



Accounting Officer Memorandum

Language Services Project

It is normal practice for accounting officers to scrutinise significant policy proposals or plans to start or vary major projects, and then assess whether they measure up to the standards set out in Managing Public Money. From April 2017, the government has committed to make a summary of the key points from these assessments available to Parliament when an accounting officer has agreed an assessment of projects within the Government's Major Projects Portfolio.

Background and context

The Ministry of Justice (MoJ) has a statutory duty to provide Language Services for users of certain services where English is not their first language. The services are statutory and/or business critical and service failure would cause significant disruption and financial and reputational damage. The contracts are used across MoJ and managed by HM Courts and Tribunals Service (HMCTS).

Current provision started in 2016 and covers (i) Verbal interpretation services - face to face, telephone and remote formats; (ii) Non-spoken language services (e.g., British Sign Language); and (iii) Quality assurance of interpreting capability provided under the contracts.

The project is seeking to provide improved services that deliver better value for money, reduce off-contract spend and respond to business and legislative changes since the 2016 procurement, rather than procuring a like-for-like service. As at October 2024 the project is at outline business case (OBC) stage and anticipated start of new services is autumn 2026.

Assessment against the accounting officer standards

Regularity

MoJ has the legislative authority to spend money on language services as this is part of an existing service which is deemed regular. It is enabled by the MoJ's duty under Article 6 of the Human Rights Act 1988 to provide access to justice by ensuring participants for whom English is not their first language understand proceedings. The service is also required to satisfy statutory requirements as set out in the Human Rights Act 1998 and the Equality Act 2010.



Authority to spend is given in the MoJ Ambit under policy and activities relating to the justice system. No further primary or secondary legislation is needed to enable this project. We are therefore content that there are no issues of regularity.

Propriety

The project is run in accordance with the Government Functional Standard for Project Delivery and robust governance arrangements are in place. There is a dedicated Language Services Project Board, with defined terms of reference. It is led by a suitably qualified Senior Responsible Officer. The project is part of the HMCTS Change Portfolio, overseen by the HMCTS Change Portfolio Committee, and part of the MoJ Portfolio.

The anticipated approvals and assurance route of the project aligns with the wider MoJ, Cabinet Office and HM Treasury requirements.

The procurement will take place before the new Procurement Act comes into force in February 2025 and we are planning on the basis of procuring under existing legislation.

We have considered whether there is an enhanced risk of fraud as a result of the proposed approach. The repurchase will address weaknesses in existing contracts, such as in relation to quality and assurance, and it is therefore expected this will reduce the risk of both fraud and error.

Value for Money

The business case assesses the cost and benefits of the project, and the options available, with the proposed option representing the best VFM option. Value for money will be assured through competitive tender for this service.

Project costs inside the current Spending Review period (SR21) are affordable.

Due to changes in the market for these services, and general inflation, we expect (in all scenarios) the baseline cost per year for the contract to be higher than the current cost. Given the statutory requirement for these services to be provided, HMCTS and MoJ commissioning bodies will prioritise this activity in the Spending Review planning process and future allocations rounds. There are offsetting savings expected through a reduction in the use of more expensive 'off contract' providers, which will be assessed as part of the FBC.

Feasibility

The ability of the project to deliver the recommended option is feasible and supported by the latest IPA and GIAA reviews of the project. The project is well resourced with an experienced team, with appropriate skills and expertise, to deliver this activity successfully. Proposals have been tested with the market, and there is a viable procurement route, which is achievable in the time frame.

The project timeline has been risk adjusted and takes account of key activity.

Conclusion

On balance all four of the Accounting Officer responsibilities are satisfied and there are no material Accounting Officer issues or risks identified. We will revisit this assessment at FBC stage.

As the Accounting Officer for HMCTS I considered this assessment of the Language Services project and approved it on 18th April 2024.

I have prepared this summary to set out the key points which informed my decision. If any of these factors change materially during the lifetime of this project, I undertake to prepare a revised summary, setting out my assessment of them.

This summary will be published on the government's website (GOV.UK). Copies will be deposited in the Library of the House of Commons, and sent to the Comptroller and Auditor General and Treasury Officer of Accounts.

A copy has also been provided to the Principal Accounting Officer for the Ministry of Justice, who has seen my assessment and endorsed my decision on the basis of my assurance that my Accounting Officer responsibilities are met.

Nick Goodwin
CEO HM Courts and Tribunals Service
21/10/2024

