

Business Plan 2012–2015

Ministry of Justice

31 May 2012

Annexes

The 2012 Business Plan, and its reporting through the No.10 website, have been streamlined to focus on the Government's structural reforms. These annexes contain information on cross-Government priorities, additional reform actions and actions from the 2011 business plan that are now complete. The Government will not report systematically on the No.10 website against the activities listed in these annexes, although overall progress will be reported through other publications, such as the Annual Report and Accounts, the Budget and a progress report on sustainable development.

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Annex A) Cross–Government priorities

The Government is committed to driving progress of a number of shared priorities across different departments. MOJ is contributing to these priorities through the commitments listed below.

Where set out, numbers in brackets refer to the position of actions in the Structural Reform Plan section of the Business Plan.

1. Growth

- Continue to work with UKTI and industry exports to promote UK legal services overseas

2. Open Public Services

Explore the scope for further implementation of the proposals set out in the Government's Open Public Services White Paper within MoJ

- Develop a strategic paper setting out the MoJ contribution to the relevant parts of the Open Public Services agenda by Jun 2012
- Establish scenarios for internal testing of service continuity in essential services by Jul 2012

3. Red Tape Challenge

- In line with the Red Tape Challenge, bring forward, and then implement, plans to reduce and reform the stock of regulations for which the Department has overall responsibility particularly those under the Red Tape Challenge Legal Services theme on which MoJ is leading.

4. Civil Society Compact

Ensure compliance with the Civil Society Compact, including collaborative working with the civil society sector on the following SRP actions:

- Map departmental interactions with the Voluntary Community and Social Enterprise Sector and identify gaps in compliance with the Compact by Apr 2012

- Develop and design an MoJ implementation strategy for relevant aspects of the Government's 'Compact' on its relationship with the Voluntary Community and Social Enterprise Sector to further embed compact within MoJ by May 2012
- MoJ will review the public services for which it is responsible to assess the potential to develop and implement a Right to Provide and set out plans accordingly – by November 2012.

5. Sustainable development

In delivering a transformed justice system and a transformed department that is more effective, less costly and more responsive, the MoJ will look to ensure that positive impacts across society, economy and the environment are maximised as far as possible, contributing to a more sustainable future

MoJ will:

- Assess and manage environmental social and economic impacts and opportunities in its policy development and decision making
- Implement the Department's plan to deliver on the Greening Government Commitments, supplying quarterly information and contributing to an annual report on progress.
- Procure from small businesses with the aspiration that 25% of contracts should be awarded to SMEs

6. Efficiency

Ensure support for Efficiency and Reform, including efficiency measures to delivery savings and broader reforms to public services, including through reform of the rehabilitation of offenders, reform of the Criminal Justice System and by working with private and voluntary organisations and local communities to provide justice services.

- Develop and implement an overall strategy for the 'rehabilitation revolution' for adults, including paying local private and voluntary organisations by results (1.1)
- Reform the Criminal Justice System to develop a more integrated and streamlined system (3.2)
- Invite private and voluntary organisations and local communities to provide services where they can do so effectively and at a lower cost (5.1)

The Departmental Efficiency part of the Business Plan (in Section C) sets out operational spending, by category, as well as specific actions to improve operational efficiency in 2012/13.

Annex B) Additional departmental actions

This section contains additional significant actions that will be taken forward but which are not considered to be major structural reforms for the purpose of the 2012 Business Plan.

The Department's objectives are in bold; the actions the Department will undertake are shown by the bullet points under each objective.

Introduce a rehabilitation revolution

Work with the Department of Health to consider and agree how wider health reforms will impact on health services for offenders in custody and the community

- Develop and agree proposals about how commissioning and delivery of interventions (including through implementation of payment by results) for offenders with alcohol issues will improve access to alcohol treatment services
- Support and promote joint working at a local level by criminal justice agencies, emerging health and wellbeing boards and other relevant local structures

Work to ensure that the youth justice system delivers improved outcomes on the rehabilitation and safeguarding of young offenders while at the same time providing better value for money

- Explore ways to improve education provision in Young Offender Institutions

Reform courts, tribunals and legal aid, and work with others to reform delivery of criminal justice

Work with the Legal Services Board and Office for Legal Complaints to ensure that legal regulation and consumer redress is ready to respond to the changing market following the implementation of the legal services reforms

- Deliver post legislative assessment of the Legal Services Act 2007
- Develop a timetable and commence remaining provisions in the Legal Services Act relating to the regulation of legal services and specifically the full implementation of the licensing regime for alternative business structures

- Carry out triennial reviews of the Legal Services Board and the Office for Legal Complaints and prepare a report and recommendations for Ministers
- Consider with the Office for Legal Complaints the business case for the establishment of voluntary scheme for resolving complaints and if necessary prepare secondary legislation
- Work with the Legal Services Board and the legal profession to assess the impact of alternative business structures so far and identify any additional barriers to competition within the legal services market

