



dca

Department for  
Constitutional Affairs  
Justice, rights and democracy

# Autumn Performance Report 2006



# Department for Constitutional Affairs Autumn Performance Report 2006

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

December 2006

**© Crown Copyright 2006**

The text in this document (excluding the Royal Arms and departmental logos) may be reproduced free of charge in any format or medium providing that it is reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the document specified.

Any enquiries relating to the copyright in this document should be addressed to The Licensing Division, HMSO, St Clements House, 2-16 Colegate, Norwich, NR3 1BQ.

Fax: 01603 723000 or  
e-mail: [licensing@cabinet-office.x.gsi.gov.uk](mailto:licensing@cabinet-office.x.gsi.gov.uk)

## Contents

<b>Foreword by the Secretary of State</b>	iv
<b>Executive Summary</b>	1
<b>1. Introduction</b>	5
<b>2. Spending Review (SR) 2004 Strategic Objectives</b>	7
Strategic Objective I	7
• Target 1	7
• Target 2	9
• Target 3	13
Strategic Objective II	15
• Target 4	16
• Target 5	18
Strategic Objective III	20
Strategic Objective IV	23
• Capability Review	23
• Developing DCA Workforce	23
• Her Majesty's Courts Service	23
• The Tribunals Service	24
• Efficiency Agenda	25
<b>3. Performance data against SR2002 PSA targets</b>	29
<b>4. Mapping SR2002 and SR2004 PSA targets</b>	35

## Foreword by the Secretary of State



Justice, rights and democracy.

Three principles that underpin modern civilised society, safeguarding all our fundamental freedoms. Three principles that the Department

for Constitutional Affairs (DCA) proudly stands for.

The work of the DCA is wide and varied but the purpose is specific and straightforward – that justice, rights and democracy should be delivered for the public. In all that we do the public comes first.

We administer the criminal courts to help protect the law-abiding public from crime and antisocial behaviour. Our work supports the victims of crime and antisocial behaviour and those threatened by them. It helps to protect vulnerable and disadvantaged people.

We also offer the means to help people to resolve civil disputes, seek redress, and to deal with difficult family issues in the most appropriate and sensitive way possible. We administer civil and family courts, as well as being responsible for the smooth and efficient running of tribunals. Our responsibilities extend to children whose future must be safeguarded in decisions about their care; those buying or selling a house; tenants in dispute with their landlord; divorcing couples; employees and employers; vulnerable people lacking the capacity to make decisions by themselves; businesses relying on a fair and enforceable framework for commerce; and all citizens exercising their human, information and democratic rights.

As I noted in our Annual Report published in May 2006, this has been a year of significant change for the DCA. There have been a number of constitutional changes, the Tribunals Service, an executive agency of the DCA, has been created and legal aid has undergone a substantial and significant review. But we have kept the momentum of change, of improvement, and have continued to make rapid progress towards delivering even better services for the public.

- Since Lord Carter of Coles published his report on legal aid in July we have undertaken a public consultation on how to implement his recommendations to deliver a Legal Aid system that is fair to all, making sure that the most vulnerable have access to legal representation remains our priority.
- We have launched a pilot scheme in four areas which seeks to deliver justice that is simple, speedy and summary. These pilots have shown early indications of success.
- We have seen the Electoral Administration Bill receive Royal Assent, making it easier for the public to vote and to have confidence in the integrity of the election system.
- We have worked to embed the principles of the Human Rights Act in our society by making sure its values are properly understood, and it is implemented in a common sense and accurate way.
- We have introduced the draft Legal Services Bill. A draft Bill aimed at improving our legal services system for the consumers and professionals alike. It will provide a legal services system fit for the challenges of the 21st Century.

We have achieved a lot, but there is still much to do. The public need to know that the fundamental principles of justice, rights and democracy are being upheld. It is not enough that we tell them; the public needs to experience them and have confidence in them. We must make it clear in all we do that these principles are for them, and they inform the justice system and how it works in practice.

The progress we have made over the past year has placed us in the right position to do this. It is progress I am very proud of. Now is the time to recognise what we have achieved and to drive for a breakthrough in the public's experience of our courts and tribunals.



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

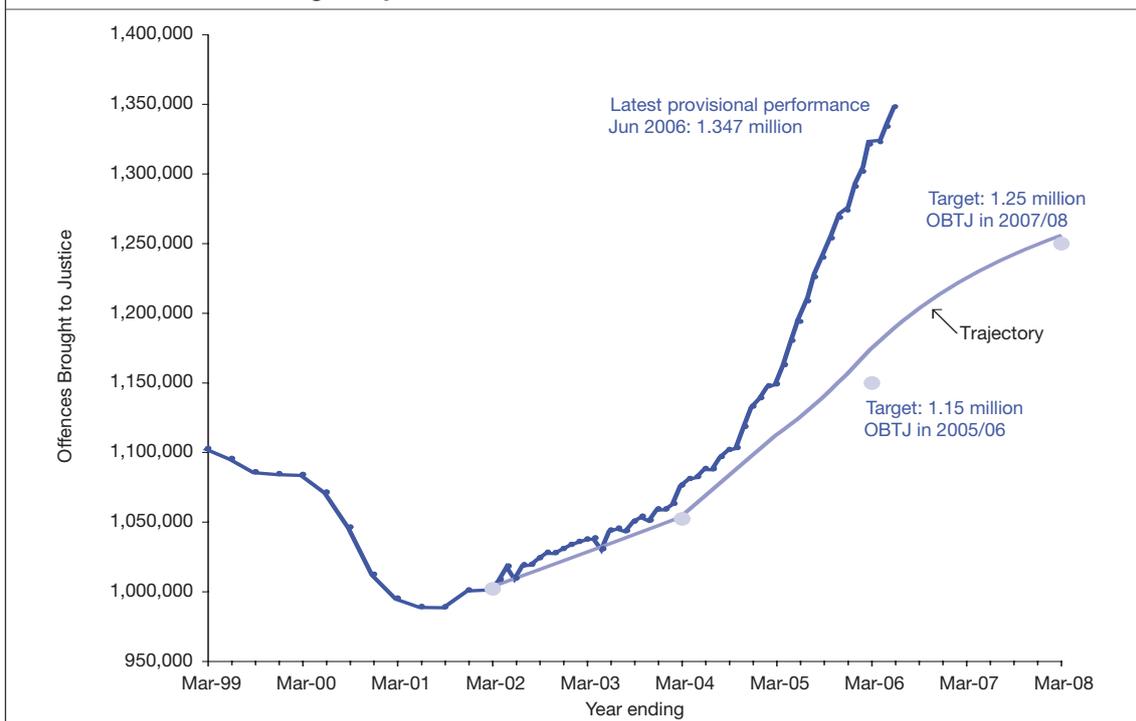
## Executive Summary

The DCA has a responsibility to uphold justice, rights and democracy through serving the public and also by supporting legal service providers.

### Justice

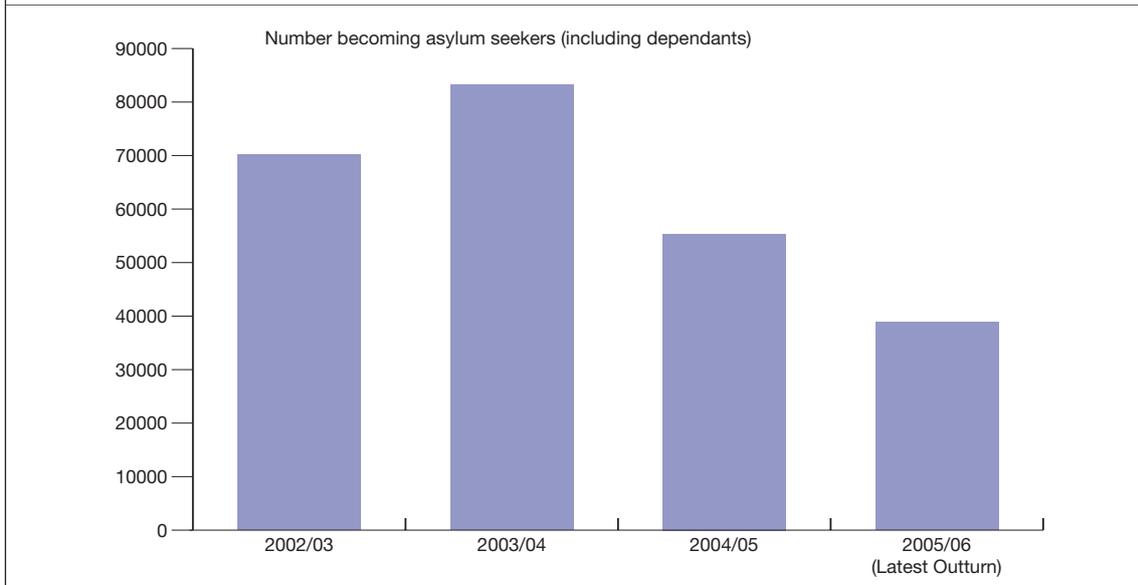
- The department is working closely with the Home Office, the Crown Prosecution Service and other agencies throughout the Criminal Justice System (CJS) to ensure that the public has a justice system that they value and trust. We have been working to improve the criminal, civil, family and administrative justice systems so that they command public respect and confidence.
- In July 2006, the Secretary of State published a paper entitled 'Delivering Simple, Speedy, Summary Justice'. This paper sets out an ambitious and wide-ranging programme of reforms to improve the CJS, speed up the delivery of justice and put victims at the heart of the process. The document includes a number of proposals, which will directly contribute to our aim of bringing more offences to justice. These include dealing more quickly and effectively with a wide range of low-level offences outside the courts; radically improving the speed and effectiveness of the magistrates' courts; and improving timeliness in the Crown Court by removing unnecessary procedures. Work is being taken forward by DCA in conjunction with its criminal justice partners. A number of pilots are currently under way and have already shown improvements.
- To strengthen public confidence in the fight against crime we need to show that offenders are being brought to justice. We share a target with our partners across the CJS of bringing 1.25 million offences to justice by 2007/08. Latest provisional performance for the year to June 2006 shows that 1.347 million offences were brought to justice, putting us ahead of forecasts and on course to achieve this target. Ministers have approved the phased introduction of a national enforcement service, which will include reducing non-payment of fines and further improving public confidence in the justice system. A North West Regional pathfinder began in April and roll-out to Merseyside and Lancashire commenced in August.

