House of Commons

Committee of Public Accounts

Modernising the Disclosure and Barring Service

Forty-Second Report of Session 2017–19

Report, together with formal minutes relating to the report

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The Committee of Public Accounts

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Committee reports are published on the Committee's website and in print by Order of the House.

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Committee staff

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Summary

The Disclosure and Barring Service (DBS) modernisation programme is another example of a Home Office project marred by poor planning and contracting, delays, spiralling costs, and a failure to understand what service users want. The modernisation programme is over four years late and costs are expected to be £229 million more than initially planned, while the new update service has seen a fraction of the demand expected by the Home Office in 2012. DBS re-evaluated the programme in 2014 but has not done enough to turn the programme around.

DBS is now negotiating with its contractor, Tata Consultancy Services (TCS), to deliver the programme, including agreeing a date for when modernisation will be complete. There is a strong risk that they may run out of time before the contract ends in March 2019. In addition, the update service has not delivered the promise of a cheaper, better safeguarding service for customers. Instead of providing savings, DBS is charging customers £13 a year for the update service instead of the £10 expected in 2012, and is holding onto cash generated from the rest of the services it provides, building up a surplus at the expense of its customers. The Department needs to keep a close watch over negotiations and ensure that taxpayers, who have already seen too much money wasted on the programme, do not continue to see money going down the drain.

Introduction

The Home Office helps safeguard children and vulnerable adults by providing employers with a service that lets them see safeguarding information, such as details of criminal records, about people who want to work with children or vulnerable adults. Employers use this service to help them decide who to employ. The safeguarding service is run by the Disclosure and Barring Service (DBS), an arm's length body set up by the Home Office in 2012. When DBS was created, the Home Office wanted to modernise what was previously a paper-based service and launch a new product, the update service, that it assumed people would choose to use in large numbers. Together, these were intended to make DBS cheaper to run for both government and DBS's customers and to provide a better service for employers and the individuals whose records are checked.

Conclusions and recommendations

1. **The modernisation of DBS is currently over four years late and £229 million over its original budget, with no agreed date for completion.** In 2012, the Home Office planned that the first stage of modernisation would be completed by March 2014 but it is still not complete four years later. The programme was delayed from the start requiring the contract between DBS and its previous supplier, Capita, to be extended by two years because of delays transitioning the service to DBS's current supplier, TCS. The safeguarding service offered by DBS remains paper-based and, one year before the contract with TCS is due to end, much of the modernisation programme still has to be delivered, and costs are expected to be £229 million more than initially planned. DBS and TCS are now locked in negotiations about where the fault for these delays lie. Both DBS and TCS claim that modernisation can be delivered before the TCS contract ends in March 2019 but, at the time of our evidence session, neither could offer any details of how or when this might happen. Once negotiations are complete, we expect the Home Office and DBS to agree with TCS a timetable for the completion of the modernisation of the DBS which is realistic and achievable, whilst also protecting the risk to taxpayers' monies.

   Recommendation: ***The Home Office should write to us before Parliament's summer recess, setting out the outcome of the negotiations with TCS, a clear and realistic timetable for when modernisation will be completed, and details of the cost implications for DBS and the Home Office.***

2. **This is another example where the Home Office has failed to deliver a major project.** The Home Office and TCS now accept that the contract for modernisation was signed in 2012 without anyone having a clear understanding of what it would take to make the programme successful. TCS did not think it was its job to offer any advice that might have helped the Home Office run the programme better, and adopted an old-fashioned 'big-bang' approach rather than splitting the task into smaller, manageable, pieces from the outset. This led to a timetable that was unrealistically optimistic leading to additional costs, as was the case on the Home Office's largest project, the Emergency Services Network (ESN). The Home Office maintains that, apart from ESN and the DBS modernisation programme, all its other major programmes were under control. However, we remain concerned, based on the Home Office's recent track record, that there could be other projects where things are going wrong.

