



To: Gemma Hewison Senior Responsible Owner for the HMCTS Reform Programme

From: Dr Farrar, Second Permanent Secretary of the Ministry of Justice; and  
Nick Smallwood, Chief Executive Officer of the Infrastructure and Projects Authority

July 2022

Dear Gemma,

## **APPOINTMENT AS SENIOR RESPONSIBLE OWNER FOR THE HMCTS REFORM PROGRAMME**

We are writing to confirm your appointment as Senior Responsible Owner (SRO) of the HMCTS Reform Programme with effect from 1 April 2021. This letter sets out your responsibilities and the support you can expect from the Ministry of Justice and the Infrastructure and Projects Authority.

As SRO, you are directly accountable to the HMCTS Chief Executive and the Permanent Secretary, Ministry of Justice, as Principal Accounting Officer, under the oversight of the Secretary of State for Justice, the Lord Chief Justice and the Senior President of Tribunals.

The Programme forms part of the Ministry of Justice's Portfolio, under the oversight of the Chair of the Portfolio Committee within the tolerances set by the Investment Committee at each approvals point. The Reform Programme is included in the Government Major Projects Portfolio (GMPP).

You have personal responsibility for delivering HMCTS Reform and will be held accountable for the delivery of its objectives, with policy intent and outcomes expected. This encompasses securing and protecting its vision, ensuring that it is governed responsibly, reported on honestly, escalated appropriately and for influencing the context, culture, and operating environment of the Programme. You are also responsible for ensuring the ongoing viability of the Programme and recommending its pause or termination if appropriate. Where issues arise which you are unable to resolve, you are responsible for escalating these to the Ministry of Justice's Investment Committee.

You remain accountable to Ministers, as set out in the Civil Service Code, and should deliver the project in accordance with the objectives and policy intent as set by Ministers.

In addition to your internal accountabilities, SROs for GMPP projects and programmes are personally accountable to Parliamentary Select Committees. This means that, from the date of this letter, you will be

held personally accountable to and could be called by Select Committees to account for and explain the decisions and actions you have taken to deliver the Programme.

It is important to be clear that your accountability relates only to implementation, within the agreed terms in this letter; it will remain for the Minister to account for the relevant policy decisions and development.

More information on this is set out in [Giving Evidence to Select Committees - Guidance for Civil Servants](#), sometimes known as the Osmotherly Rules. Information on the roles and responsibilities of the SRO are detailed in the Infrastructure and Project Authority's guidance on [the role of the senior responsible owner](#).

You should also make yourself familiar with the [Government Functional Standard for Project Delivery](#), the requirements of the Government Project Delivery Framework, and the guidance and requirements for project delivery as set by the Ministry of Justice's Portfolio Management Office.

### **Time commitment and tenure**

This role will require 90% of your time to enable effective delivery of the role and execute your responsibilities in full.

You are required to undertake this role until achievement of programme closure, planned for December 2023. Progress towards this will be reflected in your personal objectives. Any changes to the agreed time commitment or tenure of the role, as set out above, will require both departmental and Infrastructure and Projects Authority consent.

### **Objectives and performance criteria**

The policy intent supported by this programme is to modernise the infrastructure and deliver a better and more flexible service to court users; modernise and transform the courts and tribunal services to increase efficiency, improve service quality and reduce the cost to the taxpayer. Simpler processes for simpler cases will free up time for more complex ones, allowing better access to justice for all.

Any proposed changes to scope which impacts on this intent or the realisation of benefits must be authorised by HMCTS Change Portfolio Board and may be subject to further levels of approval.

The vision of the programme and its objectives are:

To modernise and upgrade our justice system so that it works even better for everyone, from judges and legal professionals, to witnesses, litigants and the vulnerable victims of crime. When they have to engage with the system, we want everyone to have available to them the finest justice system in the world.

There are three main interrelated objectives:

- improve HMCTS's services for users, with resultant benefits for the wider economy;
- make the system more efficient, reducing the cost of running HMCTS; and
- ensure continued resilience of justice services, addressing the 'burning platform' of past-end-of-life and unreliable IT systems.

This will be delivered through:

- Reducing admin required on cases by removing manual data entry and automation. This is the largest driver of benefits.
- Reducing judicial costs by improving the efficiency of hearings and delegating some tasks, making better use of judicial time

- Reducing the cost to run the HMCTS operational estate by closing courts.
- In addition, the programme has achieved property disposals that have raised £210m.

You are expected to run your project in accordance with the [Government Functional Standard for Project Delivery](#), the other [Functional Standards](#) as applicable to this programme and the requirements of the Government Project Delivery Framework, ensuring that the programme follows best project delivery practices and effective risk management processes.

## **Extent and limit of accountability**

### Finance and Controls

HM Treasury spending controls will apply on the basis set out within the department's delegated authority letter. Where the programme exceeds the delegated authority set by HM Treasury, the Treasury Approval Point process will apply, and the details of each approval process must be agreed with your HM Treasury spending team. You should consult departmental finance colleagues on how to go about this.

You should note that where expenditure is considered novel, contentious, repercussive, or likely to result in costs to other parts of the public sector, HM Treasury approval will be required, regardless of whether the programme expenditure exceeds the delegated authority set by HM Treasury. If in doubt about whether approval is required you should, in the first instance, consult departmental finance colleagues before raising with the relevant HM Treasury spending team.

The overall estimated budget, resourcing requirements and tolerances for your programme will be agreed as part of the approval process. It is expected that you deliver within the agreed cost and deliverability tolerances and to report quarterly on these as part of GMPP reporting.

You should operate at all times within the rules set out in [Managing Public Money](#). In addition, you must be mindful of, and act in accordance with, the specific HM Treasury delegated limits and Cabinet Office controls relevant to the HMCTS Reform programme. Information on these controls can be found here: [Cabinet Office controls](#).

