

Treasury Minutes on the Forty-third to Forty-fifth Reports from the Committee of Public Accounts 2005-2006

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Presented to Parliament by the Financial Secretary to the Treasury by Command of Her Majesty July 2006 TREASURY MINUTES DATED 21 JULY 2006 ON THE FORTY-THIRD TO FORTY-FIFTH REPORTS FROM THE COMMITTEE OF PUBLIC ACCOUNTS, SESSION 2005-2006

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Forty-third Report

Department for Transport

Delivery chain analysis for bus services in England

The Department for Transport (DfT) has a Public Service Agreement target to increase bus and light rail patronage by 12% between 2000 and 2010, whilst at the same time achieving growth in every English region. On the basis of a report by the Comptroller and Auditor General, *Delivery Chain Analysis for Bus Services in England* (HC 677, Session 2005-06), the Committee examined performance against the PSA target, the measures needed to strengthen the delivery chain and to overcome barriers outside London, and how the Department could better support and incentivise local authorities to stimulate bus usage.

PAC conclusion (i): London has seen bus usage increase by 32% over recent years; but outside London bus usage has fallen by 7%, putting at risk the Department's target for increased bus use in every English region by 2010. Increasing bus usage would help reduce congestion and emissions, but achievement of the target for growth in bus usage in all regions in the period 2008–2011 will require a reversal of the current downward trend. The Department should identify what factors have been critical for success in London, and how far they might be replicated in the other regions to stimulate the desired expansion.

PAC conclusion (ii): The success in London can be attributed to the commitment shown by the Mayor and Transport for London; measures to support growth and investment in bus services while restricting car use; and a straightforward delivery chain achieved through effective regulation. The Mayor is to be congratulated on his success in increasing bus usage in London. Achieving this combination of success factors is more complex outside London, where bus services are largely provided commercially and are unregulated, and hence commitment and action by a wider range of stakeholders are needed to achieve growth.

2. DfT agrees with these conclusions. The Department is pleased to see the significant growth in bus usage in London and endorses the Committee's view that replicating London's success is more difficult outside the capital.

3. London is a capital city with special circumstances. Its transport provision and needs are unique in the UK. Public transport has been organised differently there since the 1930s and has never been deregulated. The structure of local government is also different there, with the Mayor, Greater London Authority and Transport for London (TfL).

4. Analysis suggests that among the factors which have been key to making bus usage in London a success are (in no particular order):

- the significant increase in bus subsidy;
- the significantly improved journey time reliability, bought about by reduced congestion and increased levels of bus priority;

- the huge disincentives to drive into central London created by high traffic levels, the introduction of the congestion charge, the high cost of parking and the scarcity of workplace parking;
- the relative cost of buses versus tube/rail;
- the regulatory regime and the control that TfL are able to exert over fares, ticketing, timetables and quality standards;
- steady economic growth in London which means more people are travelling;
- the relatively low car ownership rate in London (the number of cars per household in London has remained stable at 0.8 between 1995-97 and 2003-04 – it now has the lowest regional figure in Great Britain – with the GB ownership rate being 1.1 in 2003-04. The majority of regions have experienced an increase in car ownership over this period).

5. As explained to the Transport Select Committee on 28 June, DfT is examining the legislative, funding, and practical aspects of bus operation outside London. The aim is to assess whether changes might help to address the decline in patronage. We aim to come to conclusions in the Autumn.

PAC conclusion (iii): Difficult issues influencing bus usage include how subsidies are allocated, the use of concessionary fares funding, and the potential risks to fares competition if one or two operators dominate a local market. Whilst ultimately matters of policy, the Department should review whether changes to the basis and/or balance of funding within subsidy and grant schemes, between operator subsidy and concessionary fares, and between revenue and capital funding schemes, would better deliver the aim of increasing bus usage and reducing congestion and emissions. For example, extension of concessionary fares to children travelling to school in the morning might be shown to reduce school run congestion significantly, and increase bus usage.

6. DfT recognises the argument that competition in local markets can be dominated by a small number of bus companies. Monitoring of competition in the bus industry, as in businesses generally, is primarily a matter for the Office of Fair Trading (OFT). DfT has discussed with OFT how local authorities and bus operators might work together to co-ordinate services without infringing the law on competition.

7. DfT is keen to have a better overall picture of what is being delivered through bus subsidy and is considering all transport spending as part of the Comprehensive Spending Review 2007. This will include a review of what is spent on bus subsidy, what is being delivered from this subsidy and whether there are more efficient ways of achieving outcomes.

8. As acknowledged by the Committee, decisions on whether to extend concessionary fares arrangements are essentially matters of policy. The Government has no plans to make concessionary travel an entitlement for young people. Local Authorities can use their discretionary powers to create concessionary travel schemes for schoolchildren and young people up to the age of 18 (that power applies to all journeys by young people, not just to and from school

or college). Local authorities are best placed to know what local needs and circumstances are and have knowledge of what discounts operators offer at their commercial discretion. A survey of authorities in June 1999 showed that roughly 40% of local authorities in England and Wales had some form of concessionary travel scheme for children. Potentially, requiring local authorities to offer concessionary travel to young people (i.e. a duty to provide a half-fare statutory minimum requirement, as for older people) would be likely to transfer substantial costs to the taxpayer as bus operators would withdraw their commercial discounts.

9. DfT has previously estimated that it would cost in the order of £180m per year to extend half fare concessions to all 16-19 year olds, part of which, at present, is borne commercially by transport operators. It would cost considerably more to extend concessionary travel to all young people (i.e. 6-19 year olds) – perhaps as much as £500m per year just for a half fare scheme (especially if the concession was available in the morning peak, which would also put additional pressure on peak time bus services).

