



National Audit Office

**BRIEFING FOR THE
HOUSE OF COMMONS
JUSTICE COMMITTEE
OCTOBER 2009**

Performance of the Ministry of Justice 2008-09

Our vision is to help the nation spend wisely.

We promote the highest standards in financial management and reporting, the proper conduct of public business and beneficial change in the provision of public services.

The National Audit Office scrutinises public spending on behalf of Parliament. The Comptroller and Auditor General, Amyas Morse, is an Officer of the House of Commons. He is the head of the National Audit Office which employs some 900 staff. He and the National Audit Office are totally independent of Government. He certifies the accounts of all Government departments and a wide range of other public sector bodies; and he has statutory authority to report to Parliament on the economy, efficiency and effectiveness with which departments and other bodies have used their resources. Our work leads to savings and other efficiency gains worth many millions of pounds: at least £9 for every £1 spent running the Office.



National Audit Office

Performance of the Ministry of Justice 2008-09

BRIEFING FOR THE HOUSE OF COMMONS JUSTICE COMMITTEE
OCTOBER 2009

This briefing has been prepared for the Justice Committee as an overview of the performance of the Ministry of Justice in 2008-09 and subsequent months.

Contents

Summary **4**

Part One

Financial Overview **16**

Part Two

The Department's Capability **20**

Part Three

Performance against PSAs and DSOs **24**

Appendices

- 1 Financial Savings **30**
- 2 Criminal Legal Aid reforms **31**
- 3 Public Service Agreements
from the Comprehensive
Spending Review 2007
contributed to by the
Ministry of Justice **32**
- 4 Progress against current PSAs
and DSOs and CSR2004 PSAs
closed during the year **33**

This review was conducted by
Erica Bertolotto, Jon Cable,
Michael Donaldson, Ben Lenehan
and Tasnim Mustafa under the
direction of Aileen Murphie.

For further information about the
National Audit Office please contact:

National Audit Office
Press Office
157-197 Buckingham Palace Road
Victoria
London
SW1W 9SP

Tel: 020 7798 7400

Email: enquiries@nao.gsi.gov.uk

© National Audit Office 2009

Summary

Aim and scope

1 This briefing has been prepared for the Justice Committee as an overview of the performance of the Ministry of Justice (the Ministry) in 2008-09 and subsequent months. The briefing is based on the Ministry's Departmental Annual Report 2009, together with work by the National Audit Office (NAO) and material from external and internal reviews of the Ministry's performance. The briefing has been shared with the Ministry to ensure factual accuracy, but the commentary and any views expressed are the NAO's.

The Ministry's role

2 The Ministry was established on 9 May 2007, bringing together the responsibilities of the Department for Constitutional Affairs (DCA), the National Offender Management Service (NOMS) from the Home Office and the Office for Criminal Justice Reform.

3 The Ministry is responsible for prisons and probation, the courts system, tribunals and legal aid, plus constitutional reform and devolution, democracy and human rights. It has three sister departments that report directly to the Justice Secretary: The Northern Ireland Court Service, The National Archives and HM Land Registry. The bodies sponsored or funded by the Ministry are detailed in **Figure 1**.

4 The Ministry has four Departmental Strategic Objectives (DSOs) for the spending period 2008-11:

- a** Strengthening democracy, rights and responsibilities (DSO 1)
- b** Delivering fair and simple routes to civil and family justice (DSO 2)
- c** Protecting the public and reducing re-offending (DSO 3)
- d** A more effective, transparent and responsive criminal justice system for victims and the public (DSO 4)

Structure of the Ministry

5 The Ministry is structured around four Business Groups, each responsible for delivering one DSO, and a Corporate Performance Group which supports delivery by the other groups. The structure of the Ministry along with its key delivery partners is shown in **Figure 2** on page 6.

