

Title: Prisons and Courts Bill – Overarching Impact Assessment IA No: MoJ018/2016 RPC Reference No: N/A Lead department or agency: Ministry of Justice Other departments or agencies: Her Majesty's Prisons and Probation Service Her Majesty's Courts and Tribunal Service	Impact Assessment (IA)			
	Date: 22/02/2017			
	Stage: Final			
	Source of intervention: Domestic			
	Type of measure: Primary legislation			
Contact for enquiries: Andrew Meads, Ministry of Justice – tel: 0793 729200; email: Andrew.Meads@justice.gsi.gov.uk				
Summary: Intervention and Options			RPC Opinion: Validated	

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANDCB in 2014 prices)	One-In, Three-Out?	Business Impact Target Status
£126.6-146m	£-1.52m to -£4.56	£0.2m to £0.5m	In Scope	Qualifying provision

What is the problem under consideration? Why is government intervention necessary?

The Prisons and Courts Bill underpins vital reforms to the justice system. It will deliver Government manifesto commitments and enable critical efficiency savings for taxpayers. Government intervention is required as the measures require primary legislation.

Where appropriate, individual impact assessments (IA) have been prepared for the main provisions within the Bill. These IAs also provide greater detail on the nature of each problem under consideration, why intervention is necessary and the impact of each provision. Where possible at this stage, a summary of the main costs and benefits of each of the legislative measures has been included in this overarching IA.

What are the policy objectives and the intended effects?

The Bill sets out a new framework and clear system of accountability for prisons which – for the first time – enshrines into law that the key purpose of prison is to reform and rehabilitate offenders. The Bill provides the foundation for a straightforward, efficient court system, so that people can have the sort of confidence in using the system that is already enjoyed by our excellent legal services sector.

The whiplash reforms are intended to reduce the cost of premiums to motor insurance policy holders.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1 – Do nothing. Retain the current legislative position concerning the prisons, courts, the payment of compensation for whiplash injuries, and banning the practice of offering to settle whiplash claims without medical evidence.

Option 2 – Introduce the legislative measures included in the Prisons and Courts Bill.

Option 2 is the preferred option as it best meets the policy objectives.

Will the policy be reviewed? Please refer to the individual Impact Assessments for details.

Does implementation go beyond minimum EU requirements?	N/A			
Are any of these organisations in scope?	Micro Yes	Small Yes	Medium Yes	Large Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)	Traded: N/A		Non-traded: N/A	

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:  **Date:** 22/02/2017

Summary: Analysis & Evidence

Policy Option 1

Description: Introduce the legislative measures included in the Prisons and Courts Bill.

FULL ECONOMIC ASSESSMENT

Price Base Year 2014/15	PV Base Year 2016/17	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: £126.6m	High: £146m	Best Estimate: N/A

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low			
High			
Best Estimate	N/A	N/A	N/A

Description and scale of key monetised costs by 'main affected groups'

As the monetised costs are detailed in individual IAs and presented in the evidence base below, the total costs are not presented here. In summary, the Bill will mainly impact on the public sector – primarily the Ministry of Justice (MoJ) and its executive agencies. A large number of the provisions introduce enabling powers for which it is expected that any resultant costs will only be incurred if these are outweighed by the benefits. The Bill will also impact on the costs faced by some organisations concerned with pursuing claims for whiplash-related injuries.

Other key non-monetised costs by 'main affected groups'

HM Courts and Tribunal Service and the National Offender Management Service will be required to make administrative and operational changes in relation to provisions in the Bill. These non-monetised costs are detailed in the individual IAs. There may also be some non-monetised costs for other organisations such as police forces, mobile phone network providers, legal services providers, employers, charitable and commercial organisations which provide services to court and tribunal users and those claiming for whiplash injuries and their representatives.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low			
High			
Best Estimate	N/A	N/A	N/A

Description and scale of key monetised benefits by 'main affected groups'

Full details of the key monetised benefits are detailed in individual IAs. There will be benefits to HM Courts and Tribunal Services and its users, HM Prison and Probation Service and other agencies in the justice system. There will also be benefits to the holders of motor insurance policies and the organisations which supply them.

Other key non-monetised benefits by 'main affected groups'

Non-monetised benefits by the main affected groups are detailed in the individual IAs and summarised in this IA. Prison and court reform will create non-monetised benefits for prison governors and staff, the judiciary (including judges and magistrates), courts and tribunal users (including defendants, victims and witnesses, the providers of legal services and various agencies involved in the criminal justice system), HM Courts and Tribunal Service and their staff, HM Prisons and Probation Service and other government departments. Whiplash reform will contribute to a reduction in the 'claims culture' which surrounds such claims at present.

Key assumptions/sensitivities/risks

Discount rate (%)

3.5

The monetised and non-monetised costs and benefits are based on the key assumptions outlined in the individual IAs which also contain a breakdown of the costs and benefits of each measure in further detail. The NPV each measure, where estimated, is presented in Tables 1-4 below. Each of these estimates are subject to risks and uncertainties which are described and, where possible, quantified, in each of the individual IAs.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m: N/A			Score for Business Impact Target (qualifying provisions only) £m: N/A
Costs: N/A	Benefits: N/A	Net: N/A	

This publication was archived in June 2017.



Ministry
of Justice

Overarching Impact Assessment

Prisons and Courts Bill

February 2017

This publication was archived in June 2017.

A. Summary

Introduction

1. The Prisons and Courts Bill underpins vital reforms to the justice system.
2. The Bill delivers key priorities for the Ministry of Justice and for the Government, it enables delivery of key manifesto commitments. It formed the centrepiece of the Queen's Speech in 2016.
3. The Bill delivers vital manifesto commitments to:
 - Introduce greater use of mobile phone blocking technology to tackle the crime, debt and violence they fuel.
 - Making reform of offenders the critical purpose of our prisons to cut the £15bn cost every year of reoffending to society and unlock potential of some of our most disadvantaged members of society.
 - Continue the £375 million modernisation of our courts system so that it is not only the best in the world, but also the most modern. Bringing more services online and speeding up the process will make it easier for ordinary working people to resolve disputes¹.
4. The Bill delivers major efficiency savings for taxpayers.
 - Our reforms will deliver savings of £212m cumulatively over the spending review period and generate a steady state saving of approximately £252m per annum from 2023/24 (nominal prices). In the context of the courts reform programme, the measures will help to enable £88m in steady state judicial time savings by 2023/24.
 - The whiplash measures could see motorists' insurance policies cut on average by about £40 a year.

¹ The total investment for the reform programme is around £1 billion.

