



Ministry of
JUSTICE

Consultation on reforms proposed in the Public Bodies Bill

Reforming the public bodies of the
Ministry of Justice

Consultation Paper CP10/2011

July 2011



Consultation on reforms proposed in the Public Bodies Bill

Presented to Parliament
by the Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty

July 2011

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About this consultation

- To:** This is a consultation produced by the Ministry of Justice. There is a requirement, as relevant, to consult those bodies/individuals, Scottish and Welsh ministers and the Lord Chief Justice, listed in clause 10 of the Public Bodies Bill. However, this consultation is also aimed at anyone with an interest in the Public Bodies Bill and the proposals it contains in relation to Ministry of Justice bodies.
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You can also respond online at
<http://survey.euro.confermit.com/wix/p700488344.aspx>
- Response paper:** A response to this consultation exercise is due to be published by 31/12/11 at:
<http://www.justice.gov.uk>

Foreword

One of the striking features of the modern state is that many of its functions are exercised not by traditional departments headed by a minister but by public bodies. To ordinary people, the mix of Executive and Advisory Non-Departmental Public Bodies, Non-Ministerial Departments and other statutory and non-statutory organisations, can be confusing. The rationale for public bodies is, in principle, a good one: independence and autonomy is necessary for some aspects of government to be exercised effectively. But a balance needs to be struck. There is a risk too that, on occasion, public bodies can prevent transparency, reduce accountability or encourage duplication and inefficiency.

Over the past year, the Ministry of Justice and other departments have been reviewing their public bodies and their functions to see, first, whether their functions are really necessary and secondly, whether they are configured in the way that maximises accountability and value. We have the most public bodies of any department – 350¹ in total – and believe we can reduce that figure by at least a quarter, to 264. We want to use mergers, abolitions and transfer of functions to ensure that the architecture of government and the state is workable and sensible.

This document is a public consultation covering the bodies we want to reform through the Public Bodies Bill, currently going through Parliament, which creates legislative powers to enable us to radically reform the system. The Bill does not cover all of the bodies we want to rationalise – for some public bodies we can use existing legislative powers: others will be reformed by administrative means, in conjunction with the organisations themselves.

Our plans include, amongst others, abolishing the Youth Justice Board to return accountability to ministers in this vital area of public policy, and abolition of the Administrative Justice and Tribunals Council in order to reduce duplication. Separate consultation will take place later in the year in relation to the merger of the offices of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions. It's also worth taking this opportunity to clarify that, though added to the Public Bodies Bill by non-government amendment, we are not planning to abolish the Civil Justice Council or use any of the powers in the Bill to change it.

¹ Includes multiples.

Consultation on reforms proposed in the Public Bodies Bill

I welcome views on any of the proposals in this paper in which the public and stakeholders have an interest. I am confident that the plans set out here will enable the department to make a significant contribution to the Government's reform of public bodies by reducing duplication of services and increasing ministerial accountability.

A handwritten signature in black ink, appearing to read 'K. Clarke'.

The Right Honourable Kenneth Clarke QC MP
Lord Chancellor and Secretary of State for Justice

Executive Summary

1. The Government announced planned reforms to public bodies on 14 October 2010, updating the proposals in March 2011.² In conducting our review of public bodies, the department first addressed the overarching question of whether a body needed to exist and its functions needed to be carried out at all. In common with other government departments, where the answer was yes, this department then subjected each of its bodies to three further tests:
 - does it perform a technical function?;
 - do its activities require political impartiality?; and
 - does it need to act independently to establish facts?
2. A body would remain if it met at least one of these three tests. Where relevant, the department has also considered further reforms, such as merger or transfer of functions, as part of the Government's commitment to remove duplication and reduce the number and cost of public bodies.
3. The Government is minded to use the powers in the Public Bodies Bill to implement the proposals outlined in this consultation in relation to the department's public bodies. The Public Bodies Bill, as currently before Parliament, requires that ministers consult on their proposals before laying a draft order, and the Government accepts this requirement. On that basis, the Secretary of State invites comments on these proposals as measures that might be carried forward by an order under the Public Bodies Act, subject to the outcome of this consultation and Royal Assent of the Bill. All responses, including those which propose an alternative to the Government's preferred option, will be given due consideration.
4. The Public Bodies Bill provides a legislative framework for reform, giving ministers powers to enact changes by order. Where a body's functions are no longer required or it has fulfilled the purpose for which it was created, the proposal is to abolish the body. In appropriate circumstances, the relevant government department would take responsibility for any particular functions to be retained, ensuring increased Government accountability – a key aim of the reforms. Bodies for abolition are included in schedule 1 of the Bill.

² Public Bodies Reform – Proposals for Change – <http://www.number10.gov.uk/wp-content/uploads/2010-10-14-Public-bodies-list-FINAL.pdf>. An update was subsequently published in March 2011 – <http://www.cabinetoffice.gov.uk/resource-library/public-bodies-reform-proposals-change>

5. Schedule 2 (power to merge) includes bodies which have previously been subject to an administrative merger. Inclusion in schedule 2 will give legislative effect to the administrative changes. Similarly, schedule 5 (power to modify or transfer functions) includes bodies which require legislation in order to transfer functions and complete earlier administrative reforms. It also allows for the transfer of certain functions without the outright abolition of a body.
6. It is a requirement of clause 8 of the Public Bodies Bill that a minister may only make an order if the minister considers that it serves to improve the exercise of public functions, having regard to efficiency, effectiveness, economy and securing appropriate accountability to ministers; and also that it does not remove necessary protection or prevent the continuing exercise of rights and freedoms which a person might reasonably expect to continue to exercise.
7. Summary information on each of the department's bodies in the Public Bodies Bill is provided below, together with our proposals for reform. There are exceptions, as indicated in the Secretary of State's Foreword. Separate consultation will take place in relation to the merger of the offices of the Director of Public Prosecutions and Director of Revenue and Customs Prosecutions. Additionally, we do not intend to bring forward any order in relation to the Civil Justice Council, which was added to the Bill as a result of an amendment in the House of Lords.

Administrative Justice and Tribunals Council (AJTC): schedules in Bill – 1-5. Headline proposal – abolish body and function.

8. The AJTC is an Advisory NDPB set up under the Tribunals, Courts and Enforcement Act 2007 in succession to the Council on Tribunals. The AJTC keeps under review and reports on the administrative justice system, although its findings are not binding on the Government. The Government considers that administrative justice policy is the responsibility of the Ministry of Justice and that the oversight and development of this area should rest with the department. Furthermore, the establishment of the unified Tribunals Service and the subsequent merger with Her Majesty's Courts Service (to form Her Majesty's Courts and Tribunals Service (HMCTS)) means that tribunals' policy and governance arrangements are now well established. The Government considers that the AJTC's oversight function duplicates activity that can take place elsewhere and that its retention can no longer be justified against a background of severe financial constraints.

Courts Boards: schedule in Bill – 1. Headline proposal – abolish body and function.

9. There are currently 19 Courts Boards across England and Wales. These Advisory Non Departmental Bodies were created by the Courts Act 2003 to work in partnership with HMCTS (then Her Majesty's Courts Service) to achieve effective and efficient administration of the courts. The Government considers that administration of the courts properly rests with HMCTS which has procedures in place to ensure effective administration. The continued existence of the Courts Boards duplicates activity and this cannot be justified in the current financial climate.

Crown Court Rule Committee: schedule in Bill – 1. Headline proposal – abolish body and transfer functions to the Lord Chief Justice in consultation with other rule committees.

10. The Crown Court Rule Committee is an Advisory NDPB. It was established under the Supreme Court Act 1981 to examine any proposed amendments to Crown Court Rules and, together with the Lord Chancellor, to make the necessary rules of court. The Crown Court Rule Committee's role in making criminal rules has been superseded by the Criminal Procedure Rule Committee, leaving it with a role only in relation to civil rules. The Crown Court Rule Committee is now rarely used and the proposal is that this almost defunct body be discontinued and its limited functions transferred to the Lord Chief Justice in consultation with other rule committees. The Lord Chief Justice agrees in principle with the proposal.