PAC conclusion (iv): The Department has limited levers to influence bus use directly, being reliant on the actions and commitment of local authorities, which in turn determine priorities for increasing bus usage and restraint of car use. The Department should therefore agree challenging targets for bus growth with the largest local authorities, and those with the greatest congestion problems, which will establish authorities' individual contributions to delivery of the national target. The Department should disseminate successful local initiatives more widely, challenging local authorities with low bus growth rates to learn from those with thriving local services.

10. The Department agrees with the Committee's conclusion that it has limited levers to influence the bus network outside London, relying primarily on local authorities and operators to work together to deliver bus services. However, the Department has reorganised and refocused to engage with local authorities more effectively. DfT officials have worked closely with authorities in developing their second Local Transport Plans (LTPs), which were submitted at the end of March 2006 (complete with bus strategies and bus patronage targets). DfT has encouraged authorities to set stretching (but realistic) bus patronage targets and officials will continue to work with the key local authorities to monitor delivery against their targets and help authorities learn from their own and others' experience so that performance and delivery can continue to improve. Authorities setting stretch targets in their LTP will be rewarded with extra funding through LTP funding arrangements. During the LTP period (2006-07 to 2010-11) DfT will assess the performance of authorities in delivering these targets and will reward them appropriately.

11. The Department is developing an urban congestion PSA target: "By 2010-11, the ten largest urban areas will meet the congestion targets set in their Local Transport Plan relating to movement on main roads into city centres". There will be local targets for the ten largest urban areas (London, Greater Manchester, Merseyside, South Yorkshire, West Yorkshire, Tyne and Wear, West Midlands, Bristol, Leicester and Nottingham). These targets will be based on journey times experienced by people rather than vehicles, because of the importance of buses in urban areas. Most local authorities included strategies for tackling congestion in their LTPs, including setting out an approach for how the authority would manage their road networks to secure the expeditious movement of traffic (including buses) under the Traffic Management Act 2004.

12. The Department expects the Transport Innovation Fund (TIF) will help to deliver increases in public transport usage in key urban areas (see response to conclusion ix below).

13. There have been a number of examples of dissemination of bus best practice. For example, through the LTP Centres of Excellence programme and the 2003-04 Beacon Councils scheme which had a local transport theme.

14. The Bus Partnership Forum has helped prepare a resource pack on bus priority schemes which was distributed to all local highway authorities. It has also published codes of practice on service stability and model multi-operator ticketing schemes. Partly in response to the Committee's findings, the Forum will be carrying out an audit of the extent to which the Forum's initiatives have influenced improved performance.

PAC conclusion (v): The Transport Act 2000 provides for local authorities to apply to the Secretary of State to remove an operator's right to run commercial services, but only where this approach would be their only practicable means of delivering their Local Transport Plan, and no local authority has yet made such an application. The Department should review whether the legislative barrier has been set too high and works against the public interest aims of improving the extent and quality of bus services, and reducing road congestion and emissions. It should also obtain and make available to local authorities legal advice on the interaction of the Transport Act 2000 provisions with the Human Rights Act 1998 which the Department believes would protect an operator's right to run services.

15. DfT accepts the need to review the framework for bus policy and, as we explained to the Transport Select Committee on 28 June, will be examining such issues with a view to come to conclusions by the Autumn. DfT notes that no local authority has so far submitted a quality contract scheme for approval. We are aware that all six English Passenger Transport Executives (PTEs) are currently preparing schemes, that the process takes time, and that all local transport authorities needed in 2005-06 to give priority to completing their Local Transport Plans and bus strategies for the period 2006-11. The "only practicable way" criterion in the legislation means that quality contracts schemes should not be the first option for any local authority and evidence that other options should be tried out first (though not necessarily exhaustively) will help support the case for approving a scheme.

16. It is not, and has never been, the practice for Central Government to share legal advice it obtains with local authorities or other third parties. It is open to local authorities to obtain their own legal advice on these matters. This is, moreover, a developing area of law, and any advice is likely to become out of date as further cases are decided, which may arise in any of the countries signatory to the European Convention on Human Rights.

PAC conclusion (vi): The Department does not obtain data necessary to measure the contribution which bus services make to reducing congestion and emissions, and increasing accessibility, nor does it monitor the operation of the bus services market and the extent to which monopolies may exist and be affecting fare levels and passenger demand. Without such data, it is difficult to see how the Department can determine whether its current range of measures is delivering the policy outcomes required. 17. DfT has a new congestion target for the ten largest urban areas. This is based on the average person journey time, rather than average vehicle journey time. It is built up from journey times for buses and cars, weighted by the total occupancy. Therefore it will be possible to break down the overall target into figures for buses and cars separately, and therefore see how modal shift has contributed towards tackling congestion.

18. UK greenhouse gas and pollutant emissions estimates are updated annually as part of the National Atmospheric Emissions Inventory produced by the National Environmental Technology Centre (Netcen), under contract from Defra. Emissions of carbon dioxide, sulphur dioxide and black smoke from road transport are calculated from the consumption of petrol and diesel fuels and the sulphur content of the fuels consumed. To calculate emissions from different modes of road transport Netcen use DfT traffic statistics and Defra emissions factors.

19. Emissions of the pollutants NMVOCs, NO_x , CO, CH_4 and N_2O from road transport are calculated from measured emission factors expressed in grammes per kilometre and road traffic statistics from Defra. The emission factors are based on experimental measurements of emissions from in-service vehicles of different types driven under test cycles with different average speeds.

20. Statistics on carbon dioxide and pollutant emissions from buses are available in tables 3.8 and 3.9 respectively of the DfT publication *Transport Statistics Great Britain* 2005¹.