B. Background

Prison Reform

5. In November 2016, the Justice Secretary announced sweeping reforms to the prison system to cut reoffending and reduce crime. The Prison Reform White Paper set out a comprehensive prison safety and reform strategy to tackle rising levels of violence and self-harm in prisons, and to give offenders the opportunity to desist from crime, and engage in a productive life when they are released. Much of this reform will be delivered through practical operational changes that can be implemented quickly. However, in order to make sure that we embed change across the system as a whole, and hold it properly to account, primary legislation is needed. These changes are a priority for the Justice Secretary, and were announced in the Queen's Speech. The Bill sets out a new framework and clear system of accountability for prisons which – for the first time – enshrines into law that the key purpose of prison is to reform and rehabilitate offenders. This framework will be supported by new standards and league tables, a new commissioning structure, and new powers for governors. Together, this will create a more focused prison system where governors are clear what they need to deliver and empowered to do so.
6. Most of the reform programme comprises operational changes that can be actioned quickly on the front-line, but legislation is required to put in place a new framework and clear system of accountability and to put in place vital security measures.

Courts and Tribunals Reform

7. The vision for the modernisation of the courts and tribunals system was set out in the joint statement by the Lord Chancellor, Lord Chief Justice and Senior President of Tribunals in September 2016. Such a joint statement is unprecedented; it represents a 'moment in time' combining HM Treasury investment, judicial support and political appetite for public service transformation. This was followed by public consultation that included our proposals for online conviction and standard penalties, and on judicial terms and conditions. A further public consultation closed in January on Employment Tribunals.
8. The Bill provides the foundation for a straightforward, efficient court system, so that people can have the sort of confidence in using the system that is already enjoyed by our excellent legal services sector. We will give special care to those who need it – reducing unnecessary stress for victims and witnesses, reducing the emotional turmoil experienced as a result of major life events such as criminal activity, death or divorce. The respected traditions of the physical court room will be preserved for the cases that require it, and we will improve our courts and tribunals estate to provide fewer but better, more modern flexible facilities which meet user needs. We will cement our reputation for global legal excellence and enhance the reputation of our independent judiciary abroad.

Judicial Reform

9. We will provide a better working environment for judges, with modern court facilities and better IT that will help manage cases more efficiently, meaning they can focus on the cases that matter instead of taking the time to deal with administrative issues. The Bill will enable the judiciary to meet the demands of a modern justice system – that means

empowered judicial leaders to help implement reforms, greater flexibility to deploy the right judge to the right case, with the right skills and opportunities to do so.

10. The Bill will allow a wider range of judicial leadership positions to be offered for a fixed period. This will allow leaders of the future to plan ahead and hone their skills, knowing that development opportunities will become available.

Whiplash

11. The Government consulted on measures to tackle the continuing high number and cost of minor road traffic accident whiplash claims, between 17 November 2016 and 6 January 2017. Following consideration of the responses received we will legislate to set a fixed tariff of compensation for 'pain, suffering and loss of amenity' for claims with an injury duration of between 0 and 2 years. We will also legislate to ban the practice of offering to settle such claims without first seeking medical evidence.
12. The rest of this overarching Impact Assessment (IA) explains the policy rationale and objectives which underpin each specific legislative measure and describes the key stakeholders who would be affected. It then provides an overview of the impact of each of the proposals on society, focusing on the monetised and non-monetised impacts. Further detailed discussion of each proposals are set out in the individual IAs. Separate, updated, IA's on the Whiplash and Employment Tribunal measures will be published in due course.

This publication was archived in June 2017

C. Overall Policy Rationale and Objectives

13. The Prisons and Courts Bill will underpin vital reforms to the justice system in four key areas: Prison Safety and Reform, Courts and Tribunal Reform, Judicial Reforms and Whiplash.

Prison Reform and Security

14. The Bill will tackle some of the most serious problems we face in our prison system. Violence, self-harm and self-inflicted deaths are at a record high. In the 12 months to September 2016 there were around 25,000 assaults, up 31% from the previous year; there were nearly 38,000 incidents of self-harm in prison, up 23% on the previous year. There were 119 self-inflicted deaths in prison, up 32% from the previous year (December 2016-17). Reoffending by prisoners costs society £15bn a year: prisoners are some of the most disadvantaged in our society and helping them quit drugs and get into employment is a crucial part of the Government's social reform agenda.
15. Without legislation, we cannot tackle this. We must reconfigure the entire system, not just change individual policies, so that it is re-focused on reforming offenders and has the right external scrutiny and processes. The Bill is critical for creating a new framework and clear system of accountability for prisons which – for the first time – enshrines into law that a key purpose of prison is to reform offenders.
16. This framework will be supported by new standards and league tables, a new commissioning structure, and new powers for governors. Together, this will create a more focused prison system where governors are clear what they need to deliver and empowered to do so. Under this framework, the Justice Secretary will account to Parliament for progress in reforming offenders, and a strengthened inspectorate and ombudsman will provide sharper external scrutiny of the system, strengthening the role of HM Inspector of Prisons by providing them with new statutory powers and putting the Prisons and Probation Ombudsman on a statutory footing, giving it clearer status and powers.
17. Legislative changes will also support quicker, more robust action on key security threats; the measures in relation to mobile phone blocking are essential to ensure that as technology evolves public communication providers, not just governors, have the authority to act independently to combat illegal mobile phones, and the measure on testing for psychoactive substances will mean that we can evolve drug tests to tackle this security threat quickly, given the speed with which new compounds are developed.

Courts and Tribunals Reform

18. This Bill will provide the foundation for a straightforward, efficient court system, so that people can have the sort of confidence in using the system that is already enjoyed by our excellent legal services sector. We will give special care to those who need it – reducing unnecessary stress for victims and witnesses, reducing the emotional turmoil experienced as a result of major life events such as criminal activity, death or divorce. We will reform the Employment Tribunal system to ensure that users benefit from a more digital, streamlined and modern service.

19. It is considered a ‘once in a generation’ opportunity where the executive’s reform ambition and judicial leadership are aligned –as articulated in the joint statement issued by the Lord Chancellor, Lord Chief Justice and Senior President of Tribunals in September 2016.
20. The Bill will help cement our reputation for global legal excellence and enhance the reputation of our independent judiciary abroad.

