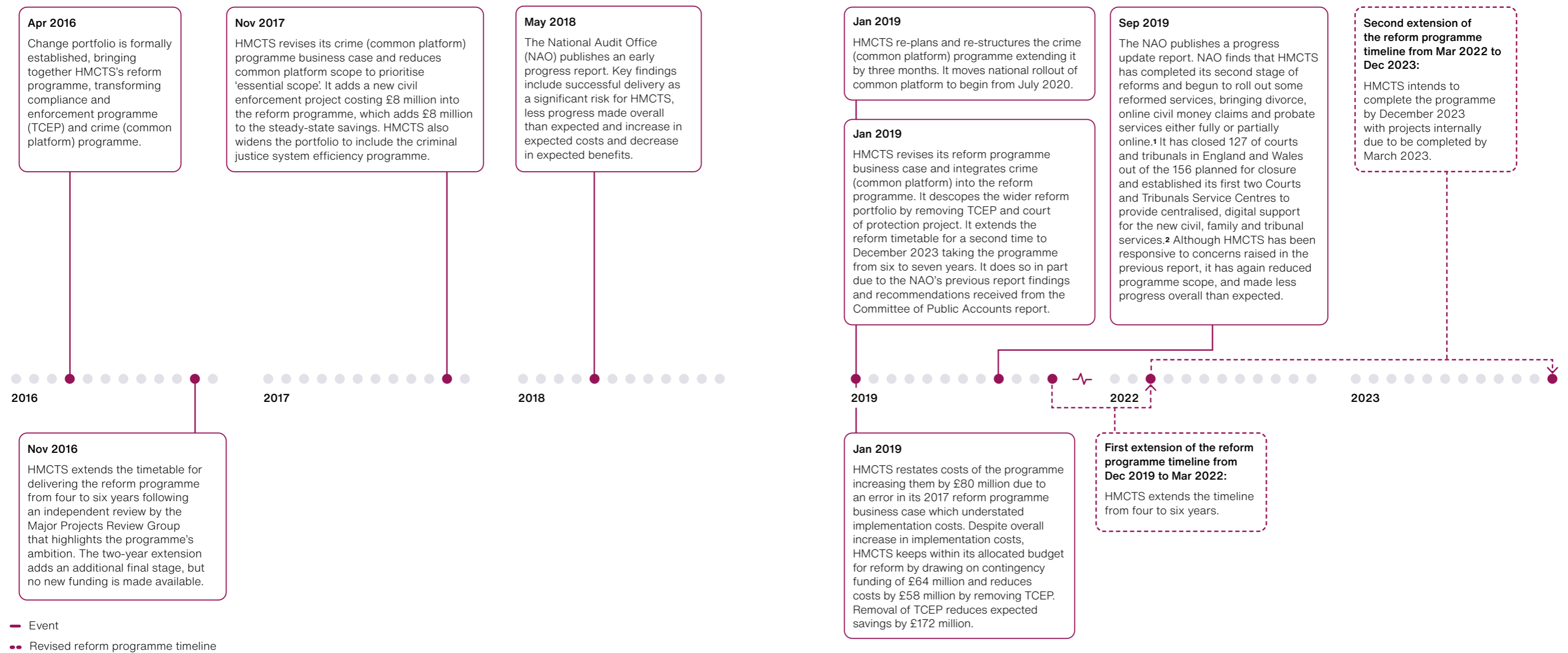
<sup>6</sup> Civil enforcement and possession are projects in the civil, family and tribunals workstream of the reform programme.

<sup>7</sup> This includes services at the national rollout and business as usual stages per HMCTS's seven-step framework.



**Figure 2**  
Events leading to the development of HM Courts & Tribunals Service's (HMCTS's) reform programme and our previous coverage since 2016

Since establishing the reform programme, HMCTS has made significant changes to the scope and timeline of the reform programme which has reduced expected savings



**Notes**  
1 The online civil money claims service enables users to access the civil court to pursue debts owed by individuals and businesses in England and Wales.  
2 HMCTS has brought together the Courts and Tribunals Service Centres programme and the courts and tribunals regional tier programme into a single programme (future operations). The reform areas previously covered by the infrastructure and operations programme have been split between the future operations and the new future hearings programmes.

**Figure 3**

Summary of progress of HM Courts & Tribunals Service's (HMCTS's) reform programme areas as at November 2022

At November 2022, HMCTS's management information showed a number of projects were still in development phases despite planned completion in 2023

Workstream	Progress of project						Expected completion date
	Planning	Design	Development	Pilots	National rollout	Business as usual	
Future operations						Courts and Tribunals Service Centres – site delivery <sup>1</sup>	
						Courts and Tribunals Service Centres – satellite pilot	
						Courts and Tribunals Service Centres – operating model	
						Strategic technology	
						Tactical technology	
						Organisational design	
						Extended operating hours pilot	
Future hearings				Scheduling and listing <sup>2</sup>			March 2023
				Video hearings			January 2023
						Flexible operating hours	
						Hearing management interface	
Civil, family and tribunals				Adoption			November 2022
				Family private law			December 2022
					Social security and child support		November 2022
					Immigration and asylum		November 2022

**Figure 3** *continued*

Summary of progress of HM Courts & Tribunals Service's (HMCTS's) reform programme areas as at November 2022

Workstream	Progress of project						Expected completion date
	Planning	Design	Development	Pilots	National rollout	Business as usual	
Civil, family and tribunals <i>continued</i>						Divorce	
						Financial remedy	
						Probate	
						Family public law	
			Special tribunals				December 2022
				Employment tribunals			November 2022
						Royal Courts of Justice and Upper Tribunals	
		Possession					Paused
		Enforcement					March 2023
				Damages claims			March 2023
					Online civil money claims		March 2023
				Model office/ model court			March 2023
				Common components <sup>3</sup>			September 2022
					Bulk scanning and printing		
Crime					Common platform		March 2023
					Single Justice Service		February 2023
Property			London tribunals headquarters venue				September 2023
						Birmingham estate rationalisation project	

**Figure 3** *continued*

Summary of progress of HM Courts &amp; Tribunals Service's (HMCTS's) reform programme areas as at November 2022

Workstream	Progress of project						Expected completion date
	Planning	Design	Development	Pilots	National rollout	Business as usual	
Property <i>continued</i>						Hammersmith and Camberwell Green	
						Estate rationalisation project 1	
						Estate rationalisation project 2	
						Newcastle combined court	
<b>Reform funded work in other HMCTS business areas</b>							
Digital and Technology Services						Wi-Fi	
						Screens	
						Video hearings hardware	
Data		Master reference data					March 2023
			Reform management information				March 2023
				Strategic data platform			March 2023
Operations						Approved Enforcement Agencies	

**Notes**

- 1 We have not listed the Courts and Tribunals Service Centre sites individually.
- 2 We have collapsed supporting projects publication and information and resource management under the scheduling and listing project.
- 3 We have combined the 'common components' into one representative project within the civil, family and tribunals workstream. This contains 12 sub-projects of varying size and completion.
- 4 We include the projects within the reform programme but not supporting workstreams.
- 5 Projects without an expected completion date listed have been completed and transitioned to business as usual.

Source: National Audit Office analysis of HM Courts &amp; Tribunals Service's management information

**1.10** HMCTS's 2021 decision to delay many projects without extending the overall timetable increased the pressure on the reform programme. At November 2022, HMCTS planned to complete 17 projects within the six months to March 2023, leaving nine months of contingency before the programme's December 2023 end date (**Figure 4** on pages 22 to 25). The compressed implementation period has meant that courts have had to manage a high level of change while working to reduce the backlog. HMCTS told us that this approach has also affected aspects of operational readiness, such as the amount of training it can provide. HMCTS developed a 'change load heat map' in January 2022 so it could identify courts where the scale of change was likely to be too high and adjust its plans accordingly.

**1.11** In late 2022, HMCTS began considering possible changes to the programme. HMCTS stated that this was prompted by increased delivery risk due to the pandemic's ongoing impact and to limitations in HMCTS's ability to prepare courts and staff for change or to embed that change. It was particularly concerned about the remaining timeline for the implementation of common platform in Crown Courts and was looking at how it could minimise disruption to courts. As at the end of January 2023, HMCTS was still considering proposed changes to the programme with ministers and the senior judiciary.

**1.12** HMCTS has improved how it monitors overall progress in delivering reform. Our 2019 report found that HMCTS reporting focused on the progress of individual projects but it was difficult to understand the overall status of the programme.<sup>8</sup> HMCTS has since simplified its reports, which now provide a better high-level view of progress and include a wider range of indicators such as costs, benefits and the uptake of digital services. However, it remains difficult to understand whether HMCTS has delivered the full intended scope for projects that it classes as complete. This is because HMCTS classes a project as complete when it considers that the service provides sufficient functionality, even if HMCTS has not developed all of the service's intended scope (see paragraphs 3.11 and 3.12). HMCTS does not set out a comprehensive view of outstanding work across all projects in its routine reporting.

<sup>8</sup> Please see footnote three.





## Expected costs and savings

**1.13** HMCTS's 2021 business case proposed an increase of around 10% in the reform programme's expected cost, the first budget increase since the programme began in 2016. Although it explored various options, HMCTS considered a cost increase would allow it to fully meet its strategic reform objectives without increasing the delivery risk. HMCTS expected the programme to cost £1,291 million instead of £1,168 million. This included £51 million of optimism bias for HMCTS to manage portfolio risks and £10 million for programme evaluation. HMCTS assessed the reasons for the budget increase as largely due to immature assumptions in the previous business case about the complexity, functionality or time required to deliver projects (60%). It also listed other factors such as delays due to the COVID-19 pandemic (3%). Costs are partially offset by £46 million of contingency funding and savings of £79 million due to HMCTS's scope reductions. These scope reductions include delivering three fewer CTSCs than originally planned and pausing further property sales (**Figure 5**). HM Treasury (HMT) approved the business case based on a number of conditions, including that HMCTS should not seek any further programme funding.