21. The Department together with the Central Local Working Group on Accessibility Planning has developed six core access to services indicators. These are based on total journey time (walking, cycling, public transport) to a set of key destinations (schools, further education colleges, GPs, hospitals, jobs and supermarkets). An experimental set for 2004 has been calculated centrally using consistent data sets and a consistent methodology, and the results have been published. The calculations will be repeated for 2005, using higher quality data where available. Journey time is not the only determinant of accessibility, and the importance of the various influences on accessibility (e.g. cost, reliability, safety) varies from area to area and group to group. Therefore establishing a single accessibility measure was felt to be appropriate. To improve the existing knowledge base, the Department proposes to undertake research to measure the benefits of bus interventions in reducing social exclusion.

22. As mentioned above, the prime responsibility for monitoring the bus market for evidence of uncompetitive practices such as monopoly pricing rests with the Office of Fair Trading and the Competition Commission. There is considerable variation in the profit margins of bus companies, and recent fare increases are due, by and large, to rising costs of labour, fuel and insurance.

PAC conclusion (vii): The Department provided no evidence on whether voluntary codes of practice had led to improvements in the quality of local bus services, and information on commercial operators' performance is not available routinely to the Traffic Commissioners or the public outside London. The Department should encourage local authorities to set targets and monitor a range of quality of service measures, and agree with operators that performance data should be made available to the Traffic Commissioners and the public.

¹http://www.dft.gov.uk/stellent/groups/dft_transstats/documents/page/dft_transstats_041485.hcsp

23. DfT publishes quarterly data on bus reliability (i.e. proportion of registered mileage actually run) and bus satisfaction, disaggregated to regional and PTE level. This is available in print and on the internet². The Department has also recently issued, for the first time, statistics on the punctuality of bus services³.

24. DfT accepts the value of publishing performance data but notes that the publication of data by specific operators involves practical difficulties. There are issues regarding the publishing or sharing of data that relates to individual operators or to such local areas that one could reasonably draw conclusions about an individual operator from the data. This is because of the conditions imposed on government by the Statistics of Trade Act 1947 under which bus operators are required to provide the data.

25. DfT actively encourages bus operators to share punctuality data they collect with the relevant local authority in order to help identify causes of unpunctuality and remedial measures. In particular they are encouraged to enter into Punctuality Improvement Partnerships on a model recommended by the Bus Partnership Forum. Traffic Commissioners have said that they will take evidence of such cooperation into account in deciding what action to take against operators who fail to meet punctuality standards.

26. As highlighted above, the Bus Partnership Forum has agreed to establish a task group to review the extent to which its codes of practice have been implemented and how effective they are in delivering better buses.

Local authorities are required to set in their LTPs targets on bus patronage, bus punctuality and bus satisfaction, and to report on progress against those targets. They can also add locally derived bus targets.

27. Local Transport Authorities were required to set a locally appropriate accessibility indicator and target as part of their recently submitted Local Transport Plans (LTPs). These are currently being reviewed by the Department as part of the wider LTP assessment.

28. As well as the reliability target, DfT has also agreed with the industry a number of targets – for 50% of buses to have low floor access, for the average age of the bus fleet to be under 8 years of age, and for year-on-year improvement in bus stop information as measured by the passenger satisfaction survey. The first is measured by responses of operators to our annual Public Service Vehicle (PSV) survey. The figure for 2004-05 was 46% and the 2005-06 estimate will be published on 7 September. DfT publishes statistics on the age of bus fleets – these show that the age of buses was 7.8 in 2005. The target on bus stop information is also being met, and was at 66% in 2005-06 (from 61% in 2000-01).

PAC conclusion (viii): There is scope to reduce the cost of providing and using local bus services, for example by improving procurement processes, letting longer contracts, and tendering for supported services across an area rather than for individual or small packages of routes. The administrative costs of concessionary fare schemes could also be reduced if there was greater standardisation and simplification, reducing the need for extensive negotiations within each area, and making it easier for passengers to travel across local authority boundaries. The Department should agree action plans with local authorities and other stakeholders.

²http://www.dft.gov.uk/stellent/groups/dft_transstats/documents/divisionhomepage/610898.hcsp ³http://www.dft.gov.uk/stellent/groups/dft_control/documents/contentservertemplate/dft_index.hcst?n= 16656&l=3

29. In the 2006 Budget it was announced that a national concessionary travel scheme would be introduced in April 2008. DfT is currently working up options for introducing this scheme and will take note of the Committee's findings in developing options.

30. The Good Practice Guide on contracting for bus services which the Department published in February 2005 provides advice for authorities on considering strategic issues, including the gathering of a number of service proposals into a larger contract package.

31. DfT is looking at issues such as bus service procurement as part its work on the local authority contribution towards the Gershon efficiency programme. DfT is working with the North West Centre of Excellence and stakeholders on a number of projects that should deliver local authority transport efficiencies. These include revising the DfT bus tendering guide, examining the opportunities for authorities to develop an integrated approach to the planning and delivery of local bus, education and social services transport, and options for inter-authority co-operation on tendering.

32. The Department has encouraged authorities to work jointly with their neighbouring authorities in its guidance on LTPs and it is one of the issues taken into account in the Departmental assessments of the quality of the plans.

PAC conclusion (ix): The Transport Innovation Fund, providing funding for new schemes from 2008-09 with a budget of £290 million rising to £2.5 billion in 2014-15, may offer an opportunity to increase the use of public transport. To achieve success, the Department will need to link the funding for schemes to the achievement of specific measurable outcomes which contribute to the Department's objectives for reducing congestion and emissions, and increasing accessibility. More active interest and leadership by the Department might stimulate greater innovation.

33. The White Paper, *The Future of Transport* (CM 6234)⁴, said that while most areas would be best served by continuing with the current partnership arrangements between authorities and bus operators, we wanted some local authorities to consider more radical options such as determining routes, fares, quality standards and frequency of services in specified circumstances as part of an integrated transport plan. DfT would support authorities that wanted to improve bus services alongside measures such as road pricing. TIF could be used to support towns and cities that wish to implement a combined package of bus enhancement measures, perhaps through a Quality Contract, and measures to reduce congestion, such as road pricing.

