House of Commons

Committee of Public Accounts

The Common Agricultural Policy Delivery Programme

Twenty-sixth Report of Session 2015–16

HC 642

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The Common Agricultural Policy Delivery Programme

Twenty-sixth Report of Session 2015–16

Report, together with formal minutes relating to the report

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The Committee of Public Accounts

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Summary

The Department for Environment, Food & Rural Affairs has a history of failure when developing systems to support subsidy payments for farmers under the Common Agricultural Policy. The Common Agricultural Policy Delivery Programme was intended to address past failures, but was unsuccessful in many respects. Payments to farmers have been delayed at a time when their cash flow is already stretched. The three key bodies involved in the Common Agricultural Policy Delivery Programme–the Department, the Rural Payments Agency and the Government Digital Service–were unable to work together effectively. Dysfunctional and inappropriate behaviours amongst senior leaders were inexcusable and deeply damaging to the Programme. An inability to agree a clear vision for the Programme meant that the frequent changes in leadership were accompanied by changes of direction, shifts in focus and further disruption. The Government Digital Service was created to help improve IT projects, but instead hindered delivery of this Programme. In addition to delaying payments to farmers, Programme costs have risen by 40% and penalties from the European Commission are likely to increase significantly.

Introduction

The Common Agricultural Policy (CAP) is the European Union framework of subsidies and rural development programmes. The Rural Payments Agency (RPA) makes 105,000 payments each year to English farmers and landowners under the CAP, amounting to £1.8 billion. Since 2012, the Department for Environment, Food & Rural Affairs (the Department) has been leading the Common Agricultural Policy Delivery Programme (the Programme), together with its delivery bodies, the RPA and the Government Digital Service (GDS), to develop a single IT solution for the new regulations that came into force in 2014. In January 2013, the Cabinet Office reviewed the Programme and as a result seven significant changes were made, increasing the level of innovation and risk. The Programme was originally forecast to cost £155 million, but this has increased by 40% to £215 million. In March 2015 the Department replaced the online application system with 'paper-assisted digital' applications following a number of IT failures.

Conclusions and recommendations

1. **As a result of the repeated failures of the Programme, many farmers are being paid later than in previous years.** The Rural Payments Agency paid only 38% of farmers under the Basic Payment Scheme on 1 December 2015 - the first day of the payment window - compared to over 90% in previous years. In March 2015, as a result of the failure of the online application system, the Department had reverted to a 'paper-assisted digital' system, requiring a significant amount of manual input and creating a large number of errors. In addition to delays to the Basic Payments Scheme, payments amounting to £200 million under the Environmental Stewardship Scheme did not start until mid-October, two months later than they could have started. The Chief Executive of the RPA argued that the payment window for the Basic Payment Scheme is open until 30 June, as in previous years, and that the RPA had created a rod for its own back in recent years by paying most claimants on day one. Nevertheless, payments for some farmers are considerably later than in previous years and this delay comes at a time when many farmers are already suffering financially.

   Recommendation: ***The Department should set out clear milestones, by the end of June 2016, for when it expects to pay farmers for future years and when it will return to previous performance levels.***

2. **The lack of a clear and consistent set of priorities between GDS, the Department and the RPA caused disruption and delay at the outset and allowed shifts in direction and focus to occur each time there was a change of senior responsible owner (SRO).** The Department's and the RPA's priority is to pay farmers accurately and on time and to reduce disallowance penalties. The Cabinet Office, through GDS, focused on trying to encourage digital innovation, reduce costs and develop learning across government. The parties' differing objectives were never reconciled into a single set of priorities. The Programme has been led by four different SROs since its inception, with each bringing their own distinct priorities, vision and style. GDS's focus on developing a digital front-end to allow farmers to apply online, which was not a European Commission requirement, was inappropriate for farmers, who have a lower average level of digital literacy than the general population and there is poor broadband coverage in many rural areas.

