

# DCA Departmental Report 2006-07

Cm 7097 (Session 2006-07)

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## CORRECTIONS

The following are amendments to the text of the DCA Departmental Report 2006/07

1. Page 18, PSA Target 1. Text should read:

**Latest outturn**

AHEAD (supporting text remains unchanged)

2. Page 18, PSA Target 2, Measure of Public confidence in the CJS. Text should read:

**Latest outturn**

ON COURSE

Baseline (BCS 2002/03): 39%

Target (BCS 2007/08): an increase

Annual outturn (BCS 2005/06): 44%

Latest outturn (year to December 2006): 42%

Following publication of the latest BCS data to December 2006, progress in the target 'Public confidence in the criminal justice system' has not maintained the level of expected performance previously published in the Autumn Performance Report 2006.

3. Page 88, paragraph 9.66, first sentence. Text should read:

**Expenditure**

In 2006/07, The National Archives spent £58k on consultancy.

*June 2007*

LONDON: THE STATIONERY OFFICE



dca

Department for  
Constitutional Affairs  
Justice, rights and democracy



# Departmental Report 2006/07



This document (Cm 7097) is part of a series of three documents that make up the Departmental Report of the Department for Constitutional Affairs 2006/07. The other two documents are the 2006/07 annual report of the Scotland Office (Cm 7109) and the 2006/07 annual report of the Wales Office (Cm 7110). It is part of a series of departmental reports which, along with the Main Estimates, the document Public Expenditure: Statistical Analyses 2006/07, and the Supply estimates 2006/07: Supplementary Budgetary Information, present the Government's expenditure plans for 2005/08.



# DCA Departmental Report 2006/07

## The Government's Expenditure Plans for 2005-08

Presented to Parliament  
by the Secretary of State for Constitutional Affairs and Lord Chancellor  
and the Chief Secretary to the Treasury  
by Command of Her Majesty

May 2007

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## Foreword by Secretary Of State and Lord Chancellor

The Department for Constitutional Affairs has established itself over the past four years as a mainstream delivery department committed to delivering justice, upholding rights and promoting democracy.

The Department is responsible for upholding the rule of law and ensuring that our system of justice delivers for everyone. We remain committed to protecting and promoting people's rights and, equally, ensuring that people are held accountable for fulfilling their responsibilities. We continue to ensure that our democratic and justice systems work in the best way possible. We are determined that we will improve the ways in which people are able to engage with public institutions – reforming our constitutional arrangements so they are fit for the 21st Century and importantly giving the public increased confidence in them. Achieving this has underpinned all that we as a Department have done.

As a department we have undergone significant change since our creation in 2003. Change which we have dealt with and implemented extremely well. Over the past 12 months we have consolidated these successes, and we have continued to work towards improving things for the public further. This year we have continued to see success achieved right across the department. Everyone who is part of DCA can be justifiably proud the progress we have made over the past year. This report sets out in detail what has been done, but I wanted to highlight just a few areas where real progress has been made.

In criminal justice our program of delivering simple, speedy, summary justice in magistrates' courts has had great effect. Through the running of four pilots, we have seen positive results and a real change in the justice system. Guilty pleas at first hearing have increased by 30% and the number of interim hearings has fallen by 70%. Cases are being dealt with faster. The combination of closer inter-agency working, the hard work of staff and judges and magistrates being even more robust in managing their courtrooms has meant we are seeing justice delivered more efficiently and effectively. Reducing the amount of court time that is wasted has resulted in the time it takes for justice to be delivered falling. This has only been made possible because of the dedication of all involved and a collective desire to transform the criminal justice system. In February I announced that we were extending the program and rolling it out across England and Wales. Over the coming year we will see courts up and down the country delivering justice simply, speedily and summarily. Leading to a change in the public's experience of the criminal justice system and an increase in the public's confidence in the delivery of justice.

We have also sought to increase confidence in justice by ensuring courts are working in communities and for communities. We have seen continued evidence of the positive effect that community courts, like those we have in Liverpool and Salford, make to the community. In November I announced we were creating a further ten community courts around the country, building on all that we had learnt through our two pilots. In addition to this we are also keen to see all justice centres and magistrates courts embracing community justice principles in their day to day work. Community justice works because it puts the focus on the needs of the community and gives the community a voice. It makes a real difference to confidence in the justice system, because they see it making a real difference to the community.

We are also working hard with the Judicial Appointments Commission to create a more diverse judiciary, for the effective delivery of justice depends on it. Increased diversity will lead to greater judicial understanding of the issues that communities face, day-in-day-out and the wider the diversity of the judiciary the wider the perspective from which decisions are made. I am enormously proud of our judiciary, it consistently displays the highest standards of probity and professionalism in dispensing justice. But to retain that high standing the pool from which they are drawn must widen. Quality and public confidence will only be maintained if we have diversity.

Legal Aid is a vital component of ensuring there is confidence in justice. Without it many of the most socially excluded and vulnerable would be left without representation at all. In July, Lord Carter of Coles published his final report on the procurement of legal aid. In response to his report we published our plans, which are designed to secure the future of legal aid. They are due to come into effect during the forthcoming year and will act in addition to the means testing for criminal cases which we have already introduced in magistrates' courts. Our plans for legal aid are vital in ensuring there is representation for those who can least afford it, and will help provide a fairer deal for the public. In the last ten years spending on legal aid has increased by 37% and the legal aid budget is now over £2bn. This level of increase is not sustainable and the action we have taken ensures that legal aid can remain a vital part of our welfare system for years to come.

This year has also seen our Legal Services Bill come before Parliament. The Bill will bring much needed reform to our legal services market. In addition to increasing public confidence through increasing transparency and setting up an oversight regulatory body, the Bill also allows for legal firms to take advantage of alternative business structures. Allowing them to be more responsive to the demands of the market and more flexible in innovation. The reform is designed to not only increase confidence but drive up further the quality and reputation of the legal profession, bringing advantages for the consumer, the profession and the UK.

Human Rights have rarely been far from the headlines over the past year. In May the Prime Minister asked me to undertake a review of the Human Rights Act (HRA) in order to identify how well it was working and whether any changes needed to be made. The review found that the HRA had contributed much to the formulation of policy and was not having a detrimental effect on our courts. It found that the impact of the Act was overwhelmingly positive. The problem lay in that often the Act was misapplied by decision makers and misreported by the media. To address this I have launched an ongoing campaign entitled 'Human Rights: Common sense and Common values'. We are committed to working with decision makers to ensure that they are applying the Act correctly. Guidance has been produced to help inform decision making and we will be continuing to look for new ways over the coming year to ensure that we are getting the common sense message across. Human Rights are for the majority, and should give confidence to the public, not undermine it.

The department has also been successful in improving the level of democratic engagement in society. After gaining Royal Assent in July, the Electoral Administration Act will be in effect for the elections in May 2007. As well as providing funding for local authorities to run projects designed to encourage engagement, particularly with young and ethnic minority groups, the Act also puts a duty on Electoral Registration officers to take all steps necessary to encourage voter registration. There was an increase of over half a million voters registering last year as a result. Importantly the Act also takes a number of steps to ensure the integrity of elections is maintained.

Our department has achieved a considerable number of successes over the last year, working to increase public confidence in a huge range of areas. All of this has only been possible because of the hard work and commitment of staff right across DCA. The reforms to the court service and the Tribunal Service, as well as other areas of DCA have ensured our focus is on delivering for the public. The Tribunals Service, in its first year of operation, has dealt with the transition extremely well and is now looking to drive forward its performance. The Courts Service continues to deliver a high quality service and, building on this, plans to further improve the public's experience of the courts system over the coming year.

This department has shown it is not only capable of dealing with change, it is capable of delivering change. We have delivered a number of reforms since 2003 all with the aim of increasing public confidence in the work of our institutions. We have achieved much so far, but there remains much to do.

Further reform is required. This will be better achieved through the creation of a Ministry of Justice, a completely new department which will come into being on the 9 May 2007. It will bring together the current responsibilities of the Department for Constitutional Affairs with the National Offender Management Service, including criminal law and sentencing policy, and will provide clear leadership in driving forward the outcomes of the justice system.

This reform represents a significant step in our commitment to the delivery of justice and is a further logical step in our programme of constitutional reform. It reflects the Government's desire and drive to give the country the justice system it deserves and to achieve its objectives of protecting the public and reducing crime and re-offending.

The delivery of these reforms represents a challenge, but I am confident that the professionalism and commitment of the prison and probation officers, court staff and all those working in the new Ministry and across the justice system will ensure that we make the most of this opportunity.

The image shows a handwritten signature in black ink. The first line of the signature reads "Charlie" in a cursive, flowing script. The second line reads "Falconer" in a similar cursive style, with the letters being more compact and slanted.

**Rt Hon Lord Falconer of Thoroton**  
**Secretary of State for Constitutional Affairs**  
**and Lord Chancellor**



## Foreword by the Permanent Secretary

This has been a challenging but successful year for the Department, during which we have implemented significant change and continued to deliver an improved service to the public.

Driving up performance, developing our people, increasing value for money and providing services that meet the needs of the public and the requirements of government are what we are focussed on doing.

To test the progress we are making across all these areas I volunteered the Department to pilot the Cabinet Office Capability Review programme that will assure the effective delivery of key public services. I am pleased with the results from this, which recognise the considerable progress the Department has made since it was formed in 2003. I am also very proud that the review identified a strong commitment from people working for and with the Department to improving the services we provide to the public. The first formal six-monthly stocktake took place in January 2007 and concluded that good progress had been made, however, there is still more to do especially in the areas of Legal Aid reform; Departmental Management Board maintaining current progress and demonstrating their commitment more widely to the Senior Civil Service (SCS) and staff on delivery; improving DCA SCS perceptions of leadership within the management team; and implementing the pay and grading programme.

At the same time we have been making major improvements that make a real difference to our customers and users service experience. We have also been implementing some large scale organisational changes to make some of our services more joined up, more accessible to users and increase efficiency.

The formation of the Tribunals Service on 16 April 2006 brought together 23 tribunals across Government into a single organisation. It involved 3000 staff from six major government departments working from over 130 locations. This is only the first step in a programme of reform that will see a new single management structure in place. It will also provide new shared locations for some tribunals providing better access to services for customers.

Her Majesty's Courts Service has continued to deliver a high quality service. In response to the *Criminal Justice: Simple, Speedy, Summary* paper, HMCS successfully piloted ways of improving efficiency and effectiveness in four magistrates' courts areas, and will be rolling this out nationally by end of 2007. It has also progressed a number of programmes and pilots including means-testing of legal aid in magistrates' courts, establishment of a National Enforcement Service, expansion of the specialist domestic violence court programme, dedicated drugs court pilot, and the upgrading of witness and prison video links.

As part of our ongoing work to develop our people and integral to our reform and delivery programme there has been a continuing focus on leadership and teamwork. During 2006 we have continued our programme of developing leadership skills for the SCS.

We have also established a 'Future Leaders' programme that identifies and develops people with the potential to rise to senior levels within the Department and provides a structured programme of skills development and career progression.

A new pay and grading system has been designed for staff that will provide a common set of terms and conditions of employment for the whole of DCA, harmonising pay, reward and grading structures. This new approach to recognising and rewarding staff will enable us to create a modern, efficient and effective Department that can continue to deliver excellent public services. This will be implemented during 2007 for DCA staff and will now need to consider the wider implications of the new Ministry of Justice.

DCA places great importance on diversity. In autumn 2006, we made further changes to the way the diversity agenda is co-ordinated and taken forward across the business setting up a programme team to ensure that we fully deliver on our statutory requirements under new equality legislation covering gender, race and disability.

We published our Disability and Race Equality Schemes in December 2006 and the Gender Equality Scheme will be published at the end of April 2007. Diversity impact assessments are now used by policy makers to ensure they take account of diversity issues when developing new policies and a programme of seminars on raising awareness of human rights is underway. We also continue to take forward the Civil Service 'ten point plan' to improve the representation of people from minority groups in the SCS and the feeder grades.

I continue to be impressed by the enthusiasm and dedication of staff working across the whole Department, and their capacity to positively embrace change. I have been proud to lead a department with such a strong commitment to providing public services and am pleased to be welcoming them, and their colleagues from the National Offender Management Service and the Office for Criminal Justice Reform, to the new Ministry of Justice on 9 May. I am excited by the opportunities this provides and by the new challenges that it will bring. I am confident that those who will be working in the new Ministry, whether in the provision of front line service to the public – such as HM Prison Service, National Probation Service, the Tribunals Service or HM Courts Service – or at the centre of the Department will rise to these challenges and make this next step in the programme of constitutional reform a success.

A handwritten signature in black ink that reads "Alex Allan". The signature is written in a cursive style and is positioned above a horizontal line.

**Alex Allan**  
Permanent Secretary

## Executive summary

It is the responsibility of DCA to uphold justice, rights and democracy through serving the public but also by supporting legal service providers.

### Justice

DCA is working closely with the Home Office (HO), Crown Prosecution Service (CPS) and other agencies throughout the Criminal Justice System (CJS) to reduce crime and antisocial behaviour and to ensure that the public has a justice system that they value and trust.

#### More offences brought to justice

Latest performance shows that 1.399m offences have been brought to justice in the year to December 2006. This is a 39.6% increase since the year to March 2002. *(Data are provisional and subject to change – contains estimates for missing data)*

#### Victims and witnesses

We have continued to improve the experience of victims and witnesses. Investment in accommodation has led to improvements and the introduction of priority minimum standards in the Crown and magistrates' courts helping to ensure that witnesses feel safe and secure.

A pilot project, providing witnesses with a DVD about what they can expect at court, has helped witnesses feel more informed and confident about giving evidence. There are plans to roll this out across the country and provide the DVD in different languages.

A pilot giving bereaved family members the opportunity to make an oral statement in murder/manslaughter cases is now underway and will be evaluated in October 2007.

#### Delivering simple, speedy, summary justice

In July 2006, the Secretary of State set out an ambitious programme of reforms to improve the CJS, speed up delivery of justice and put victims at the heart of the process. Proposals include dealing more quickly and effectively with low-level offences outside the courts, radically improving the speed and effectiveness of the magistrates' courts and improving timeliness of the Crown Court by removing unnecessary procedures. Pilots in the magistrates' courts have shown a 30% increase in guilty pleas at first hearing and a 70% reduction of interim hearings. This has meant there is less time

between first hearing and trial. We are now looking at methods of improving speed and effectiveness in the Crown Court with a view to applying them to court centres.

#### Community justice

Community justice is a way of connecting courts and communities to improve the understanding between the two. Pilots have been set up in North Liverpool and Salford bringing together a courtroom, criminal justice agencies, voluntary services and local people to all tackle local problems. Building on the success of these pilots, we plan to take the concept of community justice to a further ten areas across England and Wales.

#### Engagement with black and minority ethnic communities

DCA is working to increase the diversity of the judiciary through the Magistrates' National Recruitment Strategy. This aims to make the bench more accessible to black and minority ethnic (BME) and local people, making it more representative of the communities it serves. Outreach activities through 'Operation Black Vote' have increased awareness and BME representation, reflecting the size of the BME community shown in the 2001 population census.

#### More effective ways of solving disputes

We continue to help people resolve disputes early through promoting mediation as an alternative to court. The National Mediation Helpline took 122% more calls in 2006 than the previous year and received an award for innovation from the Centre for Effective Dispute Resolution.

#### Faster asylum and immigration appeals

Challenging new targets have been set for the Asylum and Immigration Tribunal (AIT), to improve the appeals process and reduce appeals' waiting times. We have streamlined processes helping to reduce the duration of asylum appeals, reducing the number of unfounded appeals and ensuring genuine claimants are dealt with swiftly.

#### Lawyers and legal aid meeting the needs of the law-abiding public

Reform of the legal aid system is essential if we are to place legal aid on a sustainable basis for the future so that it continues to provide a service for the vulnerable.

The Government set out its proposals in the *Legal Aid Reform: the Way Ahead* published on 28 November 2006, following a consultation on the future of legal aid. These further develop the Government's strategy for legal aid as set out in *A Fairer Deal for Legal Aid*<sup>1</sup>, published in July 2005 which set out the need to rebalance spending between civil and criminal legal aid.

The reforms in *Legal Aid Reform: the Way Ahead* are aimed at ensuring we get a better deal for clients, taxpayers and legal aid practitioners by moving to a market-based approach and promoting greater efficiency in the wider justice system. Our intention is to help more people with their problems and ensure that access to justice remains at the heart of our society

## Rights

### Raising awareness of individuals' rights and improving access to services

We continue to raise awareness of people's rights. In October 2006, we published the new *DCA Human Rights Toolkit*. Our ongoing support for measures such as CLS Direct (a telephone advice line for civil matters) and reforming legal aid, ensure that resources are focused on those in greatest need.

### Protecting individuals' rights

Working closely with other Government departments and agencies, we remain focused on protecting the vulnerable and socially excluded in society.

Compensation culture – The Compensation Act came into law in July 2006. This introduced statutory regulation of claims' management services in order to tackle poor practice in the claims management sector and provide additional safeguards for the public against rogue companies.

Information rights – In September 2006, DCA published the *Information sharing vision statement*. This sets out the Government's commitment to sharing information between public services to expand opportunities for the most disadvantaged, fight crime and provide better public services.

Data protection – DCA is promoting better public understanding of data protection in close co-operation with the Information Commissioner's Office. It has published a consultation paper on proposals to increase penalties available to the courts for people who deliberately misuse or abuse personal data.

European relations – DCA led the UK in EU negotiations on a European order for payment and small claims procedures, and the setting up of a Fundamental Rights Agency.

## Democracy

### A modern department focused on the public's priorities

In accordance with the Constitutional Reform Act 2005, a Supreme Court for the United Kingdom will replace the current Appellate Committee of the House of Lords as the final court of appeal in the United Kingdom of Great Britain and Northern Ireland (with the exception of criminal cases in Scotland). This is a key change in the relationship between Parliament, Government and the judiciary and will provide greater separation and transparency between the judiciary and the legislature.

### A strong, independent and diverse judiciary

DCA is committed to increasing the diversity of the judiciary. Following the creation of the Judicial Appointments Commission in April 2006, and the Judicial Diversity Strategy, announced by the Secretary of State in May 2006, we have developed a more transparent process to encourage a wider range of applicants through fair and open selection processes based solely on merit.

### Citizens engaged with democracy

DCA is committed to strengthening democracy by improving people's access to the electoral system, ensuring confidence in the integrity of the system and by increasing the interaction between the citizen and state between elections.

The Electoral Administration Act came into law in July 2006. Its aim is to make elections and registration more accessible for voters, more secure, and more efficient. Innovative voting methods were trialled during the local elections in May 2006 with a further 12 pilots planned for May 2007.

<sup>1</sup> Department for Constitutional Affairs, *A Fairer Deal for Legal Aid* (July 2005) Cm 6591

## Delivery

### Delivering justice, rights and democracy

DCA's five-year strategy<sup>2</sup> is based on the priorities of reducing crime, speeding up asylum and immigration appeals, protecting the vulnerable, faster and more effective dispute resolution and renewing the relationship between the public and the state.

DCA reached a settlement on the 2007 Comprehensive Spending Review (CSR) for the years 2008/09 to 2010/11, which was announced by the Chancellor in his December 2006 pre-budget report. Our core funding (including provision for legal aid) will be reduced by 3.5% annually compared with 2007/08 funding, taking our budget to approximately £4bn per year over the CSR period.

This early settlement allows us to start planning how best to spend the money. We have produced a departmental operating plan setting out financial and business proposals for the next five years, which will form the basis for all planning work. Our settlement means that we will have to make efficiencies and look for ways to deliver better services for the same amount or less money. We have £100m for a substantial modernisation programme, enabling us to continue delivering an efficient and effective justice system which supports the rights and needs of victims, witnesses, defendants and those who use our tribunals.

## Putting the public first

### Tribunals Service

We have worked to bring together many of the largest central Government tribunals, providing real improvements in services to tribunal users. The Tribunals Service was launched in April 2006 and provides an independent judicial service for resolving a wide range of disputes. It is a critical part of the system through which people are guaranteed access to rights and justice. Tribunal cases range from appeals made against decisions made by Government departments covering areas such as benefits, immigration, taxes and criminal injury compensation, to the educational requirements of children with special needs and learning disabilities. Employment tribunals determine a wide range of claims in respect of employment rights and other tribunals deal with regulatory decisions on issues such as pensions, financial services and transport.

### HMCS change programme

As part of the HMCS change programme, a reduction in the number of administrative areas from 42 to 25 has allowed HMCS to streamline its management structure and build a solid and stable foundation for delivering the HMCS strategy. The programme aims to improve the CJS, in partnership with the Office for Criminal Justice Reform (OCJR) and other criminal justice agencies, modernise magistrates' courts, transform the civil and family courts and rationalise the court estate.

## A motivated, effective and efficient department

### Diversity

DCA attaches great importance to diversity and the new equality and diversity policies were among the first new policies introduced in April 2005 for the expanded DCA. We now have six networks providing support and advice to staff on disability, caring, women's, minority ethnic, sexual orientation and faith issues.

### Capability Review

*The Capability Review*, published in July 2006, recognised the considerable progress DCA had made since it was created in June 2003, especially the strong commitment to improving the services we provide for the public. The review also identified some areas for improvement and a two-year improvement plan was developed. The first formal six-monthly stocktake took place in January 2007 and concluded that good progress had been made. A further review will take place in summer, assessing progress one year after the Capability Review was published.

### Efficiency

DCA aims to make the best use of our resources and to ensure that the public receives value for money. The Department is required to deliver financial savings of £292m, 1,100 headcount reductions, and to relocate 200 posts outside London and the South East by March 2008. Cashable savings will be re-invested into front line services. Non-cashable savings will provide a greater output for the same resources. Two years into the programme, we have made substantial progress and the latest forecasts show that we will meet all our efficiency targets.

<sup>2</sup> Delivering Justice, Rights, and Democracy: DCA Strategy 2004-09 published in December 2004



# Chapter 1: Purpose

## ▶ Justice

Fair and effective justice for all

## ▶ Rights

Rights with responsibilities

## ▶ Democracy

Open and accountable democracy

**Upholding justice, rights and democracy**

## Purpose

**1.1** DCA is the Government department responsible for upholding justice, rights and democracy – the foundations of a civilised society. We work from the simple rule that we exist to serve the public, not the providers.

**1.2** Our role is to drive forward the reform and improvement of the legal and justice system in England and Wales. We are responsible for upholding the rule of law and for reforming and safeguarding the constitution so that they serve the public effectively.

**1.3** Our priorities for the next five years are to:

- reduce crime and antisocial behaviour, protecting the rights of the law abiding citizen and making our communities safer
- speed up the asylum and immigration appeals system as part of delivering a fair, effective and efficient overall migration process
- protect the vulnerable, especially children at risk and the socially excluded
- enable people to resolve their problems better by promoting and delivering faster and more effective dispute resolution
- strengthen democracy, rights and responsibilities by renewing the relationship between the public and the state.

**1.4** This report summarises our progress against these goals during 2006/07 and our programme of work for 2007/08.

## Strategic objectives

**1.5** The Secretary of State has set the Department's four strategic objectives:

- Objective I: To provide criminal, civil, family and administrative justice systems that command public respect and confidence
- Objective II: To ensure that the public, especially the socially-excluded and vulnerable, have access to excellent services, which enable them to exercise their rights in law and understand, exercise and fulfil their responsibilities

- Objective III: To enable the development of democratic institutions of government that command public confidence
- Objective IV: To create a modern, efficient and effective department that has the capacity and capability to deliver excellent public services.

## Public Service Agreement targets

**1.6** The Department has agreed a set of challenging Public Service Agreement (PSA) targets for the period covered by the 2004 Spending Review. The first year of that period (2005/06) is also the last year of the period covered by the 2002 Spending Review. Progress against the 2004 targets is covered in chapter 2.

## How we are organised

### Our responsibilities and functions

**1.7** DCA is responsible for the administration of the courts in England and Wales (through HM Courts Service), the administration of the major central government tribunals in the UK (through the Tribunals Service) and for the overall management of legal aid (through sponsorship of the Legal Services Commission). Our annual budget for 2006/07 was £3.8bn of which approximately £0.9bn was spent on the courts and £2bn on legal aid.

**1.8** Three sister departments – the Northern Ireland Courts Service, the National Archives and HM Land Registry – report directly to the Secretary of State for Constitutional Affairs. Also associated with DCA are a number of organisations such as the Public Guardianship Office, the office of the Public Trustee and Official Solicitor, the Law Commission, the Office of the Legal Services Ombudsman, Her Majesty's Inspectorate of Court Administration and the Judicial Studies Board.

**1.9** The Constitutional Reform Act came into effect from April 2006 and introduced a major shift in the role and responsibilities of the Lord Chancellor and the Lord Chief Justice. The Lord Chancellor continues to be the Government Minister responsible for the judiciary and the courts system, but he is no longer a judge or head of the judiciary. The Lord Chief Justice of England and Wales has taken on this latter role and performs many of the judicial functions formerly undertaken by the Lord Chancellor.

**1.10** The following new organisations were created in April 2006 to support the Lord Chancellor and Lord Chief Justice in their new roles:

- Independent Judicial Appointments Commission for England And Wales
- Judicial Appointments and Conduct Ombudsman
- Office for Judicial Complaints.

**1.11** A Supreme Court for the United Kingdom will be set up in October 2009.

**1.12** The administrative functions of the Scotland Office (including the Office of the Advocate General for Scotland) and the Wales Office are part of DCA. Responsibilities for the maintenance of the relationship between Westminster and the devolved administrations in Edinburgh and Cardiff remain with the Secretary of State for Scotland the Secretary of State for Wales respectively.

#### **Ministers and senior officials**

**1.13** The Secretary of State and Lord Chancellor is the Rt Hon Lord Falconer of Thoroton.

**1.14** The Secretary of State is supported by a ministerial team and a departmental management board, led by the Permanent Secretary, Alex Allan.

**1.15** The ministerial team joins with the Permanent Secretary and senior officials from the Department and the Legal Services Commission (LSC) to form the Ministerial Executive Board (MEB), chaired by the Secretary of State. This oversees both progress on the strategy and policy priorities set by the Secretary of State and its delivery arms, and the operation of the Department. It identifies actions to ensure that strategy and policies are delivered effectively and maintains an overview of the Department's financial position. It also maintains high standards of propriety and corporate governance and oversees relationships with key DCA stakeholders.

**1.16** The MEB benefits from the experience and input of non-executive members:

- Sir Peter Bonfield (formerly chief executive of British Telecommunications Plc)
- Professor Georges Selim (chair, DCA Corporate Audit Committee)
- Rt Hon Lord Justice Leveson (Senior Presiding Judge of England and Wales) from January 2007
- Rt Hon Lord Justice Thomas (formerly Senior Presiding Judge of England and Wales) until end December 2006
- Trevor Hall (equality and diversity advisor to the Permanent Secretary) until end December 2006
- The Honourable Barbara Thomas (until end December 2006).

## How we are organised (as at April 2007)

### Ministers

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Lord Falconer  
of Thoroton



Harriet Harman  
QC MP



Baroness  
Ashton of  
Upholland



Bridget Prentice  
MP



Vera Baird  
QC MP

### Departmental Management Board

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Alex Allan



Ursula Brennan



Rod Clark



Ron De Witt



Yvonne Gallagher



Peter Handcock



John Lyon CB



Barbara  
Moorhouse



Carolyn Regan



Beverley Shears

## Chapter 2: Performance in 2006/07



**Delivering on our  
Public Service  
Agreement targets**

## SR2004 PSA targets: performance table

### Target 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.  
(Contributes to Criminal Justice System PSA)

#### Measures

Increasing the number of crimes for which an offender is brought to justice (OBTJ).

#### Latest Outturn

**ON COURSE**

Latest performance shows that 1.399m<sup>3</sup> offences were brought to justice in 2006 (Year to December)

### Target 2

Reassure the public, reducing the fear of crime and antisocial behaviour, and building confidence in the criminal justice system (CJS), without compromising fairness.

Responsibility for the three reassurance elements of this target lies with the Home Office and will be reported on in their Departmental Annual Report. The three confidence elements as set out below are shared between the Home Office, the DCA and the Crown Prosecution Service.

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

#### Measures

##### Public confidence in the CJS

This is determined using questions in the British Crime Survey (BCS) which ask whether the public believes the CJS is effective in bringing people who commit crimes to Justice.

#### Latest Outturn

**AHEAD**

Baseline (BCS 2002/03): 39%  
Target (BCS 2007/08): an increase  
Annual outturn (BCS 2005/06): 44%  
Latest outturn (year to December 2006): 42%

##### Ethnic minority confidence

This is determined using questions in the Home Office Citizenship Survey (HOCS) which asks whether people from a black or minority ethnic background believe the CJS would treat them worse than people of other races.

**ON COURSE**

Baseline (HOCS 2001): 33%  
Target (Citizenship Survey 2007): a decrease  
Annual outturn (HOCS 2005): 31%<sup>4</sup>

##### Victim and witness satisfaction

This is measured using BCS questions on victim and witness satisfaction with the CJS.

**ON COURSE**

Baseline (BCS six months to March 2004): 58%  
Target (BCS 2007/08): an increase  
Annual outturn (BCS 2005/06): 59%  
Latest outturn (year to December 2006): 60%

<sup>3</sup> The England and Wales figure includes estimates for missing data. Data are provisional and subject to change.

<sup>4</sup> HOCS is now the Citizenship Survey following the transfer of Communities Group from the Home Office to the Department for Communities and Local Government. The 2005 Citizenship Survey, which currently runs every two years. The CS is moving to a rolling quarter basis from April 2007, but the first quarterly data will not be available before July.

### Target 3

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 Home Office)

#### Measures

##### Reduce unfounded asylum claims

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 being 2002/03.

#### Latest Outturn

##### AHEAD

Baseline (2002/03): 70,200  
Target: a reduction  
Latest outturn (2005/06): 38,800

### Target 4

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

#### Measures

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

(NB: 10% means 10 percentage points).

The target will be met if by 2009/10 the county courts (care centres) achieve 48% and the magistrates' courts (Family Proceedings Courts) achieve 56%.

#### Latest Outturn

##### SLIPPAGE

In the current financial year to date (April to February 2007), the performance for 2006/07 is:

County courts (care centres): 41.7%

Magistrates' courts (Family Proceedings Courts): 53.1%

The reasons for cases not being completed within 40 weeks are varied and complex. A detailed programme of work is underway to deliver the PSA target through implementation of the care review<sup>5</sup>. This includes implementation of revised statutory guidance to local authorities and a revised judicial case management protocol.

Other work including the introduction of case progression officers and the judicial-led 'gatekeeper' initiative are delivering benefits at a local level.

<sup>5</sup> Review of the child care proceedings system in England and Wales – published May 2006

**Target 5**

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.

Measures	Latest Outturn
<p><b>Increasing advice and assistance to help people resolve their disputes earlier and more effectively.</b></p> <p>Target will be achieved with a 5% increase from 47.5% to 49.9% in the proportion of justiciable problems 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 (formerly the National Periodic Survey of Justiciable Problems), which commenced early in 2006.</p>	<p><b>SLIPPAGE</b></p> <p>44.5% (February 2007)</p> <p>The level of actual acts of advice reported in the survey has increased since the baseline year (2004). Increases in LSC acts of advice and the more widespread use of government helplines were major contributors to the growth in advice provision across society during the past year.</p> <p>Despite the increase in actual advice provision, there has been slippage against the PSA target. The survey reported a rise in problems which has outstripped the increased volume of advice provision. We are looking into the reasons for this increase to see where advice provision might be best targeted in the future.</p>
<p><b>Increasing the opportunities for people involved in court cases to settle their disputes out of court.</b></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>SLIPPAGE</b></p> <p>40.7% (January 2007)</p> <p>Performance has improved significantly since July 2006 and will be further boosted through the national roll-out of small claims mediation services in 2007/08.</p> <p>(NB: Data is for the 12 months to January 2007)</p>
<p><b>Reducing delays in resolving those disputes that need to be decided by the courts.</b></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>ON COURSE</b></p> <p>80.5% (February 2007)</p> <p>Performance has deteriorated slightly in recent months although we are still within target range. Measures are now being put in place which should ensure that the target level is met by the end of the PSA period (March 2008).</p> <p>(NB: Data is for the 12 months to February 2007)</p>

## Chapter 3: Reducing crime and antisocial behaviour



**Delivering justice  
efficiently, effectively  
and proportionately  
– inspiring and  
maintaining the  
confidence of the  
community we serve**

## DCA's role

**3.1** Working through Her Majesty's Court Service (HMCS) we strive to deliver justice efficiently, effectively and proportionately, and in doing so, inspire and maintain the confidence of the community we serve.

**3.2** HMCS is an executive agency of DCA which provides administration and support for the Court of Appeal, the High Court, the Crown Court, and the magistrates' courts as part of the Criminal Justice System (CJS).

**3.3** We continue to drive forward reform and improvements with our partners in the CJS in order to meet our objectives to reduce crime and re-offending and to protect the public.

**3.4** Our responsibilities include:

- the delivery of simple, speedy and summary justice
- the effective enforcement of criminal penalties
- ensuring that communities have confidence in the courts and the CJS
- delivering a professional and effective service for victims and witnesses, jurors, professional users of the court and the public.

**3.5** The role of DCA in the CJS is to ensure the fair, efficient and effective delivery of justice through the courts. We can only make an effective contribution if we work in partnership with other agencies and departments.

**3.6** DCA is one of three departments jointly responsible for the CJS. We share this responsibility with the Home Office, which oversees the police and the National Offender Management Service (NOMS), Prison Service and Probation Service, and the Office of the Attorney General, which oversees the Crown Prosecution Service (CPS), the Serious Fraud Office and the Revenue and Customs Prosecutions Office.

**3.7** The Government body responsible for co-ordinating the efforts of these departments and agencies is the Office for Criminal Justice Reform (OCJR). OCJR is a cross-departmental organisation with staff from, and reporting to, Ministers in all three Government departments. It drives forward improvements set out by the National Criminal Justice Board (NCJB), which is made up of Ministers and senior officials.

**3.8** The NCJB provides co-ordination at central government level, with Local Criminal Justice Boards (LCJBs) providing the co-ordinated force to fight crime within each CJS area (see [www.cjs.online.uk](http://www.cjs.online.uk) for a description and links to how these local boards work in each of 42 local criminal justice areas in England and Wales).

**3.9** The role of the LCJBs is to contribute locally to the delivery of the CJS PSA targets to bring 1.25m offences to justice in 2007/08 and improve levels of public confidence in the CJS as well as a number of supporting measures. The boards are made up of chief officers from the police, courts, CPS, NOMS and Youth Offending Teams. The line of accountability, in addition to that of the individual agencies, is to the NCJB.

## Efficient and effective courts

**3.10** We are currently contributing to several programmes designed to improve the efficiency and effectiveness of the court system. These focus on different areas of the court system, from streamlining the pre-trial process to improving the service victims and witnesses receive before and during their time in court.

### The Criminal Case Management Programme (CCMP)

**3.11** CCMP brings together three key initiatives:

- 'Charging initiative' – focuses on the criminal process pre-court, ensuring that a strong case with the right charge is in place from the start
- 'Effective Trial Management' – builds on these cases involving case preparation and progression, ensuring trials go ahead as planned
- 'No Witness, No Justice' – aims to improve the service for victims and witnesses, and is supported by the above programmes of work.

**3.12** National roll-out for these initiatives was completed at the end of 2005/06 with further work to fully realise the benefits continuing throughout 2006/07.

### PROGRESS system

**3.13** When people fail to comply with court orders or directions, the effectiveness of case management and case progression can suffer as a result. In response, an IT system is being developed which will support the case progression function in the CPS, magistrates' and Crown Courts and in defence solicitors' firms. This system, PROGRESS, is a joint

product of the Criminal Case Management Delivery Unit and Criminal Justice IT and will help case progression officers manage compliance with orders and directions of the court, through the provision of case details, case progression information, recording and tracking directions and actions assigned in a case. In addition, it will link up the business processes of the courts, CPS and defence solicitors, bringing greater consistency to business practices, and will encourage and promote joined-up working.

### **Criminal Justice: Simple, Speedy, Summary (CJSSS)**

**3.14** 'Criminal Justice: Simple, Speedy, Summary' encompasses a range of practical measures to improve the speed and effectiveness of the courts-based CJS.

**3.15** The vision is to deliver a CJS that is:

- Simple: dealing with some cases by way of warning, caution or some other effective remedy to prevent re-offending without the court process
- Speedy: those cases that need the court process will be dealt with fairly, but as quickly as possible
- Summary: a much more proportionate approach still involving due process – for example dealing with appropriate cases the day after charge or during the same week.

**3.16** The strategy is being taken forward in partnership with the judiciary and criminal justice agencies, including OCJR, Association for Chief Police Officers (ACPO), CPS, NOMS and the legal professions.

**3.17** We are working with our criminal justice partners to improve the service by eliminating unnecessary hearings and reducing the time taken to conclude cases in the magistrates' and Crown Courts.

**3.18** Significant progress has been made in the magistrates' courts during 2006 through four pilot projects. These have resulted in:

- the average time taken from charge to conclusion is now 23 days (just under five weeks), down from 48 days

- earlier identification of guilty pleas – pilots showed a 30% increase in guilty pleas at first hearing
- 60% of the 1,868 guilty pleas that were entered at first hearing were dealt with on the day
- 70% reduction in interim hearings (additional hearings between first hearing and trial)
- a large reduction in the time taken between first hearing and trial – the aim is now for trials to be listed in six – 10 weeks
- as a consequence of these improvements, there has been a decrease in cases awaiting court. Between June and September 2006, there was a reduction from 3,100 to 2,700 cases in Coventry; and in West Cumbria, a reduction from 950 to 600 cases over the same period.

**3.19** Magistrates' courts streamlining will be introduced across England and Wales during 2007. All local justice areas will have partially implemented the scheme by August with a target of full implementation by December 2007.

**3.20** In the Crown Court, a review took place in 2006 to identify areas for improvement. Since then HMCS and OCJR have been working with the judiciary to identify best practice that can be replicated in suitable court centres, to improve speed and effectiveness. During 2007, these best practice methods will be implemented across the Crown Court.

### **Supporting magistrates to provide justice**

**3.21** The *Supporting Magistrates' Courts to Provide Justice* White Paper was published in November 2005. This reviewed our progress since the communications exercise carried out in 2004 and set out the Government's plans for making magistrates' courts better connected to their communities, more respected and more effective. As well as improving efficiency and timeliness in magistrates' courts, the measures include new enforcement practices, community justice pilots, specialist courts, the recruitment and retention of magistrates and improvements for victims, witnesses and jurors. Already a third of the commitments outlined in the White Paper have been met, and work on the others continues.

### **Criminal Procedure Rule Committee**

**3.22** The Criminal Procedure Rule Committee, an advisory non departmental public body (NDPB), continued its work to streamline and modernise the rules underpinning the running of trials in criminal courts. The committee, which is chaired by the Lord Chief Justice, is supported by officials from across the CJS. This ensures that early and full discussion of the operational implications of rule changes can take place. Other officials appear on occasion before the committee to update them on policy developments, such as CJSSS. These arrangements help to reduce the timescales for delivering improvements and efficiencies. The committee is also consulted when other bodies, the senior judiciary or Ministers are planning to change rules, such as rules about the appointment or training of magistrates.

**3.23** The committee has delivered two statutory instruments this year, the first relates to an expert's duty to the court and about pre-trial discussions between experts. It is expected to make an important contribution to the continuing efforts across the CJS to improve the ways in which expert witnesses are handled. In response to the Government's request, the committee also created new rules on the evidence of a complainant's previous sexual behaviour.

### **Current work programme**

**3.24** The committee is continuing to focus on making improvements to court procedures in order to speed up justice. The review of rules about advance information is being considered, in response to the CJSSS findings. Work is underway to update the appeal rules.