34. DfT has said that it will look to pilot a road pricing scheme in around 4 to 5 years and that we are prepared to use the TIF to support this. The market for future public transport services might be expected to be enhanced by such schemes. Its introduction should reduce revenue risk for scheme promoters, by increasing the overall cost of at least some car-based alternative trips, and potentially provide an additional revenue stream to support or pump-prime improved bus services.

⁴ http://www.dft.gov.uk/stellent/groups/dft_about/documents/divisionhomepage/031259.hcsp

35. From the TIF, the Department is making available up to £200m per year to support such congestion TIF schemes, more if suitable schemes emerge. Already seven areas have been awarded pump-priming funding to develop proposals for congestion TIF and local authorities have been invited to bid for further funding by 31 July. Through the Road Pricing Local Liaison Group the department is working with authorities at the forefront of thinking on road pricing to take road pricing off the drawing board and make it work in real places, in a way that brings real benefits to road users.

36. Funding for congestion TIF schemes will be based on business cases from local authorities which will set out the objectives that their schemes are intended to deliver. However given that we expect that it will take 4 to 5 years for a road pricing pilot to become operational this element of the TIF is unlikely to have a major impact on the delivery of the PSA target. The full impact of the TIF will only be felt beyond this period.

37. DfT is also considering enhanced bus partnership arrangements that could be used, for example, to support road pricing implementation.

Forty-fourth Report

Home Office

National Offender Management Service: Dealing with increased numbers in custody

The National Offender Management Service (NOMS) is responsible for, among other things, accommodating and caring for prisoners. It was formed to bring together the work of the Prison Service and the Probation Service to create a seamless offender management from arrest through to resettlement. On the basis of a report by the Comptroller and Auditor General, *Dealing with increased numbers in custody* (HC 458, Session 2005-06) the Committee took evidence from the Home Office, the Prison Service and NOMS on the challenge of, and actions taken to accommodate record numbers of prisoners and the impact on education and other training for prisoners.

PAC Conclusion (i): The Prison Service accommodated a rise of some 17% in the prison population between 2002 and 2004 without significant prisoner unrest, reflecting the professionalism of those working in the Service. Rising prisoner numbers are nevertheless a major operational challenge for the National Offender Management Service (the Service).

2. The Home Office is pleased to note that the report recognises the excellent work done by prison staff in dealing with a significant rise in the number of offenders in the last few years.

3. NOMS has a responsibility to manage the prison population within agreed operating capacities at each establishment. The impact of population pressures – including overcrowding of prisoners – is kept under careful review.

PAC Conclusion (ii): Predicting future prisoner numbers is difficult because factors such as the level of crime, securing of convictions and court sentencing practice are outside the Prison Service's control. Flexibility in accommodation plans is therefore critical to absorbing successfully new prisoners arriving from the courts, and the Prison Service should put in place contingency plans which respond to the range of outcomes from its ten forecast scenarios, only two of which suggest the prison population will remain below 80,000.

4. Prison capacity has increased by around 4,000 in the last two years. This includes building additional places at existing prisons and the return to use of accommodation, as well as the construction of two new prisons (HMP Bronzefield which opened in 2004 and HMP Peterborough which opened in 2005). The current building programme will deliver around 900 new places in 2007.

5. The prison population, which fluctuates on a daily basis, is constantly monitored and options for providing further increases in custody are actively investigated. We also seek to make maximum use of all available space within the prison estate to ensure full and complete use of any spare capacity.

6. We have developed long-term strategic plans which provide a range of scenarios. We also have contingency plans which describe a range of options to deal with short term population pressures providing additional capacity. Revised prison population projections are to be published on 27 July 2006.

PAC Conclusion (iii): Of approximately 77,000 prisoners at September 2005, just over 10,000 were foreign nationals. The Home Office has failed to consider deportation of these foreign national prisoners prior to their release from prison. As a result, 1,019 of such prisoners have been released without being considered for deportation. The Government now proposes to strengthen the legal regime for such deportations. If there is to be any lasting improvement, however, the Home Office will need to maintain accurate records of foreign prisoners throughout their sentences, and establish effective communication between its Immigration and Nationality Directorate and HM Prison Service on each individual prisoner.

7. The Home Office accepts that failures have occurred in the consideration of foreign prisoners for deportation and agrees that accurate recording of identity and nationality is key. The Home Secretary has already made a commitment to tackling problems in the processes for referring and deporting foreign national prisoners in his Written Ministerial Statement of 23 May where he outlined priority areas that would form the basis of a long-term agenda for change. These include:

- a unique personal number for individuals who come into contact with the criminal justice, immigration and asylum systems;
- consideration of a legal requirement for individuals in contact with the criminal justice system to declare their nationality and sanctions if they refuse to co-operate or declare a false nationality;
- a system to ensure that all future instructions on cases that should be referred to the Home Office's Immigration and Nationality Directorate (IND) are given to all agencies of the criminal justice, asylum and immigration systems are consistent and fully implemented.

8. The Prison Service Order 4630, Immigration and Foreign Nationals in Prison has been redrafted¹ and will strengthen reporting requirements by Prisons to the Immigration Service and in the interim. Prisons have been reminded of the requirement to inform the Immigration Service of all prisoners who declare themselves to be a foreign national or of dual nationality, and in addition all prisoners about whose nationality there is any doubt.

9. Prisons have also been instructed to introduce additional contact with the Criminal Casework Team (CCT) in the Immigration Service at 20 weeks (replacing contact at 8 weeks), 14 days and 24 hours prior to the release date should CCT have not reached a decision.