   Recommendation: ***For this and future programmes, the Department should establish a clear and enduring vision based on expected programme benefits, together with clear milestones and priorities that can remain in place regardless of changes in leadership.***

3. **GDS introduced a level of innovation and risk to the Programme, without assessing whether the Department was capable of managing the changes, and did not provide sufficient support during implementation.** In January 2013 the Programme was reset as a 'digital exemplar' project under the Cabinet Office Transformation Programme, which led to the introduction of seven fundamental changes. These changes significantly increased the delivery risk and the Chief Executive of the RPA admitted they had created difficulties for the Programme. GDS introduced the changes but had little accountability for delivery and the government's Chief Technology Officer acknowledged that technology leadership

within the Department was not as strong as in other departments where 'digital exemplar' projects had been introduced. However, GDS did not provide enough support to the Department to help it adapt to and implement the changes required of it. We welcome digital innovation but it must be introduced appropriately, taking into account the capability of the department concerned and its customers. In this case, GDS failed to take account of these considerations or provide adequate support. It lost sight of the outcome–which was that farmers be paid as quickly as possible.

Recommendation: ***The Cabinet Office, through its GDS, should comprehensively assess departments' capabilities to deliver any changes it imposes and ensure that it provides an appropriate level of support for those changes.***

4. **The failure of the Department, the RPA and GDS to work together effectively resulted in serious detriment to the Programme.** Dysfunctional and inappropriate behaviour between senior Programme officials impacted on implementation and delivery, potentially costing the taxpayer hundreds of millions of pounds in financial penalties. Neither the government's Chief Technology Officer nor the Chief Executive of the RPA was able to provide us with an acceptable explanation for their behaviour. The Department's efforts to resolve issues, such as weekly meetings with the main protagonists, failed, and the Cabinet Office also did not halt the disruptive behaviour. Highly paid public servants need to get the job done and such behaviour is unacceptable.

   Recommendation: ***The Department should review its approach to tackling serious failures of management and put in place measures to stop this ever happening again.***

5. **Reducing the risk of disallowance penalties was not given sufficient priority.** The outline business case did not provide sufficient detail about the specific steps the Department would take to reduce the risk of financial penalties from the European Commission, known as disallowance, or which elements of disallowance are within the Programme's control. These penalties total £642 million so far for the 2005–2014 CAP period, averaging over £60 million a year. The outline business case assumed successful delivery of the Programme would contain disallowance at 2% of scheme value each year (equivalent to £44 million). The Department's former Accounting Officer assured us that she was always acutely aware of the need to reduce disallowance but, when the European Commission proposed a sharp increase to the rate of future penalties in January 2014, the Department did not react quickly enough to the proposals. The Department now expects disallowance to reach up to 10% a year (£180 million) in the early years of the CAP. The Chief Executive of the RPA told us that the designation of the Programme as 'digital by default' may have been a distraction from the important task of developing the controls to protect taxpayers from disallowance.

   Recommendation: ***The Department needs, as a matter of urgency, to explain and justify what it considers to be an appropriate target level of financial penalties from the European Commission, how it will achieve it and how it will monitor progress towards it.***

6. **It is not clear that the Department has sufficient direct incentives to reduce disallowance penalties.** In the past, HM Treasury set aside an amount specifically to cover disallowance penalties, with the result that the penalties have had little impact on the Department's overall budget and the Department has not benefitted directly from any reductions it achieved. The Department's Accounting Officer told us that under Spending Review 2015, if the Department does not manage to contain financial penalties from the European Commission, there will now be some impact on other parts of its budget. Any budgetary impact would strengthen the Department's incentives to minimise disallowance penalties, but the mechanism for achieving this is not clear to us.

   Recommendation: ***HM Treasury should set out the mechanisms in place from 2016–17 to demonstrate that they are providing the budgetary incentives needed for the Department to do as much as possible to reduce disallowance penalties.***

1 Development of the Programme

1. On the basis of a report by the Comptroller and Auditor General we took evidence from the Department for Environment, Food and Rural Affairs (the Department), the Rural Payments Agency (the RPA) and the government's Chief Technology Officer on the Common Agricultural Policy Delivery Programme.[1]

2. The Common Agricultural Policy (CAP) is a European Union (EU) framework of subsidies and rural development programmes. The Department has overall responsibility for the CAP and the RPA, as the paying agency for all CAP payments in England, pays out £1.8 billion a year to English farmers and landowners under the CAP. The EU reforms the CAP every seven years or so. The latest reform led to the current regulations that came into force in 2014. They are significantly more complex than their predecessors, despite the UK government's stated aim to simplify it.[2]

