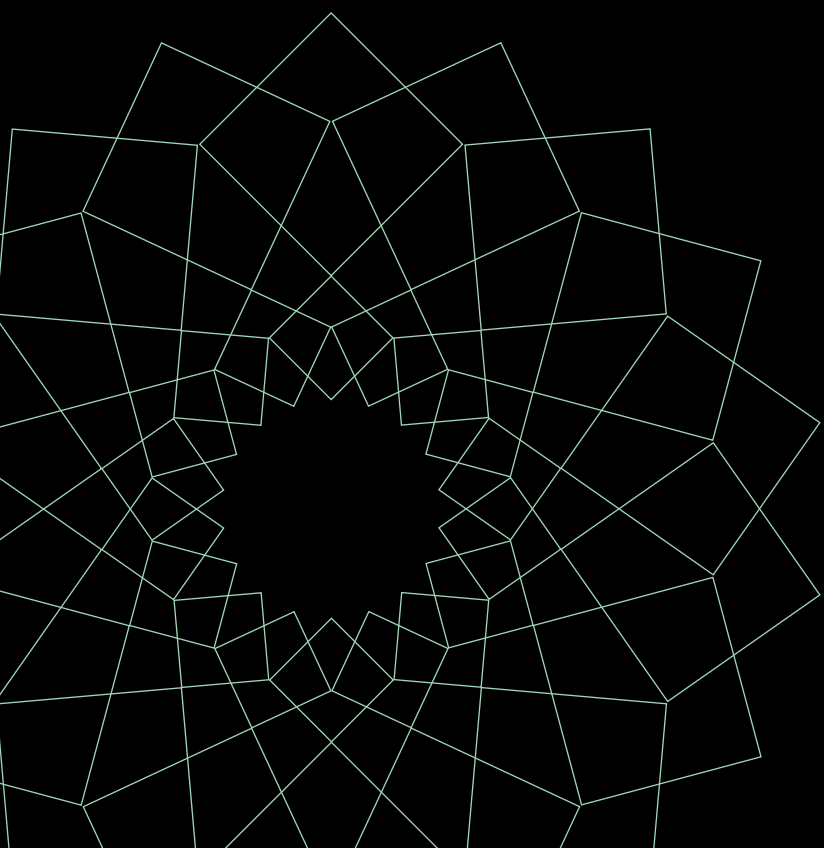
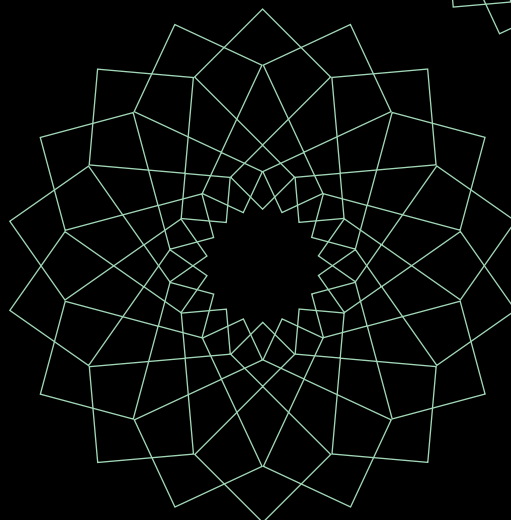
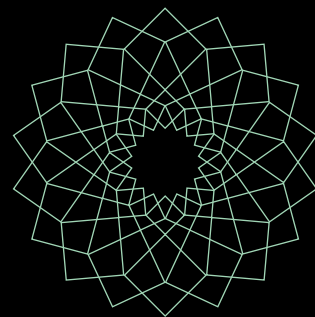




Ministry of  
**JUSTICE**

# Autumn Performance Report 2008





# **Ministry of Justice Autumn Performance Report 2008**

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

December 2008

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## Foreword by the Lord Chancellor and Secretary of State for Justice

I am pleased to have this opportunity to report the first six months' progress against the Ministry of Justice's Strategic Objectives and Public Service Agreements.

The Ministry's primary purpose is to secure justice, protect the public and punish those who have broken the law. The Departmental Strategic Objectives and Public Service Agreement targets set out in this report are the structural underpinnings that help us to achieve those aims. They inform our planning and decision-making and link every member of our staff to results that make a difference for the public.

The Ministry is eighteen months old. In our first year, we focused on the organisational changes needed to bring together several different organisations to form an 80,000 strong whole. We also worked together to develop a set of Strategic Objectives to guide our work over the Spending Review period.

The last six months have seen the benefit of that work: a new structure is in place, clearly aligned to the outcomes we want to achieve and led by a new Corporate Management Board. But our real success is the work that we have done to make a visible difference to the public:

- Impressive progress on reducing adult reoffending;
- Significant new legislation enacted, including emergency legislation on witness anonymity;

- Criminals being brought to justice more quickly and victims and witnesses facing fewer court appearances because of continued success in speeding up the progress of cases in the magistrates' courts;
- Improved customer satisfaction in HM Courts Service and continued rates of 95% satisfaction in the Probate Service;
- More than 2,100 new prison places brought on line, better to ensure our prison estate is able to meet demand;
- Introduction of the Political Parties and Elections Bill.

This report reflects our achievements over the last six months. However, significant challenges remain. At anytime, we have a duty to continue to improve the services we deliver to the public while devolving power to, and focusing our resources on, essential services. But today, in the current difficult economic circumstances, that duty is imperative. We have a tight financial budget within which to deliver. We must look hard at the services we provide, to find ways to deliver them more effectively and efficiently.

Most importantly, we must ensure that we are listening to those who are affected by our services and those who deliver them: communities, victims of crime, the vulnerable and our front line staff. I have therefore set out four priorities which will help the Ministry focus activity in delivering our objectives on those we are here to serve: reforming public services, creating a justice system that inspires public confidence, listening to victims and the vulnerable and involving communities in justice.

These are the priorities that must guide our policy making and delivery against our objectives.

A handwritten signature in black ink, appearing to read 'Jack Straw', written in a cursive style.

**Rt Hon Jack Straw MP**  
Lord Chancellor and  
Secretary of State for Justice

## 1. Introduction to the Ministry: Organisation and Performance Framework

- 1.1 The Lord Chancellor and Secretary of State is the Rt Hon Jack Straw MP. He is supported by his ministerial team: two Ministers of State (Rt Hon David Hanson MP and Rt Hon Michael Wills MP) four Parliamentary Under Secretaries of State (Lord Bach, Bridget Prentice MP, Maria Eagle MP and Shahid Malik MP) – and the Corporate Management Board (made up of eight executive and three non-executive members). The Permanent Secretary, Sir Suma Chakrabarti KCB, heads the Board.
- 1.2 A number of Ministry of Justice (MoJ) agencies (including National Offender Management Service, HM Courts Service and the Tribunal Service), non-departmental public bodies (including the Legal Services Commission), associated offices and independent bodies play important roles in ensuring the Ministry meet its Strategic Objectives and contributes effectively to the cross-government Public Service Agreements.
- 1.3 The Justice Secretary also has responsibility for The National Archives, Northern Ireland Court Service and HM Land Registry. Performance against their objectives, along with that of the Wales Office and Scotland Office, will not be reported here but will be set out in the Ministry of Justice's Departmental Annual Report 2008/09 (as well as in their own annual reports).
- 1.4 The purpose of the Autumn Performance Report is to provide a mid-year review of the Ministry's performance. It reports against our Performance Framework, which is made up of our Departmental Strategic Objectives (DSOs), our contribution to the cross-cutting Public Service Agreements, the Ministerial priorities which allow us to prioritise action within our DSOs, and is set against the backdrop of our efficiency and Value for Money (VfM) agenda.

### Departmental Strategic Objectives

- 1.5 Our Strategic Objectives set out what the Ministry aims to deliver to the public over the Comprehensive Spending Review period (2008-2011). The indicators underneath the objectives set out the targets that have been agreed with HM Treasury for the Ministry's performance. Although the objectives encompass all areas of the Ministry of Justice's responsibilities, the indicators focus on our key priorities.
- 1.6 The Ministry is organised into five Business Groups. Four of the Business Groups are each responsible for delivering a DSO. The fifth, Corporate Performance Group, enables and supports the other four in this delivery. This allows us to ensure ownership of objectives and clear lines of accountability.

Our DSOs and their primary delivery groups are set out below:

- Protecting the public and reducing reoffending (National Offender Management Service)
- A more effective, transparent and responsive Criminal Justice System for victims and the public (Criminal Justice Group)
- Delivering fair and simple routes to civil and family justice (Access to Justice)
- Strengthening democracy, rights and responsibilities (Democracy, Constitution and Law)

### Public Service Agreements

- 1.7 Public Service Agreements (PSAs) set out the key cross cutting priority outcomes the Government wants to achieve in this spending period (2008 – 2011). The following PSAs, on which we lead or have responsibility for indicators, are included in this report:
- **PSA 24:** Deliver a more effective, transparent and responsive Criminal Justice System for victims and the public. MoJ leads on delivering this PSA.
  - **PSA 23:** Making Communities Safer. The Home Office leads this PSA and the MoJ has responsibility for two indicators.
  - **PSA 16:** Increase the proportion of socially excluded adults in settled accommodation and employment, education or training. The Cabinet Office leads this PSA and MoJ has responsibility for two indicators.



- 1.8 The Ministry of Justice also contributes to the following PSAs which are not included in this report (lead departments in brackets):
- **PSA 3:** Ensure controlled, fair migration that protects the public and contributes to economic growth (Home Office)
  - **PSA 13:** Improve the safety of children and young people (Department for Children, Schools and Families)
  - **PSA 14:** Increase the number of children and young people on the path to success (Department for Children, Schools and Families)
  - **PSA 15:** Address the disadvantage that individuals experience because of their gender, race, disability, age, sexual orientation, religion or belief (Government Equalities Office)
  - **PSA 21:** Build more cohesive, empowered and active communities (Communities and Local Government)
  - **PSA 25:** Reduce the harm caused by alcohol and drugs (Home Office)
  - **PSA 26:** Reduce the risk to the UK and its interests overseas from international terrorism (Home Office)

Full reporting against all these PSAs can be found in the lead departments' Autumn Performance Reports.

### **Spending Review 2004 Public Service Agreements**

- 1.9 In addition to CSR07 targets, we are required to continue reporting on any outstanding PSA targets from SR2004. In this report, we have therefore provided outturn data for the following SR2004 PSAs:
- **PSA 1:** Increase the number of crimes for which an offender is brought to justice
  - **PSA 2:** Reassure the public, reducing the fear of crime and anti-social behaviour and building confidence in the Criminal Justice System without compromising fairness
  - **PSA 3:** Reduce unfounded asylum claims
  - **PSA 4:** Increase the proportion of care cases being completed within 40 weeks.
  - **PSA 5:** Proportionate Dispute Resolution
- 1.10 For PSA targets 1, 2, 3 and 5 final outturn data is known, and this is reported in Chapter 5. A final assessment on whether the target has been achieved is also given. The exception to this is PSA 4, where targets are ongoing until 2009/2010 and will continue to be reported on until final outturn is available.

### **Value for Money**

- 1.11 The MoJ has plans to deliver £1,007m in value for money savings by 2010/11, as set out in the Value for Money Delivery Agreement in February 2008. £318m of the £1,007m value for money savings are due to be delivered in 2008/09. All savings are cash-releasing, sustained, and net of costs.

The value for money savings target is challenging, equating to a reduction of more than 3% each year and 5% real reductions in administration budgets per annum. However we are taking proactive steps to meet our target and live within our CSR07 settlement.

### **Progress on outstanding Public Accounts Committee Recommendations**

- 1.12 The Public Accounts Committee (PAC) published twenty-one Reports relating to MOJ business in the period from 2000 to Oct 2008 containing recommendations that have been accepted and responded to by either the MoJ and/or the former Department of Constitutional Affairs and Home Office. Eleven of these reports have recommendations outstanding.

Annex A lists these outstanding reports with their recommendations and progress against each.

### **Resource Accounts**

- 1.14 This report is intended to complement the MoJ's Resource Accounts which are the annual financial accounts for the MoJ for the financial year ending 31 March 2008, and related information (annual report, management commentary, remuneration report, statement on internal control and audit certificate). They were laid before Parliament on 21st July 2008 and are available on the Ministry's website at <http://www.justice.gov.uk/publications/resource-accounts.htm> or may be purchased from The Stationery Office [www.tso.co.uk](http://www.tso.co.uk).

## 2. Performance against our Departmental Strategic Objectives

### Protecting the public and reducing reoffending

- 2.1 This DSO aims to ensure the public are protected, especially from the risk of serious crime, reduce reoffending and increase the efficiency and effectiveness of service delivery. Through work to counter the risks posed by violent extremist offenders, the MoJ also contributes to cross-government work on reducing terrorist risks to the UK (PSA 26 'Reduce the risk to the UK and its interests overseas from international terrorism').
- 2.2 Protecting the public and reducing reoffending is central to our whole purpose as a Ministry, to our efforts to punish and reform and to increase public confidence in the Criminal Justice System. Work in this area has a direct impact on PSA 23 (Making Communities Safer) and PSA 24 (A more effective, transparent and responsive Criminal Justice System for victims and the public), on which the MoJ leads.
- 2.3 Crucial to delivery of this objective is having sufficient prison capacity to meet sentences ordered by the court. As a result, we have a large prison capacity building programme in place, and are considering better ways to align supply and demand through the sentencing framework.
- 2.4 We are also focusing on probation services to ensure delivery of the most effective community penalties that reflect the needs of local people and to drive through offender management reforms.
- 2.5 Although the National Offender Management Service (NOMS) is the lead Business Group on this objective, success in this area depends to a large extent on working collaboratively across government, and the third sector, in order to access the right interventions and specialist resources. We have a significant programme of work dedicated to improving partnerships in this area.

**Strong Progress – Improvement or maintained performance against all seven indicators.**

### Progress since April 2008

- Existing good performance in securing prisoners and preventing escapes has been maintained, despite the pressures of an increasing prison population.
- Excellent progress has been made against the PSA indicators on reducing reoffending, particularly in relation to adult offenders. The rate of the most serious reoffences has also fallen.
- Key Performance Indicators for delivery of custodial and community services show improvements in an environment of resource constraints and an increasing offender caseload. This covers measures of offender management, public protection and delivery of services to address the reducing reoffending pathways.
- The prison capacity programme is expected to deliver around 2,600 places this year, of which just over 2,100 have already been delivered.

### Protecting the Public

Indicator	Performance
Maintaining current performance of no Category A escapes.	<b>Maintained</b> We have continued to protect the public by keeping the most dangerous prisoners secure.
Maintaining the existing very low rate of escapes from prison or prisoner escorts as a percentage of the average prison population.	<b>Maintained</b> With only 1 escape in the period from April to August 2008 the rate of 0.003% is on course to meet the national target of less than 0.05%. This maintains the low rate of escapes recorded at the same time last year.
Maintaining the existing very low rate of absconds from the open/semi-open estate as a percentage of the average prison population.	<b>Improvement</b> An annualised rate of 16.6 absconds per 100,000 prisoner days as at the end of August is a reduction from the same time last year and 27% less than the target rate of 22.8 for 2007/08.

## Reducing Reoffending

### Indicator

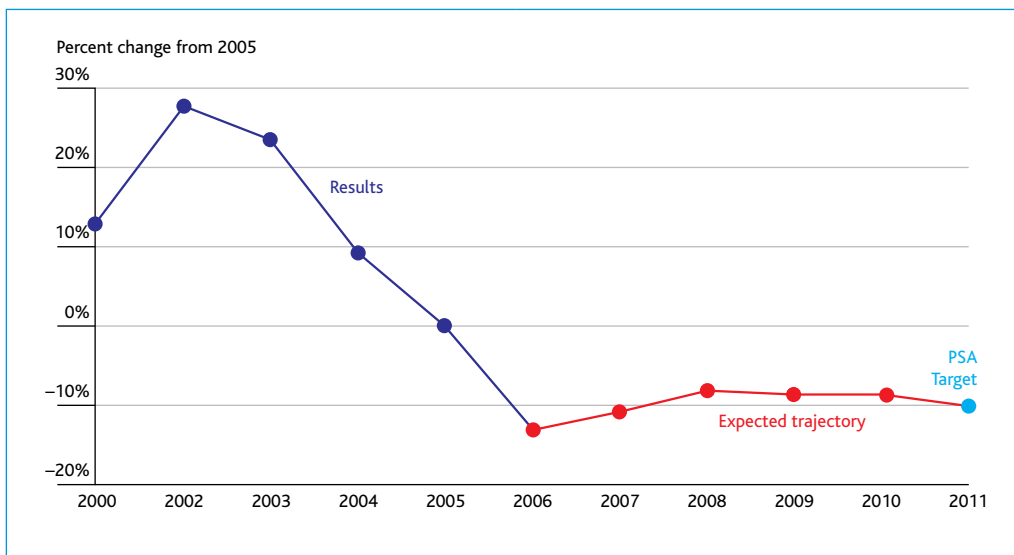
Levels of reoffending as per the PSA 23 indicator.<sup>2</sup>

### Performance

#### Adult offenders: Improvement

The number of reoffences committed by adults has **fallen 13%** between 2005 and 2006, against the target of a 10% fall between 2005 and 2011.

The excellent progress made in reducing reoffending over the first year of the target period is very encouraging and we are on track to hit the PSA target. However, to ensure we achieve this target we need to maintain this good progress year on year, which will be a challenge with increasing pressures on the system. Continuing to improve our efficiency and effectiveness, ensuring that we get maximum impact for our investment, will be crucial.



<sup>2</sup> See page 29.

Reducing Reoffending	
Indicator	Performance
	<p><b>Youth offenders: Improvement</b>                      The number of reoffences fell by 1.5% (from 125.0 to 123.1 reoffences per 100 offenders) between 2005 and 2006, against the target of a 10% fall between 2005 and 2011.</p> <p>Progress has been made towards achieving the target. However, as above, the need to continue to make this progress year on year against increasing system and financial pressures, presents a significant challenge.</p>
Levels of serious reoffending as per the PSA 23 indicator.	<p><b>Adult offenders: Improvement</b>                      The number of serious reoffences <b>fell by 21%</b>, from 0.88 serious offences per 100 offenders in 2005, to 0.69 in 2006.</p> <p><b>Youth offenders: Improvement</b>                      The number of serious reoffences <b>fell by 8.7%</b>, a fall from 0.91 offences per 100 offenders in 2005 to 0.83 offences per 100 offenders in 2006.</p> <p>Both the adult and youth figures must be treated with a degree of caution due to the small number of serious reoffences in the data.</p>

**Increasing the efficiency and effectiveness of service delivery**

Indicator	Performance
<p>Delivery of NOMS Key Performance Indicators.</p>	<p><b>Improvement</b>                      At the end of September, 23 out of 28 National targets were on track for delivery, with a further 4 indicators close to milestone or expected to improve by the end of the year.</p> <p>Performance was ahead of target on all prison and probation indicators for public protection and for the reducing reoffending pathways.</p> <p>The area of concern is ensuring that offenders have access to the most appropriate programmes to address their offending behaviour. As at September, 72.4% of offenders met the programme criteria; we aim to increase this to 81.1%.</p>
<p>Delivery of relevant Youth Justice Board Key Performance Indicators.</p>	<p><b>Improvement</b>                      The Youth Justice Board has achieved a 10.2% reduction in first time entrants to the Youth Justice System in 2007-08 compared with its 2005-06 baseline, far exceeding its 5% target.</p>

**Through work to counter the risks posed by violent extremist offenders, the Ministry of Justice contributes to PSA 26**

Indicator	Performance
<p>The PSA Delivery Agreement for Counter Terrorism is not being published.</p>	<p>By its nature, the PSA Delivery Agreement contains information about the UK counter-terrorism effort that could potentially be useful to those who threaten the UK and its interests.</p> <p>In so far as is possible and consistent with national security, scrutiny arrangements for this PSA, including parliamentary scrutiny, will mirror those in place for other PSAs with progress reports made public during the CSR period. However, we are not able to publish the information in this report.</p>

## A more effective, transparent and responsive Criminal Justice System for victims and the public

- 2.5 This DSO aims to increase the efficiency and effectiveness of the Criminal Justice System (CJS) and increase its transparency so that it inspires confidence in local communities. It works towards a more responsive CJS that has the needs of victims and witnesses at its heart.
- 2.6 The MoJ also leads on the cross-government Public Service Agreement of the same title (PSA 24). This aims to bring all the related agencies and interests together to ensure we take a problem-solving approach to improving the CJS which fully reflects the priorities of local communities, victims and the public.
- 2.7 This DSO shares many of the same indicators as PSA 24, and work towards these indicators goes directly towards meeting the Public Service Agreement. For ease of reference both have been fully reported against<sup>3</sup>, but there is some inevitable duplication.