**FIGURE 1: Offences brought to justice**



- We also consider it essential to ensure that people feel safe in their homes and communities and are satisfied with their experience when they encounter the CJS. We have been striving to inspire confidence in the ability of the courts to deliver justice, so that courts are respected and people feel they can rely on them. We continue to work with our partners across the CJS to reassure the public and reduce fear of crime and antisocial behaviour.
- Our focus is on making sure that the public are satisfied with their experience of the legal system. Specific targets have been set for black and minority ethnic groups and victims and witnesses to ensure that their experience of the legal system improves alongside that of the public at large. Our target for black, minority and ethnic groups is to reduce the percentage of individuals who think that one or more CJS agencies would treat them worse than people of other races to lower than in the baseline year (2001:33%). Our annual outturn for December 2005 was 31%.
- For March 2008, our target is to achieve an increase in our current baseline of 58% satisfaction for victims and witnesses. Figures show that the latest outturn at June 2006 has increased to 60%. We expect to achieve an increase by March 2008 in both victims' and witnesses' satisfaction.
- We have also been concentrating on delivering justice through reducing unfounded asylum claims and making the asylum process fairer, quicker and easier to administer. With the Home Office, we have been working to improve performance on reducing unfounded asylum claims through the new Asylum and Immigration Tribunal. We share a target of reducing the number of unfounded asylum applications from the baseline of 70,200. The 2005/06 outturn is 38,800, a significant reduction putting us well ahead of target.
- DCA will continue to deliver and implement the raft of reforms in the courts, tribunals and elsewhere in order to make a breakthrough in the public's experience of the services provided by the DCA family.

**FIGURE 2: Asylum**



## Rights

- Protecting people's rights is also central to our work and our efforts have been focused on improving the front-line service experience for court users, particularly the socially excluded and vulnerable. We have also been working towards delivering reforms to how legal aid operates, ensuring that resources are directed at those who most need them and allowing freed resources to be used to help lift people out of poverty and protect those less able to protect themselves.
- Care cases involving the protection of children's interests are complex and deal with some of the most vulnerable members of society. To this end, we have been working towards increasing the number of care cases that are completed within 40 weeks. In the current financial year to date (April-September 2006) performance for care centres in the county court is 42.2% against a target for 2009/10 of 48%. In Family Proceedings within the magistrates' courts 53.5% have been completed within 40 weeks against a target for 2009/10 of 56%.
- We continue to work to ensure the public has access to a range of easy-to-afford, proportionate ways of resolving legal disputes by providing more advice and assistance, opportunities of settling out of court and avoiding delays in disputes decided by the courts.
- Meaningful data on providing advice and assistance will be available from Spring 2007 and will be reported on in our next Departmental Annual Report. For settling disputes out of court, our target is to reduce claims from 40.5% to 38.5%. Performance slipped to 41.7% due to a significant increase in the number of claims issued in the county courts over the last 12 months. The National Mediation Helpline offers parties information on the potential benefits of mediation. Since its creation it has achieved over an 87% settlement success rate and has won an award for innovation at the Excellence in Alternative Dispute

Resolution awards ceremony in September 2006. The Small Claims Mediation Scheme at Manchester County Court was 'highly commended' at the European Crystal Scales of Justice awards.

- Reducing delay in resolving disputes that need to be decided by the courts are, however, ahead of target at 83.4% as of July 2006, against targeted improvement from 79.9% to 81.5% of small claim hearings that take place within the target time.
- A government-wide programme of work is being taken forward: to prevent a compensation culture from developing; tackle perceptions that can lead to a disproportionate fear of litigation and risk averse behaviour; find ways to discourage and resist bad claims; and improve the system for those with a valid claim for compensation. The Compensation Act received Royal Assent in July 2006 and clarifies the law of negligence.

## Democracy

- Our aim is to strengthen democracy and rights and to renew the relationship between the citizen and the state. In order to achieve the development of democratic institutions of government that command public confidence, it is important that citizens know about and understand what they should expect from them. We are working to help people learn about the constitution and their rights and obligations under it, thus enabling a greater degree of participation in our democracy.
- The Electoral Administration (EA) Act received Royal Assent in July 2006. The Act aims to make elections and registration more accessible for voters, while also introducing measures to enhance the security of our electoral system and improve administration. In July 2006, constitutional reforms saw changes to the role of the Lord Chancellor, which included the removal of the role of the speaker of the House of Lords and head of the judiciary.

## Efficiency

- We have been working to make best use of our resources and to ensure that the public receives value for money while getting the best service possible. We have agreed to deliver efficiency savings of £292m by March 2008. These consist of both cashable savings, which can be reinvested into front-line services, and non-cashable savings that provide a greater output for the same resources.
- HM Courts Service (HMCS) published its business strategy in February 2006 outlining its vision for the organisation it aims to be over the next five years. The strategy sets out an ambitious change agenda that will reshape the agency in order to improve services for its customers and value for public money. HMCS published its business plan for 2006/07 reflecting how it will begin to take forward the strategy to improve the delivery of justice.
- The new Tribunals Service was launched in April 2006, bringing together over 20 tribunals formerly managed by six government departments. Establishing a single organisation from this structure will help realise the potential benefits of creating a modern, efficient tribunal service.
- DCA piloted a cross-Whitehall programme of capability reviews involving an external team assessing the capability of the department's top team in the overarching areas of leadership, strategy and delivery, to ensure it is fit to meet the delivery challenges of today and prepare effectively for the future. The findings of the review were published in July 2006 and an improvement plan has been developed to address those areas where we need to improve further. The Cabinet Office will conduct the first formal six-monthly stock take of progress against this plan in January 2007.

## 1. Introduction

### Our organisation

The Secretary of State and Lord Chancellor is the Rt Hon Lord Falconer of Thoroton. He is supported by a Minister of State (Harriet Harman QC MP) and three Parliamentary Under Secretaries of State (Baroness Ashton, Bridget Prentice MP and Vera Baird QC MP) and a Ministerial Executive Board with eight executive and five non-executive members. The executive members are headed by the Permanent Secretary, Alex Allan.

A number of DCA executive agencies (including Her Majesty's Courts Service and the Tribunals Service), non-departmental public bodies (including the Legal Services Commission), associated offices and independent bodies play important roles in ensuring the department meets its PSA targets. The Secretary of State also has responsibility for The National Archives, Northern Ireland Court Service and Her Majesty's Land Registry. Performance of these agencies against their objectives, along with that of the Wales Office and Scotland Office, will be set out in DCA's Departmental Report 2006/07.

Our organisation is structured around meeting the needs of the public and delivering our priorities. In April 2006, DCA launched the Tribunals Service as a new executive agency, bringing together over 20 tribunals formerly managed by six government departments. The new agency enables us to embark on the process of creating a modern, efficient tribunal service.

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.

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.

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

### Resource accounts

The DCA's *Resource Accounts* for 2005/06 were prepared under the principle of accruals accounting in accordance with the Government Financial Reporting Manual (FReM) issued by HM Treasury. The FReM follows United Kingdom Generally Accepted Accounting Practice (UKGAAP) to the extent that it is meaningful and appropriate to the public. This is an annual report that summarises how the department used the resources voted to it by Parliament in the financial year 2005/06. The *Resource Accounts* consist of the following sections:

- Annual Report, including a Management Commentary. This sets out the aims, objectives and principal activities of the department and provides other background information;
- a statement of the Accounting Officer's responsibilities explaining the responsibilities of the Head of the Department in respect of the accounts,
- a remuneration report;
- a statement on internal control;
- a report by the National Audit Office on the audit of the accounts; and
- five primary statements and supporting notes.

This is the main part of the accounts, setting out the underlying figures for income and expenditure on an accruals basis.

The *Resource Accounts* were laid before Parliament on 12 October 2006 and will be available on the department's website at <http://www.dca.gov.uk/dept/resacc.htm> or may be purchased from The Stationery Office [www.tso.co.uk](http://www.tso.co.uk) shortly.

## 2. Spending Review 2004 Strategic Objectives

### SR2004 Strategic Objective I

**To provide criminal, civil, family and administrative justice systems that command public respect and confidence.**

The DCA works with its partners in the Criminal Justice System (CJS) through the Office for Criminal Justice Reform (OCJR) to improve the delivery of justice.

The department contributes to improving the efficiency of the courts, increasing capacity and improving the experience of victims and witnesses. We are involved in a number of schemes and programmes, including the Criminal Case Management Programme and work at both a local and national level.

Within this strategic objective, we have three Public Service Agreement (PSA) targets, two are jointly owned with our CJS partners, the third is shared with the Home Office.

#### PSA Target 1

This target is jointly owned with our partners in the CJS, the Home Office and Crown Prosecution Service (CPS).