Figure 1

Bodies sponsored or funded by the Ministry as at 31 March 2009

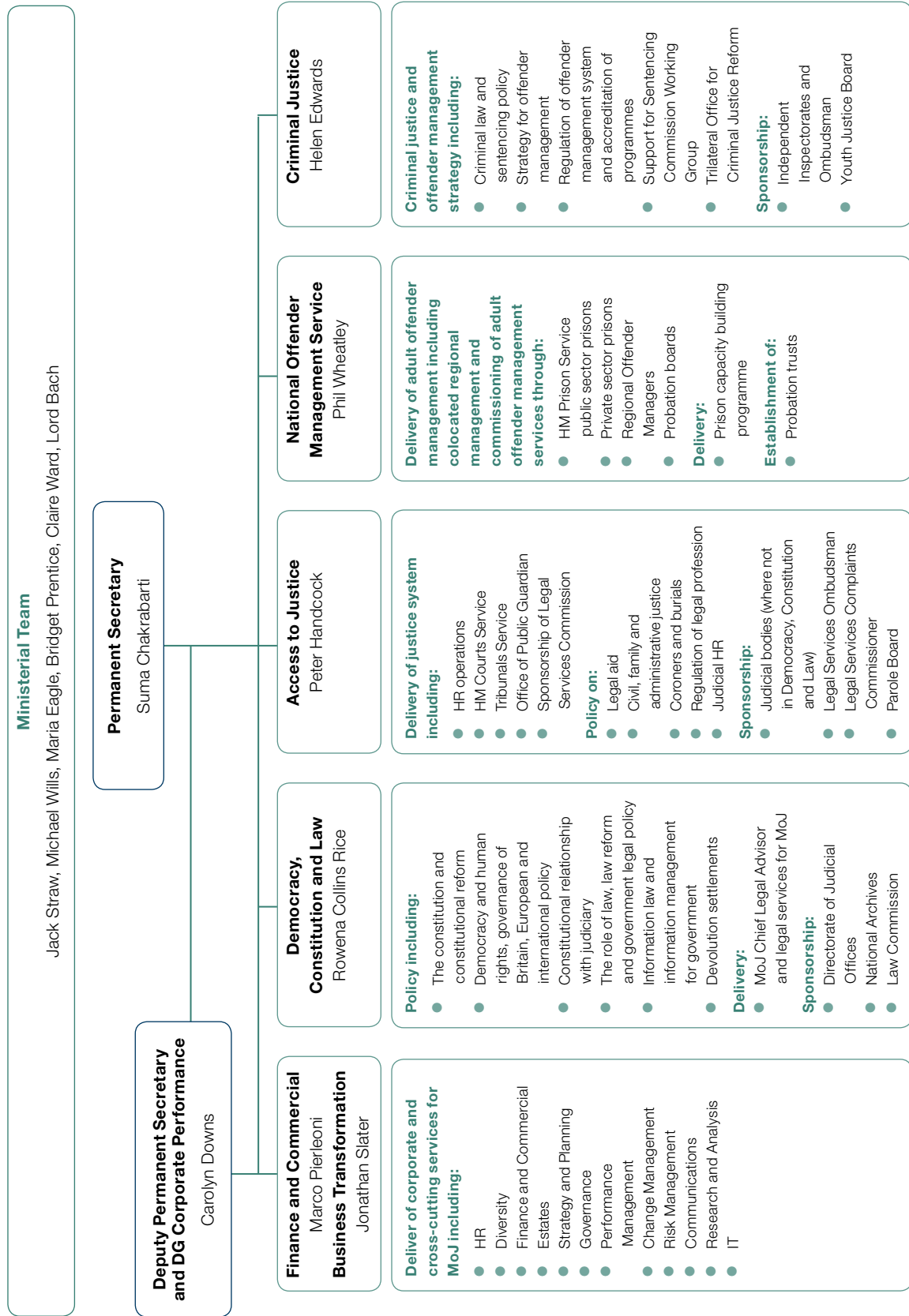


Source: Ministry of Justice

NOTE

1 Ceased to exist from 1 April 2009.

Figure 2
Ministry of Justice organisational structure



Source: Ministry of Justice

6 The Lord Chancellor and Secretary of State for Justice, Rt. Hon. Jack Straw MP, is supported by his ministerial team and a Corporate Management Board. The Corporate Management Board chaired by Permanent Secretary, Sir Suma Chakrabarti, KCB, is responsible for providing overall strategic direction, enhancing the reputation of the Ministry and managing performance. It also ensures effective allocation of resources between business groups according to Ministerial priorities. In parallel is the Offender Management Supervisory Board which provides strategic supervision of the NOMS agency and oversees the implementation of Lord Carter's 2007 review of prisons.

Acts of Parliament enacted

7 Key events that have occurred since the Select Committee last held hearings on the Ministry's overall performance in 2008 include Acts of Parliament that received Royal Assent. These were

- The Parliamentary Standards Act 2009 which received Royal Assent on 21 July 2009.
- The Political Parties and Elections Act 2009 which received Royal Assent on 21 July 2009.
- The Statute Law (Repeals) Act 2008, an Act to promote the simplification of statute law by repealing laws that have now become obsolete, as recommended by the Law Commission and the Scottish Law Commission. The Act received Royal Assent on 21 July 2008.
- The Criminal Evidence (Witness Anonymity) Act 2008 which received Royal Assent on 21 July 2008.
- The Criminal Justice and Immigration Act 2008 which received Royal Assent on 8 May 2008.