3. Since 2012, the Department has been working with the Rural Payments Agency, Natural England and the Forestry Commission, with support from the Government Digital Service, to develop a replacement IT system. Known as the CAP Delivery Programme (the Programme), the replacement is intended to deliver a single IT solution to process and make payments to farmers and to reduce exposure to financial penalties (known as disallowance), of which £642 million have been incurred so far relating to the period 2005 to 2014. The Programme was originally forecast to cost £155 million, but by September 2015 this had increased by 40% to a forecast £215 million. In March 2015, the Department replaced the online application system with 'paper-assisted digital' applications following a number of insurmountable IT failures.[3]

4. The Department's Accounting Officer assured us the priority for the programme was making sure that farmers were paid. However we were told by the Chief Executive of the RPA that only 38% of farmers received a payment on 1 December 2015, the first day of the Basic Payment Scheme payment window. This compares very unfavourably to previous years where 91% were paid on the first day in 2012, 92% in 2013 and 95% in 2014.[4] Delays to the Basic Payments Scheme have also impacted on the RPA's ability to make interim payments for the Environmental Stewardship Scheme. As a result, payments to farmers amounting to £200 million did not begin until mid-October, nearly two months after they could have started.[5]

5. In March 2015, the Department abandoned its plans for an online application portal for all farmers and reverted to a 'paper-assisted digital' system, with some claims being received on paper forms instead.[6] The government's Chief Technology Officer explained that a lack of performance testing meant that potential issues with the IT system were not picked up until it was too late to resolve them. While the core functionality of the different components were in place, testing highlighted that the system could not handle the volume of users that was expected[7] The Department's Accounting Officer provided

1 C&AG's Report, *Department for Environment, Food & Rural Affairs, Early Review of the Common Agricultural Policy Delivery Programme*, Session 2015–16, HC 606, 1 December 2015
2 C&AG's Report, paras 1-5
3 Qq 1, 6, 11; C&AG's Report (December 2015), paras 6-11
4 Qq 2, 32; Rural Payments Agency, *Annual Report and Accounts*, 2014–15
5 C&AG's Report, paras 9, 1.14
6 C&AG's Report, para 4.3
7 Qq 11–14, 40

assurances that the online capability will be available for applications made in 2016. However, the move to a paper-assisted digital system has required additional resource to manually input paper forms onto the system and also created a large number of errors, which may lead to higher levels of disallowance than initially anticipated.[8]

6. This year, payments to some farmers will be considerably later than in previous years and this comes at a time when many are already suffering financially.[9] The Chief Executive of the RPA argued that, as in previous years, the payment window for the Basic Payment Scheme is open until 30 June and suggested that farmers should carry out their cash flow forecasting on that basis. He also argued that the RPA's improved performance in recent years had created a rod for its own back by paying most claimants on the first day of the payment window.[10]

7. The main organisations involved with developing the Programme had different aims for it. The Department's and the RPA's overriding priorities are to pay farmers accurately and on time and to reduce disallowance penalties. The Cabinet Office, through GDS, focused on trying to encourage digital innovation, reduce costs and disseminate learning as part of the government's strategy to build online services based on users' needs.[11] The parties' differing objectives were never reconciled into a single set of priorities for the Programme. The Chief Executive of the RPA admitted his personal regret at being unable to sufficiently explain to the other organisations involved in developing the Programme the importance of the key controls that were required.[12]

8. Four different Senior Responsible Officers (SRO) have led the Programme since its inception, with each one bringing their own distinct priorities, vision and style. The Department's former Accounting Officer explained the reasons for each appointment but also highlighted that continuity had been provided from the start by the Programme Director.[13] However, Programme staff reported that such frequent changes at the most senior levels led to disruption for the Programme and caused uncertainty and confusion. The Department's current Accounting Officer acknowledged the need to have a "clear vision that withstands any future change of SRO".[14]

9. The Government Digital Service's focus on developing a digital front-end to allow farmers to apply online is not a requirement of the European Commission. Moreover it was clearly inappropriate for a customer group with a lower average level of digital literacy than the general population and with poor broadband coverage in many rural areas. The Chief Executive of the RPA admitted that the focus on providing a digital service potentially distracted the RPA from its main focus of ensuring payments were accurate and timely, in addition to the important task of protecting taxpayers from significant disallowance penalties.[15]

10. In January 2013, the Programme was reset as a 'digital exemplar' project under the Cabinet Office Transformation Programme. This resulted in the Cabinet Office imposing seven key changes on to the Programme which significantly increased the level of