## **Focused on customers**

### **Victims and witnesses**

**3.25** Improving the CJS experience for victims and witnesses is a government priority. We are implementing a concise, consumer-focused strategy to ensure the needs of victims and witnesses are understood and met. The strategy comprises four areas of specific need of those attending court. These are:

- the need to be safe and comfortable
- be fully informed
- have their time valued
- have their contribution appreciated.

**3.26** Over the past year we have undertaken a number of projects to improve the experience of witnesses at court. A DVD providing information on what witnesses can expect when they go to court to give evidence was piloted in Nottinghamshire and Leicester. An evaluation of the pilot showed that 77% of those who watched the DVD felt "more informed about the process of going to court" and two out of three said they felt "more confident" going to court. A national roll-out of the DVD in different languages is planned for 2007.

**3.27** Following an audit of witness accommodation standards conducted in 2006, we have targeted investment to ensure all courts meet priority minimum standards. Specifically, improvements will be made to ensure witnesses feel safe and secure by installing secure locks on waiting room doors, fitting window blinds to waiting room windows and installing communication systems between waiting rooms and court/security staff.

**3.28** We have produced leaflets on the services and facilities available at courts for witnesses, including whom to contact at the court, what to expect on arrival and what happens after they have given evidence. A further leaflet is being produced which provides victims and witnesses with details of the standards they should expect from the court. The leaflets will be available from all Crown and magistrates' courts from spring 2007. A revamped HMCS internet site, providing victims and witnesses with in-depth information on what to expect when attending court was launched in December 2006.

**3.29** Following consultation, we launched 'Victim Advocate' pilots at five Crown Courts – the Central Criminal Court, Birmingham, Cardiff, Manchester Crown Square and Winchester. The pilots cover murder and manslaughter cases charged on or after 24 April 2006. The most significant innovation has been to allow bereaved relatives of the victim to make an oral statement on the impact of the crime, both after conviction and before sentence. Relatives of victims can also obtain up to 15 hours of free personal and social legal advice on matters arising from the death, but not pertaining to the criminal investigation and trial. The pilot will be independently evaluated in October 2007.

### **Improving the experience of jurors**

**3.30** Juror needs are considered of high importance, reflecting the Government's belief

that jury service is one of the most important civic duties a person can be asked to perform. In light of this, work is being undertaken to improve the juror experience from summons to completion of service.

**3.31** This includes a 'long trial strategy' involving a number of measures designed to assist those jurors who sit on longer trials. The information leaflet sent to jurors has been reviewed and updated. We are also updating the online 'virtual walkthrough' of jury service. We have developed an action plan to address the recommendations in HM Inspectorate of Court Administration's (HMICA) *Thematic Review of the Quality of Service provided by HMCS for Jurors in the Criminal Courts*. We have already acted on a number of the issues, such as providing funding to every Crown Court centre to provide additional lockers to jurors to store their possessions.

**3.32** We remain committed to ensuring that juries are diverse and reflective of the communities from which they are taken. Research undertaken by the University of Birmingham on ethnic representation in juries and the impact of race on jury deliberation will be published in May 2007 and we will be studying the findings closely.

### Building confidence and respect for the CJS through enforcement

**3.33** The effective use and enforcement of penalties, both financial and non-financial, is crucial to maintaining confidence in the CJS (PSA2). Increasing public confidence ensures that victims and witnesses are more willing to engage with the courts system, and that the public as a whole feels more protected. If the justice system is to be respected, offenders must realise that they cannot ignore the orders of the court.

**3.34** We aim to do this by demonstrating that court orders will be enforced and that justice is being done – fines and compensation must be paid, community penalties and confiscation orders must be enforced and attendance at court must be seen as compulsory. If enforcement performance is maintained at a sufficiently high level, it will have a positive effect on public confidence in the CJS as a whole. We are working with the magistracy, judiciary, Home Office, OCJR, the police, ACPO, CPS, HM Revenue and Customs (HMRC), Probation, NOMS, Department for Work and Pensions (DWP) and LCJBs to ensure that there is a co-ordinated approach to enforcement.

**3.35** The HMCS enforcement programme aims to deliver sustained improvement in both civil and criminal enforcement performance within the 42 criminal justice areas in England and Wales. It aims to ensure a joined-up approach to delivering an effective enforcement process, which will uphold the authority of the courts and send a clear message to offenders that the orders of the court must be respected. The programme has already successfully delivered against key milestones and continues to take forward a challenging range of work.

#### Fine enforcement

**3.36** Significant progress continues to be made to raise the profile of court fines as an effective penalty. A wide-ranging programme of legislative and procedural change has been introduced to improve the collection and enforcement of fines, as acknowledged by the National Audit Office (NAO) in its report on Fines Collection (May 2006). This includes a more pro-active approach by fines collection staff and implementation of a wider range of options for magistrates to deal with defaulters. The contents of the NAO report were subject to a Public Accounts Committee hearing on 14 June 2006 and a full response to the recommendations from the committee was published on 29 March 2007. Details of this response can be found in chapter 10 under the heading of 'Public Accounts Committee recommendations to departments'.

**3.37** The 2005/06 national fines payment rate was 83%, exceeding our national headline performance target for the year of 81%. The 2006/07 national fines payment rate target of 83% is also likely to be exceeded with the payment rate currently (April 2006 – January 2007) at 91%. This is a very encouraging overall position, indicating that the continued focus on enforcement is delivering results. Ministers have agreed a national payment rate target of 85% for 2007/08.

#### Community penalty enforcement

**3.38** Community penalty breach performance has significantly improved over the past year but more remains to be done. The CJS Community Penalty Enforcement Group, on which HMCS is represented, is following a cross-agency delivery plan to drive up performance and target greater support to improve performance in poorer performing areas. HMCS is also conducting a programme of training on the awareness and use of the COMET (Community Penalty Enforcement Tracker) case tracker to identify and improve the data quality issues impacting on overall performance figures.

### Confiscation enforcement

**3.39** Performance in this area has improved but much remains to be done to meet the Prime Minister's target to collect £250m from asset recovery as a whole by 2009/10. HMCS is playing a major part in achieving that target by centralising its administration and enforcement of confiscation orders on a regional basis. The establishment of regional centres of excellence for confiscation will help to ensure that highly skilled and specialised officers are enforcing all confiscation orders successfully and in co-operation with local criminal justice partners, throughout England and Wales. To date, regional centres have been established in six regions and are expected to be fully operational by April/May 2007. The centres in the East and West of Midlands are expected to be fully operational by summer 2007.

**3.40** HMCS is also represented on the Confiscation Performance and Delivery Board (established April 2006) which has a wide-ranging cross-agency delivery plan in place to drive up performance across the end-to-end process.

### Fail to Appear (FTA) warrants

**3.41** Defendant non-attendance is one of the main reasons for ineffective trials, leading to distress and inconvenience to victims and witnesses, delays in justice, wasted resources and undermining of public confidence. The Defendant Attendance Steering Group, chaired by OCJR, is co-ordinating the efforts of the criminal justice agencies to tackle the problem.

**3.42** HMCS has a target for courts to notify 90% of FTA warrants to the police within one working day and 100% within three working days. Most areas are now performing at, or close to, target levels. Current performance (January 2007 data) is at 92% on the one-day target and 99% on the three-day target.

### National Enforcement Service

**3.43** HMCS is a leading partner in the establishment of a National Enforcement Service. The intention is that by summer 2009, rigorous enforcement will revolutionise compliance with sentences and orders of the court, resulting in an increase in public confidence in the CJS and the resurgence of fines as a credible penalty.

**3.44** A regional pathfinder began in the North West in April 2006 and continues to test new ways of working, including the use of texting and secure vehicles for the transportation of offenders.

Phased national implementation of initiatives commenced in April 2007. Building upon existing enforcement structures, rather than establishing a new organisation, the objective is to maximise the effectiveness of all those involved in compliance and CJS enforcement to produce a service that is highly visible, professional and collaborative.

## Working in the community

### Community justice

**3.45** There has been a perception that the CJS is out of touch from the community it serves. Community justice is intended to reflect a different approach to justice – connecting courts and communities, so that courts know what communities want, and that communities get from the courts the justice they need.

**3.46** The objectives of community justice are:

- making the court and the CJS responsive to the community – ensuring criminal justice agencies engage directly with local people to find out the impact crime is having on quality of life
- breaking cycles of re-offending – bringing together a range of agencies in a problem-solving approach, tackling the underlying causes of crime such as addiction, housing or debt problems
- ensuring that compliance with the court's orders or other penalties are seen and recognised by the community. Ensuring unpaid work is carried out at the places that are of most benefit to local residents.

**3.47** These objectives support the Government's aim to give local people an active role in making their communities better for everyone as well as tying into wider initiatives such as the Respect agenda, reducing social exclusion, neighbourhood policing, community payback, speeding up the justice system and regeneration.

**3.48** Since 2003, DCA has been working with the Home Office and the CPS to deliver community justice in England and Wales. The Community Justice Centre in North Liverpool celebrated its first anniversary in October 2006, and the Salford Community Justice Initiative followed with theirs in November 2006. The Liverpool centre brings a courtroom, the criminal

justice agencies and voluntary services together in one building, working with local people to tackle problems. Salford is the first project to bring the concept into the mainstream magistrates' court system.

**3.49** As announced in July 2006, as part of Lord Falconer's paper, *Criminal Justice: Simple, Speedy, Summary* and in the Home Secretary's paper *Rebalancing the Criminal Justice System*, we are now building on the success seen in Liverpool and Salford by developing projects in a further ten areas of England and Wales. These will be Bradford, Birmingham, Devon and Cornwall, Kingston upon Hull, Leicestershire, Merthyr Tydfil, Middlesbrough and Nottingham. There will also be two projects in London. These will help develop and test the concept further and enable it to be implemented across England and Wales.

#### Antisocial behaviour response courts

**3.50** HMCS continues to play a key role in tackling antisocial behaviour (ASB). The antisocial behaviour response court model, which was initially adopted in 157 courts, is now being embedded in all magistrates' courts. This model aims to ensure that antisocial behaviour is dealt with in a way that meets the needs and priorities of local communities. A series of regional workshops, bringing together ASB champions and co-ordinators from around the country to share ideas, was followed by the publication of an updated good practice guide. Further measures to develop good practice are planned.

#### Drug courts

**3.51** Drug dependency is often a major factor in offending behaviour. International evidence suggests that a drug court model can play a significant role in the successful rehabilitation of drug-addicted offenders. These models provide continuity of judiciary from the moment an offender is sentenced, through the close review of drug treatment orders.

**3.52** Dedicated drug court pilots in Leeds and West London magistrates' courts are continuing following independent evaluation which showed that drug courts are likely to bring significant benefits and to be cost effective. The final evaluation findings will be reported in summer 2007 and will inform decisions on roll-out to other magistrates' courts.

#### Respect

**3.53** HMCS is making a significant contribution to the Government's Respect agenda through its work on developing the community justice programme, introducing case management rules for ASBOs and piloting the use of antisocial behaviour co-ordinators in the civil courts and extension of rights of audience for community safety staff is planned for 2007. The programme to speed up the CJS will also contribute to Respect in the coming year.

#### Legal aid in the CJS

##### Legal aid reforms

**3.54** The Government set out its proposals, in *Legal Aid Reform: the Way Ahead* in November 2006. This followed a period of public consultation on Lord Carter's recommendations in his final report and the proposals in the joint DCA/Legal Services Commission (LSC) consultation paper *Legal Aid: a sustainable future*<sup>6</sup>, which was published in July 2006. These further develop the Government's longer-term strategy for legal aid originally set out in *A Fairer Deal for Legal Aid*<sup>7</sup>, published in July 2005 including the need to rebalance spending between civil and criminal legal aid.

**3.55** The reforms are aimed at ensuring that the legal aid system is fair for defendants, practitioners and taxpayers while making spending more sustainable. DCA and LSC will:

- move towards a market-based approach to procurement, through the use of 'best value competition'
- deliver assurance of quality services through the use of peer review for all solicitors' firms and plan to deliver a similar system to assure the quality of advocacy
- introduce fixed fees for legal aid work in police stations from October 2007, prior to the planned introduction of best value tendering on an area basis. Further local consultation on the design of boundary areas took place between 12 February and 5 April 2007
- introduce revised standard fees for magistrates' courts work in urban areas from April 2007

<sup>6</sup> Department for Constitutional Affairs and Legal Services Commission, *Legal Aid: a sustainable future* (July 2006) CP 13/06

<sup>7</sup> Department for Constitutional Affairs, *A Fairer Deal for Legal Aid* (July 2005) Cm 6591

- introduce a revised, graduated fees scheme for advocates from April 2007. The new scheme will incorporate individual fees for many ancillary hearings within the graduated fees, making the scheme simpler. The new scheme will also rebalance the existing one, so that shorter cases are fairly rewarded
- introduce a litigators' graduated fees scheme from October 2007 for all Crown Court cases not individually contracted under the 'Very High Cost Case Contract' (VHCC) regime. The new scheme will replace the current scheme in which fees are assessed after the case has concluded in non-contracted cases. The introduction of the scheme has been delayed (from April 2007) in order to allow providers to adapt to such a significant change
- introduce a single graduated fee scheme, which would combine fees for both litigators and advocates and begin to introduce competitive tendering by October 2008
- introduce a panel of VHCC providers for criminal work. Detailed proposals on the qualification and selection process for the VHCC panel was the subject of further consultation in February 2007.
- stronger links with existing national and local stakeholder structures so that legal aid has a stronger voice. This will include the LSC being represented on all 42 Local Criminal Justice Boards in 2007
- introducing a new management information system so that we have better information about the pressures and risks on the legal aid budget
- development and integration of the legal aid impact test as an essential part of the work of Government departments in assessing the costs and benefits of policy changes
- rolling out peer review to support best value tendering and assure quality. The peer review process will be managed initially by the LSC, but will eventually be transferred to the Law Society
- monitoring and promoting the diversity of the supplier base, including setting up a diversity reference group to inform the LSC's vision and strategy for diversity
- better use of resources by all participants in the CJS, enforced by the judiciary in their management of cases. We are developing internal judicial training, through the Judicial Studies Board, on this issue.

**3.56** The provision of legal aid plays a central role in the CJS by ensuring that people accused of a crime receive a proper defence and so a fair hearing. Funding from the Criminal Defence Service (CDS) enables people to defend themselves against criminal accusations, where the interests of justice requires and – in magistrates' courts – where the defendant is financially eligible. This is important, since people need to be confident not only that those who have committed offences are brought to justice, but also that those who are not guilty are acquitted.

**3.57** We will introduce measures to help manage the impact of the procurement changes, create the right market conditions and work with our partners in the CJS to ensure that we tackle both local and national issues which place an unnecessary financial burden on providers and hence on the legal aid budget. These include:

- new stakeholder arrangements based on regular, multilateral meetings with key stakeholders and an annual meeting chaired by the Lord Chancellor

### Getting a grip on 'Very High Cost Cases' (VHCC)

**3.58** Lord Carter's report, published in July 2006, set out a challenging agenda for tackling the disproportionate cost and length of VHCCs (currently defined as those cases lasting 41 days or more at trial). These proposals centre around establishing a panel of quality assured defence providers competing on the hourly rate for VHCCs in return for access to an increased volume of cases. Alongside this, Lord Carter proposed a range of reforms to the LSC's Complex Crime unit to improve their control of ongoing cases (including the use of sanctions).

**3.59** The LSC has already taken on qualified staff to improve their expertise in managing cases under contract, and is on track to deliver a quality assured panel of VHCC suppliers for autumn 2007. This will include increased powers to audit and deal with poor defence behaviour, both during and following the conclusion of VHCC trials.

**3.60** To ensure that we continually improve the way high cost cases are managed, key players from across the CJS sit on the 'VHCC Review Board' set up in 2005. The board examines the reasons why cases have taken so long and consumed so many resources, and explores ways in which the control and management of these cases can be improved. Over the coming months, the board will consider work undertaken with the judiciary on improving the management of the pre-trial phase in VHCCs, including the timetabling and management of pre-trial work by the judiciary and the LSC.

### **Criminal Defence Service Act 2006**

**3.61** A new means test for criminal legal aid was implemented in magistrates' courts on 2 October 2006, ensuring that legal aid is only granted to those who cannot afford to pay for representation themselves.

**3.62** In the first five months of operation, out of approximately 228,000 applications for criminal legal aid, nearly 200,000 representation orders were granted. These volumes are broadly consistent with DCA forecasts that the new scheme will deliver annual net savings to the legal aid budget of £35m. However, a detailed evaluation of the implementation and first six months operation of the current means-testing scheme will start in May 2007. This will take into account its wider impact on the CJS as a whole.

**3.63** Means-testing will be extended to the Crown Court as soon as practicable, following piloting. In addition, we will continue to work with other agencies to change the existing framework for the grant of representation in criminal cases and generally speed up the CJS.



## **Chapter 4: Speeding up asylum and immigration appeals**

**Delivering a robust, fair, responsive and proportionate asylum and immigration system that is fast and efficient and has the public confidence**

A stylized illustration in shades of blue and orange. A hand is shown holding a document. The document features a circular graphic with horizontal lines and a silhouette of a person's head and shoulders. The background is split into blue and orange sections.

## DCA'S role

**4.1** The Government's vision is of 'managed migration' which benefits the UK whilst preventing abuse of the immigration laws and the asylum system.

**4.2** DCA continues to deliver this priority by providing access to a robust but fair, responsive and proportionate asylum and immigration appeals system which is fast and efficient and has public confidence.

**4.3** In collaboration with the Home Office, UKvisas and other key stakeholders, we will continue to ensure:

- early resolution for all those with a genuine case for appealing
- deportation appeals are heard quickly
- asylum seekers and immigrants have the necessary and professional support to make their case (legal and other expertise)
- abuse to the asylum and immigration laws is controlled through fast, flexible and robust appeals processes that deter unfounded applicants.

## Fair and effective asylum and immigration system

### Spending Review 2002 PSA target 5

**4.4** Details of the target and current performance data can be found in the performance tables in chapter 10.

### Spending Review 2004 PSA target 3

**4.5** PSA target 3 (shared with the Home Office) for the Spending Review 2004 period to reduce unfounded asylum claims is ahead of target. Details and current performance data can be found in the SR 2004 performance tables in chapter 2.

## The Asylum and Immigration Tribunal (AIT)

**4.6** Over the past twelve months, AIT has:

- streamlined entry clearance appeals – following a build up of appeals during 2005/06, which saw receipts for AIT exceed those forecast by 20%, a joint AIT and UKvisas Entry Clearance Working Group (ECWG) has worked to address the delays. The streamlining of the entry clearance appeals process has now been successfully rolled out to all posts taking out an average of seven weeks from end-to-end entire process. Through the year officials have worked closely with the DCA Minister, carrying out open forums with MPs to up-date them on progress
- set up an 'MP Helpdesk' in January 2006 in response to the rising number of enquiries from MPs and their constituency workers. This provides an email and telephone enquiry service and drafts replies to the vast majority of correspondence from MPs who write direct to the AIT. During 2006, the MP Helpdesk dealt with 1,259 calls, 102 emails and 1,838 letters
- judicial recruitment – the AIT has appointed 223 fee paid immigration judges and 12 salaried judiciary in line with business needs.

### Taking forward the recommendations of the AIT Review Report (April 2006)

**4.7** Challenging internal targets for asylum and non-asylum have been set, in line with the AIT Review to further improve the appeals process and support the PSA target on asylum and immigration. Reducing waiting times and increasing the speed of bringing cases to a close should contribute to faster removal of unfounded applicants and integration of genuine applicants. Operational managers and staff within the AIT have been briefed on the context and purpose of the new performance targets and how the targets will deliver the overall desired outcome of a robust but fair appeals process that has public confidence.

**4.8** A more streamlined listing process which will improve quality and speed has been introduced. In this year a pilot of alternative sitting patterns for judges has been carried out and a judicial time analysis undertaken. The final listing report, along with recommendations, will be published in the spring.

### Improved the end-to-end process for asylum appeals

**4.9** We continue to work closely with the Home Office in integrating the appeals system as part of the New Asylum Model (NAM.) The roll-out continues and will be fully implemented by April 2007. Processes have been reviewed and amended in line with the principles of end-to-end case management by Home Office caseworkers. DCA is also piloting the frontloading of legal advice in NAM cases in Solihull. This will include access by claimants to quality information and advice, both from legal advisors and from the voluntary sector, from the earliest stages of the process and a more interactive role for legal representatives before and during the asylum interview.

### Speeded up deportation appeals

**4.10** We have worked closely with the Immigration and Nationality Directorate (IND) on deportation appeals, and despite a significant increase in the number of appeals we are keeping to the target of listing for hearing within 28 days.

**4.11** An increase in the number of deportees held in detention has resulted in an increased requirement for secure courtrooms and AIT is working alongside HMCS to develop a long-term strategy to deal with this need.

### Looking ahead

**4.12** The Tribunals Service will continue to work in close partnership with IND and the Home Office and key stakeholders as part of our governance arrangements to develop day-to-day services such as:

- ensuring deportation appeals continue to be decided swiftly
- integrating the appeals process into the streamlined framework
- ensuring a controlled transition to the 'Points Based System', for migrants seeking entry into the UK for work and study, with minimal impact on other appeal services
- publishing a cross-government enforcement strategy to ensure immigration rules are enforced properly across the system
- feeding into the forthcoming IND project to consolidate existing asylum and immigration legislation into one framework
- developing a PSA framework for the Spending Review 2007 period.

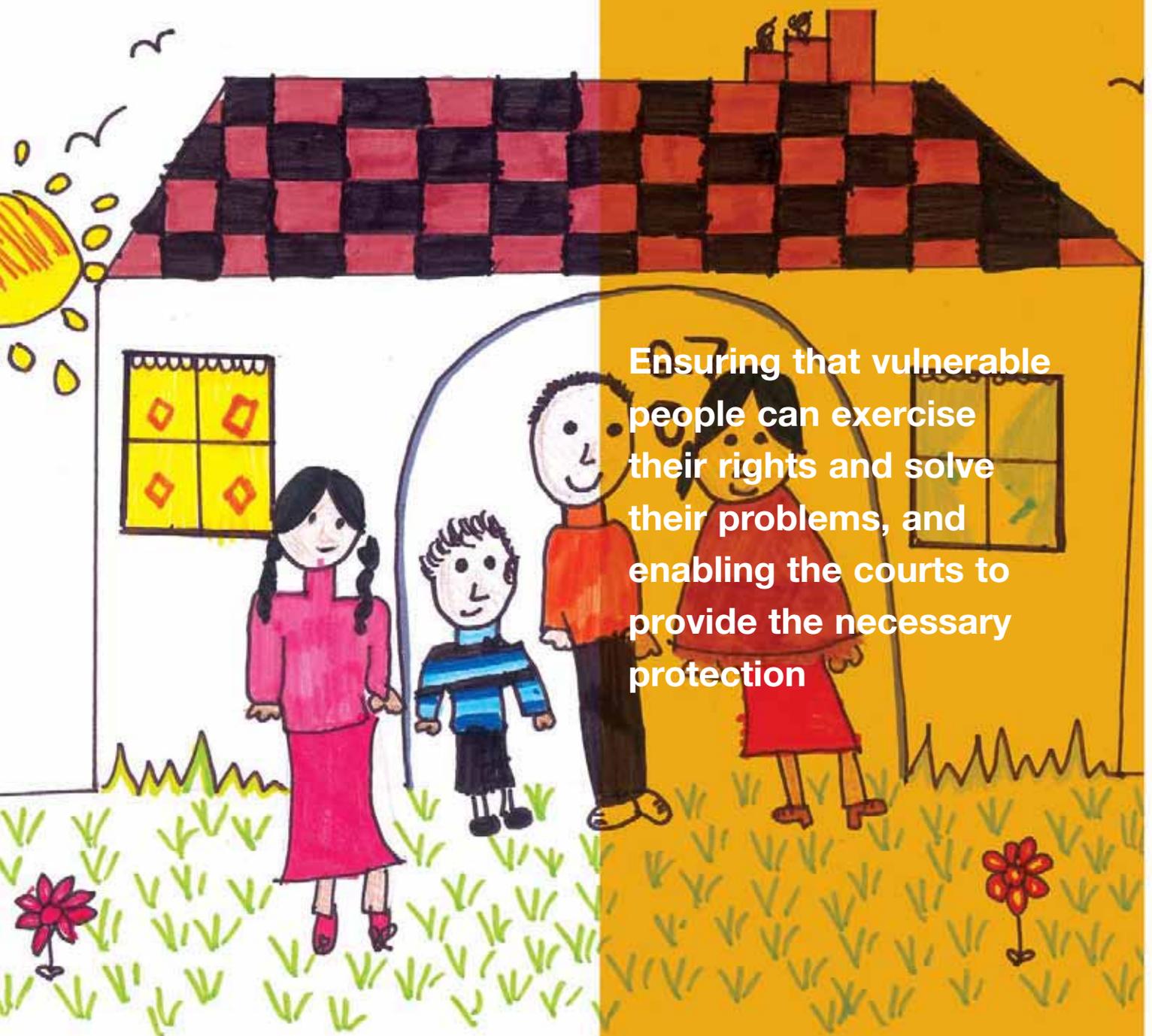
### Asylum legal aid

**4.13** There have been a number of important improvements to the way that legal help and advice is provided on immigration and asylum matters. Some of the key measures over the past year have included:

- *Legal Aid: The Way Ahead*, published on 28 November 2006, outlined a range of important reforms to the way legal aid would be procured in the future. As a result there will be a move to a new fee scheme from October 2007. The new scheme will cover all immigration and the majority of asylum cases with fixed fees for different stages of work. There will be separate arrangements for non-mainstream asylum cases, which will include the increased use of exclusive contracts to provide services in a more structured manner and to reduce unnecessary duplication of work
- we are working with the Home Office to develop a scheme of early legal advice for clients being dealt with through the NAM. The aim is to ensure that all relevant issues are clarified as early as possible, leading to better decision-making and fewer appeals. A pilot scheme to test the new arrangements has been set up
- the LSC has introduced a pilot scheme to provide telephone advice on immigration matters to individuals detained in police stations. This will ensure that people in detention have access to advice from a specialist immigration lawyer on non-criminal immigration matters
- the rules on financial eligibility for asylum and immigration cases have been simplified. As a result, a client already receiving support from the National Asylum Support Service will not in most cases have to be assessed again on their financial eligibility for legal aid. There will still be an assessment of the merits of the case
- the LSC has introduced a target of 40% success rates in appeals to the AIT where representation is publicly funded. This is an important measure to support the proper application of the merits test for legal aid. Since introducing the performance indicator the success rate at legally aided appeals has increased from 38% in 2005/06 to 52% in 2006/07.



## Chapter 5: Protecting the vulnerable



Ensuring that vulnerable people can exercise their rights and solve their problems, and enabling the courts to provide the necessary protection

## DCA's role

**5.1** DCA's role is to ensure that vulnerable people can exercise their rights and solve their problems through enabling the courts to provide necessary protection. We continue to promote our human rights agenda throughout the UK by ensuring that people's civil issues are resolved in the most efficient and effective way possible.

**5.2** Children involved in care proceedings are among the most vulnerable groups in society. Our aim is to provide a speedier resolution of issues affecting their future. In order to achieve this, DCA is working closely with the Department for Education and Skills (DfES), Children and Family Court Advisory and Support Service (CAFCASS), Legal Services Commission (LSC), local authorities and other agencies to reduce unnecessary delays in care proceedings.

**5.3** We are also working on ways to protect victims of domestic violence and people who lack mental capacity.

## Relationship breakdown

**5.4** Proposals to reform the family justice system, set out in *Parental Separation: Children's Needs and Parents' Responsibilities: Next Steps*, published in January 2005, are being delivered through the 'Relationship Breakdown Programme'. HMCS is working with the DCA, LSC, DfES and CAFCASS to deliver the proposals.

**5.5** The Government's plans include improving the information available to separating parents and greater use of alternative dispute resolution such as mediation and conciliation. The Government intends to promote these methods as better ways to reach agreement than through contested court hearings. Progress this year includes:

- the introduction of the Children and Adoption Act, which became law in June 2006. When fully implemented, it will give the courts more flexible powers to facilitate child contact and enforce contact orders made under the Children Act 1989. In addition it will reform Family Assistance Orders (already provided for under the 1989 Act) by extending their use, and maximum length to 12 months. The Act will also place a statutory duty on CAFCASS to carry out a risk assessment and report the findings to the court where a child is suspected of being at risk of harm. The Government expects that provisions in part 1 of the Act in relation to Family Assistance Orders and risk assessments will be implemented from October 2007. The Government will shortly be making a written ministerial statement outlining the timetable for implementation of the remaining provisions in part 1 of the Act
- changes to the Children Act application forms designed to identify allegations of harm as early as possible in the court process. These revisions were introduced in 2005 and are currently being evaluated. The final report is expected by end April 2007
- a review of existing accreditation schemes for family solicitors in December 2006. This was a commitment made in *Parental Separation: Children's Needs and Parents' Responsibilities: Next Steps*. To ensure the schemes were effective and user-friendly, we compared them with the Law Society's Family Law Panel accreditation scheme and its specialist accreditation scheme for members. We also considered relevant issues from the Clementi review of the legal services market. The proposed establishment of a Legal Services Board – which will oversee aspects of the legal services industry – will provide an opportunity to consider how and when any further review should be undertaken
- piloted a 'Family Help' project – a restructured way of delivering legal aid aimed at encouraging solicitors to help clients settle disputes away from court, concluded in November 2006. The results of this pilot are now being taken forward as part of the LSC reform programme in the restructuring of fees in private law family cases

- the identification, by the DfES, of £3m of additional funding in 2006/07 to develop services for supporting contact, and in 2007/08 an additional £4.5m. Options for developing wider services for children and families which support contact – through outreach services – will be explored with CAF/CASS, the National Association of Child Contact Centres (NACCC) and other representatives of child contact service providers. This work will support the development of parenting activities under Part 1 of the Children and Adoption Act 2006.

## Domestic violence

**5.6** We are continuing to improve the justice system so that the victims of domestic violence have access to swift and effective protection from the courts.

**5.7** The second progress report on the cross-government national plan, which outlines ways of delivering a better service, was published in March 2007. It reported the progress of a pilot integrated domestic violence court (IDVC) at Croydon which dealt with its first case in October 2006. The aim of the IDVC is to hear criminal and civil aspects of domestic violence proceedings involving the same family in a single designated court.

**5.8** We have been working jointly with the Home Office and the CPS to expand the number of Specialist Domestic Violence Courts (SDVCs) across England and Wales. The number of sites will increase from 25 to 64 from April 2007. The focus of the programme will broaden to incorporate the development of the 'Co-ordinated Community Response'. This will include the expansion of Independent Domestic Violence Advisers (IDVAs) to support the SDVCs and the wider operation of MARACs – Multi-Agency Risk Assessment Conferences.

**5.9** We are also improving powers of protection through the Domestic Violence, Crime and Victims Act 2004. This includes measures to improve the protection available to victims of domestic violence and help ensure that perpetrators are brought to justice. The remaining key provisions of the Act will be implemented from 1 July 2007 when the rules of court are implemented and training has been completed.

## International

**5.10** DCA continues to play an active role in ensuring that all international forums are used to help protect the vulnerable. The Department is responsible for treaties and legislation between the UK and our international partners in relation to those cross-border legal disputes between family members covered by international agreements.

**5.11** The Office of the Official Solicitor and Public Trustee (OSPT), which is part of DCA, is the central authority on international child abduction in England and Wales. DCA publishes information leaflets for those involved in international maintenance issues, as well as giving financial support (£113,000 in 2006/07) to Reunite, the charity which helps parents whose children have been abducted. Reunite publishes information, runs a 24-hour helpline and holds training and awareness events.

## Families and children

### Spending Review 2004 PSA target 4 – reducing unnecessary delay in public law care cases

**5.12** DCA is committed to achieving better and improved outcomes for children by ensuring all agencies work together to establish safe, permanent and timely child-focused solutions and reduce the distress caused by unnecessary delays in care proceedings.

**5.13** Through an inter-agency ministerial group and delivery board, DCA alongside DfES, is leading an inter-departmental programme of work (involving the judiciary and other key family justice organisations and practitioners) to improve the care proceedings system.

**5.14** Implementing the immediate recommendations of the cross-government *Review of the Child Care Proceedings System in England and Wales* (published May 2006) is a key priority. This is being implemented through a combination of revised statutory guidance to support local authorities in preparing care applications and a revised protocol for progressing care cases. In addition, a new graduated legal aid fee scheme for care cases<sup>8</sup> will include provision for pre-proceedings advice to parents.

<sup>8</sup> (announced in *Legal Aid Reform: The Way Ahead* – published 28 November 2006)

**5.15** Other initiatives during this period include:

- piloting the use of case progression officers in care proceedings to ensure a more pro-active engagement between the court and parties to prevent unnecessary delay
- the continued piloting of family courts centres (co-located care centre and family proceedings courts) at Birmingham, Barnet and Ipswich. Additional family courts centres have already been established or are planned. Best practice from the pilots is being shared across the country through a series of regional road-shows
- the addition of more than five family courtrooms at Clerkenwell and Shoreditch County Court (Gee Street), which commenced sitting in October 2006, to help reduce the caseload of Principal Registry of the Family Division (PRFD). In addition, three London county courts, Barnet, Croydon and Kingston are hearing care cases which would previously have been heard by the PRFD
  - piloting of a judicial 'gatekeeper' initiative in Liverpool, Cardiff, London and Hampshire, designed to better control the flow of work between family proceedings courts and care centres
  - the HMCS Performance Improvement Division (PID) is working with a number of poorer performing areas to identify actions for improvement. It has also established an inter-agency group to share good practice more widely through Local Family Justice Councils.

**Continuing improvement of family courts**

**5.16** We have continued to develop the 'Unified Family Service', bringing together the work of the family proceedings courts and the county courts. By combining the staff from both administrations, there is greater flexibility, expertise and job variety within the larger pool of staff. In some parts of the country a Unified Family Service provides a centralised administration for court hearings listed locally.

**5.17** Where possible a unified administration is co-located with and supports a family courts centre where different tiers of judiciary conduct family court business at one court location and the family case can more easily be allocated to the most appropriate tier of judiciary. These centres aim to offer the best facilities for family court business within the resources available. They will normally offer family courts every day of the week sitting a number of family courts at the same time which helps improve listing efficiency. Pilot family courts centres in Barnet and Birmingham are ongoing and Ipswich has now been established as the rural pilot.

**5.18** Early successes at the pilot sites have encouraged local regions to initiate their own changes, some unifying the family administration, others establishing family courts centres. The pilots have demonstrated that family business can be removed from or kept separate from criminal business. Early experience indicates that one category of family work, domestic violence, requires a different integrated approach between potentially concurrent criminal and non-molestation cases. A different integrated approach to this particular category of case is being piloted at the IDVC at Croydon.

**5.19** The Unified Family Service Programme is working to share best practice, help local areas overcome obstacles and to resolve issues which need a central steer or solution and oversees the experiences of the pilot Family Courts Centres.

**Separate representation of children**

**5.20** In September 2005, a consultation paper on the separate representation of children was published. The consultation examined ways of providing better outcomes for children whose parents are separating and to safeguard their interests when their parents have turned to the courts to decide where the child shall live, and whom they shall see.

**5.21** Evidence has shown that separate representation for children is often ordered after the proceedings have been underway, sometimes for many months, as a tool to reduce inter-personal conflict between parents, or as a means to secure expert assessment. It is also clear that the frequency with which separate representation is ordered varies greatly in different court regions.

**5.22** The consultation period ended on 8 December and the responses are being analysed. We are working with stakeholders with a view to the drafting of new court rules.

### Openness of family courts

**5.23** In July 2005 we published *Confidence and Confidentiality – improving transparency and privacy in family courts*. This consultation paper proposed a number of changes to attendance and reporting arrangements for family courts, aimed at improving the openness of family proceedings so that, for example, the media could attend proceedings as of right or would be able to apply to attend. This increased openness would be balanced by extending anonymity of reporting to adults as well as children. At the heart of these proposals would remain judicial discretion in both attendance and reporting.

**5.24** The consultation closed in October 2006. We received 245 formal responses, held stakeholder events, and ran two online discussion forums with the help of the Hansard Society. A number of targeted activities enabled more than 200 young people to contribute.

**5.25** The responses to the consultation were published on 22 March, along with a young people's guide to the responses. Further consideration is being given by Ministers to bring forward proposals.

### Information for adults who were involved in family proceedings as children

**5.26** Whilst preparing a consultation about improving the openness of the family courts in 2005, some key issues emerged. It became clear that there was a lack of permanent information about family cases and inconsistent practice among statutory agencies in the making and retention of a record of the reasons for decisions made in family courts.

**5.27** To address this, we sought views about provision of such information in the *Confidence and Confidentiality: Improving transparency and privacy in family courts* consultation paper. The consultation finished on 30 October 2006.

**5.28** The results show that there is broad acceptance of the need for some form of objective information about court decisions to be provided to adults who were involved in family proceedings as children. There is also consensus about the need for some emotional/counselling support for those receiving the information.

**5.29** We are now working with stakeholders to develop the policy and identify the issues and options relating to the provision of information for adults who were involved in family proceedings as children.

### A new procedural code for family proceedings

**5.30** We are working closely with the Family Procedure Rule Committee (FPRC), an advisory non-departmental public body, to improve family procedures. Under existing procedures, different rules exist for different levels of court and much of the language is hard to understand for the lay person. We aim to create one set of simply expressed rules of court for all family proceedings, to be called the 'Family Procedure Rules'. In autumn 2006, we consulted on the underpinning policy and will be issuing a response in spring 2007. We plan to complete the drafting process by the end of 2007.

### Mental capacity implementation programme

**5.31** The Mental Capacity Act 2005 provides a comprehensive legal framework to support people in making decisions for themselves, and introduces principles, procedures and safeguards when decisions are made on behalf of someone who lacks the capacity to make decisions.

**5.32** The Act creates a new Independent Mental Capacity Advocate service (IMCAs) that will be launched in England in April 2007, together with some directly related provisions of the Act to support this service. In Wales, IMCAs will begin from October 2007. The Act also creates a new criminal offence of mistreatment or wilful neglect of people who lack capacity and this will come into force in England and Wales from April 2007 together with the code of practice for the Act.

**5.33** The new Court of Protection, Public Guardian and Office of the Public Guardian will become operational from October 2007 in England and Wales.

**5.34** DCA is implementing the Act along with the Department of Health, the Public Guardianship Office and the Welsh Assembly Government, assisted by other partners and stakeholders.