Summary of overall performance against PSA targets and DSOs

8 This is the first year for reporting on progress against the 2008-11 spending review (CSR 2007) targets. The Ministry has reported on its performance against the PSA target (PSA 24), for which it is the lead Department, and against its four DSOs. The Ministry also contributes to nine other PSAs. Final assessments have also been made against the four PSA targets the Ministry had from the previous spending review (CSR 2004); one PSA (PSA 4) remains open until 2009-10 (**Figure 3**).

Other key events

Creation of the NOMS Agency

9 The main structural change to the Department has been the creation of the National Offender Management Service (NOMS) as an Executive Agency. NOMS combines the former HM Prison Service agency, the National Probation Service and some other functions previously within the Ministry's headquarters. The National Probation Service consisted of 42 Probation areas managed through 36 local Probation Boards and six new Probation Trusts thus beginning a process that will gradually see all Boards acquiring Trust status.

Managing the Prison Population

10 Managing the capacity of the prison estate and minimising the risk of disruption in prisons are two of the Ministry's top four corporate risks. Prison Service statistics¹ show that the total prison population as at 27 March 2009 was 82,985 with a total useable operational capacity of 85,021. This represents a prison population increase of 1.5 per cent from March 2008 and a 61 per cent increase since March 1995. The population reached an all time high of 84,422 in September 2009. The population is projected to reach up to 93,900 by June 2015².

11 The increase in the prison population since 1995 can be attributed to two factors: tougher sentencing and enforcement outcomes, and a more serious mix of offences coming before the courts. Sentence lengths have increased for certain offences as a result of policy and legislative changes, such as the introduction of indeterminate sentences, mandatory minimum sentences and increased maximum sentences. There has also been a rise in the numbers sentenced to immediate custody and a tenfold increase in the use of suspended sentences from 1995 to 2007 although the number of custodial sentences has fallen since the peak in 2002. Recall rates have risen since changes were made under the Crime and Disorder Act 1998 which made it easier to recall offenders back to prison, while licence lengths have also increased. Two offence groups that have a large impact on the prison population, violence against the person and drug offences, have seen a significant growth in the number of adults sentenced with a 30 per cent and 41 per cent increase since 1995, respectively³.

¹ HM Prison Service Population Bulletin Monthly March 2009, page 3.

² Prison Population Projections 2009-15 published 28 August 2009, table 1.

³ Story of the prison population 1995-2009 England and Wales, Ministry of Justice Statistics bulletin, 31 July 2009.

Figure 3
Performance against DSOs and PSA targets

	Autumn Performance Report 2008	Departmental Annual Report 2009
From CSR 2007		
PSA 24 – Deliver a more effective, transparent and responsive criminal justice system for victims and the public (Ministry of Justice are the lead Department)	Not yet assessed	● Some progress
DSO 1 – Strengthening democracy, rights and responsibilities	● Strong progress	● Strong progress
DSO 2 – Delivering fair and simple routes to civil and family justice	● Strong progress	● Some progress
DSO 3 – Protecting the public and reducing re-offending	● Strong progress	● Strong progress
DSO 4 – A more effective, transparent and responsive criminal justice system (CJS) for victims and the public	Not yet assessed	● Some progress
From CSR 2004		
PSA 1 – Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25 million by 2007-08 (joint CJS target)	● Final assessment – met	N/A
PSA 2 – Reassure the public, reducing the fear of crime and anti-social behaviour, and building confidence in the CJS without compromising fairness	● Final assessment – met	N/A
PSA 3 – Reduce unfounded asylum claims as part of a wider strategy to tackle abuse of the immigration laws and promote controlled legal migration (joint Home Office target)	● Final assessment – met	N/A
PSA 4 – By 2009-10 increase the proportion of care cases being completed in the courts within 40 weeks by 10 per cent	● Slippage	● Slippage
PSA 5 – To achieve earlier and more proportionate resolution of legal problems and disputes	● Final assessment – not met	N/A

Source: Ministry of Justice Autumn Performance Report 2008 and Departmental Annual Report 2008-09

12 As a result of Lord Carter's 2007 review of prisons⁴ the Government is committed to extending prison capacity to 96,000 by 2014. Lord Carter's review recommended that 7,500 additional places be provided by building three new Titan prisons, each with a capacity of 2,500. The Titan prisons were expected to deliver cost effective prison capacity freeing up resources to be invested in improving rehabilitation and providing better outcomes. The first Titan prison was due to open by 2012.

13 Since the Carter report 3,500 additional prison places have been provided⁵ but following a consultation paper, in April 2009, the Ministry announced the Titan scheme would not take place. Instead smaller prisons with a capacity of 1,500 will be built, taking the capacity to target by 2014. The Ministry concluded that these smaller prisons will offer better cost-effectiveness for the taxpayer by avoiding the 'additional risk, novelty and complexity' associated with the 2,500 capacity Titan prisons⁶. The Ministry also announced that public, private and third sector providers would be invited to bid to run seven existing prisons, including two poor performers and five previously tendered prisons whose contracts are near expiry.