**Not Yet Assessed: We are currently only able to assess performance against one of the four indicators.**

### Progress since April 2008

- Magistrates' court and Crown Court timeliness has improved. However this is the only indicator that currently has data available since April. Where data is not available, current trends indicate that there will be an improvement demonstrated.
- For the first time, responsibility for developing local action plans and 3 year forward-planning strategies has been devolved to Local Criminal Justice Boards (LCJBs). This approach will allow for plans to be tailored to local priorities and will be supported through strong analytical and delivery support from central criminal justice departments.
- Structures and governance arrangements are in place, nationally and locally, to monitor and drive the delivery of all five indicators under PSA24. Strong links have been made to other connected and contributing Public Service Agreements.

<sup>3</sup> See page 25.



**Increasing the efficiency and effectiveness of the criminal justice system.**

Indicator	Performance
<p>Number of offences brought to justice (especially serious offences) expressed as a rate of recorded crime.</p>	<p><b>Not yet assessed</b>                      Based on previous performance trends, it is likely that improvements will be secured in the proportion of serious violent, sexual and acquisitive offences brought to justice. We are working to improve the quality of performance data on this indicator and expect to be in a position to report on offences brought to justice performance as a rate of crime in early 2009.</p> <p>The budgeted CJS spend in bringing offences to justice is projected to fall by approximately 4.5% over the period 2008-11 in real terms. The budgeted spend in 2008/09 is £7.87bn compared to £7.95bn in 2007/08.</p>
<p>Magistrates' court and Crown court timeliness.</p>	<p><b>Improvement</b>                      The latest available magistrates' court timeliness data stood at an estimated 6.9 weeks<sup>4</sup> which shows an improvement in magistrates' courts timeliness from 8.8 weeks in March 2007 against a target of fewer than 6 weeks.</p> <p>Performance against Crown Court timeliness in the last 6 months is 2% above the target level of 78%<sup>5</sup>. The 'sent for trial' element of this Key Performance Indicator shows a slight improvement.</p>

4 From charge to disposal.

5 Cases commenced within the target timescale. For more information download HMCS business plan at [http://www.hmcourts-service.gov.uk/cms/business\\_plans.htm](http://www.hmcourts-service.gov.uk/cms/business_plans.htm)

**Increasing the transparency of the criminal justice system so that it inspires confidence in local communities.**

Indicator	Performance
<p>Increased levels of public confidence recorded by the British Crime Survey.</p>	<p><b>Not yet assessed</b>                      Based on historic performance trends, it is likely that both elements of this indicator – Criminal Justice System as a whole is fair and Criminal Justice System as a whole is effective – will be met, if not exceeded. This will mean an overall increase of public confidence in the fairness and effectiveness of the Criminal Justice System.</p> <p>The first set of comparative data will be available in January 2009. The baselines stand at 56% for confidence in the fairness of the CJS and 37% for confidence in the effectiveness of the CJS.</p>

**A more responsive criminal justice system that has the needs of victims and witnesses at its heart.**

Indicator	Performance
<p>Increased levels of victim and witness satisfaction as recorded by the Witness and Victim Experience Survey.</p>	<p><b>Not yet assessed</b>                      Based on historic performance and a trend showing continued improvement since March 2005, it is likely that both elements of the indicator will be met. This signifies greater victim and witness satisfaction in relation to overall contact with both the Police and the CJS as a whole.</p> <p>The first set of comparative data will be available in April 2009.</p>

## Delivering fair and simple routes to civil and family justice

- 2.7 This DSO aims to make civil, family and administrative justice more accessible by providing early advice and support, simplified processes and greater opportunities, where appropriate, to help people resolve problems without the need for court action.
- 2.8 The civil, administrative and family justice system is important as it supports people with welfare problems such as family, debt, and housing. We aim to ensure these people, particularly the most vulnerable and disadvantaged in society, are able to get help, advice and support that they need. Often early, quick and easily understood information on debt, welfare or housing can prevent problems spiralling out of control.
- 2.9 The objective covers the majority of the Ministry's delivery agencies: HM Courts Service (HMCS), Tribunals Service, Legal Services Commission (LSC), Office of the Public Guardian (OPG) and other associated and judicial bodies and the majority of the day-to-day contact with the public. As such, all the indicators for the agencies covered by this objective strive for better customer service. We are working towards achieving more joined up services across the different businesses and making flexible use of estate and resource. Closer integration of our services will allow us to provide a more effective pathway for users through the justice system; and help them to find the most appropriate solution to their dispute.

### **Strong Progress – Improvement against all three indicators**

### Progress since April 2008

- We have added six new Specialist Domestic Violence Courts across England and Wales to the courts that are already providing help and support to victims of domestic violence.
- The number of calls to the National Mediation Helpline, which provides access to time-limited mediations at a fixed cost, continues to rise, with people achieving a settlement rate of around 66% for mediated cases.
- The Small Claims Mediation Service recently won the European Crystal Scales of Justice Award. In the 12 months to the end of September 2008, the mediators conducted 6,718 mediations, 4,688 of which settled, almost 70%.
- We have made people more aware of the Mental Capacity Act, so that they can begin making provisions for their future, which means that there will be less need for applications to the Court of Protection in the coming years. We have also begun a review of the Mental Capacity Act to ensure it continues to deliver what people need.
- The Tribunals Service has just established the first tribunal administrative support centre in Birmingham, with a dedicated customer service team, which will deal with incoming enquiries. This will allow other staff to concentrate on complex casework.
- We have selected the new Legal Services Board Chair and members. The aims are to put the consumer first and promote competition, innovation and transparency. We have also appointed the Chair of the new Office for Legal Complaints, which will deal with consumer complaints about legal services.

Increased efficiency and effectiveness of the civil, administrative and family justice systems.

Provision of early advice and support to enable disputes to be resolved out of court or tribunal wherever possible.

Accessible justice system that provides support where it is needed.

Indicator	Performance
<p>Delivery of Agency Key Performance Indicators (KPIs).</p>	<p><b>Improvement</b>                      31 out of 42 (74%) KPIs are being delivered which include the provision of acts of legal advice and assistance, and resolution of civil and family disputes. The majority of KPIs are on track to be delivered by the end of the financial year with the exception of the public law targets, which are covered under SR 2004 PSA 4 on page 40.</p>
<p>Provision of criminal, civil and family acts of legal advice and assistance.                      Measured by the Legal Services Commission (LSC) Acts of Assistance KPI (annual target 1 million).</p>	<p>410,630 acts of assistance were delivered from April-August 2008 (the most recent figures). The LSC is expecting to achieve the annual target.</p>
<p>Resolution of civil and family disputes:                      – Increase the proportion of Civil Settlements to 65%, and                      – Increase proportion of Family Orders made by consent to 37% in all HMCS areas.</p>	<p>April – September 2008 data:                      – Civil Settlements: 65%                      – Family Orders made by consent: 43.9%</p>
<p>Customer service and contact targets:                      – HMCS achieves an increase from 41%, of those very satisfied;                      – Tribunals Service achieves 72% or more, and                      – LSC achieves 90% or more.                      Once a baseline figure based on the results of the 2007-08 survey is agreed, the OPG will set its 2008-09 survey target.</p>	<p>HMCS have improved their survey result to 42% of those very satisfied.                      Both the Tribunal Service and LSC customer surveys are predicted to achieve their respective targets.                      Information is not currently available for the OPG survey.</p>

Increased efficiency and effectiveness of the civil, administrative and family justice systems.

Provision of early advice and support to enable disputes to be resolved out of court or tribunal wherever possible.

Accessible justice system that provides support where it is needed.

Indicator	Performance
Delivery of public law targets carried over from the 2004 Spending Review to reduce delay in care proceedings.	For performance data see SR 2004 PSA 4 entry in the report (page 40).
Achievement of LSC, OPG and HMCS civil court cost recovery targets.  Measured by the individual agency cost recovery targets. Indicator will be achieved if the LSC, OPG and HMCS meet their respective targets.	<p><b>Improvement</b>                      April-September 2008 data:</p> <p>LSC: Ahead of target.<sup>6</sup>                      OPG: 100% recovery                      HMCS: Fee income for the first six months is £188.7m. Full forecast is £374m, which is £15.5m lower than the target of £389.2m. While civil fee income is increasing year on year as anticipated, it is not increasing at the rate required to meet the target.</p>
Delivery of the 'Transforming Tribunals' agenda.	<p><b>Improvement</b>                      The new administrative support centre in Birmingham begun work in September 2008. A new East London hearing centre in Stratford will follow in September 2009. The first phase of the Tribunals, Court and Enforcement Act implementation took place on 3 November 2008 with the creation of the first-tier and Upper Tribunal. Full implementation of administrative support centres and multi-jurisdictional hearing centres has been put on hold pending development of a cross-Access to Justice Business Group strategy.</p>

6 Reduce the debit notes outstanding as at 31-03-2008 by £30m, including a recovery target of £16m.

## Strengthening democracy, rights and responsibilities

- 2.12 This DSO aims to modernise the constitution, strengthen democracy and create the conditions for increased citizen engagement.
- 2.13 We lead the Government's constitutional, rights and legal reform programmes. These include work on institutional reform, data protection and data sharing, electoral modernisation, human rights, devolution and encouraging people to take an active part in the democratic process.
- 2.14 The indicators for this objective are somewhat different to those of the other three DSOs, since our aim of creating the appropriate conditions to enable increased citizen engagement is less straightforward to measure.

### **Strong Progress – Improvement against all 3 indicators.**

#### **Progress since April 2008**

- The Calman Commission set up by the Scottish Parliament to review the working of the Scotland Act has been established and is working towards publication of an interim report before the end of the year.
- Implementation of the Supreme Court remains on track for opening in October 2009: remedial works to the building are on schedule, security measures are in hand and rules and fees consultation are on schedule.
- A Green Paper on moving elections to the weekend has been published.
- The Joint Committee on the draft Constitution Renewal Bill has published its report.
- A consultation exercise has been completed to inform how to increase the powers and funding arrangements for the Information Commissioner's Office as part of a package to improve use and security of public and private sector information.
- The Youth Citizenship Commission is well underway and consultation on Votes at 16 began on 20 October.

**Constitutional modernisation, to strengthen democracy and create the conditions for increased citizen engagement**

Indicator	Performance
Modernised constitutional institutions: Royal Assent to the Constitutional Renewal Bill, establishment of the UK Supreme Court and a strengthened devolution settlement.	<p><b>Improvement</b></p> <p><i>Draft Constitutional Renewal Bill</i> Pre-legislative scrutiny concluded and Joint Committee published its report on 31 July. The Government is carefully considering its recommendation and will respond in due course.</p> <p><i>Supreme Court Implementation Programme</i> Remedial works on schedule, security needs identified and on track for opening in October 2009.</p> <p><i>Strengthened devolution settlement</i> Calman Commission, set up by the Scottish Parliament to review the working of the Scotland Act, established and staff recruited. The Commission is due to report before the end of 2008.</p> <p><i>House of Lords Reform</i> Meetings of a cross-party group on reform culminated in the publication of the White Paper in July 2008.</p> <p><i>Electoral Reform</i> Consultation paper, <i>Election Day</i>, on moving elections to the weekend was published 24 June. Consultation closed 24 September. A response to the consultation will be published in due course.</p>
Reformed arrangements for political party finance and expenditure.	<p><b>Improvement</b></p> <p>Political Parties and Elections Bill introduced on 17 July 2008.</p>



**Constitutional modernisation, to strengthen democracy and create the conditions for increased citizen engagement**

Indicator	Performance
<p>Increasing the use, safekeeping and availability of public authority information.</p>	<p><b>Improvement</b></p> <p><i>Data Sharing Review</i>                      Consultation on new powers and funding arrangements for the Information Commissioner closed on 27 August. Responses to the consultation were published on 24 November along with the Government response to the Data Sharing Review published by Dr Mark Walport and Richard Thomas in July.</p> <p>A Corporate Management Board Sub-Committee has been set up to provide strategic management of Information Assurance risks across the Ministry.</p>
<p>A Youth Citizenship Commission reporting in Spring 2009.</p>	<p><b>Improvement</b></p> <p>3 Commissioners appointed, including three young people. The Commission has met three times to date. On track to report Spring 2009.</p>

### 3. Performance against Public Service Agreements

#### **PSA 24: Deliver a more effective, transparent and responsive Criminal Justice System for victims and the public**

- 3.1 This Public Service Agreement represents the measures of success for the Government's vision for the Criminal Justice System. That vision is of a system which:
- is more effective in bringing offences to justice, especially serious offences;
  - engages the public and inspires confidence;
  - puts the needs of victims at its heart;
  - has simple and efficient processes.
- 3.2 The Ministry of Justice leads on this PSA, which is shared with the Home Office and the Attorney General's Office.
- 3.3 As reported at page 15 above, the Ministry's DSO under the same title shares several of the same indicators as this PSA.

**Not Yet Assessed: We are currently only able to assess performance against two of the five indicators.**

### Progress since April 2008

- For the first time, responsibility for developing local action plans and 3 year forward-planning strategies has been devolved to Local Criminal Justice Boards (LCJBs). This approach will allow for plans to be tailored to local priorities and will be supported through strong analytical and delivery support for LCJBs by central criminal justice departments
- There is a strong efficiency focus to this PSA. In a tighter Spending Review period, this PSA aims to deliver increased outcomes with fewer resources, enabled through simpler, more streamlined processes.
- Structures and governance arrangements are in place, nationally and locally, to monitor and drive the delivery of all five indicators. Strong links have been made to other connected and contributing Public Service Agreements.
- The commitments in relation to indicators 1-3, which seek increases in the efficiency and effectiveness of the CJS in bringing offences to justice, public confidence in the fairness and effectiveness of the CJS and victim and witness satisfaction respectively, will be met if historic performance trends continue. Work on indicator 4, which aims to identify and explain race disproportionality within the CJS, and the new measure of compliance and enforcement is on track. Performance on indicator 5, asset recovery, is below its target trajectory and subject to a review which will make recommendations to close the gap.

**Deliver a more effective, transparent and responsive Criminal Justice System for victims and the public**

Indicator	Performance
<p><b>Indicator 1:</b> Efficiency and effectiveness of the Criminal Justice System in bringing offences to justice.</p>	<p><b>Not yet assessed</b>                      Based on previous performance trends, it is likely that improvements will be secured in the proportion of serious violent, sexual and acquisitive offences brought to justice. We are working to improve the quality of performance data on this indicator and expect to be in a position to report on offences brought to justice performance as a rate of crime in early 2009.</p> <p>The budgeted CJS spend in bringing offences to justice is projected to fall by approximately 4.5% over the period 2008-11 in real terms. The budgeted spend in 2008/09 is £7.87bn compared to £7.95bn in 2007/08.</p>
<p><b>Indicator 2:</b> Public confidence in the fairness and effectiveness of the Criminal Justice System.</p>	<p><b>Not yet assessed</b>                      Based on historic performance trends, it is likely that both elements of this indicator- CJS as a whole is fair and CJS as a whole is effective- will be met, if not exceeded. This will mean an overall increase of public confidence in the fairness and effectiveness of the CJS.</p> <p>The first set of comparative data will be available in January 2009. The baselines stand at 56% for confidence in the fairness of the CJS and 37% for confidence in the effectiveness of the CJS.</p>

Deliver a more effective, transparent and responsive Criminal Justice System for victims and the public	
Indicator	Performance
<p><b>Indicator 3:</b> Experience of the Criminal Justice System for victims and witnesses.</p>	<p><b>Not yet assessed</b> Based on historic performance and a trend showing continued improvement since March 2005 it is likely that both elements of the indicator will be met. This signifies greater victim and witness satisfaction in relation to overall contact with both the Police and the CJS as a whole.</p> <p>The first set of comparative data will be available in April 2009.</p>
<p><b>Indicator 4:</b> Understanding and addressing race disproportionality at key stages in the Criminal Justice System.</p>	<p><b>Improvement</b> Given the nature of this indicator, there is no specific directional target to reduce disproportionality.</p> <p>Progress, however, towards the 2011 PSA milestone is on schedule with LCJBs already collecting and analysing data on racial disproportionality and taking steps to address it where it is unjustified. Should this milestone be met, the CJS will be better informed to identify and explain race disproportionality at key points within the system.</p>
<p><b>Indicator 5:</b> Recovery of Criminal Assets.</p>	<p><b>Improvement</b> Baseline: £125m recovered in 2006/7 £33.2 million recovered between April – June 2008.</p> <p>Although current performance shows improvement, it is still below trajectory to recover £250m in 2009-10. Actions, however, are underway to address the performance gap.</p>

## PSA 23: Making Communities Safer

3.4 PSA 23 is helping to deliver safer communities and is led by the Home Office. The Ministry of Justice is responsible for two of the indicators:

- **Indicator 5** – Adult and Young Offender proven reoffending
- **Indicator 6** – Serious Reoffending

Performance against these indicators is reported at pages 12 as part of the DSO: 'Protecting the public and reducing reoffending'. For full reporting against PSA 23, please see the Home Office Autumn Performance Report 2008.

## PSA 16: Increase the proportion of socially excluded adults in settled accommodation and employment, education or training

3.5 This PSA aims to support adults who are at risk of social exclusion. It represents the Government's commitment to ensure the most vulnerable adults are offered the chance to get back on a path to a more successful life. The PSA is led by the Cabinet Office. The Ministry of Justice is responsible for two of the indicators, performance against which is reported below<sup>7</sup>:

<sup>7</sup> For full reporting against PSA 16 please refer to the Cabinet Office Autumn Performance Report 2008.

Indicator	Performance
<p><b>Indicator 2:</b> Offenders under probation supervision in settled and suitable accommodation.</p>	<p><b>Not yet assessed</b> The 2006/07 baseline figure for offenders under probation supervision in settled and suitable accommodation was 77%.<sup>8</sup> Data for 2007/08 shows that this percentage has remained the same.</p> <p>The first data for the PSA period will be available in February/March 2009. This will cover the period April to September 2008.</p>
<p><b>Indicator 6:</b> Offenders under probation supervision in employment.</p>	<p><b>Not yet assessed</b> The 2006/07 baseline figure for offenders under probation supervision in employment was 36%.<sup>9</sup> Data for 2007/08 shows a statistically significant increase on this figure to 37%.</p> <p>The first data for the PSA period will be available in February/March 2009. This will cover the period April to September 2008.</p>

8 We are currently reviewing the methodology for the calculation of this indicator and the baseline may be subject to change.

9 We are currently reviewing the methodology for the calculation of this indicator and the baseline may be subject to change.

## 4. Value for Money

### Value for Money Savings

- 4.1 Value for Money savings are calculated by comparing projected spend based on current forecasts with 'counterfactual spend'. This is consistent with the cross-government approach. Counterfactual spend is based on a 'do nothing' approach. For example, if the MoJ took no action to improve value for money, spending would rise in line with inflation. The MoJ's Value for Money Delivery Agreement, published in February 2008, provides further information on this measurement.
- 4.2 Comparing the MoJ's six month outturn against the counterfactual, after taking into account all savings to be achieved during the current year, shows that the MoJ has met its savings targets for the first six months and is on track to achieve its full year 2008/09 targets. The Departmental Annual Report will compare the full year outturn for the MoJ against the counterfactual position for 2008/09. This will include a breakdown by Business Group and details of how the savings were made.
- 4.3 The Value for Money Delivery Agreement has four large modernisation programmes which are expected to deliver circa £600m in savings during the CSR07 period. Combined with other savings across MoJ business areas, this will enable the Ministry to achieve its overall VfM target by 2011.

These specific plans are summarised below:

Delivery Strategy	Planned Value for Money savings over CSR07
National Offender Management Service (NOMS)	£250m
Legal Aid Reform	£180m
Her Majesty's Courts Service	£140m
Tribunals Service	£45m
Other	£392m
<b>Total Value for Money Savings Target</b>	<b>£1,007m</b>



## 2008/09 Value for Money plans

- 4.4 During 2008/09 the following Value for Money savings initiatives have been instigated:

Delivery Strategy	VfM savings 2008/09 (£m)
National Offender Management Service (NOMS)	81
Legal Aid Reform	34
Her Majesty's Court Service (HMCS)	82
Tribunals Service	11
Other (eDelivery Group)	110
<b>Total Value for Money Savings</b>	<b>£318m</b>

### National Offender Management Service

- 4.5 On 29 January 2008, the Justice Secretary announced a restructuring of NOMS in order to take forward Lord Carter's proposals for streamlining management structures and reducing costs. This involves bringing NOMS and the prison service together and streamlining the headquarters to improve the focus on frontline delivery of prisons and probation. It will also involve improving efficiency through streamlined and strengthened commissioning arrangements.
- 4.6 The following initiatives have been implemented by NOMS, in order to deliver 2008/09 cumulative savings of £81m:
- Standardising the core day by ceasing activities from Friday lunchtime in prisons thereby saving £17m in 2008/09.
  - Where prisons work in close proximity to each other, services are merged to generate efficiencies.
  - As a result of a review of Area Office Staffing, differences in staffing levels and staff numbers are being reduced.
  - Reducing Quantum IT costs by implementing greater scrutiny of services and contractual negotiations.
  - Restructuring of the Human Resources function across the prison estate upon completion of the HMPS shared office function roll out.
  - Restructuring of staffing in prisons resulting in reduced numbers of senior managers and prison officer grade changes.
  - Other initiatives such as implementing video links from prisons to courts and reducing dog costs.