## Social exclusion

**5.35** DCA contributes to reducing and avoiding social exclusion, particularly amongst those with multiple problems, through:

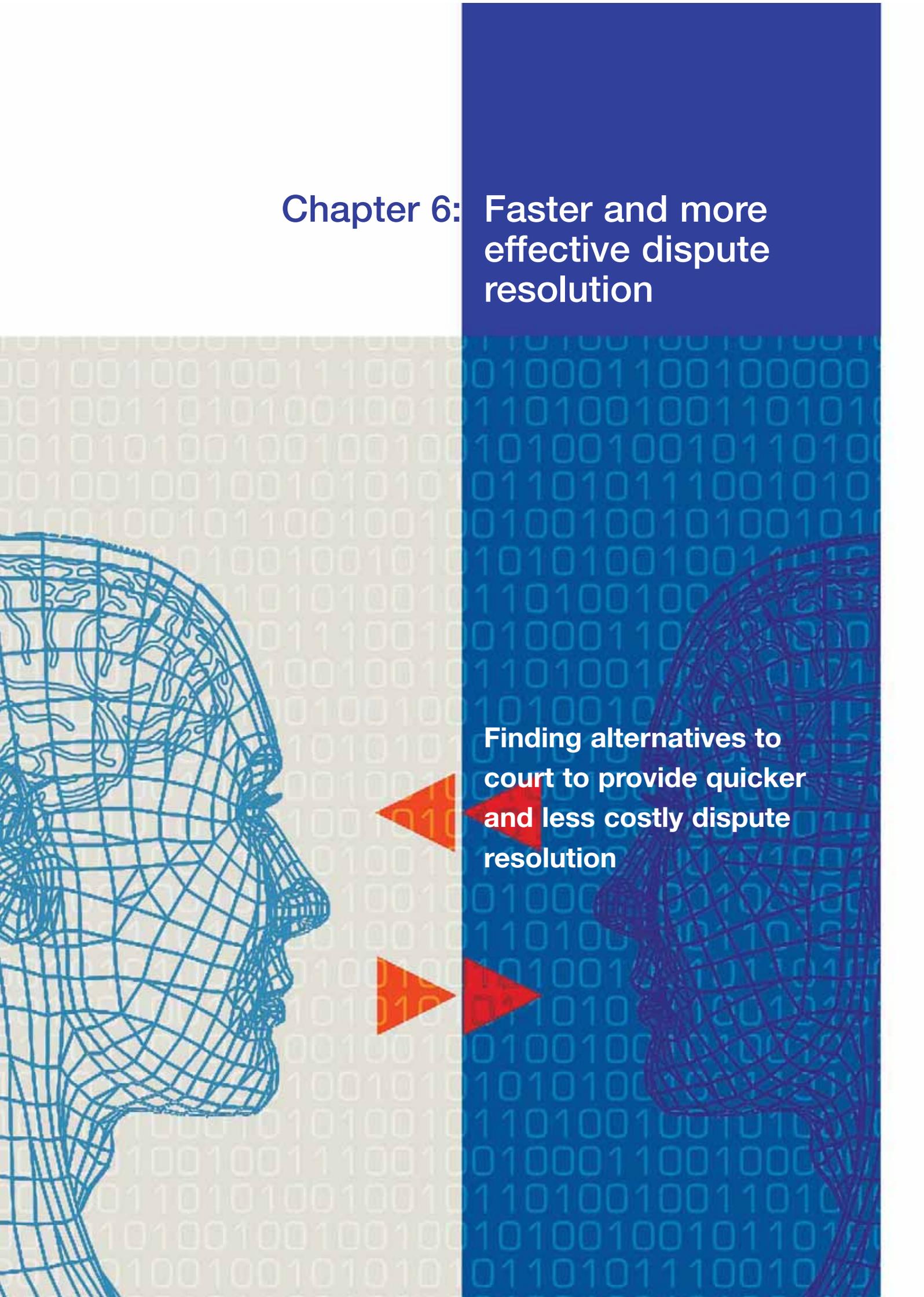
- promoting accessible, effective and co-ordinated advice and information
- early intervention and a problem-solving approach which avoids escalation (as seen in the community justice programme)
- fair process, proportionate dispute resolution, and swift justice in the courts.

## Access to advice and legal services

**5.36** Early advice can help to prevent relatively simple problems escalating into more serious disputes, which cause people to become socially-excluded. In 2005/06, the LSC provided an increased number of civil legal aid acts of assistance (708,000) on matters ranging from debt to welfare benefits. Early indications for total acts of assistance in 2006/07 show at least a 5% increase on 2005/06. This activity contributes to part one of the Spending Review 2004 PSA target 5 to increase advice and assistance to help people resolve their disputes earlier and more effectively.

**5.37** The LSC has continued to implement its Community Legal Service (CLS) strategy. The strategy is based on a recognition that that people, particularly the socially excluded, tend to experience multiple problems. Advice will be delivered through community legal advice centres and community legal advice networks. Centres will join up with local authority advice providers. The first centre will open in Gateshead at the end of May 2007. Networks will make sure that advice providers in a particular area proactively work together to ensure clients receive advice across a range of legal issues. The approach in the CLS strategy was supported by Lord Carter's report *Legal Aid: A market based approach to reform*.

## Chapter 6: Faster and more effective dispute resolution



**Finding alternatives to court to provide quicker and less costly dispute resolution**

## Alternatives to court

**6.1** Many people are understandably apprehensive about using the legal system but may not be aware of the many other methods available to settle disputes. In many cases, alternatives can provide a quicker and cheaper solution. We have been promoting a broad range of dispute resolution options for many years, and are working towards specific targets to reduce the proportion of disputes that go to court.

## Mediation

**6.2** The latest version of the 'Court Mediation Service Toolkit' was published at the end of 2006. It helps courts, judges and mediation providers develop effective mediation services to suit local needs using the standard terms and fees of the National Mediation Helpline. The Civil Mediation Council (CMC), the umbrella organisation representing commercial mediation providers, operates an accreditation programme for organisations seeking to join the helpline and provide mediation services through the courts. The helpline took 122% more calls in 2006 than in the previous year, and received an award for innovation from the Centre for Effective Dispute Resolution, a leading mediation provider. During 2007/08, we will work to increase the number of courts where mediation referral schemes are available to court users.

## Mediation awareness campaign

**6.3** During October 2005 and 2006, we ran the 'Mediation Week' publicity campaign, with events for court users, legal representatives and HMCS staff to increase awareness and acceptance of alternatives to court. The Law Society supported both campaigns, which have generated enthusiasm and interest throughout the civil courts. The 2007 campaign will concentrate on engagement with the advice and legal sectors, through which most people experiencing disputes initially access the civil justice system.

## Small claims

**6.4** An independent evaluation of the in-house small claims mediation pilot at Manchester County Court declared it a success, reporting high satisfaction rates and savings in court time. As a result, ten small claims mediators were appointed in March 2007 to serve our larger court centres in England and Wales. They will work with judiciary, court staff and small claims parties to explore options for settlement both face-to-face through mediation and over the phone where appropriate, at no cost to the user. Wider roll-out of this service is planned for 2008.

## Proportional dispute resolution in the Tribunals Service

**6.5** Part of the Tribunals Service's drive to improve the delivery of its service is to look at ways to reduce the number of appeals that go to a full hearing by providing alternative, yet effective, ways of dealing with cases.

**6.6** The Tribunals Service began a pilot scheme in 2006/07 for judicial mediation in the Employment Tribunals (England and Wales). Judicial mediation involves bringing together the parties for a mediation that is facilitated by a trained employment tribunal chairman. The chairman is impartial and helps the parties to reach their own settlement. Under judicial mediation, the chairman will help to identify issues in the dispute, but will not make a decision about the case, or give opinions.

**6.7** The pilot is looking at measuring the effect of mediation on discrimination claims, specifically race, sex and disability. The effectiveness and impacts of the pilot are being evaluated independently. The early signs are promising and if borne out in the final evaluation will lead to benefits in terms of improved outcomes for both claimants and respondents and a reduced need for hearings.

**6.8** A further pilot scheme will commence shortly on disability living allowance and attendance allowance appeals in the Social Security and Child Support Appeals Tribunal (SSCSA). This will involve an experienced tribunal chairman making an early assessment of the case, with the aim of identifying opportunities for earlier resolution. This is expected to run for between 6-12 months, and will also be independently evaluated to provide an alternative method of dispute resolution.

## Lawyers serving the public

**6.9** In the paper *Legal Aid: The Way Ahead*, published on 28 November 2006, the Government outlined a number of important reforms to the way civil and family legal aid would be procured in the future. It followed Lord Carter's report, *Legal Aid: A Market Based Approach to Reform* and the joint DCA/LSC consultation paper *Legal Aid: A Sustainable Future* published in July 2006. We will be implementing a system of best value tendering for procuring most civil legal aid, following a move to fixed and graduated fees from October 2007 (apart from family advocacy which will be the subject of consultation in 2007, for implementation in April 2008). This fixed fee

regime will encourage the necessary market conditions to develop prior to the introduction of full competition.

**6.10** The key reforms to civil and family legal aid are:

- the harmonisation of rates for solicitors in private family law cases from 2 April 2007, in advance of the introduction of the new 'Family Private Fee Scheme' in October 2007
- between 1 March and 16 April 2007 the LSC re-consulted on a revised 'Care Proceedings Graduated Fee Scheme', with a view to implementing the new scheme – except for advocacy – in October 2007. This will include provision for pre-proceedings advice, helping to control costs while benefiting outcomes for the child. This also links to the other measures being introduced to reduce unnecessary delay in public law children cases following the cross-government review of the child care proceedings system in England and Wales (published in May 2006, and referred to in more detail in chapter 5)
- at the same time, the LSC re-consulted on a revised scheme for 'Family Help (Private) Fee Scheme', with a view to implementation in October 2007.

**6.11** The consultation responses to our *sustainable future* paper have helped us ensure that the new family schemes strike the right balance in being fair for providers, the vulnerable, and the taxpayer. Since there had already been a full three-month public consultation on the family fee schemes, the second consultation was shorter.

**6.12** The LSC will also consult on proposals for advocacy fees for solicitors and barristers in both care proceedings and private family law. We agree with respondents' comments that it is sensible to look at the procurement of family advocacy from both parts of the profession.

- the Tailored Fixed Fee (TFF) Replacement Scheme will be implemented from October 2007 for both solicitors and for the Not-for-Profit (NfP) sector, though payment arrangements for NfPs will change from quarterly in advance to monthly in advance in April 2007
- the current TFF scheme will therefore continue in all categories to which it applies until October 2007. Payments to NfP providers will continue on the current basis until that date

- the LSC announced in March 2007 changes to the proposed schemes for immigration and asylum, with a view to implementation in October 2007
- the LSC announced the final mental health fee scheme in late April 2007, with a view to implementation in October 2007.

**6.13** The LSC introduced a unified contract in April 2007, to replace the current contract, which came to an end. The contract sets out the terms on which providers undertake legal aid work. The unified contract covers solicitors and NfP providers carrying out civil work. It also covers crime providers from April 2008. The unified contract contains revised standard terms, but the contract specification will remain largely in its current form until introduction of the new fee schemes in October 2007.

## Reshaping legal services regulation and provision

**6.14** On 11 May 2005 we published *Making a difference: Taking Forward our Priorities*. This set out our commitment to reform the regulatory structure of legal services in England and Wales.

**6.15** On 23 November 2006, the Government introduced to the House of Lords legislation to reform the regulatory structure of legal services and delivery. Our proposals put consumers at their heart and will:

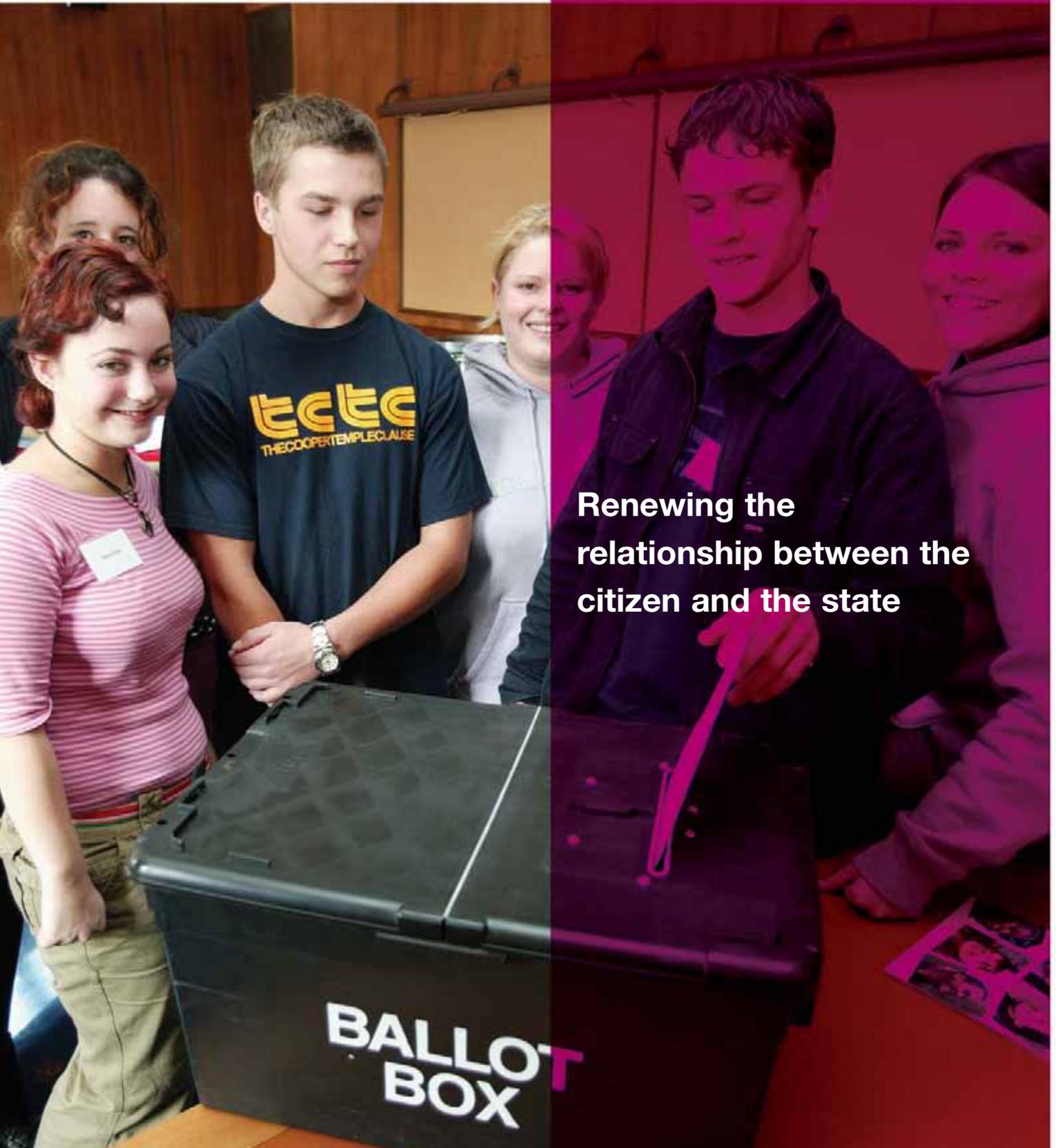
- set out the objectives of the regulatory framework and principles of the legal professions, and require authorised regulators to have appropriate separation between their representative and regulatory functions
- create a new Legal Services Board (LSB) to provide independent oversight of designated legal regulatory bodies, simplifying and bringing consistency to the current regulatory arrangements. While day-to-day regulation will remain with the professions, the LSB will have a range of powers available to oversee approved regulators
- create an Office for Legal Complaints to ensure consistent high standards in the sector and enhance consumer confidence by establishing a single, independent redress service

- increase competition and choice in the legal services sector by providing for different types of lawyers to practice together and enabling new kinds of business structures allowing lawyers and non-lawyers to work on an equal footing to provide a range of legal and other services. External investment will also be possible.

**6.16** These proposals support our strategic objective to “ensure that the public, especially the socially excluded and vulnerable, have access to excellent services, which enable them to exercise their rights in law and understand, exercise and fulfil their responsibilities” (strategic objective 2). They also support the departmental five-year strategy priority: “to enable people to resolve their problems better by promoting and delivering faster and more effective dispute resolution”.

**6.17** Subject to parliamentary approval, we expect implementation to take between two to three years from Royal Assent, including a period of shadow-running.

## Chapter 7: Strengthening democracy, rights and responsibilities



Renewing the relationship between the citizen and the state

## DCA'S role

**7.1** DCA aims to strengthen democracy and rights and renew the relationship between the citizen and the state.

**7.2** DCA's core objectives in this area are to:

- strengthen and uphold people's human rights and rights to information
- strengthen democracy and public engagement with decision-making
- enhance the credibility and effectiveness of our public institutions.

**7.3** DCA is achieving these objectives by:

- ensuring that public services protect and respect individuals' human rights and incorporate key human rights principles into service delivery
- making the law fairer and simpler
- ensuring people can exercise effectively their information access rights through the Freedom of Information and Data Protection Acts
- strengthening engagement with the democratic process and ensuring the electoral process is more open and accessible
- establishing the Supreme Court for the UK
- completing reform of the House of Lords
- maintaining an independent judiciary
- developing a diverse judiciary which is more reflective of the people it serves
- maintaining the devolution settlement and managing the constitutional settlement as it relates to the Crown, the Church and between the UK and Crown Dependencies.

## Human rights

**7.4** DCA is responsible for ensuring that Government departments and public services protect and respect individual human rights and incorporate key human rights principles into service delivery.

**7.5** A priority during 2006 was the Review of the Implementation of the Human Rights Act, following the Prime Minister's invitation to the Lord Chancellor to devise a strategy for maintaining the effectiveness of the Human Rights Act and to improve public confidence in the legislation. The review was conducted in June and July and published on 25 July. It concluded that decisions of the UK courts under the Human Rights Act have had no significant impact on criminal law, or on the Government's ability to fight crime. In other areas, the impact of the Human rights Act upon UK law has been beneficial, particularly upon the development of policy by central government.

**7.6** The report concluded, however, that the Human Rights Act has been widely misunderstood by the public, and has sometimes been misapplied. Deficiencies in training and guidance have led to an imbalance whereby too much attention has been paid to individual rights at the expense of the interests of the wider community. These have been fuelled by a number of damaging myths about human rights which have taken root in the popular imagination.

**7.7** In response, DCA has put in place a programme of initiatives both to improve training, guidance and advice within central government and the wider public sector, and also to improve public awareness and understanding of the Human Rights Act itself. The first stage of this programme (which will conclude with the establishment of the Commission for Equality and Human Rights in October 2007) was the publication in October of the new DCA toolkit on human rights for public sector staff, comprising a new introduction to the Act, a handbook for public authorities and the 3rd edition of its guide.

**7.8** In December, the EU Justice and Home Affairs Council reached political agreement on establishing a 'Fundamental Rights Agency' for the European Union. Taking account of arguments made by the UK and other member states, the Council decided not to extend the Agency's remit to the area of police and judicial co-operation in criminal matters. The UK was also successful in clarifying the way in which reference was made to the Charter of Fundamental Rights and Freedoms in order to reflect its legal status and qualify its content, and in a parallel Council decision establishing a 'Fundamental Rights and Citizenship Programme' for the period 2007-2013.

**7.9** On 1 November 2006, DCA sent to the United Nations, on behalf of the UK Government, its sixth periodic report under the International Covenant on Civil and Political Rights. The Department is now preparing the UK's fifth report under the International Covenant on Economic, Social and Cultural Rights.

## Civil law

**7.10** As part of our aim of making civil law fairer, simpler and more cost-effective, we remain committed to finding ways in which Law Commission recommendations can be more readily implemented. Special provision for Law Commission reports was included in the Legislative and Regulatory Reform Bill, but, following concerns from all sides of the House that the scope of the provision was too wide, the Government agreed to its removal at committee stage in the House of Lords. Since then we have worked closely with various interested parties to create a suitable alternative for the implementation of Law Commission proposals. This work is ongoing.

## Compensation and claims management regulation

**7.11** DCA has been working with other Government departments and a wide range of stakeholders to develop initiatives to promote effective risk management and communication, encourage appropriate rehabilitation, and improve the system for those with a valid claim for compensation.

**7.12** As part of this work, we have prepared a consultation paper to be published in April setting out proposals to make the claims process for personal injury cases more timely, proportionate and cost-effective.

**7.13** The Compensation Act came into law on 25 July 2006. Part 1 of the Act contains a provision in relation to the law on negligence which is intended to contribute to improving awareness of this aspect of the law and to give reassurance to voluntary organisations and other groups who have curtailed activities due to a fear of litigation.

**7.14** Part 1 also includes a provision which will ensure that the recovery of compensation by people who contract mesothelioma, because they were negligently exposed to asbestos, will be quicker and simpler.

**7.15** Part 2 of the Act provides for the statutory regulation of claims management services in order to tackle poor practice in the claims management sector and provide additional safeguards for the public against rogue companies.

**7.16** Formal decisions about regulatory matters, including authorisations, are taken by the Secretary of State. This is an interim measure and it is intended that the structure will be incorporated in the new framework for legal services regulation provided for in the Legal Services Bill currently before Parliament. A head of claims management regulator has day-to-day responsibility for the operation of the regulation and DCA has a contract with Staffordshire County Council Trading Standards to operate a dedicated unit to administer authorisations and monitor compliance. Applications for authorisation have been submitted since December 2006 and from April 2007, when it is expected that the powers in the Act will be fully commenced, it will be an offence to provide claims management services without authorisation or exemption. A new tribunal was established on 14 February 2007 to hear appeals against any decision of the regulator.

**7.17** DCA has established a non-statutory Regulatory Consultative Group to ensure stakeholder involvement in the development and operation of the regulatory regime. The group comprises representatives from the legal professions, trade unions, consumer groups, insurers and the claims management industry.

## Information rights

**7.18** DCA continues to take the lead on information rights ensuring that the data protection regime is fit for purpose and that the handling of freedom of information (FOI) requests becomes a routine and efficient part of public authorities' operations.

**7.19** DCA published the *Information sharing vision statement* in September 2006, setting out the Government's commitment to sharing information between public services to expand opportunities for the most disadvantaged, fight crime and provide better public services. DCA is promoting better public understanding of data protection in close co-operation with the Information Commissioner's Office and has published a consultation paper on proposals to increase penalties available to the courts for people who deliberately misuse or abuse personal data.

**7.20** DCA has enhanced the FOI website ([www.foi.gov.uk](http://www.foi.gov.uk)) to make it more accessible to the public and has published quarterly bulletins and the first annual report on the performance of central government under FOI.

**7.21** DCA has also fulfilled the Government's commitment to review the FOI fees regime in the light of practical experience. This has involved the publication of an independent study of the economic impact of FOI on public authorities and a public consultation on changes to the FOI fees regulations.

**7.22** Within Whitehall, DCA is leading a programme of work to develop better knowledge of data protection so that it is regarded as a safeguard to privacy and confidentiality and is not used to justify unnecessary barriers to sharing information. DCA is also embedding FOI so that expertise is transferred to other departments and DCA only advises on the more complex cases. Within the EU, DCA is leading discussions for the UK Government on a new 'Data Protection Framework Decision' to establish a regime for data protection in police and judicial co-operation in criminal matters across the EU.

## Electoral administration

**7.23** DCA is working to strengthen democracy by improving people's access to the electoral system, ensuring confidence in the system and increasing engagement between the citizen and state between elections.

**7.24** The Electoral Administration Act came into law on 11 July 2006 and the bulk of it has now been implemented. The Act contains a wide range of measures to improve access and confidence. To encourage higher registration, it introduces a new duty on electoral registration officers and allows service personnel to stay on the register for up to five years. Voting opportunities are enhanced by allowing people to register up to 11 days before an election, while parents and carers will be able to bring children into polling stations. Electoral officers have a duty to promote elections and a fund has been set up to help them do so.

**7.25** There are a number of measures to improve security, especially of postal voting. This reinforces the secondary legislation which was introduced before the May 2006 local government elections. The Act also paves the

way for performance standards for electoral administration and greater transparency of finances.

**7.26** The Government responded to concerns about political party funding by including in the Act new measures to improve the transparency of political loans. The Prime Minister also asked Sir Hayden Phillips to conduct a review of party funding, which reported on 15 March 2007. The Government is now considering the way forward.

**7.27** Nine pieces of secondary legislation flowing from the Act have been passed in time for the May 2007 local government elections.

**7.28** Fifteen pilots of innovative voting methods took place during the May 2006 local government elections. Another twelve are planned for May 2007, including the first electronic voting pilots since 2003. Work on the Co-ordinated Online Record of Electors (CORE) continues. The first phase – standardising technical outputs – has been completed. The second phase – collating all local authorities' registration data into a single source of electoral registration data – is underway. A response paper to the 2005/06 consultation on CORE was published in February 2007.

**7.29** DCA Ministers gave evidence, written and oral, to the Committee on Standards in Public Life's review of the Electoral Commission, which reported in January 2007. The Government is considering the committee's recommendations.

**7.30** In December 2006, a consultation paper on voting rights for convicted prisoners was published, in response to a human rights judgment in Strasbourg. Consultation responses are being analysed. A further round of consultation is planned.

**7.31** The Boundary Commission for England concluded its fifth general review of parliamentary constituencies and submitted its final report to the Secretary of State on 31 October 2006. The report was laid in Parliament on 26 February 2007. The draft order, giving effect to the recommended constituencies will be considered by Parliament before going to the Privy Council.

**7.32** DCA's democratic engagement programme aims to increase the capacity of government to engage with citizens. DCA has produced a report and guidance on the use of digital technologies and has set up an online forum to

exchange ideas. An innovation fund is helping eight projects use technology to engage at local level. DCA is also funding seven local authorities to raise awareness of the need to register to vote among the under 25s and some ethnic minority groups. This follows the '1824' registration campaign in London ahead of the May 2006 London Borough elections. Evaluation of that campaign showed increased awareness levels and the advantages of different organisations working together to tackle the issue of under-registration. A strategy for future work on registration is being developed.

**7.33** Ministers and officials are also engaging with a variety of youth organisations and community groups to gain further insight into causes of disengagement and ways of addressing it.

### The legal system: working for the public

**7.34** Most of the provisions in the Constitutional Reform Act 2005 were commenced in April 2006, apart from the powers to create the Supreme Court which will officially open for business in 2009.

#### Support for the judiciary

**7.35** In April 2006, the Directorate of Judicial Offices for England and Wales was launched to support the Lord Chief Justice and senior judiciary and, through them, serving members of the judiciary. The directorate's remit encompasses the Judicial Office, the new Judicial Communications Office – providing communications for judicial office holders in England and Wales – and the Judicial Studies Board, providing education and training for the judiciary, under the responsibility of the Lord Chief Justice.

**7.36** The Judicial Office is based at the Royal Courts of Justice and assists the senior judiciary in their roles and responsibilities under the Constitutional Reform Act 2005. These include:

- the Lord Chief Justice's new role as Head of the Judiciary responsible for all judges
- the Lord Chief Justice's role in judicial appointments
- judges' wellbeing.

#### Support for the Lord Chancellor

**7.37** DCA has been restructured to support these reformed roles ensuring that public interest is represented in decisions taken under the new constitutional arrangements and that the public is provided with a well-selected, trained, remunerated and independent judiciary.

### Constitutional reform

**7.38** In line with the Act, secondary legislation was passed, enabling the House of Lords to elect its own Speaker in place of the Lord Chancellor. The first Lord Speaker, Baroness Hayman, took office on 4 July 2006. Secondary legislation was also passed limiting the Lord Chancellor's adjudicatory functions as visitor of various institutions.

### The Judicial Appointments Commission

**7.39** The Judicial Appointments Commission's (JAC) framework document was published on 24 October 2006. It sets out the strategic control framework for the JAC, including the conditions under which Government funds are provided. It also sets out how DCA supports the Lord Chancellor in his responsibilities which include approving the JAC's strategic objectives and targets, the policy and performance framework within which it will operate, and keeping Parliament informed about JAC performance. The JAC's performance is reported to DCA on a quarterly basis, against an annual business plan and three-year corporate plan, which sets out how the JAC is achieving its strategic objectives whilst delivering value for money and managing risk.

### The Office for Judicial Complaints

**7.40** The Office for Judicial Complaints (OJC) deals with matters of judicial conduct and discipline. It supports the Lord Chancellor and Lord Chief Justice in their joint responsibility for considering complaints about the conduct of the judiciary in England and Wales and other cases in which disciplinary issues arise. The OJC provides the Lord Chancellor and Lord Chief Justice with statistics on the complaints they have dealt with and reports each quarter on its performance against key targets.

## The Judicial Appointments and Conduct Ombudsman

**7.41** The Ombudsman considers complaints about the judicial appointments process and the judicial disciplinary process, and makes recommendations as appropriate. The Lord Chancellor is accountable to Parliament for the effective functioning of the Ombudsman and his office, and is supported by DCA. The Ombudsman provides regular reports to DCA on progress against the objectives and targets in the Ombudsman's corporate and business plans.

## House of Lords reform

**7.42** The Department continues to provide policy support to the Leader of the House of Commons, who has ministerial responsibility for House of Lords reform policy.

**7.43** In May 2006, Parliament established a Joint Committee on Conventions to consider the practicality of formalising the key conventions governing the relationship between the two Houses of Parliament. The joint committee reported on 3 November 2006 and the Government published its response on 13 December 2006. Following debates in the House of Lords and House of Commons on 16 and 17 January 2007 respectively, the report was approved without division in both Houses.

**7.44** The Government then published its White Paper *The House of Lords: Reform*, in February 2007. On 6 and 7 March the House of Commons debated the White Paper and voted on the composition of the House of Lords. Members voted in favour of an 80% and 100% elected House of Lords, and in favour of removing the remaining hereditary peers. The House of Lords rejected all options apart from the 100% appointed option.

**7.45** The Leader of the House of Commons will discuss the next steps within Government and then make a statement on the way forward.

## Establishing a Supreme Court for the United Kingdom

**7.46** In accordance with the Constitutional Reform Act 2005, a Supreme Court for the UK will replace the current Appellate Committee of the House of Lords as the final court of appeal in

Great Britain and Northern Ireland (with the exception of criminal cases in Scotland). This is a key change in the relationship between Parliament, Government and the judiciary and will provide greater separation and transparency between the judiciary and the legislature.

**7.47** The Supreme Court will be located at Middlesex Guildhall, on Parliament Square. Locating the highest court in the land away from the Houses of Parliament, yet right in the heart of the capital, symbolises its separation from the legislature and confirms its national and international importance.

**7.48** To enable the court to operate effectively, Middlesex Guildhall will be renovated and services and new support services will be provided. Renovation plans have been developed by conservation architects Feilden and Mawson in consultation with the existing Law Lords, Westminster City Council and English Heritage.

**7.49** In September 2006, Westminster City Council unanimously agreed to grant planning and listed building consent. The renovation will restore the layout originally intended for the building, improve public and equal access and provide a suitable working space for the UK Supreme Court. Kier Group plc has been appointed as the preferred bidder to carry out the renovation.

**7.50** We continue to work with the current Law Lords to ensure the Supreme Court is a fully functioning, independent institution when it opens for business. This includes defining business processes, developing a robust financial structure and creating a distinctive identity for the court. In January 2007, the new rules for the court were distributed for consultation and later in the year the search for a chief executive will begin.

**7.51** The number of Crown Court sitting days in London will not be affected by the closure of the seven courtrooms at Middlesex Guildhall. Work undertaken by the courts up until March 2007, was allocated to nearby court centres while in December 2006, the Department obtained planning consent to build additional courtrooms at the Isleworth Crown Court Centre. These additions will help make up for the loss in overall capacity by the closure of the Guildhall. Building work at Isleworth will begin in spring 2007 and is due for completion in the autumn of 2008.

## European and international relations

**7.52** DCA led for the UK in EU negotiations, which successfully concluded work on a European order for payment and small claims procedures, and the creation of a Fundamental Rights Agency. Work continued on draft measures concerning data protection in law enforcement, mediation, service of documents, choice of law in non-contractual matters and in the European civil judicial network. Three new proposals relevant to DCA were brought forward to which the Government decided not to exercise its right to opt-in. Two of these were in the field of family law, concerning the applicable law in divorce and maintenance. In relation to the third, on choice of law in contracts, DCA has been working closely with stakeholders, other member states and the European Commission, to find a solution that will enable the UK to accept the measure.

**7.53** DCA worked closely with other governments towards the accession to the EU of Romania and Bulgaria, including providing assistance to the Romanian Government on the development of judicial administration. DCA will continue to work with Bulgaria and Romania, as well EU candidate states and others, to encourage fair and effective justice systems.

**7.54** DCA has also taken part in judicial exchanges with France and India, which promote common law and the links between senior judges. This included several high level visits from those wishing to learn about the operation of DCA and the UK justice system.

**7.55** DCA continues to work closely with legal services stakeholders, other Government departments including the DTI, HMT and the FCO, as well as the European Commission, in promoting more open and competitive markets for legal services around the world.

## Court/tribunal business

### Court appointments

**7.56** With the establishment of the Judicial Appointments Commission (JAC), the judicial appointments process has now been put on a different footing, creating an independent, transparent and accountable mechanism for selecting the best candidates solely on merit. From 3 April 2006 the JAC became formally responsible for selecting candidates for judicial

office, as set out in Schedule 14 of the Constitutional Reform Act 2005. However, as the JAC was not in a position to have finalised all its policies and procedures at that point, transitional arrangements were put in place to cover the first year of operation. Under these arrangements, the Lord Chancellor retained responsibility for a limited range of appointments, including those competitions started by DCA before April 2006 (and which, by that time, had made significant progress).

**7.57** Key appointments made during the year were as follows:

- one Lord of Appeal
- four Lord Justices of Appeal (three from the Queen's Bench Division and one from the Chancery Division). Two of these appointments were made as a result of JAC recommendations and two under the previous system
- eight High Court Judges (five to the Queen's Bench Division, two to the Chancery Division and one to the Family Division).

**7.58** The Lord Chancellor considered the pool of strong candidates that resulted from the 2005 High Court competition before making recommendations to the Queen for appointments to the High Court.

### Tribunal appointments

**7.59** Over the last year a number of appointments have been made to a range of tribunals. They include a Senior Immigration Judge of the Asylum and Immigration Tribunal; Chairman of the Special Immigration Appeals Commission, panel members for the Reserve Forces Appeal Tribunal and a panel member for the Agricultural Land Tribunal.

**7.60** The exercise to recruit a new Chief Social Security Commissioner was unsuccessful. To ensure cover for the post, the current Chief Commissioner has agreed to have his appointment extended, pending a re-run of the competition.

**7.61** Also during this period, the first President of the Gambling Appeals Tribunal was announced. This new tribunal came into force following the introduction of the Gambling Act 2005.

## Developing a diverse judiciary

**7.62** Following the October 2004 consultation paper *Increasing Diversity in the Judiciary*, the Secretary of State and Lord Chancellor announced, in March 2005, the Judicial Diversity Programme. The constitutional changes which came into effect on 3 April 2006 necessitated a review of the Lord Chancellor's previously announced judicial diversity programme, to reflect the new constitutional arrangements.

**7.63** In May 2006, the Lord Chancellor announced the Judicial Diversity Strategy. The strategy, jointly agreed with the JAC and the Lord Chief Justice, seeks to:

- promote judicial service and widen the range of people eligible to apply for judicial office
- encourage a wider range of applicants, to ensure the widest possible choice of candidates for selection
- promote diversity through fair and open processes for selection to judicial office solely on merit
- ensure that the culture and working environment for judicial office holders encourages and supports a diverse judiciary and increases understanding of the communities served.

**7.64** Progress in implementing the Judicial Diversity Strategy will be measured and a joint annual statement will be published in 2007/08.

**7.65** DCA, working closely with the Judicial Office of England and Wales, is responsible for the first and fourth work strands of the strategy while the JAC is responsible for the second and third strands of the strategy. Further details on JAC progress will be reported in their annual report.

**7.66** Since April 2006 we have:

- launched an initiative with the Law Society to encourage more solicitors to apply for judicial office. Five city law firms and two regional law firms have signed up to an action plan promoting judicial service and diversity within their firms
- piloted a judicial mentoring scheme on the North Eastern circuit

- funded an independent review of judicial training on diversity delivered by the Judicial Studies Board
- worked with the Judicial Office to develop the role of circuit community liaison judges
- worked with the Bar Council and Law Society to remind all barristers and solicitors with 7, 12 and 15 years' experience that they are eligible for judicial service, and sent promotional literature about the life of a judge
- sent promotional leaflets and packs to more than 100 universities and law colleges in England and Wales
- introduced a career break scheme for salaried judiciary below the High Court, and extended part-time working to the majority of salaried judiciary. The total number of judicial office holders who have taken advantage of salaried part-time working stood at 109 as of April 2007. Improvements have also been made in the area of maternity and adoption leave for fee paid judiciary.

**7.67** One of the key commitments announced by the Lord Chancellor in July 2005 was to widen eligibility for judicial appointment. Following the Queen's Speech in November 2006 the Tribunals, Courts and Enforcement Bill was introduced. The Bill contains clauses that will allow fellows of the Institute of Legal Executives and registered patent agents and trademark attorneys, as well as barristers and solicitors, to apply for appointments to judicial posts. The Bill also contains clauses that will replace the current statutory requirement for possession of rights of audience with a requirement for a specified number of years' post-qualification legal experience (PQLE). The specified number of years will be reduced from seven or ten (according to the judicial post concerned) to five or seven. PQLE will ensure that applicants have been engaged in legal activity during the qualifying period, which is presently not necessary.

**7.68** Another major announcement made by the Lord Chancellor in September 2006 included his intention to permit former salaried judges to return to legal practice subject to appropriate conditions and safeguards. The consultation on the nature of these conditions and safeguards closed in December 2006 and further announcements will be made in 2007. It is

expected that lifting the prohibition on return to practice will encourage younger solicitors and barristers and those with caring responsibilities to apply for judicial service.

**7.69** More information about the judicial diversity programme, with links to relevant documents and speeches, can be found at: [www.dca.gov.uk/judges/diversity/index](http://www.dca.gov.uk/judges/diversity/index)

**7.70** A statistical breakdown of judges in post can be viewed at: [www.judiciary.gov.uk](http://www.judiciary.gov.uk)

## Other constitutional functions

**7.71** DCA continues to manage the relationship between the UK and the Crown Dependencies. Jersey, Guernsey and the Isle of Man are internally self-governing dependencies of the Crown, each with its own ministerial system of government and legal, judicial, fiscal and administrative systems. DCA works with the governments of each to represent and promote their policy interests to relevant UK Government departments.

**7.72** DCA also continues to represent and promote UK policy and interests to the governments of the Crown Dependencies and works with them on matters which affect their international relations and those of the UK.

## Constitutional settlement

**7.73** DCA sustains the constitution by upholding the core values of justice, rights and democracy. This includes advising on the use of the Royal Prerogative, the relationship between Church and state, the sovereignty of Parliament, and the overall UK devolution settlement.

**7.74** DCA continues to provide advice on a number of constitutional issues relating to royal matters. With colleagues from the Irish Government, DCA also provides the Secretariat to the British-Irish Council.



## Chapter 8: Delivering for the public



**Delivering improved services to the public more effectively and efficiently**



## DCA strategy 2004-09

**8.1** In December 2004 we published *Delivering Justice, Rights, and Democracy: DCA Strategy 2004-09* which outlined five priority areas for delivering improved services to the public over that period. These areas are:

- reducing crime and antisocial behaviour
- speeding up asylum and immigration appeals
- protecting the vulnerable
- delivering faster and more effective dispute resolution
- strengthening democracy, rights and responsibilities.

**8.2** Our progress on delivering improvements in each of these areas has been described in previous chapters of this report.

**8.3** We aim to continue to deliver improvements in these priority areas by:

- continuing to develop policies that give communities and citizens the power and confidence to tackle crime and antisocial behaviour
- providing education, information and advice to enable people to settle their disputes away from formal court and tribunal processes where this is possible and desirable
- improving the way we deliver services to ensure that they are efficient, responsive to the needs of the public, and that they deliver good value for money
- reshaping our organisation to ensure it is focused around meeting the needs of the public and on delivering real improvements in our priority areas.

## Spending review strategy

### Comprehensive Spending Review (CSR) 2007 outcome

**8.4** The 2007 Comprehensive Spending Review (CSR), announced in July 2005, will set departmental budgets for the years 2008/09 to 2010/11. The Department reached a settlement, which was announced by the Chancellor in his December 2006 pre-budget report. This means that our core funding (including provision for legal aid) will reduce by 3.5% annually in real terms compared

with 2007/08 funding, taking our budget to approximately £4bn per year over the CSR period.