   Recommendation: ***The Home Office urgently needs to conduct a full lessons learnt exercise, setting out what it has learnt from the issues arising from its two biggest projects and how these lessons will be applied to its other major projects.***

3. **A flawed contractual approach has contributed to the difficulties in delivering the modernisation programme.** DBS makes payments to TCS primarily on the basis of volumes of transactions, with only 3% of the value of payments being related to completing the modernisation programme. The Home Office tried to transfer risk to TCS, incentivising it to complete modernisation more quickly, by reducing the amount it pays for each transaction after three years; but this has clearly not worked as modernisation is over four years late. Although until recently TCS was able to make a profit of 3% despite the delays in implementing the modernisation

programme, the contract allowed TCS to make a profit margin of as high as 22%. TCS says it is only now beginning to make a loss and could still return to profitability through negotiations with DBS.

Recommendation: ***DBS should ensure that its negotiations with TCS result in an improved contract that ensures TCS deliver the rest of modernisation before March 2019, minimising cost and risk for the taxpayer.***

4. **The programme has not delivered the safeguarding and financial benefits promised in 2012.** The original business case in 2012 was for a cheaper contract delivering a fully digital service that would be cheaper for government and for users, and an update service providing wider safeguarding benefits as well as cost savings. None of this has been achieved: modernisation is delayed, leaving much of the service paper-based; the update service is more expensive for both government and users, and is used by fewer people; and the promised wider safeguarding benefits have been forgotten as they are not being tracked. The Home Office told us that it does not work with regulators such as Ofsted to check how employers use the information provided by DBS to improve safeguarding. DBS reset the business case in 2014 but cannot tell us how much of what was originally promised has been delivered, or what benefits it now expects to deliver before the TCS contract ends in March 2019.

Recommendation: ***DBS should write to us before Parliament's summer recess setting out precisely what, if any, benefits the programme will achieve by March 2019, how these will be tracked and measured, and how much of what was promised in the original business case will no longer be delivered before the contract ends.***

5. **The Home Office introduced the update service without a sound idea of demand or whether customers would use it, and the DBS is only now starting to look at why it is not popular.** The aim of the new update service was to make it easier and faster for employers to check whether there are any changes to safeguarding information. The Home Office expected 2.8 million paying users by 2016–17 but DBS only achieved one million users. The Home Office launched the update service without a pilot or properly engaging with users including schools, many of which have policies that require a certain frequency of checks of paper documents and identity verification. It now admits this was a mistake and considers that demand was never likely to be as high as it had initially assumed. But, since 2014, DBS has been content to allow demand to be much lower without taking action to look into what has gone wrong, what users want, or whether the business case still stacks up. DBS has not made any changes to the update service and lacks a good enough understanding of its potential demand suggesting a lack of ambition to make the update service successful.

Recommendation: ***Before making changes to future public services, the Home Office should undertake a proper and robust forecast of user needs and demand. The Home Office should also confirm that it does have a role in assessing how organisations use the information it provides to ensure the most efficient and effective use of public resource. For the update service, DBS should now conduct such an assessment and write to the Committee setting out how the update service will be improved as a result.***

6. **DBS has failed to deliver promised savings to customers while building up a £114 million surplus at their expense.** DBS is running the update service at a loss despite charging people £13 instead of the £10 expected in 2012. It loses £9 for every application to the update service. The losses on the update service are offset by the profits DBS makes from issuing conventional paper disclosure certificates. Overall, DBS is projecting a surplus of £114 million in the six-and-a-quarter years to March 2019. DBS says it has been unable to model its costs properly because of a changing safeguarding environment, rising demand and delays to the modernisation programme. DBS has failed to understand its cost base and fee structure and it is astonishing that DBS has not been proactive enough to either reduce its fees for issuing certificates, or return the surplus it has accumulated to the Treasury.