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

¹ http://pso.hmprisonservice.gov.uk/PSO_4630_immigration_and_foreign_nationals.doc

10. The Government has already taken action to ensure that courts are aware of the availability of electronic monitoring (tagging) for adults on bail. Courts were made aware of the greater availability of tagging in September 2005 and invited to use it as an alternative to remand in custody in appropriate cases. The use of tagging by courts has increased since September 2005 and by the end of May 2006 more than 2,300 adults had been tagged on bail. The number of newly tagged offenders is running at around 100 a week and the end-month caseload increased from 165 on 30 September 2005 to 732 on 30 June 2006.

11. Bail information schemes are being improved. These provide courts with factual and verified information relevant to the decision on bail or remand in custody. Better information for courts and better targeting can result in bail being granted in more of the cases where bail is appropriate.

12. However, while the prison population can be reduced by encouraging alternatives to remand, bail is not always appropriate for all of those who, when subsequently convicted, do not receive a custodial sentence.

13. Bail is rightly refused if the court considers that if released on bail the defendant would fail to return to court, commit an offence, or interfere with witnesses or otherwise obstruct the course of justice, or if the offence is indictable and appears to have been committed while the defendant was on bail for another offence. These considerations may weigh against bail even if the defendant is facing prosecution for an offence which is not imprisonable. Nor could sentencing outcomes reliably be predicted at the stage that bail is considered. For these reasons it would not be possible to achieve a 30% reduction.

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

14. The Home Office accepts this conclusion. Overcrowding alone does not explain why there are self-inflicted deaths in prisons. Most importantly, a high proportion of prisoners arrive in prison with known risk factors that increase the risk of them harming themselves.

15. The new assessment and care-planning process for prisoners identified as atrisk of suicide or self-harm, known as ACCT (Assessment, Care in Custody & Teamwork), aims to improve the quality of care by introducing flexible care-planning that is prisoner-centred, supported by improved staff training in assessing and understanding at-risk prisoners.

16. ACCT is now live in over 80 establishments, and will be in place in all prisons across the estate by 31 March 2007. ACCT was piloted at five establishments during 2004 and subject to evaluation by a team from the University's of Manchester and Kings College, London. NOMS is monitoring the impact of the introduction of ACCT and will be reviewing progress later in 2006.

17. Already there are early signs of improvements in prisons that are early implementers of ACCT: since April 2005 there has been an 18% drop (as at 4 June 2006) in the rolling 3 year numbers of annual self-inflicted deaths in the first 30 establishments to adopt the new system.

18. In addition, the Department of Health (DH) has commissioned Professor Charles Brooker, Professor of Mental Health and Criminal Justice at the University of Lincoln to conduct an evaluation of the first few years of the mental health inreach into prisons initiative. This evaluation is expected to be published shortly.

19. Overcrowding and the consequent need to move prisoners around may have an effect on prisoners' health and well being. However, DH is in the process of reforming prison healthcare services. It has increased investment in healthcare in the public prisons by £40m a year, a rise of over one third since 2002-03, and have transferred the responsibility for commissioning services from the Prison Service to National Health Service primary care trusts.

20. DH has made nearly £20m available for mental health in-reach services in 2005-06 and will match this sum in 2006-07. Currently there are 102 mental health in-reach teams, which are effectively community mental health teams, working in our prisons. This year all prisons will have access to these services, for which 360 extra staff have been recruited.

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

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

PAC Conclusion (viii): Modular temporary units are expected to last for only five years and will soon begin to reach the end of their life. The Service should draw up plans to replace them which allow sufficient time to provide contractors with adequate tender information; proper evaluation of potential contractors' ability to provide the full range of work needed and identification of other sources of expertise where necessary; early appointment of project managers; and pilot testing of new accommodation before roll-out. 21. The Home Office accepts this conclusion. The building of Modular Temporary Units (MTUs) in 2002 was considered the most suitable option to meet the need for accommodation for arising population and value for money in the short term.

22. All normal prison accommodation (i.e. houseblocks) uses well proven robust building techniques and should not require pilot testing. As a general rule, innovative building techniques such as those used for emergency accommodation also generally undergo validation testing. NOMS accepts that, generally, contingency accommodation options should be tested before use, but it would depend on how quickly it was needed to be brought into use.

23. There are no plans to build similar types of MTUs and those currently in use will be replaced in due course. At present, future building plans are for all new accommodation to be houseblocks. If emergency accommodation was required, we would look to build brick clad Ready Build units.

24. There were a number of lessons learned from this project:

- NOMS is now in partnership with 8 new build contractors for new prison buildings to ensure that they have suitable products, capacity and capability to quickly meet urgent prisoner accommodation needs both with regard to quality of construction and timescale of delivery;
- NOMS are forward planning accommodation to meet anticipated population needs and planning that adequate time for a programme so that all due consideration can be given to programme risk (e.g. site conditions);
- NOMS are employing suppliers experienced in managing construction projects on site. As a result of our partnership with suppliers/contractors, we now have the appropriate range of experience/skills to:
 - ensure that product brief/specification is fully developed before construction begins to avoid variations and extensions to programmes;
 - to have a strategic reserve of suitable sites for new accommodation and develop a programme strategy for each site.

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

25. The Home Office accepts this conclusion. A centralised security vetting procedure is being developed and will be implemented by the Prison Service on a rolling programme which will commence by October 2007. As an interim solution, instructions have been issued to prison establishments to exchange and share information on the security status of contractors working in prisons to ensure that unnecessary re-vetting does not occur.

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

26. The Home Office accepts this conclusion. Where possible, the Prison Service should avoid moving those prisoners who are actively engaged in learning.

27. Existing guidance already requires prison governors to consider regime and family contact issues before moving prisoners. This requires governors, whenever possible, to avoid moving prisoners if it disrupts their participation in an educational course or treatment programme or their consideration for parole.

28. NOMS and the Department for Education and Skills (DfES) are considering the recommendation that modular courses be developed as part of the response to the consultation on the measures set out in the Green Paper *Reducing Re-Offending Through Skills and Employment*². That response will be published in the autumn. Forthcoming changes to the way learning and skills for offenders are delivered already go some way to meeting this recommendation. Those new delivery arrangements will be introduced across England by the Learning and Skills Council on 31 July 2006.