**8.5** This early settlement allows us to start planning how best to spend the money. We have produced a plan setting out financial and business proposals for the next five years, which will form the basis for all planning work. We intend to update this plan quarterly.

**8.6** Our settlement means that we will have to make efficiencies and look for ways to deliver better services for the same amount or less money. We also aim to have a better understanding of any unbudgeted costs which could arise, and we plan to build in the necessary flexibility to meet these.

**8.7** And we have over £100m for a substantial modernisation programme, enabling us to continue delivering an efficient and effective justice system, which supports the rights and needs of victims, witnesses, defendants and tribunal users.

## Efficiency

**8.8** As part of the 2004 Spending Review, Sir Peter Gershon looked at ways of making efficiency savings in central government, with a view to reallocating resources to frontline services.

**8.9** The Department agreed to make financial savings of £292m, 1,100 headcount reductions, and the relocation of 200 posts to outside of London and the South East.

**8.10** Two years into the programme, we have made substantial progress and the latest forecasts show that we will meet all our targets with some contingency.

## Financial savings

**8.11** At the end of December 2006, the Department has made £244m of savings out of our target of £292m savings by 2007/08.

**8.12** Of this, £85m is cashable, against a target of £57m. These are savings which produce a tangible cash benefit which can be reinvested elsewhere.

**8.13** On current forecast, we should meet our target of £292m by June 2007.

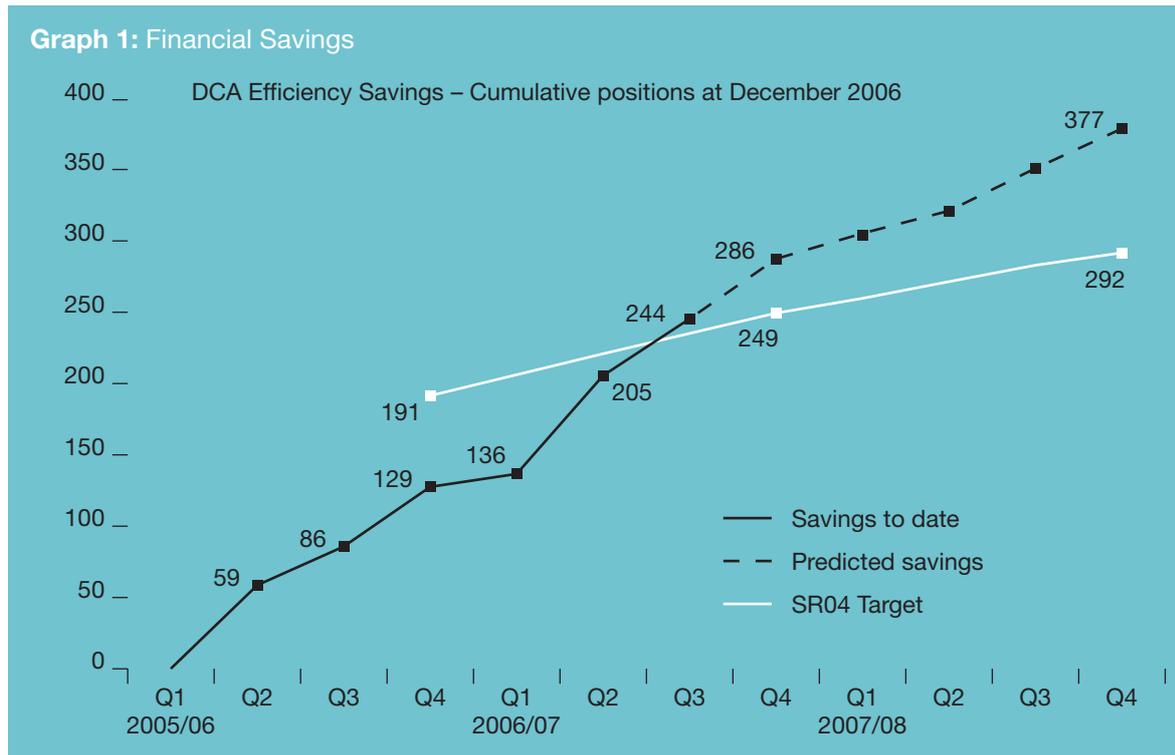
**8.14** Highlights of the programme include significant savings from getting better value for money from legal aid contracts and also

considerable savings through greater use of the Government procurement card.

**8.15** Table 1 (below) shows the breakdown of these savings and Graph 1 shows the latest progress and forecasts.

**Table 1: Financial savings**

Area	Target (£m)	Delivered by Dec 06 (£M)	Details
Legal Aid	198	115	<p>These savings are delivered by controlling the costs of Very High Cost Cases, reducing Crown Court payments and capping legal aid help by projects such as CLS Direct.</p> <p>In addition, we expect further savings as a result of Lord's Carter's review of legal aid. These will be delivered in 2007/08.</p>
Cross – CJS	25	11	<p>These comprise of savings from the Xhibit system in the Crown Court as well as performance improvement measures which have reduced the number of ineffective and cracked trial rates.</p>
HMCS	41	53	<p>These savings result from rationalisation of the HMCS estate as well as improving business functions and corporate services.</p> <p>Further savings will be achieved through area restructuring.</p>
Procurement	15	16	<p>These savings result from a more efficient procurement strategy, including greater use of the Government procurement card and OGC-buying solutions, as well as smaller savings related to office supplies, agency staff and other services.</p>
Corporate Services	3	5	<p>These savings are due to reorganisation and restructuring of IT, finance and HR functions.</p>
Tribunals Service	0	42	<p>These savings are from corporate restructuring as a result of the formation of the Tribunals Service. Further savings have been achieved in the Asylum and Immigration Tribunal by reducing the time spent processing appeals.</p>
Other	10	2	<p>These comprise the financial benefit of headcount reductions in DCA HQ, and through better absence management.</p>
<b>Totals</b>	<b>292</b>	<b>244</b>	



**Workforce**

**8.16** The Department agreed to reduce the number of employees by 1,100 full-time equivalents (FTEs). We are doing this by reductions across DCA and its agencies.

**8.17** We made 929<sup>9</sup> FTE reductions by the end of December 2006. These reductions have come through initiatives such as:

- HMCS: moving from 42 to 25 areas has enabled reductions in back office and support functions
- Tribunals: organisational efficiencies have been achieved through the creation of the Tribunals Service, which brought together several disparate organisations
- HQ: restructuring of corporate functions such as HR and finance.

**8.18** Details of reductions to date are shown in the table opposite.

**Table 2: DCA headcount**

Area	FTE reductions to date
DCA Headquarters	131
HMCS	689
Tribunals Service	106
Public Guardianship Office	3
<b>Total</b>	<b>929</b>

<sup>9</sup>Figure of 929 FTE reduction relates to progress against DCA baseline as of April 2006

## Relocations

**8.19** At the end of December 2006, the Department had relocated 94 posts out of London and the South East against a target of 200 relocations. The moves are illustrated in table 3 below.

**Table 3: Relocations**

Area	Number of relocated posts
Land Registry	37
e-Delivery Group	35
Judicial Studies Board	10
Tribunals Service	9
HMCS	3
<b>Total</b>	<b>94</b>

**8.20** The most popular locations for moves are Manchester (22 posts) and Coventry (23 posts).

**8.21** Future relocations will include more posts in the Tribunals Service. We are also considering locations for new the Legal Services Board and Office of Legal Complaints outside London and the South East.

## Audit of efficiency savings

**8.22** We have worked with internal audit to ensure that all the savings reported are accurate and meet the data quality requirements specified by the Office of Government Commerce (OGC). Business areas classify their savings as to data reliability, impact on service quality and the assurance of data systems used to calculate efficiencies.

**8.23** The National Audit Office has also examined DCA's savings in its second report on efficiency. In particular, it highlighted the model for reporting savings from reduced cracked and ineffective criminal trials as an example of good practice.

## Risk management

**8.24** The active management of risk is fundamental to the effective and economical achievement of the Department's objectives and has a central role in the way its business is conducted. It informs the financial planning process, operational decision-making, contingency planning and the way the Department manages change.

**8.25** At a strategic level, the Department's corporate risks are considered as part of the monthly performance report by both the Departmental Management Board and the Ministerial Executive Board. This is supplemented by a separate quarterly risk report, which identifies the key risks to each of the main DCA business areas. In addition, the Performance Sub-Committee focuses on individual delivery arms, including finance, risk and performance issues. In common with other Government departments, DCA continues to develop its risk management capabilities, reporting progress to the Civil Service Management Board.

**8.26** During the last year there has been improved consistency in reporting criteria across the Department, with all parts of the DCA family receiving support by designated risk co-ordinators. The Department's risk management policy is being updated, with its launch to be accompanied by training for relevant staff across DCA.

**8.27** Our 'Statement on Internal Control' (SIC), providing assurances on risk management processes, was fully compliant with HM Treasury requirements in 2005/06. Our work continues to further develop the operation, monitoring and reporting of our risk management and internal control capabilities. DCA's Audit Committee and Internal Audit Team provide guidance and support to this process.

**8.28** Improvements have been made to strengthen the annual supporting assurance statements provided by the business areas. This has included using HM Treasury's Risk Management Assessment Framework as a tool in assessing actions and identifying areas for improvement to support the SIC and the Department's position in future capability reviews.

**8.29** Our internal control policy is also being updated to reflect these developments.

## Better regulation

### Reducing administrative burdens – DCA Simplification Plan

**8.30** Better regulation activity during the year has been firmly focused on delivering DCA's contribution to the cross-government project on reducing administrative burdens. Progress on other better regulation activity has therefore been slower than anticipated but we succeeded in publishing the first ever DCA 'Simplification Plan' on 11 December 2006<sup>10</sup>.

**8.31** The plan sets out what we will do to reduce the administrative burdens imposed on business, charities and the voluntary sector when complying with the Department's regulation. In common with most other central government departments, DCA is committed to achieving a 25% reduction in the cost of compliance by May 2010. The plan describes the measures that will contribute to achieving that reduction and it will be updated annually to provide details of progress and any new measures that will contribute to the overall reduction in compliance costs.

**8.32** During the coming year we will promote the importance of the better regulation agenda throughout DCA to ensure it is considered in policy development. It is anticipated that the Cabinet Office-led revision of the regulatory impact assessment process will be introduced during 2007 and we will use that to mount a wide-ranging information and education campaign on better regulation.

**8.33** Following previous, disappointing attempts to engage with external stakeholders on better regulation issues, we hope the publication of the 'Simplification Plan' will stimulate greater engagement with our key external stakeholders. Previously, there has been limited stakeholder enthusiasm for participating in the measurement phase of the reducing administrative burdens project. Only 11 proposals have been received through a portal set up to encourage external proposals on ways of simplifying DCA's regulation. None of these produced viable simplification propositions that could be developed and implemented.

### Regulatory Impact Assessments

**8.34** Regulatory Impact Assessments (RIA) have been produced wherever required, ensuring that DCA had a 100% compliance rate in 2006/07 using Cabinet Office criteria. DCA published 26 consultations during 2006/07. Nineteen of these did not have an accompanying partial RIA. However in each case, an explanation was provided as to why a partial RIA was not attached or required. Reasons included:

- a previous RIA developed for the introduction of primary legislation had assessed the impact of the proposed changes
- initial RIAs indicated little change or very minor savings or costs
- the proposals were at a very early stage and the consultation contained a public commitment to produce a RIA or public sector Impact Assessment for subsequent consultations
- the topic under consultation was of an administrative nature.

**8.35** An example of an RIA carried out during the year is the assessment produced for the Compensation Act which underlined the importance of conducting post-implementation reviews. Assessing the effectiveness of new regulation in the light of experience will provide an opportunity to bring new activities into the scope of regulation if that is thought necessary and will allow activities to be removed from regulation if that is no longer deemed appropriate or effective.

### Hampton compliance

**8.36** The RIA produced to accompany the Legal Services Bill acknowledges the importance of the Hampton principles, not only in terms of simplifying the existing regulatory maze but also by setting out how the oversight regulator will take a risk-based approach to its role. DCA will also hold ongoing reviews of the effectiveness of the reforms and work with stakeholders as part of this process.

**8.37** We are reviewing the forms issued to customers by DCA and its Associated Offices to see if they need to be revised, simplified or withdrawn. The results of this work will be reported in the next version of the 'Simplification

<sup>10</sup> <http://www.dca.gov.uk/pubs/better-regulation.htm#simplan>

Plan' which is updated annually. The plan already sets out initiatives to simplify court guidance and documentation for the benefit of both court staff and contractors working with HM Courts Service.

**8.38** A consultation on draft forms and guidance needed for making a Lasting Power of Attorney<sup>11</sup> (LPA) invited stakeholder input on whether the proposed forms were simple, clear and effective. DCA also consulted on new forms to be used under the Compensation Act.

## Consultation

**8.39** During 2006/07, DCA and HMCS launched a total of 26 written public consultations. Sixteen of these were full, public consultations lasting for 12 weeks or more. The other ten were limited consultations, all authorised by the appropriate DCA Minister in accordance with the Government's code of practice on public consultation.

### Limited consultations

**8.40** The ten limited consultations lasted less than 12 weeks and were targeted at a specialist audience. Each limited consultation paper contained the required ministerial authorisation and set out the reasons why a limited consultation was appropriate. Justification for limited rather than full public consultation included only minor, procedural amendments were being made or that the consultation was of a specialised nature of interest to a small and clearly defined group of stakeholders.

### Best practice

**8.41** DCA is keen to explore the use of online tools that complement traditional paper-based consultation exercises to encourage broader public participation in policy processes. An example of this commitment is the consultation on *Confidence and Confidentiality: Improving transparency and privacy in the family courts*. Here views from the public and young people were obtained using online forums and citizen panels. The Department worked in partnership with the Family Justice Council, CAFCASS, National Youth Advocacy Service (NYAS), the Office for the Children's Commissioner for England and the Office of the Children's Rights Director from the beginning to the end of the policy development process. The online element of this consultation initiative was evaluated as part of the Department's 'Digital Dialogues'

guide, which will be available at the end of April 2007.

## Improving the public's experience: Delivering a breakthrough

**8.42** The Department has come a long way since it was formed in 2003 and there have been a number of fundamental changes to improve performance and increase efficiency:

- all the different courts have been brought into one organisation – HMCS
- we have set up the Tribunals Service
- we now have a far wider range of policy responsibilities
- we have implemented constitutional changes such as the Constitutional Reform Act
- we have agreed, and are now in process of implementing, major reforms to the way legal aid is delivered.

**8.43** For the court system these changes are a good starting point. But the challenge over the next two years is to ensure that the public's experience of the court system moves from a high quality one that is offered in a handful of courts to one that can be delivered consistently in every court throughout England and Wales.

**8.44** We already have plans to achieve this. On crime for instance, we are delivering improved ways of working as set out in *Criminal Justice: Simple, Speedy, Summary*. However, we do need a clear point of reference. We need to deliver a small number of achievable improvements that can and will make a difference. This is a commitment from HMCS to the local communities each and every court serves. HMCS will, by the end of 2008:

- give greater priority and urgency to public law cases involving issues such as whether children should be taken into care, with a view to ensuring that the matter is resolved in less than 40 weeks or such later time as the judge or magistrate deems appropriate

<sup>11</sup> A new power under the Mental Capacity Act, this consultation and others can be found in the Publications section of the DCA website [www.dca.gov.uk]

- simplify and speed up criminal cases in the magistrates' courts so that most guilty plea cases are dealt with at the first hearing, most contested cases have no more than two hearings, the majority of simple charged cases take from a day to six weeks (on average) from charge to disposal
- apply the underlying principles behind community justice to all magistrates' courts, ensuring local courts take account of local issues, particularly when dealing with low level crime
- encourage more families to resolve issues themselves through providing in-court conciliation or mediation where appropriate
- put in place the systems and incentives to ensure that the vast majority of civil business can take place online
- provide a simpler and quicker service in the county courts through introducing a presumption that all but the most complex small claims are dealt with by way of mediation
- reduce the time taken to deal with cases in the Crown Court, so that the majority of cases are commenced and concluded within 16 weeks
- provide a knowledgeable, personalised and readily accessible service, keeping users informed about the progress of their case.

**8.45** Delivering these changes requires not only improved performance by court staff but also by improved partnership working with our judicial colleagues and all the other parts of the justice system, an approach that will be strengthened by the creation of the new Ministry of Justice. The step change needed, especially in the criminal and the family courts cannot happen without this.

**8.46** These changes should not be expected to happen overnight. But these are the consistent standards that the public should expect all courts to strive towards. Where they are being delivered the plaudits are well deserved. Where they are not, the component parts of the system need to redouble their efforts, ensuring the partnership necessary to deliver justice is in place and is working effectively, delivering the service the public expects and demands.

**8.47** The focus so far has been on the courts. But a similar focus applies equally to tribunals and other parts of the justice system. Precisely how this might work will vary but what is consistent is the desire to make the breakthrough and tap into the knowledge and experience of all our staff to really make a difference to the people who use our courts and services.

## Customer satisfaction HM Courts Service (HMCS)

### Improving performance

**8.48** We have continued to implement improvement activities and policies for the benefit of the customer, in line with our Customer Service Strategy.

**8.49** We have developed and implemented a range of activities to improve customer satisfaction. This includes:

- the introduction of HMCS core standards for counter, telephone, written correspondence and complaint handling
- the introduction of a standard performance poster
- the launch of noticeboard standards
- improving complaints-handling compliance through a programme of assurance-testing
- the implementation of an HMCS 'Courts Charter' leaflet
- a supporting toolkit and guidance to help improve customer feedback locally.

### Listening to our customers

**8.50** This year HMCS has developed its approach to gaining customer feedback. This feedback will be used to inform business planning across HMCS, shape and drive customer service improvement plans, and benchmark results across boundaries and with other organisations. This will help HMCS identify areas of good service and good practice. Exit surveys will be conducted face-to-face by an independent service provider and will be linked to the five key drivers of satisfaction: service delivered, waiting times, information, how staff dealt with the customer, and the court environment. The first year of this programme began in January 2007. Separate postal surveys will be conducted for jurors and complainants.

### Charter Mark

**8.51** HMCS uses the Charter Mark standard to drive continuous improvement in its customer service.

**8.52** The evaluation of overall HMCS performance against this standard took place in September 2006.

**8.53** It demonstrated that for 2006/07 a firmer infrastructure is in place for all HMCS applicants. Many of the priority activities that were identified in November 2005, have been addressed and producing significantly stronger 'corporate evidence':

- a reduction in the number of elements identified as having 'little or no' evidence from 16 in 2005 to eight in 2006
- an increase in the number of elements identified as having 'a lot' of evidence from 14 in 2005 to 23 in 2006.

**8.54** In addition to this, 87 HMCS business areas have achieved Charter Mark this year.

### Multi-faith chaplaincy

**8.55** A chaplain is an independent, neutral person who listens to the personal concerns of visitors to courts, such as jurors, defendants, witnesses, and members of the legal profession in a non-judgemental way. This service complements existing support structures and the details of each chaplaincy will be worked out according to the needs of the local population.

**8.56** Following a very successful chaplaincy pilot in Leeds, a guidance booklet for courts has been published for other courts wishing to try something similar. Feedback from customers about the support and help given by court chaplains is very positive. As a result of this initiative, a further nine courts in England and Wales have introduced multi-faith chaplaincies to support its customers.

### Wider Markets Initiative (WMI)

**8.57** By December 2006, HMCS had raised £738,000 by hiring out its buildings for commercial purposes, including corporate entertaining, television filming and by allowing partner agencies to use our premises. Since April 2004, HMCS has generated a revenue of almost £1.7m. Revenue raised by HMCS under WMI is either ploughed back into the business or invested in additional customer service improvements.

## Complaints and performance

### The national picture

**8.58** HMCS is processing 88.5% of complaints within five-ten working days, exceeding the 85% target set. This is a significant achievement particularly as the number of recorded complaints has increased by 4.09% in comparison to 2005/06.

### Customer Service Unit (CSU)

**8.59** CSU is processing 97% of complaints within 15 working days, exceeding the 94% target set. This is also a significant achievement when you compare 2005/06 with 2006/07, which shows that:

- the volume of recorded complaints has increased by 10.29%, an increase of 387 recorded complaints from 2005/06 and almost double the national average
- there has been a 37% increase in the number of email enquiries/complaints received, which, is an increase of 2,705 from 2005/06
- there has been a 80% increase in the number of telephone calls received, which, is an increase of 7,200 from 2005/06.

### Future initiatives

**8.60** In 2007/08 we will:

- continue to build a customer service culture by bringing together relevant HMCS workstreams under the auspices of the 'Improving the Customer Experience' project (ICE)
- introduce a survey 'portal' to hold all survey results. This will enable data to be easily accessed and the benchmarking of performance internally and externally at the national and local levels
- explore the commercial potential of the Statute Law Database
- research the potential for increasing access to databases held by the DCA by digitising databases and making them available on the internet
- develop a toolkit for building/court/room hire for use across DCA.

## Tribunals Service

### Customer satisfaction

**8.61** The Tribunals Service has implemented new uniform complaints-handling procedures, making it easier for users to comment on our service whichever tribunal jurisdiction they are using.

**8.62** Following the transfer of additional tribunals into DCA, we have introduced common targets for complaints-handling for all jurisdictions. A new electronic recording and monitoring package is helping us to analyse the nature of customer comments so that we can take the appropriate action and to monitor their progress.

**8.63** The Tribunals Service has improved performance across all tribunals as part our commitment under the 2006/07 business plan. Every major jurisdiction has improved in delivering better service quality to users including Mental Health Review Tribunal, Social Security and Child Support Appeals Tribunal and Asylum and Immigration Tribunal (AIT). AIT has been working in partnership with the Immigration and Nationality Directorate to improve 'Visit Visa' cases. We have also made better use of accommodation such as the wider use of purpose-built buildings, reducing the need for hired and unsuitable venues.

### HMCS Change Programme

**8.64** HMCS has a number of initiatives in place to transform the way in which courts do business. The HMCS Change Programme governs all these, ensuring they are aligned with HMCS business strategy, deliver better services for lower cost, make savings, and lead to standardised and modernised processes, to deliver sustainable change.

**8.65** A reduction in the number of administrative areas from 42 to 25 has allowed HMCS to streamline and rationalise its management structure and build a solid foundation for delivering the rest of the strategy. Going forward, the programme aims to improve the criminal justice system (CJS), in partnership with the Office for Criminal Justice Reform and other criminal justice agencies, modernise magistrates' courts, transform the civil and family courts and rationalise the court estate.

**8.66** A key focus in the near term will be the magistrates' courts. Under the banner of *Criminal Justice: Simple, Speedy, Summary*, we will improve the speed and effectiveness of the

courts, with fewer, more effective hearings, less time between charge and disposal and shorter waits for both victims and witnesses. We will implement streamlined processes, a consistent way of working and links to agencies across the CJS, helped by a new magistrates' case management system. Better enforcement will be achieved through the National Enforcement Service, targeting defaulters more effectively, with greater consistency in processes, better information sharing and closer working with partner criminal justice agencies. Other initiatives include extending the community justice approach to new areas and a new digital audio recording system that will replace existing outdated analogue court reporting equipment.

**8.67** We will also transform our civil court services. Modern IT systems will enable more efficient back office working, electronic filing and enhanced electronic communications and a rationalisation of the estate. As part of this modernisation, we launched 'Possession Claim Online', allowing property owners to apply for repossession electronically. Defendants are also able to interact electronically with the court. 'Money Claim Online', a similar service for claims up to £100,000, has been operating successfully since 2002. We have continued to develop IT support for the judiciary with the provision of laptops and a secure broadband service giving them greater flexibility when working between their courts, home and judges' lodgings. The 'Judicial Portal', a secure online service for the judiciary, is due for completion during 2007. A longer term aim is to implement an electronic filing and document management service that would become the main communication channel between the courts and court users, bringing great benefits to HMCS, judges, customers and their legal representatives.

### Tribunals change programme

**8.68** Since its creation in April 2006, the Tribunals Service has pressed ahead with a challenging agenda of reform in addition to fulfilling its objectives of maintaining and improving standards of service. The cornerstone of the reform agenda is the 'Future Strategy' programme that has been developed over the course of the year to date.

**8.69** The programme will comprise of:

- a new business delivery model to create an integrated organisation with a number of multi-jurisdictional hearing centres, providing customers with a single point of access for a range of tribunals services

- plans to concentrate all administrative processing in a small number of administrative support centres located outside London and the South East to improve efficiency and customer service
- new estates and IT strategies to support these new business changes
- transition to a regional management structure to replace the current jurisdictional organisation. This will offer greater flexibility and efficiency in both estates utilisation and staff deployment
- re-organisation of corporate services to support the new business model and regional management structure
- the policies and practices needed to ensure staff have the skills to deliver the services needed for the new structure.

## The Tribunals, Courts and Enforcement Bill

**8.70** The Tribunals, Courts and Enforcement Bill will provide for a radical overhaul of most of the tribunals with the exception of the AIT and Employment Tribunal Service, creating a new two-tier tribunal. The Bill will also transform the Council on Tribunals into the Administrative Justice and Tribunals Council with a broader remit.

**8.71** This creates the scope for flexibility in the deployment of judges and panel members from all tribunals under the leadership of the new judicial head of the judiciary, the Senior President.

## Information Technology

**8.72** The central IT function provides IT services to 26,000 staff and members of the judiciary. Technology is key to improving the services we deliver to our customers in the courts, tribunals and Associated Offices. Elsewhere in this report you will read about how, over the course of the last year, eDelivery Group has supported DCA's business change programmes delivering new IT systems to improve our services to the public.

**8.73** Last October, we awarded two new IT contracts to deliver infrastructure (our IT physical equipment) and applications (the programs run on a computer that automate manual processes). From June, we will begin the transfer of IT services to our two new suppliers, Atos Origin

and LogicaCMG. These new contracts will provide a single, joined-up network across the entire Department, enabling future IT changes and supporting the long-term modernisation of the Department.

## Coroner Service

**8.74** DCA published a draft Coroners Bill in June 2006, which will improve the service for bereaved families in England and Wales by giving them greater rights to be consulted and involved during investigations and inquests. A post of Chief Coroner will be introduced to be responsible for developing national standards and improving training for coroners. Coroner boundaries will be reshaped to ensure a better distribution of work to prevent backlogs building up, and inquest powers and procedures will be improved.

**8.75** Alongside the Bill, we published an illustrative draft 'Charter for Bereaved People', which sets out the rights of bereaved people and the level of service they can expect to receive in a reformed coroner service.

**8.76** The draft Bill was scrutinised by the Constitutional Affairs Select Committee (CASC) before the summer recess, and we published our response to CASC's recommendations in November 2006.

**8.77** Around the same time, and following an Ipsos-MORI survey which we commissioned to establish the satisfaction levels of recent users of the coroner service, we invited thirteen of those surveyed to meet in Parliament to scrutinise the parts of the draft Bill most relevant to bereaved people. Members were also invited to observe the process. This was the first time the public had been involved in scrutinising legislation in front of those who may eventually debate it in Parliament.

**8.78** The draft Bill was also open for general consultation. We published the report on the feedback from the general consultation, which generated over 150 responses, in January. Legislation will be introduced as parliamentary time allows.

**8.79** The innovative way the Bill was presented, and the style of the explanatory notes, was recognised by the Plain English Campaign and DCA accepted a plain English award at a ceremony in December.

**8.80** Through our regular meetings and visits with coroners and their staff we are aware of the many improvements made at local level. Where appropriate, we circulate examples of good practice to coroners. We have also encouraged improvements in the current coroner service by providing better annual performance statistics, amalgamating smaller coroner districts in two shire counties, expanding training for coroners, and establishing new local coroner courts support services. We continued to liaise with the Coroners Officers Association and have provided funding to develop a guidance manual.

**8.81** We intend to consolidate the Cremation Regulations, modernising the language and creating rights of inspection of forms for families. A consultation paper is expected to be published shortly.

## Burial services

**8.82** In April 2006, DCA published a report on the findings of the public consultation exercise on the reform of the burial laws in England and Wales. This found that there was widespread public support for reforming and modernising the existing burial system, including the re-use of old graves and the need for more consistent legislation. Work has since continued, in conjunction with stakeholders, to identify practical and affordable ways to provide, regulate and maintain burial grounds, and to modernise the conduct of burials and exhumations.

**8.83** At the same time, a new guide was published for burial ground managers, with the aim of improving standards for the bereaved and the wider public. It has been drawn up with help from professional and representative burial organisations.

**8.84** The 10,000 returns received from the first survey of burial grounds in England and Wales have been analysed. A report on the findings is expected to be available by late spring 2007. Further consideration has been given to providing additional guidance on memorial safety in the light of the publication of the Local Government Ombudsmen special report on the issue.

**8.85** During the year we issued over 1,200 licences to exhume buried human remains (a figure similar to previous years), regulated the removal of human remains from burial grounds subject to development (directions issued in

nearly 30 cases), and processed over 40 applications to discontinue burials in churchyards which should no longer be used.

## Human resources (HR)

**8.86** The Government's continuing reform of public services is aimed at better meeting the needs of customers. Ensuring that staff in all areas of DCA have the skills to lead more effective service delivery is fundamental and the way we recruit, lead, develop and reward staff will be crucial.

**8.87** We have developed a five-year people and organisation strategy setting out how we will ensure we have the capability and capacity to deliver the Department's objectives and improve the services delivered to the public. This is being implemented through a number of business-focused initiatives intended to modernise the way we manage people and put the right systems in place to support managers.

## HR Transformation Programme

**8.88** The HR Transformation Programme is the umbrella programme for the modernisation initiatives. Its objectives are to:

- improve delivery of HR services, through a new target operating model that sees every part of the HR organisation focused on delivering to the business and structured around a shared services operation
- exploit modern technology to provide high quality HR services to managers and staff, and to streamline HR processes
- put in place a single, clear and attractive employment 'deal', designed to attract, retain and engage the right staff to deliver our organisational strategy
- achieve new ways of working, reducing the administrative burden on managers and staff, enabling business leaders to make more effective decisions and to allow HR to focus on more value-adding activities
- assure that learning and development effectively supports our objectives across DCA.

**8.89** The programme includes a number of projects, including a shared services procurement scheme expected to begin autumn 2007, and a pay and grading review.

### Pay and grading

**8.90** We currently have staff on more than 43 different sets of terms and conditions of service, following previous mergers to create HMCS and the Tribunals Service. The pay and grading project has been established to review the whole range of reward and grading structures and to design a common but flexible set of terms and conditions of employment for the whole of DCA.

**8.91** The objectives of the project are to:

- integrate and harmonise pay and terms and conditions across DCA
- ensure that pay and terms and conditions are fair, consistent and competitive
- concentrate resources on lower paid staff
- make sure that high performing staff can be well rewarded
- ensure that we can offer competitive packages to recruit and retain the staff we need, where we need them
- provide managers with a flexible toolkit to use, rather than rigid pay systems to administer.

**8.92** Pay and grading will introduce the 'DCA Deal' of new pay structures and terms and conditions. This will put in place pay arrangements for four years, from 2007 to 2010. The remit for this period has been agreed with the Treasury and the project is being implemented.

### Corporate leadership

**8.93** A continuing focus on leadership is central to achieving our challenging programme of modernisation. One of DCA's core values is leadership and teamwork and we are working to bring this to life across the Department, ensuring that leadership development supports business delivery.

**8.94** During 2006, we have continued our programme of developing leadership skills for the Senior Civil Service (SCS). As part of this, we have run further performance management master

classes and continued business coaching for directors and others in key roles. More than a third of the SCS are now mentors and we hope to extend this by making all members aware of the benefits of mentoring for themselves and those mentored.

**8.95** A Leadership Action Learning Group comprised of those on the 'High Potential Development Scheme' and other members of the SCS has been established and is developing a refreshed leadership strategy based on the outcomes of the Capability Review. Work by the group during the year has focused on 360° feedback, team coaching, action learning sets and continuing professional development. In 2007, the group will be looking to expand membership and increase the engagement of the SCS outside London through the creation of regional hubs.

**8.96** We have also established a new talent programme for junior staff and middle managers within the Department. 'Future Leaders' provides a corporate framework for the development of talent within DCA. Under this framework, senior managers are establishing local schemes to identify prospective future leaders and to help them realise their potential. Participants are provided with a structured programme of development to support skills acquisition and career progression.

### Professional Skills for Government (PSG)

**8.97** A key part of DCA's focus on service delivery is the development of its people. Underpinning this is the Cabinet Office-led Professional Skills for Government programme (PSG).

**8.98** PSG incorporates clear expectations regarding leadership, the core skills that all civil servants need in order to deliver public services, and the more specialised, professional skills that our people employ in their specific roles. Our initial priority is to ensure that the skills of our senior leaders meet both the requirements of the Department's five-year strategy and the wider requirements of the Civil Service.

**8.99** During the last year, we have incorporated PSG principles into our recruitment and selection procedures for SCS posts. Furthermore, we have conducted a skills audit across DCA to establish our priorities for development over the next two years.

**8.100** The implementation of PSG, and the 'upskilling' of our people, will be supported by a revitalised leadership strategy, and continued focus on financial management and programme and project management skills as our development priorities. The result will be more skilled managers and leaders in all areas of the Department who are better equipped to take forward DCA's service delivery agenda.

### Learning and development

**8.101** This year we have carried out a comprehensive review of our learning and development products. We have piloted management and leadership training events for new managers aimed at raising management capability. A range of 25 quick guides on key topics has also been developed to support managers.

**8.102** We have provided training sessions for 2,200 managers on the new performance management system to be introduced in April 2007 so that they can brief their teams ahead of the changes. We have also provided training for frontline staff to deal with new legislation and IT change projects including LIBRA, SUPs and the Adoption and Children Act 2002.

**8.103** We have provided ongoing training for HMCS staff across a range of disciplines as well as developing training materials and training local skills coaches and trainers to ensure that people have the knowledge and skills to do their jobs. We have also worked with the Judicial Studies Board to ensure that legal advisers receive appropriate training for new legislation and continuing professional development.

**8.104** We funded 50 staff to undertake NVQ customer service and administration qualifications, and continue to support over 100 people who started these courses last year. Twenty people took part in the Princes Trust Team Programme, improving their leadership and teamwork skills and helping the communities in which they work and live.

### Diversity

**8.105** DCA places great importance to diversity with the new equality and diversity policies among the very first new policies introduced in April 2005 for the expanded DCA. In autumn 2006, we made further changes to the way the diversity agenda was co-ordinated and taken forward across the business. These included:

- setting up a programme team to ensure that we fully deliver on our statutory requirements under new equality legislation covering gender, race and disability (legislation requiring all public authorities to take an active role in promoting equality of opportunity and eliminating discrimination). The Disability and Race Equality Schemes were published in December 2006 and the Gender Equality Scheme will be published end of April 2007
- working to ensure that equality, diversity and human rights are embedded into the daily business as well as in policy development. Diversity impact assessments are now used by policy makers to ensure they take account of diversity issues when developing new policies and a programme of seminars on raising awareness of human rights is underway.

**8.106** DCA now has six networks providing support and advice to staff on disability, caring responsibilities, women's issues, minority ethnic, sexual orientation and faith issues. These networks provide regular outreach events for staff across the country and represent the Department at wider diversity events. Champions support the networks at DCA Board level, to ensure that staff are heard by senior managers.

**8.107** We also continue to take forward the Civil Service 'ten point plan' to improve the representation of people from minority groups in the SCS and the feeder grades.

### Delivering on the Capability Review

**8.108** We welcomed the opportunity to pilot the first in a programme of Capability Reviews being rolled out across Government departments. These reviews are part of the Civil Service reform agenda aimed at ensuring the effective delivery of key public services.

**8.109** The review findings were published in July 2006 and recognised the considerable progress DCA had made since it was created in June 2003, especially the strong commitment demonstrated across the entire Department to improving the services we provide for the public.

**8.110** The review also identified some areas for improvement and a two-year improvement plan with clear milestones was developed to address these. In June 2006, we launched a departmental change programme to take forward the recommendations from the

Capability Review and to further enhance the organisation's ability to manage change and reform on a large scale and at pace. The programme is being driven forward by a new board level change executive.

**8.111** A number of key activities in the plan have already been delivered. A new organisational vision has been developed articulating the strategic direction for the Department and we have set out a clear business model for the Department, its agencies and NDPBs, which focuses on the need to deliver change and priorities for the benefit of our users.

**8.112** The first six-monthly stocktake took place in January 2007 and the progress review identified where DCA had progressed well and the challenges it faces over the following six months. The review team felt good progress had been made against the improvement plan and the Department had done as much as could be expected by this stage. The team will meet again in summer 2007 to formally review progress one year after the Capability Review findings were published.

## Effective communications

### Correspondence from MPs and peers

**8.113** The Department has a target to reply within 20 working days. For the period 1 January – 31 December 2006, Ministers replied to 3,524 separate pieces of correspondence with the target met in 84% of cases.

### Correspondence from members of the public

**8.114** The Department has a target to reply within 15 working days. For the period 1 January – 31 December 2006, 2,600 separate pieces of correspondence (including emails) were answered with the target met in 86% of cases.

## Creating a more strategic approach to communications

**8.115** The Department is further developing its approach to communications as a key contributor both to the delivery of policy objectives for the public but also as a way of ensuring that all staff feel connected to the goals of the Department. This included the merger in October of the strategy and communication directorates, supporting the closer integration of the work of these teams and helping ensure that

communications plays a full part in customer-focused policy development and delivery, including cross-government initiatives. We have also:

- strengthened internal, leadership and change communications
  - identifying and implementing improvements in the way we communicate with each other and across the Department to support key change and business programmes. We are reviewing our communication channels and will act on the results, including changing the format of the staff conference
  - developed a leadership and change communications programme which will increase leadership visibility and communications, improve engagement between senior staff and the field, and introduce evaluation to monitor effectiveness and drive continual improvement in communications and across the wider business
- adopted a more strategic approach to media communications, focusing on the impact that the Department's policies and issues make on people's lives – using the 'Real People, Real Lives' theme. This has included work to involve a more diverse media audience in DCA issues
- making real the approach advocated in David Varney's review of service transformation by developing a digital communications strategy to deliver the best online customer experience we can, by:
  - improving access to information and services by utilising digital media effectively and efficiently
  - supporting professionals who work in the justice, rights and democracy sectors
  - increasing awareness of our services and delivering consistent messages through a variety of digital media.

**8.116** Specific projects have included:

- Criminal Justice – working with colleagues across the CJS, through the National Criminal Justice Board and its Communication Sub-Committee to develop a system-wide approach to communications. Specific outputs have included assisting with the development

of a core criminal justice system narrative with supporting facts and figures

- Legal aid joint communications work with the LSC on the publication of the Carter review of legal aid, during the subsequent consultation and on publication of the *Way Ahead* response. This included multiple publications, stakeholder engagement and joint press briefings
- Producing material on human rights for public sector practitioners explaining the balance between individual rights and the right of the public to be protected.

## Welsh language

### DCA Welsh Language Scheme

**8.117** DCA has adopted the principle that in the conduct of public administration and justice in Wales, it will treat the English and Welsh languages equally. When DCA's Welsh Language Scheme is published it will set out how DCA will apply this principle to the public services in Wales for which it is responsible.

**8.118** A new version of DCA's draft Welsh Language Scheme is being finalised and subject to Welsh Language Board approval, we intend to submit it for public consultation in early summer 2007.

### HMCS Welsh Language Scheme

**8.119** Similarly, HMCS has adopted the principle that in the conduct of public business and the administration of justice in Wales it will treat the English and Welsh languages equally. The HMCS Welsh Language Scheme sets out how HMCS will apply this principle when providing services to the public in Wales. The aim of the policy is to enable everyone who deals with HMCS in Wales, to have a choice of doing so in either English or Welsh.

**8.120** Each area (Dyfed-Powys, Gwent, North Wales and South Wales) has an action plan specifying how the use of the Welsh language can be enhanced and promoted, and how the scheme is to be implemented in those areas.