Her Majesty's Inspectorate of Court Administration (HMICA): schedule in Bill – 1. Headline proposal – abolish body and transfer essential functions to the appropriate inspectorate.

11. HMICA was established in 2005 under the Courts Act 2003, as amended by the Police and Justice Act 2006. Its key function is to inspect and report to the Lord Chancellor on the system that supports the carrying on of the business of the courts.
12. The intention to abolish HMICA was originally announced in December 2009 but the department also reviewed HMICA against the Coalition Government's 'three tests'. The review concluded that although it was important to provide assurance, court systems were robust and properly regulated and this assurance could be provided within HMCTS. It is not necessary for purely administrative systems to be subject to inspection by an independent body and the Government proposes to abolish HMICA since the majority of its functions are no longer required. Where relevant, other inspectorates will take on those functions which are still required, such as to ensure compliance with the Optional Protocol to the Convention against Torture.

Magistrates' Courts Rule Committee (MCRC): schedule in Bill – 1. Headline proposal – abolish – body will be discontinued and function will transfer to other rule committees.

13. The MCRC is a statutory advisory body established under the Magistrates' Court Act 1980 and which is consulted before a very limited range of court rules are made. The Government is proposing to abolish the MCRC as its functions could be performed effectively by other existing rule committees. The Lord Chief Justice agrees in principle with the proposal.

Office of the Chief Coroner: schedule in Bill – 5. Headline proposal – transfer functions to the Lord Chancellor and Lord Chief Justice.

14. The office of Chief Coroner was introduced for the first time by the Coroners and Justice Act 2009 (the 2009 Act). Section 35 and schedule 8 of the 2009 Act, which made provision for the office, came into force on 1 February 2010 and a Chief Coroner was appointed by the Lord Chief Justice, in consultation with the then Lord Chancellor, in March 2010. However, provisions detailing the role, functions and powers of the Chief Coroner have not been implemented and, as such, the Chief Coroner has not taken up office. It is not realistic to commit to the new expenditure that the office of Chief Coroner would require in the current economic circumstances. There remains, however, a need for reform of the current coroner system.
15. The Government proposes to achieve these reforms through the transfer of certain functions of the Chief Coroner to either the Lord Chief Justice or Lord Chancellor whilst leaving the office of the Chief Coroner on the statute book. The Lord Chief Justice is in agreement with the potential transfer of functions specified at **Annex A**. The department will also establish a Ministerial Board, supported by a Bereaved Organisations Committee with an independent Chair, to provide for the Chief Coroner's non-statutory role in overseeing the non-judicial services provided by coroners.

Public Guardian Board (PGB): schedule in Bill – 1. Headline proposal – abolish body and function.

16. The PGB is a statutory body established under the Mental Capacity Act 2005 to scrutinise and review the way in which the Public Guardian discharges his functions and to make recommendations on this to the Lord Chancellor. It is Government's view that the board's function in scrutinising and reviewing the Public Guardian's statutory duties can be effectively and more efficiently delivered by standard, robust and proportionate agency governance arrangements. Consequently, the Government recommends that the PGB should be abolished and its functions carried out within Government. The PGB has, itself, recognised that such scrutiny by an independent advisory board could not continue into the future, particularly in an environment of financial constraint and with Government's obligation to concentrate public expenditure on essential functions.

The National Archives: schedule in Bill – 5. Headline proposal – to reflect in legislative terms administrative changes already completed.

17. Between 2003 and 2006 four government bodies, each specialising in particular aspects of managing records and information, joined together administratively to form the single organisation, The National Archives. These bodies were the Public Record Office, the Royal Commission on Historical Manuscripts, Her Majesty's Stationery Office, and the Office of Public Sector Information. Using the Public Bodies Bill, the department seeks to place The National Archives, the Keeper of The National Archives and the Lord Chancellor's records advisory bodies on a clear legal footing, which simply enshrines in legislation the current administrative arrangements put in place between 2003 and 2006, following the establishment of The National Archives in 2003.
18. This will be done by legally renaming the Public Record Office as The National Archives and the Keeper of Public Records as the Keeper of The National Archives. These renamed bodies will, where possible, be made legally responsible for performing certain functions presently exercised by the four bodies or office holders associated with them. The proposed reforms have been agreed with, and led by, the current Chief Executive of The National Archives who is the Keeper of Public Records.

Victims' Advisory Panel (VAP): schedule in Bill – 1. Headline proposal – abolish body and function.

19. The VAP is an Advisory NDPB established in 2003 to allow victims of crime to have their say in the reform of the criminal justice system and the services it provides to victims. There is a clear overlap between the work of the panel and that of the Commissioner for Victims and Witnesses, who is responsible for engaging with and representing the views of victims. The Government proposes to abolish the VAP since its functions are no longer required and duplicate activity elsewhere.

Youth Justice Board (YJB): schedule in Bill – 1. Headline proposal – abolish as part of wider criminal justice reforms.

20. The YJB is an Executive NDPB. It was established by the Crime and Disorder Act 1998 to advise the Secretary of State for Justice on the operation of the youth justice system and the standards which should apply. It also works to prevent offending and re-offending by children and young people. Since then, the delivery of youth justice has become firmly established at a local level, through Local Authority Youth Offending Teams and a distinct secure estate for young people. The Government takes the view that it is no longer necessary to have independent oversight of the youth justice system and that responsibility and accountability should be returned to ministers. The Government's proposal is to abolish the YJB and establish a separate Youth Justice Division within the Ministry of Justice to ensure appropriate governance of youth justice and delivery of the YJB's functions. It is intended that independent advice and challenge will be provided by a non-statutory advisory group. In addition, Dame Sue Street, a non-Executive Director of the department who brings experience and knowledge of youth justice, will be taking an active interest in youth justice within the department, and will have a direct route into the department through the Permanent Secretary and the Secretary of State.

Introduction

21. This paper sets out for consultation the department's proposals for reform of a number of its public bodies listed in the Public Bodies Bill. The reforms will be enacted through secondary legislation following Royal Assent and commencement of the Act. Clause 10 of the Public Bodies Bill requires that a minister proposing to make an order under clauses 1–5 of the Bill must consult:
- the body or the holder of the office to which the proposal relates;
 - such other persons as appear to the minister to be representative of interests substantially affected by the proposal;
 - the Scottish Ministers, if the proposal relates to any matter, so far as applying in or as regards Scotland, in relation to which the Scottish Ministers exercise functions (and where the consent of the Scottish Parliament is not required under section 9);
 - a Northern Ireland department if the proposal relates to any matter, so far as applying in or as regards Northern Ireland, in relation to which the department exercises functions (and where the consent of the Northern Ireland Assembly is not required under section 9);
 - the Welsh Ministers, if the proposal relates to any matter, so far as applying in or as regards Wales, in relation to which the Welsh Ministers exercise functions (and where the consent of the National Assembly for Wales is not required under section 9);
 - where the functions affected by the proposal relate to the administration of justice, the Lord Chief Justice; and
 - such other persons as the minister considers appropriate.
22. Views from other interested parties would also be welcomed. The majority of reforms cover bodies with territorial applications in England and Wales but some also operate in Scotland and Northern Ireland. A Welsh language version is available at www.justice.gov.uk.
23. This consultation is conducted in line with the Code of Practice on Consultation. The consultation criteria, which are set out on page 37, have been followed.
24. Impact Assessments have not been completed for all bodies. Where relevant, more detail on the reasons for this is provided in the next chapter where individual bodies are discussed in more detail. Impact Assessments have been prepared in relation to the AJTC, HMICA and the YJB. The Impact Assessments completed indicate that the wider impact of the proposals is likely to be limited since, where appropriate, functions will be transferred back to the department or in some cases to the judiciary to ensure that appropriate services can continue.