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 CJS PSA)	
Measures	Latest outturn
Increasing the number of crimes for which an offender is brought to justice (OBTJ) to 1.25 million by 2007/08.	<p><b>AHEAD</b></p> <p>Latest performance shows that 1.347<sup>1</sup> million offences were brought to justice in the year to June 2006.</p>
Progress since April 2006	
<ul style="list-style-type: none"> <li>• In July 2006, the Secretary of State set out in his publication 'Delivering Simple, Speedy, Summary Justice' a programme of work to improve the speed and effectiveness of the CJS for the public. Specific improvements include:                             <ul style="list-style-type: none"> <li>– reducing the average number of hearings in the magistrates' courts from five or six hearings to one or two;</li> <li>– ensuring that the majority of magistrates' court cases take no more than six weeks (on average) – with some cases being resolved within days; and</li> <li>– improving effectiveness and speed in the Crown Court by ensuring the majority of cases take no more than 16 weeks (on average) and that we eliminate around 100,000 unnecessary hearings.</li> </ul> </li> <li>• DCA is taking this forward in conjunction with its criminal justice partners.</li> <li>• We are progressing work to increase the speed of justice by maximising the proportion of appropriate early guilty pleas. These include:                             <ul style="list-style-type: none"> <li>– a pilot (currently ongoing) to extend remand privileges to the point of sentence, removing the perverse incentive to delay plea for remanded defendants;</li> </ul> </li> </ul>	

<sup>1</sup> Data are provisional and subject to change

- a project with HM Prison Service to provide better and early access to legal advice for remanded defendants. Early and effective legal advice will enable defendants to make informed decisions on how to plead at an early stage in the process, thereby facilitating an increase in the number of appropriate early guilty pleas; and
- a project with the CPS to introduce protocols enabling prosecutors to enter into pre-charge discussions with the defence. This will incentivise early guilty pleas by ensuring that the charge is pitched at the correct level, ensuring speedier justice.
- In addition, we are working to improve the management of defence work in Very High Cost Cases (VHCC) trials. This includes introducing robust quality standards for all practitioners (through peer review) and strengthening powers to tackle poor behaviour through post-case audit. Separately, the DCA chairs regular high-level discussion of VHCC issues through the High Cost Cases Review Board. Membership includes senior officials from across the CJS with a remit to explore and tackle the causes of long and complex trials.

#### **Future programme of work**

- In the magistrates' courts we will improve public experience of the court system and thus public confidence by removing unnecessary work and tackling delay. We will:
  - test out 'next day justice' in three courts from November, where some simple contested offences are dealt with speedily, with trials fixed shortly after first hearing;
  - implement the results of the 'streamlining' pilots across England and Wales from the start of 2007, by radically improving the speed of all cases through the courts by eliminating unnecessary hearings and reducing the time from charge to disposal;
  - improve management of cases through closer work with other criminal justice agencies to ensure cases go ahead on time and orders are complied with.
- In the Crown Court we will reduce delay and improve efficiency. This will mean quicker justice for victims and greater certainty for witnesses.
  - We will evaluate 'good practice' and replicate a 'best practice' model nationally from April 2007 to effect changes to the court process and the way we interact with other criminal justice agencies and organisations. This will improve speed and efficiency to provide a better service to the public.
  - Eliminate unnecessary 'pre-trial hearings'.

**PSA Target 2**

To improve public confidence in the Criminal Justice System (CJS), including increasing that of ethnic minorities, and increasing

year-on-year the satisfaction of victims and witnesses, while respecting the rights of defendants.

**Target 2:** Reassure the public, reducing the fear of crime and antisocial behaviour, and building confidence in the CJS, without compromising fairness.

To improve public confidence in the CJS, including increasing that of ethnic minorities, and increasing year-on-year the satisfaction of victims and witnesses, while respecting the rights of defendants.

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

Measures	Latest outturn
<p><b>Public confidence in the CJS</b></p> <p>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.</p>	<p><b>AHEAD</b></p> <p>Baseline (BCS 2002/03): 39%</p> <p>Target (BCS 2007/08): an increase</p> <p>Annual outturn (BCS 2005/06): 44%</p> <p>Latest outturn (year to June 2006): 44%</p>
<p><b>Ethnic minority perceptions of fair treatment</b></p> <p>This is measured by questions in The Citizenship Survey (formerly HOCS)<sup>2</sup> which ask whether people from a black or minority ethnic (BME) background believe the CJS would treat them worse than people of other races.</p>	<p><b>ON COURSE</b></p> <p>Baseline (HOCS 2001): 33%</p> <p>Target (HOCS 2007): a decrease</p> <p>Annual outturn (HOCS 2005): 31%</p>
<p><b>Victim and witness satisfaction</b></p> <p>This is measured using BCS questions on victim and witness satisfaction with the CJS.</p>	<p><b>ON COURSE</b></p> <p>Baseline (BCS six months to March 2004): 58%</p> <p>Target (BCS 2007/08): an increase</p> <p>Latest outturn (year to June 2006): 60%</p>
<b>Progress since April 2006</b>	
<p><b>Criminal justice system</b></p> <ul style="list-style-type: none"> <li>• The Code of Practice for Victims of Crime was introduced in April 2006. A minimum standard level of service for victims of crime has now been established across all the agencies that make up the CJS. The Code will ensure all victims are kept up to date on the progress of their case. It also provides an enhanced service for vulnerable and intimidated victims. For the courts, the main obligation under the Code is the provision of hearing dates and result information to the police/Witness Care Units within one working day for cases involving vulnerable and intimidated victims and in three days for in all other cases.</li> <li>• 165 Witness Care Units across England and Wales now provide tailored, timely and practical support with a single point of contact for witnesses throughout the criminal justice process, and witness attendance at court has improved across England and Wales within the last two years from 77% to 84% as of September 2006.</li> </ul>	

<sup>2</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

- Victims' Advocate pilots commenced in five Crown Court centres (The Central Criminal Court, Manchester, Birmingham, Cardiff and Winchester) on 24 April 2006 and will run for approximately one year. The pilots will provide: improved information and support for families of murder and manslaughter victims before trial; and help bereaved relatives make an oral statement (to be known as the Family Impact Statement) to the court after conviction but before sentencing about the effect of the crime on them. The relatives of the victim will also be offered up to 15 hours of free personal and social legal advice on matters not pertaining to the criminal investigation and trial.

#### DCA

- Community justice provides a 'problem solving' approach for dealing with 'quality of life' crimes and aims to tackle the underlying causes of offending as well as focusing on reparation for the community. A Community Justice Centre containing a courtroom, all the criminal justice agencies and on-site support and advice services was opened in North Liverpool in October 2005. The Salford Community Justice Initiative started operating within an existing magistrates' court in November 2005 and is developing ways to mainstream community justice in other courts across England and Wales. Evaluations of both projects are due in January 2007. We will be working with other CJS partners to take the lessons learned from these projects to other areas of England and Wales.
- Dedicated Drug Courts, that aim to increase the continuity of judiciary in cases with offenders locked in a cycle of drug addiction and low level crime to fund their habit, are being piloted in two magistrates' courts. This continuity increases the awareness of the court to each individual case and so a relationship may be developed which, international evidence suggests, increases an offender's likelihood of completing a drug treatment order, so reducing drug use and related crime. An evaluation of the pilots that will be completed in summer 2007 will feed into our plans for any future roll-out of these courts into other areas.
- Separate waiting facilities for witnesses are being rolled out to the majority of Crown and magistrates' courts. There is a government target for all Crown Courts and 90% of magistrates' courts to have separate waiting facilities by 2008. We invested over £3m on improving accommodation facilities at courts for victims and witnesses in the financial year (2005/06). Local areas have used the money to improve facilities in both Crown and magistrates' courts to ensure safety and comfort.
- We have piloted a DVD in Nottingham for victims and prosecution/defence witnesses, which provides information on what to expect at court when they go to give evidence. The DVD has an alternative translation in Hindi to provide information to BME groups from the Asian community. The pilot ran from 5 January until the end of May 2006. The pilot has been evaluated and the report is currently being considered with a view to national roll-out, subject to sufficient funding being available, from December 2006.
- The government target to have video link equipment in 75% of magistrates' courts by the end of 2006 has already been met. All Crown Court centres have video link equipment. Video links enable vulnerable and intimidated witnesses to give evidence without going into the courtroom.
- DCA is working to increase the diversity of the judiciary through the Magistrates National Recruitment Strategy and the Judicial Diversity Strategy so that our judiciary is more representative of the communities it serves.

- The magistrates strategy has made the bench more accessible to black and minority ethnic (BME) and local people to reflect their communities. Outreach activities through Operation Black Vote has increased awareness and helped to increase BME representation, reflecting the size of the BME community shown in the 2001 population census.
- In May 2006 The Judicial Diversity Strategy was announced which sets out a trilateral commitment by the Lord Chancellor, Lord Chief Justice and Chairman of the Judicial Appointments Commission (JAC), to “increase the diversity of the judiciary in courts and tribunals at all levels, whilst at the same time ensuring appointments are made on merit.” Measures against which progress of the Strategy will be monitored were agreed and published on the DCA, JAC and judiciary websites in July. In September the Lord Chancellor announced his intention to permit former judges to return to legal practice subject to appropriate safeguards and conditions being put in place. DCA is currently consulting on the form these conditions and safeguards will take. It is expected that this change in policy will increase the number of younger applicants and those with caring responsibilities. The draft Tribunals Courts and Enforcement Bill includes clauses on extending eligibility criteria to encourage a wider range of applicants for judicial office. DCA is also working to encourage more solicitors to apply for judicial office. Five city and two regional law firms have signed up to a five-point action plan designed to encourage and promote judicial service and diversity more generally within their firms.
- In June, DCA published a practical guide for employers containing information on the business benefits of supporting magistrates along with guidance to enable employers to set up magistrate employee policies.
- The Enforcement Programme has made real progress in improving performance in the collection of financial penalties, execution of confiscation orders, recovering assets and execution of community penalty breach warrants. Operation Payback 3 in October 2005 had a positive impact of over £2 million on the national payment rate target in respect of financial penalties. The National Enforcement Service (NES) will build on the progress made to date to ensure offenders, defendants and defaulters obey orders of the court.
- The Slice of Debt initiative in the magistrates courts has developed a process whereby all ‘hard to trace’ accounts are transferred to a private sector supplier for a period of six months for collection in accordance with the current ‘write-off policy’, with a view to national roll-out of the process by March 2008. A pilot was carried out in Manchester City Magistrates’ Court from July 2005 for six months and evaluated in March 2006. The evaluation report recommended an extension to the pilot and this has begun in Cumbria, with Merseyside coming on stream at the end of November.