Judicial Reform

21. We need to legislate to enable the judiciary to meet the demands of a modern justice system – that means empowered judicial leaders to help implement reforms, greater flexibility to deploy the right judge to the right case, with the right skills and opportunities to do so. The Bill will allow a wider range of judicial leadership positions to be offered for a fixed period. This will allow leaders of the future to plan ahead and hone their skills, knowing that development opportunities will become available.
22. We are committed to making sure that our incorruptible, independent judiciary continues to draw in the best and most talented people and is more reflective of society. We want to make sure that they feel valued and have more support in carrying out their duties and in fulfilling their career aspirations.
23. It will also allow a wider range of judicial leadership positions to be offered for a fixed period. This will allow leaders of the future to plan ahead and hone their skills, knowing that development opportunities will become available.
24. It will free up our independent judiciary to focus their expertise on complex cases, by allowing specially-trained court staff to handle uncontroversial, straightforward matters under judicial authorisation and supervision.
25. We will provide a better working environment for judges, with modern court facilities and better IT that will help manage cases more efficiently, meaning they can focus on the cases that matter instead of taking the time to deal with administrative issues.

Whiplash

26. The Government consulted between 17 November 2016 and 6 January 2017 on measures to tackle the continuing high number and cost of minor road traffic accident soft tissue injury (“whiplash”) claims. We consulted on wide-ranging plans for reform, which will help put the cash insurers save in pay outs back into the pockets of the country’s drivers through a reduction in premiums of on average £40 a year. Following consideration of the responses received (and subject to consultation response) the bill includes provision to set a fixed tariff of compensation for ‘pain, suffering and loss of amenity’ for claims with a prognosis period of between 0 and 2 years in duration. The Bill also prohibits the practice of offering to settle such claims without first seeking medical evidence.
27. These measures will be supplemented through a further measure to raise the small claims limit for personal injury claims from £1,000 to £2,000 and for road traffic accident

personal injury claims from £1,000 to £5,000 to reduce the costs of these claims further. This change will be made through changes to the Civil Procedure Rules.

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D. Affected Stakeholder Groups, Organisations and Sectors

28. A list of the main groups and stakeholders who would be affected by the proposals described in this IA is shown below:

- The Ministry of Justice (MoJ) and its executive agencies;
- HM Inspectorate of Prisons (HMIP) and the Prisons and Probation Ombudsman (PPO);
- The Judiciary, including magistrates and judges who preside over proceedings in the criminal and civil courts, and tribunals and the Judicial Appointments Commission (JAC);
- Court and prison staff, including those in private-sector prisons;
- The police, the Crown Prosecution Service (CPS), the National Probation Service (NPS) and Community Rehabilitation Companies;
- Civil, family and criminal court and tribunal users including defendants, victims and their families, witnesses, members of the public and businesses;
- Legal Service Providers, especially barristers and solicitors, who provide advice and representation to parties involved in legal disputes in the civil, family and criminal courts;
- Charitable and commercial organisations who provide support to people in the justice system;
- Employers who may be required to administer Attachment of Earnings orders;
- Assisted Digital Providers, who will supply assisted digital services for the digitally excluded;
- Network operators for provider mobile phone services, and Ofcom;
- Taxpayers, who ultimately meet the costs of the justice system; and
- Purchasers and providers of insurance and others involved in soft tissue injury claims such as Claims Management Companies.

E. Description of Legislative Measures

Base Case

29. In accordance with Impact Assessment guidance, the policy and legislative proposals have been assessed against a defined 'base case'. These are set out below.

Prison Reform

- The existing statutory arrangements concerning prisons and the role of the Secretary of State and inspectorates and the PPO would remain unchanged;
- The current legislative framework for drug testing in prisons would remain in place and amendments, adding newly identified psychoactive substances, would have to be made through secondary legislation; and
- Interference to wireless telegraphy to detect and prevent the use of illegal mobile phones in prisons would continue to take place solely under the authority given to a governor, rather than also providing for public communication providers to be authorised, allowing them to make use of their technical expertise and capability.

Court Reform

- No reforms would be made to existing criminal court processes;
- No new cross-jurisdictional court reforms would be introduced;
- No changes would be made to the cross-examination of witnesses in family cases; and
- No changes would be made to judicial recruitment and deployment.

Whiplash Reform

- The current arrangements for compensating soft tissue injuries would remain in place.

30. In some cases, further reform could be made using existing legislation but the Government does not believe this would have the same level of impact on delivering its overall ambition of reform to the justice system as the proposed legislative measures. In some instances, however, the precise form that each legislative measure will finally take remains dependent on the decisions of independent Rules Committees and our assessments are made in such a way as not to preempt their decisions.

Legislative proposals

Prison Safety and Security

Accountability and Scrutiny

31. **Creating a statutory purpose for prisons and clarifying the role of the Secretary of State.** We will define in statute the purpose of prisons which will encompass public protection, safety, reform of offenders and preparation for life outside prison; and modernise the existing provisions on the role of the Secretary of State to make clear her responsibility for overseeing and managing the system as a whole. We will also align the

requirement for the Secretary of State to report to Parliament with this, setting out a requirement to report on how the purposes are being met. This will create clear outcomes the prison system is expected to deliver and ensure the Secretary of State can be held effectively to account for these.

32. **Strengthening the role of the Inspectorate.** We will legislate to add to the remit of HMIP so that in addition to their broad focus on the treatment of prisoners, they take into account the statutory purpose of prisons and how they are achieving those purposes. We will also require inspections to include consideration of how the leadership of a prison is contributing to the achievement of the outcomes.
33. To increase the impact of inspections we will create a requirement for the Secretary of State to respond to findings of an inspection within a certain timescale and provide that the Inspectorate's findings can act as a trigger for the Secretary of State to take action in cases of poor performance.
34. Unusually for an inspectorate, HMIP does not have statutory powers to enter premises or access documents. We will rectify this so that HMIP has the right tools to conduct comprehensive inspections, including providing the Inspectorate with powers of access to establishments they are inspecting.
35. **Putting the Prisons and Probation Ombudsman on a statutory footing.** In the context of increasing deaths in custody, we will give a firmer basis for the critical functions of investigating deaths and complaints.

Safety and Security

36. **Testing prisoners for all psychoactive substances, as defined in the Psychoactive Substances Act 2016, in addition to all controlled drugs and other specified substances (powers that exist already).** The current legislative framework for drugs testing in prison allows tests to be carried out for controlled drugs under the Misuse of Drugs Act (MDA) and for "specified drugs". "Specified drug" means any substance or product specified in prison rules for the purposes of section 16A of the Prison Act 1952. If a new drug is identified that is not a controlled drug for the purposes of the MDA, it can be added to the list in the prison rules by secondary legislation.
37. Permitting specified drugs to be added by secondary legislation to the list of drugs that can be tested for was a response to the rise in the use in prison of psychoactive substances. The change was made in section 16 of the Criminal Justice and Courts Act 2015 at a time when psychoactive substances were not banned or controlled, hence their alternative name of "legal highs". The change was also made because at that time there was no statutory definition of a psychoactive substance. The Psychoactive Substances Act 2016 introduced a statutory definition, as well as criminalising the following activities with regard to psychoactive substances: production; supplying or intending to supply, possession with intent to supply; importing or exporting; and possession in a custodial institution.
38. The legislative change adopts the generic definition of a psychoactive substance contained in the Psychoactive Substances Act 2016 so that in future tests can be carried out for controlled drugs and for psychoactive substances covered by the definition in the 2016 Act, without the need to add each individual psychoactive substance by secondary

legislation. It is a feature of psychoactive substances that new substances appear regularly with slight alterations to the chemical make-up.