29. Although prisoner movement may disrupt the education and training, it is a fundamental aim of the *Offender's Learning Journey*³ – the document outlining the new Offenders Learning and Skills Service – that offenders are able to make seamless transitions between custodial settings and into the community without disruption to their learning.

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

30. The Home Office accepts this conclusion. A prisoner's learning records should move with them on transfer.

31. Pending introduction of electronic records transfer – expected to be in operation on a limited, trial basis before the end of 2006 – the National Offender Management Service and the Learning and Skills Council are developing enhanced arrangements for administrative data transfer that will be based on a standard Individual Learning Plan (ILP). The ILP will be in an electronic format that can be moved quickly and easily between prisons and the education providers when prisoners transfer. That is expected to be in place from 31 July 2006 when the new learning and skills delivery arrangements are implemented across England.

² http://www.official-documents.co.uk/document/cm67/6702/6702.pdf

³ http://www.dfes.gov.uk/offenderlearning/uploads/documents/adult_OLJ_V0.5a.doc

PAC Conclusion (xii): Prisoners on short term sentences often receive little or no educational training even though such training would assist the offender in gaining employment on release, and hence reduce the likelihood of re-offending. The formation of the National Offender Management Service provides an opportunity to develop short courses targeted at such prisoners, linked to training available in the community, access to which could be facilitated by the Service when the offender leaves prison.

32. The Home Office accepts this conclusion in principle. NOMS and DfES are considering the issue of short, targeted courses as part of the response to the consultation on the Green Paper *Reducing Re-Offending Through Skills and Employment*. NOMS and DfES have already made significant steps towards addressing this recommendation through the new learning and skills delivery arrangements and the forthcoming introduction of the Framework for Achievement.

Forty-fifth Report

Department for Education and Skills

Employers' perspectives on improving skills for employment

A strong skills base is an important element in a productive and sustainable economy and the delivery of better public services. Skills also contribute to social inclusion, because better skilled people are generally more able to fulfil their potential, earn more and use their skills for the benefit of their families and communities. The Learning and Skills Council's (LSC) National Employer Skills Survey has, however, identified skills gaps in England costing an estimated £10bn a year in lost revenue. Skills training is required both to fill skills gaps and to keep up with the standards in skills that our international competitors achieve.

2. The Comptroller and Auditor General's Report, *Employers' perspectives on improving skills for employment* (HC 461, Session 2005-06), drew directly on employers' views on how they obtain advice on which training to use; what training best meets business needs; how they can be encouraged to support employees in training; and how employers want to influence the development of training. The Committee examined the Department and the LSC on the issues raised in the Comptroller and Auditor General's Report.

PAC conclusion (i): Some 16% of employers in England report skills gaps and 4% report skill shortage vacancies. Sector Skills Agreements, by which employers and Sector Skills Councils identify and tackle skills shortages, should be supported by action to provide more good quality training in key areas of skill shortage such as communication, customer handling, and technical and practical skills.

3. The Department for Education and Skills (the Department) agrees with this recommendation. Sector Skills Agreements (SSAs) present a genuine opportunity for employers' to shape training provision and progression routes which are relevant to industry needs. They also provide a framework for securing vital employer collaboration in delivering high quality and relevant learning. Each SSA is specific to the needs of its own sector and cross cutting areas like leadership and management, customer handling and communication issues are also addressed. The implementation of SSAs are at an early stage, only four SSAs have been agreed with a further 21 currently in development. However, SSAs are already influencing regional priorities and training and purchasing behaviour at a local level.

PAC conclusion (ii): More than a third of employers have not trained their staff in the past year. Employers are much more likely to engage in training if it improves productivity and is provided at times and at places that suit working patterns, such as around shifts or on site. Employers would also welcome more opportunities for electronic learning and assessment.

4. The Department and the LSC agree with this conclusion. Through the new Train to Gain service, Skills Brokers will identify and source the relevant training and learning packages for employers which will suit their business needs and the working patterns of their staff. The delivery of e-learning has an important role in providing flexible solutions to employer skills needs. The Department agrees that Train to Gain brokers should work closely with, for example, Ufl and learndirect providers to ensure that employers are aware of the wide range of flexible opportunities available through e-learning, and to illustrate that course content is tailored to the needs of small and medium sized businesses.

5. As part of its Post 16 e-learning programme, the Department is working closely (via the LSC) with the Skills for Business Network, the Trade Union Congress and both the Association of Colleges and the Association of Learning Providers to help provide employers, training providers and individuals with expert advice and assistance. It will identify how appropriate and effective use of e-learning and Information and Communication Technology (ICT) can help improve business performance, learning delivery and support personal achievement

PAC conclusion (iii): Some 27% of employers do not provide external training because they consider the training available does not meet their needs. Ofsted found that in 50% of further education colleges, shortages of specialist staff limited their responsiveness to employers. Local Learning and Skills Councils should encourage colleges to collaborate with other colleges and training providers to bring together the specialist skills required to meet employers' needs, for example by developing capacity through Centres of Vocational Excellence and reaching small employers through larger employers' supply chains.

6. The Department and the LSC agrees with this recommendation. In the Government's White Paper *Further Education: Raising Skills, Improving Life Chances*, Cm 6768, March 2006¹, proposals have been made to encourage collaborative partnerships involving employers, schools, colleges and other providers. The Department will build on and strengthen the Centres of Vocational Excellence (CoVEs) programme by a greater focus on specialisation, improvement and quality across the whole of the provider's organisation, making excellence and responsiveness in working with employers a key requirement of the new CoVE standard.