14 A report by HM Inspectorate of Prisons issued in January 2009, based on prison inspections conducted over the previous five years concluded that the most significant predictor of how a prison performs is the size of the prison's population. This is followed by the age of the prison, whether it is privately or publicly managed, the type of prison and the percentage of prisoners held more than 50 miles from home. The report concluded that prisons holding 400 or fewer prisoners were significantly more likely to perform well against the criteria of safety, respect, purposeful activity and resettlement than prisons holding more than 800 prisoners.⁷

15 The pressures on the prison population have not had a detrimental effect on the number of prisoners escaping from custody. In 2008-09 there were again no escapes of Category A offenders (the most dangerous offenders). The overall rate of escapes as a proportion of the average prison population was considerably lower than the 0.05 per cent target, and the annual rate of 15.8 absconds per 100,000 prisoner days from the open and semi-open prison estate was a significant improvement on 2007-08 (22.8 absconds per 100,000 prisoner days).

The End of Custody Licence scheme (ECL)

16 The ECL scheme was announced in June 2007, as a temporary measure to ease pressure on overcrowded prisons. The scheme entitles eligible prisoners serving between four weeks and four years to be released up to 18 days early. Specific categories of prisoners excluded from release include registered sex offenders, prisoners serving sentences for serious violence and those who have previously escaped from custody.

⁴ *Securing the Future: Proposals for the efficient and sustainable use of custody in England and Wales*, December 2007.

⁵ Jack Straw's statement on prisons and probations 27 April 2009.

⁶ *New Prisons Consultation response* 27 April 2009, page 3.

⁷ *The prison characteristics that predict prisons being assessed as performing 'well': A thematic review by HM Chief Inspector of Prisons*, January 2009.

17 The scheme will be withdrawn when there is ‘sufficient capacity to do so’⁸. Some 67,400 prisoners have been released early under the scheme from June 2007 to August 2009. The majority of those released were serving sentences less than or equal to six months. Around three per cent of those released were recalled to custody for alleged re-offending, failure to live at an appropriate address, being out of touch with the probation service or poor behaviour. The number of alleged further offences committed by offenders on ECL at the end of August 2009 stood at 1,363⁹.

The National Offender Management Information System (NOMIS)

18 The National Offender Management Information System (NOMIS) was originally designed to implement a single offender management IT system across prison and probation services. Development began in June 2004, but the project suffered from cost overruns, scope changes, delays, restructuring and insufficient governance. Work on the project stopped in August 2007 while options for reducing the project cost were sought and, after evaluating a range of options, the project re-commenced in January 2008.

19 The result of this re-scoping is that one of the core aims of the original programme, to support end-to-end offender management through a single shared database accessible by all service providers, will not be met – the programme now consists of five different projects, including separate systems for prisons and probation. The programme should, however, deliver significant improvements over existing systems, beginning with a phased roll-out of NOMIS to prisons from spring 2009. Delivery of the national probation case management system, planned for February 2011, could prove to be more complex than anticipated and is dependent on an existing probation service infrastructure project, which is itself delayed.

20 The NAO Value for Money study on NOMIS estimated the full financial impact of the delays and re-scoping to be at least £41 million, although the full extent could not be determined because of NOMS’ poor recording of costs. The estimated lifetime cost of the re-scoped project is £513 million (including £161 million in sunk costs)¹⁰. As a result of the re-scoping of the NOMIS project in 2008-09, a fruitless payment of £15.6 million was disclosed in the Ministry’s Resource Accounts¹¹.

Measuring Crime

21 The 2008-09 annual crime figures consist of two sets of data: the British Crime Survey (BCS) and Crimes Recorded by the Police. The BCS is based on a representative survey and provides the most reliable measure of the experiences of victims and on national trends on crime. Police Recorded Crime is based on crimes reported to, and recorded, by the police and is a good measure of well-reported and more serious crimes. There are some significant variations in the figures reported by the two sources as evidenced in **Figure 4** overleaf.