**1.14** At December 2022, HMCTS had spent £1,101 million of its £1,291 million budget but had only £120 million of funding remaining to complete the programme. This was due to underspend in previous years which it cannot automatically rollover. HMCTS is seeking to secure some of this underspend to complete the programme whether or not potential changes to the programme are approved (see paragraph 1.11). But programme costs may not capture the full cost of reform. For example, Crown Prosecution Service (CPS) will fund its own costs to develop interfaces from its system to common platform. As such, these costs will not show on reform programme expenditure, although the original budget intended to cover the full costs of a shared platform.

**1.15** Overall expected lifetime savings from the reform programme (to 2029-30) have fallen by £310 million (13%) from £2,313 million to £2,003 million. HMCTS predicts annual steady-state savings to reduce by 7% since the previous business case (from £237 million to £220 million) and are now expected a year later, from 2025-26.<sup>9</sup> This is partly due to a reduction in common platform savings due to a design change (paragraphs 2.7 and 2.8). HMCTS also attributes the decrease in savings to reduced gross benefits in judicial savings for the crime workstream and higher-than-anticipated ongoing costs (dis-benefits) in the CFT workstream, for example, on the immigration and asylum project. The scale and timing of savings will be further impacted if HMCTS's potential changes to the programme are approved (see paragraph 1.11).

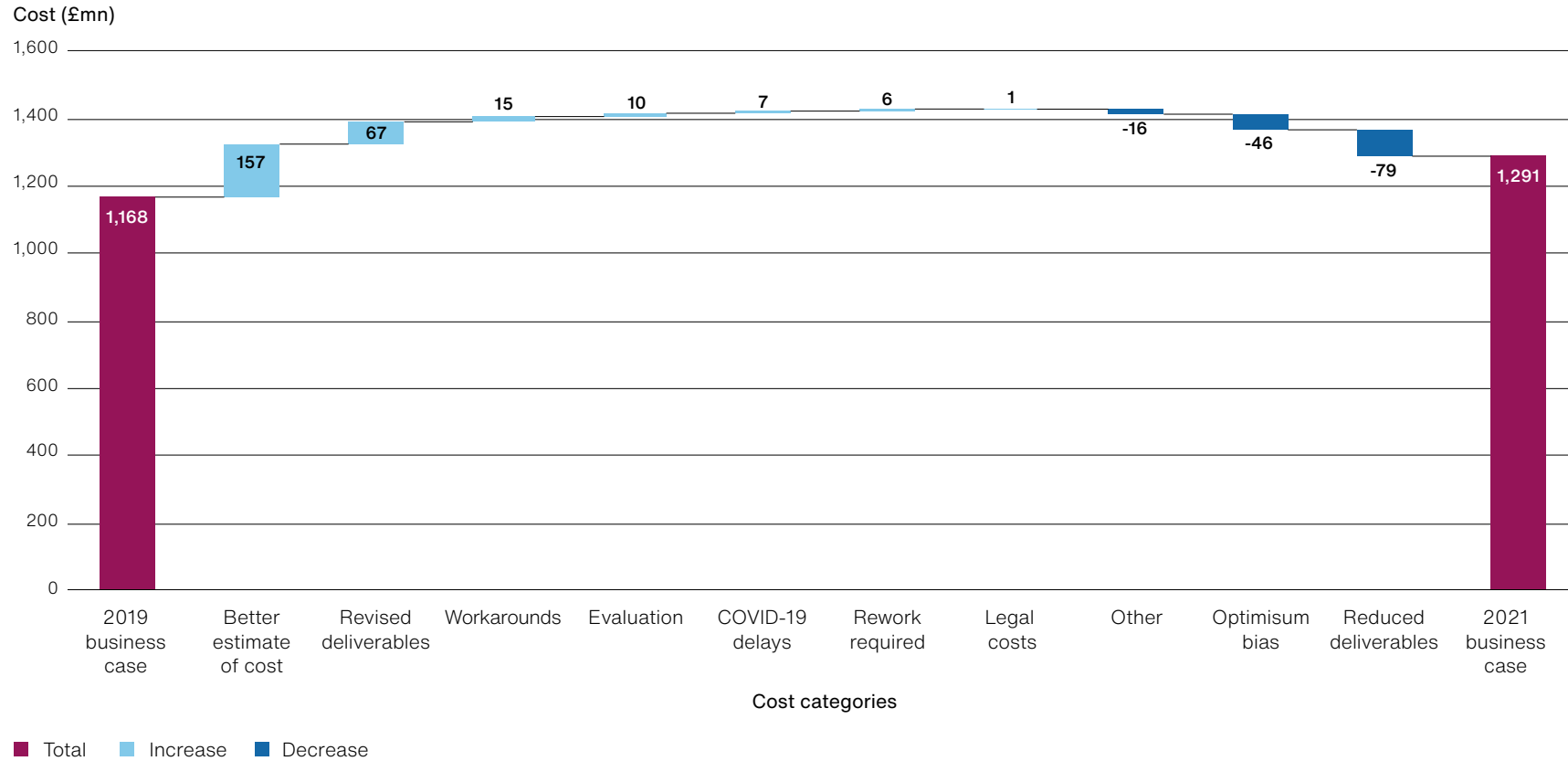
<sup>9</sup> Figures are quoted in nominal prices and have not been discounted.



## Figure 5

Expected costs in HM Courts & Tribunals Service's (HMCTS's) 2021 business case, compared with its previous 2019 business case

Expected programme costs increased by £123 million in its 2021 business case, primarily due to immature assumptions in previous business cases



### Notes

- 1 The impact of delays due to the COVID-19 pandemic presented here are those known about at the time HMCTS revised its 2021 business case. It states that COVID-19 and COVID-19-related backlogs continued to impact the programme beyond this point.
- 2 Numbers do not sum due to rounding.

Source: National Audit Office analysis of HM Courts & Tribunals Service's data

**1.16** The Net Present Value (NPV) of the reform programme has also decreased, by 4%, from £1,261 million to £1,212 million.<sup>10</sup> This was reduced further by £31 million in 2021 again as a result of a common platform design change. The programme delays and increased budget would have created a bigger reduction in the NPV, but HMCTS offset this predicted reduction by estimating a broader set of wider economic benefits for more of its services.<sup>11</sup> HMCTS increased its forecast annual steady-state wider benefits by £85 million since the previous business case (from £22 million to £107 million). Its estimated benefits now include the impact of improved justice processes such as time and cost savings, environmental benefits and benefits to the wider economy. For example, it assumes that UK legal service exports might increase by 0.5% by becoming more attractive to others due to improvements to the justice system.

<sup>10</sup> Figures are quoted in nominal prices and have not been discounted.

<sup>11</sup> In 2018, HMCTS calculated the NPV of the three programmes (reform, crime (common platform) and transforming compliance and enforcement) separately and over different periods. Reform programme NPV of £941 million for the years 2015-16 to 2024-25; crime (common platform) programme NPV of -£116 million for the years 2014-15 to 2023-24; and transforming compliance and enforcement programme NPV of £381 million for the years 2016-17 to 2025-26.

## Part Two

### Common platform

**2.1** This part of the report examines the approaches of HM Courts & Tribunals Service (HMCTS) and the Crown Prosecution Service (CPS) to developing and implementing a new digital case management system, called common platform.

#### **Aims and oversight**

**2.2** The common platform project began in 2012. The project has largely been a joint HMCTS and CPS project, with a senior responsible officer from each organisation. In early 2019, HMCTS integrated common platform into the crime workstream of its wider courts and tribunals reform programme (the programme). Since 2021, HMCTS has held the single senior responsible officer role, with CPS instead assuming a project sponsor role.

**2.3** The common platform project aims to reduce inefficiencies across the criminal justice system, for example, by reducing the duplication of tasks associated with paper-based working. The project focuses on using online systems for cases, from around the point of deciding whether to charge a suspect to the conclusion of a court case. It also has a range of wider aims (**Figure 6** overleaf). HMCTS expects the project to generate around £900 million in benefits, a quarter of the reform programme's expected lifetime gross savings.<sup>12</sup> At December 2022, HMCTS had spent £286 million on the crime workstream (which includes common platform).

<sup>12</sup> We refer to the proportion of gross savings, as total net savings include certain ongoing costs that are difficult to attribute to individual parts of the programme. Gross savings are likely to underestimate common platform's contribution to the programme benefits slightly as ongoing costs directly attributable to common platform are low compared with the other main workstreams such as property.

### Figure 6

Aims and scope of common platform as set out in HM Courts and Tribunals Service's (HMCTS's) 2015 outline business case