39. **Creating new powers to allow the Secretary of State to authorise public communication providers to interfere with wireless telegraphy on the secure estate.** Under the Prisons (interference with Wireless Telegraphy) Act 2012, the Secretary of State, or Scottish Government Ministers can authorise the person in charge of a relevant institution to interfere with wireless telegraphy by preventing, detecting or investigating the use of mobile phones. A relevant institution is a prison in England, Wales or Scotland, a youth offender institution in England or Wales, a young offenders' institution in Scotland or a secure training centre or secure college in England or Wales. The person in charge is the governor or the director in the case of a contracted-out institution.
40. Under the Wireless Telegraphy Act 2006, deliberate interference with wireless telegraphy is a criminal offence. While such offences do not apply to public sector prisons as the 2006 Act does not apply to the Crown, without the 2012 Act deliberate interference with wireless telegraphy in contracted-out institutions would be a criminal offence.
41. The proposed legislative change would allow the Secretary of State to authorise Public Communication Providers (PCPs) to interfere with wireless telegraphy in prison, in addition to the existing authority that can be given to governors. PCPs are the technical experts and have the knowhow and capability to interfere more effectively with illegal mobile phones. This can currently be achieved through the authorisation given to a governor or director, via the PCPs operating as their agent. The Bill will, however, provide clearer lines of accountability to allow PCPs to act more independently where necessary and appropriate and will ensure that adequate safeguards apply where the PCP is effecting interference.

Criminal court reform

42. **Streamlining case management and allocation processes.** We will streamline complicated and lengthy criminal procedures, creating a more proportionate system. Indictable only cases (the more serious cases) will be sent directly to the Crown Court without the need for a preliminary hearing in the magistrates' court. We will enable defendants to indicate a plea online and enable allocation in all triable either-way cases to be dealt with in writing (preferably online), allowing for early triage of cases through the system without the need for unnecessary in-court hearings. The courts already have the power to conduct bail/remand hearings virtually, this legislation would therefore not permit the courts to do something which they cannot already. However, as a result of this legislation we expected the number of bail/remand hearings conducted virtually would increase. This legislation will support an easier and more efficient process for all users of the system and is key to delivering the overall HMCTS Reform savings package in the criminal jurisdiction.
43. **Reform of local justice areas and leadership and organisation of magistrates.** We will abolish the existing 104 local justice areas and create a more unified magistracy. This will enable cases to be assigned more flexibly in accordance with the resources available and the needs of victims. It will reduce bureaucracy, and enable the enforcement of fines and community orders to be undertaken by any court, irrespective of where the crime originally occurred. We will also repeal the provisions regulating the organisation and management of the magistracy and bring these arrangements in line with that of the rest of the judiciary and in closer alignment with the leadership structure

of the Crown Court. The senior judiciary will have clearer oversight of business across all criminal courts. This will help ensure cases are dealt with quickly, proportionately and in the most appropriate and cost-effective venue.

44. **Automatic online conviction and statutory standard penalties.** We will enable online conviction and standard penalty, whereby offenders may be convicted swiftly and issued with a financial penalty without the involvement of a judge or magistrate. This will apply to specified summary non-imprisonable offences only, where the offender pleads guilty and actively opts into the process; they will be convicted quickly, sentenced quickly, and pay their fines quickly. The online conviction and standard penalty will be trialled with a small range of appropriate low-level offences, such as fishing without a license and failure to produce a ticket when travelling on a tram or a train. This will free up the criminal courts to focus on supporting cases with victims.
45. **Extended use of live audio and video links and virtual hearings.** We will enable a wider range of circumstances where live audio and video links can be used as well as 'fully virtual' hearings, where there is no physical courtroom and all parties join the hearing via telephone or video conference. Where appropriate, hearings and applications will be taken out of the court room and held over phone or video conference, or be decided 'on the papers' so the need for a hearing is removed altogether. The vast majority of trials will continue to take place in a physical court room, but with better use of live audio and video links to support proceedings to minimise the burden on parties to travel to court. Live link technology allows victims and vulnerable people to take part in proceedings without having to meet the accused face-to-face, balancing the vital need for open and transparent justice with special care for those who need it.
46. **Open Justice.** We will make sure that appropriate transparency arrangements are in place as we move some cases currently heard in open court to alternative channels. This measure will enable the use of in-court terminals as an 'observational solution' so that media and the public can access proceedings without risking video or image capture from those using the terminal.

Civil and Cross-jurisdictional court reform measures

47. **Staff authorised to exercise jurisdiction of courts and tribunals.** HM Courts and Tribunals Service (HMCTS) staff can already be authorised to exercise the jurisdiction of almost every court or tribunal, up to and including the High Court and Upper Tribunal. The Bill will ensure that there is a robust approach to authorisation, introduce an underpinning accountability framework, and provide a statutory guarantee of independence for court staff in all jurisdictions when undertaking this kind of work. Further the Bill will address gaps in current provision for these roles and ensure that every power being exercised by these roles is subject to scrutiny by appropriate jurisdictional experts. This will improve the efficiency and effectiveness of the courts meaning that we make the best use of judicial resources by allowing judges and magistrates to focus their time on more complex and contentious cases.
48. **Online Procedure and Rule Committee.** We will create a new online rules committee to provide new, simple online rules to support reform in civil cases, family cases and tribunals. In particular, the new committee will deliver the rules required to support a new 'online court' to deliver automated online dispute resolution for low value money claims up to a value of £25k. This will simplify the court process and speed up dispute resolution to the benefit of court users. In particular it will make the court more

accessible for users without a lawyer. It will also reduce costs by resolving more disputes outside of the court, reserving judicial time for only the most complex cases.