   Recommendation: ***As a matter of urgency, DBS should review the fee structure for all its products to consider how it can provide the same level of service at a lower cost for customers.***

1 The Disclosure and Barring Service modernisation programme

1. On the basis of a report by the Comptroller and Auditor General, we took evidence from the Home Office (the Department), Tata Consultancy Service (TCS) and the Disclosure and Barring Service (DBS).[1]

2. DBS is an arms length body, sponsored by the Home Office, that operates a safeguarding service to help employers decide who should work with children or vulnerable adults. The service includes: disclosure certificates (sometimes called "DBS checks") which show safeguarding information such as criminal records; an update service that lets employers check whether a certificate is up-to-date; and a barring service which checks whether people are on government lists of people deemed unsuitable to work with children or vulnerable adults. The safeguarding service is widely used by organisations such as schools and care homes who work with children or vulnerable adults. DBS aims to cover its costs by charging fees for disclosure certificates and the update service. Such fees are often paid for by the employer, and are waived if the person being checked works as a volunteer.[2]

3. DBS was created in 2012 as part of a programme launched by the Home Office to modernise and improve safeguarding. DBS was created by merging the two organisations which previously undertook safeguarding functions—the Criminal Records Bureau and the Independent Safeguarding Authority. In addition to the merger and modernising the way safeguarding operates, the Home Office sought to launch a new product (the update service) which would make it easier for the individuals being checked to move jobs using a digitally available portable disclosure certificate. The update service was also expected to be cheaper for DBS which, along with savings from modernisation would reduce the costs of running DBS—savings which could be passed on to users either directly as price reductions, or indirectly through a shift of demand from repeated purchases of disclosure certificates to the update service. As well as benefiting individuals and employers, this was expected to benefit the taxpayer because employers (who are mostly publicly-funded bodies in the public sector) often pay for certificates and the update service was expected to be cheaper.[3]

The extent and cost of delays

4. In 2012, DBS was created and a contract was signed with Tata Consultancy Services (TCS) to design, build and run a new IT system that would modernise DBS's services. The programme was delayed from the start and DBS had to extend its contract with its previous supplier, Capita, by two years.[4] The modernisation of DBS is now over four years late. In 2012, the Home Office planned that DBS would have moved to modernised IT by March 2014 with further modernisation completed by June 2014. As at April 2018, not all modernisation is complete, a delay of over four years.[5] In 2012, the Home Office forecast DBS's total cost would be £656 million (1 December 2012 to 31 March 2019), whereas

1 Report by the Comptroller and Auditor General, Investigation into the Disclosure and Barring Service, Session 2017–18, HC 715, 1 February 2018

2 C&AG's Report, page 4, paras 2–3, paras 1.1, 2.2–2.8

3 C&AG's Report, page 4, paras 2–3, page 6, para 1, paras 2.1, 2.6, 4.6–4.8

4 Qq 49,80, 128, C&AG's Report, para 3.13

5 C&AG's Report, page 4 paras 2–4, page 7 para 5

DBS's current forecast is for costs to be £885 million. The increase of £229 million is due to delays in transition from Capita to TCS, delays implementing the modernisation service and changes to demand for DBS's service.[6] DBS told us that two thirds of the cost increase is due to changes in demand and the rest is due to other factors, including the cost of delay.[7]

5. Modernisation seems unlikely to be completed before the contract with TCS ends in March 2019. TCS has modernised only parts of DBS's service, including barring lists and basic disclosures but DBS currently has no date agreed with TCS for when further modernisation will be completed, and there is now just one year left before the TCS contract is due to end in March 2019.[8] The Home Office and DBS told us that the contract could be extended but that this would depend on a satisfactory outcome of current negotiations with TCS.[9]

6. DBS and its contractor TCS are negotiating to agree who and what caused the delays and to agree a new timetable for when modernisation may be completed. With negotiations ongoing, no-one was prepared to offer us a new forecast for when modernisation might be completed. TCS told us that in "about a month's time we should have a view of when the remainder of the modernisation will be delivered" but were not able to explain when that might be, or if it would be before the contract was due to end in March 2019.[10] The Home Office was less sure, saying it could take "some time" to get to an agreement that would last. But both the Home Office and TCS felt the problems could be solved once the negotiations had completed.[11]