### Delegated authority

The total cost of the preferred options as presented in the programme business case is estimated to be £1.31bn. As part of the departmental annual allocations process, you will be authorised to approve a set level of expenditure each financial year. This will be set out in your annual financial delegation letter from the HMCTS Chief Executive.

In line with the final Reform Programme Business Case (PBC6) as agreed with the HMCTS Board including the Judiciary, the MoJ Investment Committee (on behalf of the MoJ Executive Committee), Secretary of State, Cabinet Office and HM Treasury, and with the support of the HMCTS SLT, CEO and the Judiciary you should ensure that the programme delivers its strategic outcomes, realises its benefits and that costs are managed appropriately within the PBC6 envelope for the remainder of the programme.

These authority limits are subject to change and other conditions or tolerances may be set as part of the business case approval and ongoing monitoring processes within which you should then operate.

Where issues arise, which take you outside of these authority limits and which you are unable to resolve, you are responsible for escalating these issues to the HMCTS Board and the Ministry of Justice's Investment Committee.

## Appointments

You should appoint full-time programme directors to support you in the management of this programme and make other appointments as required for the control and delivery of your programme within your delegated authority.

## Governance and assurance

You should pay attention to ensuring effective governance for your programme, including the maintenance of a programme board with appropriate membership and clear terms of reference.

As primary owner, you must ensure that the programme secures business case approval from the HMCTS Board, the Ministry of Justice's Investment Committee and Cabinet Office and HM Treasury. You should also ensure that the programme remains aligned to the strategic outcomes, costs, timescales, and benefits in line with the approved business case as well as monitoring the context within which the programme is being delivered to ensure it remains valid.

Where a change impacts the scope, costs, benefits, or planned delivery milestones agreed as part of an agreed business case, you are responsible for following the agreed change request approval process and setting a new, approved business case baseline.

You are responsible for bringing to the attention of the accounting officer any material changes in the programme which could require a new accounting officer assessment to be completed and published. [Guidance on completing accounting officer assessments](#) for major projects is available from HM Treasury.

Although you are directly accountable for this programme, you are also expected to support delivery of the department's overall strategic objectives. This means that you are expected to work collaboratively with other SROs and project directors in adjacent projects and programmes and with the Ministry of Justice's Portfolio Management Office and Head of Portfolio to manage dependencies, resources, schedules, and funding to support delivery of the overall change the department needs to achieve its strategic objectives.

You should ensure that appropriate and proportionate assurance is in place and agree on the level and frequency of assurance reviews through the maintenance of an integrated assurance and approvals plan. You should develop this plan and its maintenance in collaboration with the Departmental Assurance Coordinator and the Infrastructure and Projects Authority.

## Programme status, reporting and transparency requirements

The programme status at the date of your appointment is reflected in the most recent quarterly return on the programme to the Infrastructure and Projects Authority and is the agreed position as you assume formal ownership of the programme.

You are responsible for ensuring the honest and timely reporting on the position of the programme to the Lord Chancellor, Lord Chief Justice, the Senior President of Tribunals and the HMCTS Chief Executive; to the Infrastructure and Projects Authority while it remains on the GMPP and for providing reports and information to the Ministry of Justice Portfolio Management Office as required and for submitting business cases and reports to the keyholder process and relevant boards. Where appropriate, governance will include reference to the Ministry of Justice's Investment Committee and Executive Committee. Information on the programme will be published annually by the Infrastructure and Projects Authority.

You should monitor and report on status, forecast timescales, costs and benefits, key risks established using the GMPP RAG rating (if appropriate) and dependencies, and ensure that any issues (including any

likelihood of exceeding approved tolerances) are reported openly and transparently both within the Ministry of Justice and to the Infrastructure and Projects Authority.

We recognise that this is a complex in-flight programme and that the impact of the COVID 19 pandemic has and continues to affect the deliverability of some benefits as the effects are felt. As SRO you should seek to identify these issues as they arise and report them through the Portfolio Board for consideration by the HMCTS board and the Ministry of Justice.

## Development and support

As a graduate of the Major Projects Leadership Academy, you are expected to maintain your continuing professional development as a project leader, including your status as an accredited assurance reviewer. To maintain your accreditation, you will be required to participate in a review at least once every 12 months.

The department will assist you in securing the necessary resources to support the programme, and will set clear guidance, requirements and standards, which align to the [Government Functional Standard on Project Delivery](#), to enable good governance and effective delivery. You will be part of the department's cohort of major project leaders who will be expected to support each other, share good practice and lessons learned and to collectively develop solutions. You should liaise with the Ministry of Justice's Head of Profession for Project Delivery to discuss the maintenance and development of your delivery and leadership skills.

The Infrastructure and Projects Authority will be available to you for support, advice and assurance throughout the programme's time on the GMPP.

Following approval of the business case and entry onto the Ministry of Justice Portfolio, Portfolio Committee will provide ongoing oversight and support and will take steps to help resolve and escalate risks, issues or constraints that are acting as a blocker to successful delivery.

We would like to take this opportunity to wish you every success in your role as SRO.

Yours sincerely,



**Dr FARRAR**

Second Permanent Secretary of the Ministry of Justice and with lead responsibility for project delivery



**NICK SMALLWOOD**

Chief Executive Officer, Infrastructure and Projects Authority

**Appointment endorsed by:**

**Antonia Romeo, Principal Accounting Officer of Ministry of Justice: 2 September 2022**

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**CONFIRMATION OF ACCEPTANCE OF APPOINTMENT**

I confirm that I accept the appointment of Senior Responsible Owner for the programme, including my personal accountability for implementation, as set out in the letter above.



**Gemma Hewison**