**8.121** HMCS provides the Welsh Language Board with an annual report describing progress made in implementing the measures in the scheme. The first annual report covers the period August 2005 to March 2006.

**8.122** HMCS has a dedicated Welsh language unit based in Holyhead. The unit provides support in delivering the scheme to court users and assistance for HMCS, DCA and Associated Offices. A helpline is also available, offering a range of free services in Welsh. Many of HMCS' leaflets and forms are produced in bilingual format. Court users in Wales have the right to give evidence in either English or Welsh at court using simultaneous translation facilities.

## Health and safety

**8.123** DCA is committed to ensuring the health, safety and welfare of its employees, the judiciary, visitors, contractors and all others who may be affected by its activities. It fully accepts its responsibilities under the Health and Safety at Work Act 1974.

**8.124** DCA has a corporate health and safety policy, which acknowledges that positive, proportionate health and safety risk management prevents harm and enables efficient delivery of services across the Department. We also recognise that good health and safety management has a significant positive impact on the wellbeing of staff, service delivery and achieving financial targets. Our corporate arrangements provide a framework for the leadership and co-ordination that are essential for achieving a positive health and safety culture.

**8.125** Delivery of our health and safety policy has been supported by the introduction, over the last year, of an improved corporate health and safety management system that has:

- increased the provision of in-house professional health and safety advice
- provided health and safety out-reach to all DCA business areas
- increased health and safety guidance and information
- revitalised our health and safety website and
- introduced health and safety assurance reporting.

## Sustainable development

**8.126** The Departmental Sustainable Development Strategy and action plan has been published and reviewed to reflect the new framework targets published by DEFRA in June 2006. Progress against the action plan and the new targets has been steady and will be communicated to staff through DCA's sustainable development web page later in 2007 where mechanisms for data collection will be put in place.

**8.127** Due to the merger with the magistrates' courts and creation of HMCS in 2005, the Department is in talks with DEFRA and the Sustainable Development Commission to renegotiate the data held for the baseline year. Key activities this year have included:

- energy surveys and efficiencies looking at low cost measures which could be undertaken to reduce energy consumption
- continuing staff awareness and training programs
- introduction of sustainable development into the departmental induction package
- reducing energy consumption and carbon emissions in line with the Government target of having a carbon neutral government estate
- monitoring and reduction of water consumption against the DEFRA framework targets, looking to reduce consumption by 60% by 2020
- development of a Procurement Policy and strategy document setting out the Department's commitment to sustainable procurement and encouraging staff to purchase sustainable goods wherever possible. Further work to communicate this message will take place over the next 12 months.

**8.128** In addition, work to establish a corporate Environmental Management System has started within the Tribunals Service. If successful this will be trialled in other areas of the Department.

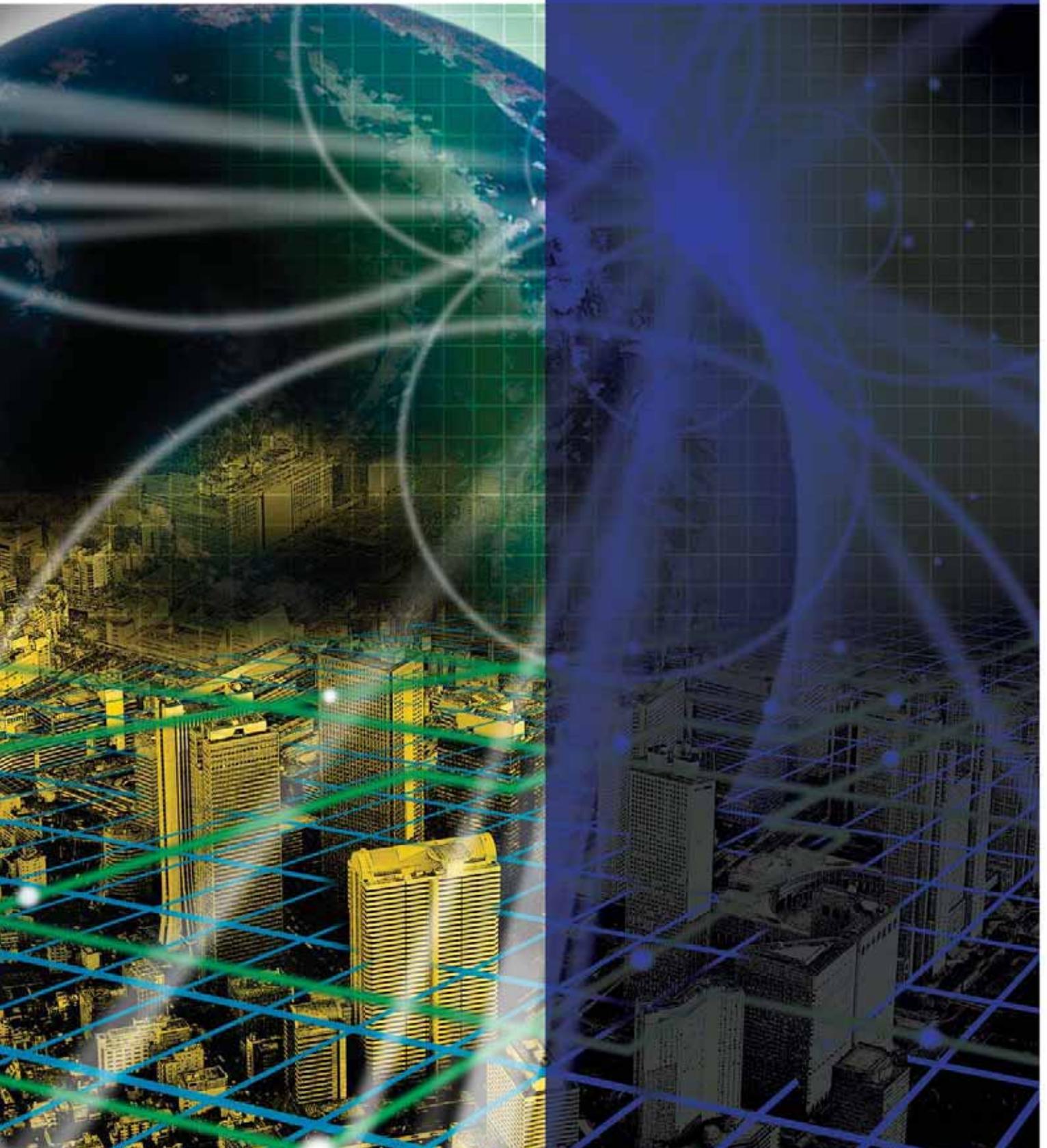
**8.129** The service level agreement between DCA and the Office of Government Commerce (OGC) buying solutions has further increased the amount of renewable energy received. Over 15% of the electricity we now use is from renewable sources and the Department is looking to increase this further as part of our work on reducing carbon emissions.

**8.130** Key activities planned for the forthcoming year include:

- development of an induction sheet to new entrants providing details of the departmental approach to sustainability
- development of a program for carbon offsetting of ministerial and senior official air travel
- continued migration of sites onto the OGC framework contract for energy provision
- formulation of a waste reduction plan to help us meet our waste reduction commitment.



## Chapter 9: Other offices



## Northern Ireland Court Service

**Director: D.A. Lavery**

**9.1** The Northern Ireland Court Service is the Lord Chancellor's Department in Northern Ireland. The Court Service employs 750 staff at 21 courthouses and other offices across Northern Ireland.

**9.2** The role of the Court Service is to:

- provide administrative support for the Northern Ireland courts, i.e. Court of Judicature, county courts, magistrates' courts, coroners' courts
- provide administrative support for all Northern Ireland tribunals
- enforce civil court judgments through the Enforcement of Judgments Office
- support the Lord Chancellor in carrying out his ministerial responsibilities in Northern Ireland, including responsibility for judicial appointments and legal aid.

**9.3** In March 2006, the Northern Ireland Secretary of State, Peter Hain MP, announced that the Court Service will assume administrative responsibility for all of Northern Ireland's tribunals and will be restyled the 'Courts and Tribunals Service' from April 2007. This is an important development which will pave the way for the modernisation of tribunals in Northern Ireland.

### Objectives for 2006/07

**9.4** The Court Service's corporate plan for 2005 – 2008 outlines its three strategic objectives:

- modernising court business
- improving access to justice
- promoting confidence in the justice system.

**9.5** The corporate aim of the organisation is "serving the community through the administration of justice".

### Performance for 2006/07

**9.6** The Court Service's annual report for 2006/07 will report on business performance against the milestones outlined in its business plan for 2006/07. An overview of key achievements is set out below:

### Modernising court business

#### A new Coroners Service for Northern Ireland

**9.7** The new Coroners Service for Northern Ireland was launched in June 2006 by Bridget Prentice MP. The new service includes a full-time coroners' judiciary including a High Court Judge as the presiding judge. Coroners' liaison officers have been appointed to liaise with bereaved families, the Coroners Service and other agencies. This represents a new and improved way to modernise this important service.

#### Integrated Court Operations System (ICOS)

**9.8** The Court Service has developed a modern IT system to support the courts and judiciary. ICOS facilitates the electronic transaction of business in the civil, family and criminal courts. The new system will be fully operational by March 2007 and will allow for court business to be transacted in many different ways in the future.

#### Improving customer service

**9.9** In May 2006, the Court Service invited Her Majesty's Inspectorate of Courts Administration (HMICA) to carry out a post-inspection review of customer service following their initial inspection in June 2006. HMICA's report acknowledged the sustained high standard of customer service delivered through the courts in Northern Ireland.

**9.10** During 2006, a civil processing centre was established in Belfast which provides a centralised service for documentation processing up to the listing stage. A pilot customer service centre has also been established which provides a centralised service for the payment of fines and the issue of warrants. This enables local court offices to concentrate on court hearings and the delivery of high quality customer services.

## Improving access to justice

### Reform of public-funded legal services

**9.11** The Court Service has continued to work with the Northern Ireland Legal Services Commission to oversee the introduction of new civil legal services by 2007. Progress has also been made on developing a new legal aid remuneration scheme for criminal cases in the magistrates' courts. This is to be introduced by April 2007.

### Tribunal reform

**9.12** As part of the Review of Public Administration, the Lord Chancellor assumed responsibility for the administration of Northern Ireland tribunals in April 2007. During 2006, the Court Service has progressed plans to ensure a smooth transition for the existing tribunals into the new Northern Ireland Courts and Tribunals Service. A Parking Adjudication Tribunal was established in November 2006 for appeals relating to new decriminalised parking enforcement.

## Promoting confidence in the justice system

### Appointment of a Judicial Appointments Ombudsman

**9.13** In September 2006, the first Northern Ireland Judicial Appointments Ombudsman was appointed. The role of the Ombudsman is to investigate complaints where maladministration or unfairness is alleged to have occurred during the judicial appointments process. The Ombudsman will have a vital role to play in instilling confidence and ensuring the integrity of the new framework for judicial appointments. The Constitutional Reform Act 2005 provided for the establishment of this new post as a replacement for the Commissioner for Judicial Appointments.

### Reducing avoidable delay

**9.14** In May 2006, the Criminal Justice Inspectorate for Northern Ireland published a report on avoidable delay in the processing of criminal cases. The Court Service, in partnership with other criminal justice agencies has developed a joint delay strategy to implement those recommendations. A key initiative has been the introduction of case progression officers whose role is to provide effective case management.

## The Right Justice: Protecting the rights of the child

**9.15** The Court Service hosted the XVII World Congress of the International Association of Youth and Family Judges and Magistrates in August 2006. Opened by the Lord Chancellor, Lord Falconer, this was only the second time in the history of the association that the Congress has been held in the UK or Northern Ireland. The central theme of the congress was 'The Right Justice' and represented a significant commitment to increase and renew efforts in this important area.

### Abolition of non-jury Diplock courts

**9.16** The Court Service, in conjunction with other criminal justice agencies, has developed proposals to take account of the Secretary of State for Northern Ireland's commitment to repeal legislation including non-jury Diplock trials. Diplock courts were set up in the 1970s to deal with paramilitary violence. The Justice and Security (Northern Ireland) Bill, introduced in November 2006 will enable the Director of Public Prosecutions to certify a case for non-jury trial if he is satisfied that it meets a new statutory test. It is intended that the new arrangements will come into force in July 2007 to coincide with the lapse of Part 7 of the Terrorism Act 2000.

### Delivering better public services

**9.17** The Court Service measures its business performance through a range of targets across each of the three court tiers. Business performance during 2006/07 was as follows:

#### Criminal business

**9.18** Target: To process 80% of criminal business within target times

**9.19** Overall performance: 76% within target (April – December 2006)

#### Civil Business

**9.20** Target: To process 97% of civil business within target times

**9.21** Overall performance: 87% within target (April – December 2006)

### **Family Business**

**9.22** Target: To process 95% of family business within target times

**9.23** Overall performance: 97% within target (April – December 2006)

### **Management of resources**

**9.24** The Court Service's resource accounts for the financial year ending 31 March 2006 were published in July 2006. These are available online at: [www.courtsni.gov.uk](http://www.courtsni.gov.uk).

### **Contact details**

Northern Ireland Court Service  
9-15 Bedford Street  
Belfast  
BT2 7LT

T: 02890 328594

F: 02890 412390

E: [informationcentre@courtsni.gov.uk](mailto:informationcentre@courtsni.gov.uk)

[www.courtsni.gov.uk](http://www.courtsni.gov.uk)

## Financial tables

**Table 1** Total departmental spending

£'000

	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Outturn estimated	2007/08 Plans
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### Resource Departmental Expenditure Limits (DEL)

Northern Ireland Court Service	82,986	99,256	112,786	129,364	127,719	148,263	132,439
<b>Total resource budget DEL</b>	<b>82,986</b>	<b>99,256</b>	<b>112,786</b>	<b>129,364</b>	<b>127,719</b>	<b>148,263</b>	<b>132,439</b>
<i>of which: Near-cash</i>	73,854	85,350	93,347	108,602	109,892	113,907	114,634

### Resource Annually Managed Expenditure (AME)

<b>Total resource budget AME</b>	-	-	-	-	-	-	-
<i>of which: Near-cash</i>							
<b>Total resource budget</b>	<b>82,986</b>	<b>99,256</b>	<b>112,786</b>	<b>129,364</b>	<b>127,719</b>	<b>148,263</b>	<b>132,439</b>
<i>of which: depreciation</i>	3,957	5,826	8,105	9,383	9,915	9,640	6,120

### Capital budget

#### Capital DEL

Northern Ireland Court Service	9,901	9,631	2,197	6,948	6,248	2,944	6,000
<b>Total capital budget DEL</b>	<b>9,901</b>	<b>9,631</b>	<b>2,197</b>	<b>6,948</b>	<b>6,248</b>	<b>2,944</b>	<b>6,000</b>

#### Capital AME

<b>Total capital budget AME</b>	-	-	-	-	-	-	-
<b>Total capital budget</b>	<b>9,901</b>	<b>9,631</b>	<b>2,197</b>	<b>6,948</b>	<b>6,248</b>	<b>2,944</b>	<b>6,000</b>

### Total departmental spending †

Northern Ireland Court Service	88,930	103,061	106,878	126,929	133,967	151,207	132,319
<b>Total departmental spending †</b>	<b>88,930</b>	<b>103,061</b>	<b>106,878</b>	<b>126,929</b>	<b>133,967</b>	<b>151,207</b>	<b>132,319</b>

*of which:*

<b>Total DEL</b>	<b>88,930</b>	<b>103,061</b>	<b>106,878</b>	<b>126,929</b>	<b>133,967</b>	<b>151,207</b>	<b>132,319</b>
<b>Total AME</b>	-	-	-	-	-	-	-

† Total departmental spending is the sum of the resource budget and the capital budget less depreciation. Similarly, total DEL is the sum of the resource budget DEL and capital budget DEL less depreciation in DEL, and total AME is the sum of resource budget AME and capital budget AME less depreciation in AME.

### Spending by local authorities on functions relevant to the Department

<b>Current spending</b>	-	-	-	-	-	-	-
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*of which:*

financed by grants from budgets above	-	-	-	-	-	-	-
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<b>Capital spending</b>	-	-	-	-	-	-	-
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*of which:*

financed by grants from budgets above	-	-	-	-	-	-	-
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**Table 2** Resource budget DEL and AME £'000

	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Outturn estimated	2007/08 Plans
<b>Resource DEL</b>							
<b>Northern Ireland Court Service</b>	<b>82,986</b>	<b>99,256</b>	<b>112,786</b>	<b>129,364</b>	<b>127,719</b>	<b>148,263</b>	<b>132,439</b>
<i>of which:</i>							
Courts, other legal services and legal aid	82,986	99,256	112,786	129,364	127,719	148,263	132,439
<b>Total resource budget DEL</b>	<b>82,986</b>	<b>99,256</b>	<b>112,786</b>	<b>129,364</b>	<b>127,719</b>	<b>148,263</b>	<b>132,439</b>
<i>of which:</i>							
Near-cash	73,854	85,350	93,347	108,602	109,892	113,907	114,634
<i>of which:</i>							
Pay	21,778	17,568	10,173	-9,442	25,782	29,791	31,411
Procurement	48,689	63,293	59,402	58,773	84,085	84,091	83,198
Grants and subsidies	3,387	4,489	23,772	59,271	25	25	25
Depreciation	3,957	5,826	8,105	9,383	9,915	9,640	6,120
<b>Resource AME</b>							
<b>Total resource budget AME</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<i>of which:</i>							
Near-cash	-	-	-	-	-	-	-
<i>of which:</i>							
Pay	-	-	-	-	-	-	-
Procurement	-	-	-	-	-	-	-
Grants and subsidies	-	-	-	-	-	-	-
Depreciation	-	-	-	-	-	-	-
<b>Total resource budget</b>	<b>82,986</b>	<b>99,256</b>	<b>112,786</b>	<b>129,364</b>	<b>127,719</b>	<b>148,263</b>	<b>132,439</b>

**Table 3** Capital budget DEL and AME

£'000

	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Outturn estimated	2007/08 Plans
<b>Capital DEL</b>							
Northern Ireland Court Service	9,901	9,631	2,197	6,948	6,248	2,944	6,000
<i>of which:</i>							
Courts, other legal services and legal aid	9,901	9,631	2,197	6,948	6,248	2,944	6,000
<b>Total capital budget DEL</b>	<b>9,901</b>	<b>9,631</b>	<b>2,197</b>	<b>6,948</b>	<b>6,248</b>	<b>2,944</b>	<b>6,000</b>
<i>of which:</i>							
Capital expenditure on fixed assets net of sales†	9,901	9,631	2,197	6,948	6,248	2,944	6,000
Net lending to private sector	-	-	-	-	-	-	-
Capital support to public corporations	-	-	-	-	-	-	-
Capital support to local authorities	-	-	-	-	-	-	-
<b>Capital AME</b>							
<b>Total capital budget AME</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total capital budget</b>	<b>9,901</b>	<b>9,631</b>	<b>2,197</b>	<b>6,948</b>	<b>6,248</b>	<b>2,944</b>	<b>6,000</b>
<i>of which:</i>							
Capital expenditure on fixed assets net of sales†	9,901	9,631	2,197	6,948	6,248	2,944	6,000
Less depreciation††	3,957	5,826	8,105	9,383	9,915	9,640	6,120
Net capital expenditure on tangible fixed assets	5,944	3,805	-5,908	-2,435	-3,667	-6,696	-120

† Expenditure by the Department and NDPBs on land, buildings and equipment, net of sales. Excludes spending on financial assets and grants, and public corporations' capital expenditure.

†† Included in resource budget.

**Table 4** Northern Ireland Court Service capital employed **£'000**

	2000/01 Outturn	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Projected	2007/08 Projected
<b>Assets on balance sheet at end of year</b>								
<b>Fixed assets</b>								
Intangible	–	180	1252	34	204	104	25	–
Tangible	111,745	150,359	163,153	181,809	194,786	201,527	202,778	204,749
<i>of which:</i>								
Land and buildings	110,047	145,701	158,098	175,966	188,551	195,285	198,913	201,782
Plant & machinery and IT	509	3,494	3,675	4,318	4,669	4,711	2,481	1,390
Furniture & fittings	1,189	1,164	1,380	1,525	1,566	1,531	1,384	1,421
Investments	–	–	–	–	–	–	–	–
Current assets	8,138	8,328	10,994	6,524	9,127	7,345	7,336	7,551
Creditors (<1 year)	(12,141)	(11,789)	(14,046)	(9,231)	(10,621)	(10,220)	(8,695)	(8,893)
Creditors (> 1 year)	–	(24,621)	(25,190)	(25,556)	(25,452)	(25,360)	(25,476)	(25,308)
Provisions	(817)	(1,040)	(764)	(853)	(1,389)	(3,434)	(3,023)	(2,992)
<b>Capital employed within main department</b>	<b>106,925</b>	<b>121,237</b>	<b>134,147</b>	<b>152,693</b>	<b>166,451</b>	<b>169,858</b>	<b>172,919</b>	<b>174,951</b>
<b>NDPB net assets</b>	<b>–</b>	<b>–</b>						
<b>Total capital employed in departmental group</b>	<b>106,925</b>	<b>121,237</b>	<b>134,147</b>	<b>152,693</b>	<b>166,451</b>	<b>169,858</b>	<b>172,919</b>	<b>174,951</b>

**Table 5** Administration costs £'000

	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Outturn estimated	2007/08 Plans
<b>Administration expenditure</b>							
Paybill	5,878	4,978	4,979	5,445	4,870	5,330	17,172
Other	13,405	10,441	9,475	10,438	7,856	8,992	3,139
<b>Total administration expenditure</b>	<b>19,283</b>	<b>15,419</b>	<b>14,454</b>	<b>15,883</b>	<b>12,726</b>	<b>14,322</b>	<b>20,311</b>
Administration income	-12,442	-10,942	-15,942	-13,942	-17,293	-18,200	-18,000
<b>Total administration budget</b>	<b>6,841</b>	<b>4,477</b>	<b>-1,488</b>	<b>1,941</b>	<b>-4,567</b>	<b>-3,878</b>	<b>2,311</b>
<b>Analysis by activity</b>							
Northern Ireland Court Service	6,841	4,477	-1,488	1,941	-4,567	-3,878	2,311
<b>Total administration budget</b>	<b>6,841</b>	<b>4,477</b>	<b>-1,488</b>	<b>1,941</b>	<b>-4,567</b>	<b>-3,878</b>	<b>2,311</b>

**Table 6** Staff numbers – Northern Ireland Court Service £'000

	2001/02 Actual	2002/03 Actual	2003/04 Actual	2004/05 Actual	2005/06 Actual	2006/07 Actual estimated	2007/08 Plans	2008/09 Plans	2009/10 Plans
CS FTEs	691	710	740	752	722	725	720	706	692
Overtime	115	7	5	5	4	6	4	4	4
Casuals	2	1	0	0	28	9	0	0	0
<b>TOTAL</b>	<b>808</b>	<b>718</b>	<b>745</b>	<b>757</b>	<b>754</b>	<b>740</b>	<b>724</b>	<b>710</b>	<b>696</b>

**Notes**

- (1) The staff of the Northern Ireland Court Service are not part of the home Civil Service and therefore are not included in Civil Service staffing count.
- (2) The Judicial Appointments Commission was established in June 2005 and staff seconded to it are excluded from the calculations from that date.

## HM Land Registry

### Chief Land Registrar and Chief Executive of Land Registry: Peter Collis CB hon RICS

**9.25** Her Majesty's Land Registry, a separate Government department since 1862, was established as an executive agency of the Secretary of State in July 1990 and as a trading fund in April 1993. Land Registry is wholly self-financing and therefore makes no call on public funds under normal operating procedures.

**9.26** Land Registry operates through 24 offices located throughout England and Wales – a London-based head office, the land charges and agricultural credits departments and an information systems group (based in Plymouth).

**9.27** The Land Register is a record of all land ownership that has been registered in England and Wales. Each register of title to freehold and leasehold land has its own number (the title number) and contains a description of the property, the name and address of the registered owner and other details such as mortgages and rights that may affect the property adversely. The register also includes a title plan, showing the location and extent of each registered title.

**9.28** Disputed applications to Land Registry are determined by the adjudicator to HM Land Registry, an independent office created by the Land Registration Act 2002.

**9.29** The Land Register is open to the public and for a fee anyone can inspect the register, find out the name and address of the current owner of any registered property or obtain a copy of any registered title.

### Land Registry objectives

**9.30** Land Registry's mission is to provide the world's best service for guaranteeing ownership of land and make property transactions easier for all.

**9.31** Our 10-year strategic plan describes how Land Registry will accomplish its mission through the achievement of ministerially-agreed strategic objectives. It is a rolling plan, updated each year and supported by an annual business plan. Both plans can be viewed on Land Registry's website: [www.landregistry.gov.uk/strategy](http://www.landregistry.gov.uk/strategy)

**9.32** The current strategic objectives are:

- **Customer service**  
Continuing to make improvements to the delivery of services to all stakeholders
- **Land registration**
  - Delivering timely and effective secondary legislation in relation to land registration
  - Creating a comprehensive land register for England and Wales
- **Electronic service delivery**
  - Introducing an electronic conveyancing system through which most property transactions will take place
  - Making all land registration data electronically accessible to everyone
- **Other business development**  
Developing a broader range of services for property professionals, the public and others.

### Land Registry performance for 2006/07

**9.33** Under the terms of our framework document, the Secretary of State presents our annual report and accounts to Parliament before the summer recess. The annual report and accounts for 2005/06 were published in July 2006 and contain details of our key performance indicators and other wider business measures.

**9.34** Table 1 below gives details of our key performance targets for 2006/07 with the latest forecast outturn. The actual outturn will be published in our annual report and accounts for 2006/07.

**Efficiency (unit costs)**

**9.35** We are constantly working to improve the efficiency of our services to customers. With the agreement from the Treasury, we aim to reduce our unit costs in real terms to £21.17 by the end of 2006/2007 and to £20.61 in real terms by the end of 2007/08. Table 2 shows our achieved and planned unit costs in cash terms.

**9.36** Our business is demand-led and the volume of transactions can be affected by a number of factors including domestic and commercial conveyancing activity, the growth in owner occupation and the buoyancy of the secured credits market. Our unit output (actual and planned) is shown in table 3.

**Quality public services**

**9.37** The Land Registration Act 2002 and the associated Land Registration Rules 2003 provide the legislative framework for land registration in England and Wales, and pave the way for electronic conveyancing.

**9.38** In order to meet the public's desire for a quicker, more transparent and assured home-buying and selling process, we are working on a Ministerially approved programme of work which will develop and deliver a re-engineered and fully electronic conveyancing system.

**9.39** For further details of this and of other electronic services, see the Land Registry annual report and accounts on our website: [www.landregistry.gov.uk](http://www.landregistry.gov.uk)

**9.40** We are committed to delivering high quality and responsive land registration services to meet our customers' needs. This commitment is enshrined in our statement of service standards which is published in our annual report and accounts, and as a separate document. We are one of a very small number of organisations to have been awarded the Charter Mark on five consecutive occasions.

**9.41** We have an independent complaints reviewer, who conducts impartial investigations of complaints from customers who are dissatisfied with the service they have received from us and have not been satisfied by our internal complaints procedures. The independent complaints reviewer's annual report is available from:

New Premier House  
150 Southampton Row  
London  
WC1B 5AL

T: 020 7278 6251

**Staffing and appointments**

**9.42** Staff are our major asset (see table 4 for staff numbers) and their unique skills and expertise in the field of land registration continue to be key to our success. We:

- recruit on the basis of fair and open competition
- are committed to diversity and equal opportunity
- are recognised as an Investor in People.

**9.43** For further information on our staffing policies and initiatives which include our own 'Qualification in Land Registration Law and Practice' delivered in partnership with the College of Law, please see our annual report and accounts.

**Environment**

**9.44** All our local offices now have ISO 14001 accreditation and an environmental management system is in place.

**Contact details**

HM Land Registry  
Lincoln's Inn Fields  
London  
WC2A 3PH

T: 020 7917 8888

F: 020 7166 4474

E: [strategy@landregistry.gsi.gov.uk](mailto:strategy@landregistry.gsi.gov.uk)

[www.landregistry.gov.uk](http://www.landregistry.gov.uk)

**Table 1** Key performance targets 2006/07

	Target 2006/07	Forecast
<b>Financial</b>		
To deliver a return on average capital employed, payable as a dividend to the Consolidated Fund	3.5%	On course
<b>Efficiency</b>		
Cost per unit in real terms	£21.17	£18.56
Cost per unit in cash terms <sup>12</sup>	£29.89	£26.20
<b>'Service first' standards</b>		
<b>Speed</b>		
Percentage of official copy and search applications processed within two working days	98	98
Percentage of all registrations processed within 18 working days	80	88.6
<b>Accuracy</b>		
Percentage of registrations processed free of any error	98.5	98.8
Overall satisfaction		
Percentage of customers who are very satisfied/satisfied with the full range of services provided by Land Registry	Better than 95	98.4
<b>Critical action points</b>		
<b>Customer service</b>		
Introduce imagery-based access to Land Register Online		Achieved
<b>Land registration</b>		
Add a further 700,000 hectares of land to the total area of registered freehold land in England and Wales	58.333 per month <sup>13</sup>	Achieved
<b>Electronic service delivery</b>		
Introduce a prototype chain matrix service to provide transparency to residential conveyancing chains		Achieved
<b>Other business development</b>		
Establish a Land Registry Portal as a first step in implementing a single integrated customer interface for all electronic Land Registry information and services		Achieved

For further explanation of the Land Registry's key performance indicators see our annual report and accounts for 2005/06.

<sup>12</sup> Based on GDP deflator issued by HM Treasury on 21 March 2007.

<sup>13</sup> Based on title extents.

**Table 2** Unit costs in cash terms

	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
	Actual	Actual	Actual	Actual	Actual	Target	Target	Target
	£26.67	£24.48	£27.06	£26.97	£26.64	£29.95	£29.95	*

Note 1: The cost of completing each unit of work is calculated by dividing Land Registry’s operational expenditure in any period by the number of units of work completed during that period.

Note 2: Cash term targets for 2006/07 and 2007/08 are based on the GDP deflators issued by HM Treasury on 21 March 2007.

\*The target for 2008/09 is to be agreed with HM Treasury.

**Table 3** Workload (thousands of units)

	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
	Actual	Actual	Actual	Actual	Actual	Actual	Plans	Plans
Work received	10,682	12,747	12,648	13,472	13,629	14,692	13,800	14,400
Output	10,756	12,783	12,695	13,555	13,569	14,615	13,800	14,400

**Table 4** Staff resource Staff numbers

	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
	Actual	Actual	Actual	Actual	Actual	Actual	Plans	Plans
Civil Service full time equivalents	7,690	7,950	8,060	8,048	7,768	7,784	7,567	7,459

## The National Archives

### Chief Executive: Natalie Ceeney

**9.45** The National Archives was formed in April 2003 by the merger of the Public Record Office and the Historical Manuscripts Commission. In November 2006, The National Archives merged with the Office of Public Sector Information (OPSI). The Chief Executive is both Keeper of Public Records and sole Historical Manuscripts Commissioner. The National Archives is a Government department and executive agency under the Secretary of State for Constitutional Affairs.

**9.46** The National Archives is at the heart of information policy, setting standards and supporting innovation in information and records management across the UK, and providing a practical framework of best practice for opening up and encouraging the re-use of public sector information. The National Archives is the UK Government's official archive, containing 900 years of history from the Domesday Book to the present.

**9.47** The National Archives also collects information about official and private archives kept by over 1,200 institutions throughout the UK. Increasingly, these records are being made available online.

### Objectives for 2006/07

**9.48** During 2006/07 the National Archives developed its vision for 2007 – 2012. It includes:

- leading and transforming information management
- guaranteeing the survival of today's information for tomorrow
- bringing history to life for everyone.

**9.49** Through this vision we aim to safeguard the 21st century archive by ensuring that digital information is managed as soon as it is created, that it survives for future generations to use, and that information can be delivered to researchers in the best possible way to meet their needs.

**9.50** During the year, The National Archives worked to achieve the following high-level objectives:

- seamless information services from document creation to delivery on the web
- excellence in records management practice throughout the public sector
- preservation of the nation's archival heritage
- services available and relevant to all
- raising our profile and that of archives as a whole
- a leadership role in the archives and records management community
- effective and efficient management.

### Performance against key indicators 2006/07

**9.51** The National Archives' performance against its key performance indicators continues to be extremely strong, meeting 20 of its 21 key targets at the end of the third quarter.

**9.52** During 2006/07, The National Archives saw a rapid increase in the amount of content accessed through its website, with delivery of documents onsite and online reaching a projected 61m at year-end against a target of 43m. The National Archives' website is on target to receive over 20m web visits (almost 25% higher than projected) from a global audience.

**9.53** The National Archives carried out five major development projects during the year to ensure that it continues to meet the needs of future researchers. All of these projects were completed successfully, and included:

- continuation of the seamless flow programme, which will introduce effective processes for the transfer, storage and management of electronic documents. This will ensure we are ready to manage the increasing numbers of digital records that are being created by departments and agencies

- introduction of the 'global search' facility across all the online resources on The National Archives' website, enabling researchers to find information quickly and easily. This global search won the 'Best User Experience' category at the 2006 International Information Industry Awards
- drafting, communicating and beginning to implement a new five-year vision and strategy. In late 2006, The National Archives merged with the OPSI, broadening the organisation's remit and reinforcing its role at the heart of information management
- producing a new human resources and organisational development strategy to support our vision
- developing robust complaints processes and reporting as an alternative to litigation; an integral part of the maturing implementation of regulatory standards for information re-use across the public sector. The UK has been acknowledged as an exemplar in this area within the EU.

**9.54** The National Archives continues to perform well against statutory timescales under the Freedom of Information Act 2000t, with 98.7% of the 1,940 FOI enquiries it received during the first half of the year answered within target. We continue to receive one of the highest volumes of FOI enquiries across government.

**9.55** The National Archives' public services continue to deliver efficient and high quality services. Customer satisfaction with on site services was high – a survey in June 2006 showed a 95.15% rating. There has been notable growth in online usage, and our website is currently the fifth most popular government site. A digital express service has been launched, which delivers electronic copies directly to the researcher. This new service achieved over 99% efficiency in its delivery targets during the first half of the year. Our online services are underpinned by a robust infrastructure, with 99% of web services available during the year.

**9.56** The National Archives continues to perform above target in its educational activities, including workshops for schoolchildren and the use of online teaching resources.

#### Management of resources

**9.57** The most recent staff survey was conducted in January 2007. Results of this will be shared and an action plan agreed, progress against which will be communicated on a regular basis. Other formal and informal channels for communication include the Chief Executive's Link Group, which meets quarterly to discuss issues affecting staff, an Investors in People group and a range of written communications.

**9.58** In November 2006, The National Archives' people strategy was published. This states how we will turn the vision into reality by creating a working environment in which everyone feels valued, trusted and supported and where there are systems and processes in place that help both the organisation and the people who make it.

**9.59** The National Archives is committed to equality of opportunity for all and has policies in place to guard against discrimination and ensure there are no unfair barriers to employment or advancement. Implementation is monitored regularly, statistically significant inequalities are investigated and action taken as appropriate.

**9.60** The National Archives recruits staff on the basis of fair and open competition and selection on merit, complying with the recruitment code laid down by the Office of the Civil Service Commissioners.

**9.61** Apart from the Chief Executive, there are five senior civil service staff. The total increased from four following the merger of The National Archives with the OPSI in October 2006. Of the total staff in December 2006, 48.3% were women, 17.2% were from ethnic minorities and 5.5% classified themselves as disabled under the Disability Discrimination Act 1995.

### Health and safety

**9.62** The National Archives employs a health and safety adviser. The role of the adviser is to undertake risk assessments within the building and, in particular, where alterations have taken place in a department. The health and safety committee meets quarterly and is chaired by the head of estates and security.

### Expenditure

**9.63** During 2006/07, The National Archives merged with the OPSI. The £2.4m funding for the OPSI was transferred from Cabinet Office with effect from 31 October 2006. Including the OPSI, The National Archives' estimated resource Departmental Expenditure Limits (DEL) outturn in 2006/07 is £42.3m. In 2007/08, resource DEL, again inclusive of OPSI will increase to £44.9m.

**9.64** The National Archives' expenditure covers the cost of a number of activities. The organisation plays an important leadership, preservation, monitoring, standard-setting and information-gathering role in relation to government information management, and to the wider archives sector.

**9.65** During 2006/07, The National Archives continued to implement a challenging programme of electronic service delivery, promoting access to information and encouraging the re-use of public sector information. It continued to maintain its infrastructure, including the repository and public reading rooms at Kew, the records storage facility in Cheshire, and the Family Records Centre in Islington. The National Archives also produce copies of documents, on paper and electronically, for sale to the public, and offsets their cost through fee-charging.

**9.66** In 2006/07, The National Archives spent £47k on consultancy. The National Archives engages consultants where specific expert analysis or advice is required to assist decision-making. These experts perform one-off tasks or a set of tasks with defined outcomes. They will perform a task involving skills or perspectives, which would not normally be available within the Department.

### Capital investment

**9.67** The National Archives' capital investment in 2006/07 was £3.2m. In 2007/08, this will increase to £3.3m.

### Administration costs

**9.68** Net administration costs are estimated to total £42.1m in 2006/07. In 2007/08 this will increase to £43.7m. Details of the resource budget, administration costs, capital budget, staff numbers and capital assets are given in the following tables.

### Prompt payment

**9.69** The National Archives complies with the CBI prompt payment code and BS 7890. Its policy is to pay bills in accordance with contractual conditions, or within 30 days. No complaints were received with regard to late payment in the period from November 2005 to December 2006. Performance is monitored continuously. In 2006/07, 99.3% of invoices were paid within 30 days. The projection for 2007/08 is 99.4%.