Reform the tribunals system to deliver greater efficiency while ensuring that the right decisions are made at the right time, and that people have access to clear, proportionate and timely methods of redress

- Establish a new administrative justice stakeholder forum
- Develop a strategy for the reform of the administrative justice system

Deliver a cheaper, faster and more proportionate enforcement system that achieved a significantly higher degree of compliance with court orders

- Use findings to inform a future strategy on the HMCTS aged debt book

Assure better law

Increase the transparency of the justice system

- Explore the feasibility of providing criminal court listings in an open data format and increasing the range of information available
- Explore the feasibility of establishing a data laboratory and data matching service for use by service providers and researchers

Lead negotiations on new European Union data protection instruments

- Publish responses to Call for Evidence
- Secure agreement for a package of amendments to both the new Regulation and Directive in line with UK priorities not to impose disproportionate regulatory burdens and continuing to protect individual's privacy

Reform how we deliver our services

Reform and rationalise Ministry of Justice's arms-length bodies

- Implement plans to change the Legal Services Commission to an executive agency
- Undertake a review of the department's remaining Arm's Length Bodies to ensure they support the department's long term priorities

Annex C) Completed structural reform actions

Completed actions from the 2011 Business Plan are shown below against each Coalition priority.

Introduce a rehabilitation revolution

Develop and implement an overall strategy for the ‘rehabilitation revolution’ for adults and youths, including paying local private and voluntary organisations by results

- Develop options and a strategy for reducing reoffending and improving rehabilitation
- Consult through the Green Paper on rehabilitation and sentencing reform
- Analyse consultation responses and develop detailed policy proposals
- Prepare initial ‘lessons learned’ assessment of Peterborough pilot to inform the development of future pilots
- First biannual data released on the number of pilot rehabilitation schemes established and the number of participants, subject to commercial confidentiality and Office for National Statistics guidance

Work with the Department of Health to co-design and establish pilots to provide payments, based on outcomes, to providers to help individuals (including offenders) achieve sustained recovery from drug dependency

- Support the design and establish up to six pilots, with sufficient scale to provide statistically significant results, working with private and voluntary organisations to pay providers by results to rehabilitate offenders with drugs problems
- Work with the selected pilot sites and the Expert Group to co-design the detail of the payment by results model, including how to measure and verify outcome payments

Work with the Department of Health to pilot and rollout drugs recovery prison wings

- Design and launch pilots for drugs recovery prison wings, which link up with other payment by results pilots

Support the Department of Health to develop and pilot alternative forms of treatment based accommodation for drugs and mentally ill offenders

- Explore initial proposals for treating mentally ill and drugs offenders in the community, including treatment based accommodation as an alternative to custody

Completed structural reform actions

- Consult through the Green Paper on rehabilitation and sentencing reform
- Analyse Green Paper consultation responses to inform development of proposals for treatment based accommodation (for both mentally ill and drugs offenders)
- Carry out research to develop evidence on alternative forms of treatment-based accommodation
- Agree alternative forms of treatment based accommodation and test sites

Support the Department of Health to rollout liaison and diversion services for mentally ill offenders

- Submit full evaluation and impact assessment for youth justice diversion national programme

Increase the number of prisoners doing meaningful work for real wages and ensure greater reparations to victims

- Introduce secondary legislation to implement the Prisoners' Earnings Act 1996 to allow prison governors to deduct from prisoners' earnings and transfer the money into the Victims' Fund
- Develop proposals for Working Prisons and work with private sector and voluntary organisations to introduce more work for prisoners
- Explore additional means of deducting prisoners' wages
- Develop proposals for Community Payback
- First annual data released on the money earned by prisoners and the proportion deducted under the Prisoners' Earning Act 1996 and paid into the Victims' Fund at national level

Incentivise Work Programme providers commissioned by the Department for Work and Pensions to give employment support to unemployed offenders, with the providers paid by the results of getting people into work

- Develop options, working with the Department for Work and Pensions, to pay Work Programme providers to give employment support to offenders
- Support the Department for Work and Pensions in preparing for national rollout of the Work Programme, including employment support to unemployed offenders and ex-offenders, subject to further analysis of savings that will accrue to the criminal justice system

Reform sentencing and penalties

Conduct a full examination of sentencing policy to ensure that the justice system reduces reoffending by introducing more effective sentencing policies and considering the use of restorative justice for adult and youth crimes

- Develop reform options for the sentencing framework, with input from the Home Office, that covers the full range of penalties and restorative measures in adult and youth sentencing
- Consult through the Green Paper on rehabilitation and sentencing reform
- Analyse consultation responses
- Introduce legislation on sentencing, subject to Parliamentary timings