7. Employer responsiveness is a key measure of the LSC's Framework for Excellence which enables the LSC to use clearer performance information in planning and funding provision to develop providers' capacity and capability to respond to employers needs. Through a greater degree of specialisation and employer engagement, colleges, CoVEs and the new National Skills Academies (NSAs) will deliver excellent provision to drive up productivity and increase competitiveness.

8. As they develop, sector specific NSAs will lead specialist networks making sure that their linked providers respond to the needs of both large and small employers, for example by improving the skill levels of training personnel and by increasing the number of specialist subject trainers within industry to bring about the change and responsiveness needed.

¹ http://www.official-documents.co.uk/document/cm67/6768/6768.pdf

PAC conclusion (iv): As recently as 2003 nearly 60% and 80% of 16-19 year olds respectively had literacy and numeracy skills below level 2. Public money intended for employment related skills training should not have to be used to equip people with basic literacy and numeracy skills that they should acquire at school. Schools should work with further education colleges to make learning more attractive to hard to engage teenagers, for example by combining practical vocational and life skills with literacy and numeracy qualifications that will help them gain employment.

9. The Department does not accept this recommendation in its entirety. Whilst it is true that young people should leave school with good basic literacy and numeracy skills, there will always be some who, for whatever reason, (e.g. personal, social, cultural, a learning difficulty or interruption), will not reach the required standard by the end of their compulsory education. It is therefore right that Government funded basic skills learning is available to learners after the age of sixteen. Current demographics mean that over 70% of the 2020 workforce have already completed compulsory education and are currently in employment, so there is an urgent need to improve the basic skills of adults in the working age population.

10. The Department's view is that sound literacy and numeracy skills (and a full qualification at level 2) represent the minimum platform of employability skills needed in a modern economy. Evidence shows that employees without this basic platform are much less likely to be offered training by their employer, possibly because employers may not see the economic benefit to training at this level. Nevertheless this remains a necessary foundation for development of the higher level skills that employers need. The Government is therefore correct to be investing in and taking the lead on this important issue.

11. The Department is pursuing a range of activities to support making learning more attractive. The Government's two White Papers *Skills: Getting on in business, getting on at work*, Cm 6476, February 2005² and *Further Education: Raising Skills, Improving Life Chances*, Cm 6768, March 2006, and the *14-19 Education and Skills Implementation Plan*, December 2005³, set out the Department's aim to develop an education system where all young people have opportunities to learn in ways that motivate and stretch them; a system where, through their own hard work and that of their teachers and tutors, young people are able to qualify themselves for success in life. We agree that schools and further education providers can and should work together to make learning more attractive to young people and our reforms are addressing this. The Department recognises that embedding Skills for Life learning into vocational subjects (such as social care or construction) is a particularly effective and engaging way of enabling young people to acquire the basic literacy and numeracy skills they need for life and work. This strategy is already being pursued.

12. The introduction of specialised Diplomas in 14 broad sector areas will provide an opportunity for young people to acquire skills that have real currency in the labour market. They will also provide more opportunities for practical and applied learning within in a different, more adult environment – with the potential for significant experience in the workplace. Underpinning the development of qualifications will be a strong focus on the basics – all young people will need to achieve functional skills in English, maths and ICT. The first five specialised Diplomas will be ready for teaching in September 2008. Teaching of Functional skills in English and ICT will start from September 2009 and maths in September 2010.

² http://www.dfes.gov.uk/skillsstrategy/uploads/documents/SkillsPart1.pdf http://www.dfes.gov.uk/publications/skillsgettingon/docs/SkillsPart2.pdf http://www.dfes.gov.uk/publications/skillsgettingon/docs/SkillsPart3.pdf

³ http://www.dfes.gov.uk/publications/14-19implementationplan/docs/14-19%20Implementation.pdf

13. From 2009 (for English / literacy) and from 2010 (for maths / numeracy) functional skills will be present within those subjects at GCSE level, meaning that students will not be able to pass GCSEs at grade $A^* - C$ without mastering the functional element in that subject. This will ensure that more young people leave the school system with good levels of literacy and numeracy skills.

14. The Key Stage 4 Engagement Programme is specifically aimed at helping those who are not achieving their potential because they feel the mainstream curriculum is unappealing and irrelevant to them. It will help motivate and re-engage these young people into learning, using a work-focus to help demonstrate the importance of their learning and to develop basic skills such as literacy and numeracy, and personal and social skills such as teamwork.

PAC conclusion (v): Some further education colleges have closed courses for people with learning difficulties and disabilities, which can be relatively expensive to run. Local Learning and Skills Councils should secure training for people with learning difficulties and disabilities in their area by identifying good quality providers and helping them to improve the viability and sustainability of their courses by sharing costs and pooling resources.

15. The Department and the LSC accept this recommendation. It is clear that continuing investment in provision for people with learning difficulties and disabilities remains a priority. This was confirmed in the 2006-07 Grant Letter to the LSC and built upon by the LSC in their Annual Statement of Priorities. The LSC has a specific responsibility under the Learning and Skills Act 2000 to help young people and adults with learning difficulties and/or disabilities. The LSC recognise the duties they have in this area and take their responsibilities for these learners seriously.

16. In 2004-05 the LSC funded more than 640,000 learners with learning difficulties and/or disabilities which accounted for nearly £1.5bn. LSC funded provision supports learners with learning difficulties and/or disabilities across the post 16 sector including further education colleges, specialist colleges, work based learning (WBL), school sixth forms and personal development and community learning (PCDL).

17. The LSC has completed a strategic review of their funding and planning of post-16 provision for learners with learning difficulties and/or disabilities entitled *Through Inclusion to Excellence, November 2005*⁴. The key recommendation is that the LSC should develop a national strategy for regional and local delivery, through collaboration with partners, to provide provision that is high quality, learner-centred and cost-effective. The Government has welcomed the review and set out plans in the March White Paper *Further Education: Raising Skills, Improving Life Chances* to improve the support for these learners, which includes working with partners to implement the recommendations of the strategic review.