### Contact details

The National Archives  
Kew  
Surrey  
TW9 4DU

T: 020 8876 3444  
E: [enquiry@nationalarchives.gov.uk](mailto:enquiry@nationalarchives.gov.uk)  
[www.nationalarchives.gov.uk](http://www.nationalarchives.gov.uk)

**Table 1** The National Archives

Total public spending	£0000							
	2000/01 Outturn	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Outturn estimated	2007/08 Plans
Consumption of resources:	28,135	31,564	34,596	38,141	38,007	42,298	42,333	44,939
Promoting the study of the past in order to inform the present and future by selecting, preserving and making publicly available public records of historical value and by encouraging high standards of care and public access for archives of historical value outside the public records.								
<b>Total resource budget</b>	<b>28,135</b>	<b>31,564</b>	<b>34,596</b>	<b>38,141</b>	<b>38,007</b>	<b>42,298</b>	<b>42,333</b>	<b>44,939</b>
<i>of which</i>								
Resource DEL	28,135	31,564	34,596	38,141	38,007	42,298	42,333	44,939
Capital spending:	1,222	1,383	2,295	3,332	1,908	1,943	3,235	3,315
Promoting the study of the past in order to inform the present and future by selecting, preserving and making publicly available public records of historical value and by encouraging high standards of care and public access for archives of historical value outside the public records.								
<b>Total capital budget</b>	<b>1,222</b>	<b>1,383</b>	<b>2,295</b>	<b>3,332</b>	<b>1,908</b>	<b>1,943</b>	<b>3,235</b>	<b>3,315</b>
<i>of which</i>								
Capital DEL	1,222	1,383	2,295	3,332	1,908	1,943	3,235	3,315
<b>Total public spending</b>	<b>26,541</b>	<b>28,908</b>	<b>33,185</b>	<b>37,189</b>	<b>35,182</b>	<b>40,148</b>	<b>41,475</b>	<b>44,161</b>

Please note TNA merged with OPSI on 31/10/06 as the result of a 'Machinery of Government' transfer from the Cabinet Office, the above capital now include OPSI assets and liabilities

HMT have agreed that TNA's funding will switch from admin to programme provision from 2008/09

**Table 2** The National Archives

Resource budget DEL and AME (voted and non-voted)								£0000
	2000/01 Outturn	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Outturn estimated	2007/08 Plans
<b>Resource DEL</b>								
Voted:								
RfR1 A Public Record Office	25,583	28,651	32,329	35,418	34,965	39,278	38,735	41,255
RfR1 B Historical Manuscript Commission	1,095	1,223	1,122	1,151	1,144	1,142	1,142	1,142
RfR1 C Office of Public Sector Information	966	1,690	1,723	1,759	1,898	1,878	2,439	2,545
<b>Total voted</b>	<b>27,644</b>	<b>31,564</b>	<b>35,174</b>	<b>38,328</b>	<b>36,109</b>	<b>42,298</b>	<b>42,316</b>	<b>44,942</b>
Non-voted	-233		-578	-187				
<b>Total resource DEL</b>	<b>28,135</b>	<b>31,564</b>	<b>34,596</b>	<b>38,141</b>	<b>38,007</b>	<b>42,298</b>	<b>42,333</b>	<b>44,939</b>
<b>Total resources budget</b>	<b>28,135</b>	<b>31,564</b>	<b>34,596</b>	<b>38,141</b>	<b>38,007</b>	<b>42,298</b>	<b>42,333</b>	<b>44,939</b>
<i>of which:</i>								
Voted	27,644	31,564	35,174	38,328	36,109	42,298	42,316	44,942
Other non-voted	-233		-578	-187				
<i>and of which:</i>								
Central Government own spending	27,411	31,564	34,596	38,141	36,109	42,298	42,316	44,942
Resource DEL in	27,644	31,564	35,174	38,328	36,109	42,298	42,316	44,942
<b>Total resource consumption in estimates</b>	<b>27,644</b>	<b>31,564</b>	<b>35,174</b>	<b>38,328</b>	<b>36,109</b>	<b>42,298</b>	<b>42,316</b>	<b>44,942</b>

Please note TNA merged with OPSI on 31/10/06 as the result of a 'Machinery of Government' transfer from the Cabinet Office, the above capital now include OPSI assets and liabilities

HMT have agreed that TNA's funding will switch from admin to programme provision from 2008/09

**Table 3** The National Archives

Capital budget DEL and AME (voted and non-voted)	£0000							
	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
	Outturn	Plans						
							estimated	

Promoting the study of the past in order to inform the present and future by selecting, preserving and making publicly available public records of historical value and by encouraging high standards of care and public access for archives of historical value outside the public records.

**Capital DEL**

Voted:								
Capital investment in the Public Records System								
RfR1 A Public Record Office	1,210	1,324	2,230	3,303	1,893	1,893	3,200	3,297
RfR1 B Historical Manuscript Commission	12	14	14	15	15	15	15	15
RfR1 C Office of Public Sector Information	–	45	51	14	0	35	20	0
<b>Total voted:</b>	<b>1,222</b>	<b>1,383</b>	<b>2,295</b>	<b>3,332</b>	<b>1,908</b>	<b>1,943</b>	<b>3,235</b>	<b>3,312</b>
<b>Total capital DEL</b>	<b>1,222</b>	<b>1,383</b>	<b>2,295</b>	<b>3,332</b>	<b>1,908</b>	<b>1,943</b>	<b>3,235</b>	<b>3,312</b>
<b>Total capital budget</b>	<b>1,222</b>	<b>1,383</b>	<b>2,295</b>	<b>3,332</b>	<b>1,908</b>	<b>1,943</b>	<b>3,235</b>	<b>3,312</b>
<i>of which</i>								
Voted	1,222	1,383	2,295	3,332	1,908	1,943	3,235	3,315
Other non-voted								
<i>and of which:</i>								
Central government own spending	1,222	1,383	2,295	3,332	1,908	1,943	3,235	3,315
<b>Capital DEL</b>	<b>1,222</b>	<b>1,383</b>	<b>2,295</b>	<b>3,332</b>	<b>1,908</b>	<b>1,943</b>	<b>3,235</b>	<b>3,315</b>
<b>Total net capital in estimate</b>	<b>1,222</b>	<b>1,383</b>	<b>2,295</b>	<b>3,332</b>	<b>1,908</b>	<b>1,943</b>	<b>3,235</b>	<b>3,315</b>

Please note TNA merged with OPSI on 31/10/06 as the result of a 'Machinery of Government' transfer from the Cabinet Office, the above capital now include OPSI assets and liabilities

HMT have agreed that TNA's funding will switch from admin to programme provision from 2008/09

**Table 4** The National Archives: Public Record Office and Historical Manuscripts Commission

Capital employed	£000							
	2000/01 Outturn	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Outturn estimated	2007/08 Projected
Assets on balance sheet at end of year:								
Fixed assets								
Intangible *	–	–	87	164	254	354	444	534
Tangible	86,792	92,714	93,148	94,911	105,232	106,330	112,806	117,009
<i>of which:</i>								
Land and buildings	83,527	84,501	84,534	85,161	95,897	98,180	103,300	106,060
Equipment	1,652	6,463	6,089	6,031	6,072	5,636	5,719	5,809
IT including databases	1,613	1,750	2,525	3,719	3,263	2,514	3,787	5,140
Investments	–	–	–	–	–	–	–	–
Current assets	2,523	3,148	4,632	5,103	3,800	3,377	3,800	3,800
Creditors (<1 year)	2,026	2,688	3,639	3,414	3,908	3,846	3,900	3,900
Creditors (>1 year)	–	–	–	–	–	–	–	–
Provisions	170	235	401	250	169	438	300	300
<b>Capital employed within main department</b>	<b>87,119</b>	<b>92,939</b>	<b>93,827</b>	<b>96,514</b>	<b>105,209</b>	<b>105,777</b>	<b>112,850</b>	<b>117,143</b>
NDPB net assets	–	–	–	–	–	–	–	–
<b>Total capital employed in departmental group</b>	<b>87,119</b>	<b>92,939</b>	<b>93,827</b>	<b>96,514</b>	<b>105,209</b>	<b>105,777</b>	<b>112,850</b>	<b>117,143</b>

Note – \* Intangible assets were included in tangible assets up to 2001/02

Please note TNA merged with OPSI on 31/10/06 as the result of a 'Machinery of Government' transfer from the Cabinet Office, the above capital now include OPSI assets and liabilities

**Table 5** The National Archives

Administration costs	£000							
	2000/01 Outturn	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Outturn estimated	2007/08 Plans
<b>Gross administration costs</b>								
Other	20,402	23,634	24,844	28,125	24,295	27,909	-	-
Paybill	12,013	13,021	14,783	15,772	18,065	19,400	-	-
<b>Total gross administration costs</b>	<b>32,415</b>	<b>36,655</b>	<b>39,627</b>	<b>43,897</b>	<b>42,360</b>	<b>46,902</b>	<b>47,227</b>	<b>47,243</b>
Related administration cost receipts	-4,047	-5,091	-4,453	-5,569	-4,353	-4,604	-4,894	-2,304
<b>Total net administration costs</b>	<b>28,368</b>	<b>31,564</b>	<b>35,174</b>	<b>38,328</b>	<b>38,007</b>	<b>42,298</b>	<b>42,333</b>	<b>44,939</b>
<b>Analysis by activity</b>								
The net administrative cost of running the Public Records System	28,368	31,564	35,174	38,328	38,007	42,298	42,333	44,939
<b>Total net administration costs</b>	<b>28,368</b>	<b>31,564</b>	<b>35,174</b>	<b>38,328</b>	<b>38,007</b>	<b>42,298</b>	<b>42,333</b>	<b>44,939</b>
<b>Controls and limits</b>								
The net administrative cost of running the Public Records System	28,368	31,564	35,174	38,328	38,007	42,298	42,333	44,939
<b>Total net limits for gross controlled areas</b>	<b>28,368</b>	<b>31,564</b>	<b>35,174</b>	<b>38,328</b>	<b>38,007</b>	<b>42,298</b>	<b>42,333</b>	<b>44,939</b>

Please note TNA merged with OPSI on 31/10/06 as the result of a 'Machinery of Government' transfer from the Cabinet Office, the above capital now include OPSI assets and liabilities

HMT have agreed that TNA's funding will switch from admin to programme provision from 2008/09

**Table 6** The National Archives

Staff numbers								
	2000/01 Outturn	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Outturn estimated	2007/08 Plans
Civil Service full-time equivalents	446	486	500	541	531	563	558	548
Overtime	10	12	14	14	14	14	8	7
Casual	9	12	12	29	34	15	18	15
<b>Total</b>	<b>465</b>	<b>510</b>	<b>526</b>	<b>584</b>	<b>579</b>	<b>592</b>	<b>584</b>	<b>570</b>

Please note TNA merged with OPSI on 31/10/06 as the result of a 'Machinery of Government' transfer from the Cabinet Office, the staff employed by OPSI have been included in this table

**Table 7** The National Archives

## Regional distribution totals

	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
Scotland	1.7	2.0	2.3	2.1	2.5	2.6	2.7
Wales	1.0	1.2	1.3	1.2	1.4	1.5	1.6
Nothern Ireland	0.6	0.7	0.8	0.7	0.8	0.9	0.9
England – North East	0.8	1.0	1.1	1.1	1.2	1.3	1.4
England – North West	2.3	2.7	3.1	2.9	3.3	3.6	3.7
England – Yorkshire & Humberside	1.7	2.0	2.3	2.1	2.5	2.7	2.7
England – East Midlands	1.4	1.7	2.0	1.8	2.1	2.3	2.3
England – West Midlands	1.8	2.1	2.4	2.2	2.6	2.8	2.9
England – Eastern	1.9	2.2	2.5	2.3	2.7	2.9	3.0
England – London	2.5	3.0	3.4	3.2	3.7	4.0	4.1
England – South East	2.7	3.2	3.7	3.4	4.0	4.3	4.4
England – South West	1.7	2.0	2.3	2.1	2.5	2.7	2.7
Outside UK	3.6	4.2	4.8	4.5	5.2	5.6	5.7
<b>Grand total ( £'s Million)</b>	<b>23.8</b>	<b>27.7</b>	<b>32.0</b>	<b>29.7</b>	<b>34.5</b>	<b>37.0</b>	<b>38.0</b>

## Legal Services Commission

### Chief Executive: Carolyn Regan

**9.70** The Legal Services Commission (LSC) funds legal aid and advice in England and Wales through two schemes – the Community Legal Service (CLS) and the Criminal Defence Service (CDS). Delivered through dedicated service providers, our work helps to maintain the fair, efficient and effective operation of the civil and criminal justice systems.

**9.71** We are a public body sponsored by DCA. The Lord Chancellor and Secretary of State for Constitutional Affairs, Lord Falconer, is accountable to Parliament for our activities and performance.

**9.72** Our work is overseen by a board of non-executive commissioners, which is responsible for guiding and monitoring the overall strategic direction of the LSC. Our organisation is divided into four areas of responsibility, each led by a member of the executive team:

- Policy: Richard Collins
- Corporate services: David Godfrey
- Service delivery: Mike Jeacock
- Change and organisational transformation: Jonathan Lindley.

**9.73** More information on our work is available at: [www.legalservices.gov.uk](http://www.legalservices.gov.uk)

### Objectives for 2006/07

**9.74** Our four corporate targets for the period 2006/07 were:

- ensuring that legal aid clients have access to quality services which meet their needs
- working with service providers who provide quality, value for money and client focused services, in whom we have sufficient trust to liberate them to deliver
- delivering a sustainable scheme within the resources available and demonstrate real

value to government in terms of effective financial control, improving value for money and positive outcomes for clients

- transforming our organisation to enable it to deliver these objectives and excellence in all it does.

### Performance for 2006/07

**9.75** Performance against corporate targets will be fully reported in the LSC's annual report 2006/07, to be published in July 2007, available at: [www.legalservices.gov.uk/aboutus/publications.asp](http://www.legalservices.gov.uk/aboutus/publications.asp)

### Corporate priority 1

**9.76** The LSC's key performance target for the year was to deliver 750,000 civil acts of assistance to legal aid clients by 31 March 2007. This contributes towards DCA's PSA targets. The LSC is on track to exceed this target and deliver around 800,000.

**9.77** Throughout 2006/07, the LSC maintained 100% coverage of duty solicitor schemes, which provide criminal defence to people at police stations in England and Wales.

### Corporate priority 2

**9.78** The LSC made significant progress in improving the quality of legal aid service providers. One of the LSC's corporate targets was to contract only with those providers who deliver value for money and positive outcomes for clients. Any assessed as 'unacceptable' or 'less than effective' were given the opportunity to improve and if they could not do so within six months, their legal aid contracts were terminated. The removal of providers who do not meet the standard has allowed the LSC to focus on priority areas, ensuring that clients receive good quality services.

### Corporate priority 3

**9.79** The legal aid reform programme continued in 2006/07 towards the LSC's goal of achieving a high quality, value for money, sustainable legal aid scheme. Key developments in the year included consulting on the proposals contained in Lord Carter's final report, which set the way for the reform programme. The LSC also implemented and managed changes to the scope of legal aid remuneration to improve value for money.

**Corporate priority 4**

**9.80** The LSC achieved its target to maintain performance of 88% against its customer service score. It aims to meet its target of increasing the number of case outcomes processed online of 136,250 by 31 March 2007, helping to reduce bureaucracy and improve efficiency.

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**Delivering better public services****Carter report and the reform programme**

**9.81** In 2005, DCA commissioned Lord Carter's *Review of Legal Aid Procurement*. Lord Carter was asked to produce recommendations for reform of the way in which legal services are procured by the state, with the aim of ensuring a more sustainable system in the long-term. The final recommendations were published in July 2006.

**9.82** From July onwards the LSC worked closely with DCA to give effect to Lord Carter's recommendations by developing and consulting on a wide range of policies and initiatives in both criminal and civil legal aid. The package of legal aid reforms aims to offer improved services for clients, better value for taxpayers and more certainty for legal aid providers. The reforms are designed to kickstart the transition to a system of best value tendering based on quality, capacity and price. Full details are set out in chapters 3, 4, 5 and 6.

**9.83** Further details of the legal aid reform programme can be found on the LSC website (see below).

**Management of resources**

**9.84** Legal aid is a major area of public expenditure. The LSC's budget in 2006/07 was £92.2m for administration and just over £2bn for the CLS Fund and CDS. Year-end expenditure will be reported in the LSC annual report 2006/07.

**9.85** The structure of the LSC is evolving as the organisation responds to changing business needs. It is transforming the way it engages with legal aid users and stakeholders and how it does business with legal aid service providers.

## Her Majesty's Court Service

### Chief Executive: Sir Ron de Witt

**9.86** Her Majesty's Court Service (HMCS) is an executive agency of DCA and is responsible for managing magistrates' courts, the Crown Court, county courts, the High Court and Court of Appeal in England and Wales.

**9.87** HMCS was launched on 1 April 2005 and brought together 42 magistrates' courts committees and the Court Service into a single organisation. During 2006/07, the transition to a streamlined structure of 25 areas within seven regions was substantively completed.

**9.88** HMCS's strategic goal is that: *"All citizens according to their differing needs are entitled to access to justice, whether as victims of crime, defendants accused of crimes, consumers in debt, children in need of care, or business people in commercial disputes. Our aim is to ensure that access is provided as quickly as possible and at the lowest cost consistent with open justice and that citizens have greater confidence in, and respect for, the system of justice"*

**9.89** Access, cost, reducing delay and increasing confidence and respect are all key elements of delivering this goal.

### Objectives for 2006/07

**9.90** Quantified performance objectives for 2006/07 are outlined in the table in the performance 2006/07 section which follows. In addition, a number of planned operational objectives have been achieved, including:

- working with colleagues in the Office for Criminal Justice Reform (OCJR) and the other criminal justice agencies we published the *Criminal Justice: Simple, Speedy, Summary* (CJSSS) paper in July 2006
- in response to the CJSSS paper, we successfully piloted ways of improving efficiency and effectiveness in four magistrates' courts areas. We are now seeking to roll this out nationally by the end of 2007
- a number of community justice initiatives in partnership with Local Criminal Justice Boards (LCJB) and other CJS partners in a series of locations
- progression of a number of CJS programmes and pilots including means-testing for legal aid in magistrates' courts, establishment of a National Enforcement Service, expansion of the specialist domestic violence court programme, dedicated drugs court pilot, upgrading of witness and prison video links and other IT programmes
- a successful pilot and subsequent roll-out of the small claims mediation service
- setting up of family courts centres at a number of locations and the launch of a family mediation helpline with a supporting website
- establishment and national roll-out of Possession Claims Online (PCOL), providing electronic access to the courts for possession claims
- a series of customer service initiatives including new 'Courts Charters', user surveys, customer service standards, updating of complaints-handling targets and guidance and creation of a Charter Mark corporate evidence base
- progressing the court building programme and estate integration programme (combining of magistrates'/civil/county courts), and mitigating any risks of court closures due to building or operational failure.

## Performance for 2006/07

**9.91** As an executive agency of DCA, HMCS contributes towards the Department's PSA targets. The contribution of HMCS is monitored by a series of key performance indicators (KPIs) and supporting indicators, detailed below.

**9.92** Measurement of performance against these internal HMCS indicators can only be assessed after the end of the financial year, when all data has been collected and assessed. This assessment will be published in the HMCS annual report and accounts in July 2007.

### Management of resources

**9.93** Like all public service organisations we continue to work within a tight financial budget. We have set ourselves a challenge to maintain our performance and improve services while reducing our core operating costs.

**9.94** Total expenditure for 2006/07 is forecast to be £1,526.1m, against a budget of £1,536.1m. Our actual and budget expenditure is stated as net of efficiency savings.

### Contact details

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[www.hmcourtservice.gov.uk](http://www.hmcourtservice.gov.uk)

Relevant PSA	PSA description	High level targets (criminal courts)	Performance required by 2006/07
PSA1	Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25m by 2007/08. Target contributing to the CJS PSA	<p><b>Crown</b> Sitting days in the Crown Court, facilitating the increase in the number of crimes for which an offender is brought to justice</p> <p><b>Magistrates</b> Sitting hours in the magistrates' courts, facilitating the increase in the number of crimes for which an offender is brought to justice</p> <p><b>Crown</b> Overall national reduction in ineffective trials (this measure also supports PSA2)</p> <p><b>Magistrates</b> Overall national reduction in ineffective trials</p>	<p>104,200 days</p> <p>No formal target</p> <p>15.5% by March 2007. Area and London targets set by LCJBs</p> <p>21.5% by March 2007. Area and London targets set by LCJBs</p>
PSA2	Reassure the public, reducing the fear of crime and antisocial behaviour, and building confidence in the CJS without compromising fairness. Target contributing to the CJS PSA	No formal target for HMCS	No formal target for HMCS
PSA4	By 2009-10, increase the proportion of care cases being completed in the courts within 40 weeks by 10%	<p><b>County</b> Proportion of public law cases dealt with within 40 weeks</p> <p><b>Magistrates</b> Proportion of public law cases dealt with within 40 weeks</p>	<p>Not less than 49% within 40 weeks</p> <p>Not less than 61% within 40 weeks</p>

Relevant PSA	PSA description	High level targets (criminal courts)	Performance required by 2006/07
PSA5	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	Proportion of legal problems in respect of which people receive suitable advice and assistance (target primarily delivered by the LSC)	50% (by March 2008)
	Increasing the opportunities for people involved in court cases to settle their disputes out of court	Reduce the proportion of disputed claims in the courts that are ultimately resolved by a hearing	40%
	Reducing delays in resolving those disputes that need to be decided by the courts	Increase the proportion of small claims hearings that take place within target time	81%

## The Tribunals Service

### Chief Executive: Peter Handcock

**9.95** The Tribunals Service was created in April 2006 as a new executive agency of DCA. It is the first major step in implementing the findings of the report by Sir Andrew Leggatt *Tribunals for Users: One System, One Service*, and the subsequent Government White Paper *Transforming Public Services: Complaints, Redress and Tribunals*.

**9.96** Initially it brought together into a single organisation 23 tribunals formerly managed by six central government departments. Further tribunals will join over the coming years. Historically, tribunals have developed independently under the auspices of the sponsoring department which has often made the decision under challenge. Although all these tribunals have had independent judiciary, administration and service delivery structures, they have not been viewed as truly independent of their parent department.

**9.97** The Tribunals Service is not just a federation of tribunals, but will radically reform the way in which they meet the needs of users. The first step will be to move from a jurisdictional management structure to a regionally-based structure. This will be implemented during the summer of 2007/08. A new delivery model has been developed which will concentrate administrative process on six administrative support centres, based on the model successfully adopted by the Asylum and Immigration Tribunal. Hearings will take place at a network of multi-jurisdictional hearing centres. This will involve significant changes to the Tribunals Service estate, and will enable us to relocate work from London and the South East, reduce duplication and dispose of poor quality accommodation.

**9.98** The Tribunals Courts and Enforcement Bill 2006 will reform tribunals' judiciary and procedures. The Bill was introduced into the House of Lords in November 2006 and is expected to be nearing conclusion in the House of Commons by March 2007. The Bill provides for the creation of two new tribunals – the First Tier Tribunal and the Upper Tier. It will

give the Lord Chancellor the power to transfer the jurisdictions of existing tribunals to these two new tribunals. The Upper Tier will be primarily, but not exclusively, an appellate body from the First Tier Tribunal. A post of Senior President will also be created to provide clear judicial leadership.

**9.99** The role of the Tribunals Service will also include promoting improvements to the quality of original decision-making and resolving disputes using more proportionate and appropriate methods. It will help to improve administrative justice and justice in the workplace, so that the need for disputes to be resolved in a tribunal is reduced overall.

### Objectives for 2006/07

**9.100** Against this background, the Tribunals Service adopted three objectives for 2006/07:

- to maintain current standards of service delivery and improve them wherever possible

**9.101** Despite a massive transformation agenda, the overriding priority is to improve service to tribunal users

- to develop the capability of the organisation to deliver reform

**9.102** The Tribunals Service at creation lacked the structure and skills to take forward its transformation agenda. Before the programme of change could be launched the organisation needed to be positioned in terms of structures, skills and strategies for delivering the transformation required

- to reduce the volume of appeals reaching a full tribunal hearing and to dispose of those that do in a more effective and efficient way.

**9.103** Our long-term aim is to reduce the volume of cases requiring a full tribunal hearing and introduce more proportionate methods of resolving disputes. This will be more beneficial for both the customer (for whom the process would be less complex) and less resource intensive for the original decision-maker.

### Performance for 2006/07

**9.104** Our KPIs for 2006/07 were based on the timeliness targets inherited from the larger tribunals. Detailed information on performance will be published in the Tribunals Service annual report and accounts in July 2007. Overall this will show an improvement for most tribunals compared to their 2006/07 performance.

**9.105** Significant progress has been made on developing the capability for reform. These include:

- implementation of an interim management structure early in 2006/07
- development of new regionally-based management structure and corporate services structure. Implementation will begin early in 2007/08, creating a new corporate structure to aid the transformation agenda, and eliminate duplication. This will yield savings of some 200 posts by the end of 2008/09
- development of new delivery model with strategies for estates, IT and people issues
- recruitment of qualified programme managers to support the delivery of those strategies.

**9.106** Progress has also been made on developing more proportionate methods of dispute resolution. During the course of the year we have launched pilot schemes in mediation and early neutral evaluation. A review of these pilots will take place during 2007/08.

### Management of resources

**9.107** The initial budget for 2006/07 amounted to £305m. This was based upon the existing baseline for DCA tribunals and the negotiated transfers for incoming tribunals, adjusted to reflect planned efficiencies. Expenditure is expected to be £290m delivering efficiency savings of £15m (5%) in the first year of the agency.

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## Public Guardianship Office

### Chief Executive: Richard Brook

**9.108** Set up in 2001, the Public Guardianship Office (PGO) is an executive agency of DCA, and the administrative office of the Court of Protection. Its aim is to offer help when a person is unable to look after their financial affairs as a result of mental incapacity.

**9.109** Mental incapacity can strike anyone at any stage of their life. When this happens, life for both the person affected and their relatives or carers can change totally. Suddenly they become more vulnerable, often excluded from society and at greater risk of abuse.

**9.110** Some people plan ahead for a time when they may lose mental capacity by setting up an Enduring Power of Attorney (EPA). This is a legal process that allows a person (the donor) to decide who (the attorney) should deal with their finances should they become mentally unable to do so, and to empower them accordingly. An EPA should be registered with the Court of Protection at the time when the donor is, or is becoming, mentally incapable. The PGO supports courts in the registration process.

**9.111** If a person becomes mentally incapable and an EPA is not in place, the Court of Protection will appoint a receiver to manage that person's finances. Again, the PGO provides administrative support in the appointment and supervision of receivers.

### PGO objectives for 2006/07

**9.112** The aim of the PGO is to promote and protect the financial wellbeing of people with mental incapacity by providing a seamless service responsive to their needs.

**9.113** The PGO has four strategic objectives:

- to provide a forward-looking, accessible service which consults on, understands and meets the diverse needs of our clients

- to develop new ways of working with PGO receivers and in partnership with public and other agencies, which are focused on clients' total needs

- to ensure the PGO has the capability, skills and flexibility to meet the changing needs of its clients

- to provide best value for the PGO's clients and the taxpayer.

### PGO performance for 2006/07

**9.114** The PGO has a range of key performance indicators (KPIs). At the end of January 2007 we were meeting or exceeding 22 of the 27 targets reported on each month.

**9.115** Targets we are performing well against include:

- to register and return correctly lodged EPAs (where there are no objections) within five working days of the statutory waiting period. 100% against a target of 98%
- the number of accounts collected within two months was 77.5% (up from 75.7% in 2005/06) against a target of 60%
- the number of letters, faxes and emails responded to within five working days has increased from 63.9% in 2005/06 to 68.4% against a target of 60%
- completing applications for final directions within 15 working days of receipt has increased from 88.9% in 2005/06 to 99.7% against a target of 80%.

**9.116** The following targets show improvement on performance in 2005/06 and we continue to work towards meeting them:

- the number of court orders issued within ten days has increased from 87% in 2005/06 to 93.7% against a target of 95%
- the number of letters, faxes and emails responded to within 15 working days has increased from 92.8% to 94.5% but falls short of the 98% target

- customer satisfaction levels have increased from 68% in 2004/5, 71% in 2005/6, to 73% this year against a target of 75%.

**9.117** The full range of targets and corresponding details can be found in the PGO's annual report and accounts, which will be published before the end of July 2007.

## Delivering better public services

### Mental Capacity Act (MCA) implementation work

**9.118** The Mental Capacity Act 2005 came into law in April 2005. Implementation will begin in April 2007 culminating in the launch of the Office of the Public Guardian (OPG) and a new Court of Protection in October 2007. The PGO has developed processes for the OPG. We have also been heavily involved in the public consultation on lasting powers of attorney. The new staffing structure for the OPG has been developed, forms and guidance are being drafted and IT requirements have been developed.

#### Initiatives this year:

- Direct debit scheme – the PGO has successfully implemented a direct debit payment scheme for clients to pay fees and charges. The electronic payment initiative is to be extended to include credit card and online payment over the next six months
- PGO outreach – there were 17 outreach events (events where the PGO has delivered a presentation on the organisation and our services) including to adult protection officers, the police and will writers. Contact has been made with a number of stakeholder organisations including the British Association of Women Police and Ministry of Defence. The PGO also attended nine exhibitions reaching audiences such as professionals in a caring capacity, mental health organisations, care homes and health care professionals and providers
- Equality and diversity – the PGO, supported by the Equality and Diversity Group, undertook a range of activities to raise staff awareness of disability issues in the run up to the publication, in December 2006, of DCA's Disability Equality Scheme (DES). These included a series of workplace seminars delivered by Prospects (part of the National Autistic Society) and funded by the London Development Agency. The seminars were tailored to the specific needs of the PGO and its customers. A series of articles in the staff newsletter provided information on subjects as diverse as the DES to workstation risk assessments and eye care vouchers
- The PGO also contributed to DCA's race and disability equality schemes and action plans, setting out its duties and equality actions not just in relation to current services but also for the forthcoming implementation of the Mental Capacity Act.

#### Initiatives in the operations directorate:

- Regional surgeries – six regional open days were held this year in Essex, Manchester, Reading, Leeds, Newcastle and Cardiff
- Extended orders – there has been a continued roll-out of extended power orders to professional receivers where conditions are met which allows receivers to deal with client's affairs without regular recourse to the court
- Deceased cases – We have moved to allowing the personal representatives of deceased clients to deal directly with the Court Funds Office following the death of a client, streamlining the case closure process
- Continuous improvement initiative – the continuous improvement process was launched in February 2007 with the aim of introducing effective procedural changes or training initiatives arising from identified criticism and failures. It also aims to build a culture of on-going organisational self-analysis and enables staff to make suggestions on ways to improve the service we provide.

### **Management of resources**

**9.119** The PGO is on target to meet its expenditure and income budgets for the year together with its financial targets.

**9.120** As at the end of January 2007, the PGO had 346 permanent staff. Of these, 52% were women, 5% classed themselves as having a disability, and 34% classed themselves as being from a black or ethnic minority ethnic group.

### **Contact details**

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## Official Solicitor and Public Trustee

**Official Solicitor to the Supreme Court:  
Alastair Pitblado**

**Public Trustee: David Thompson**

**9.121** The Official Solicitor is a statutory appointment under section 90 of the Supreme Court Act 1981. Since November 2006 the post has been held by Alastair Pitblado who succeeded Laurence Oates on his retirement on 30 November 2006. He acts in legal proceedings for those unable to represent themselves. In particular, he acts for adults who are mentally incapacitated and children (other than those who are the subject of child welfare proceedings) who are vulnerable litigants because they lack capacity. His main objective is to protect the best interests and human rights of those he represents. He also administers estates and acts as trustee when there is no-one else suitable to do so.

**9.122** His office administers the International Child Abduction and Contact Unit in England and Wales (the central authority under the Hague and European Conventions on child abduction) and the Reciprocal Enforcement Maintenance Order (REMO) Unit, which acts for the Lord Chancellor as the central authority for England and Wales for international maintenance claims. From 1 April 2005, the Official Solicitor may be appointed, in place of a parent, to act as the registered contact in the administration of the Government's Child Trust Fund scheme for those children in care in England and Wales where there is no parent able to do so.

**9.123** The Public Trustee (appointed under section 8 of the Public Trustee Act 1906) acts as executor or administrator of estates and as the appointed trustee of settlements. His aim is to provide an effective executor and trustee service of last resort on a non-profit-making basis; in so doing, his objective is to secure the best value for the beneficiaries.

**9.124** Since 1 April 2001, the two offices have been combined under the same postholder but from 1 August 2006 the roles were separated and David Thompson was appointed as the Public Trustee.

**9.125** Following recommendations from the National Audit Office, it was decided that both the Official Solicitor and Public Trustee (OSPT) should retire, as far as possible, from their existing trusts and estates business. Work has been ongoing to reduce the trusts and estates caseload to a small volume of 'last resort' cases only. Following a tender exercise, the Public Trustee, Official Solicitor and the managing director of Capita Trust Services Ltd agreed, in December 2006, to enter into contract negotiations to appoint Capita Trust Services Limited as the preferred new trustee for the management of cases suitable for transfer. It is envisaged that the transfer of all suitable cases will be completed by the end of September 2007, with all possible case closures completed by March 2008.

**9.126** The OSPT employ 20 lawyers (including the Official Solicitor himself) and up to 166 caseworkers and other administrative staff. Its gross running costs were £8.23m for 2005/06, with a requirement to recover costs and fees where appropriate (mainly in trusts and estates) reducing the net funding requirement from DCA to £3.2m. The annual report for 2005/06 was published in October 2006 and is available on the website.

### Contact details

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## Law Commission

**Chairman: Sir Terence Etherton QC  
(The Hon Mr Justice Etherton)**

**Chief Executive: Steve Humphreys**

**9.127** The Law Commission was established under the Law Commissions Act 1965. It recommends reform of the law to make it clear, modern and accessible. The commission is independent from the Government but is sponsored by DCA and is an advisory non-departmental public body of the Department. It has between 60 to 70 members of staff, depending upon the number of projects it is working on. DCA provided funding to the commission of £3.3m.

**9.128** The Law Commission assists the work of a number of Government departments. During 2006/07, it published consultation papers on post-legislative scrutiny and cohabitation. A total of seven final reports were published, including ones on post-legislative scrutiny, murder, manslaughter and infanticide, termination of tenancies, and renting homes. Five consolidation Bills, which bring all relevant legislation into one Act, also came into law in 2006. These were the Parliamentary Costs Act, National Health Service Act, National Health Service (Wales) Act, National Health Service (Consequential Provisions) Act, and the Wireless Telegraphy Act. Full details of the commission's work in 2006/07 will be reported in its annual report published in June 2007.

**9.129** The Law Commission published its ninth programme of law reform in March 2005 setting out the main areas of work over the next three years. The commission is currently working on its tenth programme, for commencement from April 2008.

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## Council on Tribunals

**Chairman: The Rt Hon the Lord Newton of Braintree OBE DL**

**Acting Secretary: Ray Burningham**

**9.130** The Council on Tribunals is a statutory advisory non-departmental public body, funded through DCA, which reviews the constitution and working of certain tribunals and advises Government departments on the procedures governing the running of tribunals and inquiries. It was set up in 1958 and now functions under the Tribunals and Inquiries Act 1992.

**9.131** The council has 15 members appointed by the Lord Chancellor and Scottish Ministers. The Parliamentary Ombudsman and Scottish Public Services Ombudsman are also members by virtue of their office. It has 13 staff in its London office, most of whom are DCA civil servants. It also has a Scottish Committee with a secretariat of three staff seconded from the Scottish Executive and based in Edinburgh. In 2006/07 it had a budget of £1.25m.

**9.132** Subject to the passage of the Tribunals, Courts and Enforcement Bill, the council expects to become an Administrative Justice and Tribunals Council with a wider remit across the field of administrative justice during 2007/08.

**9.133** The work of the council during 2006/07 has concentrated on planning for this wider role and continuing its focus on user issues. Adjust, the council's quarterly e-bulletin, which has been expanded both in content and readership, continues to receive positive feedback both in the UK and abroad. The chairman and members of the council have assisted in the launch of the Tribunals Service, and DCA's review of non-legal members in tribunals. The council's conference in November 2006 included seeking stakeholders' views on feedback from tribunals to first tier decision-makers and it hopes to build on this work in 2007/08.

**9.134** The council's work during the period April 2005 to March 2006 is described in its 47th annual report, published in July 2006. The annual report and other publications are available on the council's website, or from the address below. Its next annual report will cover the year to 31 March 2007 and is expected to be published in July 2007.

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## Information Commissioner's Office

### Information Commissioner: Richard Thomas

**9.135** The Information Commissioner is the independent statutory regulator overseeing the Data Protection Act 1998 (DPA), the Freedom of Information Act 2000 (FoIA) and the Environmental Information Regulations 2004 (EIR). He reports directly to Parliament and annually presents to each house. DCA sponsors the Information Commissioner's Office.

**9.136** The Commissioner promotes good practice and observance with the requirements of the DPA, FoIA, and EIR. He informs the public of their rights, and helps organisations comply with the legislation by producing guidance documents and codes of practice. He also responds to enquiries from organisations and the public and operates a helpline to provide information and assistance.

**9.137** Under the DPA, the Commissioner maintains a register of data controllers who are required to notify him of their personal data-processing activities. He also promotes good practice for organisations, and where people are concerned that their rights have been breached he has a duty to assess the situation and take enforcement action if appropriate.

**9.138** The Commissioner deals with complaints about decisions made by public authorities under the FoIA, and considers publication schemes submitted for approval. He promotes the observance of the Act and its codes of practice by public authorities.

**9.139** The Commissioner employs 280 staff, the majority being employed in the main Wilmslow office. Smaller offices are maintained in Belfast, Cardiff, Edinburgh and London.

**9.140** In 2006/07 the Commissioner received £5.55m of funding from DCA for FoIA activities. The budget for DPA activities is funded from notification fee income and was projected to be £10.133m.

**9.141** 2006/07 will see the consolidation of changes started in 2005/06, and improvements to data protection services. The office will also carry forward its work on 'surveillance society' issues and on the trade in illegally obtained personal information.

**9.142** The Commissioner continues to build on the experience of the first year of FoI complaints to accelerate case handling procedures, improve efficiency and enhance service to both individuals and public authorities. The Commissioner will take a more robust approach to systemic non-compliance with the Act, by serving enforcement notices and making practice recommendations to ensure public authorities fulfil their obligations.

### Contact details

Information Commissioner  
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Wilmslow  
Cheshire  
SK9 5AF

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01625 545 745 (helpline)  
F: 01625 524 510  
E: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)  
[www.ico.gov.uk](http://www.ico.gov.uk)

## Judicial Appointments Commission

**Chairman: Baroness Prashar**

**Chief Executive: Clare Pelham**

**9.143** The Judicial Appointments Commission (JAC) is an independent Non Departmental Public Body (NDPB) created by the Constitutional Reform Act in 2005 to select judicial office holders. It selects candidates for office on merit and does this independently of government through fair and open competition and by encouraging a wide range of applicants.

**9.144** It was set up to maintain and strengthen judicial independence by taking responsibility for selecting candidates for judicial office out of the hands of the Lord Chancellor and making the appointments process clearer and more accountable.

**9.145** For the first time in 900 years, the Lord Chancellor no longer has the sole power to select which judge to appoint. Instead the JAC selects, and makes a recommendation to him. He can reject that recommendation but he is required to provide his reasons to the JAC.

**9.146** The JAC was officially launched on 3 April 2006.

### Relationship with our sponsoring body

**9.147** As an NDPB, the JAC is sponsored by DCA. The arrangements and relationship between the JAC and DCA are detailed in the framework document which sets out our strategic control framework, including the conditions under which government funds are provided.

### Our role and remit

**9.148** The JAC selects candidates using the principles of openness, fairness and merit. It seeks to encourage a wider pool of eligible applicants from a range of different backgrounds.

**9.149** The appointment process remains based on the principle of selection on merit. Once appointed, judges have security of position, a principle on which judicial independence rests. This means the decision to appoint a judicial office holder must be the right one in every case.

**9.150** Merit remains the bedrock of judicial appointments. But the JAC is committed to ensuring that meritorious candidates are secured from a much wider field. By encouraging more eligible people to apply, the JAC is contributing to building an effective and impartial judiciary.

**9.151** Under the Constitutional Reform Act 2005 the JAC has very specific duties in the selection of judges and tribunal members, both legal and non-legal. Its statutory responsibilities are:

- to select candidates solely on merit
- to select only people of good character
- to have regard to the need to encourage applications from a wider range of candidates.

### Whom the JAC appoints

**9.152** The judicial positions within the JAC's remit are listed in Schedule 14 of the Constitutional Reform Act 2005. It will eventually be responsible for appointing magistrates and general commissioners of income tax.

**9.153** The JAC primarily selects judicial office holders in England and Wales and on occasion make appointments in Scotland and Northern Ireland. Appointments covering Scotland and Northern Ireland are made in consultation with the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland respectively. Scottish appointments are primarily made by The Judicial Appointments Board for Scotland and those in Northern Ireland by The Northern Ireland Judicial Appointments Commission.

## The JAC's role

**9.154** In accordance with the Act, there are fifteen commissioners, including the chairman. All are recruited and appointed through open competition with the exception of three judicial members who are selected by the Judges' Council. Membership of the JAC is drawn from the judiciary, the legal profession, tribunals, the magistracy and the public.