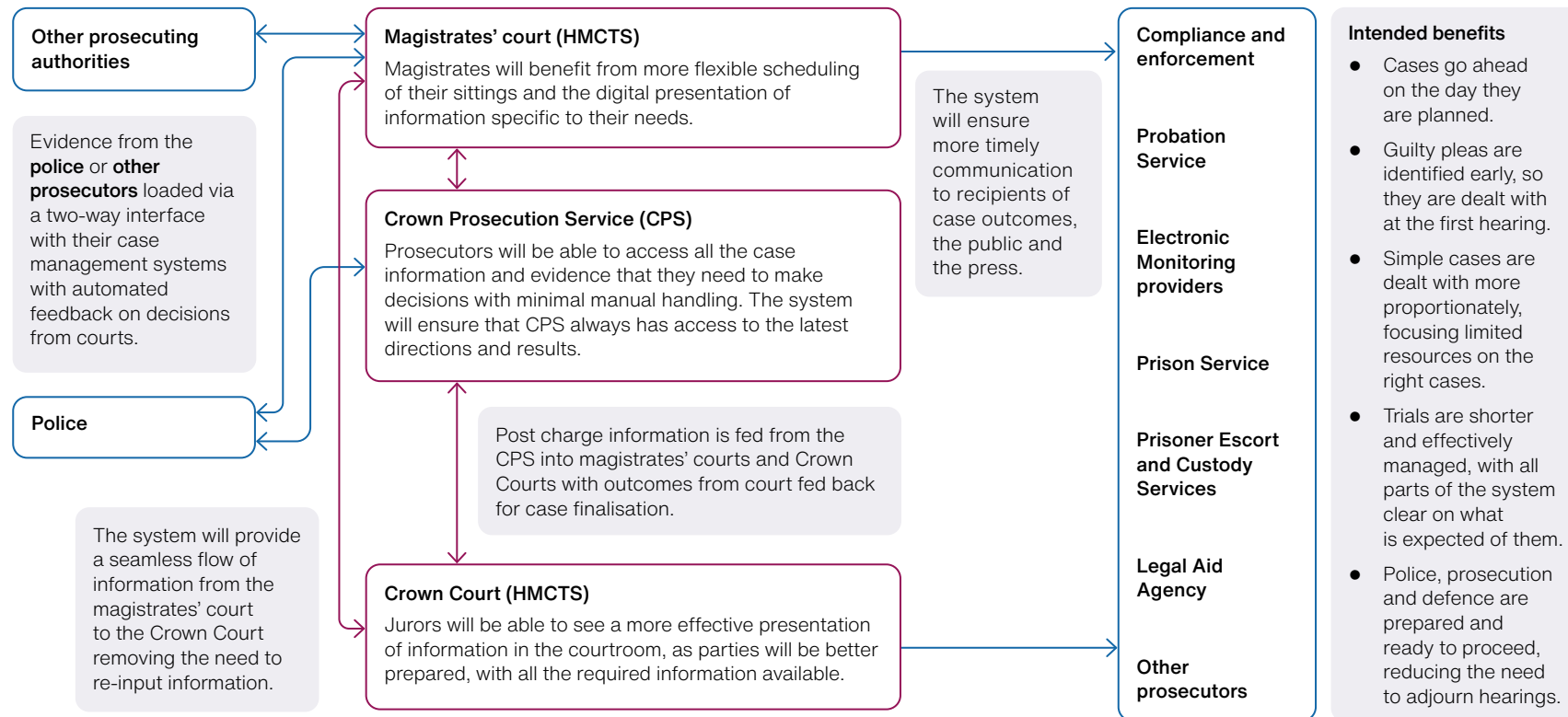
The focus of common platform is on digitalising processes from around the point of deciding whether to charge a suspect to the conclusion of a court case. It also aims to transform the experience of the criminal process for a range of users

**Court staff** will benefit from access to case information they require to list, progress and result cases. Manual handling will be minimised and information will be tailored to the needs of staff at each stage.

**Judiciary** will benefit from earlier access to information pre-court to enable them to prepare cases. In the courtroom they will have access to information that allows them to manage the case more effectively.

**The defence community** will have access to digital case information and be able to publish their own case for viewing. With functionality to support handling and marking-up large case files where appropriate.

**Unrepresented defendants** will be able to access details of the prosecution case, plead online in some cases and monitor the progress of their case.



□ Processes and organisations within scope   □ Key external interfaces   → Direction of flow of information

Source: National Audit Office analysis of the 2015 common platform outline business case

## Design of common platform

**2.4** HMCTS and CPS considered several design options at the project's inception and opted to deliver a single case management system to replace both organisations' existing systems. However, design options they ruled out prior to a full appraisal included developing a new system for criminal courts that would share information with CPS's existing Case Management System (CMS) via an interface. They recognised a single case management system was the most risky option due to the scale of change required, but believed this option would maximise the project's benefits. HMCTS and CPS initially expected the new system to be in place nationally by March 2018.

**2.5** HMCTS used an agile approach to deliver common platform. This allowed it to make incremental changes to the system in response to feedback. The programme team originally chose to develop the functionality required by the CPS before the core functionality required for courts.

**2.6** Issues with the system's early development led to significant delays. HMCTS and CPS found replacing existing legacy systems with a modernised single system and managing agile projects at scale more challenging than they first expected. Initially the project team also lacked a clear understanding of CPS's requirements. Our 2021 report on *The challenges in implementing digital change* highlighted that departments often find it hard to manage the complexities associated with replacing legacy systems. It also stressed the importance of gaining a comprehensive understanding of what is required before beginning a project.<sup>13</sup> The delays led HMCTS to review the scope of the system and change its approach several times:

- In 2017 the project board assessed that a single system with reduced scope was the best option. It extended the timetable by almost three years to December 2020 and removed scope it considered non-essential to delivering an end-to-end criminal case management system (such as some automation).
- In 2018, noting an increasing delivery risk, the project board recommended using an interface to CPS's existing system, but ministers did not approve this option. Instead, in 2019 the board focused on the functionality required for courts, to allow it more time to develop the CPS elements.
- In 2021, the project board concluded that, within the context of the ongoing COVID-19 backlogs, the operational challenges associated with the single integrated system were too risky for both organisations. It decided to build a court system only, and to link to the CPS's existing systems via interfaces.

<sup>13</sup> See Comptroller and Auditor General, *The challenges in implementing digital change*, Session 2021-22, HC 575, National Audit Office, July 2021. Available at: [www.nao.org.uk/wp-content/uploads/2021/07/The-challenges-in-implementing-digital-change.pdf](http://www.nao.org.uk/wp-content/uploads/2021/07/The-challenges-in-implementing-digital-change.pdf)

## Implications of the design change

**2.7** HMCTS expects the revised design to deliver the majority of the expected benefits. It estimates that the project's benefits will reduce by £9 million a year (around 8%) but that it will still provide the intended outcomes for users. This contrasts with its earlier assessment that operating more than one system would significantly reduce benefits as there would be missed opportunities to simplify ways of working and provide common data.

**2.8** Delays in agreeing to alter the design have cost time and money. Time spent on the single system has reduced HMCTS's time to develop its interfaces with CPS, leading to a key programme risk. HMCTS began testing its side of the interface in May 2022 but as at January 2023 has not yet completed this testing. It also spent £22.5 million developing the CPS functionality in the system which was subsequently abandoned as a consequence of the decision to interface directly with CMS and from earlier functionality it developed which could not be used.

## Rolling out common platform to courts

### Rollout progress

**2.9** The 2020 COVID-19 pandemic caused HMCTS to delay its rollout plans. It had planned to roll out common platform to the first tranche of courts (early adopters) in early 2020 but revised its plans following significant pressures on the project team and wider organisation. The first site went live in September 2020. The initial phase focused on providing the basic ability to handle cases in Crown and magistrates' courts. HMCTS's second phase would provide enhanced case management functionality and bring CPS onto the system. HMCTS's 2021 business case planned to complete the rollout by the end of 2021.

**2.10** However, the first phase of the rollout has taken much longer than planned, following performance issues:

- HMCTS had to pause the rollout between August 2021 and March 2022 while it addressed system performance issues including several major incidents which affected the live running and stability of the service (**Figure 7** on pages 34 and 35).
- After rollout restarted, some problems remained. Between March and October 2022, HMCTS recorded 231 critical incidents affecting users nationally.

- In September 2022, HMCTS paused the rollout for two more weeks after finding that the system had failed to send 3,011 (1%) important notifications to partner agencies between June 2021 and August 2022. It found this happened as the system could not cope with the volume of notifications. HMCTS reviewed all 3,011 of these cases and investigated in more depth the 367 of these failures which it considered could have affected justice outcomes. It found that criminal justice processes were disrupted in 23% of these cases. For example, in 35 cases an individual was not fitted with an electronic monitoring tag when they should have been. HMCTS has since completed an extended review, which has recommended that it works with partners to identify a more robust mechanism for exchanging data rather than the current email route.

**2.11** In November 2022, 62% of new cases entered on courts' systems were entered on common platform and the platform was live in 172 courts (76% of criminal courts). This means that 55 criminal courts do not yet have the platform. For courts where common platform has been rolled out, it did not include:

- phase two functionality, including greater case management functionality and interfaces to CPS's systems;
- some new cases which did not use the platform; and
- outstanding criminal court cases, which were entered on legacy systems before common platform was introduced.

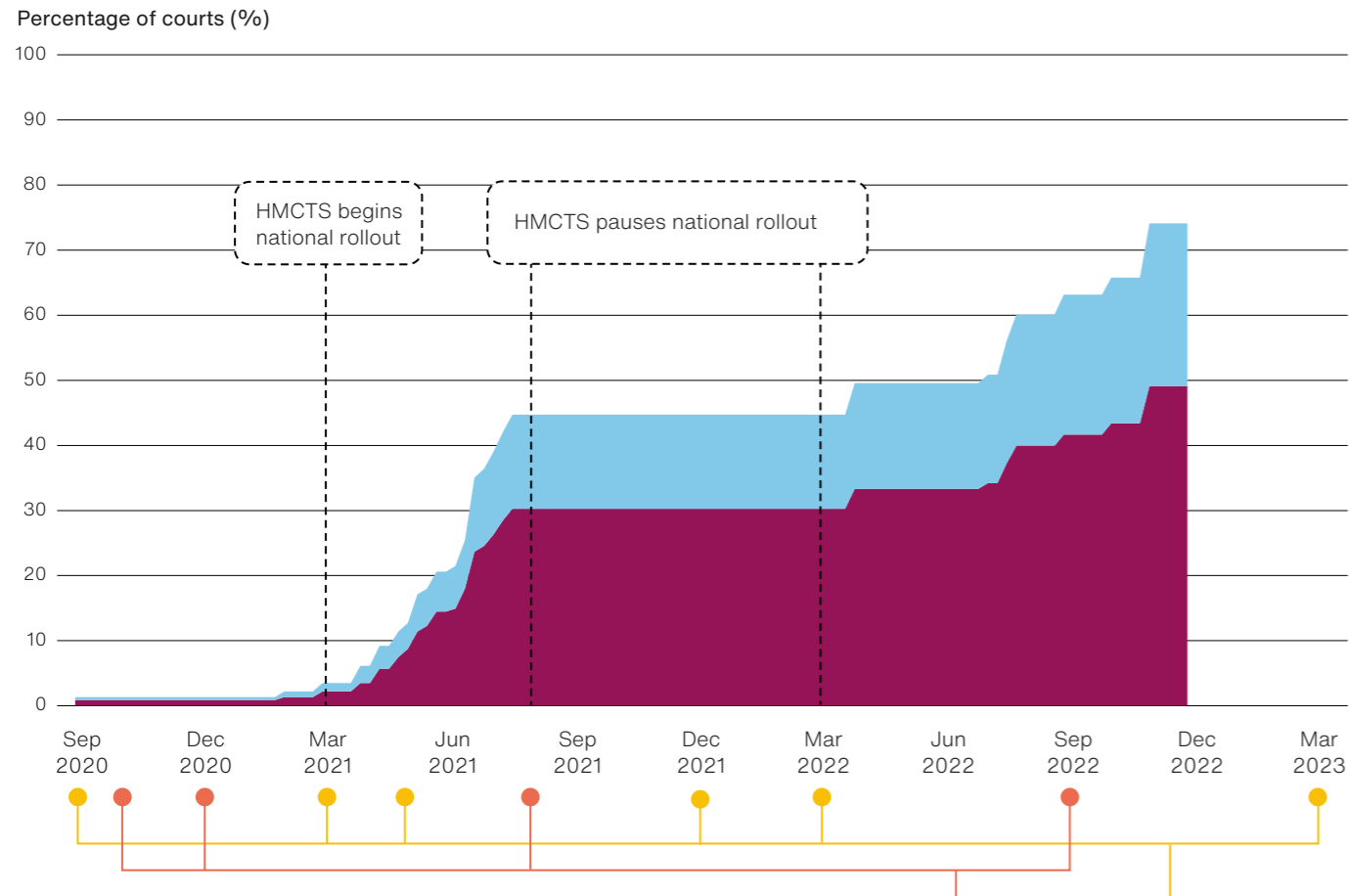
HMCTS is considering how it can adjust its plans for the implementation of common platform in Crown Courts to minimise disruption. As at the end of January 2023, HMCTS was still considering proposed changes to the programme with ministers and the senior judiciary.