Lessons for the Home Office's major projects teams

7. The Home Office and TCS now accept that, when the contract was signed in 2012, no-one had a good enough understanding of what it would take to make the programme successful. The contract as agreed specifies 450 requirements for business processes and 1,350 requirements for the IT system, but only an outline timetable which has proved over-ambitious with insufficient consideration of the risk involved.[12]

8. TCS said that it bid because it wanted to modernise and transform a public service and told us that it still believed the programme was deliverable, but we questioned whether TCS had done enough to assist its customer (the Home Office, and then DBS) in setting a realistic timetable or understanding the risk and complexity in the project.[13] The contract was let using a version of competitive dialogue to allow bidders to discuss and refine the requirements before submitting a final bid.[14] However, TCS told us that when bidding it did not properly understand the complexity of the contract yet accepted the requirements

6 C&AG's Report, page 7, para 10, para 4.2
7 Qq 45–49
8 Qq 26–56, 102, 105–112, C&AG's Report, page 7, para 6
9 Q 130
10 Qq 104, 106
11 Qq 104, 131, 136
12 Qq 80, 128; C&AG's Report, para 3.8
13 Qq 91, 93–94
14 C&AG's Report, para 3.3

as defined by the Home Office. Despite the delays, TCS has never advised the Home Office to pause the programme and the approach adopted was an old-fashioned 'big-bang' approach rather than splitting the task into smaller, manageable, pieces from the outset.[15]

9. The issues on this project reminded us of what has gone wrong on the Home Office's attempts to upgrade the Emergency Services Network, and we asked the Home Office how well it was managing these large IT contracts.[16] The Home Office told us that only the DBS and ESN programmes were in trouble and acknowledged that both programmes exhibited an underestimation of complexity, a lack of understanding of risk, poor planning and a need to better manage the needs and expectations of different stakeholders and customers. The Home Office told us that it has tried to improve its project management skills and that it has strengthened and simplified governance of major projects.[17] But we are concerned to see the same issues occurring and do not have confidence that there are no other Home Office programmes suffering from the same problems.

A flawed contractual approach

10. TCS was contracted to help deliver a business case that included taking over DBS's IT and business processes, modernising them, and then running the service for five years. The contract was structured so that only 3% of the Home Office's payment to TCS was directly related to completion of modernisation. The other 97% is linked to the demand for TCS's services through a 'ticket price' for the disclosure certificates and update service, together referred to as transactions.[18] This means that the vast majority of payments to TCS are dependent on the demand for DBS's services rather than on completion of modernisation. The contract is therefore primarily an outsourcing contract whereas the Home Office's business case emphasised the completion of modernisation. DBS told us that, in hindsight, the emphasis in the business case should have been different. In our view it is the overall approach to contract pricing that is at fault here rather than the emphasis of the business case.[19]

11. The Home Office told us that it had hoped to transfer risk to TCS by reducing the ticket price in the contract three years after transition. The Home Office told us it hoped that this would incentivise TCS to complete modernisation more quickly as the unmodernised service would be more expensive for TCS to run.[20] However, modernisation is currently running over four years late.[21]

12. The contract allowed TCS to make a 22% profit margin, higher than the 20% that Home Office told us was allowed in the contract with Capita that preceded the TCS contract.[22] TCS told us that it had continued to make a profit of 3% until March 2017, and that while it was now beginning to make a loss this was a preliminary position that may change as a result of the negotiations with DBS.[23]

15 Qq 91–94; C&AG's Report, Figure 6, note 2
16 Q 133
17 Qq 134–136
18 C&AG's Report, paras 3.7–3.9
19 Qq 69–72
20 Qq 69–71, 118
21 C&AG's Report, page 7, para 5
22 Correspondence, Home Office, 27 March 2018
23 Q 118