The proposals are unlikely to lead to additional costs or savings for businesses, charities or the voluntary sector, or on the public sector. The completed Impact Assessments are published alongside this consultation document. Initial Equality Impact Assessment screenings have also been completed for all bodies and are also published separately. The requirement for a full Equality Impact Assessment for each body will be considered in the light of the responses to this consultation.

25. Comments on the Impact Assessments and the Equality Impact Assessments are very welcome.
26. The following groups have been notified of the publication of the consultation paper:
 - Bodies we are required to consult under clause 10 of the bill – see paragraph 21 above.
 - Key representative groups identified by departmental officials. A full list of suggested stakeholders, by body, can be found at **Annex B**.
27. This list is not meant to be exhaustive or exclusive, however, and responses are welcomed from anyone with an interest in, or views on, the subjects covered by this paper.

The proposals

28. This chapter provides further background on the department's bodies in the Public Bodies Bill, summarising the proposals regarding each body and detailing why the Government considers the proposed course of action to be the most appropriate. The overarching intent in bringing forward proposals has been to increase accountability and reduce duplication. As set out earlier in this document, the offices of the Director of Public Prosecutions/Director of Revenue and Customs Prosecutions and the Civil Justice Council are not included in this consultation.

Administrative Justice and Tribunals Council (AJTC)

29. The AJTC is an advisory body established under the Tribunals, Courts and Enforcement Act 2007 (the TCE Act). It replaced the Council on Tribunals, which was set up under the Tribunals and Inquiries Act 1958.
30. The TCE Act introduced a simplified statutory framework for tribunals, enabling the development of a unified Tribunals Service involving the majority of central government tribunals and as envisioned by Sir Andrew Leggatt's review, 'Tribunals for Users – One System, One Service'³ published in 2001.
31. The AJTC covers the United Kingdom, with statutory Scottish and Welsh Committees. It is charged with keeping the administrative justice system under review; keeping under review and reporting on the constitution and working of 'listed' tribunals; and keeping under review and reporting on the constitution and working of statutory inquiries.
32. In relation to administrative justice, the AJTC's functions include considering ways in which the system can be made more accessible, fair and efficient. The AJTC also advises the Lord Chancellor, ministers of the devolved administrations in Scotland and Wales and the Senior President of Tribunals on the development of administrative justice and on proposals for change or for research. Administrative justice is defined by the TCE Act as meaning the overall system by which decisions of an executive nature are made in relation to particular persons, including the procedures for making such decisions, the law under which they are made and the system for resolving disputes and airing grievances relating to such decisions. As well as tribunals, it also includes Ombudsmen and other methods of dispute resolution.
33. The AJTC's functions relating to tribunals include reporting on matters of special importance in relation to 'listed' tribunals. Listed tribunals are the

³ Available at <http://webarchive.nationalarchives.gov.uk/http://www.tribunal-review.org.uk/>

First-tier Tribunal and Upper Tribunal and tribunals listed by orders made by the Lord Chancellor and ministers of the devolved administrations in Scotland and Wales. Functions in relation to statutory inquiries include considering and reporting on any matter relating to statutory inquiries that the AJTC determines as being of special importance. In practice, the AJTC has focused on inquiries relating to land use.

34. A dedicated team of civil servants within the department's Justice Policy Group are responsible for offering independent advice on strategic administrative justice policy. Most central government tribunals have now been brought into the Tribunals Service (now part of HMCTS), separating the appeal process from the original decision-maker – a key recommendation of Sir Andrew Leggatt's 2001 review. Effective governance arrangements are in place between HMCTS and the department meaning that the AJTC's oversight role in relation to tribunals is no longer required. The administrative justice team within the department is committed to working closely and proactively with other government departments to ensure a coherent and consistent approach to administrative justice policy. This includes the identification of potential improvements to the user experience.
35. Similarly, the AJTC's role in relation to statutory inquiries is no longer considered necessary because the Planning Inspectorate, an Executive Agency of the Department for Communities and Local Government, has now established a robust Quality Assurance Unit, which operates across all functions of the Planning Inspectorate to ensure appropriate standards and procedures are upheld. This unit is able, as necessary, to recommend changes to the Planning Inspectorate's Audit Committee, or the inspectorate's main board. The board also includes non-Executive Directors which ensures external scrutiny.
36. The Government has listened to the concerns expressed by peers during the passage of the Public Bodies Bill and does recognise the influential role that the AJTC, and the Council on Tribunals before it, have played in, for example, helping to bring the unified Tribunals Service to fruition. For the reasons set out in paragraphs 34 and 35 above, however, the Government still believes that it is no longer an efficient or economic use of resources to have an independent advisory body to carry out functions in relation to administrative justice, tribunals and statutory inquiries.
37. The abolition of the AJTC will reduce duplication of effort and resources. Whilst not specifically provided for in legislation, the AJTC's focus has been on the experience and perspective of users. The department does not believe that the service to users will be adversely affected by the proposal to abolish: it will listen and take into account the views of users, expecting all public bodies involved in administrative justice to do the same. Almost all tribunal jurisdictions within HMCTS have user groups to enable users to discuss issues of concern with the judiciary and HMCTS management. There have also been regular customer surveys, and a web-based system to gather feedback and provide insight into performance and customer service.

38. The Government recognises the importance of driving up the quality of original decision-making and the department will continue to build on the work done with original decision-making bodies to review the end-to-end process. The department will also work closely with the Cabinet Office, which retains responsibility for Ombudsman policy. The dedicated administrative justice policy team is well placed to influence the development of policy from the outset to ensure that administrative justice is a key part of the wider justice reform agenda and to have oversight of the wider system. The team is committed to ensuring that the distinctive features of tribunals, such as accessibility and informality, are maintained as well as working with the judiciary to guard against 'over-judicialisation' of tribunals.
39. **Devolved administrations in Scotland and Wales:** The Scottish and Welsh Committees of the AJTC will continue until the AJTC is abolished. It will be for the devolved administrations in Scotland and Wales to make whatever arrangements they are able to suit their circumstances, after the AJTC has been wound up. Officials in the Welsh Government are currently looking into whether the devolved administration has the legislative competence to set up a Welsh statutory body to advise on administrative justice. Additionally, the First Minister of Wales has asked if the AJTC's existing right to observe at tribunals operating in Wales could be transferred to help advance tribunal reform in Wales. The department will work with colleagues in the devolved Government to maintain a UK-wide view and to share experience and best practice.
40. **Tribunal Procedure Committee (TPC):** Currently, one of the members of the TPC, which makes and amends rules governing the procedure of the First-tier Tribunal and Upper Tribunal, is nominated by the AJTC. Consideration is currently being given to how best to provide for the voice of the tribunal user to be heard on the committee in the absence of an AJTC nominee. The volume of work done by members of the TPC, and by the AJTC nominee in particular, is considerable. The Chairman of the TPC considers that it is desirable to give more prominence to the users' perspective and that it would be of great assistance to the committee to have two members representing the voice of the user. He has suggested that two members are appointed who appear to be able to bring the perspective of different types of user to the committee, and in making those appointments organisations which are representative of types of people who are likely to be tribunal users or which have experience in working with such types of people will be consulted, and invited to make nominations. There should be transitional arrangements clarifying that one of these places may continue to be held by the existing AJTC nominee until her term expires in April 2013.
41. The department estimates that the abolition of the AJTC will result in cumulative nominal administrative savings in the order of £4.3 million for the financial years 2011–12 to 2014–15 from a baseline spend in 2010–11. Please note that this figure is an estimate and may be subject to change.

Question 1: What are your views on the proposed abolition of the AJTC?