Help ensure that historical convictions for consensual gay sex with over-16s will be treated as spent and will not show up on criminal record checks, with Home Office

- Draft legislation to ensure that historical convictions for consensual gay sex with over-16s will be treated as spent and do not need to be disclosed
- Introduce legislation through the Freedom Bill

Reform the Rehabilitation of Offenders Act to make it simpler and more proportionate

- Legislate through the Legal Aid, Sentencing and Punishment of Offenders Bill, amending the Rehabilitation of Offenders Act

Explore reform of out-of-court disposals, including restorative justice approaches

- Develop proposals for reform of out-of-court disposals
- Consult through the Green Paper on rehabilitation and sentencing reform
- Analyse consultation responses and introduce legislation if necessary

Work with local areas to test Neighbourhood Justice Panels as a means of involving community representatives in finding restorative solutions to anti-social behaviour and low level crime

- Develop proposals for Neighbourhood Justice Panels
- Consult through the Green Paper on rehabilitation and sentencing reform improving information and education for the public and practitioners
- Analyse consultation responses and publish detailed proposals

Implement a strategy to reduce the Foreign National Offender (FNO) population

- Develop a strategy of engagement with top FNO countries, working with key Departments to ensure cross-government Ministerial engagement

Reform courts, tribunals and legal aid, and work with others to reform delivery of criminal justice

Reform the Criminal Justice System to develop a more integrated and streamlined system

- Design and put in place governance arrangements to bring together those departments delivering criminal justice, building on arrangements in place
- Develop proposals and phased implementation plan to streamline and reform the Criminal Justice System, to deliver a more efficient and cost effective system, working with the Home Office, Law Officers' Departments and criminal justice agencies and the judiciary
- Publish proposals and implementation plans to increase the efficiency of the Criminal Justice System
- Establish a framework of options for flexible courts to be tested at a local level

Reform the Legal Aid System to provide a more efficient, cost-effective and sustainable scheme, ensuring that we provide support for those who need it most and for those cases that require it (OPS)

- Develop proposals for reform of legal aid, continuing to provide necessary support for those who need it most and for those cases that require it
- Consult on legal aid reform
- Analyse consultation responses and develop the Government's response
- If necessary, introduce primary legislation

Reform court processes and the courts estate

- Publish plans to increase community access to local criminal justice
- Develop options and funding for the greater use of video and other technology to improve the efficiency of the criminal courts
- Review fine enforcement processes to find opportunities to improve effectiveness and value for money
- Centralise civil money claims and associated customer contact
- Develop implementation plans for further centralisation of specific Civil, Family and Tribunals business
- Develop plans to centralise functions across civil, family and administrative courts, as part of the merger of the Tribunals Service and HM Courts Service

Completed structural reform actions

- Consult on a programme of court closures and analyse responses
- Identify specific courts for closure and develop implementation plans to transfer work and dispose of assets

Develop policy to use proceeds from the Victim Surcharge to fund rape support centres

- Announce source of sustainable funding
- Initiate first projects to begin to establish new centres and put in place funding for existing centres
- Develop proposals for a three-year funding cycle for existing centres
- Work with the voluntary sector to develop proposals for the next round of MoJ-funded new rape support centres
- Work with providers to agree proposals for new centres and provide initial funding
- First four MoJ-funded new rape support centres open

Create a unified HM Courts and Tribunals Service

- Agree new structure for the integrated agency
- Consult on the benefits of creating a unified HM Courts and Tribunals Service
- Analyse consultation responses and launch new agency
- Publication of the HM Courts and Tribunals Business Plan

Deliver a cheaper, faster and more proportionate enforcement system that achieved a significantly higher degree of compliance with court orders

- Continued implementation of the enforcement blueprint to maximise first time compliance
- Create a single national enforcement structure with line management responsibility for all staff through to the Enforcement Director
- Evaluate the data gathered from the aged debt pilots
- Consider extending the expedited use of distress warrants to seize assets following the pilot run in the South West Region

Make family court services accessible, transparent and planned around the needs of the most vulnerable children and families

- Develop proposals for reform of family court services, following the interim report of the Family Justice Review
- Work with stakeholders to develop final proposals following publication of the Family Justice Review's final report
- Establish a Family Justice Board following the publication of the Government response to the Family Justice Review

Reform the services provided to victims of crime to ensure that they get the support they need to overcome the effects of crime and to help them play their part in bringing offenders to justice

- Undertake a public consultation on services and support provided to victims of crime, including the Criminal Injuries Compensation Scheme (CICS) and the use of the Victim Surcharge.
- Open ex gratia scheme for past victims of terrorism overseas for applications

Develop options to provide more protection for people against aggressive bailiffs