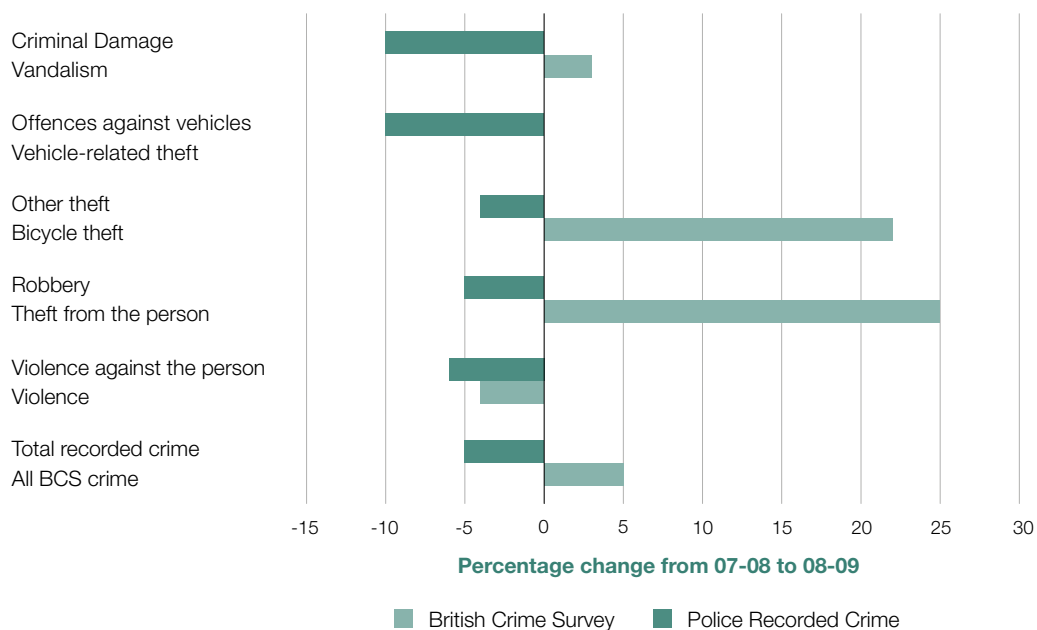
⁸ House of Commons debate, 3 February 2009, Rt. Hon Jack Straw.

⁹ End of Custody Licence Release and Recall Statistics, September 2009.

¹⁰ C&AG’s report *The National Offender Management Information System*, HC 292 Session 2008-09, p 5-7 and Figure 13.

¹¹ Note 33, Ministry of Justice 2008-09 Resource Accounts, July 2009, p132.

Figure 4
Changes in the levels of key crimes from 2007-08 to 2008-09



Source: British Crime Survey and Police Recorded Crime Statistics

NOTE

There was no change in the amount of vehicle-related theft as measured by the British Crime Survey between 2007-08 and 2008-09.

22 The 2008-09 BCS estimated that there were approximately 10.7 million crimes against adults resident in households in England and Wales. This compares with 10.2 million crimes measured in the 2007-08 survey, although this increase is not considered statistically significant. 4.7 million crimes were recorded by the police in 2008-09, five per cent less than in 2007-08, with decreases in most types of crime.

23 Key statistics:

- Provisional data show the police recorded 648 incidents of homicide in 2008-09, the lowest recorded level in the last 20 years.
- The number of attempted murders also decreased from 621 in 2007-08, to 575 in 2008-09.
- Recorded drug offences rose by six per cent (13,004 more offences). This was largely due to increased offences for the possession of cannabis.
- Police recorded 284,000 domestic burglaries: the first increase in six years.
- The risk of becoming a victim of crime increased slightly from 22 per cent to 23 per cent in 2008-09, having fallen from 40 per cent in 1995.
- Seven per cent of adults had experienced a violent crime in the last year.

24 In 2008-09, additional offence categories were added to the way that knife crime is recorded which means that the number of offences involving knives is not comparable between 2007-08 and 2008-09¹². For the selected offence categories excluding homicide, the police recorded 37,830 offences involving knives in 2008-09, accounting for seven per cent of total violent crimes.

25 The results of the BCS and Police Recorded Crime are not matched by public perceptions of crime, with 75 per cent of the public perceiving there to be an increase in crime nationally, particularly in respect of knife crime (93 per cent) and gun crime (86 per cent). Perceptions of anti-social behaviour remained the same from the previous year.

26 The findings show high levels of confidence in the police treating people fairly (65 per cent) and with respect (84 per cent), but less confidence that the police are effective in dealing with crime and related issues. In the 12 months to March 2009, 59 per cent of adults thought the Criminal Justice System as a whole was fair (compared to 56 per cent in the six months to March 2008) while 38 per cent of adults thought that the Criminal Justice System was effective (compared to 37 per cent in the six months to March 2008).

The Supreme Court

27 The United Kingdom Supreme Court was established by Part III of the Constitutional Reform Act 2005 and came into being on 1 October 2009¹³. The creation of the Supreme Court will separate further the functions of the Judiciary and Legislature as it replaces the House of Lords in its judicial capacity. The Supreme Court assumes the jurisdiction of the House of Lords under the Appellate Jurisdiction Acts 1876 and 1888¹⁴. Lord Phillips of Worth Matravers is President of the Supreme Court of the United Kingdom¹⁵.