- 4.7 During the next six months NOMS will take forward a major portfolio of far reaching change programmes including:
- Continuing the organisational restructuring and workforce modernisation;
  - Probation trusts are currently being created; this will ensure probation areas put in place efficiency plans for future years.
  - Mandating national specifications for key operational services and a series of initiatives such as staff rostering, linked to improving organisational effectiveness.

### **Legal Aid**

- 4.8 In November 2006 the former DCA and the Legal Services Commission published 'Legal Aid Reform: the Way Ahead', which sets out ambitious plans to reform the procurement and delivery of legal aid to achieve improved value for money savings in both criminal and civil legal aid.
- 4.9 All key 'Way Ahead' fixed and graduated fee schemes have now been implemented. To date, the Legal Aid Reform Programme has achieved £17m in savings and is on track to deliver £34m in total over 2008/09.

### **Her Majesty's Courts Service (HMCS)**

- 4.10 HMCS aims to deliver value for money savings by significantly improving the way caseload is managed and enhancing efficiency and effectiveness. This will improve performance and services whilst making efficiency savings. HMCS is on track to deliver cumulative savings of £82m this year (out of the £140m total savings agreed to be delivered by 2011) through efficiency savings and modernisation of systems:
- Efficiency savings: HMCS is continuing from 2007/08 to further streamline processes to achieve further efficiency and effectiveness. Particularly, HMCS is piloting Simpler Working which addresses the fundamentals of how HMCS operates on a daily basis and seeks to streamline activities and processes. This initiative will be rolled out across all business activities during 2009/10.
  - Modernisation of systems: HMCS Change Programme will generate efficiency savings in future years.

Key projects include:

- consolidating administrative functions into back offices;
- improving electronic links with other agencies and local authorities;

- increasing the take-up of electronic channels;
- improving the efficiency of money handling and allowing access to services available through more channels, such as the internet and telephone.

### **Tribunals Service**

- 4.11 The transforming of the tribunals programme aims to deliver value for money savings by:
- Rationalising the estate and increasing efforts to share HMCS facilities;
  - Rationalising legacy IT systems;
  - Restructuring of non-customer facing functions; and
  - Implementation of Tribunals Courts and Enforcement (TCE) Act.
- 4.12 The following initiatives have been implemented and the Tribunals Service will deliver its target of £11m savings in 2008/9.
- Tribunals Service opened its new pathfinder Administrative Support Centre in Birmingham in September 2008, case processing of various jurisdictions is gradually being phased into operation.
  - Restructuring and reorganising the management of the Tribunals Service.
  - Reducing the daily hiring of venues for hearings.
  - Piloting case flow work in the Midlands region.
  - Capitalising on lease break in the estate.
- 4.13 In addition, the Tribunals Service is looking at the option of introducing immigration fees.

### **Other savings achieved**

- 4.14 The Corporate Performance Group will achieve savings of £110m from phasing out legacy suppliers and reducing contract costs by the end of 2008/09. An IT transformation programme has been implemented to reduce the costs of six IT providers. This was carried out by the eDelivery Group on behalf of the ex-DCA activities.
- 4.15 In addition to these specific initiatives, the MoJ as a whole is required to make a 5% real reduction in administration budgets each year during the CSR period.

- 4.16 The implemented VfM savings plans will continue during the balance of 2008/09 in order to achieve our current year target savings. These savings are cumulative cash releasing savings.

#### **2009/10 and 2010/11 Value for Money plans**

- 4.17 The current fiscal climate places further pressure on the MoJ's CSR07 settlement. The MoJ has in place plans to deliver the future years' efficiency targets and recognises the need to take action now to introduce these plans in order to meet these targets and live within budget.

The Performance and Efficiency Programme (PEP) is the next phase of work which is currently being developed. The programme is designed to further develop ongoing governance reporting and monitoring processes. It will ensure robust plans are in place to enable the MoJ to meet its £1bn value for money target over the CSR07 period.

- 4.18 The programme covers six broad areas:
- Ensuring all external revenues are maximised where possible.
  - Reducing excessive overhead costs in headquarters functions and support services and reducing the layers of management.
  - Changing procurement measures so they are demand managed, ensuring simpler categories and managing contracts.
  - Changing the funding model (removing excess funding).
  - Reviewing the financial benefit of change programmes; and the speed at which benefits are delivered de-scoping or postponing where required.
  - Implementing tighter spending and cost controls.

#### **Gershon Efficiency Programme**

- 4.19 The three-year Gershon efficiency programme was introduced on 1 April 2005 and formed a key part of the UK Government's SR2004 efficiency targets. The programme had three key initiatives:
- financial savings;
  - headcount reductions; and
  - post relocations.
- 4.20 The programme ended in March 2008 and the MoJ was successful in not only achieving but exceeding all its efficiency targets.

4.21 The final efficiency gains achieved, compared to the target are set out below:

	Target SR2004	Final Efficiency Gains
Financial savings	£292m	£455m*
Headcount reductions	1,473 FTEs <sup>10</sup>	1,880 FTEs
Relocated posts	280 FTEs	600 FTE

\* This combines savings from former DCA and NOMS. \*\* MOJ targets were revised following machinery of Government changes. It should be noted that the previous APR detailed all NOMS savings and had not split out the proportion transferring to MoJ following the machinery of Government change.

<sup>10</sup> Full Time Equivalent.

## 5. Performance against SR2004 PSAs

### PSA 1 SR2004

**Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25 million by 2007-08 (Joint CJS target)**

- 5.1 An offence is considered to have been brought to justice when a recorded crime results in an offender being convicted, cautioned, issued with a penalty notice for disorder, given a cannabis warning, or having an offence taken into consideration.

This is a final assessment.

**Met**

Measure	Final Outturn
Increasing the number of crimes for which an offender is brought to justice to 1.25 million.	<p><b>Met</b></p> <p>Target was exceeded: the provisional estimated final outturn shows 1.446 million offences were brought to justice in the 12 months to the end of March 2008. This is 196,000 above the target level and a 44% increase since 2001/02.</p> <p>The numbers of Offences Brought to Justice (OBTJ) for 2008 is un-validated data from the courts and police, and are therefore provided as management information as they are provisional and likely to change. The final validated OBTJ data for 2007 was published as a National Statistic by the Ministry of Justice in "Criminal Statistics in England and Wales 2007" on 27 November 2008.</p>

## PSA 2 SR2004

**Reassure the public, reducing the fear of crime and anti-social behaviour, and building confidence in the Criminal Justice System without compromising fairness.**

- 5.2 Responsibility for the three reassurance elements of this target lies with the Home Office and final outturn for these will be reported in their Autumn Performance Report. The three confidence elements set out below are shared with Home Office and Crown Prosecution Service (CPS).

This is a final assessment.

**Met<sup>11</sup>**

Measure	Final Outturn
<p><b>Public confidence in the Criminal Justice System</b> This is measured by the British Crime Survey (BCS), which asks whether the public believes the CJS is effective in bringing people who commit crimes to justice.</p> <p><b>Target: an increase</b></p>	<p><b>Met</b> Baseline (BCS 2002-03): 39 per cent Final outturn (BCS 2007-08): 44 per cent</p>
<p><b>Black and minority ethnic perceptions of fair treatment</b> This is measured by questions in the Citizenship Survey, which asks whether people from black or minority ethnic backgrounds believe the CJS would treat them worse than people of other races.</p> <p><b>Target: a decrease</b></p>	<p><b>Met</b> Baseline (Home Office Citizenship Survey 2001): 33 per cent Final outturn (Citizenship Survey 2007): 28 per cent</p>
<p><b>Victim and witness satisfaction</b> This is measured by the BCS, which asks questions on victims' and witnesses' satisfaction with the Criminal Justice System.</p> <p><b>Target: an increase</b></p>	<p><b>Not met</b> Baseline (BCS six months to March 2004): 58 per cent Final outturn (BCS 2007-08): 59.8 per cent (below the required statistically significant increase to 60.1%)</p>

<sup>11</sup> The target will have been achieved if for the year 2007/08, two out of the three elements are met.

## PSA 3 SR2004

**Reduce unfounded asylum claims as part of a wider strategy to tackle abuse of the immigration laws and promote controlled legal migration (joint target with the Home Office).**

This is a final assessment.

**Met**

Measure	Final Outturn
<p><b>Reduce unfounded asylum claims</b>                      The target will have been achieved if the number of unfounded asylum claims in the year 2007/08 is less than in the baseline year (2002/03).</p>	<p><b>Met</b>                      Baseline (2002/03): 70,200                      Outturn (2005/06): 39,600 (revised)                      Outturn (2006/07): 18,000 (revised)  <b>Final Outturn (2007/08):</b>  <b>16,500 (provisional)<sup>12</sup></b></p>

<sup>12</sup> This figure remains provisional until the Home Office 2008 Bulletin is published in August 2009. There will be no further reporting on this target.



## PSA 4 SR2004

**By 2009/10, increase the proportion of care cases being completed in the courts within 40 weeks by 10%.**

This target is ongoing.

### Slippage

Measure	Final Outturn
<p>By 2009/10, increase the proportion of care cases being completed within 40 weeks by 10 percentage points in the magistrates' courts (family proceedings courts).</p> <p>Target will be achieved if by March 2010 the magistrates' courts (family proceedings courts) achieve 56%.</p>	<p><b>Slippage</b> The current financial year to date performance (April – September 2008) is:</p> <p><b>48.7%</b></p> <p>Performance is below target levels but when comparing to the same period last year, the proportion of cases completed within 40 weeks has remained stable. Since April 2008 there has been a reduction in the number of outstanding cases in the magistrates' courts which is thought to be the result of local authorities adhering to the new procedures, working more closely with families pre-proceedings and looking at safe and appropriate alternatives to court.</p>
<p>By 2009/10, increase the proportion of care cases being completed within 40 weeks by 10 percentage points in the county courts (care centres).</p> <p>Target will be achieved if by March 2010 the county courts (care centres) achieve 48%.</p>	<p><b>Slippage</b> The current financial year to date performance (April – September 2008) is:</p> <p><b>35.4%</b></p> <p>The proportion of case completed within 40 weeks in the care centres is below target level and has been declining over the last 12 months. Current trajectories suggest that meeting this target by March 2010 will prove challenging. A key risk to delivery of this target is the large volume of outstanding cases which are already over 40 weeks old and outside the target time (43.5%).</p>

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### Progress since April 2008

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- On 1 April 2008, the Public Law Outline (PLO) and its supporting Practice Direction introduced a simplified and streamlined procedure for progressing public law cases through the courts. The changes seek to improve the care proceedings process in the courts and reduce delays. It is expected that these will start to effect performance from April 2009.
  - An initial evaluation report is due by April 2009 covering the three areas (London, Liverpool and Swansea) which made the transition to the new procedures early.
  - To reduce the current recognised delay in the provision of expert evidence and reports, the Legal Services Commission is working with the Department of Health to identify a better way of commissioning multi-disciplinary teams of experts directly from NHS trusts or other suitable organisations. A pilot will be launched shortly.
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## PSA 5 SR2004

### Proportionate Dispute Resolution

- 5.3 To achieve earlier and more proportionate resolution of legal problems and disputes by:
- Increasing advice and assistance to help people resolve their disputes earlier and more effectively;
  - Increasing the opportunities for people involved in court cases to settle their disputes out of court; and
  - Reducing delays in resolving those disputes that need to be decided by the courts.

This is a final assessment.

### Not Met

Measure	Final Outturn
<p>Increasing advice and assistance to help people resolve their disputes earlier and more effectively.</p> <p>Target will be achieved with a 5% increase from 47.5% to 49.9% in the proportion of justiciable problems<sup>13</sup> in respect of which people receive suitable advice and assistance.</p> <p>Achievement of this target is measured by the English and Welsh Civil and Social Justice Survey<sup>14</sup> (formerly the National Periodic Survey of Justiciable Problems), which commenced in 2006.</p>	<p><b>Not Met</b></p> <p><b>45.9%</b> (cumulative Civil and Social Justice Survey data from January 2006 to March 2008)</p> <p>Performance in Year 2 of the survey (46.7% in 2007) was a significant improvement over Year 1 (44.6% in 2006). Although this improvement in performance was not sufficient to meet the target, it did reflect an increase in the volume of suitable acts of advice and assistance provided over the reporting period.</p>

<sup>13</sup> A justiciable problem is a problem which might have a legal solution.

<sup>14</sup> The most recent published report of the survey (2006) can be downloaded from <http://www.lsrc.org.uk/publications/csjs2006.pdf>. An introduction to the survey and definitions of the measures used can be downloaded from <http://www.lsrc.org.uk/publications/PSA2005.pdf>. It should be noted that the face-to-face survey is limited to residential households as is common with many large-scale national surveys because there is no method available to draw up an all-encompassing sample frame. LSRC has previously run a separate survey of people in temporary accommodation, but the sample frame for the survey was such that it could provide only illustrative results, rather than results on which to measure change over time.

Measure	Final Outturn
<p>Increasing the opportunities for people involved in court cases to settle their disputes out of court.</p> <p>Target will be achieved with a 5% reduction from 40.5% to 38.5% in the proportion of disputed claims in the courts that are ultimately resolved by a hearing.</p>	<p><b>Not Met</b> <b>40.9%</b> (12 months to March 2008)</p> <p>Although this target was not met in terms of the proportion of cases ultimately resolved by a hearing, the volume of cases that did settle was 12% higher in 2007/08 compared to 2005/06 (the first year of the PSA period). This reflects a large increase in the volume of case allocations in the final year compared to the two previous years, largely down to an increase in bank charges claims which had a higher tendency to settle. The small claims mediation service also contributed to the increase in settlements as the service became more widely available to litigants during 2007/08.</p>
<p>Reducing delays in resolving those disputes that need to be decided by the courts.</p> <p>Target will be achieved with a 2% increase from 79.9% to 81.5% in the proportion of small claim hearings that take place within target time.</p>	<p><b>Not Met</b> <b>77.8%</b> (12 months to March 2008)</p> <p>During the final eighteen months of the PSA period, performance declined sharply and the target was missed. Some of the decline was due to the large number of bank charges claims issued following a media campaign, which had an impact on administrative and sitting time capacity. However, steps were taken to turn around performance through sharing good practice and reassigning resources. Although performance did not meet the target before the end of the PSA period, a significant improvement immediately followed with 83.1% of cases being heard within 15 weeks between April and August 2008.</p>

## Annex A

### Public Accounts Committee recommendations

#### **Legal Services Commission: Legal aid and mediation for people involved in family breakdown**

*(fifty first report published 16 October 2007)*

This report considered the current system for referring clients to mediation in legally aided family cases. It also considered the actions the Legal Services Commission (LSC) has in progress to increase referrals to mediation services, to improve the quality of mediation offered, and to strengthen the LSC oversight of solicitors and mediation providers.

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (1)</b>                      In around a third of cases, solicitors had not discussed the option of mediation with clients involved in cases of family breakdown. Under proposals out for consultation, the Commission intends that all clients seeking legal aid for representation in court are first assessed, by a professional mediator, on their suitability for mediation. The Commission should require mediators to maintain records of referrals and attendance, and of the decisions taken at these assessment meetings, evidenced by the mediator and client.</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>• Under the LSC's standard contract, suitability for mediation is assessed by a mediator, unless an exemption applies, for example, in the case of domestic abuse or where there are imminent court proceedings.</li> <li>• From April 2007, the contract has required mediators to maintain securely all files and records of their clients for a minimum period of 3 years.</li> <li>• The LSC has agreed with the Family Mediation Council that decisions at assessment meetings or mediations should be evidenced by the mediator and client signature.</li> </ul>

**PAC Recommendation (2)**

Of the 148 people surveyed who commented on the quality of the mediation they received, 67 (25%) were dissatisfied. The Commission does not have sufficient information on the quality and effectiveness of individual mediators' work to be confident it is getting maximum value from legal aid funding, and that members of the public are achieving the potential benefits. The Commission should:

- (a) carry out regular user satisfaction surveys;
- (b) incorporate measures of mediator performance into its quality assurance procedures including the proportion of cases in which agreement is reached;
- (c) seek agreement from the UK College of Family Mediators, Law Society and Bar Council to share information about the quality of service provided by solicitors and mediators when funded by legal aid;
- (d) revise its leaflets and online guidance to ask clients to copy to the Commission all complaints made to the complaints services of those professional bodies about legal aid funded work;
- (e) in mediators' contracts include scope for financial penalties to be applied to the poorest performers including provision, ultimately, for contracts to be terminated.

**In progress**

- (a) The Mediation Quality Mark requires comprehensive client satisfaction feedback. The LSC believes a more cost effective approach is to review a sample of these records to identify trends and better understand client satisfaction levels.
- (b) A mediation provider Contract Management Review Criteria Report has been implemented. This will provide reports on individual mediation service performance and allows the Commission to work with mediation services to improve performance and take remedial action where it is appropriate. Results are reviewed quarterly and will underpin the contract award criteria from April 2010.
- (c, d) Representative Bodies and the Solicitors' Regulation Authority deal with all complaints about their members. LSC meet them regularly and address concerns regarding solicitor and mediator performance.
- (e) The LSC's audit activities include an assessment of performance against the quality requirements in the Mediation Quality Mark and the LSC only pay for work carried out by mediators who have passed the LSC's Competence Assessment; contracts can be terminated. LSC is also considering implementing enhanced performance management processes and will consult on the criteria for determining the quality of mediation services when new contracts are awarded from April 2010.

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**PAC Recommendation (3)**

Fee rates have acted as a financial disincentive for solicitors to refer clients to mediation. The new fixed fee scheme proposed by the Commission should give solicitors more incentive to refer clients to mediation. The Commission needs to evaluate the effectiveness of the new scheme after one year of its operation, to check whether it has increased the take up of mediation, encouraged earlier referrals to mediators, and led to faster resolution of cases.

**In progress**

- New funding arrangements for family cases were implemented in October 2007 and are designed to encourage solicitors to increase the referral to, and take up of, mediation.
- Data for the 12 months to October 2008 is being evaluated to verify whether referrals increased and case resolution was faster. LSC will publish a report on those findings in January 2009.

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**PAC Recommendation (4)**

On average, a referral to court funded by legal aid costs around £930 more than a mediated case. In response to the National Audit Office survey of recipients of legal aid, 33% said they had not been told about mediation and, of those, 42% (or 14% of the total) said they would have been willing to try it, representing potential savings of up to £10 million a year. Mediation will remain voluntary, but the Commission should set solicitors and other advisers a target for the number of cases it expects to be resolved by mediation rather than referred to court, and review the target annually thereafter. Whilst mediation will remain voluntary, the Commission's guidance and information should highlight its benefits and this material should be made widely available, in public places such as libraries and surgeries.

**In progress**

- "*Publicly Funded Family Mediation: The Way Forward*" was published in August 2008, and set out the LSC's intention to increase mediations.
  - A Family Mediation leaflet is available. The Community Legal Advice (CLA) website ([www.communitylegaladvice.org](http://www.communitylegaladvice.org)) and helpline (0845 345 4 345) promotes mediation with the latter offering a specialist advice service where clients are referred to a mediator, where appropriate, or to the Mediation Helpline.
  - If the evaluation of the new funding scheme (mentioned above) shows that it has failed to increase mediation referrals, then the introduction of performance targets, including contract sanctions, will be considered.
  - LSC criteria for awarding contracts from 2010 will require solicitors to demonstrate strong links with local mediation services.
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**PAC Recommendation (5)**

In some areas there is limited local access to mediators. Pending the development of additional capacity and in view of the potential savings from mediation, it would be cost effective for the Commission to pay reasonable travelling costs to clients living in areas with restricted access to mediators.

**Not accepted**

- Paying reasonable travel costs would be disproportionate to potential benefits. The scale of the problem is not fully known but less than 1% of the population lives more than 15 miles from a mediation service. The LSC recently conducted a bid round to increase provision in areas of identified need to develop additional capacity.