**9.155** The JAC has corporate responsibility for ensuring that we fulfil our role under the Act, for achieving the aims and objectives agreed in this plan with the Lord Chancellor, and for promoting the efficient and effective use of staff and other resources available to the JAC.

## Objectives for 2006/07

**9.156** The JAC will aim to retain and increase public confidence in the judicial appointment process by achieving the following key objectives within agreed timescales and budget:

- to select high quality candidates for appointments based on the selection exercise programme agreed with our business partners
- to create and implement fair, open and streamlined selection processes for judicial appointments on merit in accordance with the Act
- to encourage a wider range of eligible applicants from which selections can be made
- to develop a highly effective and efficient organisation with a robust framework of policies and processes, and constructive working relationships with our partners.

## DCA's strategic objectives

**9.157** The JAC's objectives support the first strategic objective of its sponsor department, i.e. to provide criminal, civil, family and administrative justice systems that command public respect and confidence.

## Achieving the JAC's strategic objectives

**9.158** The JAC has identified a number of activities, which we regard as essential to the successful achievement of our strategic objectives.

**9.159** In its first year of operation and in the absence of any shadow running, the JAC faced a number of significant challenges:

- to complete ten legacy selection exercises, which started in the pre-launch period under the DCA, and 27 new exercises which were forecast for the period of this plan
- to add a number of unplanned selection exercises
- to set up a new organisation from scratch
- to develop new policies and processes for the JAC's core business.

## Finance

**9.160** The JAC was allocated £5.33m in 2006/07. The table overleaf sets out how the £5.33m budget is formally structured to support the JAC's strategic objectives, although our aim is for all our staff and other resources to be deployed flexibly to achieve our strategic objectives:

	Cost £000	% of Total cost
<b>Objective 1</b>		
Salary cost	2,302	43.3
Other cost	1,010	18.9
<b>Total</b>	<b>3,312</b>	<b>62.2</b>
<b>Objective 2</b>		
Salary cost	762	14.3
Other cost	112	2.1
<b>Total</b>	<b>874</b>	<b>16.3</b>
<b>Objective 3</b>		
Salary cost	447	8.4
Other cost	131	2.5
<b>Total</b>	<b>578</b>	<b>10.9</b>
<b>Objective 4</b>		
Salary cost	378	7.1
Other cost	189	3.5
<b>Total</b>	<b>567</b>	<b>10.6</b>
<b>Total cost</b>	<b>5,330</b>	<b>100.0</b>

#### Our work so far

**9.161** Since our launch on 3 April 2006, the JAC has been working on three main priorities, while at the same time running selection exercises under transitional arrangements. The three priorities have been:

- defining merit – what makes a good judge
- refining and improving effective and fair methods for assessing merit
- determining how best to encourage a wide range of applicants.

**9.162** The progress that the JAC has made has resulted in revised policies and processes being established, details of which are available on the website.

#### Contact details

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11 Tothill Street  
London  
SW1H 9LJ

T: 020 7210 1453

E: [enquiries@jac.gsi.gov.uk](mailto:enquiries@jac.gsi.gov.uk)

[www.judicialappointments.gov.uk](http://www.judicialappointments.gov.uk)

## Judicial Appointments and Conduct Ombudsman

### Ombudsman: Sir John Brigstocke KCB

**9.163** The office of the Judicial Appointments and Conduct Ombudsman was established on 3 April 2006, under section 62 of the Constitutional Reform Act 2005, to consider:

#### Judicial appointments

- complaints from candidates for judicial office about the way in which their application was handled
- matters referred by the Lord Chancellor relating to the procedures of the JAC or a committee of the JAC.

#### Judicial conduct and discipline

- complaints from a complainant, or a judge who is the subject of a complaint, about how that complaint was handled
- matters referred by the Lord Chancellor or the Lord Chief Justice relating to the handling of judicial conduct issues.

**9.164** The Ombudsman is independent of the Government, DCA, and the judiciary, but is funded by DCA.

**9.165** The Ombudsman's Office has eight members of staff and is an Associated Office of DCA, but acts autonomously under the Ombudsman's direction. Full details of the Ombudsman's work in 2006/07 will be published in his annual report in May/June 2007.

#### Contact details

Judicial Appointments and  
Conduct Ombudsman  
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Millbank Tower  
Millbank  
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SW1P 4QP

T: 020 7217 4279

F: 020 7217 4262

E: [headoffice@jaco.gsi.gov.uk](mailto:headoffice@jaco.gsi.gov.uk)

[www.judicialombudsman.gov.uk](http://www.judicialombudsman.gov.uk)

## Office for Judicial Complaints

### Chief Officer: Dale Simon

**9.166** The Office for Judicial Complaints (OJC) was established in April 2006. We support the Lord Chancellor and the Lord Chief Justice in their joint responsibility for the system of judicial complaints and discipline. We seek to ensure that all judicial disciplinary issues are dealt with consistently, fairly and efficiently.

**9.167** The OJC deals with issues concerning the behaviour and conduct of judicial office holders such as racist or insulting remarks made in court or inappropriate personal behaviour. The OJC cannot look into the decisions made by judicial office holders.

**9.168** The OJC also provides support to review bodies that are convened by the Lord Chancellor and Lord Chief Justice. A review body consists of two judicial office holders and two lay members. They review disciplinary decisions made against judicial office holders.

**9.169** The OJC is an Associated Office of DCA. The regulations that govern the OJC are set out in the Judicial Discipline (Prescribed Procedures) Regulations 2006, which can be found on our website.

**9.170** We have 18 staff and a delegated budget of £1.3m, which does not include accommodation and IT.

### Delivering better public services

**9.171** We are improving the service that we provide to our clients by taking a series of actions. These include:

- visiting clients to raise awareness of the services we provide
- issuing leaflets to all courts explaining what we do and how people can complain about a judicial officer's behaviour or conduct. These are also available to tribunals and magistrates' advisory committees

- maintaining and further improving our own website to provide information on our services
- establishing a group of 'critical friends' to look at our website and leaflets and will use this feedback to improve the information we provide.

**9.172** We are also conducting a customer survey and will use the information we receive from our customers to inform our plans and develop our targets.

**9.173** Our business plan is available on our website

### Contact details

Office for Judicial Complaints  
4th Floor  
Clive House  
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London  
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T: 020 7189 2937

F: 020 7189 2941

E: [customer@ojc.gsi.gov.uk](mailto:customer@ojc.gsi.gov.uk)

[www.judicialcomplaints.gov.uk](http://www.judicialcomplaints.gov.uk)

## Directorate of Judicial Offices for England and Wales

**Director: Debora Matthews**

**9.174** On 3 April 2006, as part of the changes introduced by the Constitutional Reform Act 2005 (CRA), a large number of responsibilities previously held by the Lord Chancellor passed to the judiciary. The Lord Chief Justice of England and Wales became Head of the Judiciary, a role previously held by the Lord Chancellor.

**9.175** The purpose of the Directorate of Judicial Offices (DJO) for England and Wales is to provide efficient and effective support to the Lord Chief Justice and the senior judiciary in their out of court roles and responsibilities.

**9.176** The DJO operates as an Associated Office of DCA.

**9.177** The DJO incorporates:

- The Judicial Office (including the Private Offices)
- The Judicial Communications Office (JCO)
- The Judicial Studies Board (JSB).

**9.178** Contact details are the same as for the Judicial Office.

### Judicial Office

**9.179** The Judicial Office supports the Lord Chief Justice and the senior judiciary in managing their new roles and responsibilities. It has oversight of the administration of the DJO. The creation of the new office has brought together staff who were working on the functions that transferred, the existing judicial private offices, and a small number of new posts. It is based at the Royal Courts of Justice.

### Objectives for 2006/07

**9.180** The main priority for the Judicial Office in its inaugural year was to complete the seamless transition of the new responsibilities

of the Lord Chief Justice, as outlined in the Concordat, into the new DJO. The office is committed to ensuring the judiciary have the appropriate structures in place to support their new responsibilities in respect of wellbeing, training and provision of guidance, appointments and deployment.

### Performance for 2006/07

**9.181** From April to November 2006, the Judicial Office focused on setting up systems for managing the new office and recruited staff for new posts. Work also began on developing a long-term strategy for supporting the judiciary in its leadership role and in managing change initiatives.

### Delivering better public services

**9.182** When setting up the new office, we looked for the most efficient and straightforward way of working together. This has resulted in streamlined interactions between existing jurisdictional teams. Functions like finance and human resources have been centralised into one team, which has meant less duplication of effort and has enabled the Private Offices to concentrate on their core work of supporting the judiciary.

### Management of resources

**9.183** In 2006/07, the Judicial Office had a budget of £2.8m and employed 57.5 staff. Our first year of operation has given us a benchmark for future expenditure. Our budget was used on an upward curve during our first year as we recruited new staff and committed to staged projects.

### Contact details

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T: 020 7947 7598  
F: 020 7073 1631  
E: [general.enquiries@judiciary.gsi.gov.uk](mailto:general.enquiries@judiciary.gsi.gov.uk)  
[www.judiciary.gov.uk](http://www.judiciary.gov.uk)

## Judicial Communications Office

**9.184** The JCO provides external and internal communications facilities for the Lord Chief Justice and the judiciary as a whole – more than 40,000 judicial office-holders. Although not established under the auspices of the CRA, the JCO fits neatly in the new judicial support structure created by the Act. It is based in the Royal Courts of Justice.

### Objectives for 2006/07

**9.185** The main objective for the first year of operation was to bed down the newly-created judicial communications facilities. These included a press office and a series of communications channels such as an intranet, website, monthly electronic magazine and a weekly email alert service for judicial office holders.

### Performance for 2006/07

**9.186** The JCO focused on developing the new communications channels and also set about promoting the new facilities to the judiciary.

#### Press office

**9.187** By the end of the reporting period the press office was regularly providing strategic communications advice and support to the senior judiciary, dealing with requests for advice and support from judicial office holders, published media guides for judges and magistrates, and was issuing news releases, statements, judgments and other material to the media.

#### Corporate communications

**9.188** Although internal communications is a relatively new concept for the judiciary, it is being embraced with enthusiasm by a large number of judicial office-holders. Not only is there interest in the ‘top down’ style of communication, but there is also an emerging feeling of a judicial ‘family’ where communications across the various jurisdictions are very important. Judges, magistrates and tribunals judiciary have contributed information about their own experiences, which is resulting in the monthly judicial newsletter, Benchmark, becoming a trusted, judicially-owned, resource. The website: [www.judiciary.gov.uk](http://www.judiciary.gov.uk) is averaging 22,000 visits and 90,000 page views per month. The website highlights the independence of the judiciary and provides the public, in particular students, with direct access to information about the judiciary rather than being conveyed through a third party.

#### Delivering better public services

**9.189** The JCO has aligned itself into the DJO with the aim of ensuring it is an integral part of the governance, deployment and jurisdictional teams’ workstreams.

#### Management of resources

**9.190** The JCO was fully staffed at the start of the reporting period. In 2006/07 the office had a budget of £840,000 and employed nine staff, two of whom were working in a job-share post.

#### Contact details

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E: [website.enquiries@judiciary.gsi.gov.uk](mailto:website.enquiries@judiciary.gsi.gov.uk)

[www.judiciary.gov.uk](http://www.judiciary.gov.uk)

## Judicial Studies Board

**Chairman: Lord Justice Keene**

**Executive Directors: Judith Killick and Maggy Pigott**

**Director of Studies: Judge John Phillips CBE**

**9.191** The purpose of the Judicial Studies Board (JSB) is to deliver high quality training to judicial office holders to help them carry out their duties effectively, in a way which preserves judicial independence and supports public confidence in the judiciary.

**9.192** The training supports the independent judiciary – both salaried and fee paid judges. The JSB has taken on greater responsibility for the training, monitoring and evaluation of magistrates and legal advisers across England and Wales. It also supports the training activities for 15,000 chairmen and members under the new Tribunals Service.

**9.193** Following the constitutional reforms, the Lord Chief Justice is responsible for the provision and sponsorship of judicial training within the resources provided by the Lord Chancellor.

**9.194** The JSB's annual report for 2006/07 will be published in June 2007 and is available at: [www.jsboard.co.uk](http://www.jsboard.co.uk).

### Objectives for 2006/07

**9.195** The JSB's main objectives for the period were:

- to complete work on the first stage of its judicial training strategy project
- to agree the JSB's and HMCS's respective roles in the training of legal advisers
- to work closely with the new Tribunals Service on the outcomes from the JSB's programme to evaluate the training, appraisal and mentoring provision in tribunals

- to undertake a review of its own governance structure, to ensure that the best system was in place for managing the work of the organisation efficiently.

### Performance for 2006/07

**9.196** During 2006/07, the JSB completed its programme of work, as set out in its management plan. That plan and the JSB's three-year strategy for 2005-08 are available on the JSB website.

**9.197** The JSB continued its major review of all aspects of the provision of judicial education in England and Wales, undertook an analysis of learning needs for the judiciary, and considered proposals for a new training curriculum over the next three years. At the same time, it continued to provide induction and continuation training designed to strengthen judicial skills and knowledge.

**9.198** Agreement was reached between the JSB and HMCS on the arrangements for the governance of legal adviser training, and work was completed on a training pack for legal advisers.

**9.199** The JSB also began evaluating the training, appraisal and mentoring of tribunals, both in and outside the Tribunals Service.

**9.200** During the period, the JSB put in place arrangements for changes in its own governance structure. From April 2007, the work of the organisation will be overseen by an advisory council, and the responsibility for the strategy, planning and delivery of that work will sit with a governing body, the executive board.

### **Delivering better public services**

**9.201** By ensuring the integration of fair treatment and diversity issues into relevant aspects of JSB training, and by offering itself as a source of advice, the JSB's Equal Treatment Advisory Committee continues to offer support in the fulfilment of the obligations of the judicial oath by recognising the many ways in which social, cultural and other differences may have a bearing on the conduct of cases and the wider judicial role.

**9.202** By focusing on the learning and development needs of individual judicial office holders, the JSB ensures that the judiciary are provided with a training programme that reflects its needs and is delivered using the most efficient and sustainable means for learning. The outcomes of research conducted during this period will result in the implementation of changes to judicial training, which will begin during 2007/2008.

### **Management of resources**

**9.203** A number of financial savings were made during the year, achieved, for example, by using in-house trainers for parts of the magisterial training programme. The JSB's budget for 2006/07 was £8.2m. It has 65 members of staff.

### **Contact details**

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E: [publications@jsb.gsi.gov.uk](mailto:publications@jsb.gsi.gov.uk)

[www.jsboard.co.uk](http://www.jsboard.co.uk)

## Office of the Legal Services Ombudsman

### Ombudsman: Zahida Manzoor CBE

**9.204** The Legal Services Ombudsman for England and Wales is appointed by the Lord Chancellor in accordance with Section 21 of the Courts and Legal Services Act 1990. The Ombudsman cannot be a qualified lawyer and is completely independent of the legal profession.

**9.205** The Ombudsman oversees the handling of complaints about solicitors, barristers, legal executives, licensed conveyancers, patent agents and trade mark attorneys by the professional bodies that are responsible for standards of conduct and service within the legal profession. Complainants must first make their complaint to the relevant professional body. If dissatisfied with the way the professional body has dealt with their complaint, they may refer the matter to the Legal Services Ombudsman. The Ombudsman's services are free of charge.

**9.206** The Ombudsman's annual report and accounts for 2005/06 was laid before Parliament in July 2006 and is available on the Office of the Legal Services Ombudsman's (OLSO) website. Data for 2006/07 will be included in the OLSO annual report and accounts due to be published in June 2007.

**9.207** The expenditure account shows a total of £1.9m for 2005/06, which includes a departmental overhead charge. DCA provided funding to the Ombudsman of £1.4m for 2006/07.

**9.208** The OLSO employs 25 staff as well as a panel of external part-time, self-employed caseworkers.

**9.209** During the year, OLSO carried out a review of its strategic objectives to ensure that they remain relevant within the constantly changing legal environment. The objectives reflect the high level of activity OLSO engages in to achieve its remit, and support the Department in its Public Service Agreement (PSA) target 5 and strategic objectives 2-4. OLSO continues to be consumer-focused and strives to improve performance and value for money in the delivery of casework. A number of initiatives have been undertaken to improve service to consumers such as the development of internal service standards, the launch of a new website, and a review of external literature to improve clarity and understanding.

**9.210** The 2006 Queen's Speech introduced the Legal Services Reform Bill into the 2006/07 session. If the Bill comes into law it will fundamentally change the way that legal services will be regulated in England and Wales, including the formation of the Office for Legal Complaints, and the consequent closure of OLSO. However it is not anticipated that OLSO will close before 2009/10. The Ombudsman is looking to ensure that OLSO continues to provide a high level of service during the transition.

### Contact details

Office of the Legal Services Ombudsman  
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T: 0845 601 0794 (lo call) / 0161 839 7262

F: 0161 832 5446

E: [Iso@olso.gsi.gov.uk](mailto:Iso@olso.gsi.gov.uk)

[www.olso.org](http://www.olso.org)

## Office of Legal Services Complaints Commissioner

### Legal Services Complaints Commissioner: Zahida Manzoor CBE

**9.211** The Legal Services Complaints Commissioner is appointed by the Secretary of State for Constitutional Affairs under the Access to Justice Act 1999. The Office of the Legal Services Complaints Commissioner regulates the performance of the Law Society of England and Wales in its handling of complaints about solicitors. The Commissioner works on behalf of consumers of legal services to help the Law Society reach service standards that an individual could reasonably expect when complaining about a solicitor.

**9.212** The Commissioner has the power to:

- require the Law Society to provide information or make reports about the handling of complaints about its members
- investigate the handling of complaints
- make recommendations
- set targets
- require the Law Society to submit a plan for the handling of complaints.

**9.213** If the Law Society fails to submit an adequate plan when requested, or fails to handle complaints in accordance with the plan, the Commissioner has the power to levy a penalty under section 52(3) of the Access to Justice Act. This is set at a maximum of £1m. Prior to a decision on any penalty being taken, the Law Society would have the opportunity to make representations to the Commissioner and engage in an agreed appeals mechanism.

**9.214** The Commissioner's annual report for 2005/06 was published in July 2006.

**9.215** The Commissioner has 18 team members all based in Leeds. During 2006/07, DCA and the Law Society provided the Commissioner with funding of £1.72m to carry out her duties.

**9.216** More information about the work of the Office of the Legal Services Complaints Commissioner, including published reports, can be found on the website.

#### Contact details:

Office of the Legal Services Complaints  
Commissioner  
19th Floor  
West Riding House  
Leeds  
LS1 5AA

T: 0113 2615420

F: 0113 2615440

E: [info@olscc.gsi.gov.uk](mailto:info@olscc.gsi.gov.uk)

[www.olscc.gov.uk](http://www.olscc.gov.uk)

## HM Inspectorate of Courts Administration

### HM Chief Inspector: Eddie Bloomfield

**9.217** HM Inspectorate of Court Administration (HMICA) is an independent statutory inspectorate created by the Courts Act 2003 (as amended by the Police and Justice Act 2006). HMICA has a duty to:

- inspect and report to the Lord Chancellor on the system that supports the carrying on of the business of the Crown, county and magistrates' courts and the services provided for those courts
- inspect and report on the performance of Children and Family Courts Advisory and Support Services (CAFCASS) functions. Under the provisions of the Transfer of Functions Order 2005, HMICA reports to the Secretary of State for Education and Skills on CAFCASS-related inspection matters. From April 2007, responsibility for the inspection of CAFCASS moves to the Office for Standards in Education (OfSTED) under the provisions of the Education and Inspections Act 2006.

**9.218** The purpose of HMICA is to provide an independent assurance to Ministers on the safe and effective delivery of services by the courts and, in accordance with the Office of Public Services Reform (OPSR) principles of inspection, to contribute to the improvement of the courts with a focus on outcomes for service users.

**9.219** HMICA is not empowered to inspect persons making judicial decisions or exercising any judicial discretion.

**9.220** HMICA currently employs 35 members of staff, based in offices in London, Bristol and Leeds and including seven inspectors based at home. In addition there are eight standby inspectors who are employed on fixed-term contracts and work for a minimum of 20 days per year.

**9.221** The Chief Inspector is a statutory postholder and HMICA is funded by DCA. HMICA's budget allocation for 2006/07 was £2.385m.

### Objectives for 2006/07

**9.222** HMICA's objectives for 2006/07 are set out in its business plan which is available on its website.

### Performance for 2006/07

**9.223** The Chief Inspector reports directly to the Lord Chancellor on inspection issues and provides an annual report to Parliament. The HMICA annual report for 2006/07 will be published by the end of July 2007 and will be available on the HMICA website.

### Contact details

HMICA  
8th Floor  
Millbank Tower  
London  
SW1P 4QP

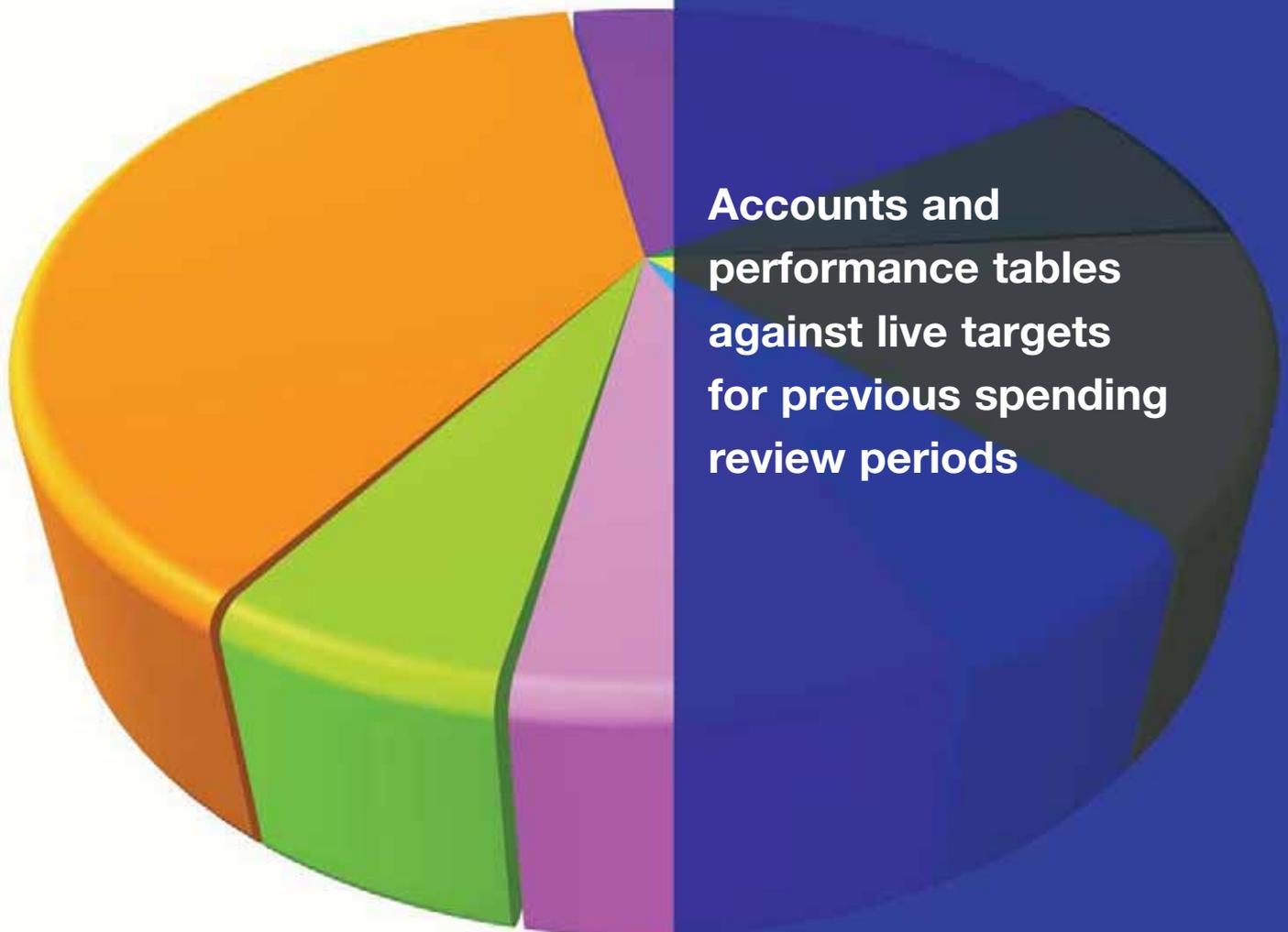
T: 020 7217 4411

F: 020 7217 4357

E: [Eddie.Bloomfield@hmica.gsi.gov.uk](mailto:Eddie.Bloomfield@hmica.gsi.gov.uk)

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## Chapter 10: Accounts



## Asset management strategy

**10.1** DCA's estate is made up of around 900 property holdings, with a value of c£2.8bn. The majority of these (726) are managed by HMCS in delivering court services, whilst 133 are managed by the Tribunals Service with the remainder managed by headquarters, Associated Offices and NDPBs.

**10.2** Both HMCS and the Tribunals Service have continued to explore opportunities to rationalise the estates they inherited and procedures have been established for joined-up consideration of estates opportunities.

**10.3** During the year we have been reviewing the estate strategies of HMCS, the Tribunals Service, the Legal services Commission and DCA headquarters and formulating an overall asset management strategy. This will establish a clear link between our assets (property and IT) and the business model for each organisation and make best use of the funding settlement agreed with the Treasury under the comprehensive spending review for the period up to 2010/11.

**10.4** The HMCS strategy has been informed by use of a sophisticated modelling tool that supports the objectives of the HMCS business strategy. Individual proposals for major new investment are then prioritised using a scoring system.

**10.5** The Tribunals Service and the LSC are developing their business models and detailed estates plans will be developed during 2007.

**10.6** This work has been overseen by a new Capital Investment Board and replaces the former National Property Board.

## Monitoring spending on consultancy and professional services

### Expenditure on consultancy

2005/06 £	DCA	HMCS	Tribunals	PGO
Consultancy	10,137	4,961	413	53

### Spending on consultancy and professional services

**10.7** The above figures relate to expenditure on consultancy. New arrangements for monitoring the use of all types of external professional services will be introduced at the beginning of the 2007/08 financial year. For that and subsequent years, the Department will provide full expenditure figures.

**10.8** The Department is currently conducting an internal review of the use and management of consultants and other professional services. The scope of this review encompasses the Department's management information systems.

## Sponsorship

**10.9** No sponsorship income was recorded for 2006/07. Under the Wider Markets Initiative, the Department has generated additional income from an alternative use of assets, such as allowing courts to be used as film locations.

**10.10** DCA's finance manual requires that such offers be made in writing and that the procurement division formally authorises such an arrangement, with a formal contract if necessary. This follows Cabinet Office guidelines on sponsorship.

## Public Accounts Committee recommendations to departments

### 10th report *Fines Collection* (HC 245 session 2006/07)

**10.11** The report, published at the end of January 2007, concentrates on several themes already highlighted in the National Audit Office's report *Fines Collection*, published in May 2006.

**10.12** Areas DCA is being encouraged to focus on are:

- replacing the current performance indicator with a number of new performance measures
- setting fines at the correct level at the point of sentence
- increasing the number of fines that are paid immediately.

**10.13** A Treasury response to the recommendations received from the Public Accounts Committee (PAC) hearing on fines collection was published on 29 March 2007. The recommendations focus on the replacement of the payment rate which it was not felt was an adequate measure of performance, securing payment on the day, and availability of means information. Work is underway to address the recommendations (further information on fine enforcement can be found in chapter 3).

### 61st report *Crown Prosecution Service: Effective use of magistrates' courts hearings* (HC 982 Session 2005/06)

**10.14** The PAC report highlighted important aspects of how the CPS and the criminal justice system (CJS) operate in the magistrates' courts. The National Audit Office found that there were too many ineffective trials and hearings in the magistrates' courts. They estimated that ineffective trials and hearings cost the CJS £173m and of this, the CPS was responsible for £24m.

**10.15** Work is underway across the CJS to reduce ineffective trials and hearings. This includes:

- the Criminal Justice: *Simple, Speedy, Summary* (CJSSS) programme in July 2006 which includes measures to improve the effectiveness of magistrates' courts hearings
- new arrangements in Coventry, Camberwell, Thames and West Cumbria magistrates' courts to trial schemes that could reduce the number of wasteful hearings and improve the speed of the magistrates' courts.

**10.16** Following these successful tests, CJSSS will be introduced in magistrates' courts nationally during 2007 (further information on CJSSS can be found in chapter 3).

## Explanation of the nine core financial tables

Title	Description	Period Covered
Table 1 Total public spending for DCA	Shows a summary of the Department's total budget, including spending by local authorities on functions relevant to the Department.	2000/01 to 2007/08
Table 2 Resource budget for DCA	Shows how the Department allocates and spends the resources allocated to it by Parliament to deliver the services within its various responsibilities.	2000/01 to 2007/08
Table 3 Capital budget for DCA	Shows how the Department allocates and spends the capital allocated to it by Parliament to deliver the services within its various responsibilities.	2000/01 to 2007/08
Table 4 Capital employed by DCA	Shows capital employed in meeting the Department's objectives.	2000/01 to 2004/05
Table 5 Administration budgets for DCA	Provides a breakdown of the staff and other general costs (including accommodation and other office costs) related to the running of the Department.	2000/01 to 2007/08
Table 6 Staff in post in DCA	A staffing count for the DCA and its sister departments.	2000/01 to 2007/08
Table 7 DCA's total spending by country and region (over a spread of years)	Provides analysis of spending in each UK country and nine regions of England.	2000/01 to 2005/06
Table 8 DCA's Total spending per head by country and region (over a spread of years)	Provides analysis of spending per head of population in each UK country and nine regions of England	2000/01 to 2005/06
Table 9 DCA's total spending by function or programme, by country and region (for latest outturn year 2005/06)	Provides analysis of spending in each UK country and nine regions of England, under each function of Government.	2005/06

## DCA total public spending

<b>Table 1: Total public spending</b>	<b>£000</b>						
	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
	Outturn	Outturn	Outturn	Outturn	Outturn	Outturn estimated	Plans
<b>Resource budget</b>							
<b>Resource DEL</b>							
To promote the development of a modern, fair, cost effective and efficient system of justice for all	3,003,501	3,335,268	3,215,180	3,100,056	3,421,405	3,490,198	3,771,646
To support the Secretary of State in discharging his role of representing Scotland in the UK Government, representing the UK Government in Scotland, and ensuring the smooth working of the devolution settlement in Scotland	13,265	9,727	18,716	13,893	13,997	5,908	6,768
To support the Secretary of State in discharging his role of representing Wales in the UK Government, representing the UK Government in Wales and ensuring the smooth working of the devolution settlement in Wales	2,538	3,132	3,042	3,803	4,222	5,012	3,913
<b>Total resource budget DEL</b>	<b>3,019,304</b>	<b>3,348,127</b>	<b>3,236,938</b>	<b>3,117,752</b>	<b>3,439,624</b>	<b>3,501,118</b>	<b>3,782,327</b>
<i>of which: Near-cash</i>	2,766,747	3,184,747	3,354,750	3,444,998	3,696,338	3,668,841	3,734,763
<b>Resource AME</b>							
Judicial Pensions Scheme	96,221	101,300	58,082	61,655	81,322	87,726	102,019
<b>Total resource budget AME</b>	<b>96,221</b>	<b>101,300</b>	<b>58,082</b>	<b>61,655</b>	<b>81,322</b>	<b>87,726</b>	<b>102,019</b>
<i>of which: Near-cash</i>	33,477	36,680	-11,211	-12,170	-4,834	-6,564	1,499
<b>Total resource budget</b>	<b>3,115,525</b>	<b>3,449,427</b>	<b>3,299,020</b>	<b>3,179,407</b>	<b>3,520,946</b>	<b>3,588,844</b>	<b>3,884,346</b>
<i>of which: depreciation</i>	46,860	46,811	55,337	82,886	117,466	147,623	135,300

**Table 1 (continued): Total public spending** £000

	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Outturn estimated	2007/08 Plans
<b>Capital budget</b>							
<b>Capital DEL</b>							
To promote the development of a modern, fair, cost effective and efficient system of justice for all	75,939	76,254	98,025	180,680	119,564	160,087	136,869
To support the Secretary of State in discharging his role of representing Scotland in the UK Government, representing the UK Government in Scotland, and ensuring the smooth working of the devolution settlement in Scotland	62	88	13	76	64	10	100
To support the Secretary of State in discharging his role of representing Wales in the UK Government, representing the UK Government in Wales and ensuring the smooth working of the devolution settlement in Wales	18	34	51	194	127	11	766
<b>Total capital budget DEL</b>	<b>76,019</b>	<b>76,376</b>	<b>98,089</b>	<b>180,950</b>	<b>119,755</b>	<b>160,108</b>	<b>137,735</b>
<b>Capital AME</b>							
<b>Total capital budget AME</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total capital budget</b>	<b>76,019</b>	<b>76,376</b>	<b>98,089</b>	<b>180,950</b>	<b>119,755</b>	<b>160,108</b>	<b>137,735</b>

**Table 1 (continued): Total public spending** £000

	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Outturn estimated	2007/08 Plans
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**Total departmental spending†**

To promote the development of a modern, fair, cost effective and efficient system of justice for all

	3,032,863	3,364,995	3,258,156	3,198,138	3,423,865	3,502,932	3,773,619
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To support the Secretary of State in discharging his role of representing Scotland in the UK Government, representing the UK Government in Scotland, and ensuring the smooth working of the devolution settlement in Scotland

	13,064	9,568	18,476	13,716	13,828	5,685	6,499
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To support the Secretary of State in discharging his role of representing Wales in the UK Government, representing the UK Government in Wales and ensuring the smooth working of the devolution settlement in Wales

	2,536	3,129	3,058	3,962	4,220	4,986	4,644
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Judicial Pensions Scheme	96,221	101,300	58,082	61,655	81,322	87,726	102,019
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<b>Total departmental spending†</b>	<b>3,144,684</b>	<b>3,478,992</b>	<b>3,337,772</b>	<b>3,277,471</b>	<b>3,523,235</b>	<b>3,601,329</b>	<b>3,886,781</b>
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of which:

<b>Total DEL</b>	<b>3,048,463</b>	<b>3,377,692</b>	<b>3,279,690</b>	<b>3,215,816</b>	<b>3,441,913</b>	<b>3,513,603</b>	<b>3,784,762</b>
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<b>Total AME</b>	<b>96,221</b>	<b>101,300</b>	<b>58,082</b>	<b>61,655</b>	<b>81,322</b>	<b>87,726</b>	<b>102,019</b>
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† Total departmental spending is the sum of the resource budget and the capital budget less depreciation. Similarly, total DEL is the sum of the resource budget DEL and capital budget DEL less depreciation in DEL, and total AME is the sum of resource budget AME and capital budget AME less depreciation in AME.

**Spending by local authorities on functions relevant to the department**

<b>Current spending</b>	<b>377,143</b>	<b>379,217</b>	<b>411,908</b>	<b>436,836</b>	<b>3,798</b>	<b>3,951</b>	
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of which:

financed by grants from budgets above	317,552	274,951	279,877	299,010	–	–	
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<b>Capital spending</b>	<b>24,318</b>	<b>40,013</b>	<b>32,473</b>	<b>41,679</b>	<b>–</b>	<b>–</b>	
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of which:

financed by grants from budgets above ††	32,850	43,839	34,809	45,753	441	10,800	
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†† This includes loans written off by mutual consent that score within non-cash resource budgets and are not included in the capital support to local authorities line in table 3

## Resource budget for DCA

**Table 2:** Resource budget DEL and AME £000

	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Outturn estimated	2007/08 Plans
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To promote the development of a modern, fair, cost effective and efficient system of justice for all

	3,003,501	3,335,268	3,215,180	3,100,056	3,421,405	3,490,198	3,771,646
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of which:

<b>Headquarters and Associated Offices</b>	<b>252,581</b>	<b>317,795</b>	<b>436,955</b>	<b>660,104</b>	<b>841,139</b>	<b>783,557</b>	<b>738,316</b>
<b>Executive agencies</b>	<b>464,577</b>	<b>552,638</b>	<b>518,830</b>	<b>498,977</b>	<b>917,766</b>	<b>929,315</b>	<b>1,055,230</b>

of which:

Local authorities: magistrates' courts grants	317,552	274,951	279,977	299,010	-	-	-
HM Courts Service	-	-	-	-	913,166	922,247	1,049,130
Court Service	442,964	530,875	509,461	497,170	-	-	-
Public Guardianship Office	14,722	13,437	7,808	663	-359	1,513	1,100
<b>Publicly-funded legal services</b>	<b>1,888,915</b>	<b>2,116,518</b>	<b>1,898,732</b>	<b>1,540,967</b>	<b>1,564,853</b>	<b>1,685,429</b>	<b>1,861,300</b>

of which:

Community legal service	863,014	988,155	689,037	359,151	297,452	445,344	648,000
Costs from central funds	48,971	39,535	65,768	48,694	69,201	74,660	45,000
Criminal defence service	976,930	1,088,828	1,143,927	1,133,122	1,198,200	1,165,425	1,168,300
<b>Non departmental public bodies</b>	<b>79,876</b>	<b>73,366</b>	<b>80,686</b>	<b>100,998</b>	<b>97,647</b>	<b>91,897</b>	<b>116,800</b>

of which:

Information Commissioner's Office	6,891	8,326	1,561	1,144	4,959	5,555	5,000
Legal Services Commission: administration	79,876	73,366	80,686	100,998	97,647	91,000	116,800

To support the Secretary of State in discharging his role of representing Scotland in the UK Government, representing the UK Government in Scotland, and ensuring the smooth working of the devolution settlement in Scotland

	13,265	9,727	18,716	13,893	13,997	5,908	6,768
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**Table 2 (continued): Resource budget DEL and AME** £000

	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Outturn estimated	2007/08 Plans
<i>of which:</i>							
Scotland Office	13,265	9,727	18,716	13,893	13,997	5,908	6,768
To support the Secretary of State in discharging his role of representing Wales in the UK Government, representing the UK Government in Wales and ensuring the smooth working of the devolution settlement in Wales	2,538	3,132	3,042	3,803	4,222	5,012	3,913
<i>of which:</i>							
Wales Office	2,538	3,132	3,042	3,803	4,222	5,012	3,913
<b>Total resource budget DEL</b>	<b>3,019,304</b>	<b>3,348,127</b>	<b>3,236,938</b>	<b>3,117,752</b>	<b>3,439,624</b>	<b>3,500,221</b>	<b>3,782,812</b>
<i>of which:</i>							
Near-cash	2,766,747	3,184,747	3,354,750	3,844,998	3,696,338	3,668,841	3,734,763
<i>of which:</i>							
Pay	587,305	651,215	707,503	746,675	1,048,045	1,137,425	931,837
Procurement	1,857,155	2,252,524	2,364,944	2,796,558	2,644,405	2,531,416	2,802,871
Current grants and subsidies to the private sector	4,735	6,057	2,326	2,755	3,888	–	75
Current grants to local authorities	317,552	274,951	279,997	299,010	–	–	–
Depreciation	46,860	46,811	55,337	82,886	117,466	147,623	135,300
<b>Resource AME</b>							
Judicial Pensions Scheme	96,221	101,300	58,082	61,655	81,322	87,726	102,019
<b>Total resource budget AME</b>	<b>96,221</b>	<b>101,300</b>	<b>58,082</b>	<b>61,655</b>	<b>81,322</b>	<b>87,726</b>	<b>102,019</b>
<i>of which:</i>							
Near-cash	33,477	36,680	–11,211	–12,170	–4,834	–6,564	1,499
<i>of which:</i>							
Pay	–	–	–	–	–	–	–
Procurement	–	–	–	–	–	–	–
Grants and subsidies	–	–	–	–	–	–	–
Depreciation	–	–	–	–	–	–	–
<b>Total resource budget</b>	<b>3,115,525</b>	<b>3,449,427</b>	<b>3,295,020</b>	<b>3,179,407</b>	<b>3,520,946</b>	<b>3,587,947</b>	<b>3,884,346</b>

## Notes to table

Expenditure in the DCA's business areas will feed into PSA's as follows:

Area	Objective	PSAs
DCA headquarters	1,2,3,4	1,2,4,5
Public Guardianship Office	1,2,4	2,5
Information Commissioner's Office	3	–
HMCS	1,2	1,2,4,5
Tribunals Service	1,4	3
Judicial Appointments Commission	1	N/A
Legal Services Commission	1,2	1,2,3,4,5
Community Legal Service	1,2	3,4,5
Criminal Defence Service	1	1

**10.17** Due to the specific nature of the PSAs, not all of the departmental expenditure will feed directly into a PSA, although all expenditure will feed into one of the Department's objectives.