**Future programme of work**

**Criminal justice system**

- On 20 July 2006 the Government published a review of the CJS and its plans to rebalance the system in favour of the victim and the law abiding majority. Implementation of the plan is now under way. DCA has already introduced new services for victims and witnesses, giving them a voice and better emotional and practical support and these initiatives will be expanded further.

- The Witness Charter, to be implemented in four pathfinder areas by April 2007 and nationally by April 2008, will set out the minimum level of service that all witnesses can expect to receive from criminal justice agencies and legal practitioners, from initial reporting of an offence through the court experience to post-trial support.
- The CJS Race Unit together with CJS Agencies will work to increase BME confidence through delivery of the Race Strategy and Delivery Plan. This will be delivered by all agencies continuing to scrutinise their policies and standards, performance, staff development and training to ensure equal services and reduce unjustified racial disparities in the CJS. It will also be delivered by effective engagement with the communities we serve. Two examples that involve DCA are:
  - Magistrates Shadowing Scheme – people from BME communities shadow a pair of magistrates for six months. The scheme operates in areas with high BME populations, such as Leicester, Bradford and Birmingham. To date 22 participants from the scheme have been appointed to the magistracy and up to 50 in total have said that they have applied or will apply in the future.
  - Across England and Wales there is an informal network of 42 Circuit Community Liaison Judges (CCLJ). The role of the CCLJ is promoting confidence in local communities in the court system and to increase judicial understanding of the diverse communities served.

#### DCA

- The Criminal Justice Simple Speedy Summary (CJSSS) programme described previously is expected to have a significant impact on public confidence as the courts begin to radically cut waiting times for trial and improve the processing of cases.

**PSA Target 3**

This target is jointly owned with the Home Office. We contribute to this by providing a fast, fair and efficient appeals process.

Faster processing brings early finality to asylum cases and this leads to faster integration for genuine asylum seekers and removal of unfounded applicants.

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	Latest outturn
<p><b>Reduce unfounded asylum claims</b></p> <p>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.</p>	<p><b>AHEAD</b></p> <p>Baseline (2002/03): 70,200</p> <p>Target: a reduction</p> <p>Latest outturn (2005/06): 38,800</p>
Progress since April 2006	
<p><b>Asylum and immigration appeals</b></p> <ul style="list-style-type: none"> <li>The Asylum and Immigration Tribunal plays a key role in the delivery of a fair, speedy and effective asylum and immigration appeals process. As part of our ongoing commitment to the Government's wider asylum and immigration strategy, we continue to process appeals to timescales set out by the Asylum and Immigration Tribunal Procedure Rules 2005. This includes the requirement that cases are listed for first substantive hearing within 28 days and that decisions are forwarded to Home Office for personal service.</li> <li>We have continued to work with UKvisas and the Immigration and Nationality Directorate to reduce delays to overseas appeal cases. By refining the entry clearance immigration appeals process, we have improved timeliness and the level of service provided to external stakeholders.</li> </ul> <p><b>Asylum and Immigration Tribunal (AIT) review</b></p> <ul style="list-style-type: none"> <li>As part of the evaluation of the AIT, the AIT Continuous Improvement Review was published this spring. The report assessed the progress AIT has made since April 2005 and identified key initiatives for improvement. For example, AIT is trialling alternative methods of pre-hearing reviews (including telephone conferencing and paper reviews) to further improve the quality and effectiveness of substantive hearings. The tribunal is running a number of pilots to look at the feasibility of these methods.</li> </ul> <p><b>New Asylum Model (NAM)</b></p> <ul style="list-style-type: none"> <li>We continue to contribute to the development of the Home Office's NAM by ensuring that the appeals process is fully integrated into the new model. This will further strengthen the unified approach to asylum management. The NAM will deliver faster, tightly managed processes for all new asylum claimants, focusing on bringing all cases to a rapid conclusion and provide a means to ensure genuine refugees have their claims settled quickly and accurately and are then granted leave to remain in the UK.</li> </ul> <p><b>Asylum legal aid</b></p> <ul style="list-style-type: none"> <li>The Legal Services Commission (LSC) has continued its referral rota scheme to enable Liverpool NAM clients to obtain timely legal advice. In May 2006, similar rota arrangements were established to cover Leeds and Solihull, where the Home Office has introduced new NAM caseworking teams.</li> </ul>	

### **Future programme of work**

#### **Customer satisfaction**

- The AIT will be taking on board the results of its customer satisfaction survey to further improve key areas of the business. Since the completion of the survey, the AIT website has been revised and a review of notices and other correspondence is under way.

#### **Asylum legal aid**

- The LSC aims to start a six month pilot scheme for testing the provision of early legal advice. The scheme will provide legal advice to NAM clients who are segmented into the West Midlands region for their case to be determined through the Home Office NAM casework team in Solihull. There will be a full evaluation of the pilot and as far as possible these cases will be compared with like-for-like cases that have gone through a 'non-early advice' and 'non-funded attendance' at interview process in Leeds.

## SR2004 Strategic 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.*

### **Compensation Act**

As part of a wide programme of work which the Government is taking forward to tackle perceptions of a compensation culture and improve the system for valid claims, the Compensation Bill was introduced in the last session of Parliament and the Act received Royal Assent on 25 July 2006. It clarifies the law of negligence and will help to ensure that normal activities are not prevented because of the fear of litigation and excessively risk averse behaviour.

The Act will also help victims of mesothelioma and their families to receive the compensation to which they are entitled more quickly.

In addition, the Act paves the way for a new regulatory regime to ensure that those who sell claims management services conform to strict rules of conduct and deal with their clients honestly. The regulation will be effective from April 2007 and will be backed up by an external monitoring and compliance unit, utilising the existing expertise of a local authority trading standards department under contract to DCA.

### **Draft Legal Services Bill**

The draft Legal Services Bill was published on 24 May 2006, setting out the Government's proposals for reform to put the interests of the consumer first and to encourage more competition, innovation and transparency in the provision of legal services. It will create a single, independent and powerful oversight regulator, the Legal Services Board, and a new Office for Legal Complaints, which will provide a single point of entry for all consumer complaints and remove the handling of complaints from the professional bodies. It will also enable alternative business structures that may be used to deliver legal and certain other services.

The draft Legal Services Bill was subject to pre-legislative scrutiny by a Joint Committee of both Houses of Parliament, which published its final report on 25 July 2006. The Government's response was published on 25 September and responses to the Joint Committee recommendations have informed the final Bill, which we hope will be introduced into Parliament for the 2006/07 session (subject to the Queen's speech).

There has been extensive engagement with key stakeholders, including the legal professions, consumer organisations and the general public. In particular the Consumer Advisory Panel, comprising representatives of main consumer bodies, has contributed significantly to informing and shaping the proposed reforms.

**PSA Target 4**

Children involved in care proceedings are among the most vulnerable groups in society. DCA works with its partners in the family justice system to provide a speedier resolution of issues affecting their future and

deliver reforms aimed at improving the system for children and families subject to proceedings; and to ensure that all resources in the system are used in the most timely, effective way.

Target 4: By 2009/10, increase the proportion of care cases being completed in the courts within 40 weeks by 10%.	
Measures	Latest outturn
<p><b>By 2009/10, increase the proportion of care cases being completed in the courts within 40 weeks by 10%.</b></p> <p>(NB 10% means 10 percentage points).</p> <p>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%.</p>	<p><b>SLIPPAGE</b></p> <p>The current financial year to date (April to September 2006) performance for 2006/07 is:</p> <ul style="list-style-type: none"> <li>• county courts (care centres) 42.2%</li> <li>• magistrates' courts (Family Proceedings Courts) 53.5%.</li> </ul> <p>The slippage relates to a downturn in performance in the latter half of 2005/06 (reported in the DCA Annual Report 2005/06) which has continued into this financial year. However, this target runs until 2009/10 and we anticipate that improvements can be made to achieve the PSA. More cases are coming into the system, which has placed greater pressure on family court capacity. Improvement measures outlined below are aimed at improving the system for children and families subject to proceedings; and to ensure that all resources in the system are used in the most timely, effective way.</p>
<b>Progress since April 2006</b>	
<ul style="list-style-type: none"> <li>• The <i>Review of the Child Care Proceedings System in England and Wales</i> (published May 2006) made a number of recommendations to improve the care proceedings system aimed at ensuring that children and families involved have appropriate information, help and advice available in clear and simple language. The Review also encouraged early intervention to find resolutions before cases reach court, and when cases do proceed to court identifies ways to improve the quality of local authority applications. The Care Proceedings Programme and an inter-agency Ministerial Group have been established to oversee work to implement the Review's recommendations and continued work to deliver the target to increase the proportion of care cases completed within 40 weeks.</li> <li>• Family Court Centre pilots in Barnet, Birmingham and Ipswich, where the magistrates' and county court administration and use of court facilities are combined are ongoing. The aim of the pilots is to test better use of joint resources and the transfer of work between the two court jurisdictions.</li> </ul>	

- An additional five and a half family courtrooms at Clerkenwell and Shoreditch County Court, which commenced sitting in October 2006, will assist the Principal Registry of the Family Division (PRFD) in reducing its number of outstanding cases. In addition, three London county courts at Barnet, Croydon and Kingston are hearing care cases that would previously have been heard at PRFD.
- Case Progression Officer (CPO) pilots in five courts are ongoing with a positive reaction to date from practitioners and court officials involved. These pilots have demonstrated that a proactive approach to case management and monitoring involving all participants in the process has helped to ensure that complex cases are better prepared for court. Issues, which would otherwise result in significant delay in cases, can also be identified at an earlier stage by the CPO and discussed with parties or escalated to the judge as appropriate.
- In order to encourage further improvements in performance and working practices, HMCS has formed a best practice group involving participants from across the care proceedings system so that practices to improve case management and reduce delay can be shared widely via Local Family Justice Councils.
- A cross-agency working group has been established to standardise data collection across organisations involved in care proceedings. Improved and consistent management information will enhance the ability of participants across the system to measure improvements in performance and outcomes for children through a better understanding of the process and the impact it has on parties involved.