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**PAC Recommendation (6)**

The Commission's management data on mediation referral and take up rates is poor, reducing the scope for comparison between suppliers. The Commission is currently developing a new supplier management database which will be implemented in October 2007 for solicitors undertaking family work and in April 2008 for mediators. The Commission plans to develop a client database to accurately identify clients across all schemes, including mediation. Meanwhile, it should use the supplier database to record variations in rates of referral to and take up of mediation, identify and investigate significant outliers, and, where necessary, take remedial action.

**In progress**

- A mediation module of the LSC supplier management system is due to be implemented in April 2009; it will include the functionality to track individuals across all databases.
- In the longer term, all LSC databases will be replaced and, under the LSC's 'Delivery Transformation Programme', a client database will be created to allow clients to be properly identified across all schemes.

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**PAC Recommendation (7)**

Children are not routinely consulted during the mediation process. The Commission should build on its previous child-consultation pilot scheme, with a presumption that children should be consulted during mediation as appropriate to their age and level of understanding.

**Not implemented (not accepted)**

- Mediation contracting arrangements already provide for direct consultation with children, but use depends on the individual case.
  - Cases where direct consultation is used are tracked and used to inform future policy direction in this area. The LSC will report on the data in January 2009 once 12 months of data is available.
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**PAC Recommendation (8)**

The Commission should investigate the cost and benefits of helping to fund mediation for both parties in cases where only one party is currently entitled to legal aid, as a way of incentivising the non-legally aided party and potentially making overall cost savings from reducing the number of cases coming to court.

**Not implemented (after investigation)**

- The LSC investigated the potential costs of funding mediation for both parties in cases where only one party is entitled to legal aid.
- It concluded that, on cost grounds, additional funding is not currently viable, and the MoJ supports this view.

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**PAC Recommendation (9)**

The Commission submitted a supplementary memorandum to the Committee, proposing far-reaching changes to legal aid for family breakdown, six days after publication of the Comptroller and Auditor General's Report – and just four days before giving oral evidence to the Committee. Departments should alert the National Audit Office in good time to any changes that may affect the analysis in the Comptroller and Auditor General's Report, so that the National Audit Office can advise the Committee on any implications for its Report.

**Implemented**

- Whilst the Committee's concern was understood, the supplementary memorandum related to family legal aid fee schemes in general, rather than increasing the use of family mediation. The fact that these schemes were due to be revised had been trailed in '*Legal Aid: the way ahead*', published in November 2006 and therefore driven by these timescales rather than PAC and NAO timescales.

## Fines Collection

(tenth report published 31 January 2007)

This report examined the Ministry of Justice and Her Majesty's Courts Service on the information available on the payment of fines, how courts might set appropriate penalties and how they might increase and speed up the payment of fines.

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (1)</b></p> <p>The Department does not know the number or percentage of offenders who pay their fine nor the amount of fines imposed each year that it is collected. Delays to the introduction of Libra, the Department's new management information system, mean that the Department does not have the basic information required to manage the collection of fines.</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>• The Libra IT system has continued to be rolled out during 2008 and is due for full completion by the end of 2008. Reports have been developed to provide the information; these will be rolled out from April 2009.</li> </ul>
<p><b>PAC Recommendation (2)</b></p> <p>The Department should replace the "payment rate" as a measurement of performance with:</p> <ul style="list-style-type: none"> <li>• the number of offenders annually who pay their fine as a proportion of the number of offenders who have had a fine imposed in the year;</li> <li>• the percentage of fines (by value) imposed in the year that are collected;</li> <li>• the proportion of fines annually that require enforcement action;</li> <li>• the annual change in arrears; and</li> <li>• the number and value of cancelled fines, broken down by reason for cancellation.</li> </ul>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>• From October 2008, the fine payment rate will be reported in two forms: <ul style="list-style-type: none"> <li>– Overall payment rate.</li> <li>– Payment rate excluding those that were administratively cancelled.</li> </ul> </li> <li>• In April 2009 the payment rate will be supported by a number of measures which are being developed as recommended. Libra rollout will be completed in December 2008.</li> <li>• Overall, £11m more was collected in 07/08 than in the previous year.</li> </ul>

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**PAC Recommendation (3)**

The projected cost of Libra to March 2007 has increased by £52 million since the Committee last reported on it in January 2003 and IT contracts are to be retendered from early 2007. The Department should re-examine future expenditure on Libra and the changes to the IT contracts to determine whether all the expenditure is necessary, and whether it will have to pay twice for any services or equipment purchased as part of the Libra contract.

**In progress**

- Libra roll out is almost complete. Expenditure was re-examined and it was both necessary and not double counted.

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**PAC Recommendation (4)**

In 2004–05, £69 million of fines were cancelled at a cost of some £28 million. The Department for Constitutional Affairs stated that the main cause of cancellations is fines being set at too high a level, but cannot provide a detailed breakdown of the reasons. The Department should take action to reduce the number of cancelled fines by:

- reminding legal advisers to provide magistrates with the information from the means forms and the offenders' history of fines payment, so that magistrates can set fines at an appropriate level;
- requiring legal advisers to record the reasons for cancelling fines; and
- analysing the reasons for cancellations to identify ways to reduce their number.

**In progress**

- The Libra system has the ability to record the reason why a fine has been cancelled.
  - In 2009 we will be issuing guidance to enforcement teams and Legal Advisors following the introduction of Libra and the new sentencing guidelines which will reinforce the need to record the reasons for cancelling fines.
  - A DVD has been produced by the HMCS Enforcement Team entitled '*That Fines Payable Now*' and approved by the Judicial Studies Board. This has been sent out to all regions for distribution to magistrates. One of the recommendations in the DVD is that a means form is obtained in every case where a defendant appears in court.
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**PAC Recommendation (5)**

The availability of means information forms varied from 5% to 67% in different areas. Devon and Cornwall makes more effort to collect means information forms and achieves higher levels of payment from offenders. The Department should disseminate good practice from Devon and Cornwall, recommending that:

- forms are sent to defendants before the hearing and also made available (with pens) on the day, if necessary;
- ushers and legal advisers work together to encourage defendants to complete forms prior to the case; and
- communications with defendants prior to the hearing impress upon them the requirement to provide the means form ahead of the hearing.

**In progress**

- The Sentencing Guidelines Council introduced new guidelines to magistrates in August 2008. The setting of the fine amount is now a combination of the seriousness of the offence and the net income of an offender (net income is required on the means form). Outgoings are not needed for setting the level of a fine unless they are 'out of the ordinary'. However this data is still collected to inform payment terms and enforcement procedures.
- Means forms are currently being reviewed and revised with stakeholders. The new forms are due for dissemination in March 2009.
- The Department will study the feasibility of making available to the Magistrate any information that has been completed by defendants, for the purpose of obtaining legal aid, where means forms are not available.
- The good practice from Devon and Cornwall has been incorporated into the *Criminal Compliance and Enforcement Services Blueprint* mentioned below in *Recommendation 7*.

**PAC Recommendation (6)**

Research commissioned by the Home Office and the Department has revealed the profile of offenders who are most likely to default on fines. The Department should circulate information on the profile of fine defaulters to magistrates, so that they can take this into account in setting an appropriate payment period.

**Not implemented**

- The London study on offender profiling referred to proved inconclusive. There are also a number of human rights and legal implications of creating such a profile and so there are no plans to disseminate this material at the current time. Nor are there plans to undertake wider studies.

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### **PAC Recommendation (7)**

The National Audit Office's review of fines found that only one in twenty fines is paid on the day of the hearing; half of fines are paid in full after six months, and two thirds of fines require enforcement action. The Department should increase the proportion of offenders who pay on the day of the hearing by:

- emphasising in the guidance provided to defendants before the hearing that any financial penalties imposed are payable immediately;
- offering attachment to earnings orders or deduction from benefits as the only alternatives to full payment or the setting up of a payment plan on the day;
- disseminating to all areas the success achieved by magistrates and court officials in Devon and Cornwall in increasing the number of offenders paying immediately by following a more proactive policy of payment on the day; and
- requiring HM Courts Service staff to review the layout of courts to overcome the problem of some offenders, who undertake to pay their fine on the day, leaving court without payment.

### **In progress**

- HMCS has published the *Criminal Compliance and Enforcement Services Blueprint*, which sets out the criminal enforcement strategy from 2008 to 2012. The strategic objective is for a cheaper, faster and more proportionate system that focuses primarily on 'first time' compliance, whilst continuing to apply the principles of rigorous enforcement to the hard-core of defaulters. The *Blueprint* builds on and includes the good practice of Devon and Cornwall and emphasises the importance of early compliance and payment on the day.
  - The means form currently also states that defendants should remember to bring a method of payment with them so they can pay any fine on the day it is given. We are looking to strengthen this as part of the design review of the means form.
  - Magistrates already have the power to make an 'Attachment of Earning Order' or a 'Deduction from Benefit' where payment of the fine is required to be made forthwith and the offender fails to do so. Magistrates' Courts have had the power to make mandatory deductions from benefits and attachments of earning for all offenders sentenced to pay compensation, so that victims receive their money sooner.
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**PAC Recommendation (7)***continued***In progress**

- Accepting cash payments raises security concerns and systems must be in place, to ensure staff are not put at risk, and to enable safe collection and transport. For this reason fines collection offices are usually located away from the court rooms, often within the main office facilities, as the areas outside courtrooms are often congested with those waiting for hearings. Therefore the security and safety requirements of staff and the public cannot be met.
- HMCS is also delivering the 'Modernising Money Handling Programme', which will introduce an increased range of payment methods to all Magistrates' Courts, with an emphasis towards electronic payment methods, including payment cards, standing orders and automated channels for making payment by debit/credit cards including by both telephone and on-line.

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**PAC Recommendation (8)**

Fines Officers have been effective in arranging payment and varying terms without using court time. The Department should increase the number of Fines Officers, possibly by reducing the number of Civilian Enforcement Officers, for whom employment costs exceed the value of fines they collect.

**Implemented**

- The number of Fines Officers, approximately 200, has significantly increased since the role was created under the Courts Act 2003. Fines Support Officers who have delegated powers also underpin these.
  - The number of civilian enforcement officers has reduced from 640 in 2006 to 541 in October 2008.
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**PAC Recommendation (9)**

Some Civilian Enforcement Officers work fixed hours at times when defaulters are unlikely to be available. Civilian Enforcement Officers' contracts should be renegotiated so that they work flexible hours and are available to visit defaulters when they are more likely to be at home.

**In progress:**

- Many civilian enforcement officers work flexible and varied hours. As a part of the *Criminal Compliance and Enforcement Services Blueprint* we are encouraging courts to look at more flexible and efficient ways of working, for bailiffs and Civilian Enforcement Officers.
- There is no plan to renegotiate the contracts of those who remain on previous contracts.

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**PAC Recommendation (10)**

There is no incentive for offenders to pay their fine on time and enforcement costs are increasing year on year. The Department should encourage prompt payment by adding enforcement costs to outstanding fines, and introducing a system of financial incentives for prompt payment by, for example:

- charging interest on late payments; and
- introducing a percentage discount for prompt payment.

**Not Implemented**

- HMCS has no plans to introduce this.
  - Under the current sentencing guidelines fines can already be reduced following a guilty plea.
  - The majority of magistrates court warrants are executed by private bailiffs who already add their costs of enforcement to the fine.
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## The Electronic Monitoring of Adult Offenders

(sixty second report published 12 October 2006)

This report examined the Home Office (now the Ministry of Justice), the National Offender Management Service and the two contractors on the robustness of electronic monitoring and its use in rehabilitating offenders.

Recommendations:	Detail of Progress made to date:
<p><b>PAC Recommendation (1)</b>                      Keeping offenders on electronically monitored curfews is some £70 cheaper, per offender per day on average, than prison. If the risks to the public are minimised, through tagging only those offenders least likely to re-offend, and their rehabilitation is at least as effective as prison, then electronically monitored curfews offer a cost effective alternative to prison.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>• Use of electronic monitoring has increased by about 22% per year since the new contracts for electronic monitoring services began in April 2005.</li> </ul>
<p><b>PAC Recommendation (2)</b>                      Home assessments are sometimes carried out for prisoners who are ineligible for Home Detention Curfew, at a total additional cost of some £200,000 per year. Such nugatory assessments also give prisoners and their families false hope that they are going to be released early. Prisons should carry out interim eligibility assessments to exclude those ineligible before they ask Probation Officers to carry out home assessments.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>• Initial offence checks are carried out as part of the initial vetting of the eligibility of the prisoner, in accordance with Chapter 5 of PSO 6700. However when time is short it is not always possible to complete an initial check before a home assessment is carried out, to ensure that cases are progressed as quickly as possible.</li> </ul>
<p><b>PAC Recommendation (3)</b>                      60% of the prisons that release prisoners on Home Detention Curfew do not have access to the Police National Computer to check criminal records. Their records therefore have to be posted from a prison with access to the Police National Computer, which can delay the release of prisoners. The Home Office should implement a timetable for providing all prisons that release prisoners on Home Detention Curfew with access to the Police National Computer.</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>• The majority of prisons with Police National Computer (PNC) access are local prisons, which have the most urgent need for previous conviction data.</li> <li>• There is no direct PNC link planned for all prisons but all information is available to ensure information is passed to the Home Detention Curfew (HDC) clerk.</li> <li>• The Deputy Director General of HM Prison Service wrote to Governors in 2007 drawing their attention to the requirement that PNC information should be placed on the prisoner's record.</li> </ul>



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**PAC Recommendation (4)**

Home Detention Curfew eligibility assessments are not routinely sent with prisoners when they are transferred between prisons. We recommended in a previous report that all records should be transferred with prisoners when they are moved between prisons. Until all records are available electronically to all prisons, the Prison Service should transfer all paperwork associated with eligibility assessments with prisoners, to prevent duplication of effort and to help prisoners to be released on their eligibility date.

**In progress**

- The transfer of eligibility assessments for Home Detention Curfew (HDC) is a system task to be included in the IT Programme, NOMIS, to transfer records electronically and automatically. Roll out is due between 2009 and 2010.
- HDC Clerks have been reminded that paperwork must be sent promptly.

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**PAC Recommendation (5)**

Governors are not provided with feedback on whether prisoners whom they have released early have successfully completed their curfew. Governors should be provided with information on any prisoners they released under Home Detention Curfew who have offended whilst on curfew or breached their curfew conditions. Such feedback would help them improve their decision-making on releasing prisoners whilst at the same time standardising the risks to public safety.

**Implemented**

- Releasing prisons are already sent a copy of the revocation order in every case where an offender released by them has been recalled from HDC. A copy of an information sheet, which sets out the reasons for recall, is also sent to the releasing prison (this practice was introduced in March 2006).

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**PAC Recommendation (6)**

There is insufficient evidence available to determine whether electronic monitoring helps to reduce re-offending or promote rehabilitation. The Home Office should carry out further research to establish the role that electronic monitoring could play in reducing re-offending. It should make the results of the research available to courts and prisons, which make decisions on whether to place offenders on curfews.

**In progress**

- Following initial assessment of the data available and scoping of the work required in 2007, Offender Management and Sentencing (OMS) Analytical Services identified the need for a feasibility study into the impact of curfew orders on re-offending. The study was contracted to the London School of Economics, and the results will be available and published in early 2009.
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**PAC Recommendation (7)**

Families of offenders placed on curfew are only given limited advice on living with a curfew, prior to the start of the curfew. When faced with the realities of an offender confined to their address, some families withdraw their consent for their home to be used as a curfew address. Probation Officers should explain fully the requirements of providing a curfew address to the family when they carry out home assessment visits, assisted by a standardised checklist, so that the family can give fully informed consent. On-going support could be offered to families, such as through voluntary groups.

**Implemented**

- A checklist was distributed to probation areas in December 2007. It assists practitioners in explaining to households what a curfew involves before it is proposed, with the aid of an advice sheet and aims to ensure that, wherever possible, probation staff take account of the views of householders when considering the curfew requirement.

**PAC Recommendation (8)**

Prisoners released on Home Detention Curfew are not able to continue with any education or training which they were undertaking in prison. The National Offender Management Service should ensure that Probation Officers work with prisons to help offenders continue with their education when they are released on Home Detention Curfew.

**In progress**

- There is a contractual requirement for OLASS (Offender Learning and Skills Service) contractors to ensure education/training continues to be provided.
- The Learning and Skills Council is preparing for the next round of custodial contracts and will include some continued support for offenders leaving custody.
- "Through the gate" activity must be sustainable and probation staff have a role in supporting offenders when they leave custody.

**PAC Recommendation (9)**

Offenders given Adult Curfew Orders are not given specific help to access education and training or to find work. The Home Office should set out measures that Probation Officers should take to help offenders on Curfew Orders access education, training or work to complement any rehabilitative remedies ordered by the courts.

**Implemented**

- Where the court is of the view that education or training is needed, the court should impose an Activity Requirement alongside a Curfew Requirement. Where a probation officer identifies an education and/or training need, they are expected to draw this clearly to the court's attention in the Pre-Sentence Report.

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**PAC Recommendation (10)**

In the sample reviewed by the NAO, 52% of prisoners eligible for Home Detention Curfew were released after their eligibility date. If this performance was replicated across England and Wales, delays in releasing prisoners would cost £9.3 million in unnecessary custody costs. Delays occur when prisoners are given short sentences because prisons sometimes have as little as a month in which to carry out assessments before the eligibility date. When courts impose a short sentence, they should carry out the eligibility assessment for Home Detention Curfew at the time of sentencing.

**Not implemented (not accepted)**

- HDC is an executive power of the Governor and courts are not responsible for determining eligibility for it, and there are no plans to grant courts such powers.
- There is very little time for short sentence prisoners to complete necessary checks and it is not always possible to complete an HDC risk assessment before eligibility date.
- A facility is available on the National Probation Service (NPS) monitoring system allowing probation areas to collect timeliness data on HDC assessments.
- The Deputy Director General of the Prison Service and the Head of National Probation Service wrote separately to remind their staff of the need for timely completion of the HDC risk assessment for very short sentence prisoners.

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**PAC Recommendation (11)**

There is no target for returning to court offenders who breach Adult Curfew Orders. The Home Office should set a target for returning these offenders to court, monitor performance against that target and take action where it is not met.

**Implemented**

- There is a contractual requirement to obtain a court hearing date within 3 working days for standalone curfew orders. The targets that the Local Criminal Justice Board (LCJB) are required to meet to resolve breaches were most recently revised in April 2007. There is one headline target, that 60% of breaches are resolved in 25 working days.
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**PAC Recommendation (12)**

The Home Office has recently obtained real-time access to the contractors' databases. The Home Office should use this access to carry out independent monitoring and auditing of the contractors' performance and it should publish information on their performance where this does not undermine the effectiveness of curfews.

**In progress**

- The Electronic Monitoring Data Access Service (EMDAS), which this recommendation refers to, was closed in 2007, as it failed to meet Ministry of Justice audit standards.
- The NOMS audit process has been strengthened, and companies now have their own internal audit systems which are in turn audited by the Ministry of Justice.
- An Electronic Monitoring section on the NOMS website is planned for 2009.

**PAC Recommendation (13)**

The Home Office made ex-gratia payments totalling some £8,000 to two offenders because it could not prove whether they had intentionally damaged monitoring equipment. The Home Office should instruct contractors to retain monitoring equipment when there is a dispute over the reason for an apparent breach, so the facts of such cases can be proven. It should incorporate it into any future contracts.

**In progress**

- A Contract Change Notice to implement this recommendation has been drafted and it is expected to be agreed with suppliers by the end of 2008.

**PAC Recommendation (14)**

The contractors have improved their performance after incurring financial deductions for failing to meet all the requirements in their contracts. The Home Office should build on the successful use of financial deductions by making further use of them in these and other contracts with private companies, in particular by including financial deduction for contractors for those points of performance which they consider to be the most important.

**Implemented**

- All NOMS service delivery contracts with private sector companies provide for financial deductions to be made for failures to meet key performance indicators.

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**PAC Recommendation (15)**

The Home Office negotiated a 40% reduction in the price of the contracts when it renegotiated them in April 2005. The Home Office team responsible for the negotiations should produce a good practice guide to disseminate lessons learned from this experience to other contract managers within the Home Office.

**Implemented**

- The procurement of electronic monitoring was run using "Prince 2" principles of project management and the project team maintained a Lessons Learned Log throughout the project. This has been published in the Home Office Lessons Learned Library on the Department's intranet.
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**Serving Time: Prisoner Diet and Exercise***(fifty sixth report published 19 July 2006)*

The Committee examined the Prison Service's progress on catering since it last reported in 1998 and how prisoners' access to nutritious food and exercise could be improved.