49. **Civil Enforcement – attachment of earnings orders.** The County Court has jurisdiction to hear applications for an ‘attachment of earnings’ order. The High Court does not have any power to make such an order in civil cases. Legislation will align the County Court and High Court processes in respect of this enforcement method; to reduce the extent of court administrative involvement; and to streamline and improve the efficiency of the processes, as well as to create a simpler and consistent service offering a single set of choices for the user. This should lead to quicker payment of the judgment debt in the County Court and High Court that are enforced by an attachment of earnings order, and greater confidence in the civil justice system. The introduction of fixed tables will mean employers are instructed to deduct an amount as prescribed in the table.
50. **Statements of Truth.** We will replace statutory declarations in County Court proceedings relating to traffic enforcement with a witness statement verified by a statement of truth. This reform will replace outdated and currently inconsistent procedures, which are inconvenient for court users and resource intensive to administer, with a more modern approach capable of digitisation, and which retains a robust penalty where a statement of truth is found to be false. This provision will require agreement by the Welsh Government of a legislative consent motion.
51. **Prohibiting cross-examination in person in certain circumstances in family proceedings and give the court a power to appoint an advocate.** We intend to stop the practice of alleged or proven abusers cross-examining their victims in person in family cases. Such protections already exist in criminal proceedings. The measures in criminal law were used as a model, but there are adaptations in these provisions specifically for family proceedings. They will ban cross-examination in person in specified circumstances in family proceedings, give family courts a discretion to prevent such cross-examination in specified other cases, and give courts the power to appoint legal representatives to undertake cross-examination when not possible by other means and not contrary to the interests of justice. The provisions will also allow the Lord Chancellor to make regulations allowing for the payment of legal representatives from public funding in these circumstances.
52. **Employment tribunal reform.** We will change the legislative framework of Employment Tribunals so we can bring them into line with other tribunals and enact reform effectively.

Modernising judicial recruitment, deployment and terms and conditions

53. **Leadership judges - fixed term positions and temporary remuneration.** We will strengthen the position of leadership judges and provide for judicial career progression while rewarding office holders appropriately and consistently for the responsibilities they take on, for the period that they perform those duties.
54. **Judicial deployment and flexibility.** We will increase the flexibility of judicial deployment. This is key to enabling the judiciary to respond to the changing demands of a reformed court system. The Lord Chief Justice & Senior President of Tribunals already have powers but these measures are designed to target several important areas. These provisions will:

- Extend the range of courts and tribunals that a person appointed by the LCJ as a Deputy High Court Judge on a temporary basis can sit in;
- Enable Tribunal Recorders to be judges of the Upper Tribunal. This will allow their deployment to help tackle backlogs (for example, in the Immigration & Asylum chamber); and
- Extend the range of High Court judges who can be appointed as judicial-arbitrators in commercial disputes. This will address the growth in demand, for example, in the Chancery Division. The amendment would also allow the LCJ to delegate his functions in appointing arbitrators.

55. **Judicial Appointments Commission (JAC).** We will legislate to allow the JAC to provide assistance to a wider range of people, where appropriate recovering the costs of its services whilst continuing to prioritise its statutory duties for judicial appointments. This will provide partial offset to the cost of the JAC's statutory functions. Exploring opportunities for charging was a recommendation of the 2015 Triennial Review of the JAC. The associated ability to partially offset fixed central cost is built into the JAC's planning for the spending review period until 2019/20.

Claims for whiplash injuries

56. To tackle the issues related to such minor claims we have recently consulted on setting a fixed rate of compensation for 'pain, suffering and loss of amenity' claims – mostly those made after road traffic accidents. We will introduce a tariff of predictable damages for all whiplash claims with an injury duration of between 0 and 24 months. The tariff will provide a single figure setting out the value of the claim, based on injury duration. Claimants will be able to identify the amount of compensation due based on the prognosis period data contained within their medical report.
57. Medical reports will continue to be sourced through MedCo, to ensure the reports are provided by accredited, independent experts and meet minimum standards. In addition, in exceptional circumstances and upon application by the claimant, the judiciary will be able to apply a discretionary uplift of up to 20% to the amount set out in the tariff.
58. The Bill introduces a prohibition on the ability to offer, solicit or accept offers to settle RTA related soft tissue injury claims without medical evidence. The Bill also provide for enforcement of this ban through the relevant regulators.

F. Cost and Benefit Summary

59. This overarching IA summarises the main monetised and non-monetised impacts of the above policy options on individuals and groups in the UK. The costs and benefits of each policy option are compared to the “do nothing” option. IAs place a strong emphasis on valuing costs and benefits in monetary terms. However, there are often important aspects of a policy that cannot readily be monetised – e.g. the effects on particular groups of society or changes in equity and fairness.
60. More detailed analysis of the costs and benefits for the court and judicial measures, as well as the more specific policy objectives, can be found in the individual IA for each measure. These are based on our modelling and on HMCTS data. However, to the uncertainty concerning the final shape that some of the proposals will take, in some cases we have used our best estimates to estimate the impacts of some options. These best estimates are kept under review and may be subject to change. The expected impacts of these measures are summarised in tables 1-4 below.
61. These impacts have been assessed using HM Treasury guidance. To make our estimates for each measure comparable, we have adopted the following conventions:
- Monetised costs and benefits are stated in 2014-15 prices;
 - The Net Present Value (NPV) of each measure has been calculated for a ten year period from 2016-17 using a 3.5 per cent discount rate;
 - Where appropriate, optimism bias has been applied. The rationale for the chosen levels can be found in the IAs for the individual measures;
 - Unless otherwise stated, the annualised costs or savings are those which would be achieved in ‘steady state’ (i.e. when the measure is fully in operation).
62. For the measures relating to Prison Safety and Security, the expected impacts are provided in Table 1. As these legislative proposals mainly seek to clarify existing roles and to enable new ones, the expected impacts are all qualitative in nature and the resource costs are small. Therefore, the Government does not believe a full IA of these measures is necessary for an understanding of the rationale for and the expected outcomes of these reforms which have already been discussed in this overarching IA.
63. The consultations regarding the Government’s proposed whiplash reform measures and Employment Tribunals reform closed on the 6th and 20th January respectively. The evidence submitted is being considered and our refined estimates of the impacts will be provided in the final stage IA once the finalised model assumptions and policy decisions are confirmed.