- Develop options for public consultation on protection against aggressive bailiffs and to encourage more flexibility in bailiff collections
- Consult on proposals
- Publish new voluntary standards and improve online information

Promote wider use of alternative dispute resolution, including mediation, in the civil courts and make it easier for people to get advice and guidance

- Consult on reform options for improving civil justice and enforcement, including on orders for sale and charging orders
- Respond to consultation setting out detailed policy proposals for both immediate reforms and to prepare for legislation

Implement the recommendations in Lord Justice Jackson's report into the funding and costs of civil litigation

- Consult on Lord Justice Jackson's proposals for civil litigation funding and costs
- Analyse consultation responses on funding arrangements for civil litigation and develop an implementation plan
- If necessary, introduce primary legislation

Extend the simplified road traffic accident claims procedure to cover other personal injury

- Develop proposals to extend the road traffic accident claims procedure
- Consult on extension of simplified road traffic accident claims procedure as part of wider consultation on civil justice reforms
- Analyse consultation responses to extending road traffic accident claims procedure and develop final report

Deliver a simpler, rationalised fees structure in HM Courts and Tribunals Service

- Develop and agree a new fee charging strategy on the introduction of fees in courts and tribunals
- Consult on changes to high court fees

Completed structural reform actions

- Establish which tribunals services should be provided by public subsidy and review how best to cover the cost of the remainder through fees
- Introduce fees in Immigration and Asylum Tribunals

Assure better law

Increase the transparency of the justice system

- Prepare to publish sentencing data for different types of offence for every court in an open and standardised format to make it more accessible to victims of crime and the wider public
- Develop proposals to publish detailed court data in an open and standardised format
- Spread information about which sentences are most effective at cutting reoffending across the Criminal Justice System, working with the Home Office which is spreading information about which policing techniques are the most effective

Work with the Judiciary to increase diversity and transparency and to reform the appointments processes

- Consult on judicial appointments and diversity
- Develop consultation response, taking account of House of Lords Constitution Committee inquiry into judicial appointments

Reverse the erosion of civil liberties

- Create a gateway to scrutinise all legislation containing criminal offences
- Support the work of the Cabinet Office and Home Office to legislate through the Freedom Bill

Increase public access to official information by extending coverage of the Freedom of Information Act and making it available earlier

- Develop proposals and draft legislation to extend the Freedom of Information Act to more organisations
- Introduce legislation to extend the Freedom of Information Act to more organisations

Reform libel laws to protect freedom of speech

- Develop a draft Defamation Bill
- Consult through publication of the draft Bill
- Amend draft Defamation Bill in light of consultation responses

Work with Cabinet Office to reform the use of intelligence and sensitive material in judicial proceedings, ensuring that proposals best serve human rights, national security and the administration of justice, and can command public confidence

- Support to the development of a Cabinet Office Green Paper

Provide people with greater protection to prevent crime, apprehend criminals and to defend themselves against intruders, working with the Home Office, Attorney General's Office and relevant enforcement authorities

- Develop legislative and non-legislative options, working with other government departments and relevant enforcement authorities
- Finalise package of measures and agree way forward across departments
- Legislate through the Legal Aid, Sentencing and Punishment of Offenders Bill

Contribute to UK's economic growth working in partnership with the legal sector

- Publish guidance for business on the Bribery Act 2010
- Publish a plan outlining how MoJ will work in partnership with industry to champion the UK as a global centre of legal excellence
- Publish new content on MoJ website promoting the many benefits of UK legal and dispute resolution services
- Official opening of the Rolls Building
- Conduct review of delivery against the action plan and publish progress report
- In line with the Red Tape Challenge, bring forward proposals to reduce and reform the stock of statutory instruments and regulations for which the MOJ has overall responsibility

Reform how we deliver our services

Invite private and voluntary organisations and local communities to provide services where they can do so effectively and at a lower cost (OPS)

- Develop proposals for a competition strategy for all offender services
- Consult through the Green Paper on rehabilitation and sentencing reform
- Analyse consultation responses, finalise and publish the overarching competition strategy
- Run tendering process in preparation for launch of custodial competition programme

Restructure the National Offender Management Service

- Develop and implement a phased programme to restructure the organisation
- Rationalise the functions delivered by NOMS headquarters to meet the requirements of the Agency for the future
- Develop staff knowledge and capability to deliver NOMS business requirements
- Implement changes to senior management

Reform and rationalise Ministry of Justice's arms-length bodies

- Establish and begin an arm's-length body review programme, which will determine which bodies should be retained, reformed or abolished under the Cabinet Office's Public Bodies Bill
- Establish which arm's-length bodies will be abolished or reformed
- Establish plans to abolish 10 of our arm's-length bodies (including the Youth Justice Board)
- Implement plans for the reform of all other arm's-length bodies