Recommendations:	Detail of Progress made to date:
<p><b>PAC Recommendation (1)</b></p> <p>The Committee's 1998 recommendation that meals should be served within 45 minutes of cooking had still not been met at 37% of the prisons visited by the National Audit Office. The Prison Service should aim to meet this recommendation at all prisons. It should set a timetable for removing barriers to meeting the target and introduce methods to reduce the time between preparation and serving, such as staggering meal times between prisons or wings served by the same kitchen.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>• Prison Service audit data for 2007/08 showed that 94% of prisons were fully or partly compliant with the 45 minute recommendation.</li> <li>• Absolute compliance would be disproportionately expensive and further improvements have to be balanced against other demands placed on available resources.</li> </ul>
<p><b>PAC Recommendation (2)</b></p> <p>The Committee's 1998 recommendation that prisoners should not wait more than 14 hours between meals has still not been met at around half of prisons. The Prison Service's audited catering standards should include a requirement that the gap between meals should not exceed 14 hours to encourage prison Governors and caterers to reduce the time that prisoners wait between meals.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>• Prison Service audit data for 2007/08 showed that prisons were either 100% compliant, or only required minimum remedial action, with the requirement that "where prisoners are locked up in the evening and the time between the evening meal and the next meal exceeds 14 hours establishments specify and provide an additional snack and hot drink for consumption later than the evening meal".</li> <li>• A mandated supper snack and audited mealtimes have reinforced the commitment to the 14 hour rule.</li> </ul>

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**PAC Recommendation (3)**

Meals did not meet all the nutritional recommendations of the Food Standards Agency. The Prison Service should include in its audited catering standards a requirement for caterers to provide menu options allowing prisoners to meet relevant government recommendations on nutrition. It should also use its purchasing power to offer suppliers an assured market for healthier versions of pre-prepared foods.

**Implemented**

- Prison Service Order (PSO 5000) has been revised to include content on “Healthy Catering” with an objective of implementing and maintaining the provision of a balanced diet for prisoners. The document also includes, verbatim, The FSA document *Guidance on food served to adults in major institutions*.
- All establishment menus must contain for each meal a ‘healthier choice’.
- All food commodity specifications, which are used by suppliers, meet FSA salt, fat and sugar guidelines.

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**PAC Recommendation (4)**

The Prison Service has not yet reacted to research completed in 1997, which indicated a link between nutrition and behaviour. The Prison Service should arrange for further research to be carried out into this subject. It should agree a timetable with its research partners to carry out further research, or if they are unable to deliver suitable research within an acceptable timetable request that the Home Office Research Development and Statistics Directorate fund the research.

**In progress**

- Approval to undertake research at 2 sites in England and 1 in Scotland has now been given. It is estimated that this research will last for 3 years.

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**PAC Recommendation (5)**

Over half of prison kitchens provide training so that prisoners can achieve National Vocational Qualifications (NVQs) in catering. The Prison Service should expand the number of prisons offering catering NVQs to make them available at all prisons, if necessary through modular courses where turnover is high, as we previously recommended.

**In progress**

- In a survey conducted in 2007, 60% of kitchens could offer NVQs and further work is looking at what other catering qualifications could be offered.
  - In addition accredited qualifications in food safety from, for example:
    - the Royal Institute of Public Health are available in all establishments to all food handlers; and
    - the British Institute of Cleaning Science programme is offered in the majority of establishments.
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**PAC Recommendation (6)**

The cost of food per prisoner per day varied by over 180% between the cheapest and the most expensive in 2004–05. Variation is to be expected between different types of prison, but there were also large variances between prisons of the same type. The cost of food at male Young Offenders Institutions varied by 95% between the lowest and highest. The Prison Service should investigate large variations in food costs and quality of catering between prisons and identify good practice from the more cost-effective prisons for adoption by those with relatively high costs or poor quality of catering.

**In progress**

- A number of initiatives have been undertaken to improve food purchasing. Food pricing is now managed through four key national contracts and central maintenance of catalogues covering the majority of items. A smaller supplier base also helps ensure cost consistency.
- The Prison Service's contracts ensure that suppliers mix long term contracts with spot buying to take advantage of seasonal produce and market over-supply.
- The profit element of each price is fixed for the life of the contract, so suppliers cannot increase their profits by increasing product prices. All other elements of price are adjusted only when fully validated by reference to agreed indices.

**In progress**

- It is hoped that further benefits will be realised through the wider NOMS Specification, Benchmarking and Costing Programme to create a framework of costed service specifications covering the entire NOMS business.
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**PAC Recommendation (7)**

Some Muslim prisoners were refusing halal meals offered by prisons, because they did not have confidence in prisons to provide appropriately prepared religious meals. As part of its catering audit, the Prison Service's Standards Audit Unit should monitor whether prisons meet the Prison Service's own instructions for the provision of halal meals. The Prison Service should work with prison caterers who are successfully catering for religious diets, Muslim leaders and religious prisoners, to disseminate good practice to all prisons.

Although prisons took steps to avoid cross contamination, some 25% of them were unable to store halal meats separately from other (haram) meats. The Prison Service should identify the prisons that are unable to store meats separately and the reasons for this limitation. It should implement a programme for rectifying the problems, for example by providing additional refrigerated storage.

Some 70% of prisons did not use separate equipment for the production and serving of Muslim food. The Prison Service should confirm whether all prisons are making use of the newly provided separately labelled equipment.

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**PAC Recommendation (8)**

The Prison Service did not compare the cost and quality of catering against external organisations. It should compare its catering operation with other organisations; use the results of this research to identify transferable ways of reducing costs and improving the quality of catering; and implement a programme to adopt these improved processes.

**In progress**

- Several steps have been taken to ensure the recommendation is addressed. Wide consultation has been taken forward on revisions to the Catering Manual which sets mandatory actions and minimum service requirements for caterers.
- Distinctively coloured utensils have been introduced for use with Halal food at all food serving points in prisons.
- Annual instructions are issued to prisons on appropriate catering during Ramadan.
- Where storage is limited, Halal products will be stored in isolated designated area, on a separately labelled, higher shelf, to avoid any cross contamination.

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**In progress**

- NOMS works closely with other Government Departments through the Food Collaborative Procurement Strategy which is facilitated by OGC, and includes all areas of government that purchase food, including NHS Supply Chain and MOD. The objectives of this group include those identified in the recommendation and are applied across all government departments involved in the strategy.
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**PAC Recommendation (9)**

The cost of physical education per prisoner varied by over 175% between the cheapest and the most expensive prisons visited by the National Audit Office in 2004–05. Variation is to be expected between different types of prison but there were large variances between prisons of the same type. The cost of physical education at male local prisons visited by the National Audit Office varied by 68% between the lowest and highest. The Prison Service should investigate large variations in the cost and provision of physical education, and disseminate good practice from prisons providing high quality physical education cost effectively, including the use of civilian instructors.

**In progress**

- Across the estate, there are wide variations in prison population profiles and therefore between services provided. Provision and analysis of Physical Education will be considered as part of the wider NOMS Specification, Benchmarking and Costing Programme, to create a framework of costed service specifications covering the entire NOMS business. Further information, which also covers this recommendation, can be found in the progress report against *Recommendation 10*, below.

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**PAC Recommendation (10)**

Across the prison estate only around 40% of prisoners participated in exercise. The Prison Service should take steps to improve the take up of exercise, in particular by the groups who could most benefit from physical activity, by for example:

- Identifying the prisons which achieve the best participation rates for each type of prison, such as Huntercombe Prison, and disseminating the good practice learnt at those prisons across the estate;
- Identifying the prisons that do not have a full programme of activities at evenings and weekends and extending the availability of exercise at these prisons so that prisoners who work or are in education during the day can participate in the activities, for example by re-arranging staffing patterns and introducing more civilian instructors;
- Monitoring the range of activities available at women's prisons and encouraging prison Governors to widen the range of activities offered to better reflect the needs and preferences of women prisoners.

**In progress**

Monitoring shows an increase in participation rates to 53% (2007/08 figures). This has been achieved by:

- Prisoner participation rates are monitored. Good practice is shared during routine operational visits to establishments by PE advisors and through regional and national workshops.
  - a) Running PE in times outside of the core day can be expensive and not a good use of resources. Our preferred strategy has been to maximise activities during the core day. Regular PE Reviews provide the opportunity to increase PE provision by maximising facilities through the efficient and effective use of staff. Of the reviews completed, increases of between 13% and 108% in PE activity hours throughout the week have been realised.
  - PE Departments are required to carry out a six-monthly review of prisoner needs in order to inform PE programmes. Facilities and staff training requirements often dictate the activities available. To develop further the service for women prisoners, a workshop was held in autumn 2008 bringing together PE managers in women's prisons to share good practice.
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### Dealing with increased numbers in custody

(forty fourth report published 6 June 2006)

The Committee examined the Home Office, the Prison Service and the National Offender Management Service on the challenge of, and actions taken to accommodate record numbers of prisoners and the impact on education and other training for prisoners.

Recommendations:	Detail of Progress made to date:
<p><b>PAC Recommendation (1)</b></p> <p>The Prison Service accommodated a rise of some 17% in the prison population between 2002 and 2004 without significant prisoner unrest, reflecting the professionalism of those working in the Service. Rising prisoner numbers are nevertheless a major operational challenge for the National Offender Management Service (the Service).</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>• NOMS and MoJ have brought forward the delivery of new accommodation to address the immediate population pressures and these have already had an effect.</li> <li>• Since the beginning of March 2008 we have increased total capacity by around 2,100 places through the prison building programme and more efficient use of the estate.</li> <li>• This enables us to manage the current high level of the population more effectively with use of police cells under Operation Safeguard kept to a minimum.</li> </ul>
<p><b>PAC Recommendation (2)</b></p> <p>Predicting future prisoner numbers is difficult because factors such as the level of crime, securing of convictions and court sentencing practice are outside the Prison Service's control. Flexibility in accommodation plans is therefore critical to successfully absorbing new prisoners arriving from the courts, and the Prison Service should put in place contingency plans which respond to the range of outcomes from its ten forecast scenarios, only two of which suggest the prison population will remain below 80,000.</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>• The Government is increasing the capacity of the prison estate. We are building a total of 20,000 new places.</li> <li>• This will enable us better to align the supply of, and demand for, prison places in the medium to long term and create a sustainable margin which can absorb variations in the prison population. Our aim is to achieve an overall net capacity of just over 96,000 by 2014.</li> <li>• Revised prison projections published in August 2007 show the demand for prison places to be 88,800 (low scenario) to 101,900 (high scenario) in 2014.</li> </ul>

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**PAC Recommendation (3)**

Of approximately 77,000 prisoners at September 2005, just over 10,000 were foreign nationals. The Home Office has failed to consider deportation of these foreign national prisoners prior to their release from prison. As a result, 1,023 of such prisoners have been released without being considered for deportation. The Government now proposes to strengthen the legal regime for such deportations. If there is to be any lasting improvement the Home Office will need to maintain accurate records of foreign prisoners throughout their sentences, and establish effective communication between its Immigration and Nationality Directorate and the Prison Service on each individual prisoner.

**In progress**

- Of approximately 82,500 prisoners at the end of March 2008, just over 11,300 were foreign nationals.
  - The UK Border Agency (UKBA) removed 4,200 foreign national prisoners in 2007 and is on course to achieve this year's target of 5,000. Nearly 2,500 foreign national prisoners were removed in the first six months of 2008.
  - Relevant Prison Service instructions have been reviewed and reissued. Training has been delivered for prison staff by a joint UKBA/NOMS team.
  - Monthly NOMS/UKBA liaison meetings are being held at Director level to ensure that all issues and initiatives are identified and resolved as they arise.
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**PAC Recommendation (4)**

Another 13,000 of these 77,000 prisoners were on remand. The Prison Service estimated that up to 30% of remand places could be freed, based on the numbers remanded into custody who, when convicted, do not receive a custodial sentence. NOMS could reduce the prison population by encouraging greater use of alternatives to remand such as electronic tagging in appropriate cases.

**In progress**

- We continue to support the use of alternatives to custody for those the courts deem suitable. In April 2008 the Secretary of State for Justice announced an additional £40m investment in the Probation Service for 2008/09.
  - This funding is being used to:
    - Facilitate the use of community orders rather than short prison sentences where deemed appropriate by the sentencing court.
    - Improve offender compliance with community orders and licences thus reducing the need for breach and recall action.
  - We continue to use alternatives to custody such as electronic tagging. The caseload of adults tagged on bail has increased further and was 2,735 on 31 August 2008.
  - NOMS also introduced the Bail Accommodation and Support Service from 18 June 2007. This service provides housing and support services for defendants (and is particularly aimed at those who are otherwise unable to offer a bail address) and for prisoners released on Home Detention Curfew.
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**PAC Recommendation (5)**

Overcrowding at local prisons in particular can limit the Prison Service's ability to provide suitable levels of care, particularly to those starting sentences who may be at a greater risk of committing suicide. Around 700 prisoners are transferred to hospital each year as restricted patients under the Mental Health Act 1983. The Prison Service should evaluate quickly its new anti-suicide monitoring measures, and (with the Department of Health) mental health in-reach in prisons, to determine their effectiveness, and to make sure best practice is adopted across the Prison Estate.

**In progress**

- The roll out of ACCT (Assessment, Care in Custody & Teamwork), the new assessment and care-planning process for prisoners identified as at-risk of suicide or self-harm, across the entire prison estate was completed in April 2007. We are in the process of reviewing ACCT with the first consultation exercise currently underway.
  - NOMS published a revised prisoner suicide prevention and self-harm management strategy in October 2007, including such issues as mental health, drugs, resettlement, leadership and training.
  - Over £24m was made available for mental health in-reach services. All prisons now have access to a mental health in-reach service. This includes mental health awareness training for prison officers and staff. Part of this funding has been allocated specifically to local prisons.
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**PAC Recommendation (6)**

The Service responded rapidly to rising prisoner numbers by building modular temporary units and brick clad steel framed units within the sites of existing prisons, but there were weaknesses in project planning and management, and contractors were used for work beyond their skill base. A failure to pilot test the accommodation led to problems such as leaks, condensation and security issues being identified only once the accommodation was in use. The Prison Service should build into its current contingency planning the lessons learned from having to respond quickly to rising prisoner numbers in 2002, including pilot testing of contingency accommodation options well before a peak arises.

**PAC Recommendation (7)**

Modular temporary units are expensive, having a short useful life, and costing nearly three times as much per prisoner place per year than the longer life brick clad steel units. The Service should meet future requirements through brick clad steel framed units rather than modular units, but should also evaluate whether cheaper and equally robust alternative pre fabricated construction models exist which can be installed more quickly than current solutions.

**In progress**

- The capacity building programme will deliver the 20,000 new places through new modern purpose built prisons and expansions at existing prisons. Many of these places provided on existing prison sites will be in secure quick build accommodation which will replace old and temporary buildings such as the Modular Temporary Units (MTUs) referred to in the recommendation.
- This new accommodation consists of traditional houseblocks, Rapid Build Residential Units (RBRUs) and other rapid build accommodation units together with a number of cell reclamation schemes.
- The houseblocks are of a traditional design and have a life expectancy of 60 years. The RBRUs are considerably more robust, user friendly and flexible than MTUs with a life expectancy of 40 years. These units and the other rapid build accommodation are the next generation on from the Ready To Use (RTU) units, which have been considered to be a successful accommodation unit.



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**PAC Recommendation (8)**

Modular temporary units are expected to last for only five years and will soon begin to reach the end of their life. The Service should draw up plans to replace them which allow sufficient time to provide contractors with adequate tender information; proper evaluation of potential contractors' ability to provide the full range of work needed and identification of other sources of expertise where necessary; early appointment of project managers; and pilot testing of new accommodation before roll-out.

**In progress**

- Modular buildings are subjected to physical testing at inception stage to ascertain their performance and structural integrity. Testing is observed by both HMPS operational staff and contractors in order to obtain the widest feedback at as early a stage as possible in the design and development process to ensure suitability and value for money.
- NOMS Custodial Property Unit has surveyed the existing MTUs and concluded that with a programme of repair works the units will be able to continue in use for a further 5 years beyond the original estimated 5 year life span.

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**PAC Recommendation (9)**

Delays were caused to the temporary accommodation construction programme by each prison governor separately vetting contractors, and by daily entry and exit requirements which in one case reduced a seven hour working day to four. Such problems could be overcome by national vetting procedures for construction programmes of this kind, and by having sufficient civilian staff in place at the start and end of each day to carry out security checks on contractors' staff and equipment.

**In progress**

- A centralised vetting procedure for employed positions, staff and session workers has been rolled out across the Prison Estate and was fully operational by October 2008.
  - Centralised vetting for non-employed workers is being delivered by the HMPS Shared Service Centre via a pilot in the North East Area. This will be reviewed by the end of December.
  - In the interim, prison establishments are aware that they should exchange security clearance information to avoid unnecessary re-vetting.
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**PAC Recommendation (10)**

Overcrowding results in prisoners being moved around the prison estate at short notice, disrupting education programmes intended to reduce the likelihood of reoffending. Our predecessors recommended in an earlier report that the Prison Service should take account of prisoner moves in planning and delivering its education programme. The Prison Service should now seek to avoid moving prisoners participating actively in educational programmes, and look to develop modular training programmes to facilitate continuance of education when a move is unavoidable.

**In progress**

- Existing guidance continues to require Governors to consider regime and family contact issues before moving prisoners.
- The Learning and Skills Council's (LSC) document *Developing the Offenders' Learning and Skills Service: The Prospectus* (Sept 2007) proposed significant changes to the way learning and skills for offenders in custody is planned, organised, delivered and funded. It facilitates the accumulation of credits for small steps of learning and enables people to gain qualifications at their own pace along flexible routes, particularly those prisoners in an environment of short-term stays and frequent movement.

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**PAC Recommendation (11)**

The failure to transfer education and training records when a prisoner is moved leads to unnecessary re-assessment of training needs. Electronic transfer of records or a central electronic data access system should overcome this problem, but until such a system is in place the Prison Service should transfer all records when a prisoner is moved.

**In progress**

- The LSC is absolutely committed to the development of its Learner Summary Record system that will facilitate access to information on offenders' learning by providers when offenders move between prisons and from prisons into the community.
  - Field trials started in September 2008, with full rollout due for completion by August 2009. It is designed to make Learner Summary Records, owned by the learner, available to those engaged in learning delivery and who need to see that information.
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**PAC Recommendation (12)**

Prisoners on short term sentences often receive little or no educational training even though such training would assist the offender in gaining employment on release, and hence reduce the likelihood of re-offending. The formation of the National Offender Management Service provides an opportunity to develop short courses targeted at such prisoners, linked to training available in the community, access to which could be facilitated by the Service when the offender leaves prison. We are planning a new study into the management of short sentenced prisoners as well which should more light on this issue.

**In progress**

- The Learning and Skills Council's document *Developing the Offenders' Learning and Skills Service: The Prospectus* (Sept 2007) proposed significant changes to the way learning and skills for offenders in custody is planned, organised, delivered and funded. It facilitates the accumulation of credits for small steps of learning and enables people to gain qualifications at their own pace along flexible routes.
  - This development is of particular relevance and interest to offenders enabling achievement within an environment of short-term stays and frequent movement.
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**Facing Justice — tackling defendants' non-attendance at court***(twenty second report published 16 June 2005)*

The Committee examined the Home Office (now Ministry of Justice for this report), the Court Service, the Crown Prosecution Service, the Office for Criminal Justice Reform and the Association of Chief Police Officers on whether they were taking effective action to improve performance in getting defendants to court.

Recommendations:	Detail of Progress made to date:
<p><b>PAC Recommendation (1)</b> 15% of defendants fail to attend court hearings, which undermines confidence in the criminal justice system, and is the second largest cause of ineffective trials in England and Wales in the year ended June 2004. The National Criminal Justice Board should make available on the internet and by other means data on the success rates of individual local criminal justice boards in achieving defendants' attendance at court, to encourage more effective joined up working by the criminal justice agencies and early sharing of good practice. The Board should consider "naming and shaming" poor performing areas by issuing a press notice reporting local performance across the country for the attention of the local news media.</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>• Attendance data is published but only as a national aggregate figure.</li> <li>• When the Libra IT system roll out is complete at the end of 2008, and better quality data is available, we will assess the feasibility of: <ul style="list-style-type: none"> <li>– a quarterly publication by area; and</li> <li>– identifying poor performing areas.</li> </ul> </li> </ul>

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**PAC Recommendation (2)**

Currently no single criminal justice agency is responsible for communicating with defendants and hence for making sure that a defendant attends court hearings. The National Criminal Justice Board should require local criminal justice boards to agree protocols which establish with which criminal justice agency responsibility lies at each stage of the criminal justice process. They should also encourage greater use of written reminders, telephone calls and text messages to make sure the defendant attends.