Net Impact: Prison Reform and Security

64. Table 1 summarises the net impact of the preferred options concerning prison reform and security.

Table 1 : Summary of Main Impacts, Best Estimates, Prisons				
		Costs	Benefits	NPV
Accountability and Scrutiny	Monetised	<ul style="list-style-type: none"> The 2016-17 MoJ budgets for HMIP and the PPO are £3.50m and £5.56m respectively². These proposals largely aim to improve existing arrangements so we do not anticipate an increase in costs beyond current allocated budgets. We will however regularly discuss any resource implications with these bodies as part of sponsorship agreements. 	<ul style="list-style-type: none"> None 	Not quantified
	Non-Monetised	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> A single unified statutory purpose and clearly defined role for the Secretary of State will ensure more coordinated and impactful action from everyone in the prison system. The Secretary of State will be clearly held to account on how well the system is working and empowered to act swiftly where necessary. The new proposed measures bring into scope a wide set of factors to be taken into account when reporting on prisons. This will increase scrutiny and HMIP will be able to 	Positive

² This includes both resource and capital spending.

			<p>provide more robust recommendations to improve performance.</p> <ul style="list-style-type: none"> The statutory basis for the PPO will give greater authority to investigate deaths and complaints. Collectively we expect this stronger scrutiny to raise standards across the estate and make prisons more effective at reforming offenders. 	
Psychoactive Substances	<i>Monetised</i>	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	Not quantified
	<i>Non-Monetised</i>	<ul style="list-style-type: none"> Speeding up the legislative process may lead to additional adjudications which will require time and resource, although we do not expect these to add significant costs. 	<ul style="list-style-type: none"> A shorter legislative route will allow us to save time and resource spent on the related administrative tasks and, when new substances are identified, more appropriate remedial action will be taken more quickly. Being able to respond swiftly to the development of new substances may lead to a deterrent effect that reduces their demand and supply in prisons, which would improve prison safety and assist in rehabilitation. 	Positive
Illegal Mobile Phones	<i>Monetised</i>	<ul style="list-style-type: none"> None arise directly as a result of passing this measure, which provides the power to authorise a public communications provider to interfere with wireless telegraphy directly. However, if a PCP is so authorised, there would likely be costs associated to them carrying out interference. The extent and type of interference would need to be agreed and subject to negotiation and contractual agreement, including cost, in the normal way 	<ul style="list-style-type: none"> None 	Not quantified

	<i>Non-Monetised</i>	<ul style="list-style-type: none"> There may be a greater administrative burden on staff if there is a higher detection of illicit mobile phones as this will correspondingly increase the number of trials to be processed. 	<ul style="list-style-type: none"> The proposed legislative changes will allow us to work more directly in partnership with PCPs, consolidating our strategy so we can be more efficient and more effective at blocking illicit mobile phone usage across the prison estate. A reduction in drug supply in prisons through mobile phones, would contribute to: <ul style="list-style-type: none"> (i) reducing the burden on health and other providers; (ii) reducing rates of violence in prisons associated with drug use; (iii) disrupting criminal activity in the community that is organised through illicit mobile phones in prisons (iv) assisting with prisoner rehabilitation leading to a positive impact on reoffending rates upon release from custody. 	Positive
Net Impact	<i>Monetised</i>	N/A	N/A	Positive

Net Impact: Criminal Court Reform

65. Table 2 summarises the net impact of the preferred options concerning criminal court processes.

Table 2 : Summary of Main Impacts, Best Estimates, Criminal Court Reform

		Costs	Benefits	NPV
Case management & allocation	<i>Monetised</i>	<ul style="list-style-type: none"> There will case triage and additional case committal costs to HMCTS of around £2.8m per annum. There will be technical installation and running costs for the police due to an increase in virtual bail and remand hearings. The average annual cost is expected to be £2.6m. 	<ul style="list-style-type: none"> HMCTS will save £12m per annum from reduced hearing times. MoJ would save £4.6m per annum due to reductions in Prisoner Escort Service journeys from the expected increase in virtual bail and remand hearings. 	£40m

	<i>Non-Monetised</i>	<ul style="list-style-type: none"> ▪ There may be case management costs to HMCTS where an online plea indication is changed from guilty to not guilty. ▪ There may be additional costs to the LAA from providing Duty Solicitors at police stations. ▪ The monetised costs do not include any custody estate modifications that may be required. These could be extensive for some police forces. ▪ Some operational and business change will be required for police due to the use of virtual courts. ▪ The proposals will have process and working culture implications for all parties to proceedings. These are yet to be assessed for their cost or impact on Transforming Summary Justice and Better Case Management. 	<ul style="list-style-type: none"> ▪ Court users and legal professions will benefit from to a reduction in travelling time to court. 	Neutral
Local justice areas and leadership and organisation of magistrates	<i>Monetised</i>	<ul style="list-style-type: none"> ▪ There may be costs to HMCTS from an increased number of appeals against magistrates' decisions if more cases are heard in magistrates' court. 	<ul style="list-style-type: none"> ▪ There may be benefits to HMCTS from the reduced costs of hearing and sentencing defendants referred from the Crown to magistrates' courts. 	£50m
	<i>Non-Monetised</i>	<ul style="list-style-type: none"> ▪ There may be an increase in travel and subsistence costs for magistrates'. ▪ HMCTS may face costs associated with developing new procedures for referring cases from Crown Court to magistrates' and the associated staff training. 	<ul style="list-style-type: none"> ▪ HMCTS will benefit from reduced administrative costs relating to fine enforcement (specifically those relating to Transfer of Fines Orders). ▪ HMCTS will benefit from greater flexibility in where hearings are heard, enabling cases to be allocated in a way that optimises court efficiency. ▪ Magistrates will benefit from exposure to a 	Positive

			<p>broader range of cases.</p> <ul style="list-style-type: none"> ▪ HMCTS, employers and the taxpayer will benefit from a reduced need for jury trials ▪ There will be reduced costs from combining the resources needed for activities such as management, training, recruitment and appraisal. ▪ The magistracy will benefit from a clearer leadership structure 	
Automatic Online Convictions and Standard Penalty	<i>Monetised</i>	<ul style="list-style-type: none"> ▪ The MoJ will see a reduction in income if offenders who would have paid an above average fine under the SJP opt into the automated system and pay a standard average fine 	<ul style="list-style-type: none"> ▪ HMCTS will be benefits from savings from a reduction in magistrates' and court staff workload 	-£1m
	<i>Non-Monetised</i>	<ul style="list-style-type: none"> ▪ HMCTS will face costs from the need to design, produce and maintain software to allow online guilty pleas to be entered. ▪ There would be costs to HMCTS from the need to provide Assisted Digital support to some defendants although these cannot be separated from the wider costs of providing this service to court users. 	<ul style="list-style-type: none"> ▪ HMCTS will benefit from a fall in court demand and better case management. ▪ Magistrates, legal service providers and third sector bodies will benefit from spending less time on simpler cases, freeing up time for more serious ones. ▪ Court users will benefit from the quicker case resolution and from not having to travel to court. ▪ They may find the justice system easier to understand and gain greater certainty as to the outcome of their case. ▪ An automated system may improve engagement amongst defendants directed from the SJP leading to improved rates of fine collection rates and lower 	Positive