#### **Future programme of work**

- A key priority for the department is our work with other key family justice organisations and the judiciary to implement the 'immediate' recommendations from the *Review of the Child Care Proceedings System in England and Wales*.
- Government is encouraging closer working relationships between agencies in the system. Working alongside the DfES, which is reviewing statutory guidance for local authorities, the judiciary is also exploring 'what works' in terms of effective judicial case management with a view to improving upon the current 'Public Law Protocol'<sup>3</sup> arrangements in light of experience since the protocol was introduced in 2003. This should improve the quality and consistency of case management and as a result the outcomes for children. A revised protocol will be available in spring 2007 and rolled out to a number of centres. The Case Progression Officer pilot evaluation is due to be completed at the end of November 2006. A decision will be made whether to roll out this role further following the evaluation.
- The Family Court Centre pilot evaluation is ongoing. Best practice from the pilots will be shared with other areas across the country that are considering taking forward their own Family Court Centre schemes.

<sup>3</sup> Protocol for Judicial Case Management in Public Law Children Act Cases (implemented November 2003)

**PSA Target 5**

Our aim is to enable proportionate dispute resolution: for people to have access to the information and the range of services they need to understand their rights and

responsibilities; avoid legal problems where possible; and, where not, to be able to resolve their disputes effectively and proportionately.

<p>Target 5: To achieve earlier and more proportionate resolution of legal problems and disputes by:</p> <ul style="list-style-type: none"> <li>• increasing advice and assistance to help people resolve their disputes earlier and more effectively;</li> <li>• increasing the opportunities for people involved in court cases to settle their disputes out of court; and</li> <li>• reducing delays in resolving those disputes that need to be decided by the courts.</li> </ul>	
<b>Measures</b>	<b>Latest outturn</b>
<p>Increasing advice and assistance to help people resolve their disputes earlier and more effectively.</p> <p>Target will be achieved with a 5% increase from 47.5% to 49.9% in the proportion of justiciable problems 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>NOT YET ASSESSED</b></p> <p>38.5% to 47%. The first set of quarterly data is indicative as at this stage the sample size is relatively small and therefore has a large margin of error. The sample size will build up each quarter as successive waves of the survey are carried out. We will be able to provide a more accurate picture of performance in spring 2007.</p>
<p>Increasing the opportunities for people involved in court cases to settle their disputes out of court.</p> <p>Target will be achieved with a 5% reduction from 40.5% to 38.5% in the proportion of disputed claims in the courts that are ultimately resolved by a hearing.</p>	<p><b>SLIPPAGE</b></p> <p>Latest performance is 41.7%.</p> <p>Data is year to July for the preceding 12 months.</p> <p>There has been a significant increase in the number of claims being issued in the county court over the last 12 months. Many of these claims are for relatively low amounts that are subsequently allocated to the small claims track. Such claims have a lower propensity to settle than higher value claims, in part because the people involved tend not to be represented by lawyers. Any increase in small claims, therefore, will invariably increase the proportion of claims that proceed to a court hearing. The implementation of small claims mediators will mitigate this effect, as will improvements to the information available to litigants in person. An emerging rise in the number of defended higher value claims proceeding to hearing, which is also contributing to the slippage, will be tackled with an increase in the number of courts offering mediation services through the National Mediation Helpline.</p>

<p>Reducing delays in resolving those disputes that need to be decided by the courts.</p> <p>Target will be achieved with a 2% increase from 79.9% to 81.5% in the proportion of small claim hearings that take place within target time.</p>	<p><b>AHEAD</b></p> <p>Latest performance is 83.4%.</p> <p>Data is year to July for the preceding 12 months.</p>
<p><b>Progress since April 2006</b></p>	
<ul style="list-style-type: none"> <li>• The intention to establish Community Legal Advice Centres in Leicester and Gateshead was announced in May 2006. The Centres will be jointly funded by the Legal Services Commission (LSC) and local authorities and will open in 2007. They will offer integrated services in all the key categories of social welfare law and improve access, especially for the most vulnerable and socially excluded clients.</li> <li>• From October 2006, the Community Legal Service (CLS) Direct Helpline automated service began to be replaced with an operator service. The more tailored service diagnoses callers' problems, offers general information about rights and gives callers further options about where to get help. The full operator service will be in place at the end of March 2007.</li> <li>• The National Mediation Helpline was improved and relaunched in April 2006. The service now provides callers with access to a local panel of mediators that are accredited by the Civil Mediation Council (CMC). Since the relaunch, the service has assisted 1,755 callers (as of 29 August).</li> <li>• The new Court Mediation Service Toolkit was launched in April 2006 to assist the judiciary and court staff in developing local mediation services. It encourages the use of best practice by offering standard forms and procedures and draws upon the findings of our evaluations and pilots of court mediation services.</li> <li>• Since the relaunch of the National Mediation Helpline in April 2006, 16 courts including Birmingham, Cardiff, Central London and Exeter have agreed to migrate their existing court mediation schemes to the toolkit/Helpline model from October 2006, which will ensure consistency of service and standard mediation fees.</li> <li>• In October 2006 we ran our second national Mediation Week campaign with publicity events taking place across all of the HMCS court areas. The campaign focused on increasing people's awareness of mediation and the benefits it can provide.</li> </ul>	
<p><b>Future programme of work</b></p>	
<ul style="list-style-type: none"> <li>• The LSC and local authorities will continue to work together to establish more Community Legal Advice Centres and Networks. A further centre is expected in Derby in 2007. CLS Direct will be expanded in phases between October 2006 and March 2007 to increase the number of calls they can take.</li> <li>• Cross-government discussions will continue on improving links between government-sponsored helplines. Successful links have already been made between CLS Direct and Consumer Direct. Such cooperation increases the chances of resolving problems the first time clients enter the advice network.</li> <li>• Evaluation reports of our three small claims mediation pilots, which tested new ways of offering mediation to small claims litigants will be completed and published by December 2006.</li> <li>• We will revise the Court Mediation Service Toolkit to reflect our strategy for providing free mediations for people with small claims by December 2006. Based on our successful small claims mediation service pilot in Manchester we aim to expand the service to at least ten HMCS court areas by April 2007.</li> </ul>	

### SR2004 Strategic Objective III

***To enable the development of democratic institutions of government that command public confidence.***

#### **Constitution**

The DCA aims to strengthen democracy and rights and to renew the relationship between

the citizen and the state. DCA will achieve this by: strengthening and upholding people's human rights and rights to information; strengthening democracy and public engagement with decision-making; and enhancing the credibility and effectiveness of our public institutions.

#### **Progress since April 2006**

##### **Electoral administration and democratic engagement**

- The Electoral Administration (EA) Act 2006 gained Royal Assent on 11 July 2006. It aims to tackle four key areas at the core of a healthy democracy: improving access and engagement, improving confidence in security, extending openness and transparency in party financing and enhancing professional delivery of elections.
- The May 2006 local government elections were conducted successfully and included a number of new measures to enhance postal voting security.
- The local elections also featured successful pilots of e-counting, advance voting and administrative changes linked to the EA Bill/Act (such as signature checking and signing in polling stations). There has been a positive evaluation from Electoral Commission.
- A 'Digital Dialogues' programme offers central government departments the opportunity to test three web-based tools (forums, web chats, blogs) when undertaking public participation exercises. We will continue with the programme in the coming year and share best practice across government.
- We have established an Innovations Fund which provides seed funding to support the building, testing and evaluation of new tools to facilitate engagement between government and the public, or between members of the public.

##### **Constitutional reform**

- As part of the reforms in the Constitutional Reform Act the Lord Chancellor ceased to be speaker of the House of Lords in July 2006, completing the reform of the office.

##### **Human rights**

- DCA has completed and published a Review of the Implementation of the Human Rights Act in July 2006. A cross-government Implementation Programme will begin in September 2006, under the leadership of an ad hoc Ministerial Group.
- As part of this programme, we will be launching a Human Rights Toolkit for Public Sector Managers to assist in delivering practical benefits to customers, along with a generic Strategy Document on Human Rights for use by government departments across Whitehall in October 2006.
- In August 2006, we provided responses to the European Committee for the Prevention of Torture's (ECPT) reports on their two visits to the UK in July and November 2005.