Question 2: Do you believe that there are any functions of the AJTC that will not be adequately covered following the proposed abolition and suggested future handling of functions as set out above? Please state what these are and your reasons.

Question 3: Do the proposals have any significant direct impact on you (if so, please explain the impact)?

Courts Boards

42. Courts Boards have an advisory role, ensuring that the courts administration is run in a way that recognises the diverse needs of the community. They were established in order to ensure that the voice of magistrates could continue to be heard within the unified Her Majesty's Courts Service (then HMCS now HMCTS). As a result of amalgamations within the then HMCS, the number of Courts Boards has reduced from 42 to 19 enlarged Courts Boards areas, diminishing their ability adequately to represent the whole community.
43. The Government proposes to abolish the 19 Courts Boards as there are other ways to ensure that the views of magistrates and those of the wider community can be taken into account. In the case of magistrates these include the Justices' Issues Groups and Area Judicial Forums which exist to ensure that magistrates' views are heard. Section 21 of the Courts Act 2003 also required the Lord Chancellor to consult magistrates on matters of relevance to them and this has resulted in the development of strong local relationships between HMCTS and Magistrates' Bench Chairs.
44. The needs of the community are addressed through activities such as customer satisfaction surveys, open days and court user meetings. Additionally, HMCTS is committed to building and maintaining links with local communities, and local areas will be encouraged to explore other options to ensure the link between courts and local communities is not lost. This will be important within the wider context of the current court closures programme which is taking place to assist with the modernisation and improved use of the courts.
45. Allowing HMCTS more flexibility to develop its own approaches to working with the community will be more effective and provide more local accountability. It will also offer more flexibility to adapt to changing circumstances without statutory constraints.
46. Courts Boards have only ever performed an advisory function. They now have a reduced role and alternative approaches are in place to liaise with magistrates and local communities and gather feedback from users. The department considers that it is appropriate to abolish the Courts Boards to remove this duplication of resources and protect front-line services.

47. Abolishing the Courts Boards is expected to provide cumulative nominal administrative savings in the order of £1.4 million for the financial years 2011–12 to 2014–15 from a baseline spend in 2010–11. Please note that this figure is an estimate and may be subject to change.
48. An Impact Assessment was not considered necessary for the Courts Boards since the proposal to abolish does not impact on business, civil society or on regulatory matters. There is no impact on staff and costs/benefits to the public sector will not exceed £5 million per annum.

Question 4: What are your views on the proposed abolition of the Courts Boards?

Question 5: Do you believe that there are any functions of the Courts Boards that will not be adequately covered following the proposed abolition and suggested future handling of functions as set out above? Please state what these are and your reasons.

Question 6: In your opinion how can local courts and tribunals reinforce the link between them and the local community?

Question 7: Do the proposals have any significant direct impact on you (if so, please explain the impact)?

Crown Court Rule Committee

49. The Crown Court Rule Committee formerly made all rules for the Crown Court. Since 2005, however, rules relating to criminal proceedings have been made as Criminal Procedure Rules by the Criminal Procedure Rule Committee. This limited the committee's remit to making rules for civil matters in the Crown Court. There are few such proceedings, and the rules in relation to them are limited and require amendment very infrequently.
50. The Government proposes to abolish the Crown Court Rule Committee and transfer residual functions to the Lord Chief Justice, in consultation with other rule committees. This will replace a rarely employed committee with an arrangement better suited to the very occasional updating function in the limited area in which it now performs. The Crown Court Rule Committee has amended the rules only once in the last six years (in 2009).
51. The Government does not consider that there is any justification for the retention of a dedicated committee when alternative models – such as that adopted under the Constitutional Reform Act 2005 for rules being made by the Lord Chief Justice – are available. The work carried out by the committee can be undertaken by the Lord Chief Justice under arrangements enabling him to consult and benefit from the expertise of other rule committees with more substantial continuing remits (the Civil Procedure Rule Committee, Criminal Procedure Rule Committee and Family Procedure Rule Committee). This will ensure that the development

of proposals for making new rules continues to be properly informed by the Judiciary. The Lord Chief Justice agrees in principle to the abolition of the committee.

52. The abolition of the Crown Court Rule Committee is not expected to lead to administrative savings.
53. An Impact Assessment was not considered necessary for the Crown Court Rule Committee since the proposal to abolish does not impact on business, civil society or on regulatory matters. There is no impact on staff and costs/benefits to the public sector will not exceed £5 million per annum.

Question 8: What are your views about the proposal to abolish the Crown Court Rule Committee?

Question 9: Do you consider that the proposals to abolish the Crown Court Rule Committee and transfer functions to the Lord Chief Justice and the other rule committees will ensure that the Crown Court Rule Committee's existing remit can be taken forward? Please explain your reasons if not.

Her Majesty's Inspectorate of Court Administration (HMICA)

54. The context within which HMICA operates has changed significantly since it was established in 2005. HMICA's predecessor, Her Majesty's Magistrates' Courts Service Inspectorate, was set up before magistrates' courts were part of a national courts service, and it was right at that time that an independent body existed to inspect a regional system that was not accountable to Parliament.
55. Her Majesty's Courts Service has since been established as a single body responsible for the administration of all courts (and now, with the establishment of HMCTS, for the administration of all courts and tribunals). HMCTS has robust management and audit processes in place designed to make sure that there are appropriate checks and safeguards to ensure effective court administration processes. There will still be full and proper accountability – HMCTS is accountable to ministers, and ultimately, Parliament. It is subject to external scrutiny by the National Audit Office and, by extension, the Public Accounts Committee.
56. The Government proposes to abolish HMICA on the grounds that it is no longer appropriate for an independent body to provide oversight of purely administrative functions and because there are other arrangements in place to ensure effective administration. The Government remains committed to joint inspection of the criminal justice system. It is proposed that functions will be transferred from HMICA to the other criminal justice inspectorates to enable future joint criminal justice inspections to include inspection of HMCTS. The Public Bodies Bill includes provision for functions to be transferred from abolished bodies. This will enable other inspectorates to be given the necessary authority to inspect relevant

aspects of courts administration for the purpose of end to end inspection only (for example, tracking categories of case from initial arrest to charge, court appearance, court result and rehabilitation or custody).

57. Under the same provisions, functions will be transferred to enable Her Majesty's Inspectorate of Prisons to carry out inspections of court custody areas to ensure compliance with the Optional Protocol to the Convention against Torture.
58. HMICA has not been operational since 31 December 2010. A decision was taken by the Secretary of State, with the full agreement of HMICA's senior management team, that it would be preferable to close the inspectorate administratively prior to legislative closure.
59. Given decreasing staff numbers and previous uncertainty on a closure date, it was increasingly difficult for HMICA to provide any new and meaningful work for staff. It was considered that having a firm date for closure provided the best solution for staff, by enabling them to be formally placed on the redeployment list, providing them with priority consideration for vacancies, and enabling HMICA to implement a formal closure plan.
60. HMICA closed administratively in December 2010. It is estimated that the costs and benefits relating to the formal closure only will be minimal. Based on the original annual budget for 2010–11, HMICA cost approximately £2 million per year to run. As HMICA closed administratively earlier than planned, its 2010–11 outturn was £1.2 million. As a result of closure, the department will no longer incur these costs.

Question 10: What are your views on the proposed abolition of HMICA?

Question 11: Do you believe that there are any functions of HMICA that will not be adequately covered following the proposed abolition and suggested future handling of functions as set out above? Please state what these are and your reasons.

Magistrates' Courts Rule Committee (MCRC)

61. The MCRC is consulted by the Lord Chief Justice before rules are made under section 144 of the Magistrates' Courts Act 1980 regulating and prescribing the procedure and practice to be followed in magistrates' courts and by justices' clerks and designated officers.
62. The Courts Act 2003 created the Criminal Procedure Rule Committee and the Family Procedure Rule Committee. Once those committees were given powers to make rules governing the practice and procedure to be followed in criminal proceedings and family proceedings respectively, the functions of the MCRC were much reduced.