**In progress**

- An inter agency bail agreement template was rolled out nationally in 2006, this includes communicating with the defendant from charge to court appearance. In August 2008, in response to the CJS Joint Inspectorate's report on why Peart/Joseph came to be at liberty on 29 July 2005, OCJR wrote to the chairs of Local Criminal Justice Boards to remind them of the importance of putting in place and regularly reviewing inter agency bail agreements.
  - Telephone reminders were piloted in 2005/06; 45% of defendants for whom a telephone number was obtained where contacted. This was not conclusive but did produce promising results and guidance was subsequently issued to areas on setting up telephone reminder schemes.
  - Text reminders were piloted during 2007. An unexpectedly low number of defendants provided mobile phone numbers, which limited the numbers of reminders that could be sent by text. The majority of those who received this form of reminder attended the Court. However, the small sample did not provide sufficient evidence to support a national roll out.
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**PAC Recommendation (3)**

The effective management of the trial process depends partly on the charges brought against the defendant being right from the start. The views of the victim, the police and where relevant any witnesses should be taken clearly into account by the Crown Prosecution Service in determining the charges to be levelled. The Crown Prosecution Service should communicate decisions on the charge and explain the rationale for its decision quickly and promptly to victims and witnesses.

**In progress**

- The new statutory charging scheme was successfully rolled out a year early in 2006.
- The Code of Practice for Victims of Crime came into effect in April 2006.
- A Witness Charter has been published and is due to come into effect in 2009.
- The 'No Witness No Justice' initiative established 158 Witness Care Units across England and Wales by the end of December 2005.
- Further initiatives are in progress to provide more information to, and to hear the views of, victims and witnesses.

**PAC Recommendation (4)**

In a pilot in magistrates' courts in Essex, ineffective trials due to the defendants' non appearance have been almost halved from 8.2% in 2002–03 to 4.4% in 2003–04. The number of court hearings has been reduced to two: one at which the defendant enters his or her plea and the second is the trial. Case Progression Officers liaise with the defence so that a trial date is only fixed when both sides are ready, and defendants are given timed appointments and sent reminders. The National Criminal Justice Board should make sure that successful initiatives in one local criminal justice area are adopted more generally.

**Implemented**

- Ineffective trials due to defendant non-attendance have reduced to 1.9% overall in both magistrates courts and Crown Court trials. This has been achieved through a number of initiatives including Simply Speedy Summary Justice (CJSSS).
- The Board and its supporting structures have a number of mechanisms in place to ensure that successful initiatives in one local criminal justice area are adopted more generally including OCJR's Local Delivery Teams.

**PAC Recommendation (5)**

The Department for Constitutional Affairs should review whether the use of stipendiary magistrates leads to better management of the trial process. Depending on the results, it should consider the case for making greater use of stipendiary magistrates, identify those factors contributing to better performance and improve the current arrangements for disseminating effective trial management practice amongst the magistracy.

**Implemented**

- The MoJ considers that the mix of magistrates and District Judges delivers the necessary expertise.
- Additional full time District Judges have been appointed since 2005, and MoJ is reviewing the process for creating new District Judge posts to ensure that HMCS can continue to provide the service that the public expect.

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**PAC Recommendation (6)**

The courts do not always receive sufficient and timely advice when taking decisions on whether to grant bail or remand in custody, but unnecessary remand in prison adds to the cost of the criminal justice system and to prison population pressures. The number of bail information reports produced by the Probation Service for first hearings has fallen from 25,000 in 1996 to just below 10,000 in 2002. And in 2002–03 the Prison Service produced bail information reports for only 22% of eligible remand prisoners. The estimated cost of a remand in custody is around £4,000 compared to the estimated £60 cost of a bail information report. The Home Office should increase the number of bail information reports produced, targeting types of defendants most likely to be suitable for remand on bail.

**In progress**

- A Bail Support Service pilot is currently underway in Yorkshire and Humberside covering the three years to March 2009, and a Bail Accommodation and Support Service was established in all courts from 2007; both of these initiatives are being evaluated by Leeds University and they are due to report in August 2009.
- A cost benefit review of bail information reports is not feasible but examples of other work in this area are:
  - improved bail information for prisons;
  - increased use of tagging on bail; and
  - credits against a custodial sentence for bail compliance.

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**PAC Recommendation (7)**

Where defendants fail to attend, it has taken up to two weeks for warrants to reach local police stations. Local police forces have not always given execution of warrants a priority, with only some 45% being executed within three months. HM Court Service and the police should make sure that warrants are passed to local police stations within one day. The Office for Criminal Justice Reform should evaluate the feasibility of arresting and bringing defendants back to court on the day they fail to attend, drawing on the outcome of a pilot being conducted in Essex.

**Implemented**

- Data from January to March 2008 shows that 93% of warrants were notified to the police within 1 day and 99% within 3 days.
  - The proposal for same day arrest has been superseded by the CJSSS and Virtual Courts initiatives. Defendants can also now be tried and sentenced if they are absent from court, without a reasonable excuse.
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**PAC Recommendation (8)**

Police forces have not given appropriate priority to arresting defendants being prosecuted for crimes committed outside their area. The National Criminal Justice Board should require Local Criminal Justice Boards to publish data on the number and length of time warrants have been outstanding, and the proportion which relate to out of area cases. The Board should set targets and seek improvements from underperforming areas.

**Implemented**

- Targets to reduce number of outstanding Failure to Appear warrants have been exceeded for the last 3 years (there has been a 34% reduction in the number of warrants over those 3 years, down to just over 25,000 by March 2008).
- Targets for Data Timeliness were set in 2007/08 and there has been a steady improvement in the timeliness of execution. More challenging targets have been set for 2008/09:
  - 73% of category A warrants to be executed within 14 days.
  - 73% of category B warrants to be executed within 21 days.
  - 64% of category C warrants to be executed within 28 days.
- A checklist for enforcement of out of area warrants was issued in 2006. By June 2008, only 6% of outstanding Failure to Attend warrants were out of area warrants.

**PAC Recommendation (9)**

Some 7% of defendants remanded in prison are not brought to the court on time due to failures by contractors or the Prison Service. The Home Office should impose penalties for such failures commensurate with the cost of the resulting ineffective court hearing borne by the taxpayer.

**Not implemented (not accepted)**

- Penalties are set at a level to provide an incentive to contractors to deliver prisoners to court on time. To set penalties at a level commensurate with the cost of ineffective court hearings could have resulted in contractors either not being willing to take the risk of the potentially high penalties they would become liable for, and therefore not submitting bids, or costing their bids at a prohibitively high level to reflect the higher risk to them of high penalties for ineffective trials.
- At the end of April 2008 timeliness to court was 87.8% nationally. This figure rose to 97.8% after taking account of the circumstances outside the control of the contractor which resulted in prisoners being delivered to court after the agreed delivery time.



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**The Drug Treatment and Testing Order: early lessons** (*Tenth report published 9 March 2005*)

The Committee examined the National Probation Directorate and the National Treatment Agency for Substance Misuse on the impact of the Order, improving the delivery of the Order, and reducing the risk of relapse.

Recommendations:	Detail of Progress made to date:
<p><b>PAC Recommendation (1)</b>                      To confirm the Drug Treatment and Testing Order's suitability as one option for sentencing offenders who misuse drugs, the National Offender Management Service should undertake research on the outcomes for those who have been subject to an Order to identify the impact on reconviction rates and on reducing drug misuse, and to identify factors which contribute to a successful outcome. Evaluation of early pilots of the Order found 80% of offenders had been reconvicted within two years, but for those who completed the Order the reconviction rate dropped to 53%. Completion rates vary significantly, however, across the country, from 8% in Kent to 71% in Dorset.</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>• Reconviction rates are now routinely published. The National Drug Treatment Monitoring System records an individual's progress and is used to hold Drug Action Teams to account.</li> <li>• The recently established Treatment Outcomes Profile (TOP) will build the evidence for factors which contribute to successful outcomes.</li> </ul>

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**PAC Recommendation (1)**

*continued*

**In progress**

- The Department has also recently announced (27 October 08) the extension of pilots of the Dedicated Drug Court model. This model aims to ensure more effective use of information available about offenders from earlier interventions through more effective interagency work in the magistrates' courts, ensuring all relevant information about the offender is before the court where required. The model also introduces dedicated panels of magistrates and District Judges to handle offenders who commit acquisitive crime to fund their drug addiction. These panels of magistrates and Judges will sentence such offenders and, where a Community Order with a Drug Rehabilitation Requirement (DRR) is made, the same magistrates or District Judges will review their progress. The continuity of judiciary aims to motivate offenders to comply with the order. Early evaluation findings provide positive indications that such increased continuity of judiciary will produce a lower likelihood of missed court appearances by offenders, a higher likelihood of sentence completion and a lower likelihood of reconviction.

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**PAC Recommendation (2)**

In view of the significant variations in completion rates and their potential impact on the successful rehabilitation of the offender, the National Offender Management Service should reconsider its target setting to place less emphasis on the number of commencements and more emphasis on the achievement of successful outcomes.

**Implemented**

- NOMS performance is now measured against a target for commencements, for completions and for successful completion rate.
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**PAC Recommendation (3)**

An emphasis on commencements may encourage use of the Order in inappropriate circumstances, and for offenders whose aim is largely to avoid imprisonment with little real intention of engaging with the Order. Better use should be made of the time between arrest and sentence to assess an offender's suitability for the Order and to build and sustain his or her motivation to engage with the Order.

**In progress**

- Monitoring of the Offender Assessment System (OASys) termination reviews was made explicit in 2008/09, and a completion target is now in place.
- Successful completions are reported within the Integrated Probation Performance Framework.
- Where offenders are referred from custody suites or early court appearances (via the Drug Intervention Programme) ongoing assessment and motivational work takes place prior to the DRR being made.

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**PAC Recommendation (4)**

Content of local programmes has been left to the discretion of local probation teams by the National Offender Management Service and hence the types of activity offered vary significantly across the country. Local programmes should focus on educational and vocational training to raise basic skill levels, and to increase offenders' opportunities to gain employment.

**In progress**

- *Reducing Re-Offending through Skills and Employment: Next Steps* was published in December 2006, and every region now has a Reducing Re-offending Partnership Board including a Pathway Board for skills and employment.
- Since 2006/07, the National Probation Service has a target for offenders to be placed into employment.
- The Offenders Learning and Skills Service links to the Learning and Skills Council to ensure access to a full range of educational options.

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**PAC Recommendation (5)**

The National Offender Management Service should monitor the performance of local probation teams in delivering the number of contact hours with offenders expected by the courts and set down in Home Office guidelines. Where performance falls short of the required minimum of 15 hours per week in the first 13 weeks, and 12 hours thereafter, the Service should explore why, and take action with the local team to resolve any difficulties such as staff shortages or accessibility of treatment.

**In progress**

- Probation contact with offenders in the first 16 weeks has improved to 84% of that expected by the courts in 2007/08.
  - Subsequent contact has improved to 64% in 2007/08.
  - Compliance is monitored through the National Standards Monitoring Audit Returns. Action Plans are developed with probation areas that do not meet the standard to aid future improvement.
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**PAC Recommendation (6)**

The National Offender Management Service should make sure that a consistent approach to enforcement of the Order is taken across the country to maintain the credibility of the Order as an effective punishment with local communities. The Service should also seek to reduce the costs and time associated with breach activity by streamlining the paperwork required so this does not act as a disincentive to probation teams to take timely action.

**In progress**

- National Standards for the Supervision of Offenders set out requirements for the supervision and enforcement of the orders. Compliance with National Standards is audited and published as National Standards Monitoring Audit Returns (NSMART).
- Recent data shows a 94% compliance rate for orders breached within 10 days excluding Drug Treatment and Testing Orders (DTTO)/DRR, and a 91% compliance rate for DTTO's/DRR's.

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**PAC Recommendation (7)**

The National Offender Management Service should work with local housing agencies and the voluntary sector to enable those offenders making progress to break free of a lifestyle which might draw them back into criminal behaviour.

**In progress**

- Guidance (Home Office) has been issued to local partnerships which seeks to improve access to accommodation for drug users in treatment by:
    - updating guidance to local authorities about the needs of vulnerable people;
    - Publication of a rough sleeping strategy;
    - Investment in supporting people and adults facing chronic exclusion programmes;
    - Engagement of probation areas in Local Area Agreement processes to prioritise National Indicator 143 (offenders in settled accommodation at end of order or licence).
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**PAC Recommendation (8)**

The National Offender Management Service and National Treatment Agency for Substance Misuse should have effective arrangements in place to maintain support and treatment for those coming off the Order, for example through protocols agreed by probation and drug action teams. Research by the Department of Health has shown that it can take many years to give up drug misuse, so drug misusers are likely to require treatment and support over a sustained period before they achieve abstinence. Around 71% of current Drug Treatment and Testing Orders are, however, intended to last around twelve months, and some as little as six months. Continued support and treatment beyond the term of the Order may be critical to ultimate success.

**In progress**

- The establishment of the Drug Intervention Programme placed a requirement on every Drug Action Team to commission aftercare treatment provision for people in the criminal justice system, including those exiting the DRR. Delivery at local level is via the Criminal Justice Integrated Teams (CJIT). National guidance was issued by the Drug Intervention Programme.
  - A probation circular was issued in December 2007 instructing probation areas that after an order, offenders must be referred to CJIT for continued treatment.
  - The Drug Intervention Record (DIR) monitors and records that it has been referred to CJIT and the individual has a care plan in place.
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## The Management of Sickness Absence in the Prison Service

(first report published 18 January 2005)

The Committee examined the National Offender Management Service of the Home Office and HM Prison Service on the factors influencing the Prison Service's attainment of its target; on whether long term sickness absences have been managed effectively; whether managers were able to motivate and encourage staff to attend; and the extent to which implementing new systems and procedures had impeded progress.

Recommendations:	Detail of Progress made to date:
<p><b>PAC Recommendation (1)</b></p> <p>The Prison Service continues to experience unacceptably high levels of sickness absence of 14.7 days on average per person in 2002–03 with over 20% of staff taking 11 days or more per annum. The Prison Service should set annual sickness absence milestones to increase momentum towards reducing average sickness absence in prisons to the target of nine days per person.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>• Annual sickness milestones have been introduced that work towards continual reductions in absence rates.</li> </ul>
<p><b>PAC Recommendation (2)</b></p> <p>The Prison Service should consider whether more rigorous checks could be carried out at the recruitment stage to identify candidates' potential health and fitness risks. The stressful and physically challenging nature of the work may contribute to sickness levels, and the Service needs to be confident that recruits have the necessary aptitudes.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>• All potential employees are required to complete a health declaration before employment. Any element of doubt about an applicant's previous health history is reviewed. All Prison Officer recruits are required to pass a health screen and fitness test.</li> </ul>
<p><b>PAC Recommendation (3)</b></p> <p>The Prison Service should consider the costs and benefits of not paying staff for the first three days of any period of sickness absence in line with the approach used by private sector prisons to manage sickness absence.</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>• Terms and conditions of employment relating to sick absence are under review as part of the NOMS Workforce Modernisation Programme but will need to be considered in the context of the Civil Service consistency agenda.</li> </ul>

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**PAC Recommendation (4)**

Some prisons are difficult to work in and it is essential to have managers able to motivate and encourage staff to attend. For example, women's prisons, and prisons with high turnover rates, can be more stressful than those with more stable populations or where the environment is more relaxed and low risk. The Prison Service should set differential sickness absence targets taking account of the relative difficulties of each type of prison establishment, which should inform staff planning so that absence problems are not further compounded by unrealistic staffing assumptions.

**Implemented**

- In addition to formal Key Performance Indicators, local targets based on current performance, anticipated improvements, and the nature of establishments are set.
- Performance figures are monitored and Area Managers and Governors are held to account for poor performance against these indicators.

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**PAC Recommendation (5)**

All managers in the Prison Service should be trained in how to manage sickness absence and to encourage attendance. The Prison Service should set a target for quick completion of such training, establish a rolling programme for new recruits and for refreshing existing staff knowledge.

**Implemented**

- Master-classes have been run for Governors and Human Resources Business Partners. Attendance management training has been incorporated into first line manager training. Behavioural skills modules have been developed for local delivery to newly promoted managers and those requiring additional support and guidance.

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**PAC Recommendation (6)**

The Prison Service should identify the public and private prisons with relatively low sickness absence, establish the reasons for their success and disseminate the lessons learned. The Prison Service should monitor actions taken by other Prison Governors to implement the lessons learned.

**Implemented**

- Best practice is regularly identified from establishments whose management report demonstrate that they achieve low absence rates. The Human Resources Change Managers also facilitate the sharing of best practice and provide support to the worst performing establishments.
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**PAC Recommendation (7)**

The Prison Service has been slow to implement initiatives recommended by this Committee in 1999 with many not becoming effective until 2002. With the cost of sickness absence currently estimated at £80 million, the Service needs to act urgently to take a tighter grip of the problem.

**Not accepted**

- A dedicated team of caseworkers was set up in Prison Service Headquarters in 2000 to target under-performing establishments. Since 2006 a Shared Service model was introduced to deliver management of attendance processes centrally ensuring consistency and supporting a reduction in absence rates.
- The National Audit Office have recognised this as an example of good practice.

**PAC Recommendation (8)**

The Prison Service should use sickness absence data to benchmark performance internally and externally, and to take clear action where particular prisons under-perform.

**Implemented**

- A monitoring system was introduced in 2004 to track long and short term absences in attendance. Management reports show those establishments and areas with high and low attendance rates, against both national and local targets.
- The NOMS Board has a focus on attendance rates and the Chief Operating Officer addresses attendance through Area Managers.
- Human Resources Change Managers focus on the worst performing establishments highlighted in management reports.

**PAC Recommendation (9)**

Staff morale in the Prison Service was adversely affected by problems with the implementation of the new Home Office payroll software which impacted on employees' receipt of their correct pay. The Home Office should review the lessons learned for future projects including the human impact of IT system weaknesses.

**Implemented**

- In the implementation of its Enterprise Resource Planning system, the Prison Service has been conscious of the lessons learnt from the implementation of the Home Office payroll software. Care has been taken to ensure there is no interruption to the pay system. No changes are made concurrently with a pay award.
- The Shared Service model for HR, Finance and Procurement has been introduced with no detrimental impact on staff, payroll or operations.



**Youth Offending: the delivery of community and custodial sentences**

*(fortieth report published 12 October 2004)*

The Committee examined the Home Office on the delivery of custodial and higher tariff community sentences; the efforts made to address the main causes of offending behaviour; and the Youth Justice Board’s role in overseeing the performance of custodial establishments and Youth Offending Teams. The Committee also visited Haringey Youth Offending Team and met staff working with young offenders, senior council officials, the local police commander and young offenders attending the various programmes.

Recommendations:	Detail of Progress made to date:
<p><b>PAC Recommendation (1)</b>                      Of the 7% of young offenders sentenced to custody, eight out of ten of re-offend, despite planned expenditure of £283 million on providing custodial sentences. Short periods of custody are unlikely to make an impact on offending behaviour, nor help offenders gain the educational qualifications often necessary for a change in lifestyle. If re-offending rates are to be reduced, custodial and non-custodial elements of sentences, and rehabilitation during and on completion of sentence, need to be better integrated by the Youth Justice Board. The Youth Justice Board should review the ability of custodial establishments to tailor education programmes to meet the needs of those offenders serving short sentences.</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>• The Offender Learning Journey requires development of an individual learning plan, which should take into account the sentence length of each young person, with consideration given to the ongoing learning of the young person after release.</li> <li>• The Youth Crime Action Plan has set out further plans to improve rehabilitation and resettlement of young people subject to custodial sentences.</li> <li>• The Youth Justice Board (YJB) will be piloting work to improve the resettlement of young people from custody, with a particular focus on tailoring the regime, which includes the education provision.</li> </ul>

**PAC Recommendation (2)**

If community sentences are to be a credible alternative to custody, they need to be administered effectively, and consistently across the country. The Youth Justice Board has introduced an Intensive Supervision and Surveillance Programme which requires offenders to attend for 25 hours per week compared to the 2 hours normally required for Supervision Orders. Over half the offenders on the new Programme however, fail to meet the Programme's requirements, and around a quarter are resentenced to custody. The Board should identify why some offenders fail to complete the Programme, and review differences in the way Youth Offending Teams manage offenders on the Programme.