**10.18** The structure of this table aligns with the parliamentary supply estimate format. The outturn shown for the financial year 2005/06 is now consistent with audited accounts, taking into account the impact of 'Machinery of Government' and HMT classification changes. Due to technical difficulties, the allocations represented in the 2005/06 departmental report for the years 2006/07 and 2007/08 were not accurate. The allocations shown for the year 2006/07 reflects the position as at the winter supplementary estimate 2006/07.

### Tribunals Service

**10.19** The Tribunals Service was formally created in a 'Machinery of Government' change in 2006/07 and unified all of the Government tribunals within one agency. Transfers were received from the Department for Work and Pensions, Department of Health, Department for Trade and Industry, Department for Education and Skills and the Home Office. In accordance with the policy on such transfers, the legacy departments have transferred funding for previous, current and future years. In the 2005/06 departmental

report, these legacy costs were included within the *DCA headquarters and Associated Offices* line – these have now been moved down to the *Tribunals Service* line.

**10.20** The increase in Tribunals Service expenditure between 2005/06 and 2006/07 is due to the inclusion of the existing DCA tribunals, such as the Asylum and Immigration Tribunal.

### Legal aid

**10.21** The 2005/06 outturn figure for the Community Legal Service has decreased significantly from the estimated outturn figure shown in the 2005/06 Departmental Report. This decrease results from a £438m write back of dormant provisions.

### 2007/08

**10.22** Figures for 2008/09 to 2010/11, as set out in the CSR settlement, are not due to be entered into the Treasury's spending database until the autumn. As the Treasury's spending database is the source of the data, there are no figures for 2008/09 to 2010/11.

## Capital budget for DCA

**Table 3:** Capital budget DEL and AME

£000

	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Outturn estimated	2007/08 Plans
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### Capital DEL

To promote the development of a modern, fair, cost effective and efficient system of justice for all

	75,939	76,254	98,025	180,680	119,564	160,087	136,869
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of which:

<b>Headquarters and Associated Offices</b>	<b>13,436</b>	<b>2,434</b>	<b>22,793</b>	<b>94,204</b>	<b>28,973</b>	<b>39,800</b>	<b>70,069</b>
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of which:

Headquarters and Associated Offices	13,436	1,334	8,893	94,204	28,973	39,800	70,069
HM Land Registry	-	1,100	13,900	-	-	-	-

<b>Executive agencies</b>	<b>27,687</b>	<b>28,807</b>	<b>40,418</b>	<b>35,780</b>	<b>87,945</b>	<b>118,287</b>	<b>63,800</b>
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of which:

Local authorities: magistrates' courts grants	32,850	43,839	34,809	45,753	-	-	-
HM Courts Service	-	-	-	-	86,148	118,287	62,800
Court Service	21,059	20,606	38,174	34,722	-	-	-
Public Guardianship Office	5,216	3,268	1,037	1,058	792	-	1,000

<b>Publicly funded legal services</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>186</b>	<b>-</b>	<b>-</b>
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of which:

Community legal service	-	-	-	-	68	-	-
Criminal defence service	-	-	-	-	118	-	-

<b>Non departmental public bodies</b>	<b>1,966</b>	<b>1,174</b>	<b>5</b>	<b>4,943</b>	<b>2,460</b>	<b>2,000</b>	<b>3,000</b>
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of which:

Information Commissioner's Office	1,412	4,933	1,207	-	1,005	-	-
Legal Services Commission: administration	1,966	1,174	5	4,943	2,460	2,000	3,000

To support the Secretary of State in discharging his role of representing Scotland in the UK Government, representing the UK Government in Scotland, and ensuring the smooth working of the devolution settlement in Scotland

	62	88	13	76	64	10	100
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of which:

Scotland Office	62	88	13	76	64	10	100
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**Table 3 (continued): Capital budget DEL and AME**
**£000**

	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Outturn estimated	2007/08 Plans
To support the Secretary of State in discharging his role of representing Wales in the UK Government, representing the UK Government in Wales and ensuring the smooth working of the devolution settlement in Wales	18	34	51	194	127	11	766
<i>of which:</i>							
Wales Office	18	34	51	194	127	11	766
<b>Total capital budget DEL</b>	<b>76,019</b>	<b>76,376</b>	<b>98,089</b>	<b>180,950</b>	<b>119,755</b>	<b>160,108</b>	<b>137,735</b>
<i>of which:</i>							
Capital expenditure on fixed assets net of sales†	43,169	32,537	63,280	135,197	119,246	149,308	137,735
Capital grants to the private sector and abroad	-	-	-	-	-	-	-
Net lending to private sector	-	-	-	-	-	-	-
Capital support to public corporations	-	-	-	-	-	-	-
Capital support to local authorities ††	32,850	43,839	34,809	45,753	441	10,800	-
<b>Capital AME</b>							
<b>Total capital budget AME</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total capital budget</b>	<b>76,019</b>	<b>76,376</b>	<b>98,089</b>	<b>180,950</b>	<b>119,755</b>	<b>160,108</b>	<b>137,735</b>
<i>of which:</i>							
Capital expenditure on fixed assets net of sales†	43,169	32,537	63,280	135,197	119,246	149,308	137,735
Less depreciation †††	46,860	46,811	55,337	82,886	117,466	147,623	135,300
Net capital expenditure on tangible fixed assets	-3,691	-14,274	7,943	52,311	1,780	1,685	2,435
† Expenditure by the department and NDPBs on land, buildings and equipment, net of sales. Excludes spending on financial assets and grants, and public corporations' capital expenditure.							
†† This does not include loans written off by mutual consent that score within non-cash resource budgets.							
††† Included in resource budget.							

## Notes to table

Expenditure in the DCA's business areas will feed into PSA's as follows:

Area	Objective	PSAs
DCA headquarters	1,2,3,4	1,2,4,5
Public Guardianship Office	1,2,4	2,5
Information Commissioner's Office	3	–
HMCS	1,2	1,2,4,5
Tribunals Service	1,4	3
Judicial Appointments Commission	1	N/A
Legal Services Commission	1,2	1,2,3,4,5
Community Legal Service	1,2	3,4,5
Criminal Defence Service	1	1

**10.23** Due to the specific nature of the PSAs, not all of the departmental expenditure will feed directly into a PSA, although all expenditure will feed into one of the Department's objectives.

**10.24** HMT have reclassified the treatment of profit/loss on disposal of assets from scoring in Resource DEL to scoring in capital DEL across all years. This is the reason for the large movement in Court Service Capital DEL in financial year 2003/04, when compared to the 2005/06 departmental report.

**10.25** DMB has not agreed the allocations for 2007/08 and as such these numbers are subject to change. Figures for 2008/09 to 2010/11, as set out in the CSR settlement, are not due to be entered into the Treasury's spending database until the autumn. As the Treasury's spending database is the source of the data, there are no figures for 2008/09 to 2010/11.

## Capital employed for DCA

<b>Table 4: Capital employed for DCA</b>								<b>£000</b>
	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
	Outturn	Outturn	Outturn	Outturn	Outturn	Outturn	Projected	Projected
<b>Fixed Assets</b>	<b>1,355,085</b>	<b>1,550,781</b>	<b>1,583,793</b>	<b>1,732,515</b>	<b>1,839,675</b>	<b>2,870,797</b>	<b>3,079,409</b>	<b>3,894,387</b>
<i>of which:</i>								
Land and buildings	1,293,567	1,471,725	1,517,064	1,604,260	1,659,716	2,675,054	2,981,722	3,774,933
Plant and machinery	57,670	76,021	66,729	128,255	179,959	195,743	97,687	119,454
Vehicles	3,848	3,035	-	-	-	-	-	-
Current assets	162,401	180,890	272,037	297,341	222,783	609,213	627,489	646,314
Creditors (<1 year)	-156,993	-200,958	-285,826	-301,149	-318,999	-740,165	-762,370	-785,241
Creditors (>1 year)	-2,259	-1,190	-7	-427	-59,439	-177,465	-199,337	-321,595
Provisions	-387,491	-437,466	-514,430	-33,571	-25,494	-420,110	-445,110	-430,110
<b>Capital employed within main department</b>	<b>970,743</b>	<b>1,092,057</b>	<b>1,055,567</b>	<b>1,694,709</b>	<b>1,658,526</b>	<b>2,142,270</b>	<b>2,300,082</b>	<b>3,003,755</b>
NDPB net assets	1,908	-6,239	-18,426	-8,881	-15,976	-5,512	-5,512	-5,512
Legal Aid Fund net assets	-1,982,546	-2,140,966	-2,246,030	-2,593,461	-2,120,282	-1,681,617	-1,275,708	-930,224
<b>Total capital employed in departmental group</b>	<b>-1,009,895</b>	<b>-1,055,148</b>	<b>-1,208,889</b>	<b>-907,633</b>	<b>-477,732</b>	<b>455,141</b>	<b>1,018,862</b>	<b>2,068,019</b>

## Notes to table:

**10.26** The 2006/07 and 2007/08 figures are projections, are provisional and subject to revision. They exclude the recently announced creation of the Ministry of Justice and assets in respect of the National Loans Fund.

**10.27** Capital employed figures for previous years are taken from the balance sheet in the published accounts and are not retrospectively adjusted to reflect 'Machinery of Government' changes.

### Fixed assets – land and buildings

**10.28** Prior to 2005, magistrates' courts were held on local authority balance sheets. With the creation of HMCS, a majority of magistrates' courts moved on to the DCA departmental opening balance sheet causing the large increase in fixed assets between 2004/05 and 2005/06. We have assumed that the remaining magistrates' courts are to be added to the balance sheet in 2006/07 and 2007/08. The completion of the site at Queen Anne's Gate has also been factored in to the 2007/08 figure.

### Creditors (<1 year)

**10.29** The large increase between 2004/05 and 2005/06 relates to payment of fines into the Consolidated Fund.

### Creditors (>1 year)

**10.30** The large increase between 2004/05 and 2005/06 relates to outstanding liabilities on Private Finance Initiative (PFI) contracts, which were transferred over from local authorities on the creation of HMCS.

### Provisions

**10.31** The large increase in provisions between 2004/05 and 2005/06 relates to the pension deficit transferred over to HMCS from local authority pension schemes as part of the creation of HMCS and the establishment of a provision for the judicial long service award.

### Legal aid fund net assets

**10.32** The large increases between 2003/04 and 2007/08 are due to write back of provisions on dormant cases within the Community Legal Service.

## Administration costs for DCA

**Table 5:** Administration costs

£000

	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Outturn estimated	2007/08 Plans
<b>Administration expenditure</b>							
Paybill	101,969	120,703	155,843	191,834	211,573	213,259	
Other	63,714	108,859	170,587	305,571	297,028	327,082	
<b>Total administration expenditure</b>	<b>165,683</b>	<b>229,562</b>	<b>326,430</b>	<b>497,405</b>	<b>508,601</b>	<b>540,341</b>	<b>530,663</b>
Administration income	-4,083	-2,666	-8,147	-6,616	-10,256	-9,825	-7,127
<b>Total administration budget</b>	<b>161,600</b>	<b>226,896</b>	<b>318,283</b>	<b>490,789</b>	<b>498,345</b>	<b>530,516</b>	<b>523,536</b>
<b>Analysis by activity</b>							
To promote the development of a modern, fair, cost effective and efficient system of justice for all	152,757	217,014	308,948	481,474	488,639	519,741	513,155
To support the Secretary of State in discharging his role of representing Scotland in the UK Government, representing the UK Government in Scotland, and ensuring the smooth working of the devolution settlement in Scotland	6,305	6,750	6,293	5,512	5,484	5,763	6,468
To support the Secretary of State in discharging his role of representing Wales in the UK Government, representing the UK Government in Wales and ensuring the smooth working of the devolution settlement in Wales	2,538	3,132	3,042	3,803	4,222	5,012	3,913
<b>Total administration budget</b>	<b>161,600</b>	<b>226,896</b>	<b>318,283</b>	<b>490,789</b>	<b>498,345</b>	<b>530,516</b>	<b>523,536</b>

### Notes to table:

**10.33** The administration budgets include the administration costs transferred over to DCA from the legacy departments as part of the 'Machinery of Government' change.

**10.34** At the time of publication, the 2007/08 administration expenditure had not yet been split between paybill and other.

**10.35** We envisage that we will align the treatment of expenditure on front-line services within the Tribunals Service with that of HMCS. Should HM Treasury accept this reclassification, the relevant administration costs will move to the programme budget. This change would affect all years in this table.

## Staff numbers for DCA

**Table 6:** DCA: staff numbers Full-time equivalents – FTEs

	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
	Actual	Actual	Actual	Actual	Actual	Actual	Actual estimated	Plans	Plans
<b>Department for Constitutional Affairs:</b>									
Permanent	10,640	10,600	11,210	11,740	11,950	12,533			
Casual	270	420	440	440	460	518			
<b>Total</b>	<b>10,910</b>	<b>11,020</b>	<b>11,650</b>	<b>12,180</b>	<b>12,410</b>	<b>13,050</b>	<b>24,439</b>	<b>24,232</b>	<b>24,032</b>
	Apr-00	Apr-01	Apr-02	Apr-03	Apr-04	Apr-05	Dec-05	Mar-07	Mar-08

**10.36** Plans for future years do not differentiate between permanent and casual FTEs.

**10.37** Figures in previous years re-stated to align and be consistent with definitions used by Office of National Statistics (ONS) and the Cabinet Office.

**10.38** The DMB is currently working on additional workforce restructuring plans for 2006/07.

*Source: Actual figures from CHRIS (departmental HR system).*

### Notes to tables 7 to 9

**10.39** Tables 7, 8 and 9 show analyses of the department's spending by country and region, and by function. The data presented in these tables are consistent with the country and regional analyses (CRA) published by HM Treasury in Chapter 9 of Public Expenditure Statistical Analyses (PESA) 2007. The figures were taken from the HM Treasury public spending database in December 2006 and the regional distributions were completed in January and February 2007. Therefore the tables may not show the latest position and are not consistent with other tables in the Departmental Report.

**10.40** The analyses are set within the overall framework of Total Expenditure on Services (TES). TES broadly represents the current and capital expenditure of the public sector, with some differences from the national accounts measure, Total Managed Expenditure. The tables show the central government and public

corporation elements of TES. They include current and capital spending by the department and its NDPBs, and public corporations' capital expenditure, but do not include capital finance to public corporations. They do not include payments to local authorities or local authorities own expenditure.

**10.41** TES is a near-cash measure of public spending. The tables do not include depreciation, cost of capital charges, or movements in provisions that are in departmental budgets. They do include pay, procurement, capital expenditure, and grants and subsidies to individuals and private sector enterprises. Further information on TES can be found in Appendix E of PESA 2007.

**10.42** The data are based on a subset of spending – identifiable expenditure on services – which is capable of being analysed as being for the benefit of individual countries and regions. Expenditure that is incurred for the benefit of the UK as a whole is excluded.

**10.43** Across government, most expenditure is not planned or allocated on a regional basis. Social security payments, for example, are paid to eligible individuals irrespective of where they live. Expenditure on other programmes is allocated by looking at how all the projects across the department's area of responsibility, usually England, compare. So the analyses show the regional outcome of spending decisions that on the whole have not been made primarily on a regional basis.

**10.44** The functional analyses of spending in table 9 are based on the United Nations Classification of the Functions of Government (COFOG), the international standard. The presentations of spending by function are consistent with those used in chapter 9 of PESA 2007. These are not the same as the strategic priorities shown elsewhere in the report.

## Total spending by country and region (over spread of years)

**Table 7:** DCA Total spending by country and region

£m

	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Plans	2007/08 Plans
North East	239.4	283.1	297.0	345.1	328.7	324.8	334.2
North West	496.5	588.3	613.8	704.5	727.4	723.9	743.9
Yorkshire and Humberside	129.9	153.5	162.6	182.2	222.0	224.3	225.2
East Midlands	166.6	196.6	208.2	242.4	249.0	248.1	252.5
West Midlands	186.7	220.8	232.7	266.4	295.4	296.4	301.4
Eastern	166.1	196.1	204.3	223.8	257.6	258.6	262.4
London	378.3	446.2	471.9	522.8	632.9	636.5	633.2
South East	205.9	244.1	257.0	284.8	352.3	354.8	358.4
South West	312.5	369.2	385.7	439.5	443.1	439.5	450.6
<b>Total England</b>	<b>2281.9</b>	<b>2697.8</b>	<b>2833.0</b>	<b>3211.4</b>	<b>3508.4</b>	<b>3506.9</b>	<b>3561.9</b>
Scotland	6.6	7.7	0.9	-18.6	4.7	3.2	3.6
Wales	212.3	250.5	263.3	307.0	307.6	305.3	312.4
Northern Ireland	1.6	1.9	0.2	-4.6	1.2	0.8	0.9
<b>Total UK identifiable expenditure</b>	<b>2502.4</b>	<b>2958.0</b>	<b>3097.5</b>	<b>3495.2</b>	<b>3822.0</b>	<b>3816.1</b>	<b>3878.8</b>
Outside UK	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total identifiable expenditure</b>	<b>2502.4</b>	<b>2958.0</b>	<b>3097.5</b>	<b>3495.2</b>	<b>3822.0</b>	<b>3816.1</b>	<b>3878.8</b>
Non-identifiable expenditure	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total expenditure on services</b>	<b>2502.4</b>	<b>2958.0</b>	<b>3097.5</b>	<b>3495.2</b>	<b>3822.0</b>	<b>3816.1</b>	<b>3878.8</b>

## Total spending per head by country and region (over spread of years)

	<b>Table 8: DCA Total spending per head by country and region (over spread of years)</b>							<b>£'s per head</b>
	2001/02 Outturn	2002/03 Outturn	2003/04 Outturn	2004/05 Outturn	2005/06 Outturn	2006/07 Plans	2007/08 Plans	
North East	94.2	111.5	117.0	135.6	128.5	127.2	130.7	
North West	73.3	86.7	90.2	103.2	106.2	105.4	108.0	
Yorkshire and Humberside	26.1	30.7	32.4	36.2	43.8	43.9	43.9	
East Midlands	39.8	46.6	49.0	56.6	57.8	57.2	57.9	
West Midlands	35.4	41.6	43.7	49.9	55.1	55.2	55.9	
Eastern	30.8	36.2	37.4	40.8	46.5	46.5	46.8	
London	51.7	60.5	63.9	70.4	84.2	83.8	82.7	
South East	25.7	30.3	31.8	35.1	43.2	43.2	43.5	
South West	63.2	74.3	77.1	87.2	87.4	86.0	87.6	
<b>Total England</b>	<b>46.1</b>	<b>54.3</b>	<b>56.8</b>	<b>64.1</b>	<b>69.6</b>	<b>69.1</b>	<b>69.9</b>	
Scotland	1.3	1.5	0.2	-3.7	0.9	0.6	0.7	
Wales	73.0	85.7	89.6	104.0	104.0	102.5	104.5	
Northern Ireland	1.0	1.1	0.1	-2.7	0.7	0.5	0.5	
<b>Total UK identifiable expenditure</b>	<b>42.3</b>	<b>49.9</b>	<b>52.0</b>	<b>58.4</b>	<b>63.5</b>	<b>63.0</b>	<b>63.8</b>	

## Spending by function or programme, by country and region (For latest outturn year, 2005/06)

**Table 9:** DCA identifiable expenditure on services by function, country and region for 2005/06

	<b>General Public Services</b>		<b>Public Order and Safety</b>		<b>Social Protection</b>		<b>Total for DCA</b>
	Public and Common Services	Total General Public Services	Administration of Justice	Total Public Order and Safety	Public Sector Occupational Pensions	Total Social Protection	
North East	0.1	0.1	328.7	328.7	-0.2	-0.2	328.7
North West	0.6	0.6	727.8	727.8	-1.1	-1.1	727.4
Yorkshire and Humberside	0.4	0.4	222.2	222.2	-0.7	-0.7	222.0
East Midlands	0.3	0.3	249.1	249.1	-0.3	-0.3	249.0
West Midlands	0.4	0.4	295.6	295.6	-0.6	-0.6	295.4
Eastern	0.4	0.4	258.0	258.0	-0.8	-0.8	257.6
London	0.7	0.7	634.5	634.5	-2.2	-2.2	632.9
South East	0.8	0.8	353.3	353.3	-1.8	-1.8	352.3
South West	0.5	0.5	443.4	443.4	-0.8	-0.8	443.1
England	4.2	4.2	3,512.5	3,512.5	-8.3	-8.3	3,508.4
Scotland	0.4	0.4	5.8	5.8	-1.5	-1.5	4.7
Wales	0.3	0.3	307.7	307.7	-0.4	-0.4	307.6
Northern Ireland	0.1	0.1	1.5	1.5	-0.4	-0.4	1.2
<b>UK identifiable expenditure</b>	<b>5.0</b>	<b>5.0</b>	<b>3,827.4</b>	<b>3,827.4</b>	<b>-10.5</b>	<b>-10.5</b>	<b>3,821.9</b>
Outside UK	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total identifiable expenditure</b>	<b>5.0</b>	<b>5.0</b>	<b>3,827.4</b>	<b>3,827.4</b>	<b>-10.5</b>	<b>-10.5</b>	<b>3,821.9</b>
Not identifiable	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>£'s Millions Totals</b>	<b>5.0</b>	<b>5.0</b>	<b>3,827.4</b>	<b>3,827.4</b>	<b>-10.5</b>	<b>-10.5</b>	<b>3,821.9</b>

## Numbers of Senior Civil Service (SCS) staff by payband

SCS statistics by payband as 31 December 2006

	Payband 3	Payband 2	Payband 1A	Payband 1	Total
	5	42	32	103	182

### Senior Civil Service

	October 2003	April 2005	November 2005	April 2008 target
Proportion of women	28.9%	33.7%	34.9%	45%
Proportion of women at pay band 2+	31.2%	34.4%	34.4%	37%
Proportion of minority ethnic staff	0%	2%	2.7%	4%
Proportion of staff with disabilities	2.6%	1.3%	2.0%	3.2%

### Feeder grades (spans 8 & 9)

	October 2003	April 2005	November 2005	April 2008 target
Proportion of women	44.2%	45.2%	47.5%	46%
Proportion of minority ethnic staff	6.1%	8.4%	7.0%	7.6%
Proportion of staff with disabilities	1.6%	2.1%	3.3%	4.9%

**10.45** It is important to note that the current available data excludes magistrates' courts staff. As a part of the transformation programme, a major project is currently underway to capture this data and to establish a single HR database.

### NDPB public appointments in 2006/07 (and re-appointments)

**10.46** The Department has oversight of 236 executive and advisory NDPBs, comprising (as of 31 March 2007) a total of 4,010 appointments (ministerial and non-ministerial). The majority of the appointments are to the locally-based Courts Boards (established from April 2005) and the advisory committees on justices of the peace and general commissioners of income tax.

**10.47** In 2006/07, a total of 5135 appointments have been made, including 3393 men and 1742 women. This includes the BME breakdown for 29 men and 12 women. Declared under disability are 6 men and 5 women. According to our figures 5083 persons have not declared BME or disability information. We are continuing to work to increase year-by-year the proportion of public appointments held by women, members of ethnic minorities and people with disabilities in the NDPBs.

## Performance tables SR2002

### SR2002 PSA target 5

#### Target 5

Focus the asylum system on those genuinely fleeing persecution by taking speedy, high quality decisions and reducing significantly unfounded asylum claims, including by:

- fast turnaround of manifestly unsound cases
- ensuring by 2004 that 75% of substantive asylum applications are decided within two months, and that a proportion including final appeal are decided within six months
- enforcing the immigration laws more effectively by removing a greater proportion of failed asylum seekers.

*(Joint target with Home Office)*

Measures	Latest Outturn
<p><b>Measure 1: Fast turnaround of manifestly unfounded cases</b></p> <p>The target was modified in July 2005. The target is now to remove 75% of detained non-suspensive appeal cases certified as clearly unfounded and detained throughout the process within 28 days</p>	<p><b>NOT MET</b></p> <p>Target (2005/06): 75%</p> <p>Annual outturn (2005/06): 47%</p>
<p><b>Measure 2: Number of substantive asylum applications decided within two months</b></p> <p>75% of substantive asylum applications are decided within two months</p>	<p><b>MET</b></p> <p>Target: 75%</p> <p>Annual outturn (2004/05): 80%</p> <p>Latest update (2005/06): 76%</p>

**Target 5 (continued)**

Focus the asylum system on those genuinely fleeing persecution by taking speedy, high quality decisions and reducing significantly unfounded asylum claims, including by:

- fast turnaround of manifestly unsound cases
- ensuring by 2004 that 75% of substantive asylum applications are decided within two months, and that a proportion including final appeal are decided within six months
- enforcing the immigration laws more effectively by removing a greater proportion of failed asylum seekers.

*(Joint target with Home Office)*

Measures	Latest Outturn
<p><b>Measure 3: Number of substantive asylum applications, and that a proportion (to be determined) including final appeal, are decided within six months</b></p> <p>75% (year ending March 2006) including final appeal are decided within six months</p>	<p><b>ON COURSE</b></p> <p>Target (2003/04): 60%</p> <p>Annual outturn (2003/04): 64%</p> <p>Target (2004/05): 65%</p> <p>Annual outturn (2004/05): 67%</p> <p>Target (2005/06): 75%</p> <p>Latest confirmed results (period for applications received between April 2005 and September 2005): 74%</p> <p>Final results will be published in August 2007.</p>
<p><b>Measure 4: Removing a greater proportion of failed asylum seekers</b></p> <p>Ratio of numbers of asylum seekers removed (including dependants) to those becoming failed asylum seekers (either did not appeal or appeal rights exhausted or clearly unfounded cases who meet the criteria for non-suspensive appeals)</p>	<p><b>MET</b></p> <p>Ratio of numbers of asylum seekers removed (including dependants)</p> <p>Baseline (2002/03): 21%</p> <p>Target: remove a greater proportion in 2005/06</p> <p>Annual outturn (2005/06): 44%</p>

**Target 6**

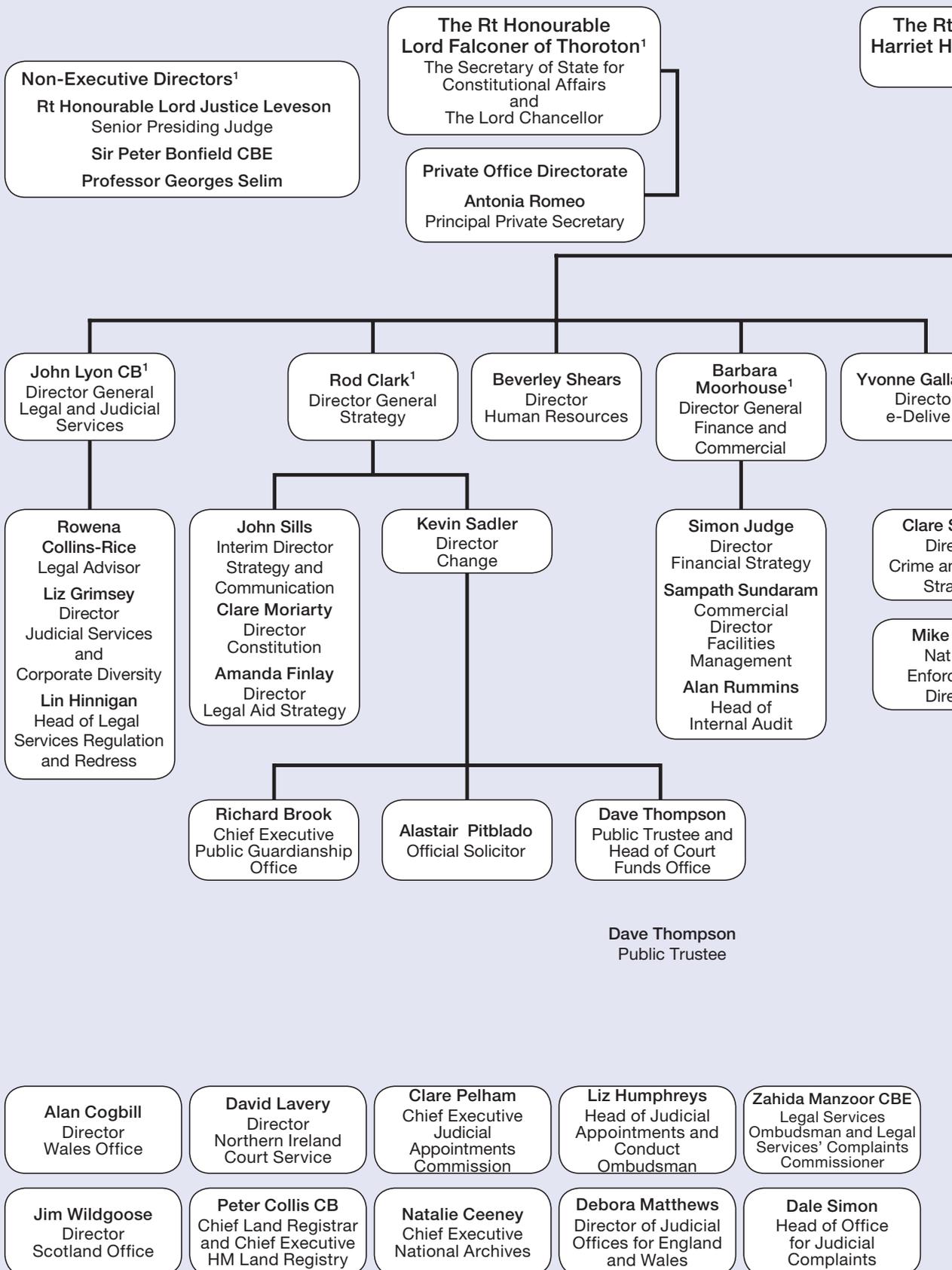
**Increase year-on-year the number of people who receive suitable assistance in priority areas of law involving fundamental rights or social exclusion**

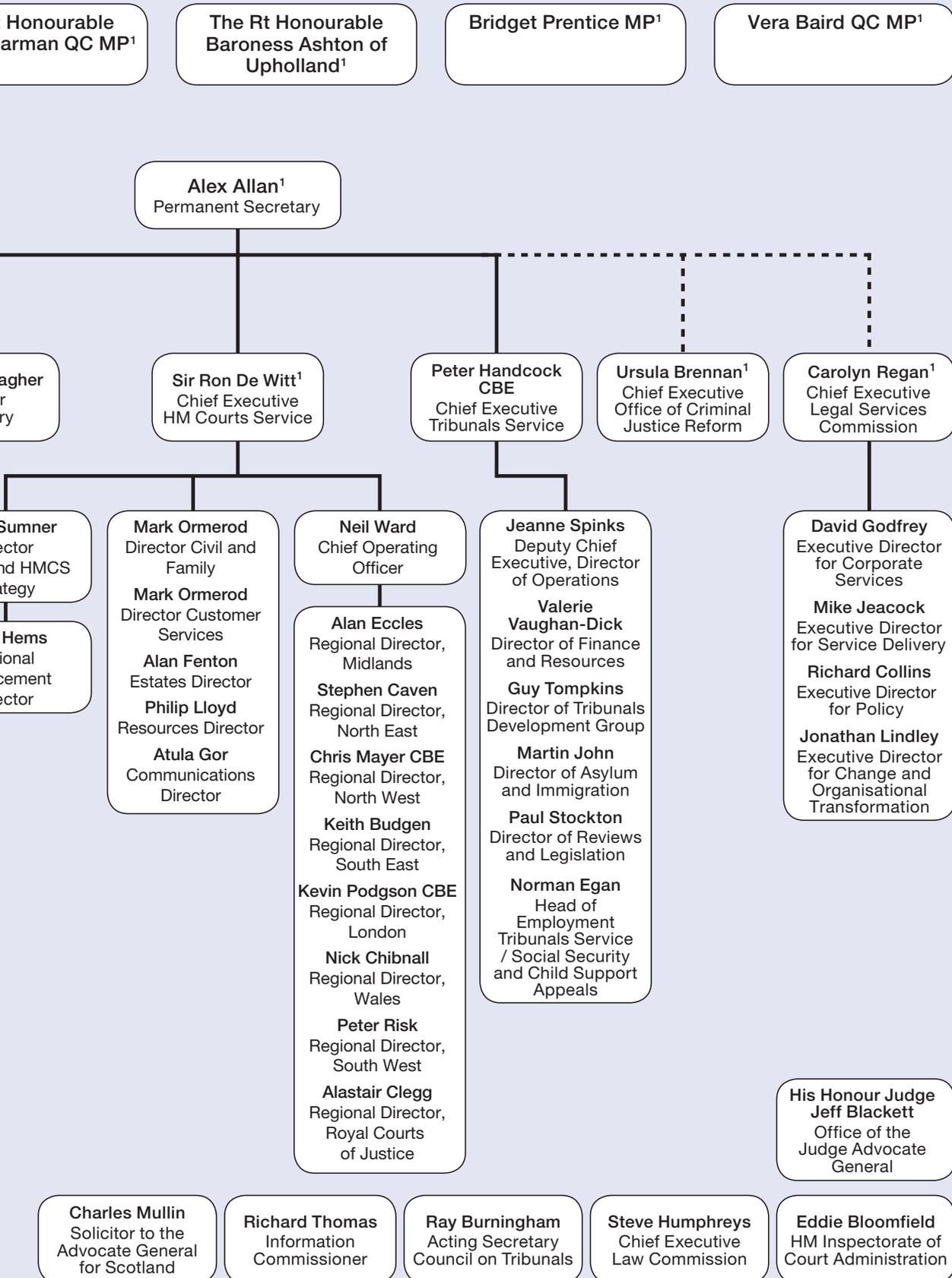
Measures	Latest Outturn
<p>This target will be met if the number of people receiving suitable assistance in priority areas of law increases from 31 per thousand (baseline) to 34 per thousand by the end of the Spending Review 2002 period (March 2006)</p> <p>Achievement of this target is measured by the National Legal Needs Survey (NLNS), which was conducted every three years, the last survey referring to 2004, but moved to a continuous basis in early 2006</p> <p><i>It was agreed by HM Treasury that final outturn on this target would be based on the first full year's survey results conducted on a continuous basis (February 2007)</i></p>	<p><b>NOT MET</b></p> <p>31.4 per thousand</p> <p>Between 2001 and 2004 the number of people experiencing problems fell considerably, by about 15%. Although there was an increase of about 11% in the proportion of problems reported as receiving assistance, the net result was a fall of about 5% in the number of problems reported as receiving assistance since the start of the SR2002 period. At the end of 2004 the number of problems receiving assistance was 29.7 per thousand</p> <p>Between 2004 and 2006 there was an increase in both the number of problems reported and the number of problems about which advice was obtained. This increase, up to 31.4 per thousand, was not significant enough to meet the target measure</p>
<p>An indicative annual telephone survey will be conducted to provide a broader indicator of trends towards delivery of the target</p>	<p>The response rate to the telephone surveys became too low for this to be regarded as a valid measure.</p> <p>As described above, a continuous survey was used as the final measure for PSA target 6.</p>

## Annex A: Organisation chart

# DCA organisation chart

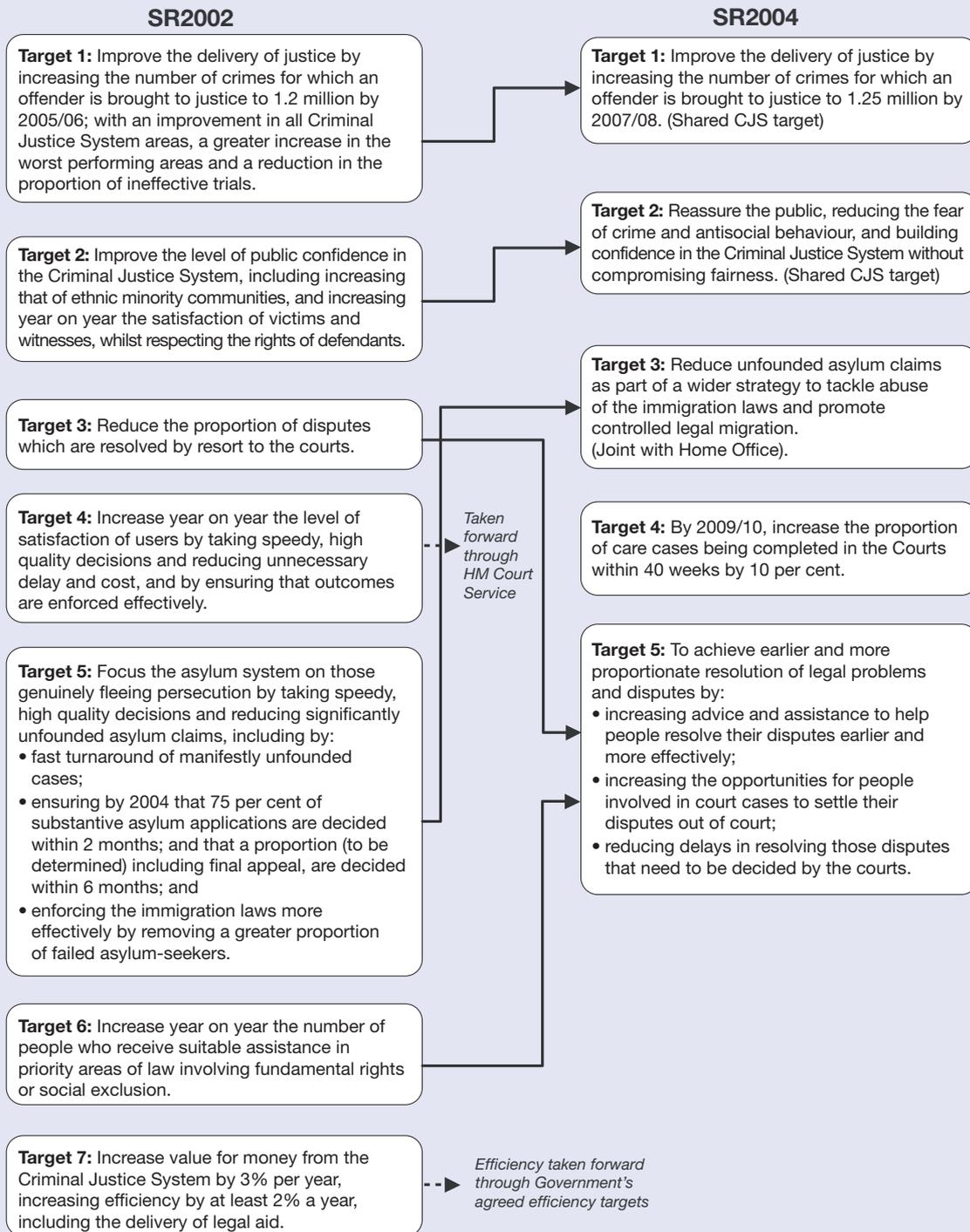
<sup>1</sup> Ministerial Executive Board member(s)







## **Annex B: Spending Review 2002 mapping onto 2004**



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