			enforcement costs.	
Virtual Hearings & Open Justice	<i>Monetised</i>	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> There will be a saving to HMCTS of £550k per annum from more efficient deployment of Court Ushers 	£3m
	<i>Non-Monetised</i>	<ul style="list-style-type: none"> There will be IT costs to HMCTS for the provision of live video links, telephone and video conferencing and the provision of open justice. There will be process and working culture implications for all parties to proceedings. These are yet to be assessed in terms of cost or for their impact on Transforming Summary Justice and Better Case Management. 	<ul style="list-style-type: none"> There may be an improved experience for those working within the CJS including the police, the CPS, the legal profession and the judiciary due to a reduced need to travel to court, resulting in less disruption and inconvenience. Defendants, victims and witnesses (and in youth cases, parents, guardians or carers) will benefit from not having to travel to court unnecessarily. Scheduling will be made more efficient and effective as listing can be flexible to user needs, and is no longer restricted to court hours or patterns. Court space will be freed up to deal with more complex cases thereby allowing a more efficient restructuring of the court. 	Neutral
Net Impact	<i>Monetised</i>	£5.4m	£17.2m	£92m

Net Impact: Civil and Cross-Jurisdictional Reform

66. Table 3 summarises the net impact of the preferred options concerning cross-jurisdictional court reform.

Table 3 : Summary of Main Impacts, Best Estimates, Civil/Cross-cutting Court Reform				
		Costs	Benefits	NPV
Authorised court and tribunal staff: exercise of functions and	<i>Monetised</i>	<ul style="list-style-type: none"> HMCTS will acquire additional salary costs from introducing or widening of the role of authorised court and tribunal staff in the Crown Court, civil jurisdiction, family jurisdiction and 	<ul style="list-style-type: none"> HMCTS will gain benefits worth £15.4m per annum from introducing or widening of the role of authorised court and tribunal authorised staff in the Crown Court, civil jurisdiction, family 	£62m

provision of legal advice		tribunals of around £7.5m per annum.	<p>jurisdiction and tribunals as they will perform some tasks previously completed by the judiciary, such as case progression work.</p> <ul style="list-style-type: none"> HMCTS will gain benefits worth £1.9m per annum from reforming the justices' clerk role. 	
	<i>Non-Monetised</i>	<ul style="list-style-type: none"> HMCTS will have training and recruitment costs for authorised court and tribunal staff. These may vary by jurisdiction and have not been monetised. 	<ul style="list-style-type: none"> Court and tribunal users will benefit from a more efficient service when case management decisions are resolved outside formal hearings. Authorised court and tribunal staff will be independent of the Lord Chancellor when exercising any judicial functions. 	Positive
Online Procedure and Rule Committee	<i>Monetised</i>	<ul style="list-style-type: none"> The running costs of the Committee are expected to be £10k per annum. 	<ul style="list-style-type: none"> None 	-£70k
	<i>Non-Monetised</i>	<ul style="list-style-type: none"> There will be costs to HMCTS from the process changes facilitated by this legislation relating to an Assisted Digital capability, IT, project management and training. None of these are directly attributable to this legislation. 	<ul style="list-style-type: none"> Court users will find that cases are resolved earlier due to the increased emphasis on mediation and indirectly as a result of the simpler rules, new automated processes and digitalisation. All of this should reduce the costs for both parties. These changes, while not absolutely contingent on this legislation, are likely to be made easier by it. HMCTS will see a reduction in case administration from the digitisation and automation of processes leading to reduced staff costs. These changes, while not absolutely contingent on this legislation, are likely to be made easier by it. There may a modest reduction in the costs of the actual rule making process as it becomes 	Positive

			<p>simpler and more efficient</p> <ul style="list-style-type: none"> More effective use of the judicial workforce through the changes involving digitisation, as they should result in quicker hearings leading to reduced judicial costs. These changes while, not absolutely contingent on this legislation, are likely to be made easier by it. 	
Civil Enforcement (Attachment of Earnings)	<i>Monetised</i>	<ul style="list-style-type: none"> HMCTS will acquire costs due to the administrative time required to make the additional attachment of earnings orders (AEOs) in the High Court, a loss of Writ of Control (WOC) fee income and bailiff costs for new AEOs. Creditors will pay AEO fees for the new AEOs. Employers will bear the cost of processing new AEOs For scenario a) or scenario b) our best estimates of the net costs are around £0.4m to £1.1m per annum. 	<ul style="list-style-type: none"> HMCTS will benefit from reduced WOC administration costs and increased AEO fee income. Creditors will owe less WOC fees & compliance stage fees to bailiffs. Debtors will pay less in WOC fees For scenario a) or scenario b) our best estimates of net benefits are around £0.3m to £0.9m per annum. 	-£0.2 to -£0.7m
	<i>Non-Monetised</i>	<ul style="list-style-type: none"> HMCTS will face additional training and implementation costs associated with AEOs HMCTS may also bear the judicial costs for additional AEO hearings although these are unlikely to be significant. 	<ul style="list-style-type: none"> A fixed deduction scheme will provide a streamlined service to enable debtors to clear their debts more quickly and face a less traumatic experiences if bailiffs take possessions from their homes. Creditors will benefit from knowing their debt should be recovered in full sooner, due to the streamlined service of a fixed deduction scheme. 	Positive
Statements of Truth	<i>Monetised</i>	<ul style="list-style-type: none"> There will be a loss of income to MoJ from those who pay a £25 fee to 	<ul style="list-style-type: none"> HMCTS will benefit by around £0.11m per annum (including 	£10.6m to £30m

		make a traffic related statutory declaration in a magistrates' court. This would result in an annual cost of approximately £28k once optimism bias of 15% has been applied.	<p>optimism bias) from workload reductions in dealing with statutory declaration in the County Court and Magistrates courts resulting in reduced staff salaries.</p> <ul style="list-style-type: none"> ▪ Court users will benefit by between £1.4m and £4.2m per annum (including optimism bias) from a reduction in fees paid when making statutory declarations in a solicitors' office and in the fees paid to HMCTS when making statutory declarations in a Magistrates court. 	
	<i>Non-Monetised</i>	<ul style="list-style-type: none"> ▪ There may be one off costs to HMCTS from setting up systems to deal with new statement of truth forms. 	<ul style="list-style-type: none"> ▪ Court users will benefit from reduced travel costs as there will be less need to visit solicitors' offices or Magistrates courts to make statutory declarations. 	Positive
	<i>Monetised</i>	<ul style="list-style-type: none"> ▪ There will be ongoing costs to MoJ from funding publicly appointed representation of approximately £6m pa 	<ul style="list-style-type: none"> ▪ This reform will create a new revenue stream for court advocacy service providers worth approximately £6m per annum. 	£37m
Vulnerable Witnesses in Family Proceedings	<i>Non-Monetised</i>	<ul style="list-style-type: none"> ▪ Advocates cross-examining vulnerable witnesses may impact on the speed of cases and the use of court resources. We cannot quantify this impact although the potential effects on HMCTS should be noted. ▪ There will be costs associated with the need to establish a process for appointing and supporting advocates in these cases. ▪ There will be implementation costs to the MoJ from reissuing guidance etc. These are expected to be negligible 	<ul style="list-style-type: none"> ▪ The use of trained representatives will reduce distress for witnesses, and improve the quality of evidence. 	Neutral