PAC conclusion (vi): One fifth of employers find it difficult to obtain advice on the best skills training for their staff. The Learning and Skills Council should co-ordinate the efforts of different public sector organisations to increase awareness among employers of how and where to get advice, and consult employers on the information sources they prefer to use. They should, for example, streamline communications as part of the National Employer Training Programme and make the website 'Employer's Guide to Training Providers' more user friendly.

⁴ http://readingroom.lsc.gov.uk/Lsc/2005/research/commissioned/through-inclusion-to-excellence.pdf

18. The Department and the LSC accept this recommendation. The skills brokerage service which is a core part of Train to Gain (formerly the National Employer Training Programme) is being rolled out nationally from April 2006. A range of agencies, including Regional Development Agencies and their Business Link providers, Sector Skills Councils and Job Centre Plus will provide employers with a seamless service for their broad training and business development needs. This approach involves agencies in joint planning, marketing and handling of employer relationships, and the development of operational protocols. The Train to Gain website⁵ contains clear advice for employers on how to access the brokerage service. The Employer Guide to Training, developed by the LSC, is being enhanced to improve its user-friendliness and to enable employers to view feedback by other employers on specific training provision. Train to Gain Skills Brokers also use the guide as one of their primary sources of information for employers on available training provision.

19. A New Standard bringing together the CoVE accreditation criteria and the developing Quality Mark will provide employers with a clear indication of quality provision that is responsive, of high quality and flexible in nature. The LSC are currently developing the New Standard and in consultation jointly with providers, employers, key partners, stakeholders, and SSCs, will develop and promote a robust standard that meets employers needs. National roll-out of the Standard is planned for February 2007. The further education sector engages with a significant proportion of employers, but the Department and the LSC will continue to build the reputation of the sector with employers even further. The New Standard will provide a platform that employers can trust, believe in and easily recognise.

PAC conclusion (vii): Further education colleges engage with only 18% of those businesses which the Department considers need support in training their staff. Some 450 skills brokers are being recruited, at a cost of around £30m, to provide independent training advice to businesses and help them source training. Independent brokerage should focus on the most difficult challenge by strengthening good quality colleges' and training providers' links with hard to reach employers. The Department should require brokers to assess and report the extent to which they secure participation by employers who have not previously provided much training for their employees.

20. The Department and the LSC agrees with this conclusion. Many colleges are already very effective at working with their local employers and supporting their identified training needs. The Department wants to see all colleges build on this successful activity and reach out to those businesses who are not currently engaged in training their workforce. Effective skills brokerage will refer employers to relevant training providers, including colleges. The LSC has commissioned independent research to regularly evaluate employer satisfaction with the impartiality and independence of the Train to Gain Skills Brokers, the effectiveness of their support and the quality and responsiveness of the training solutions they recommend.

21. The Department has also agreed strategies (and the roles of brokers and providers within them) for increasing additionality. At least 51% of all employers engaged within Train to Gain will be classified as hard to reach. Hard to reach employers are those who would not otherwise have been engaged in training and defined as an employer who is not recognised as an Investor in People, and an employer who has not provided training leading to a vocational qualification for its low skilled employees in the last 12 months. Train to Gain will be assessed against a range of indicators including its involvement and success with hard to reach employers.

⁵ http://www.traintogain.gov.uk/

PAC conclusion (viii): Public funds have been spent on courses that employers would otherwise have paid for. Local Learning and Skills Councils should minimise this risk by funding packages of training in which employers and the public sector share costs, and public funds are focussed on training that is genuinely additional.

22. The Department and the LSC accept this recommendation. Steps have already taken place to ensure that Government funds are effectively targeted on learning which is additional. The LSC has set out specific actions to improve the capacity and focus of brokers and develop the training provider infrastructure for the Train to Gain roll-out of from April 2006.

23. To reduce the likelihood of Train to Gain funding supporting deadweight, (deadweight being defined as public funding supporting training which employers would have paid for in the absence of the Train to Gain service), and to ensure that the skills brokerage service adds value by encouraging new employers to consider investment in the skills of their workforce, all skills brokerage organisations have, as their first priority, the objective of engaging with small, hard to reach employers.

24. In addition, to further minimise any deadweight effects training providers have been targeted with engaging with hard to reach employees (those without a First Full Level 2 qualification and who have not engaged in training in the last 12 months) through their existing relationships with employers.

25. Although Skills for Life and First Full Level 2 qualifications are the priority for Government funding through Train to Gain there are also opportunities to progress to level 3. Financial support equivalent to that for a level 2 qualification for employees capable of progressing straight to level 3 (often referred to as level 3 jumpers) is also available. The employer will pay any difference in cost between Level 2 and Level 3. The Level 3 trials in the North West and West Midlands will also test the application of an additional subsidy to encourage employers to engage in Level 3 training delivered to the same principles as the core offer. A 50% subsidy will be available for priority skill areas and a 30% subsidy for lower priorities.

PAC conclusion (ix): Both Individual Learning Accounts and the Consultancy Brokerage Service had weak IT systems which made them vulnerable to fraud or difficult to access. In rolling out the National Employer Training Programme, and in building the capacity of Skills Brokers, the Learning and Skills Council should have an explicit risk management strategy that focuses on safeguarding public money and maximising the benefits for business.

26. The Department and the LSC accepts this recommendation. The Department has learned from the experiences with Individual Learning Accounts.

27. With the introduction of Train to Gain strong IT systems will be in place to manage the entire process from first contact with a broker to final delivery of the required tuition. All new systems will have suitable checks and controls specified by the LSC audit teams. Skills Brokers are required to attain a new national competency standard.

28. The entire Train to Gain implementation programme has a robust risk management process which was further strengthened following recommendations from a Gateway Review in August 2005. The programme is now considered to have a well managed risk strategy.



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