63. The MCRC's remaining function is to be consulted by the Lord Chief Justice before he makes rules, with the concurrence of the Lord Chancellor, relating to civil non-family proceedings in the magistrates' courts. This covers a very narrow range of proceedings and such rules are rarely made.
64. It is proposed that the Lord Chief Justice shall continue to make these rules, with the concurrence of the Lord Chancellor. Before doing so the Lord Chief Justice would be able to consult the Criminal Procedure Rule Committee, Family Procedure Rule Committee or Civil Procedure Rule Committee, as appropriate.
65. Additionally, the MCRC, along with the Criminal Procedure Rule Committee and the Family Procedure Rule Committee, is consulted before certain rules are made relating to justices of the peace and justices' clerks, including:
- training courses to be completed before a person may exercise functions as a lay justice;
 - procedure for nominating candidates for election as a chair or deputy chair to a local justice area;
 - approval of lay justices before they may preside in court and as to arrangements to be made for securing the presence on the bench of enough lay justices;
 - the training, development and appraisal of lay justices; and
 - those things authorised to be done by a single justice that may instead be done by a justices' clerk.
66. It is proposed that the Criminal Procedure Rule Committee and the Family Procedure Rule Committee would continue to be consulted before any amendments to such rules are made. Both these bodies contain members with particular magistrates' courts expertise and are well placed to advise, and be consulted by, the Lord Chief Justice and the Lord Chancellor.
67. The Government cannot justify the retention of the MCRC. The scope of its work has much reduced and it would be difficult to recruit members of the requisite calibre to serve on a body with such a limited remit. The work of the committee is consultative and other existing rule committees, with their more substantial remits, possess the expertise necessary to advise the Lord Chief Justice before rules are made. The Lord Chief Justice agrees in principle with the proposal to abolish the MCRC.
68. It is not expected that administrative savings will arise from the abolition of the MCRC.

69. An Impact Assessment was not considered necessary for the MCRC since the proposal to abolish does not impact on business, civil society or on regulatory matters. There is no impact on staff and costs/benefits to the public sector will not exceed £5 million per annum.

Question 12: What are your views about the proposal to abolish the MCRC?

Question 13: Do you consider that the proposals to abolish the MCRC and transfer its consultative functions to the other rule committees will ensure that the MCRC's existing remit can be taken forward? Please explain your reasons if not.

Office of the Chief Coroner

The need for reform of the coroner system in England and Wales

70. In 2003, the Shipman Inquiry⁴ and the Fundamental Review of Death Certification and Investigation (the Luce Review)⁵ scrutinised the coroner system in England and Wales. These reviews found a number of weaknesses, including inconsistent levels of service provided to bereaved people and a lack of leadership and training for coroners.
71. Part One of the Coroners and Justice Act 2009 (the 2009 Act) created a new framework for coroners and aimed to provide a greater degree of leadership and accountability for coroners in England and Wales. It provided for the creation of the office of Chief Coroner with a number of statutory functions vested in that office. The Chief Coroner was also envisaged as having a non-statutory role in the oversight and leadership of coroners.
72. Following a review of the provisions of the 2009 Act in summer 2010 the Government concluded that, in the current economic climate, the new expenditure that the creation of the office of Chief Coroner and full implementation of the Act would entail could not be justified. This has been estimated at approximately £10.9 million in set-up costs (including a shadow running year), and £6.5 million running costs per year.
73. The Government remains committed to reform of the system and recognises that this is needed. The Government therefore announced on 14 October 2010 its intention to abolish the office of Chief Coroner and to transfer certain functions of the Chief Coroner to other bodies. The office of the Chief Coroner was removed from schedule 1 of the Bill during committee stage in the House of Lords. In the light of the concerns expressed in debate in relation to oversight of the coroner system, it is now proposed that the office be listed in schedule 5. This follows

⁴ <http://www.webarchive.org.uk/wayback/archive/20051229120000/http://www.the-shipman-inquiry.org.uk/home.html>

⁵ <http://www.archive2.official-documents.co.uk/document/cm58/5831/5831.pdf>

discussions about possible solutions with peers and other interested parties and there has been some support expressed amongst peers for this proposal. This will mean that the office of the Chief Coroner remains on the statute book, while most of the functions which the office was to hold are transferred to either the Lord Chancellor, or to the Lord Chief Justice to enable the reform process to proceed. The department is also establishing a Ministerial Board to drive the changes which are needed to the system.

Transfer of Functions

74. The table at **Annex A** details those statutory functions of the Chief Coroner, as set out in the 2009 Act, which the Government proposes to transfer to either the Lord Chief Justice or the Lord Chancellor. Where a function is not being transferred, this is because it is not possible to implement such functions in the current economic climate, as they would incur additional costs. Functions that are not transferred will remain unimplemented. Those functions being transferred include provision to give the Lord Chief Justice the power to issue training regulations for coroners, which could include specific requirements for cases involving the deaths of service personnel. They will also provide greater flexibility as to where inquests take place within England and Wales, and will allow for the transfer of service personnel cases to Scotland.
75. This set of function transfers has been agreed with the Lord Chief Justice. In practice, it is likely that the Lord Chief Justice will delegate the exercise of these functions to another judge. This judge would not be responsible for the leadership, culture or behaviour of coroners. However, the Lord Chancellor and the Lord Chief Justice are jointly responsible for the system of considering and determining complaints about the personal conduct of coroners. The Government will establish a Ministerial Board, supported by an independently chaired Bereaved Organisations Committee to drive the further changes which are needed to the system. The new National Charter the department is creating will ensure greater understanding of the standards of service that should be expected and will set out how the bereaved can challenge a coroner's decision or make a complaint about the coroner or the service provided. As under existing arrangements, complaints about a coroner's personal conduct should be made to the Office for Judicial Complaints. All complaints about the service provided, the administration of the coroner service, or the conduct of coroners' officers or other staff, should be raised with the relevant coroner or the local authority. The existing ability to judicially review a coroner's decision or seek a second inquest through an application to the Attorney General remains and is not affected by the proposed reforms.

Non-statutory reform

76. The non-statutory Ministerial Board will focus on matters of policy, standards of service and other administrative aspects of the service delivered by coroners. The board will be responsible for setting the priorities for action at a national level. It will be advised and supported by a Bereaved Organisations Committee, which will be independently chaired, and represented on the Ministerial Board. The committee will have a particular remit in monitoring the service standards in the National Charter (see paragraph 78 below).
77. The board will consider specific issues of policy, where these do not impact on judicial independence or judicial matters, and decide on whether any action is necessary to address these. In addition, the board will consider national statistics gathered from coroners in England and Wales to support the action plan for reform. The routine quarterly publication of statistics on the progress of inquests of service personnel killed in operations and exercises overseas provides a model for transparency.
78. On 19 May 2011 the department published for consultation a new National Charter for the Coroner Service which sets out the standards of service that can be expected and avenues of redress that are available where it is felt that these have not been met. The Charter is an important part of our package of reforms to raise standards as, coupled with other measures, it will help to increase people's understanding of the way in which the system operates, and how they can participate in a coroner investigation. The consultation runs until 5 September 2011.⁶
79. It is not necessary for an Impact Assessment to be carried out on this proposal. The office of Chief Coroner is not currently implemented and those functions which are to be transferred are cost neutral as they can be incorporated within current resource. As detailed in paragraph 74 above, functions not to be implemented are those which would entail an additional cost. The costs and savings that a Chief Coroner would introduce have previously been assessed through the Impact Assessment that was produced for the 2009 Act. The proposals in this paper do not introduce new costs or savings compared to that Assessment.
80. When new rules and regulations are made to govern the system (under the 2009 Act) these will be subject to consultation and an Impact Assessment.