### HMCTS's approach to the rollout

**2.12** HMCTS began implementing common platform at a difficult time for both the project team and courts, due to the COVID-19 pandemic. Senior staff were less able to focus on the rollout because of their additional responsibilities in responding to the pandemic. Courts also faced additional pressures because of growing backlogs. The compressed timeline and pressure caused by the pandemic meant that HMCTS could not prepare courts for the rollout as fully as it wished. For example, opportunities for face-to-face training were very limited. The project team aimed to minimise any detrimental impact of the rollout on courts and users, but also faced competing pressures to meet its deadline of December 2021, so that it could start to realise benefits from the platform.

**Figure 7**  
Rollout of common platform to individual courts and key events, September 2020 to March 2023

The rollout has included delays during which HM Courts & Tribunals Service (HMCTS) paused the rollout of common platform to further courts



Rollout of common platform to courts

- Magistrates' Courts
- Crown Courts

Source: National Audit Office analysis of HM Courts & Tribunals Service data and documents

**Timeline of common platform rollout to courts**

**Milestones**

- September 2020**  
Common platform goes live in Derby - HMCTS's first early adopter site.
- December 2021**  
HMCTS's planned end of the rollout per 2021 business case.
- September 2022**  
Common platform go-live of courts planned for September for two regions, Lancashire and South Yorkshire, is paused for a two-week period. This is due to an issue with operationally important notifications failing to reach partner agencies.
- March 2021**  
National rollout of the system begins, initially in the Midlands, two months before the final set of early adopter courts start using common platform.
- March 2022**  
National rollout is resumed. Common platform goes live in Bedfordshire, Cambridgeshire and Hertfordshire.
- May 2021**  
HMCTS completes rollout to all 19 early adopter sites.
- March 2023**  
HMCTS's planned end of the rollout as at November 2022.

**Factor(s) causing delay**

- October 2020**  
HMCTS pauses rollout of common platform after the first early adopter goes live while it investigates and addresses slowness in the system.
- December 2020**  
HMCTS faces delays to moving forward from Derby, its first early adopter site, due to COVID-19. In its interim common platform evaluation of Derby, it also finds several emerging issues affecting court processes in the site.
- August 2021**  
HMCTS pauses national rollout due to the need to address system slowness and resulting functionality issues. This is with just under 50% of courts having gone live.



**2.13** We found that HMCTS:

- did not get sufficient assurance that common platform was robust before it rolled out the system, leading to performance issues;
- set evaluative criteria to meet before rolling the system out nationally, but did not articulate how it would judge whether the criteria were met;
- did not leave sufficient time to learn from early adopter site evaluations; and
- chose an online self-directed approach to training users initially, but had to supplement this with more training and live online support during the rollout.

**2.14** HMCTS conducted an internal review of its testing strategy following early performance issues (paragraph 2.10) and identified areas for improvement. It found that the team's strategy was not sufficiently focused on mitigating and understanding common platform risks, new developments lacked exit criteria that must be met before being released, and stakeholders were focused on getting features onto the platform but lacked awareness of the quality of releases. Delays to the rollout due to system performance issues have disrupted planning and delayed the introduction of functionality that would make the system easier to use.

**2.15** While HMCTS had set criteria to meet before rolling the system out nationally, it did not clearly specify what this meant in practice. Criteria included that service provision should not be adversely affected, and that the system should be working as expected with limited temporary processes (workarounds). However, users have had to deal with many more workarounds and manual processes than HMCTS planned. HMCTS initially stated that there would be just four transitional processes to bridge gaps between common platform and the legacy systems. However, at the end of October 2022, HMCTS had registered more than 200 transitional processes and 250 workarounds, and 50 of these were still active. HMCTS was aware that, in the first phase of rollout, in exceptional circumstances a case may need to be ejected from common platform and re-entered into legacy systems because of common platform's limited functionality at that time. However, in December 2021, HMCTS found a large proportion of cases were being ejected from common platform, with significant variation between courts in the number ejected.

**2.16** HMCTS had only carried out a limited evaluation of one early adopter site, Derby, when it decided to go ahead with national rollout in February 2021. The interim evaluation in Derby in December 2020 concluded that the system was generally working as expected. However, emerging issues included a higher number of manual interventions required due to limited functionality, and concerns that notifications may not always reach criminal justice partners.

**2.17** HMCTS chose an online self-directed training approach at the start of the rollout, in part due to COVID-19 restrictions. HMCTS has since improved training. For example, it developed more bite-sized learning tailored to individual job roles and now provides ongoing guidance via an online live chat for each court. However, users still find it difficult to navigate guidance and keep up to date with changes. HMCTS change teams have therefore had to provide a higher level of online support than expected, which may not be sustainable in the long term.

### **Impact on courts and users**

**2.18** Users we spoke to felt that benefits from common platform were far outweighed by the negative issues it has caused. Users reported some limited benefits, for example, court staff and judges told us it was helpful that they could view cases in both Crown and magistrates' courts. But court staff felt that while the system had improved since its introduction, issues had caused courts to become less efficient, increasing stress levels and raising quality concerns. Issues that users reported included limited system functionality, stability and performance issues, inadequate training and a sense that common platform's design is less intuitive than legacy systems and does not meet business needs (see **Figure 8** overleaf for more detail).

### HMCTS's understanding and response to issues

**2.19** HMCTS's further evaluations of its early adopter sites also identified user issues. For example, evaluations in June and November 2021 found that magistrates' courts' administration tasks had not reduced as expected due to the additional work created from manual processes. Some evaluations raised concerns that legal advisers were less able to focus on a case as they were trying to catch up with recording results from earlier cases. In its assessment of how long it took to record the results of a case, HMCTS could not draw any conclusive findings due to the scale of system performance issues.

## Figure 8

### Key themes raised in our case studies

During our four case studies across England and Wales, we spoke to a range of users including HM Courts & Tribunals Service (HMCTS) staff, judges, solicitors and partner agencies such as the Legal Aid Agency.<sup>1</sup> Stakeholders highlighted common issues with common platform functionality, stability, system design and training provision

Issue	Description/examples of issues reported to us
<p><b>Limited functionality and workarounds</b></p> <p>Many processes require temporary workarounds as common platform does not yet have full functionality</p> <p>Functionality does not meet user requirements</p>	<p>Court staff reported it was time-consuming to keep up with lots of temporary processes, which made it more difficult to learn how to use the system.</p> <p>Some cases are ejected from the system due to limited functionality and have to be manually re-entered onto legacy systems by court staff, for example cases where a new offence is committed during a live suspended sentence order.<sup>2</sup> For cases with multiple defendants, the details of all defendants and all past hearings have to be re-entered.</p> <p>The National Police Chiefs Council felt that system functionality does not meet their requirements due to HMCTS's lack of understanding of their needs.</p>
<p><b>Poor performance and stability</b></p> <p>Pages can be slow to load or time out</p> <p>Technical errors can require users to leave a certain part of the system</p>	<p>Although stability has improved, users felt that the system can still be unreliable, leading to delayed court processes when the system is slow or not responding. Users told us that page timeouts can affect high-risk processes such as live resulting in courts and information recorded in real-time may be lost. This can be stressful and increase risk of error.</p>
<p><b>System design has made user roles more difficult</b></p> <p>Aspects of common platform are less intuitive to use than legacy systems</p> <p>Court clerks and legal advisers are expected to result a whole case live in court</p> <p>There are fewer quality assurance processes in place on common platform</p>	<p>Users in courts and partner agencies told us that the system is not visually intuitive, and lacks drop-down menus. Other aspects are also more complex. For example, users told us that magistrates and prosecutor names are not automatically uploaded into common platform and must be inputted manually. Some defence solicitors also told us that accessing and locating their cases on the system can be impractical.</p> <p>Court staff find it stressful to record results of complex cases live in court. They have to self-check high-risk orders, such as bail orders, in a time-limited court environment, while also managing other activities. Staff at several courts explained that they were listing fewer cases to allow for the extra time needed to deal with common platform cases.</p> <p>The Legal Aid Agency told us that it does not have direct access to the system so relies on interfaces which can have linkage issues, but it is working with HMCTS to resolve these issues.</p>
<p><b>Inadequate training and guidance material</b></p> <p>Training materials are complex and difficult to navigate and training is too reliant on self-directed learning</p> <p>There is a lack of a nationally consistent approach and timeliness to training</p>	<p>Court staff and partner agencies such as the Magistrates Association told us that the materials initially provided were complex and that they struggled to interact with them without dedicated learning time. HMCTS has since improved training but courts still rely heavily on locally developed guidance.</p> <p>Court staff reported that the online support now provided over group chats can be difficult to follow and responses to queries are often delayed, which can impact their ability to complete the case during a hearing.</p> <p>Staff received their training based on the initial rollout schedule, which meant that some were told to complete their training several months before using the system. Users found it difficult to take in the information as they could not apply their learning to their work.</p>

#### Notes

- 1 Details of our case studies are included in Appendix one.
- 2 A suspended sentence order is an order providing that a sentence of imprisonment or detention in a young offender institution in respect of an offence is not to take effect unless the offender commits another offence during the operational period or does not comply with the community requirements.