### Information rights

- DCA continues to work to ensure that the public receives the full benefit of the Freedom of Information (FOI) Act by supporting the development of expertise across central government departments and throughout the wider public sector. The FOI Central Clearing House in DCA has dealt with over 4,500 cases and is now focusing attention on appeals to the Information Commissioner and the Information Tribunal. We have published statistical bulletins on the performance of central government departments in complying with the FOI Act since implementation.
- DCA has published the Information Sharing Vision Statement, setting out the vision for the government's future Information Sharing Strategy which makes clear that information will be shared to fight crime, protect the vulnerable and provide better public services and in other instances where it is in the public interest. We are equally committed to ensuring that appropriate safeguards are in place to ensure that before, during and after personal data is shared, it will be kept safe and secure. That is why we are consulting on increasing the penalties for the deliberate and unlawful misuse of personal data.
- We introduced new powers to allow banks and building societies to remove the credit cards of customers cautioned for, or convicted of, buying indecent images of children online. The Data Protection (Processing of Sensitive Personal Data) Order 2006 will allow card issuers to process sensitive personal data provided to them by law enforcement authorities so that they can withdraw the card used to commit the offence.
- We also launched a consultation paper on increasing penalties for deliberate and wilful misuse of personal data to seek views on the introduction of effective levels of deterrent for those who seek to profit from the illegal trade in personal information.

### General programme

- We have worked in partnership with the Citizenship Foundation to produce *Inside Britain*, a guide to the UK constitution aimed at 15 to 19-year-olds, which is being distributed to schools and youth groups. The guide includes sections on how the government functions as well as specific information on human rights and other areas of constitutional importance.

### Future programme of work

#### Electoral administration and democratic engagement

- DCA is committed to implementing the Electoral Administration Act at the earliest opportunity. Registration provisions have been put in place for the annual canvass of electors in Autumn 2006 and we will work with stakeholders to implement all the measures in the Electoral Administration Act, where possible, on a nationwide basis for the elections in May 2007.
- Development of the Co-ordinated Online Record of Electors (CORE) will continue to provide authorised users of electoral data at national level with a single point of access and greater consistency of data output.
- We are also taking forward the Government's manifesto commitment to review the experience of different voting systems in the UK.
- We will consult on the issue of voting rights for prisoners.

### **Constitutional reform**

- DCA will work with the Law Lords on the detailed arrangements for the new Supreme Court, including the design of the building and the arrangements for staffing, fees and rules.
- We are supporting the Leader of the House of Commons, Jack Straw MP in taking forward the Government's manifesto commitments on House of Lords reform.

### **Human rights**

- DCA is developing an educational resource for schools on human rights. It also expects to begin part one of a Human Rights awareness campaign in October 2006, aimed at dispelling some of the more common and corrosive myths about human rights. The final part of this three-part campaign is planned to begin in March/April 2007.
- We will be taking the lead on setting up a national preventative mechanism for the UK in line with the Optional Protocol to the United Nations Convention against Torture. The latter came into force on 23 June 2006, which gives the UK until 22 June 2007 to provide the mechanism in line with the Optional Protocol.

### **Information Rights**

- DCA will continue to work to support departments in ensuring best practice in complying with the Freedom of Information requests so government continues to improve its performance and citizens receive the full benefits of the legislation. We will also continue to publish data about the performance of central government departments and an annual review of FOI implementation. Following the Constitutional Affairs Select Committee (CASC) enquiry into FOI we are now developing policy to support the government's response to the CASC recommendations and the independent review of the costs of FOI.
- We will also take forward work with the public and private sector on promoting a better understanding of the Data Protection Act and work across government to deliver a robust data sharing strategy, while ensuring appropriate safeguards are in place for personal data.

### **General programme**

- We are working with charitable groups on projects to increase awareness of constitutional issues. These projects include sponsorship of the English Speaking Union's 2006/2007 schools debating competition and working with the Hansard Society on the Democracy Series, a series aimed at sparking debate, particularly among students.

## SR2004 Strategic Objective IV

***To create a modern, efficient and effective department that has the capacity and capability to deliver excellent public services.***

We have an extensive programme of work to improve the services that we deliver, meet the challenge of efficiency and make the courts, legal aid and constitution work for the public.

### **Capability review**

DCA piloted the programme of capability reviews during January to March 2006, involving the assessment by an external team of the capability of the department's top team in the overarching areas of leadership, strategy and delivery. This was the first of a programme of reviews being rolled out across government departments as part of the wider civil service reform agenda to ensure that the civil service is in good shape to meet today's challenges of delivery and to prepare effectively for the future.

The review team published its findings in July. The assessment recognised the considerable progress we have made since the department was created in June 2003, and especially the strong commitment we have demonstrated across the entire department to improving the services we provide for the public.

The review revealed no areas of 'serious concern' (i.e. external intervention required) for DCA. We were assessed as 'strong/well placed' on strategy development and 'well placed' on leadership.

We recognise that the review identified some areas for improvement and we have developed an improvement plan with clear milestones to address this. Progress is monitored internally and the Cabinet Office will conduct the first formal six-monthly progress stock take in January 2007. A summary of progress one year on from the assessment will be published in summer 2007.

### **Developing DCA workforce**

The department has a challenging agenda for the delivery of high quality, modern and efficient administration of justice in England and Wales. In response, DCA has embarked upon a significant programme of change. The DCA People and Organisation strategy sets out how we will provide and skill people needed to deliver our business, to improve the services we deliver to the public and build capacity and capability for the future.

The Workforce and Skills Development Strategy complements the People and Organisation Strategy, providing further detail to support its implementation. It provides an integrated approach to workforce development to ensure that we have the right people with the right skills in the right place at the right time, supported by the right structures, systems, policies and processes to meet our future business needs.

Development to recruit, retain and develop a workforce with the necessary skills and abilities is essential if we are to meet the future business objectives of the different parts of the department. The Workforce and Skills Strategy focuses on four themes critical to our organisational success, valuing and promoting diversity providing a common thread throughout:

- Leadership and management capability
- High performance
- Customer orientation
- Organisational change.

Implementation has to date focused on embedding the principles of the strategy in all our core, centrally based people management activities.

### **Her Majesty's Courts Service**

HMCS was launched as an executive agency in April 2005, and in February 2006 it published its Business Strategy. The strategy sets out the direction for transforming service delivery by 2010, by creating a court service that is modern, efficient and fit for the 21st century.

It sets out how the organisation intends to deliver improvements in criminal, civil and family justice so that the business is centred around the needs of the citizen and our diverse court users. It recognises the need to improve facilities, manage cases effectively to avoid delay, cost and inconvenience, provide easier access to services, and to continue to improve the effectiveness of enforcement of orders of the court.

**Tribunals Service**

The Tribunals Service (TS) was launched in April 2006 as an executive agency, bringing together over 20 tribunals formerly managed by six government departments. It came into being as a collection of tribunals, each with separate administrative processes, management structures, cultures, estates and jurisdiction specific judiciary.

Creating a single organisation from this structure is a major challenge but is essential if the potential benefits of creating a modern, efficient tribunal service are to be realised.

Work is already under way to identify the scope for structural changes and to improve the delivery of tribunal services and this will enable the organisation to produce a range of integrated strategies for the main aspects of their work.

TS has three main objectives during 2006/07:

- Maintain current standards of service delivery and improve them wherever possible
- Develop the capability of the organisation to deliver reform
- Reduce the volume of appeals reaching a full tribunal hearing and dispose of those that do in more effective and efficient ways.

At the end of the year they will publish a strategic plan setting out their programme of change and explaining how it will be delivered over the next three to five years.

**Progress since April 2006**

**DCA**

- The department successfully launched the Tribunals Service as an executive agency of DCA in April 2006 and published their business plan for 2006/07.
- The Tribunals Service has been maintaining current service delivery in line with its business plan objective and has improved in a number of areas.
- DCA piloted the programme of capability reviews and the findings were published in July 2006. The assessment recognised areas of strength and the department has developed a two-year improvement plan focusing on areas identified for further improvement. There was positive feedback from the Cabinet Secretary at an informal meeting to discuss progress against the improvement plan in September.
- In June 2006, a Departmental Change Programme was initiated to further enhance the organisation’s ability to integrate and deliver change successfully. The programme will be the vehicle for taking forward the recommendations from the capability review and will include a number of specific measures to improve the support for those in key project and management positions. The programme is actively led by a new Board Level Change Executive ensuring strong people and change focus at the top of the organisation, and supported by cross-cutting governance structures involving all parts of the DCA Family.
- A new Organisational Vision has been developed articulating the strategic direction for the department so that this can be communicated and understood at all levels across the DCA Family and its stakeholders.

- A Leadership Group comprising senior staff is working to develop a new leadership approach for the department that addresses the requirements of the Professional Skills for Government (PSG) leadership framework and the outcomes of the capability review.
- HMCS developed and published its Business Strategy in February 2006 and its National Business Plan in May 2006. The Business Plan set out the organisation's targets for 2006/07 within the context of the Business Strategy.

#### Future programme of work

##### DCA

- DCA will continue to take forward actions in the capability review improvement plan. There will be the first formal six-monthly stock take in January 2007 and a summary of progress one year on will be published summer 2007.
- We will continue to develop leadership and management capability as the immediate priority for Workforce and Skills Development.
- HMCS will continue to take forward the National Business Plan.
- The Tribunals Service will publish its five-year strategy by April 2007.

#### Efficiency

The department is making good progress toward delivering its contribution to the Government's efficiency agenda, which began with the Gershon Review in 2004. The department was set ambitious targets of delivering £292m financial savings, reducing its staff level by 1,100 Full Time Equivalents (FTEs), and relocating 200 posts outside of London and the South East by March 2008. In addition, at least £57m of the financial target must be savings that produce a tangible cash benefit, which is available for reinvestment into front-line services. The rest of the savings (non-cashable) will come from improvements in the level of service (output) we provide for the same resource (input).