28 The Supreme Court will also have jurisdiction over issues of devolution under the Scotland Act 1998, the Northern Ireland Act 1988 and the Government of Wales Act 2006. This responsibility was transferred to the Supreme Court from the Judicial Committee of the Privy Council¹⁶.

The Electoral Commission

29 The Political Parties and Elections Act, 2009, has strengthened the Electoral Commission's regulatory role by providing it with a greater range of powers and sanctions, introduced new limits on candidates spending at Parliamentary elections and enhances the transparency of political donations.

¹² British Crime Survey 2008-09 Page 52.

¹³ <http://www.justice.gov.uk/about/supreme-court-about.htm>.

¹⁴ <http://www.justice.gov.uk/about/supreme-court-about.htm>.

¹⁵ <http://www.number10.gov.uk/Page15158>.

¹⁶ <http://www.justice.gov.uk/about/supreme-court-about.htm>.

30 In July 2008, the Electoral Commission published 10 Performance Standards for Electoral Registration Officers (EROs) and in April 2009, the first assessments of performance against the Standards. 84 per cent of EROs met or exceeded the three standards relating to the accuracy and completeness of electoral registration. This means, however, that nearly one in five EROs were not meeting these key standards. This is a priority for the Electoral Commission in 2009-10.

Crown Court Administration

31 In March 2009, the NAO reported on the administration of the Crown Court¹⁷. The NAO found that some Crown Court locations in London and parts of the South East were running at or close to full capacity. This can increase waiting times, affecting victims, witnesses and other parties. At some locations HM Courts Service used Magistrates' court rooms to reduce the shortage of Crown Court rooms and transferred blocks of work between locations. HM Courts Service is planning to spend £120 million over the three years to 2011-12 to increase the number of Crown Court rooms by six per cent. The NAO recommended that the Courts Service should improve its assessment of future Crown Court workload and finalise a standard way of assessing the court rooms needed to meet that workload. Improvements are also needed to the two main Crown Court IT systems: CREST, which is no longer supported by the manufacturer, and XHIBIT.

Two-Tier Tribunals

32 The new two-tier tribunal system began in 2008, with the creation of the First-tier Tribunal and Upper Tribunal, as provided for in the Tribunals, Courts and Enforcement Act 2007 (**Figure 5**). The new tribunals consist of chambers which group together jurisdictions that deal with similar work or skills. Tribunal jurisdictions previously administered by the Tribunals Service transferred into the Upper and First-tier Tribunal in phases from November 2008.

33 Further tribunal jurisdictions are scheduled to transfer into the First-tier and Upper Tribunals in 2010, subject to Parliamentary approval. These include the Asylum and Immigration Tribunal. Dedicated Immigration and Asylum Chambers will be established in both tribunals at the same time as the Asylum and Immigration Tribunal functions transfer in. The Employment Tribunals will continue to stand alongside, but separate from, the two-tier structure.

¹⁷ C&AG's report *Administration of the Crown Court*, HC 290 2008-09.

Figure 5
The new Two-tier Tribunal structure

Upper Tribunal

Deals with appeals from the First-tier Tribunal, some first instance jurisdictions, and judicial review work delegated from the High Court or Court of Session

Three chambers

- Administrative Appeals
- Tax and Chancery
- Lands

First-tier Tribunal

First instance tribunal for most jurisdictions

Five chambers

- Health, Education and Social Care
- Social Entitlement
- Tax
- War Pensions and Armed Forces Compensation
- General Regulatory

Employment Tribunal and Employment Appeals Tribunal

Source: *The Tribunals Service*

Part One

Financial Overview

Financial outturn for 2008-09

1.1 The overall resource requirement of the Ministry, as detailed in the supply estimate for 2008-09, was £47,594 million and the outturn was £47,109 million. Of this outturn, £37,046 million was paid to the devolved administrations of Scotland and Wales.¹⁸ The Ministry's total net core expenditure was £10,063 million, representing a £285 million under spend against the estimate.¹⁹ Of this core outturn, £9,402 million was funding provided to Executive Agencies, Non-Departmental Public Bodies (NDPBs) and other sponsored bodies.²⁰ The creation of the NOMS agency as at 1 April 2008 caused this core figure to drop in 2008-09.

1.2 Some items in the Ministry's accounts were outside the supply process, as they were paid directly from the consolidated fund. These included the Lord Chancellor's salary, election expenses and judicial salaries. In total, this amounted to £140 million.²¹ This expenditure is shown in the Operating Cost Statement but not in the Statement of Parliamentary Supply.