Source: National Audit Office analysis of case study, focus group and third party interviews

**2.20** HMCTS has responded to many concerns raised through evaluations and other user feedback by adding further functionality and providing live online support for court staff as they learn to use the system. However, it has not always investigated all issues thoroughly. HMCTS's feedback logs capture incidents from all users including partner agencies. HMCTS told us that it requires specific examples of issues before it can investigate. However, given the fast-paced nature of their work court staff told us that they have limited time to provide additional information on issues and technical incidents.

**2.21** Users such as court clerks and legal advisers told us that they cannot see how HMCTS has responded to issues because there is no formal feedback mechanism. They expressed frustration with the lack of transparency and communication on how their issues are addressed. HMCTS recognises it needs to do more to respond to user concerns. In October 2022, it launched a new feedback mechanism for users to submit feedback and ongoing concerns. Alongside this it is continuing to develop its communication channels and monthly feedback webinars to ensure better transparency in its responses.

## Part Three

### Completing the reform programme and delivering the benefits

**3.1** This part of the report covers the key risks HM Courts & Tribunals Service (HMCTS) needs to manage as the courts and tribunals reform programme (the programme) ends to deliver the intended benefits.

#### **Progress towards achieving the benefits of reform**

##### Financial savings

**3.2** The 2021 business case was approved partly on the basis of HMCTS achieving significant financial savings. HMCTS currently uses financial models to estimate the expected savings in four categories – property, judicial, administrative and wider savings (**Figure 9**). HMCTS’s funding is reduced each year in line with the benefits predicted in its final business case, which creates a funding pressure on its budgets. If benefits are not achieved it would be left with a funding gap when the programme becomes business as usual in 2025-26.

**3.3** HMCTS reported net running cost savings of £311 million between 2014-15 and 2021-22. This includes £316 million in judicial and administrative efficiencies, £180 million in property savings, £86 million in savings from other areas, less £272 million of disbenefits which are mostly the costs of running the new digital systems (**Figure 10** on page 42).<sup>14</sup> In addition to these savings, between 2016-17 and 2022-23 HMCTS raised £223 million in one-off savings from 118 property sales.

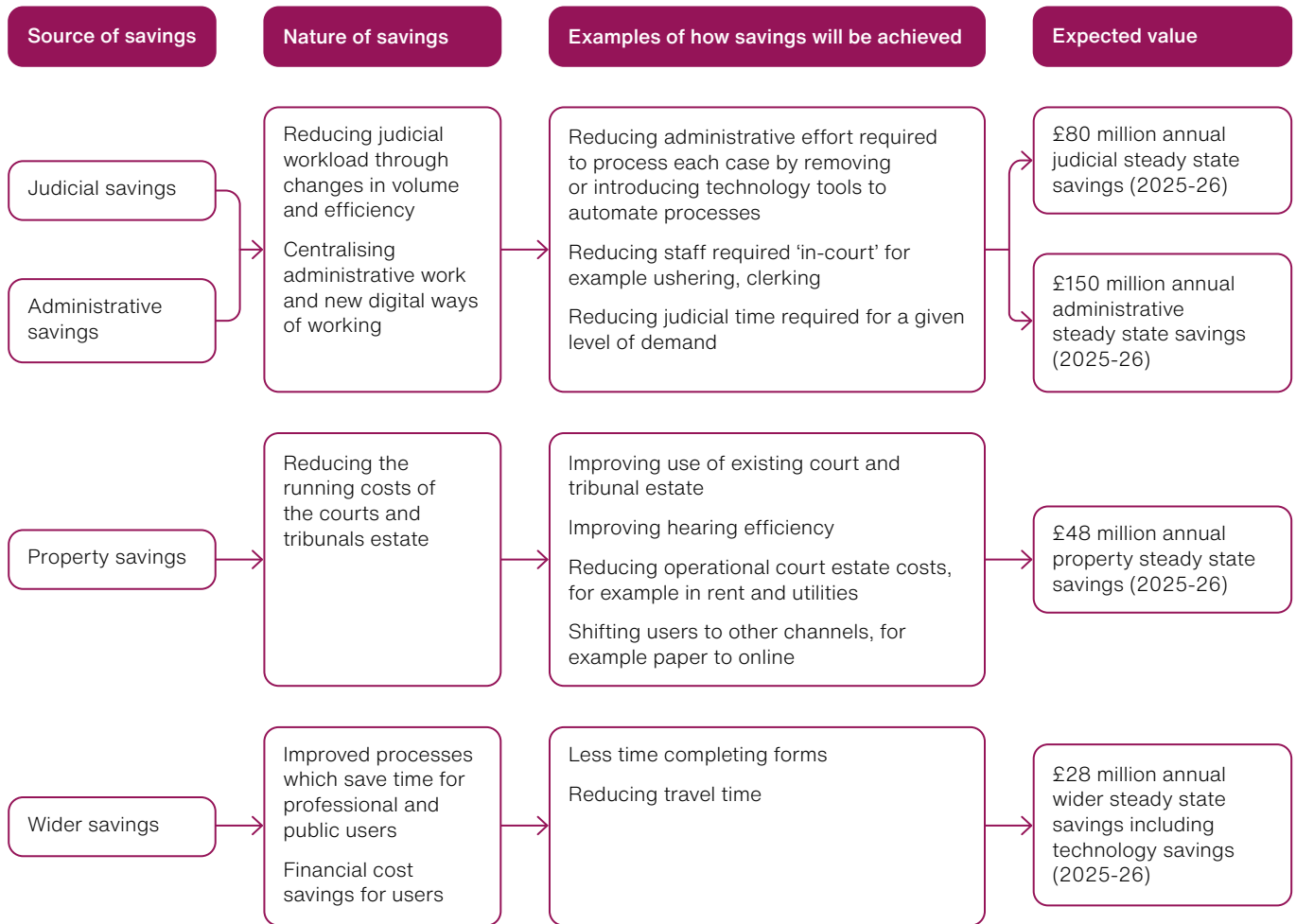
**3.4** We previously found that HMCTS did not have a robust approach to tracking whether benefits had been achieved in the way it expected. Some savings are straightforward to measure, for example, those associated with the sale of some of its estate. However, for judicial and administrative savings, HMCTS reduced teams’ budgets and considered that savings were achieved if they remained within budget. HMCTS did not systematically validate that savings had occurred because of processes becoming more efficient.

<sup>14</sup> Figures do not sum due to rounding.

**Figure 9**

The nature and value of expected reform programme savings for HM Courts & Tribunals Service

There are four main sources of savings from the reform programme ranging in value from £28 million to £150 million in annual savings by 2025-26<sup>1</sup>



**Note**

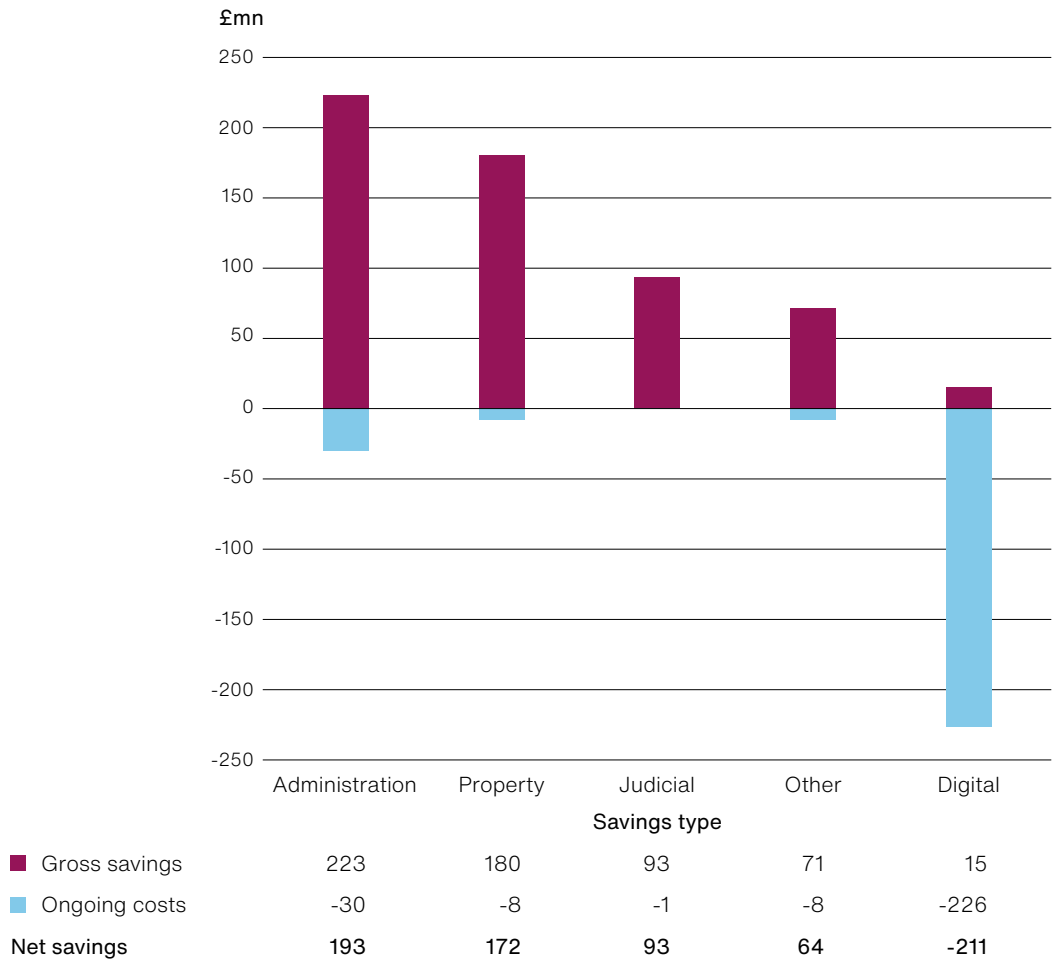
1 This figure presents the main sources of savings by value in HM Courts & Tribunal Service's latest business case.