In the Departmental Annual Report in May 2006, we reported savings to December 2005 amounting to £86m, 317 headcount reductions and 11 posts relocated. The final figures for 2005/06 period to March 2006 showed financial savings of £118m, 280 headcount reductions and 11 relocated posts. By September 2006, we had achieved £204.9m savings, 581 reductions and 85 relocations.

The department's target of £292m savings will be delivered through seven different workstreams, each of which has agreed contributory targets. These and the latest outturn as at the end of September 2006 are reported in the table below.

Target: Delivery of at least £292m efficiency gains by March 2008.	
Workstream	Latest outturn
<p><b>Legal aid</b></p> <p>A contributory target of £198m is to be met by procuring and delivering legal aid more efficiently.</p>	<p>To date £107.7m (actual to 30 September 2006) non-cashable savings have been delivered, representing 54% of the target. Legal aid savings are performing well due to the successful implementation of measures such as controlling the cost of the most expensive cases in the Crown Court and increased use of telephone helplines to deliver legal advice.</p> <p>The department is currently considering what impact Lord Carter's recommendations on introducing a market-based approach to legal aid will have on efficiency plans.</p>
<p><b>HMCS</b></p> <p>A contributory target of £41m is to be met by delivering efficiencies following the creation of HMCS in April 2005, and the subsequent restructuring of areas. The key areas generating savings are line management and support function reorganisation, the rationalisation and pooling of court business, estate integration and more efficient use of corporate resources.</p>	<p>To date, efficiency gains of £37.8m have been delivered. This represents 92% of the target.</p> <p>In addition, headcount reductions of 380 were delivered in 2005/06 as a result of streamlining processes. Process redesign and IT enablers are expected to deliver further significant headcount reductions during 2006/07 and 2007/08.</p>
<p><b>Cross-CJS</b></p> <p>A contributory target of £25m is to be met by two work strands:</p> <ul style="list-style-type: none"> <li>• Business Change (£3m) – efficiency savings resulting from business changes in the courts; and</li> <li>• Performance Improvement (£22m) – improvement in HMCS performance resulting from the combined impact of initiatives such as the CPS Charging project (which gives prosecution previously police-held charging powers) and No Witness No Justice (which provides support and guidance to witnesses in order to ensure they are able to make a successful contribution to hearings).</li> </ul>	<p>To date non-cashable savings amounting to £10.5m have been realised.</p> <p>These have been delivered by:</p> <ul style="list-style-type: none"> <li>• Business Change in the courts following the roll-out of Xhibit (a new IT system designed to keep jurors, counsel and court staff up-to-date as hearings progress) which has saved £4.7m to date; and</li> <li>• Performance Improvement (£5.8m) in terms of savings derived from the reduction in ineffective and cracked trials in courts.</li> </ul>

<p><b>Procurement</b></p> <p>A contributory target of £15m is to be met by securing value-for-money commodities, contracts and services, and by improving resource utilisation.</p>	<p>So far, £12.7m cashable savings have been delivered through more efficient procurement, this is 85% of the overall target.</p> <p>Savings have been higher than anticipated thanks to the increased use of the Government Procurement Card (GPC) and government framework contracts within the magistrates' courts.</p>
<p><b>Restructuring the centre of DCA</b></p> <p>A contributory target of £9m is to be met by delivering policy and operational objectives more efficiently through a reshaping of DCA centre. This workstream will also contribute towards headcount reductions.</p>	<p>The targets of 100 planned headcount reductions and £3m in corresponding cash savings for 2005/06 have been successfully delivered.</p>
<p><b>Productive time</b></p> <p>A contributory target of £6m is to be met by reducing the level of sick absence across the department.</p>	<p>New policies to manage sick absence were successfully implemented in 2005/06 and are now beginning to deliver savings. So far, £2.2m has been delivered and the latest forecasts indicate an overall saving of £11.1m by the end of 2006/07.</p>
<p><b>Corporate services</b></p> <p>A contributory target of £3m will be met by human resource, finance, and IT business strands aiming to simplify and streamline systems and processes.</p>	<p>This workstream is performing well with cashable savings of £3.8m reported so far. These savings have largely been achieved through restructuring the DCA's corporate finance function to ensure it is fully equipped to deliver its strategy, this includes a skills-matching exercise and a reduction in the use of agency staff.</p>

**Progress since April 2006**

In addition to the savings achieved, we have been working to ensure that the necessary planning to deliver the remainder of our targets is robust and complete. Looking beyond the specific Gershon targets, we are also building efficiency into financial and business planning processes, so that efficiency remains integral to all that we do.

- Headcount planning across the department has been carried out to ensure that we continue to deliver against our commitment.
- Our medium-term financial planning specifically draws out the projects and change programmes delivering efficiency savings, so that we understand better the link between value-for-money and the delivery of priorities.
- The DCA Efficiency Delivery Plan is updated quarterly to reflect the latest data, risks and milestones. It has proven a useful tool for keeping stakeholders informed of progress, and providing background for those with an interest in the programme.
- Following the first National Audit Office (NAO) study of the Government's efficiency agenda, we have worked with internal audit to bolster the data quality requirements in the quarterly reporting round. Workstreams now classify savings according to their impact on service quality and provide assurance of the data systems used to calculate savings figures.
- In terms of relocation, we have identified 75 further posts in the Land Registry, Tribunals Service and within DCA HQ that have relocated to a variety of locations including Manchester, Coventry and Plymouth. The Judicial Appointments Commission has now completed a business case to assess the costs and benefits of relocating part of its function. We are currently considering the business case.

**Future programme of work**

- Following the launch of the Tribunals Service in April 2006, a number of strategic projects were established to look at the most effective future shape and structure of the organisation. These are hoped to provide efficiency savings, particularly the move to a regional management structure and the estates strategy, and are due to report shortly.
- Relocation – we are currently undertaking a joint review with Office of Government and Commerce (OGC) to assess the relocation programme as a whole, including the progress of delivery plans for existing candidates such as Office of Legal Complaints (OLC), Judicial Appointments Commission (JAC) and Tribunals Service and which other posts/functions may be considered for relocation.
- Headcount – a joint OGC and DCA team undertook a detailed joint review of the department's plans for achieving its headcount target over the summer. Alex Allan, Permanent Secretary and John Oughton, Chief Executive, OGC have now agreed a joint report and we are taking forward the recommendations of this report.

### 3. Performance data against SR2002 PSA targets

#### SR2002 PSA Target 1

Target 1: To improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.15 million by 2005/06; with an improvement in all criminal justice areas, and a greater increase in the worst performing areas; and a reduction in the proportion of ineffective trials.	
Measures	Final outturn
<p><b>Increasing the number of crimes for which an offender is brought to justice to 1.15 million by 2005/06.</b></p>	<p><b>MET</b></p> <p>Latest data shows that 1.327 million<sup>4</sup> offences were brought to justice in 2005/06. This is 15.4% above the target of 1.15 million offences.</p>
<p><b>Improvement in all CJS areas.</b></p> <p>The target will be met if, in each of the 42 criminal justice areas, more offences are brought to justice in 2005/06 than in the baseline year (2001/02).</p>	<p><b>NOT MET</b></p> <p>40 of the 42 criminal justice areas improved their performance over the baseline year.</p> <p>In setting OBTJ targets, we take into account trends in crime reduction and sanction detection rates and the rate at which sanction detections are converted into offences brought to justice. In the case of the West Midlands and Gwent, the volume of crime was considerably higher in the baseline year than in subsequent years, and to increase the volume of offences brought to justice in this context would have required unrealistically high sanction detection rates. These factors resulted in Gwent and the West Midlands being set targets for 2005/06 at a level lower than the baseline year. Hence this element of the SR2002 target was not achieved.</p>
<p><b>Greater increase in worst performing areas.</b></p> <p>The target will be met if the average performance improvement achieved by the worst performing criminal justice areas between 2001/02 and 2005/06 is greater than the national average performance improvement over the same period.</p>	<p><b>MET</b></p> <p>Provisional data for 2005/06 shows that the average improvement since the baseline year of 43.2% in the worst performing areas was 10.8 percentage points greater than the average national improvement of 32.4% over the same period.</p>

<sup>4</sup> Data are provisional and could be subject to marginal changes

<p><b>A reduction in the proportion of ineffective trials.</b></p> <p>The target will be met if the national level of improvement for the Crown Court and magistrates' courts is 27% by March 2006.</p> <p>This equates to a reduction in the proportion of ineffective trials from 24% to 17% in the Crown Court, and from 31% to 23% in the magistrates' courts.</p>	<p><b>MET</b></p> <p>The proportion of ineffective trials in the Crown Court fell to 12.1% in the quarter to March 2006. This is 4.9% ahead of the 2005/06 target and a 50% improvement from the baseline.</p> <p>In the magistrates' courts the proportion of ineffective trials reduced from 30.9% in the baseline year to 20.7% in the quarter to March 2006. This is 2.3% ahead of the 2005/06 target and a 33% improvement from the baseline.</p>
--	--