1.3 The Ministry's balance sheet shows that total fixed assets reduced from £11.9 billion to £10.6 billion, a fall of £1.3 billion. This was caused by the integration and rationalisation of the estates of HM Court Service, the Tribunals Service, the Legal Services Commission and the core Ministry itself.²² During 2008-09 a downward revaluation of the NOMS and HM Courts Service estates also contributed to the decrease.

¹⁸ Statement of Parliamentary Supply, Ministry of Justice 2008-09 Resource Account, July 2009, p84.

¹⁹ Statement of Parliamentary Supply, Ministry of Justice 2008-09 Resource Account, July 2009, p84.

²⁰ Ministry of Justice 2008-09 Resource Account, July 2009, Note 2, p102.

²¹ Ministry of Justice 2008-09 Resource Account, July 2009, Note 22, p138.

²² Ministry of Justice, Asset Management Strategy, March 2008, p8.

Analysis of expenditure by spending body

1.4 Figure 6 shows the net resource outturn for the Ministry's main spending bodies for 2008-09. This shows that the NOMS Agency (including prisons and probation expenditure), the Legal Services Commission and the Criminal Injuries Compensation Authority had small over spends against estimate. This over spend was more than balanced out by under spends in other areas primarily in the Ministry's Headquarters and Associated Offices. The Ministry applied for virement between the subheads of Request for Resources 1. This virement was approved by Treasury prior to certification of the 2008-09 resource accounts. The under spend against estimate by the Ministry's Headquarters was primarily caused by a significant reduction in the provisions for the Legal Services Commission and the Criminal Injuries Compensation Authority, partially offset by an increase in provisions for HM Courts Service.

Figure 6
Analysis of net resource outturn by spending body

Spending Body	2008-09	2008-09	2007-08	Percentage change from 2007-08
	Estimate	Outturn	Outturn	
	£000	£000	£000	
HQ and Associated Offices	611,417	451,243	487,979	(7.5)
NOMS	4,917,977	4,943,238	4,424,827	11.7
HM Courts Service	1,322,289	1,189,875	927,066	28.3
Tribunals Service	298,654	294,749	285,970	3.0
Criminal Justice Reform	167,090	139,017	90,201	54.1
Office of Public Guardian	1,100	401	(1,516)	N/A
Legal Services Commission	2,227,435	2,229,088	2,152,237	3.6
Information Commissioner	5,500	5,500	5,050	8.9
Judicial Appointments Commission	8,148	8,148	7,130	14.3
Youth Justice Board	477,336	459,336	442,641	3.8
Criminal Injuries Compensation Authority	244,500	254,500	245,000	3.9
Criminal Cases Review Commission	6,761	6,039	6,830	(11.6)
Parole Board	8,360	8,360	7,500	11.5
Legal Services Board	878	876	–	N/A
Capital grants to Local Authorities	3,200	–	21	N/A
Other	47,592	72,513	71,381	30.9
Net Operating Cost	10,348,237	10,062,883	9,152,317	9.9

Source: Ministry of Justice Resource Accounts 2008-09 Note 2 pages 80-81

NOTES

The NOMS overspend of £24.7 million against estimate was due to the impairment of the prison estate following its quinquennial professional revaluation. The budget was estimated at £430 million but the actual impairment was £512 million.

The CICA overspend of £10 million resulted from progress made in clearing the large backlog of tariff compensation claims. This was an agreed overspend.

The Office of the Public Guardian took on the functions of the Public Guardianship Office during 2007-08.

The Legal Services Board was only created during 2008-09 and incurred no expenditure in 2007-08.

NAO financial audit findings

1.5 The Ministry's resource accounts are subject to audit by the Comptroller and Auditor General (C&AG). For 2008-09, the C&AG issued an unqualified opinion with no report. The accounts were laid in parliament on 21 July 2009, in time for the summer parliamentary recess. The Ministry did well to achieve this target, in light of the machinery of Government changes such as the creation on the NOMS Agency.

1.6 From the NAO's audit testing, high level controls such as the management accounting processes appeared to be operating effectively. These controls cover budgeting monitoring against the supply drawn down from Parliament. The Ministry's invoice processing and payroll functions are outsourced to Liberata. The NAO tested controls at Liberata and these appeared to be operating effectively.

Administration expenditure

1.7 For 2008-09, the administration budget of the Ministry was £462 million. Actual expenditure was £459.2 million, an under spend of £2.8 million. The 2009-10 supply estimate states the administration budget will drop to £435.7 million.