Source: National Audit Office analysis of HM Courts & Tribunals Service documents

**Figure 10**

Running cost savings claimed by HM Courts & Tribunals Service (HMCTS) between 2014-15 and 2021-22

The majority of savings reported are from administration efficiencies and property savings



**Note**

- 1 In addition to these savings, between 2016-17 and 2022-23 HMCTS raised £223 million in one-off savings from 118 property sales.
- 2 Numbers do not sum due to rounding.

Source: National Audit Office analysis of HM Courts & Tribunals Service data

**3.5** Since then, HMCTS has taken steps to improve how it considers benefits. For example, it developed a unit cost approach, partly because it could no longer measure benefits in terms of staff reduction, given the staff increases required to respond to the COVID-19 pandemic. HMCTS's unit cost calculations consider the cost of delivering a service (direct staff and judicial costs, and other costs such as court expenses) compared with the output produced (normally the number of cases resolved). HMCTS is still refining its approach and recognises that there are limitations to the underlying data. For example, HMCTS explained that it has been difficult to get an accurate picture of which services staff are working on and that this may have affected its understanding of the costs of some services pre-reform.

**3.6** However, it remains difficult for HMCTS to understand whether reformed services are providing the expected efficiency savings because unit costs are affected by other factors that influence productivity. For example, a temporary reduction in caseload due to COVID-19 restrictions may lead to increased unit costs. HMCTS uses other metrics to monitor whether services are achieving the expected benefits. For example, it captures the proportion of applications submitted online (digital uptake) and the administration time per case. But it is similarly difficult to isolate the impact of reform on many of these metrics.

**3.7** HMCTS recognises that efficiency savings claimed to date may be an overestimate but has continued to assume that it has achieved savings if it has met certain milestones. However, there is limited information to indicate that reformed services are achieving efficiencies. Although the latest available data showed that most services had reached target levels for digital uptake, analysis covering the period between April and June 2022 showed that unit costs were from 19% to 146% higher than expected across its fully or partly reformed services (**Figure 11** on pages 44 to 47).<sup>15</sup>

**3.8** While HMCTS attributes the pandemic as the biggest factor increasing unit costs, it has also identified inefficiencies in some reformed services. For example, in ad-hoc analysis of its probate and divorce services it identified a significant proportion of cases that start online but later require manual interventions from staff. Similarly, unit cost reporting by HMCTS suggested that courts using common platform could be listing fewer cases per day to allow staff to familiarise themselves with new processes. This would mean that these courts would logically take longer to process an identical caseload than those solely on legacy systems. HMCTS has developed action plans to close the gap between expected and actual unit costs. However, it lacks routine data on how reformed services are working, such as the time new processes take and where variation exists. This makes it difficult for HMCTS to understand where problems with current processes may prevent cost reduction.

<sup>15</sup> This analysis is based on a 12-month rolling average.



## Figure 11

Summary of unit costs for services in the reform programme (as at April to June 2022)

Actual unit costs were higher than expected across most reformed and partly reformed services for April to June 2022 (based on a 12-month rolling average), with many higher than pre-reform baselines

Workstream	Service	Actual	Expected unit cost for reform at this point as per 2021 business case	Pre-reform baseline <sup>1</sup>	Percentage difference between actual and reform	Reasons why actual unit costs are higher than expected for reformed services, as identified by HM Courts & Tribunals Service (HMCTS)
		(£)	(£)	(£)	(%)	
<b>Fully reformed services<sup>2</sup></b>						
Civil, family and tribunals (family)	Divorce	128	52	123	146	HMCTS cannot resolve all divorce cases that start off as digital applications without manual intervention. One-off analysis by HMCTS in March 2022 found that 55% of cases that started online had to be resolved manually. High case backlogs resulting from the COVID-19 pandemic mean that more resources have been required to manage staff enquiry lines and process cases in HMCTS's new Courts and Tribunals Service Centres (CTSCs). The recent introduction of no-fault divorce has also led to a drop in the number of cases resolved due to a 20-week statutory waiting period that has caused a lag in disposals.
	Probate	27	11	22	145	Some cases start as online applications but require manual interventions from staff as the service does not yet have the functionality to deal with all case types. HMCTS has to use additional resources to deal with the workarounds. High case backlogs resulting from the pandemic mean that more staff have been required to manage enquiry lines and process cases in CTSCs. Significant technology issues in CTSCs have also increased costs.
<b>Partially reformed services<sup>2</sup></b>						
Civil, family and tribunals (family)	Financial remedy <sup>3</sup>	433	294	384	47	HMCTS's delay in rolling out digital improvements means that benefits are not fully realised. Judicial benefits have not been fully realised due to a lack of judicial capacity for hearings, resulting in a delay in courts being able to resolve cases. <sup>3</sup> The recent introduction of no-fault divorce has also led to a drop in the number of cases resolved due to a 20-week statutory waiting period that has caused a lag in disposals.
	Family public law	6,282	4,988	6,202	26	The complexity of hearings during the pandemic led to an increase in the number of hearings per case and a reduction in the number of cases resolved per sitting day. Family public law is reliant on the manual prioritisation of cases, which is less time-efficient.

**Figure 11** *continued*

Summary of unit costs for services in the reform programme (as at April to June 2022)

Workstream	Service	Actual	Expected unit cost for reform at this point as per 2021 business case	Pre-reform baseline <sup>1</sup>	Percentage difference between actual and reform	Reasons why actual unit costs are higher than expected for reformed services, as identified by HM Courts and Tribunals Service (HMCTS)
		(£)	(£)	(£)	(%)	
<b>Civil, family and tribunals (tribunals)</b>	Social security and child support <sup>4</sup>	696	465	500	50	HMCTS resolved fewer cases because it received fewer cases than forecast by the Department for Work & Pensions. It also reduced the number of cases listed to allow judges to become familiar with the new systems.
	Immigration and asylum	1,233	845	1,179	46	Analysis indicates that there has been an increase in more complex cases and bail applications in combination with reduced sitting days, which have increased costs and reduced the number of cases resolved. Pandemic impacts meant delays in providing the tribunal with the evidence to list cases effectively. In addition, appeals received were lower than Home Office forecasts within the period. As staff and judicial costs are fixed, this led to an increase in the unit cost.
<b>Civil, family and tribunals (civil)</b>	Money claims <sup>5</sup>	81	62	63	31	One-off analysis by HMCTS in June 2022 found that the impact of the pandemic led to an initial reduction in new money claims. New claims bounced back to around 20% below the pre-pandemic average and have remained around that level. As costs are fixed in the short term unit costs are higher. In addition, staff turnover and additional training for reform processes have increased administration costs. Lack of legal advisers, insufficient judicial capacity and reduced sitting days have also increased judicial costs.
	Damages claims <sup>5</sup>	654	554	649	18	As the service was mandated in April 2022, there has been an increase in the number of new damages claims entered onto the system. However, there will be a lag until these cases are disposed of. Hearings per sitting day are also affecting the number of cases that can be resolved.
<b>Crime</b>	Magistrates' court <sup>6</sup>	113	81	93	40	There has been an increase in the number of full-time administration employees to deal with the impact of the pandemic and a decrease in how quickly cases are resolved. The latter is due to the type of cases dealt with by magistrates, and to the introduction of common platform. Where common platform is in use, case listings have been reduced to allow for familiarisation with the system, meaning fewer cases are resolved. <sup>7</sup>

**Figure 11** *continued*

Summary of unit costs for services in the reform programme (as at April to June 2022)

Workstream	Service	Actual	Expected unit cost for reform at this point as per 2021 business case	Pre-reform baseline <sup>1</sup>	Percentage difference between actual and reform	Reasons why actual unit costs are higher than expected for reformed services, as identified by HM Courts and Tribunals Service (HMCTS)
		(£)	(£)	(£)	(%)	
<b>Crime</b>	Crown Court	2,501	2,093	2,134	19	Administration costs have increased in part due to the introduction of new roles to support hearings during the pandemic and the delays in the rollout of common platform. As with magistrates' courts, judicial costs have also increased as the introduction of common platform led to a reduction in case listings to allow staff to become familiar with the system. Barrister strikes, insufficient judicial capacity, increased hearings per case, shortening of the judicial sitting day and more provisional hearings have also impacted unit costs.
	<b>Not yet reformed<sup>2</sup></b>					
<b>Civil, family and tribunals (civil)</b>	Civil possession	100	71	74	41	The pandemic led to a reduction in activity as many statutory regimes for possession were suspended temporarily. As staff and judicial costs are fixed in the short term, this meant that the unit cost is higher. In addition, judicial savings are not being achieved because of the rate of hearings per sitting day for tracked claims. The high unit cost is also in part due to the way sitting days are recorded, which overinflates the number of sessions assigned to possession.
	Civil enforcement	78	61	62	28	Since restrictions in bailiff activity were removed in 2021-22, there has been a slow increase in the number of cases resolved, which has reduced the unit cost. This is in part due to bailiff staffing being 15% below the planned required level and an increase in staff training as a result of the pandemic.
<b>Civil, family and tribunals (family)</b>	Adoption	749	619	760	21	The volume of cases HMCTS was able to resolve reduced due to a pause in placement orders for part of 2021-22, which has since been resolved. As staff and judicial costs for the service are fixed in the short term, this led to an increase in unit costs, which is now lower than baseline.
	Family private law	1,247	1,044	1,135	19	The complexity of hearings during the pandemic led to an increase in the number of hearings per case and a reduction in the number of cases resolved per sitting day. The pandemic has also led to delays in hearing and resolving cases as work in other areas was prioritised. There has been some delay in the movement of work to legal advisers.