⁶ The consultation is available at <http://www.justice.gov.uk/consultations/index.htm>

Question 14: What are your views on the proposed transfer of functions of the Chief Coroner to the Lord Chief Justice and the Lord Chancellor: in principle, and/or in relation to the particular functions detailed in Annex A?

Question 15: What are your views on the proposed Ministerial Board and supporting Bereaved Organisations Committee?

Question 16: Are there any functions of the Chief Coroner not adequately covered by the proposals above, in your opinion? Please explain your reasons.

Public Guardian Board (PGB)

81. The PGB is responsible for scrutinising and reviewing the way in which the Public Guardian discharges his functions, making relevant recommendations to the Lord Chancellor. The proposal to abolish the PGB will not alter the duties or statutory functions of the Public Guardian. The department has lead policy responsibility for the Mental Capacity Act 2005 and the Government remains committed to the important principles of the Act, which puts individuals who may lack capacity at the centre of any decisions which affect them.
82. The Government proposes to abolish the PGB because it believes that the appropriate scrutiny and review of the Public Guardian's functions is best delivered through developing governance arrangements that are suited to the Office of the Public Guardian's (OPG) status as an executive agency. The PGB has accepted the proposal to abolish, recognising that such an advisory board cannot continue into the future given current financial constraints and the Government's obligation to concentrate expenditure on essential areas.
83. The department is, with the involvement of the PGB, developing alternative, robust governance arrangements for the OPG. The arrangements will recognise the OPG's place within the department and will provide the necessary assurance that the Public Guardian's functions, and OPG objectives, are being delivered appropriately.
84. It is planned that these arrangements will include independent non-executive input from individuals, with appropriate knowledge and expertise, who can provide the necessary challenge and assurance as part of a new governance framework.
85. The abolition of the PGB will reduce duplication of functions and provide cumulative nominal administrative savings in the region of £300,000 for the financial years 2011–12 to 2014–15 from a baseline spend in 2010–11. Please note that this figure is an estimate and may be subject to change.

86. An Impact Assessment was not considered necessary for the PGB since the proposal to abolish does not impact on business, civil society or on regulatory matters. There is no impact on staff and costs/benefits to the public sector will not exceed £5 million per annum.

Question 17: What are your views on the proposed abolition of the PGB?

Question 18: Do you believe that there are any functions of the PGB that will not be adequately covered following the proposed abolition and suggested future handling of functions as set out above? Please state what these are and your reasons.

The National Archives

87. The Public Record Office, the Keeper of Public Records and the Advisory Council on Public Records are listed in schedule 5 of the Bill. This means that the power in clause 5 of the Bill to modify functions can be used in relation to them.
88. It is proposed to rename the **Public Record Office** as The National Archives. As part of that change, this body will have transferred to it certain functions currently exercised by the various other bodies that make up The National Archives in its present form. For example, the statutory functions of Her Majesty's Stationery Office will be formally transferred to The National Archives. The result will be that The National Archives is put on a statutory footing and will have clearly defined statutory functions. This will provide useful clarity about the functions of The National Archives and the legislation that governs it will more closely reflect the current administrative structure and organisation put in place between 2003 and 2006.
89. In doing so, the Government does not intend to remove any of the existing functions or duties of The National Archives in its current form or to undo the administrative reforms already made. The proposal is designed to ensure that, where possible, functions currently exercised by the various bodies which currently comprise The National Archives are located in an appropriate statutory body which goes by that name.
90. It is proposed that, at an appropriate time, the **Keeper of Public Records** will be renamed the Keeper of The National Archives. As part of that change, the power in clause 5 will be used to enable the functions of the Historical Manuscripts Commissioner to be performed by the Keeper, resulting in one clear statutory position.

91. The **Advisory Council on Public Records** is also listed in schedule 5 to the Bill. The Advisory Council provides advice to the Lord Chancellor on matters concerning public records. It is proposed that the Advisory Council will take on the functions of two non-statutory bodies, the Advisory Council on Historical Manuscripts and the Advisory Council on National Records and Archives. The Advisory Council on Public Records will then be renamed the Advisory Council on National Records and Archives. This will reflect current administrative practice, as the three councils already operate as one body, chaired by the Master of the Rolls. This proposed reform will formalise existing arrangements and afford greater clarity.
92. The Keeper of Public Records and the Master of the Rolls are supportive of these changes which will put The National Archives and the Advisory Council on Public Records on a clearer statutory footing, completing the changes which took effect between 2003 and 2006.
93. As there is no change of functions, the proposals have no financial implications and there will be no negative impact upon staff. The proposals will, however, place the existing arrangements on a clearer legal footing and provide greater clarity.
94. An Impact Assessment was not considered necessary for The National Archives bodies since the proposals do not impact on business, civil society or on regulatory matters. There is no impact on staff and costs/benefits to the public sector will not exceed £5 million per annum.

Question 19: Do you agree that it is now appropriate to reflect in legislative terms the administrative changes already completed, to ensure the appropriate consolidation of functions?

Victims' Advisory Panel (VAP)

95. The VAP was originally established in 2003 to enable victims of crime to have their say in the reform of the criminal justice system and in related developments in services and support for victims of crime.
96. Since 2006, there has been a statutory requirement to have a panel and its functions are set out in section 55 of the Domestic Violence, Crime and Victims Act 2004 (the Act). The Act requires the Secretary of State for Justice to consult the VAP at such times and in such a manner as he thinks appropriate on matters appearing to him to relate to victims or witnesses. Where the Secretary of State consults the VAP in any particular year, he must arrange for the panel to prepare a report.
97. The terms of reference of the last panel were to advise ministers of the views of victims of crime, with particular reference to their interaction with the criminal justice system and its agencies. In addition, they were to offer views and advice on the prevention of crime from a victim's perspective and contribute informed opinion in order to assist in the development and safeguarding of the rights of victims.

98. Between 2006 and 2009 the VAP consisted of around ten members, all of whom had either experienced crime first hand (as a victim of crime, or a family member of a murder or manslaughter victim) or had provided support to victims. Since 2010, the Act has required that the Commissioner for Victims and Witnesses be appointed to, and chair, any panel. Although VAP members are unpaid, there is a small associated financial cost arising from recruitment and members' expenses.
99. When the tenure of the panel expired in July 2009, members were invited to stay on for another year until the appointment of a Commissioner. Four members continued until May 2010 when the Commissioner took up her post. No new appointments have been made ahead of a final decision on abolition.
100. The Government is proposing to abolish the VAP as, with the appointment of the Commissioner for Victims and Witnesses (currently Louise Casey), its functions are no longer required. There were also concerns about the VAP's ability to represent a broad and diverse range of victims.
101. The Commissioner has broader statutory functions than the VAP. These functions, as set out in the Domestic Violence, Crime and Victims Act 2004, require her to promote the interests of victims and witnesses, taking such steps as she considers appropriate with a view to encouraging good practice in the treatment of victims and witnesses. The Commissioner also keeps under review the operation of the code of practice for victims. She may, in relation to her functions, consult any person she considers appropriate or make a report to the Secretary of State for Justice.
102. In view of the appointment of the Commissioner and her wide remit, the Government considers that a statutory obligation to appoint and consult a small advisory panel on all victims' issues is no longer the right approach. The Commissioner, who has been a powerful national voice for victims since her appointment, is able to provide targeted consultation, engaging the right people at the right level.
103. In addition, the department continues to engage and work directly with groups working on behalf of victims. Officials have already, for example, commenced a series of workshops with victims' organisations that have also been attended by the Minister responsible for victims.
104. A second, subsidiary, reason for abolishing the VAP relates to its effectiveness. An independent review, commissioned in 2009, found that whilst the VAP structure was a good one, there were several barriers that hindered its smooth running and lessened its effectiveness. Detail is outlined in the panel's 'End of Tenure report 2006–2009'.⁷

⁷ A pdf copy of the report is available by emailing PBB.Consultation@justice.gsi.gov.uk

105. The department wants to ensure policy is informed by a broad and diverse range of individuals and groups so that Government can respond accordingly to issues that matter most to victims. For the reasons set out above, this has not always occurred under the current arrangements. The Government believes that the appointment of the Commissioner provides a flexible approach and more open engagement with victims.
106. Abolishing the VAP is not expected to result in administrative savings but it will reduce duplication of resource and activity.
107. An Impact Assessment was not considered necessary for the VAP since the proposal to abolish does not impact on business, civil society or on regulatory matters. There is no impact on staff and costs/benefits to the public sector will not exceed £5 million per annum.