## SR2002 PSA Target 2

Target 2: Improve the level of confidence in the CJS, including increasing that of ethnic minority communities, and increasing year on year the satisfaction of victims and witnesses, whilst respecting the rights of defendants. (Contributing to Criminal Justice System PSA)	
Measures	Final outturn
<p><b>Improve the level of public confidence in the CJS.</b></p> <p>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.</p>	<p><b>MET</b></p> <p>Baseline (BCS 2002/03): 39%</p> <p>Target (BCS 2005/06): an increase</p> <p>Annual outturn (BCS 2005/06) 44%</p>
<p><b>Including increasing that of ethnic minority communities.</b></p> <p>This is determined using questions in the BCS which ask whether people from a black or minority ethnic background believe the CJS is effective in bringing people who commit crimes, to justice.</p>	<p><b>MET</b></p> <p>Baseline (BCS 2002/03): 49%</p> <p>Target (BCS 2005/06): an increase</p> <p>Annual outturn (BCS 2005/06) 58%</p>
<p><b>Increasing year-on-year the satisfaction of victims.</b></p> <p>This is measured using BCS questions on victim satisfaction with the CJS, together with questions on victim satisfaction with the police.</p>	<p><b>NOT MET</b></p> <p>Baseline (six months to March 2004): 59%</p> <p>Target (BCS 2005/06): an increase</p> <p>Annual outturn (BCS 2005/06) 59%</p>
<p><b>Increasing year-on-year the satisfaction of witnesses.</b></p> <p>This is measured using a BCS question measuring witness satisfaction with the police.</p>	<p><b>NOT MET</b></p> <p>Baseline (six months to March 2004): 57%</p> <p>Target (BCS 2005/06): an increase</p> <p>Annual outturn (BCS 2005/06) 59%</p>
<p><b>Respecting the rights of defendants.</b></p>	<p>The rights of defendants are protected by law. We will investigate and take action if there is any evidence that the rights of defendants are not being respected or that public confidence in rights being respected is falling.</p>

## 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; and
- 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>
<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>Annual outturn (2005/06): 74%<sup>5</sup></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>

<sup>5</sup> The figures 2005/06 are provisional and are subject to change. The final figures will be published in August 2007.

SR2002 PSA Target 6

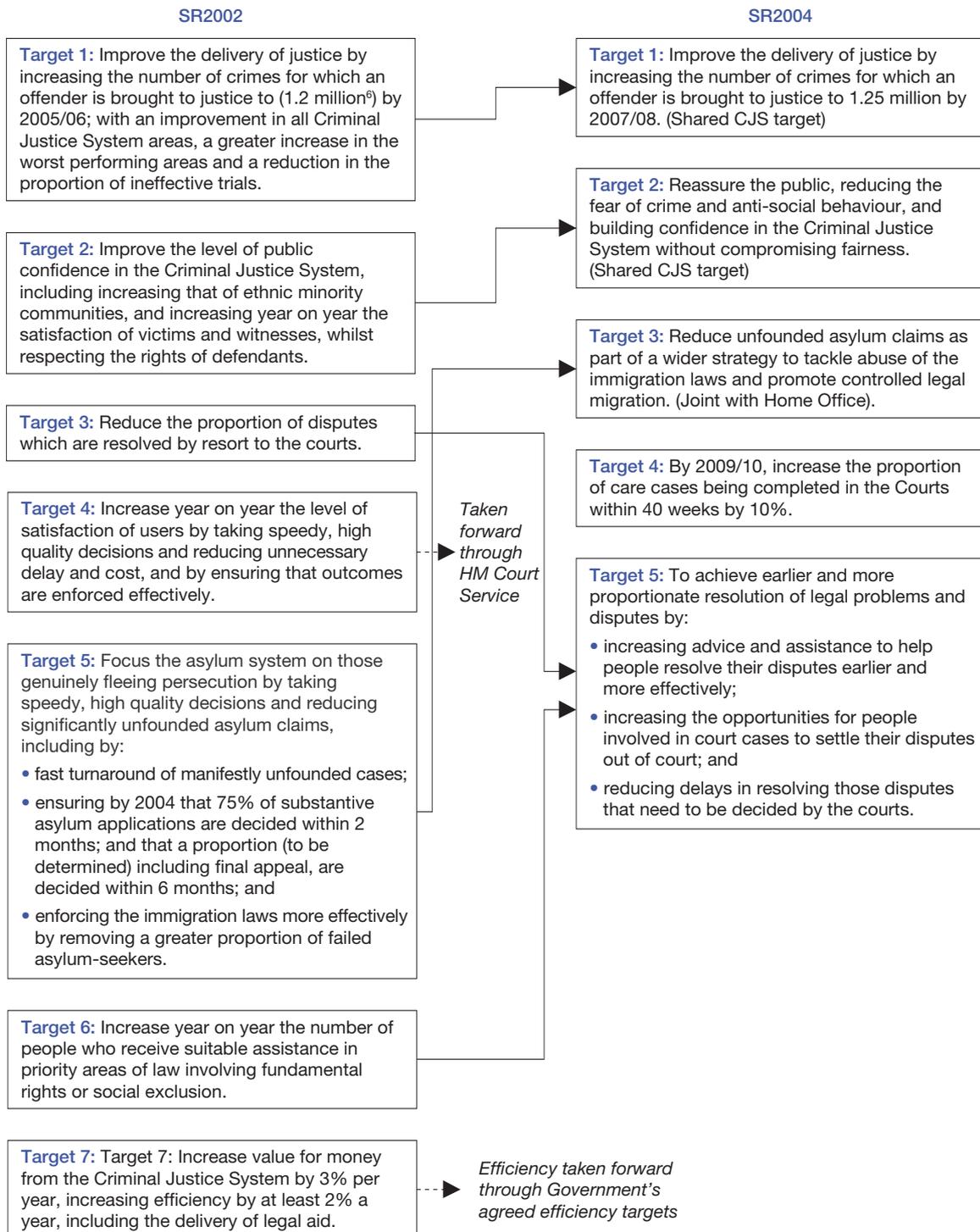
Target 6: Increase year-on-year the number of people who receive suitable assistance in priority areas of law involving fundamental rights or social exclusion.	
Measures	Latest outturn
<p>This target will be met if the number of people receiving suitable assistance in priority areas of law increases from 31 per thousand (baseline) to 34 per thousand by the end of the Spending Review 2002 period (March 2006).</p>	<p><b>NOT YET ASSESSED</b></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. Final outturn against this target will be known in spring 2007, when sufficient sample size has built up.</p> <p>However, the target is unlikely to be met, because between 2001 and 2004 the <b>number</b> of people experiencing problems fell considerably, by about 15%. Although there has been an increase of about 11% in the <b>proportion</b> of problems reported as receiving assistance, the net result has been a fall of about 5% in the number of problems reported as receiving assistance since the start of the SR2002 period.</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 will be used as the final measure for PSA target 6.</p>

## SR2002 PSA Target 7

Target 7: Increase the value for money from the CJS by 3% per year, including the delivery of legal aid.	
Measures	Final outturn
<p><b>To increase value for money from the CJS by 3% a year.</b></p> <p>This target will be met if by March 2006, improvements are achieved in value for money which, over the Spending Review 2002 period, equate to an average per year of 3% of the £1.9 billion (i.e. £57 million per annum or £171 million for three years) relating to criminal justice spend in the department's 2002/03 baseline.</p>	<p><b>MET</b></p> <p>As at end of March 2005/06 actual outturn against the DCA target was £456m or 13% of average annual DCA spend.</p> <p>For the criminal justice target, actual outturn was £210 million or 11% of average annual criminal justice spend.</p> <p>The DCA figure is made up of £120m of Very High Cost Criminal Cases efficiencies, £291m asylum legal aid efficiencies and £45m from other criminal and civil legal aid efficiencies.</p> <p>The CJS target excludes the asylum efficiencies and £5m civil legal aid efficiencies but includes an additional £49 million of efficiencies from fines enforcement.</p>
<p><b>Increasing efficiency by at least 2% a year, including the delivery of legal aid.</b></p> <p>This target will be met if by March 2006, improvements in efficiency are achieved which, across the whole Spending Review 2002 period, equate to an average per year of 2% of the department's total 2002/03 Departmental Expenditure Limit of £3.5 billion (i.e. £70 million per year or £210 million for three years).</p>	<p><b>MET</b></p> <p>Savings against the DCA target mainly result from reforms to the asylum and immigration legal aid process which were expected to result in significant savings in resource spend largely due to reduction in volumes of those seeking legal assistance. This, coupled with a reduction in numbers of asylum seekers generally, has led to a drastic decline in spend against this target throughout 2005/06.</p>

PSA 3 and PSA 4 for SR2002 are not referred to in this report as a final assessment on performance for these two targets was given in the DCA Departmental Annual Report 2005/06, which is on the DCA website at <http://www.dca.gov.uk/dept/report2006/index.htm>.

## 4. Mapping SR2002 and SR2004 PSA Targets



<sup>6</sup> SR2004 changed the SR2002 target of 1.2million offences brought to justice by 2005/06, to a target of 1.15million by 2005/06.



Published by TSO (The Stationery Office) and available from:

**On line**

[www.tso.co.uk/bookshop](http://www.tso.co.uk/bookshop)

**Mail, Telephone, Fax & E-mail**

TSO

PO Box 29, Norwich NR3 1GN

Telephone orders/General enquiries 0870 600 5522

Order through the Parliamentary Hotline *Lo-call* 0845 7 023474

Fax orders 0870 600 5533

Email [book.orders@tso.co.uk](mailto:book.orders@tso.co.uk)

Textphone 0870 240 3701

**TSO Shops**

123 Kingsway, London WC2B 6PQ

020 7242 6393 Fax 020 7242 6394

16 Arthur Street, Belfast BT1 4GD

028 9023 8451 Fax 028 9023 5401

71 Lothian Road, Edinburgh EH3 9AZ

0870 606 5566 Fax 0870 606 5588

**TSO@Blackwell and other Accredited Agents**

ISBN 0-10-169732-5



9 780101 697323