**Figure 11** *continued*

Summary of unit costs for services in the reform programme (as at April to June 2022)

**Notes**

- 1 The pre-reform baseline unit cost used for services is 2019-20. This is excluding divorce and probate for which 2018-19 was the baseline year used.
- 2 The reform status of services is as determined by HMCTS between April and June 2022.
- 3 Judicial costs in divorce and financial remedy (FR) are captured in FR unit costs, which may affect the conclusions drawn by HMCTS about FR judicial costs. This is because HMCTS has not been able to capture data on the split of sitting days on divorce and FR.
- 4 This is the unit cost for the whole Social Entitlement Chamber. HMCTS has been unable to determine unit costs for social security and child support specifically due to a lack of data.
- 5 Money claims and damages claims are formally known as specified and unspecified claims respectively.
- 6 Includes both Single Justice Service (SJS) and non-SJS.

Source: National Audit Office analysis of HM Courts & Tribunals Service documents

## Impact on users

**3.9** HMCTS also aims for reforms to improve access to justice for service users. Since we last reported, HMCTS has worked with stakeholders to better define what this means. The Ministry of Justice (MoJ) and HMCTS have developed plans to evaluate the impact of reform, including effects on outcomes and access to justice. It expects to publish an interim report in early 2023, which will set out details of its evaluation approach. Within the programme, each service must now undergo an impact on access to justice assessment, which analyses how access to the legal system, fair and effective hearings, decisions and remedies vary by different user groups and case type. To enable this assessment, it now collects data on protected characteristics within several of its online services.

**3.10** At November 2022, HMCTS had completed four access to justice assessments of services. It identified several areas where the performance of reformed services was lacking for different groups of users. For example, assessments of its probate and divorce services both found that cases from ethnic minority users took longer to resolve. HMCTS told us that it is undertaking further analysis to identify underlying causes. As these assessments needed to be completed after projects had closed, HMCTS will need to identify the changes required to resolve these issues and then prioritise them against other change requests, before amending services (see paragraph 3.13).

## Completing reforms

**3.11** As the programme has progressed, HMCTS has developed its approach for transitioning services from development teams to operational (business as usual) teams. Early on, divorce and probate services were passed to the operational teams without a clear transfer of responsibility. HMCTS therefore introduced a framework in 2018 to ensure the project is in line with expected costs and benefits before it transfers to the new team.

**3.12** However, projects transition to business as usual at varying levels of completion. To decide if a project is ready, HMCTS assesses whether it has delivered sufficient functionality for a service. This can range from minimum functionality to full delivery as it does not require the project's scope to be fully delivered at this point. For example, when HMCTS classed the family public law project as complete in March 2022, it deemed it to be a 'minimal viable project'. But it acknowledged that benefits realisation was dependent on the development team delivering some outstanding scope and addressing unintended administration burdens created by the introduction of workarounds. Responsibility for the delivery of any outstanding digital scope within a project transfers to the digital and technology services (DTS) team when a project closes.

**3.13** When the programme ends, all responsibility for the projects will pass from the programme team to the DTS team and service boards. The DTS team will have two main functions. The digital delivery team will implement further improvements and technical changes to services, where funding is available. The digital operations team will be responsible for running HMCTS's digital services, including responding to user queries. Service boards, which comprise staff from operations, user insights, DTS and finance, will oversee both the day-to-day running of the services and the prioritisation of any further improvements required.

### Risks to achieving the benefits of reform

**3.14** We have identified several risks to achieving the benefits of reform as the programme comes to an end:

- **HMCTS may not have a comprehensive view of the outstanding work needed to deliver the benefits in its 2021 business case.** HMCTS keeps a list of the known outstanding functionality it needs to deliver in its live projects individually. But in 2019 HMCTS found that several partly reformed projects required further developments because it did not clearly define their scope at the outset. It also lacked visibility of the level of manual workarounds teams were introducing to services to provide short-term solutions to problems. HMCTS therefore planned to assess the scale of outstanding changes required at various stages in a project's cycle. But as at November 2022 it had assessed only seven projects and many assessments were more than a year old. Without full assessments for all projects, it is therefore likely that it has not captured the full extent of the outstanding work.

- **It is unclear if HMCTS can deliver the outstanding scope with the remaining funding.** Although HMCTS has lists of outstanding functionality, it does not collate this into an overarching view of the outstanding scope across projects, which means it cannot prioritise how it spends its remaining funding to best effect. HMCTS has begun to put plans in place for the continued development of reformed services once they enter business as usual. For example, it has engaged a provider to continue developing common platform, up to a cost of £30 million. This includes designing and delivering future functionality. This funding will be separate from the programme budget. But due to lack of clarity in the original business case, it is difficult to be sure that this further development does not include outstanding work which should have been covered by the programme. If this were the case, it would add to the total cost of reform. Conversely, any remaining gaps in intended functionality pose a risk to the programme's benefits.
- **HMCTS has not yet developed an overarching benefits realisation plan.** For example, it does not yet have a clear view of when it can make changes such as de-commissioning remaining systems without compromising the operation of services. HMCTS told us that this is because these decisions depend on the completion of reform projects. HMCTS is developing a framework for prioritising changes. It is therefore unclear how DTS will schedule the work to meet the varied demands of different projects and to maximise benefit delivery.
- **HMCTS acknowledges that there is still much to do to ensure standardised processes are adopted by a range of users, over which it has limited influence.** Achieving the efficiencies of reform relies on the behaviour change of a range of users, many of whom HMCTS has limited influence over, such as judges. HMCTS developed its model courts and offices approach, to test how optimised business processes are and how well changes are being embedded. It observes processes and timings in selected courts and offices and compares them against assumptions in its 2021 business case. For example, its review of its family public law service raised concerns that staff were not adopting standard operating procedures. HMCTS plans to roll out additional training to address this. However, it recognises that this approach does not capture the variation in working practices across different courts and regions. HMCTS has found more variation in local processes than it expected as it has rolled out common platform. It recognises that there is a significant amount of work to encourage justice system staff to adopt standardised processes. It has developed a plan to address this, which includes additional changes to technology that will require time to deliver.

- **HMCTS faces difficulties recruiting and retaining staff to develop and run reformed services.** HMCTS is currently recruiting staff for its new structure, including its new Courts and Tribunals Service Centres. However, recruitment is slow as HMCTS struggles to compete with other government departments offering jobs in the same regions. HMCTS has told us it is prioritising recruitment via temporary contracts while new structures are being finalised to avoid redundancies for existing staff when reforms are complete. HMCTS has also noted concerns over staff attrition in project delivery roles caused by staff burnout and a lack of job certainty as the programme ends. This presents risks to delivering remaining work and retaining knowledge.

HMCTS told us it is confident it will achieve the benefits of reform but that it may require a longer timeframe than expected.

# Appendix One

## Our evidence base

**1** We reached our independent conclusions on whether HM Courts & Tribunals Service's (HMCTS's) reform programme is on track to deliver the programme and its benefits, after analysing evidence collected between May and December 2022. We formed our conclusions after considering our three study questions:

- What progress has HMCTS made in its reform programme in the face of changing circumstances?
- Has HMCTS planned and rolled out its common platform effectively?
- Is the reform programme on course to achieve its expected benefits?

**2** The reform programme consists of many underlying projects (**Figure 12** on pages 55 to 60). While we looked at progress at an overall level, we did not examine each project in detail, with the exception of the common platform project. For this we focused on HMCTS's approach to designing and rolling out the system. We did not conduct a technical review of the system.

### Interviews

**3** We worked closely with officials from HMCTS and discussed the reform programme with people in appropriate job roles relevant to the study. We also spoke with officials from the Ministry of Justice (MoJ) regarding their overarching evaluation of the programme. We carried out 27 interviews, based on the area of expertise of the staff member. This included staff responsible for (or involved in):

- policy development;
- technical development;
- operations;
- implementation; and
- evaluation.



**4** In addition, we held interviews with stakeholders, including:

- members of the judiciary;
- the Crown Prosecution Service (CPS);
- the Legal Aid Agency;
- the National Police Chiefs' Council;
- the Legal Education Foundation;
- Transform Justice; and
- the Infrastructure and Projects Authority (IPA).

**5** We selected stakeholders who were impacted by reforms or that had good knowledge of aspects of the reform programme. We identified stakeholders via desk research and discussions with HMCTS and invited them to participate in an interview by email. Discussions covered the delivery of the reform programme and the rollout of common platform.

**6** We also conducted five group interviews with solicitors, barristers and magistrates to get an understanding of their experience of using reformed services, including common platform. We liaised with the Law Society, Bar Council and Magistrates Association to set up the groups, with each of the bodies inviting their representatives. The attendees were selected to cover a range of jurisdictions and geographical regions. Group numbers ranged from two to five.

### **Site visits**

**7** We carried out four visits to HMCTS courts between July and September 2022. The locations visited were Cardiff magistrates' court, Crewe magistrates' court, Kingston Crown Court and St Albans Crown Court. The aims of the visits were to understand:

- how efficiently HMCTS has rolled out the common platform system to courts, including any challenges;
- how well the system is working, including how users can feedback on technical issues; and
- the impact common platform has had on users and courts.

**8** We purposively selected case studies to capture diversity on key criteria of interest. The primary sampling criteria were:

- geographical spread;
- representation of magistrates' and Crown Courts; and
- when courts had received the system. We chose two that had gone live before the pause to address performance issues in summer 2021 and two that had gone live when the rollout resumed.

**9** Each visit comprised of a combination of:

- interviews with court staff such as legal advisers, court clerks and administrative staff;
- interviews with judges and magistrates;
- interviews with external partners, including solicitors;
- observations of common platform in use in court and in administrative settings; and
- interviews with HMCTS regional managers.

## **Document review**

### Focus and purpose

**10** We reviewed a range of HMCTS documents on the reform programme to help us to answer each of our audit questions. The documents reviewed included, but were not limited to:

- business cases;
- financial data;
- programme board minutes;
- assurance reports;
- evaluation reports;
- risk registers and assessments; and
- management information about reform programme performance.