2 Inspection

The benefits promised in 2012

13. The Home Office's 2012 business case for modernisation set out to deliver a range of benefits including cost savings, service improvements, and wider benefits such as a more user-friendly system and portable disclosure certificates.[24] The Home Office told us that the expected lifetime savings of £37 million a year (15% to 20% of contract value) had not yet been achieved from the contract.[25] DBS was unable to tell us how much it now expected to save.[26] Following our evidence session, DBS wrote to us stating that the ticket price reduction means the contract costs have reduced by £37 million since 2014, with further contract savings expected in 2018–19 if modernisation is completed. However, these calculations are preliminary forecasts which are liable to change depending on the outcome of negotiations with TCS.[27] They are also calculated using the current levels of demand and the change in contractual ticket price since 2014, ignoring the cost of developing the IT system. Because demand has increased, this calculation may not be comparable to the numbers in the 2012 business case.[28]

14. The programme was meant to improve the service DBS offers its customers by moving away from a paper-based system to a system that is digital. DBS has achieved some of this, for example the new basic disclosures and checks against barring lists have been made electronic, but the delays to modernisation mean DBS's disclosure certificates, DBS's most used product, are not yet fully digital.[29] Savings for paying customers have not been delivered, as DBS is charging £13 for the annual subscription to the update service instead of the £10 expected in 2012.[30]

15. The original business case in 2012 also included wider benefits for safeguarding. For example, improved matching algorithms to better match applicants against police databases and general improvements to safeguarding information whereby employers could recheck employees more often if the employees were using the update service.[31] The Home Office told us that it was not its role to look into how organisations use the information provided by DBS—it leaves this to regulators such as Ofsted—but it does not get regular updates from them that would tell it how much DBS has contributed to safeguarding.[32] DBS told us that in 2014 it reset the business case and reduced the forecast demand for the update service, which it now considers to be an "optional, voluntary product".[33] DBS is no longer sure what wider benefits mean for the programme and is not yet tracking any wider benefits. Because of the delays DBS was unable to tell us whether benefits such as improved customer experience or cost savings would be delivered before the end of the TCS contract.[34]

24 C&AG's Report, para 1.5
25 Q 27
26 Qq 38, 41
27 Correspondence, Disclosure and Barring Service, 28 March 2018
28 Q 45
29 Qq 28, 29, 32, 50–55
30 Qq 36, 37, 56
31 Q 30; C&AG's Report, para 4.11
32 Qq 163–167
33 Qq 62, 138
34 Qq 50–51, 65–66

The update service

16. In 2012, the Home Office also decided that DBS should introduce a new update service that would enable employers to check whether the information on a disclosure certificate was still up to date. If the update service confirms there to be no new information available then employers would be able to rely on old certificates when recruiting or rechecking employees. This would reduce the number of certificates DBS would need to issue.[35]

17. The update service was expected to reduce the demand for disclosure certificates and the Home Office forecast it would be used by 2.8 million paying users by 2017–18. But actual usage is much lower, at around one million paying users.[36] The Home Office now accepts that its original forecast was unrealistic, and that the decision to charge individuals for the update service when principally employers pay for the other disclosure certificates was not properly researched. It introduced the update service without piloting, testing or advertising it.[37]

18. DBS agreed that more could have been done by the Home Office, but has done little to promote demand for the update service. DBS has not made any changes to the update service and has been content to allow demand to follow a much lower forecast without taking action to look into what has gone wrong or understand whether the business case still stacks up.[38] DBS told us that it intends to do more user research this year, including regional events for employers, but has not delved into the reasons why take-up is lower.[39] The Home Office agreed that customer research needs to be prioritised by DBS in future, but has not given any deadline for changes to be made.[40] Despite this lack of activity, DBS told us that the update service has a 92% satisfaction rate and renewal rate of 70%.[41]