8 Qq 18, 23; C&AG's Report, paras 9, 4.6, 4.8,
9 Qq 1–2,
10 Qq 31, 95
11 C&AG's Report, paras 13, 2.4
12 Qq 65, 71–72
13 Q 46
14 Qq 37, 43; C&AG's Report, paras 16, 3.3
15 Qq 19, 50, 58

innovation and delivery risk.[16] The Chief Executive of the RPA admitted these changes created challenges by positioning the Department at the "bleeding edge, rather than the leading edge" of a number of untested technologies.[17] At the time, the Department did not feel these changes posed a significant risk, but did implement mitigating actions to manage the risks individually. However, the C&AG's report points out that many Programme staff were concerned that, *cumulatively*, the introduction of seven fundamental changes at the same time was more than the Department could reasonably be expected to accommodate.[18]

11. The government's Chief Technology Officer told us that technology leadership within the Department was not as strong as other departments where digital exemplar projects had been introduced[19]. He also agreed that, as part of the reset process itself, GDS should have given more consideration to the level of technological capability within the Department and whether it was in a position to manage the changes required. He acknowledged this as one of the core lessons to be learned from this Programme.[20]

12. While GDS was responsible for introducing these changes, it had little accountability for successful delivery. Furthermore, the support GDS provided was not enough to help the Department adapt to and implement the changes needed. The Department and the RPA described GDS support as 'patchy' and with little continuity in personnel.[21] We welcome digital innovation in government but it must be introduced sympathetically and appropriately, by fully taking into account the capability of the department concerned and its customers. In this case, by its own admission GDS failed to fully understand these considerations or to provide adequate support for its own requirements.[22]

13. Dysfunctional and inappropriate behaviour at the top was very apparent to Programme staff and created a frustrating work environment for them, preventing a culture of trust necessary for such a large Programme. In some cases, this included confrontational behaviour between senior Programme staff at the RPA and GDS.[23] We pointed out that such behaviours would not be tolerated in the private sector and the Chief Executive of the RPA and the government's Chief Technology Officer were unable to explain and defend their behaviour when given the opportunity. The Chief Technology Officer explained that it can be challenging when someone comes in from the centre to try to change what was already in place. He also drew attention to cultural differences between the teams involved, for example people dressing differently and using different methods of reporting, and also to the teams working on different floors of the same building. He added that "had we our time again, we could have gone in and tried to help earlier, and in a more collegiate way."[24]

14. The Department's former Accounting Officer acknowledged that a large tension in the Programme was securing the right balance between digital innovation and establishing the right controls to satisfy European Commission requirements. The GDS focus was largely on understanding user needs, improving front end delivery and promoting Digital by Default. The Chief Executive of the RPA acknowledged that this represented a

16 C&AG's Report, paras 14, 2.5–2.6
17 Q 85
18 C&AG's Report, paras 2.6, 2.8
19 Q 98
20 Qq 85, 91
21 C&AG's Report, para 3.23–3.24
22 Q 84
23 C&AG's Report, para 3.11
24 Qq 63, 64, 68–72

significant difference in approach with his focus on "reducing disallowance and providing accurate payments to our customers".[25] He told us that there is no European Commission requirement for an interactive front end and it carries no disallowance benefit or burden. This tension was never resolved and impacted on the delivery of a successful rural payment service. The resulting setbacks to the Programme could cost the taxpayer millions of pounds in additional financial penalties.[26]

15. The Department's former Accounting Officer held weekly meetings with the protagonists to try to resolve the issues, but was unsuccessful. GDS also escalated concerns within the Cabinet Office with little impact, and the issues were not resolved.[27] We asked the Department why the staff involved are still in post and the former Accounting Officer explained that in her opinion the Programme could not withstand the loss of key senior staff and therefore it was necessary to keep the staff in order to maintain continuity. The former Accounting Officer said she found that, at senior civil servant level, the most effective way of incentivising people is reputational rather than financial, but did confirm that no bonuses were given to senior civil servants involved in the Programme. She told us that she had taken account of the behaviours in the performance reviews for which she was responsible, but had not felt that disciplinary action was justified.[28]