**In progress**

- The YJB supports the Intensive Supervision and Surveillance Programme (ISSP) and completion rates have improved to 59% in 2006/07.
- The Government placed the ISSP on a statutory footing with its inclusion in the Criminal Justice and Immigration Act, making it a potential requirement with the new Youth Rehabilitation Orders, and a specific alternative to custody.
- YJB has developed a scaled approach to youth justice interventions, intended to close the gap between community sentences and an intensive programme, based on an assessment of the risks.
- The YJB completed a review of ISSP and implemented improvements to address failings in completion rates and management of programmes by YOTs. Completion rates have consistently improved.

**PAC Recommendation (3)**

Effective rehabilitation is critical to reducing reoffending rates but Youth Offending Teams face difficulties in placing young offenders back into education, employment or suitable housing. A more joined up approach is needed between the Home Office, the Department of Health, the Department for Education and Skills, the Office of the Deputy Prime Minister and local authorities. Incentives should be put in place, for example, by offering continuing Youth Offending Team caseworker support to educational establishments, and through establishing shared targets and goals.

**In progress**

- A range of work is continuing to support effective rehabilitation and develop shared targets and goals across the relevant departments and agencies, including new Public Service Agreements for 2008-11 and local government performance frameworks.
- A cross Departmental Youth Crime Action Plan was published in July 2008, and included a focus on rehabilitation and effective resettlement to contribute to reducing reoffending.

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**PAC Recommendation (4)**

The average annual cost of custodial places varies significantly between providers, but no research has been undertaken as to their relative effectiveness. A secure Training Centre place (run by private contractors) costs £164,750, and a local Authority Secure Children's Home place costs £185,780, reflecting staffing ratios of 4 staff to youngsters. A place at a Young Offender Institution run by the Prison Service costs £50,800, with a ratio of around 4 staff to 60 youngsters. The Youth Justice Board should commission research into each option's cost effectiveness in terms of re-offending rates and the welfare of the young person; establish a strategy for the nature of custodial place provision and its geographical spread; and carry out an opportunity cost analysis of steadily moving part of the custodial places into effective community surveillance and supervision.

**In progress**

- The YJB has commissioned Kings College to undertake and detailed research, to determine the effectiveness of different types of secure establishment, related to value for money and outcomes.
  - The YJB is developing dedicated secure places for young women, as well as other new sites (Cookham Wood, Wetherby, Glen Parva and other small establishments). It has also developed a secure estates strategy to match better supply and demand.
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**PAC Recommendation (5)**

Variability in the range and content of programmes delivered across the custodial estate impairs the ability of Youth Offending Teams to address the needs of young offenders. The Youth Justice Board should aim to deliver core programmes across all establishments, with some establishments addressing specialist needs. Youth Offending Teams and Prison Service staff should enhance mutual understanding of these programmes through, for example, staff exchanges and joint performance discussions and assessment of achievements.

**In progress**

- Core specifications have been agreed with the Prison Service for Youth Offending Institutions and additional specifications for Secure Childrens' Homes and Secure Training Centres have been agreed. Core specifications for education and substance misuse services have also been developed.
- Specialist provisions, such as programmes for young people who sexually abuse, have been commissioned on a regional basis in some establishments.
- Specialist accommodation and provision for particular populations, such as young mothers and vulnerable young men, has been commissioned at some establishments.
- The North East Region is piloting work to enhance mutual understanding between Youth Offending Teams (YOTs) and establishments by developing a directory of all Offending Behaviour Programmes.

**PAC Recommendation (6)**

The Youth Justice Board should work more closely with courts to plan the number of custodial places likely to be needed, and to enhance the court's confidence in community sentences. The proportion of young offenders sentenced to custody varies significantly across the country. These variations may reflect a lack of suitable custodial places in some areas or a lack of confidence in, or knowledge of, community sentences delivered locally.

**In progress**

- A model has been developed to forecast future populations, as well as secure estates strategy to better match supply and demand; Glen Parva is being developed to meet demand in the East Midlands.
- The Sentencing Guidelines Council publishes bi-annually levels of custodial and community sentences, and YJB works with the Judicial Studies Board on training for the judiciary.
- YOTs are performance assessed to determine their contribution to reducing custodial sentencing.

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**PAC Recommendation (7)**

The Youth Justice Board needs to have a better grasp of the activities of Youth Offending Teams, so that national policies on youth justice are applied more consistently at the local level. Some Youth Offending Teams are reluctant to recommend custody in any circumstances. The Board should take action where teams fail to comply with grant conditions, including withholding grant payments where merited.

**In progress**

- The YJB introduced a performance framework for YOTs, which included 13 performance indicators, the majority focused on reducing reoffending.
- Grant distribution is now dependent on demonstrated effectiveness. The YJB also conducts qualitative assessments.

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**PAC Recommendation (8)**

The Home Office and the Youth Justice Board need to take action to help Youth Offending Teams fill front line vacancies. Vacancy rates amongst front line staff, which were 6.5% in September 2003, must impact adversely on the effectiveness of Youth Offending Teams, and hence on the success of their work with young offenders.

**In progress**

The Youth Justice National Qualifications Framework provides an incentive for professional development in the youth justice system, and the YJB has developed a volunteer strategy.

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**The operational performance of PFI prisons**

*(forty ninth report published 2 December 2003)*

The Committee examined the extent to which good practice is shared between Private Finance Initiative (PFI) and public prisons, and how the operational performance of PFI and public prisons is measured and managed.

Recommendations:	Detail of Progress made to date:
<p><b>PAC Recommendation (1)</b></p> <p>The Home Office and the Prison Service should promote greater co-operation and exchange of good practice between publicly and privately managed prisons. Prisoners held in PFI prisons feel that they are shown greater respect and are treated better than prisoners in public prisons. But the relative inexperience of staff in PFI prisons can compromise security through staff being conditioned by some prisoners to 'turn a blind eye'. Public prisons could import good practice on the treatment of prisoners from PFI prisons, and PFI prison staff could benefit from joint training on security issues with their more experienced counterparts in the public sector.</p>	<p><b>In progress</b></p> <p>The ability for exchange between the public and private sectors was reduced with the creation of NOMS in 2004, when the sharper focus on contestability made some providers reluctant to share what was perceived as commercial advantage. However, the next stage of the NOMS reforms is now in place and the new NOMS Agency is currently working to develop costed specifications for all services delivered in custody and in the community. The framework of specifications will provide a mechanism for ensuring that effective practice becomes embedded across all providers. In the meantime, NOMS is continuing to work with existing providers from the public and private sectors to share learning and good practice. There are already improved structures within the agency to consult with private providers as new policy initiatives are introduced, which enables greater input and shared practice across the business.</p>

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**PAC Recommendation (2)**

The Home Office and Prison Service should expand staff exchanges during the next two years. The interchange of staff between privately managed and publicly managed prisons is a way to broaden perspectives and gain an appreciation of different working methods. Such interchanges have been encouraged at senior management levels but not at more junior grades, where day to day contact with prisoners is much greater.

**In progress**

It had been considered that the contestability environment within NOMS meant that it was no longer practical to exchange staff between the different providers. However, the restructuring of NOMS will provide more opportunities for integrated working, as the private sector providers become part of the new NOMS regional structure. Any opportunities for exchanges and/or integrated working will, however, need to take account of the MoJ Competitions Strategy and the need for clear ethical walls.

The maturation of contracts means that staff are increasingly experienced within their own organisations. Further, there also exist numbers of staff who have worked within both public and contracted providers.

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**PAC Recommendation (3)**

In awarding contracts or negotiating Service Level Agreements there should be as much emphasis on the sustained delivery of an acceptable service as there is on contract price. The Prison Service had to put in its own management team at Ashfield Young Offenders Institution for five months in 2002. There was a high level of staff turnover, and the contractor was unable to recruit staff to meet indicative staffing levels set out in the contract. Staffing levels at recent PFI prisons and two public sector prisons now managed under Service Level Agreements have also given cause for concern.

**Implemented**

In two current competitions for PFI prisons, the evaluation of final tenders is based on five evaluation criteria (Operational Response, Design and Build Response, Legal and Commercial, Financial Deliverability and Supplier Relationships). The evaluation criteria have different weightings. The qualitative evaluation score for each bidder (achieved following assessment of their bid against the above criteria) will be compared with the outturn price. The contract will therefore be awarded to the bidder offering the Most Economically Advantageous Tender. The bidders' proposed staffing levels, recruitment plans and mobilisation plans are all considered in the evaluation.

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**PAC Recommendation (4)**

The Prison Service should not shy away from terminating prison contracts. The contractor was in breach of contractual obligations at Ashfield, but the Prison Service chose not to terminate the contract. Although the contractor suffered substantial financial penalties, there were also knock-on costs to the public sector as young offenders had to be moved to other, already overcrowded, institutions.

**Implemented**

There have been a few instances where the performance of the contractor has been sufficiently poor to justify the use of the early stages of the termination procedure (improvement notices and rectification notices). The use of these notices has been sufficient to bring about the required improvements in performance.

No contracted prison contract has yet been terminated as there has not been any justification for such action.

**PAC Recommendation (5)**

Some PFI prison Controllers have become too close to the contractor, whilst others have been over stringent and adversarial. PFI prisons are monitored on a day-to-day basis by Controllers, whose job it is to assess the prison's performance against the contract. There needs to be greater consistency in how Controllers approach their role, supported by improved training and clear career progression.

**Implemented**

Since the last response, the Office for National Commissioning (ONC) has assumed managerial responsibility for the contracted prison estate. As part of this, a management structure has been developed to promote consistency of approach by Controllers, including the use of Senior Controllers to oversee the work of Controllers. This has provided consistency of approach and management control, ready for the handover of the responsibility of contracted prisons to the relevant Director of Offender Management (DOM) following the closure of ONC in March 2009. It will be for individual DOMs to implement whatever management structure they feel appropriate.

**PAC Recommendation (6)**

The monitoring and recording of performance data is at present less reliable in the public sector than in the PFI sector. The Prison Service should examine the feasibility of introducing within the next year a performance data monitoring function, similar to the Controller function in PFI prisons, throughout publicly managed prisons. The cost of such an initiative could be reduced by making such monitors responsible for a number of prisons within a geographical area.

**In progress**

Data accuracy issues differ between public and contracted prisons but are evident in both. Work is ongoing across all prisons to improve the data capture systems and reliability of information, particularly targeting those prisons with a known issue. There is a driver to capture performance information directly from operational systems which will reduce the burden and improve accuracy. The rollout of P-NOMIS across the public sector estate will ensure comparability and consistency of reporting between public sector prisons.



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**PAC Recommendation (7)**

The number of performance measures should be reduced and made more consistent between the public and private sectors. Public prisons have to report regularly on up to 48 Key Performance Targets and 61 Prison Service Standards and privately managed prisons have to report on a further 30 to 40 contract measures. Prisons, both publicly managed and privately managed, are overburdened with performance measures, making the monitoring of performance and prioritisation between targets difficult. The large number of measures does not lead to any better understanding of individual prison performance.

**In progress**

A Prison Performance Assessment Tool is being trialled which uses a consistent set of metrics for both public and contracted Prisons. This will be reviewed and finalised for implementation in 2009/10.

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**PAC Recommendation (8)**

There are inconsistencies between the performance measures and targets used for different prisons. For example, in areas such as purposeful activity for prisoners, PFI prisons are set higher targets than public prisons. The performance of some public prisons in providing purposeful activity for prisoners needs to improve significantly if they are to make progress in helping to reduce the rate of re-offending. Targets in public prisons should be brought in line with those used in the private sector.

**Implemented**

Targets for both public and contracted prisons are now set regionally by the regional offender manager. Performance targets vary by prison based on a number of different factors depending on the metric. In the case of purposeful activity, building design is a key factor which leads to higher targets being set in newer purpose built prisons which have the facilities to offer a wide range of activities. Where targets have been set centrally they are set by type of prison and population mix or are a standard for the service.

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**PAC Recommendation (9)**

The use of Service Level Agreements should be extended to all prisons found to be performing unsatisfactorily. Service Level Agreements specifying the standard of performance expected in return for a fixed budget have been used successfully to encourage better performance in public prisons that have been failing to meet required standards. However, at present, only four failing prisons have been identified for this approach. The development of the Weighted Scorecard ranking of prisons should make it simpler to identify prisons where intervention is needed.

**Implemented**

Prisons now have service delivery agreements which specify the standard of performance required.

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**Reducing Prisoner Reoffending**

*(fifty third report published 5 September 2002)*

The Committee examined the Prison Service on the development and delivery of programmes, and the support given to prisoners prior to release.

Recommendations:	Detail of Progress made to date:
<p><b>PAC Recommendation (1)</b>                      We agree with the Director of the Prison Service in seeking to give priority to constructive programmes to reduce reoffending, given the urgent need to get more prisoners to resume law-abiding lives on release. However, programmes should be available to short-term prisoners to lower the risk of them becoming repeat offenders.</p>	<p><b>In progress</b>                      A comprehensive drug treatment framework is already in place and from which those in prison for a short period of time benefit considerably. The roll-out of the Integrated Drug Treatment System (IDTS) is of particular and immediate benefit to short term prisoners. This is of particular importance given the link between drug dependency, acquisitive crime and very high levels of reoffending. There are plans to roll-out the clinical elements of IDTS to a further 38 prisons this year. This will bring the total to 91 prisons with the clinical elements of IDTS of which 29 will also have the psychosocial elements of IDTS. Department of Health plans by the end of 2010/2011 to roll-out clinical IDTS to all prisons. NOMS is exploring the extent to which the psychosocial elements of IDTS can be introduced fully and within existing funding levels.</p> <p>The Focus on Resettlement accredited programme is primarily delivered to short termers. 23% of those undertaking the programme are serving under 1 year and 39% between 1 and 2 years. 10% of all accredited Offending Behaviour Programme (OBP) provision is to those serving under 2 years.</p> <p>OBPs are only one part of NOMS work to reduce the risk of reoffending. Other work around offender management, assessment, education, vocational training or work may also address the needs and risks in individual cases.</p>

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A NOMS project is underway to identify all non-accredited programmes being delivered in prison or probation settings. Many of these are likely to be targeted at short term prisoners. Once the project is complete programmes will be able to be targeted more effectively to meet particular needs.

In developing their commissioning plans, Directors of Offender Management will want to ensure interventions are targeted at those people who need them, and they will want to invest in interventions that meet demands from sentencers and the assessed needs of offenders in their region.

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**PAC Recommendation (2)**

The Prison Service should increase the role of volunteers in helping prisoners improve their basic numeracy and literacy skills, and improve family support by imprisoning offenders close to home. Given that the high incidence of reoffending must be linked to some extent to the ex-prisoners' unemployability, which is itself based on their lack of basic literacy and numeracy skills, we believe that Government should offer basic literacy and numeracy courses tailored to the period of imprisonment.

**Implemented**

In 2003 (after the publication of this PAC report), Ministers decided that the Learning and Skills Council (the LSC) should take over responsibility for a new Offender Learning and Skills Service (OLASS), which, after piloting, the LSC rolled out across England in July 2006. The intention was that the LSC, with its experience in commissioning mainstream further education, would raise the quality of provision and much better meet the range of offenders learning and skills needs. The LSC's current procurement process puts in place a core curriculum of courses delivered throughout the prison estate and accessible through publicly funded mainstream further education providers to offenders in the community as proposed in the *Developing the Offenders' Learning and Skills Service: The Prospectus*.

The partners in OLASS agree that offenders are more likely to gain a job when they are released if they are equipped with skills relevant to local employers. NOMS and the LSC, working in partnership with Jobcentre Plus, are engaged with employers nationally, regionally, and locally, including through the Corporate Alliance, to offer training and employment to offenders that meet employers' needs. Many employers are willing to work with offenders, subject to their being motivated to work and having the right skills. The new OLASS specification recognises that employers value soft skills such as timekeeping, team working, and customer service and these soft skills have been included as part of the core curriculum, alongside core vocational and foundation skills requirements.

OLASS was the subject of a separate PAC report published on 30 October 2008.

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Thousands of volunteers are involved in work with victims, in prisons and through probation areas, either directly or through partnerships with the third sector. In line with the recommendation, further consideration needs to be given to the resources that will be needed to manage and support volunteers and of volunteers' appropriate role alongside and supporting professionals such as paid teachers.

#### **Activities**

- Volunteering – A Guide to good practice for prisons – published in December 2005, describes the range of volunteering activities with and by prisoners, the value of volunteering to the Prison Service, and strengthens and encourages the Prison Service's commitment to working with volunteers and to ensuring greater consistency in the use of appropriate volunteering procedures and policies.
  - Working with the third sector to reduce reoffending, published in October 2008, which sets out the principles and expectations which will enable high quality volunteering and mentoring including by offenders and ex-offenders. Actions will be further developed following Baroness Neuberger's report on volunteering in the Criminal Justice System.
  - Criminal Justice Group Infrastructure Funding – £145,000 a year for three years has been awarded to Clinks to support volunteering and mentoring with offenders and their families, including the development of a new Reducing Re-offending Volunteering and Mentoring Network to promote collaboration, identify good practice, help increase diversity, and collate examples and evidence.
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**PAC Recommendation (3)**

Over 5,000 prisoners suffer from a functional psychosis and many are in need of in-patient treatment for mental disorders. The Prison Service and the National Health Service should agree targets for reducing the length of time such prisoners spend waiting for in-patient treatment.

**In progress**

A Pilot was undertaken in 2007 to explore the introduction of a standard 14 day maximum waiting time between completion of a Mental Health Act assessment and the move to an appropriate secure NHS bed. All but the most complex cases achieved this.

Guidance is being developed to support the NHS and CJS to work in closer partnership together, and reduce delays in complex cases.

The Government has asked Lord Bradley to consider the diversion of offenders with mental health problems and learning disabilities away from prison and we expect his report to be available early in 2009.

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**PAC Recommendation (4)**

The Prison Service should identify measures to enable it to routinely compare the success of individual prisons in reducing reoffending so it can build on best practice and bring about improvements where necessary.

**In progress**

We are currently conducting a feasibility study on quantifying reoffending rates for every prison in 2009/10.

Improvements in measuring reoffending since 2002 include, (1) using the Police National Computer, which includes all offences, rather than the Offender's Index, which includes only a selection of offences, (2) measuring the frequency and severity of reoffending rather than simply whether an offender reoffended or not and, (3) producing reoffending rates at the probation area and local authority level. Achieving these improvements has been challenging and time-consuming and has delayed the creation of prison-specific reoffending rates.

Producing prison-specific reoffending rates is technically challenging as offenders are housed in more than one prison during their custodial sentence. We are investigating means to address this issue.

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**PAC Recommendation (5)**

Non-accredited programmes within prisons can play a valuable role, for example, in helping to meet the needs of short term prisoners. The Prison Service should maintain a central record of the objectives and content of these programmes, identify good practice and encourage the development and delivery of worthwhile new programmes.

**In progress**

A NOMS project is underway to identify all non-accredited programmes being delivered in prison or probation settings. A Live Interventions Directory will be created so this information will be permanently accessible. The Directory will identify the extent to which each intervention has been scrutinised and so is known to be likely to be worthwhile. Those programmes that have not been scrutinised will be prioritised for quality assurance to ensure offenders are receiving only worthwhile interventions. The project team are also developing guidelines for quality assurance that will be sufficiently demanding to ensure quality, but sufficiently straightforward to encourage innovation, partnership working, and variety of approaches.

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**PAC Recommendation (6)**

The Prison Service should examine why some prisons have significantly fewer hours of purposeful activity than the average, and reduce the current range in performance.

**In progress**

NOMS seeks to offer the maximum possible prisoner activity within the context of increasing population and building constraints. Availability of activity will inevitably vary across the estate due to factors such as prison function, prisoner mix and building type. Levels of purposeful activity will tend to be lower in 'local' establishments, which feature strongly among the oldest prisons. These prisons have fewer classroom and workshop facilities and greater challenges in terms of managing their population. The more modern training establishments tend to have a more expansive regime. These establishments are able to offer more opportunities for work, education and training and will consequently offer higher levels of activity.

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**PAC Recommendation (7)**

The education option in the New Deal for Young People should be offered to youth offenders while in prison.

**In progress**

The qualification for accessing the New Deal is that people must be available for work. This excludes people serving a custodial sentence. However, prisoners who wish to join the programme can be fast-tracked on to New Deal on their release.

Jobcentre Plus advisers are located in most prisons and advise and signpost prisoners on to appropriate programmes, such as New Deal. Prisoners with drug related issues can access other specialist related initiatives such as Progress 2 Work.

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**PAC Recommendation (8)**

The Prison Service should monitor prison performance against its performance standard on resettlement and hold prison Governors accountable for implementing good practice in resettlement activities.