Question 20: What are your views on the proposed abolition of the VAP?

Question 21: Do you believe that there are any functions of the VAP that cannot be adequately addressed by the Commissioner for Victims and Witnesses? Please state what these are and your reasons.

Question 22: Do the proposals have any significant direct impact on you (if so, please explain the impact)?

Youth Justice Board (YJB)

108. The YJB was established by the Crime and Disorder Act 1998 to oversee what was then a fractured and immature youth justice system. In the past 12 years the system has changed considerably. In response to a lack of cohesion and collaborative working, the YJB has overseen the national rollout of Youth Offending Teams and the establishment of a distinct secure estate for young people. These core elements of the youth justice system are now fully operational in the local delivery of youth justice.

109. The Government no longer believes that a separate body is required to provide independent oversight of the youth justice system. It prefers accountability for important decisions such as the safe accommodation of children and young people in custody to rest with ministers. The YJB was removed from the Public Bodies Bill during Lords Report stage. Peers' concerns centred on a desire that there should be clear leadership in the department on youth justice (and particularly child focused issues). There was also concern that the YJB's functions would be subsumed into the National Offender Management Service (NOMS) and that the expertise of YJB staff would not be retained. In response, ministers discussed possible solutions with a wide group of peers and some support has subsequently been received for their new proposal to abolish the YJB but to establish a dedicated Youth Justice Division within the Justice Policy Group in the department. The Youth Justice Division, which will be outside of NOMS, will continue the Government's focus on meeting the needs of the children and young people in the youth justice system and will deliver the main functions of the YJB. These include:

- overseeing local Youth Offending Teams;
- disseminating effective practice;
- commissioning a distinct secure estate; and
- placing young people in custody.

110. The proposals will not impact on the local delivery of youth justice. The Youth Justice Division will ensure that the commissioning of the youth justice secure estate and the placement of young people in custody continue to be driven by people with a dedicated focus on the needs of young people. The structure will also ensure that youth justice work in the community, primarily conducted by Youth Offending Teams, remains closely linked to work with young offenders in custody, an ambition which is at the heart of the Government's plans for a 'rehabilitation revolution'.

111. John Drew, the current Chief Executive of the YJB, has agreed to lead the transition to the new Youth Justice Division structure and to lead the Division beyond that. John's involvement will ensure continuity between the YJB and the new Youth Justice Division and will help to ensure that the new organisation is embedded in the department while retaining the experience and expertise of YJB staff.

112. These proposals reflect what was set out in the department's Green Paper consultation 'Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders', published in December 2010.⁸ The department considers this represents the best way of continuing to reduce offending and re-offending by young people. Independent oversight will be retained through a non-statutory advisory group and in addition, Dame Sue Street, a non-Executive Director of the department, who brings experience and knowledge of youth justice, will be taking an active interest in youth justice within the department.
113. The changes will act to increase ministerial accountability for activities carried out on behalf of the state. In turn, greater ministerial accountability for youth justice will strengthen the Youth Justice Division's capacity to influence policy across government and ensure other government departments play their part in stopping young people from becoming involved in crime and re-offending. The most direct savings attributable to the abolition are in respect of the costs of board members who will no longer be required post abolition. The department estimates these costs to be approximately £250,000 per annum. The department also estimates that savings of approximately £6 million in operating costs will be made by 2014–15 as a result of the transition of some of the YJB's functions into the department. These savings will be realised through close integration of services between the YJB and the department. This includes increased efficiency through the integration of back office functions such as IT, HR and communications and through co-locating in departmental buildings. Please note that these estimates may be subject to change.

Question 23: What are your views on the proposed abolition of the YJB?

Question 24: Do you believe that there are any functions of the YJB that will not be adequately covered following the proposed abolition and suggested future handling of functions as set out above? Please state what these are and your reasons.

Question 25: How do you believe that the Government can best ensure effective governance of youth justice in the future?

⁸ <http://www.justice.gov.uk/consultations/closed-with-response.htm> (the response to the consultation was published on 21 June 2011).

Questionnaire

We would welcome responses to the following questions set out in this consultation paper. Please feel free to answer only those in which you have a specific interest. Please quote the relevant question numbers in your response.

Administrative Justice and Tribunals Council (AJTC)

Question 1: What are your views on the proposed abolition of the AJTC?

Question 2: Do you believe that there are any functions of the AJTC that will not be adequately covered following the proposed abolition and suggested future handling of functions as set out above? Please state what these are and your reasons.

Question 3: Do the proposals have any significant direct impact on you (if so, please explain the impact)?

Courts Boards

Question 4: What are your views on the proposed abolition of the Courts Boards?

Question 5: Do you believe that there are any functions of the Courts Boards that will not be adequately covered following the proposed abolition and suggested future handling of functions as set out above? Please state what these are and your reasons.

Question 6: In your opinion how can local courts and tribunals reinforce the link between them and the local community?

Question 7: Do the proposals have any significant direct impact on you (if so, please explain the impact)?

Crown Court Rule Committee

Question 8: What are your views about the proposal to abolish the Crown Court Rule Committee?

Question 9: Do you consider that the proposals to abolish the Crown Court Rule Committee and transfer functions to the Lord Chief Justice and the other rule committees will ensure that the Crown Court Rule Committee's existing remit can be taken forward? Please explain your reasons if not.

Her Majesty's Inspectorate of Court Administration (HMICA)

Question 10: What are your views on the proposed abolition of HMICA?

Question 11: Do you believe that there are any functions of HMICA that will not be adequately covered following the proposed abolition and suggested future handling of functions as set out above? Please state what these are and your reasons.

Magistrates' Courts Rule Committee (MCRC)

Question 12: What are your views about the proposal to abolish the MCRC?

Question 13: Do you consider that the proposals to abolish the MCRC and transfer its consultative functions to the other rule committees will ensure that the MCRC's existing remit can be taken forward? Please explain your reasons if not.

Office of the Chief Coroner

Question 14: What are your views on the proposed transfer of functions of the Chief Coroner to the Lord Chief Justice and the Lord Chancellor: in principle, and/or in relation to the particular functions detailed in Annex A?

Question 15: What are your views on the proposed Ministerial Board and supporting Bereaved Organisations Committee?

Question 16: Are there any functions of the Chief Coroner not adequately covered by the proposals above, in your opinion? Please explain your reasons.

Public Guardian Board (PGB)

Question 17: What are your views on the proposed abolition of the PGB?

Question 18: Do you believe that there are any functions of the PGB that will not be adequately covered following the proposed abolition and suggested future handling of functions as set out above? Please state what these are and your reasons.

The National Archives

Question 19: Do you agree that it is now appropriate to reflect in legislative terms the administrative changes already completed, to ensure the appropriate consolidation of functions?

Victims' Advisory Panel (VAP)

Question 20: What are your views on the proposed abolition of the VAP?

Question 21: Do you believe that there are any functions of the VAP that cannot be adequately addressed by the Commissioner for Victims and Witnesses? Please state what these are and your reasons.

Question 22: Do the proposals have any significant direct impact on you (if so, please explain the impact)?

Youth Justice Board (YJB)

Question 23: What are your views on the proposed abolition of the YJB?