### Analytical approach

**11** We reviewed each document against our overarching study questions. The review was used to:

- inform further discussion and follow-up with HMCTS;
- triangulate findings from other sources, including interview and site visit data; and
- inform our approach to the analysis of programme data.

**12** We made use of specialist expertise within the National Audit Office to support our review and interpretation of key documents. For example, we liaised closely with our Digital Hub on our review of common platform. We also liaised with our Major Projects Hub throughout our review.

### Limitations

**13** HMCTS was unable to provide the first business case for the common platform project, and other early documentation. This gave us a limited view of some of the initial decisions made.

## Appendix Two

### Details of projects included in HM Courts & Tribunals Service's (HMCTS's) reform programme

**Figure 12**

HM Courts & Tribunals Service (HMCTS) list of reform programme projects

There are 44 projects across HMCTS's five main workstreams and other reform funded business areas

Workstream	Project	Description	2021 business case budget <sup>4,5</sup> (£mn)
Future operations	Courts and Tribunals Service Centres (CTSCs) – site delivery	CTSCs centralise the administration of courts and tribunals and support public users with cases.	63
	CTSCs – satellites	A pilot to test how well CTSCs could operate at satellite sites, testing operability, ways of working and culture.	
	CTSCs – operating model	A project to design a future operating model that supports reformed services and ways of working in CTSCs.	
	Strategic technology	A system to allow users to contact CTSCs through various contact channels. It also gives HMCTS the capability to manage its CTSC workforce to meet user demand, to provide management information and knowledge base.	
	Tactical technology	An interim telecommunication customer contact service to allow users to access services within a CTSC.	
	Extended operating hours pilot	A project to trial extended working hours in CTSC buildings for a limited number of HMCTS services. These services operated outside core business hours and allowed customers to contact CTSC staff at evenings and some weekends.	
	Organisational design	The design of role descriptions and profiles to support the new HMCTS target operating model, aligned to new business processes.	

**Figure 12** *continued*

HM Courts &amp; Tribunals Service (HMCTS) list of reform programme projects

Workstream	Project	Description	2021 business case budget <sup>4,5</sup>
			(£mn)
Future hearings	Scheduling and listing <sup>1</sup>	<p>A new scheduling and listing tool to organise when and where court cases will be held. This tool replaces current systems used by courts and tribunals and aims to provide a better view of capacity across the court estate and to improve efficiency.</p> <p>The publication and information service will provide a more automated publishing platform. This will allow HMCTS to share or display internal information and updates in a single place.</p> <p>Resource management forms part of the scheduling and listing tool. It enables end-to-end operation of hearing management in the HMCTS reformed state by managing the resources and judicial office holder availability required.</p>	64
	Video hearings	Video hearings will enable HMCTS to conduct hearings where all parties join by video, outside physical courts or tribunals.	
	Flexible operating hours	Project to examine the feasibility of flexible, extended operating hours for hearings, including an independent evaluation of the pilots.	
	Hearing management interface	A new interface with the publication and information service, which is an automated publishing platform, for all internal and external communication in HMCTS.	

**Figure 12** *continued*

HM Courts &amp; Tribunals Service (HMCTS) list of reform programme projects

Workstream	Project	Description	2021 business case budget <sup>4,5</sup> (£mn)
Civil, family and tribunals	Adoption	An online service for users, including local authorities, to manage the legal aspects of adoption cases.	3
	Social security and child support	An online service to allow users to submit, track and manage appeals against Department for Work & Pensions decisions on certain benefits, for example Personal Independence Payment.	14
	Immigration and asylum	An online service which enables users to manage appeals against Home Office decisions on immigration and asylum cases.	11
	Divorce	An online service for users and/or their legal representatives to apply to legally end a marriage or civil partnership (as long as it is uncontested), and to resolve associated financial issues.	21
	Financial remedy	An online service for users and/or their legal representatives to resolve financial issues associated with the dissolution of marriage or civil partnership	
	Probate	An online service to allow users to apply for a 'Grant of Probate', a document showing the applicant has the authority to deal with the deceased's assets, in non-contentious cases.	13
	Family public law	Public law involves local authority intervention to protect children. This is an online service to allow local authorities to complete and submit online applications for childcare and supervision orders.	12
	Family private law	Private law involves parental disputes concerning the upbringing of children. This is an online service to allow litigants to initiate and manage cases involving family disputes relating to children.	4

**Figure 12** *continued*

## HM Courts &amp; Tribunals Service (HMCTS) list of reform programme projects

Workstream	Project	Description	2021 business case budget <sup>4,5</sup>
			(£mn)
Civil, family and tribunals <i>continued</i>	Special tribunals	The special tribunals are a set of ten tribunals such as the Mental Health, Property and Special Educational Needs Tribunals. The project is to introduce an online service to enable and improve data sharing and reduce duplication. This will include users from other government departments as well as citizens, legal representatives, judiciary and HMCTS.	6
	Employment tribunals	An online system to manage and present cases at employment tribunals. Employment tribunals are responsible for resolving claims from citizens in dispute with an employer or a potential employer who they believe has treated them unlawfully.	
	Royal Courts of Justice and Upper Tribunals	A digital case management system which brings together all information relating to a specific case, for the civil jurisdictions of the High Court and Court of Appeal, Upper Tribunal, the Employment Appeal Tribunal, Regional Business and Property Courts and District Registries.	9
	Possession <sup>2</sup>	This online service accelerates the possession claims process. As an interim step, HMCTS will automate administrative processes.	42
	Enforcement	A cross-jurisdictional service providing for the enforcement of final judgements, orders or awards arising from civil, family and the tribunals proceedings as well as from other government departments. This project includes increased guidance, a simplified process, and a digital system to increase efficiencies.	
	Online civil money claims	An online service for the management of civil claims under £10,000; reviewing the structure of civil enforcement to deliver better information and increase the likelihood of successful enforcement.	
	Damages claims <sup>3</sup>	An online service allowing registered legal professionals to issue a claim for damages on behalf of their client via a portal.	
	Bulk scanning and printing	Bulk scanning and printing will enable CTSCs to be paper free. HMCTS's bulk scanning service uses character recognition technology to process handwritten forms digitally.	4

**Figure 12** *continued*

## HM Courts &amp; Tribunals Service (HMCTS) list of reform programme projects

Workstream	Project	Description	2021 business case budget <sup>4,5</sup> (£mn)
Civil, family and tribunals <i>continued</i>	Common components	Projects developing over 30 pieces of digital functionality for use in multiple reformed services. For example, evidence management, for the secure handling of digital and photographic evidence.	98
	Model office/model court	A project to establish a model office, court and tribunal for end-to-end test and assurance.	-
Crime	Common platform	A single online system that enables the police, the Crown Prosecution Service, HMCTS and legal professionals to access and share all relevant information about a case. HMCTS expects the system to improve the use of photographic and video evidence and help remove the manual handling of documents, and inefficiencies with duplication of processes and information.	295
	Single Justice Service	A project to provide all the services needed by the magistrates' court to administer the Single Justice Procedure, by which a single magistrate sitting with a legal adviser can decide low-level, victimless cases such as speeding. This project includes a new online digital case management system, used by organisations such as the police.	
Property	London headquarters tribunal	A project to move three sites across London to one.	179
	Birmingham estate rationalisation project	Rationalisation of the HMCTS civil, family and tribunals estate in Birmingham to realise long-term savings.	
	Hammersmith and Camberwell Green	A project to sell high-value assets in London.	
	Estate rationalisation project 1	A project to rationalise the court and tribunal estate to remove capacity not required by HMCTS and raise funds that can be used for reform.	
	Estate rationalisation project 2	Work to assess the potential to consolidate the estate further, as reform is delivered.	
	Newcastle combined court	HMCTS planned to close an additional six sites before the end of the reform programme. It has closed three sites but no longer plans to close the remaining three. This includes Newcastle courts.	



**Figure 12** *continued*

HM Courts &amp; Tribunals Service (HMCTS) list of reform programme projects

Workstream	Project	Description	2021 business case budget <sup>4,5</sup>
<b>Reform funded work in other HMCTS business areas</b>			
			<b>(£mn)</b>
Digital and Technology Services	Wi-Fi	Delivery of Wi-Fi to all courts and tribunals and upgrading Wi-Fi in criminal courts to expand strength and coverage.	119
	Screens	Enabling unrepresented litigants and witnesses in the Royal Courts of Justice to view electronic case material by installing touch-screen devices in courts and tribunals.	
	Video hearings hardware	A project to implement hearings where all parties join by video, outside physical courts or tribunals.	
Data	Master reference data	A strategic solution and governance approach to HMCTS master and reference data which will be held in agreed data stores.	12
	Data and management information	Standardising management reporting with dashboards for all reformed services. HMCTS expects this reporting to drive its operational performance on the frontline and provide insight for strategic decision making.	
	Strategic data platform	A platform to bring data together from a range of sources and provide the tools for analysis.	
Operations	Approved Enforcement Agencies	A re-procurement of Approved Enforcement Agency (agencies that execute warrants for unpaid criminal fines) contracts due to expire, and a review of how the service is provided.	–

**Notes**

- Scheduling and listing includes supporting projects publication and information and resource management.
- Civil possession allows an individual to take court action to repossess a property if they are owed money for rent or a mortgage, and the tenant or mortgage holder will not pay.
- Damages claims are cases where the claim value is unknown when the claim is issued as the damages or other award need be determined by a judge following determination of liability (who is at fault).
- Budget amounts may not sum as we have excluded optimism bias and budgets that fall under the 'reform other' category from this table.
- Budgets for some projects are not displayed as they are combined under the 'reform other' category.

Source: National Audit Office analysis of HM Courts &amp; Tribunals Service documents.

This report has been printed on Pro Digital Silk and contains material sourced from responsibly managed and sustainable forests certified in accordance with the FSC (Forest Stewardship Council).

The wood pulp is totally recyclable and acid-free. Our printers also have full ISO 14001 environmental accreditation, which ensures that they have effective procedures in place to manage waste and practices that may affect the environment.



National Audit Office

Design and Production by NAO Communications Team  
DP Ref: 010834-001

£10.00

ISBN 978-1-78604-474-7



9 781786 044747