DBS's financial position

19. Although DBS is charging its customers £13 a year for the update service instead of the £10 a year expected in 2012, it currently makes a loss on the update service as it costs DBS £22 a year for each user.[42] One of the problems is that lower demand means that DBS's fixed costs are spread over a smaller number of sales. DBS said it ideally wanted to break even on all its services, but that while it planned to review its products to work out how it could reduce unit costs, it did not yet have any views on how this would be achieved.[43]

20. The loss on the update service is more than covered by profit from DBS's disclosure certificates. For example, DBS charges people £44 for an enhanced disclosure certificate and in 2016–17 DBS's accounts show this cost it £37 to process.[44] Because demand for

35 C&AG's Report, para 2.6
36 C&AG's Report, para 2.9–2.10
37 Qq 116–117, 137; C&AG's Report, para 2.11
38 Qq 136, 138, 188
39 Qq 138, 141, 144–145
40 Qq 148, 149
41 Q 138
42 Q 186; C&AG's Report
43 Qq 182–187
44 C&AG's Report, Figure 10

disclosure certificates has increased substantially, DBS is building up a surplus that is forecast to reach £114 million over six and a half years to 31 March 2019, despite the loss it is making on the update service.[45]

21. DBS told us that this cross-subsidisation of one product by another is allowed by Treasury rules and that other products, such as free certificates for volunteers are cross-subsidised, as well as barring cases.[46] Since 2012, DBS has neither reduced its fees nor passed any money back to either its customers or the Home Office. The Home Office accepted that there needs to be a full and thorough review of how DBS's services are priced but it is apparently waiting for a successful resolution of the contractual dispute to better understand what DBS's services cost.[47]

45 Q 45; C&AG's Report, Figure 4 and paras 4.4–4.5
46 Q 124
47 Qq 117–118

Formal minutes

Monday 21 May 2018

Members present:

Meg Hillier (in the Chair)

Sir Geoffrey Clifton-Brown
Caroline Flint
Luke Graham
Gillian Keegan
Shabana Mahmood
Stephen Morgan
Anne Marie Morris
Bridget Phillipson
Lee Rowley

Draft Report (*Modernising the Disclosure and Barring Service*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 21 read and agreed to.

Introduction agreed to.

Conclusions and recommendations agreed to.

Summary agreed to.

Resvolved, That the Report be the Forty-second of the Committee to the House.

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

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

[Adjourned till Wednesday 23 May at 3.00 pm

Witnesses

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

Monday 19 March 2018

Question number

Shankar Narayanan, Head of UK and Ireland, Tata Consultancy Services, **Sir Philip Rutnam**, Permanent Secretary, Home Office, **Scott McPherson**, Director General, Crime, Police and Fire Group, Home Office, and **Adele Downey**, Chief Executive Officer, Disclosure and Barring Service Q1–203

Published written evidence

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

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

1 National Council for Voluntary Organisations (DBS0002)

2 Unlock (DBS0001)

Published correspondence

The following correspondence was also published as part of this inquiry:

1 Correspondence with the Home Office, dated 27 March

2 Correspondence with the Disclosure & Barring Service, dated 28 March

List of Reports from the Committee during the current session

All publications from the Committee are available on the publications page of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

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Third Report	Hinkley Point C	HC 393 (Cm 9565)
Fourth Report	Clinical correspondence handling at NHS Shared Business Services	HC 396 (Cm 9575)
Fifth Report	Managing the costs of clinical negligence in hospital trusts	HC 397 (Cm 9575)
Sixth Report	The growing threat of online fraud	HC 399 (Cm 9575)
Seventh Report	Brexit and the UK border	HC 558 (Cm 9575)
Eighth Report	Mental health in prisons	HC 400 (Cm 9575) (Cm 9596)
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Seventeenth Report	Retaining and developing the teaching workforce	HC 460 (Cm 9596)
Eighteenth Report	Exiting the European Union	HC 467 (Cm 9596)

Nineteenth Report	Excess Votes 2016–17	HC 806 (Cm 9596)
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