**In progress**

The current resettlement standard is monitored through the audit process. However, the Prison Service Order and Standard on Resettlement are undergoing a major review and are likely to be replaced by a Reducing Reoffending Framework from April 2009.

The Specification, Benchmarking and Costing programme will lead to the development of specifications for all core prison activities, including resettlement services, against which prisons will be required to deliver. This work starts shortly and specifications will be progressively introduced over the next three years.

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**PAC Recommendation (9)**

Maintaining family relationships can be an important influence in reducing re-offending, yet only around a fifth of all prisons have involved families in working with offenders to prepare them for release. The Prison Service should give prisoners' families the opportunity to contribute to resettlement planning.

**In progress**

The NOMS Directorate of Commissioning and Operational Policy has identified the Children and Families Pathway as a priority area in the development of specification and policy.

The first draft of a specification for services around the Children and Families Pathway is currently being written. This will be available for wider consultation during early 2009 and will encompass service delivery across custody and community.

Policy Leads are addressing the following components of service across the pathway:

- Assessment of family circumstance
- Embedding of the Children and Families agenda in Offender Management delivery
- The delivery of family related interventions, including information, advice and guidance
- Links with other agencies
- Visits and visitor centres
- Contact (other than through visits), whilst in custody
- Pre release and resettlement work
- Training for staff

The approach is outcome focussed with a view to maintaining effective relationships during a period in custody and beyond.

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**PAC Recommendation (10)**

Forty per cent of prisoners are homeless on release. Many prisons provide help to prisoners to find accommodation, and the Prison Service pays a one off discharge grant to prisoners to help meet the initial cost of accommodation. The Prison Service should measure the success of individual prisons in finding accommodation for discharged prisoners, so that performance can be compared between prisons. The Prison Service should give greater emphasis to helping prisoners find accommodation on their release.

**Implemented**

Since 2004 prisons have been tasked with releasing offenders to accommodation. Additionally since this date, a programme of providing relevant and suitable housing advice to offenders in custody has been put in place. Over 130 prisons now deliver professional or suitable housing advice or solutions for those offenders in accommodation need. Since 2004 prisons have measured performance on the number of offenders released with an address to go to. By the year end 2006/07, 88% of all sentenced offenders were released to an address. This measure was subsequently strengthened in 2007/08 to sentenced releases to settled accommodation and end of year performance showed 77% of all sentenced released either being released to accommodation that could be called home, or accommodation that leads to settled and independent living.

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**PAC Recommendation (11)**

Fewer than one in three prisoners enter employment or some form of training on release. Some prisons, however, exceed this rate. At Thorn Cross prison, for example, 44 per cent of prisoners leave with a job or training place. The Prison Service should investigate why some local programmes are more successful than others, and replicate good practice across the prison estate.

**In progress**

All prisons have a target for getting prisoners into employment or education on release based on the category of prisoner held and number of prisoners they discharge. These targets are supported by a priority indicator on offender employment in Public Service Agreement 16, concerned with tackling social exclusion.

Resettlement and open prisons, such as Thorn Cross, hold low risk prisoners and provide opportunities for prisoners to be released on temporary licence to work in the community. This enables them to acquire skills and work experience needed by employers.

It would not be appropriate to operate similar programmes with prisoners who present a higher risk to the public. In addition, such schemes cannot generally be offered to short term prisoners, as they must first complete offending behaviour programmes and, if necessary, drug treatment. Therefore it is not appropriate to expect all prisons to achieve similar results in this respect.

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**PAC Recommendation (12)**

The nature of work undertaken in prison does not, in many instances, enhance prisoners' prospects of jobs outside. Working with employers and others, the Prison Service should provide more relevant work in prisons and thereby increase the proportion of prisoners gaining related jobs on release.

**In progress**

Prison industries have increasingly modernised over the past few years. Commercial disciplines have been introduced, products revamped, management information systems introduced, some outdated industries closed and replaced by more relevant industries, the qualifications available to prisoners have been reviewed and a firmer base for meaningful production established.

In addition, we are increasing the number of private sector sponsored workshops that train prisoners for specific jobs and in which selected prisoners have a job on release, as set out in the Prison Policy Update paper published in January 2008.

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## Annex B

### Data Systems used

Departmental Strategic Objectives

#### 1. Protecting the Public and Reducing reoffending

'Escapes' data are considered accurate and reliable. Escape-related data are recorded on the Prison Service Incident Reporting System (IRS); the data are received from the establishment from where the escape took place. In the case of escape from contractor escorts, it is the responsibility of the contractor escort to ensure that such events are reported in a timely and accurate manner. This is also recorded on the IRS. The accuracy of this data is audited.

The data underpinning the adult reoffending results are felt to be broadly robust. Considerable work has been carried out ensuring data quality, and the data have been used for research publications. Scrutiny of the data source continues in order to ensure the data remain reliable. It should be noted that the National Audit Office identified the following risk factors in its review of the reporting of PSA targets (NAO, 2005).

A range of data sources (prison data, probation data and the criminal records) are used to produce the data for the PSA 23 target. These sources come from a range of agencies (individual prisons and probation areas, and from different police forces). The figures are derived from the police's administrative IT system, which is subject to possible errors with data entry and processing. Additionally, data are extracted from an extract of the Police National Computer (PNC) which is maintained by the MoJ. Published figures are therefore likely to change slightly over time. We do not make revisions to the data to show this. There is a complex process involved in producing the data for the PSA 23 target. In order to match prison discharges and court order commencements data with the PNC database, an automated matching routine is applied. Whilst the match rate is quite high (96.4% for prison discharge data and 98.0% for court order data; 2006), a proportion remain unmatched. This match rate is improving and work continues on this.

Counting rules to identify which prison discharges to exclude (for example, those who have been discharged because they were deported) have been enumerated and discussed to ensure a more accurate and consistent count. The extraction of the criminal histories – a small sample of random

offenders was taken after the analysis in order to validate the outputs of the SQL (Structured Query Language) program. The MoJ is confident of the accuracy of the program.

Work continually takes place in order to ensure that the PNC data maintains a high quality, such as updates to the coding and classification of offences and court disposal, updates to the methods used to identify the primary offence and removal of duplication of records within the database.

## **2. A more effective, transparent and responsive Criminal Justice System for victims and the public**

Offences brought to justice are measured as a proportion of recorded crime: crime is Police recorded crime. Offences brought to justice come from HMCS and Police data on convictions, cautions and offences taken into consideration. Crime data is available monthly with a lag of approximately three weeks. Offences brought to justice data is available monthly but with an average lag of 1-2 months. Every effort is made to ensure that the figures presented are accurate and complete. However, these data have been extracted from large administrative data systems generated by the police forces and courts. As a consequence, care should be taken to ensure that data collection processes and their inevitable limitations are taken into account when those data are used.

Validation checks on police recorded crime data are run on monthly returns to check whether changes are outside a reasonable range. There is also manual inspection of data for plausibility prior to publication and a reconciliation exercise with forces prior to the main annual publication. As well as this, Force Crime Registrars are in post in all police forces, outside of the performance management chain, with a responsibility for data quality. They undertake local audits and work with the National Crime Registrar to devise the counting rules for crime. The National Crime Recording Standard was introduced in April 2002, with the backing of ACPO, to introduce a more victim focused and consistent approach to recording, this being underpinned by a three year programme of audits, funded by the Home Office but undertaken by the Audit Commission, whose aim was to establish high standards in crime recording. In September 2007 the Audit Commission concluded that the standard of crime recording across England and Wales was the best that it has ever been.

### **Crown Court timeliness**

Data is collected monthly from the Crown Court CREST management system. For the purposes of this indicator, this is measured on a financial year to date basis. Final outturn will be April 2008-March 2009 data.

### **Magistrates Court Timeliness**

This data is collected via a survey four times a year – March, June, September, and December. The survey collects information relating to the time taken between stages of proceedings for defendants in completed criminal cases in magistrates' courts.

### **British Crime Survey**

The level of public confidence in the 'fairness' and 'effectiveness' of the criminal justice system is measured through the British Crime Survey (BCS). The BCS is a continuous nationally representative social survey of adults aged 16 and over living in private households in England and Wales (annual sample size of over 45,000). It measures crime victimisation, experience of and attitudes to crime.

For 'effectiveness of the CJS', respondents are asked about their confidence in the effectiveness of each of the individual agencies that comprise the CJS, followed by a question about confidence in the effectiveness of the CJS as a whole. This prompts the respondent's awareness and knowledge of the agencies within the CJS before asking about the overall CJS.

For 'fairness of the CJS', the approach is based on a set of statements covering common attitudes towards issues around 'fairness' (e.g. discrimination against particular groups or individuals and the balance between the victim and offender) in order to provoke consideration of these different aspects before asking the general question on perceptions of fairness in the CJS as a whole.

Social researchers from the Office for Criminal Justice Reform are responsible for undertaking the confidence analyses and ensuring that each set of data is produced in accordance with the Unit's data quality procedures.

### **Victim and witness satisfaction**

Victim and witness satisfaction is measured by police user satisfaction surveys and the Witness and Victim Experience Survey (WAVES). Both are collected quarterly.

Police user satisfaction data is validated annually with Police Forces before publication.

WAVES is a national telephone survey of victims and witnesses in cases that have resulted in a criminal charge. Its purpose is to provide information at Local Criminal Justice Board (LCJB) level and national level (England and Wales) about victims' and witnesses' experiences of the Criminal Justice System (CJS), the services they receive and their satisfaction with different aspects of the system.

WAVES covers victims and prosecution witnesses aged 18 and over in the following crime types; violence against the person; robbery; burglary; theft and handling stolen goods and criminal damage. We do not interview victims and witnesses in sensitive cases, such as, sexual offences or domestic violence, crimes involving a fatality, and any crime where the defendant was a family member or a member of the witnesses' or victims' household, on ethical grounds. We also exclude police officers or other CJS official assaulted in the course of duty, and all police or expert witnesses.

WAVES asks victims and witnesses in cases where an offender was charged about all aspects of their experiences with the CJS, from their first contact with the police to their experience at court. Interviewers ask people about the extent to which they were satisfied with the services they received. We include victims and witnesses who go to court as well as those who do not. The survey, undertaken on a quarterly basis, aims to conduct approximately 38,800 interviews a year with 9,700 each quarter.

WAVES data relates to the period in which the case was finalised by the CJS, rather than the interview period. Data are weighted to enable the survey results to be representative of all eligible victims and witnesses in England and Wales. Weights are derived from the population profiles provided by LCJB areas. Data are analysed and quality assured by researchers from the Office for Criminal Justice Reform-Evidence and Analysis Unit prior to reporting.

### 3. Delivering fair and simple routes to civil and family justice

#### **Delivery of agency key performance indicators**

A number of different data systems are used across the MoJ Access to Justice Business Group to assess progress against the underlying agency key performance indicators. For the purposes of this report we have only included details of the data systems used for the proxy measures being reported in Chapter 2 of this report.

#### **'Provision of criminal, civil and family acts of legal advice and assistance'**

The number of acts of assistance are tracked in two ways:

- 'Face to face' acts of assistance are tracked through the Legal Services Commission (LSC) Online system based on submissions from external providers (solicitors and not-for-profit agencies), input either online or by LSC staff. Data integrity is dependent on accurate and timely submission by providers and is reported monthly in arrears.
- For telephone advice services, all data is recorded by a third party provider and reported to the LSC at month end.

#### **'Resolution of civil and family disputes'**

'Civil disputes' in this context refers to 'defended small claims'. 'Small Claims' are specified money claims for no more than £5000. This target measures the proportion of small claims cases that settle before they reach a hearing. These are measured by monitoring the number of defended cases that are resolved in the county courts, excluding family matters. The data is captured by the HMCS CASEMAN computer system.

'Family disputes' in this context refers to 'residence and contact orders' made by consent in the county courts (excluding cases involving allegations of harm). The data is captured by the HMCS FAMILYMAN case management system.

The integrity of the data is dependent on the accurate entry of data at the courts.

#### **'Customer service and contact targets'**

Customer Service is assessed differently across each of the key service delivery organisations. For the purposes of this report the following customer surveys are being used to monitor progress:

- **HMCS:** A customer survey is conducted on a rolling basis by IPSOS MORI on behalf of HMCS. Overall satisfaction in the courts is measured by a single question in the survey questionnaire that asks whether the respondent, irrespective of the result of their hearing or case, is happy about the way they were treated at court. Feedback is



obtained via random exit surveys undertaken as part of a structured programme across the Crown, county and magistrates' courts. Results are collated from over 11,000 interviews per year and are produced by IPSOS MORI.

- The Tribunals Service customer satisfaction survey is conducted by FDS International. It was first completed in 2007 it will continue throughout 2008 and 2009 on a quarterly basis providing an annual performance measure of customer satisfaction. In Year 1 a telephone survey interviewed 2459 customers. To accommodate the special needs of Asylum and Immigration Tribunal and Asylum Support Tribunal customers a postal questionnaire was used to capture feedback, supported by telephone interviews with representatives. All customers were asked to consider the administrative processes and procedures involved with their case and rate their level of satisfaction with the overall service they received.
- **Office of the Public Guardian:** The OPG have committed in their 2008-09 Business Plan to appoint an external provider to conduct a customer satisfaction survey before 31 March 2009. Furthermore, the OPG will devise measures concentrating on the quality of service delivered through the Contact Centre and publish the results in their 2008/09 Annual Report.
- **Legal Services Commission:** The LSC conducts quarterly client surveys which focus on the views of its 'end user' clients. The target response level is to achieve 300 completed questionnaires per quarter nationally. Both phone and postal surveys are used to achieve the required sample. Clients are asked a number of questions, but the key question used for the KPI is "Overall how satisfied are you with the service you received from the LSC?". All the results are entered into spreadsheets regionally and then collated nationally to form part of the LSC's overall Customer Service Score. The results are also used to feed back into service improvement.

#### **Delivery of public law targets**

Details of the data systems used to measure this target can be found under SR2004 PSA 4 (page 116).

#### **Achievement of Legal Services Commission, Office of the Public Guardian and civil court cost recovery targets**

The financial management systems used to track cost recovery for these three areas is as follows:

- **Legal Services Commission:** costs recovery is tracked through the LSC proprietary debt recovery system (CWX). Debit notes outstanding are downloaded from the LSC CIS system and the debt recovery system

reports after each settlement run and highlights differentials. This methodology has been the same for the last two financial years and has recently been validated by LSC Internal Audit.

- **Office of the Public Guardian:** The cost recovery overrun is calculated using a full cost model to compare the income and expenditure streams of the OPG and Court of Protection. The cost estimates used in the model are based upon the full year forecast overrun for the OPG and the Court of Protection as taken from the Management Accounts each period. This represents the full resource based cost of the organisation including non-cash items and HQ recharges.
- The model is driven by ratios and staff numbers. For service areas e.g. finance, performance and change, post room etc. a set of ratios are used to allocate their cost to an operational area. The following data is incorporated in the model: full forecast overrun from monthly Management Accounts; staff numbers from the monthly staffing returns from heads of division; and HQ recharges. As with other OPG KPIs this is validated annually by MOJ internal audit.
- **HMCS civil courts:** Fee income is recorded into local accounting books within the civil courts on a daily basis and subsequently journaled to HMCS Oracle General Ledger of Account (GL) on a monthly basis. Actual civil fee income (year to date) is then reported directly from the GL after the accounting period has been closed.
- As reporting against the civil cost recovery target can only be completed after the end of each financial year. An assessment of actual fee income for the reporting period plus a forecast for the remaining period to the end of the financial year will be used to assess progress against the fee income target.

'Civil costs' in this context include only civil court costs. They exclude costs for probate and family courts.

#### **Delivery of transforming tribunals agenda**

No data systems are being used to assess progress against this indicator. Progress will be assessed using approved programme and project management reporting systems.

#### **4. Strengthening democracy, rights and responsibility**

No data systems are being used to assess progress against this DSO. Progress will be assessed using approved programme and project management systems.

## Public Service Agreements CSR07

### 5. PSA 24

For indicators 1, 2 and 3 please refer back to data system information provided for the above Criminal Justice DSO (page 108).

#### **Better identify and explain race disproportionality at key points within the CJS**

This target is measured by reports from LCJBs on progress and Section 95 data for overall levels of disproportionality. Data is collected from quarterly returns from boards reporting on progress

This indicator relates to progress on identifying and addressing unjust disproportionality rather than being a measure of disproportionality so there are no specific data quality issues.

#### **Asset Recovery**

The measure for asset recovery is the value of assets recovered from criminals through cash forfeitures, confiscation orders enforced, civil recovery/taxation and international sharing agreement. It is collected monthly.

The performance figure for PSA 24 is an aggregated figure, which is derived from a number of sources. The source of the data for Cash Forfeiture and International receipts is Home Office Finance. The source of the data for Confiscation receipts is the JARD (Joint Assets Recovery Database). It should be noted that this data could be taken from Home Office Finance. The reason that JARD is used as the source is that the database is able to provide a detailed break down of the data. The source of the data for Civil/Recovery and Tax receipts is SOCA Finance.

### 6. PSA 16

The data source used for these indicators is the Offender Assessment System (OASys). OASys is a standardised process for the assessment of offenders that has been developed jointly by the National Probation Service (NPS) and the Prison Service and covers a range of areas, including an offender's likelihood of reconviction, the criminogenic factors associated with offending and the risk of harm he or she presents. The two waves of data used in this analysis are 2005/6 and 2006/7. While OASys is in general use, it is not required for all offenders and is often reserved for higher-risk offenders or offenders with certain offence types or sentence lengths. The rate of completion of termination reviews is also low. As such, OASys should not be read as representative as the entire offender population and care should be taken in generalising the results from the analyses.

## Public Service Agreements SR04

7. **PSA 1:** Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25 million by 2007-08.

The crimes included in this target are, broadly, the more serious cases that come to the attention of the police. Brought to justice means that the offence resulted in a caution, conviction, penalty notice for disorder, a cannabis warning, or an offence was taken into consideration.

The Home Office collects these data from the police and the courts. They constitute National Statistics.

8. **PSA 2:** Reassure the public, reducing the fear of crime and anti-social behaviour, and building confidence in the Criminal Justice System (CJS) without compromising fairness.

The Citizenship Survey, formerly the Home Office Citizenship Survey (HOCS) transferred to Communities and Local Government on 5th May 2006, and is a quarterly survey that, amongst other things, provides information about perceptions of racial prejudice and discrimination by public and private sector organisations. In connection with PSA 2 it is used to measure black and ethnic minority perceptions of fair treatment.

Data for British Crime Survey is collected quarterly and updated on a rolling basis. The data supplier, BMRB Social Research, carries out checks to reduce the risk of the results of interviews being processed in error and a quarterly review of datasets for consistency prior to their electronic submission to the Home Office. The Home Office undertake a monthly sample check to ensure that offences have been accurately coded and investigate significant variables in the submitted data file against previous verified data.

9. **PSA 3:** Reduce unfounded asylum claims as part of a wider strategy to tackle abuse of the immigration laws and promote controlled legal migration.

Responsibility for this target is shared between the MoJ and the Home Office. An unfounded asylum claim is one where the applicant and dependants of the applicant have not been granted full refugee status under the 1951 UN Convention.

Data for this target is collected from the Applications and Initial decisions system. This is an IT system used by the UK Borders Agency to perform asylum tasks, including recording all applications for asylum, casework and decisions. It is updated regularly with data from the MoJ on the applications for Immigration Judge Appeals and their outcomes and from the Aria system (Asylum and Immigration).

10. **PSA 4:** By 2009/10, increase the proportion of care cases being completed in the courts within 40 weeks by 10%.

The data systems for this target centre on Her Majesty's Courts Service's HMCS FamilyMan (Care Centres) case management systems and Family Case Tracker (Family Proceedings Courts). Both systems depend on the accurate entry of data at the courts.

11. **PSA 5:** To achieve earlier and more proportionate resolution of legal problems and disputes by: (1) Increasing advice and assistance to help people resolve their disputes earlier and more effectively; (2) Increasing the opportunities for people involved in court cases to settle their disputes out of court; and (3) Reducing delays in resolving those disputes that need to be decided by the courts.

(1) – The English and Welsh Civil and Social Justice Survey conducted by BMRB, with the results processed by the Legal Services Research Centre is a household survey of people's experience of civil justice systems, the strategies employed to deal with them, barriers to advice, services and financial support for advice and representation, the impact of problems and the impact of advice. The survey was conducted in 2001 and 2004 and, since January 2006, has been carried out on a continuous basis.

(2) and (3) – These targets are measured by monitoring cases that are resolved in the county courts, excluding civil family matters, by collecting data from HMCS Caseman Computer System.



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