25 Qq 56, 66; C&AG's Report, Figure 5
26 Q 50; C&AG's Report, paras 13, 22
27 Q 66; C&AG's Report, para 3.12
28 Qq 80–82

2 Disallowance penalties

16. 'Disallowance' penalties are financial penalties imposed by the European Commission and can arise for many reasons including delays in paying claimants, misinterpreting regulations, or the European Commission identifying control weaknesses that it considers a risk to its funds. For the previous CAP period (2005–2014), England has already incurred £642 million of disallowance penalties, equivalent to around 2.7% of the total scheme value. There will be more to follow, as it takes the Commission several years to complete their audits. [29]

17. The Programme's outline business case assumed that if the Programme was delivered successfully, disallowance penalties for the new CAP period (2015–20) would be contained at around 2% of the total scheme value each year. However, the business case offered no detail about what steps the Department would take to achieve this. The Department expects that disallowance penalties will far exceed the 2% target and will reach 10% a year (£180 million) in the early years of the CAP.[30]

18. In January 2014, it became clear that the European Commission was going to increase the value of disallowance penalties under the new CAP compared with what would have been applied for similar failures under the previous regime. The Department did not respond to this increase in disallowance risk until late 2014, significantly after the intentions of the European Commission had became apparent. In addition, the Department did not increase the level of the Programme's contingency funding to take account of the increased risk.[31]

19. During the previous CAP period (2005–2014), HM Treasury provided ring-fenced funding to the Department to cover disallowance penalties.[32] Unused amounts were either carried forward to future years or returned to HM Treasury.[33] The Department's former Accounting Officer told us that she was always "acutely conscious of the absolute need to tackle disallowance" and that HM Treasury expected the Department to do everything it could to reduce the risk. However, we believe that the incentives for the Department to reduce disallowance are insufficient, as the Department receives little direct benefit from any reductions it achieved. We were told by the Department's Accounting Officer that, under Spending Review 2015, it will be the Department's responsibility to reduce disallowance penalties and there will be some impact on other parts of its budget if it failed to do so.[34]

20. The Department chose Abaco, an Italian IT supplier, to apply the complicated scheme rules and calculate payments, because of its success in preventing disallowance in other countries.[35] However, the Department chose to use only some elements of the Abaco product and tried to integrate these with other parts of the system. This presented challenges with respect to systems integration and meeting Digital by Default standards

29 C&AG's Report, Department for Environment, *Food & Rural Affairs and the Rural Payments Agency, Managing Disallowance Risk*, Session 2015–16, HC 206, National Audit Office, July 2015, paras 1.11–1.12
30 C&AG's Report, paras 2.10, 2.11, 2.15
31 C&AG's Report, para 15, 2.13, 2.15
32 Q 25
33 C&AG's Report, Department for Environment, *Food & Rural Affairs and the Rural Payments Agency, Managing Disallowance Risk*, Session 2015–16, HC 206, National Audit Office, July 2015, para 24
34 Qq 23, 25, 29
35 Q 29

and Abaco was not successfully integrated with the online application portal for 2015 applications.[36] The Chief Executive of the RPA acknowledged that the designation of the Programme as digital by default may have distracted from the emphasis on controls to protect taxpayers from significant disallowance penalties.[37]

36 C&AG's Report, para 2.12
37 Q 58

Formal Minutes

Thursday 25 February 2016

Members present:

Meg Hillier, in the Chair

Mr Richard Bacon	Mr Stewart Jackson
Deidre Brock	David Mowat
Chris Evans	Stephen Phillips
Caroline Flint	Mrs Anne-Marie Trevelyan
Kevin Foster	

Draft Report (*The Common Agricultural Policy Delivery Programme*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 20 read and agreed to.

Introduction agreed to.

Conclusions and recommendations agreed to.

Summary agreed to.

Resolved, That the Report be the Twenty-sixth 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 Monday 29 February 2016 at 3.30pm

Witnesses

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

Wednesday 9 December 2015	*Question number*
Bronwyn Hill, former Permanent Secretary, **Clare Moriarty**, current Permanent Secretary, Department for Environment, Food and Rural Affairs, **Mark Grimshaw**, Chief Executive, Rural Payments Agency and Senior Responsible Owner for the CAPD programme, and **Liam Maxwell**, Government Chief Technology Officer, Government Digital Service, Cabinet Office	Q1–122

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All publications from the Committee are available on the Committee's website at www.parliament.uk/pac.

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