Net Impact	<i>Monetised</i>	£13.9m - £14.6m	£25.1m - £28.5m	£35.3m - £54.2m
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Net Impact: Judicial Deployment and Career Progression and the JAC

67. Table 4 summarises the net impact of the preferred options concerning judicial deployment and career progression and provision of assistance by the JAC.

Table 4 : Summary of Main Impacts, Best Estimates, Judicial Reform				
		Costs	Benefits	NPV
Leadership Judges	<i>Monetised</i>	<ul style="list-style-type: none"> This will be unknown until the size of pay uplift is defined by the Senior Salaries Review Body (SSRB) in summer 2018 	<ul style="list-style-type: none"> This will be unknown until the size of pay uplift is defined by the SSRB. Our best estimate suggests the net impact will be cost neutral. 	Not quantified at this stage
	<i>Non-Monetised</i>	<ul style="list-style-type: none"> If the uplift is too small, it may dis-incentivise judges from taking on leadership roles 	<ul style="list-style-type: none"> A greater turnover of judges will help improve diversity in leadership positions The measure will clarify the circumstances in which judges should receive an additional allowance for their leadership responsibilities 	Positive
Flexible Deployment	<i>Monetised</i>	<ul style="list-style-type: none"> There may be judicial re-training costs but these are thought to be unlikely 	<ul style="list-style-type: none"> None 	Neutral
	<i>Non-Monetised</i>	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Judges will be able to be deployed more flexibly to deal with existing demand 	Positive
JAC	<i>Monetised</i>	<ul style="list-style-type: none"> Organisations will be charged for using the JAC's expertise with recruitment campaigns and for using their bespoke software. 	<ul style="list-style-type: none"> The JAC will reclaim the costs accrued through the charging model. The JAC will make a surplus from charging organisations outside central Government with a real rate of return, based on the Managing Public Money guidance. 	Not quantified
	<i>Non-Monetised</i>	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Government departments and other organisations will benefit from the JAC's expertise of recruiting appointments with a judicial nature 	Positive

Net Impact	<i>Monetised</i>	N/A	N/A	N/A

G. Assumptions and Risks

68. All of the above estimates are based on assumptions and are therefore subject to an element of risk. The individual IAs for each measure provide further information on these for each specific issue.

69. Many of our proposals rely on positive engagement with key partners across the justice system, wider Government and industry. These include other criminal justice agencies, the judiciary, the legal profession and the third sector. We have engagement strategies in place but, in some areas the MoJ is nevertheless dependent on the co-operation of others.

H. Wider Impacts

70. While the options described in this overarching IA would apply to all, it is important to consider whether they would put those sharing a protected characteristic at a particular disadvantage when compared to those who do not share that characteristic. Such an effect could amount to indirect discrimination.

71. The Equality Statements for each of the measures described in this document consider the wider impact of the proposals in light of the MoJ's duty to pay due regard to the Public Sector Equality Duty. The following paragraphs provide our overall conclusions.

Equalities

72. In line with our Public Sector Equality Duty (PSED) responsibilities under section 149 of the Equality Act 2010, we have paid due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

73. We have discharged our duty through early consideration of the equality impacts of the policy development and final proposals contained in the Prisons and Courts Bill. We have used the best available data and evidence in proportionately undertaking the Equality Statements that accompany the Bill to assess the likely impacts on offenders, staff, the judiciary, and courts and tribunals users with protected characteristics.

74. A list of our Equality Statements can be found with the Bill documents.

75. Our overall assessment of the equalities impacts is as follows.

Direct discrimination

76. We hold the view that none of the Bill measures are likely to be directly discriminatory within the meaning of the Equality Act 2010 as they apply equally to all on offenders, staff, the judiciary, and courts and tribunals users; we do not consider that the proposals would result in people being treated less favourably on account of any protected characteristic.

Indirect discrimination

77. We recognise that some of the proposals may have a disproportionate indirect impact on some groups with protected characteristics (due to existing prison population and court user and judicial demographics). To the extent that this might be considered a particular disadvantage for those impacted (and hence be potentially indirectly discriminatory under the 2010 Act), our overall assessment is that such impacts would be justified as a proportionate means of achieving the legitimate aims of these reforms which are to improve outcomes for prisoners by addressing their needs; reducing the harm caused to victims and communities by reoffending; streamlining efficiency in Courts and Tribunals to maintain and improve access to justice; and increasing judicial diversity, deployment and flexibility.

Discrimination arising from disability and duty to make reasonable adjustments

78. Our proposals recognise that it remains important to continue to make reasonable adjustments for disabled offenders, staff, the judiciary, and courts and tribunals users to make sure appropriate support is given to enable rehabilitation and fair access to justice, as well as support for our staff.

Advancing equality of opportunity

79. We have considered this limb of the duty and our overall assessment is that there will be some measures within the Bill that are likely to advance equality of opportunity. The proposals to make courts and tribunals more efficient through digital accessibility are likely to be of benefit to everyone. For the prison reforms, more specifically, the proposal on community prisons for female offenders sets out how steps will be taken to meet the different needs of female offenders.

Fostering good relations

80. We have considered the implications of the Bill measures on fostering good relations and suggest that many of the proposals aimed at improving the safety and security of our prisons will support this limb of the duty.

Welsh language

81. We have considered the implications for Welsh language in the development of the Bill and published a summary of our proposals on the Government's website.

I. Implementation

82. The IAs for each of the specific options described in this document provide more information about how the preferred options would be implemented.

J. Monitoring & Evaluation

83. The IAs for each of the specific options described in this document provide more information about how the preferred options would be monitored and evaluated.

This publication was archived in June 2017.