Question 24: Do you believe that there are any functions of the YJB that will not be adequately covered following the proposed abolition and suggested future handling of functions as set out above? Please state what these are and your reasons.

Question 25: How do you believe that the Government can best ensure effective governance of youth justice in the future?

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 11/10/11 to:

Public Bodies Bill Team
Ministry of Justice
Post point 3.18
102 Petty France
London SW1H 9AJ

Tel: 020 3334 6168
Fax: 020 3334 6452
Email: PBB.Consultation@justice.gsi.gov.uk

You can respond online at
<http://survey.euro.confirmit.com/wix/p700488344.aspx>

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at
<http://www.justice.gov.uk/consultations/reform-public-bodies.htm>

Alternative format versions of this publication can be requested from
PBB.Consultation@justice.gsi.gov.uk or by telephoning 020 3334 6168.

Publication of response

A paper summarising the responses to this consultation will be published by 31/12/11. The response paper will be available online at
<http://www.justice.gov.uk/index.htm>

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you

could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

The consultation criteria

The seven consultation criteria are as follows:

1. **When to consult** – Formal consultations should take place at a stage where there is scope to influence the policy outcome.
2. **Duration of consultation exercises** – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact** – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises** – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation** – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises** – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult** – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

Consultation Co-ordinator contact details

Responses to the consultation must go to the named contact under the How to Respond section.

However, if you have any complaints or comments about the consultation **process** you should contact the Ministry of Justice consultation co-ordinator at consultation@justice.gsi.gov.uk.

Alternatively, you may wish to write to the address below:

**Ministry of Justice Consultation Co-ordinator
Better Regulation Unit
Corporate and Access to Justice Analytical Services
7th Floor, Pillar 7.02
102 Petty France
London SW1H 9AJ**

Annex A: Transfer of Chief Coroner functions

Section of the Coroners and Justice Act 2009	Description of statutory function of Chief Coroner	Transfer of function
1, 2, 3	Chief Coroner to direct a coroner to conduct an investigation	Lord Chief Justice
12 and 13	<p>Chief Coroner to notify Lord Advocate that an investigation should take place under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976</p> <p>Chief Coroner to direct a coroner to conduct an investigation in England or Wales where the body is brought into Scotland</p>	Lord Chief Justice
14	Chief Coroner to designate medical practitioners for the purpose of performing post mortems	Lord Chancellor
16	<p>Senior coroner conducting an investigation which is not completed within one year to notify the Chief Coroner of that fact and notify the Chief Coroner of the date on which the investigation is completed</p> <p>Chief Coroner to keep a register of notifications given under this section</p>	Lord Chancellor will collate reports and keep register
17	<p>The Chief Coroner must:</p> <ul style="list-style-type: none"> • Monitor investigations into service deaths • Secure that coroners conducting such investigations are suitably trained to do so 	Quarterly Ministerial statement and publication of statistics on service personnel deaths to continue; training to be dealt with under section 37 (see below). However, the provision itself will not be commenced
18	Lord Chancellor to consult the Chief Coroner before making regulations relating to medical practitioner notifications	Lord Chief Justice to be consulted in lieu of the Chief Coroner

Section of the Coroners and Justice Act 2009	Description of statutory function of Chief Coroner	Transfer of function
36	<p>Chief Coroner to report to the Lord Chancellor each year</p> <p>Coroners to report action to prevent other deaths to the Chief Coroner</p>	<p>Requirement for an annual report to be submitted to the Lord Chancellor not to be implemented</p> <p>Reports from coroners on action to prevent other deaths to be submitted to the Lord Chancellor in lieu of the Chief Coroner</p>
37	Chief Coroner to make regulations on training	Lord Chief Justice
40	Chief Coroner to be responsible for a new appeals system	Existing ability to judicially review a coroner's decision or seek a second inquest through application to the Attorney General is not affected by the proposed reforms, however, there will be no new appeals system
41	<p>Investigation to be conducted by the Chief Coroner, Coroner for Treasure, judge, former judge or former coroner</p> <p>Chief Coroner to request that the Lord Chief Justice appoint a judge or former judge so to act</p>	Lord Chancellor to request the Lord Chief Justice appoint a judge
42	Lord Chancellor to issue guidance on the way in which the coroner's system is to operate in respect of interested persons following consultation with the Chief Coroner	Lord Chief Justice to be consulted in lieu of the Chief Coroner

Annex B: Stakeholders being notified of the publication of the consultation document (excluding agencies of the Ministry of Justice and other government departments)

Please note that these stakeholders have been identified as having a specific interest in one or more of the department's bodies in the Public Bodies Bill. Responses are not limited to those listed here, however: views from others with an interest in one or more of the bodies are welcomed.

Statutory consultees

The body or holder of the office to which the proposal relates

Such other persons appearing to the minister to be representative of interests substantially affected by the proposal (see other consultees below)

Scottish Ministers if the proposal relates to any matter, so far as applying in or as regards Scotland in relation to which the Scottish Ministers exercise functions

A Northern Ireland Department if the proposal relates to any matter, so far as applying in or as regards Northern Ireland, in relation to which the department exercises functions

Welsh Ministers, if the proposal relates to any matter so far as applying in or as regards Wales, in relation to which the Welsh Ministers exercise functions

The Lord Chief Justice where the functions affected by the proposal relate to the administration of justice

Such other persons as the minister considers appropriate (see other consultees below)

Other consultees

General

Departmental Trade Union Side

Administrative Justice and Tribunals Council

British and Irish Ombudsmen Association

Senior President of Tribunals

Courts Boards

Justices' Clerks' Society

The Bar Council

The Law Society

The Magistrates' Association

Crown Court Rule Committee

The Bar Council

The Law Society

Magistrates' Courts Rule Committee

Council of District Judges (Magistrates' Courts)

Justices' Clerks' Society

The Bar Council

The Law Society

The Magistrates' Association

Office of the Chief Coroner

Action against Medical Accidents

Association of Chief Police Officers

British Lung Foundation

Cardiac Risk in the Young

Coroners' Court Support Service

Coroner's Officers Association

Coroners' Society

Cruse Bereavement Care

INQUEST

Local Government Association

The Royal British Legion

Victim Support

Public Guardian Board

Action for Advocacy

Age UK

Alzheimer's Society

Council for Healthcare Regulatory Excellence

Mental Health Lawyers' Association

Nursing and Midwifery Council

Social Care Institute for Excellence

Solicitors for the Elderly Association

Solicitors' Regulation Authority

The Law Society

Victims' Advisory Panel

Advocacy After Fatal Domestic Abuse
Assist Trauma Care
Brake
Eaves Housing
Escaping Victimhood
Justice After Acquittal
Mothers Against Murder and Aggression UK
National Victims' Association
Rape Crisis (England and Wales)
Support After Murder and Manslaughter
The Survivors' Trust
Victim Support
Victims' Voice
Voice UK

Youth Justice Board

Action for Children
Association of Chief Police Officers
Association of Directors of Children's Services
Association of Welsh Youth Offending Team Managers
Barnado's
Care Quality Commission
Howard League for Penal Reform
Local Government Association
NACRO
National Society for the Prevention of Cruelty to Children
OFSTED
Prison Reform Trust
Secure Estate for Young People
Standing Committee for Youth Justice (and Association of Youth Offending Team Managers)
The Children's Commissioner
The Children's Society
The Magistrates' Association
Welsh Local Government Association
Youth Offending Teams

Annex C: Frequently used terms

AJTC	Administrative Justice and Tribunals Council
HMCS	Her Majesty's Courts Service
HMCTS	Her Majesty's Courts and Tribunals Service
HMICA	Her Majesty's Inspectorate of Court Administration
MCRC	Magistrates' Courts Rule Committee
NDPB	Non Departmental Public Body
PGB	Public Guardian Board
OPG	Office of the Public Guardian
VAP	Victims' Advisory Panel
YJB	Youth Justice Board



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