Progress against efficiency targets

1.8 The initial CSR2007 settlement committed the Ministry to delivering £1,007 million Value for Money (VfM) savings by 2010-11. This equates to over three per cent per annum and a five per cent real terms reduction in the administration budget.²³ The two largest modernisation programmes are expected to deliver almost £900 million of these savings: Access to Justice: £550 million including £141 million from the Legal Services Commission; and NOMS: £327 million, with the remainder being delivered from across the rest of the Ministry. The savings target was increased following the 2009 Budget, with an additional saving of £70 million to be delivered by 2010-11²⁴. To this end, the Ministry has initiated its Performance and Efficiency Programme to help meet its VfM savings target and improve overall performance. Based on provisional outturn data, it estimates that £332 million of VfM savings were achieved during 2008-09 (see Appendix 1).

1.9 The Ministry is also responsible for reducing the burdens imposed by their regulations as part of the Government's better regulation agenda. The target is to reduce the net annual cost of regulation by £92 million by May 2010 (25 per cent of the 2005 baseline figure of £369.4 million). The Simplification Plan 2008, identified net savings of £77.84 million and the Ministry is working to identify the additional required savings. As at December 2008, the Ministry had delivered actual lifetime savings totalling £39.4 million, with £34.2 million of this arising from legal aid reforms.²⁵

²³ Ministry of Justice Value for Money Delivery Agreement, February 2008, p6.

²⁴ Cabinet Office VFM Update, April 2009.

²⁵ Ministry of Justice Simplification Plan 2008.

Managing the Ministry's Estate

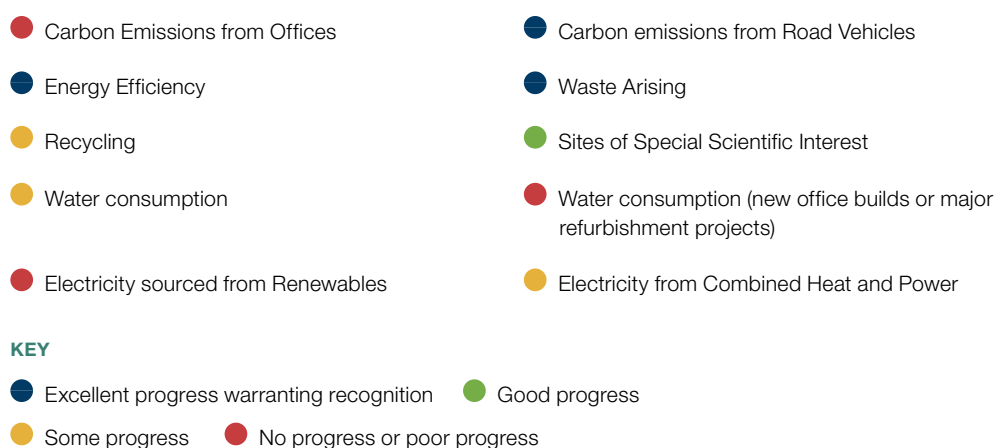
1.10 In 2008-09, staff in the Ministry's Headquarters moved out of five buildings in London and into one headquarters building in Petty France. This brought 2,300 staff into one building for the first time. The second stage of the project will see the introduction of a flexible workspace within Petty France as a further 1,000 staff move into the building.

1.11 The Petty France building received an 'excellent' rating from its Building Research Establishment Evaluation Assessment Model (BREEAM) assessment for its sustainable features, such as energy efficient lighting and recycling facilities. However, the assessment's overall rating of the building's energy efficiency received the lowest rating because BREEAM measures 'total energy per building', rather than 'total energy per workstation'. This runs counter to the Ministry's Headquarters Estates strategy of rationalisation designed to bring much of the Ministry under one roof at Petty France.

Sustainability

1.12 All Government Departments' sustainability performance on both operations and procurement is assessed annually against the targets and commitments of the Framework for Sustainable Operations on the Government Estate (SOGE). For 2008 (**Figure 7**), the Ministry received an overall score of 59 per cent, which compares to a central Government average of 78 per cent.

Figure 7
Performance against SOGE targets



Source: *Sustainable Development in Government* <http://www.sd-commission.org.uk/sdig2008/>

Part Two

The Department's Capability

Capability reviews

2.1 The Capability Review Programme is part of the Civil Service reform agenda, which aims to improve the delivery of public services by

- improving the capability of the Civil Service to meet today's delivery objectives and be ready for the challenges of tomorrow;
- assuring the public and ministers that the Civil Service leadership is equipped to develop and deliver Departmental strategies; and
- helping Departments act on long term key development areas and therefore provide assurance on future delivery.

2.2 The reviews assess Departments' capabilities, identify areas for improvement and key actions. Each review is carried out by external reviewers drawn from senior leaders across the public, private and third sectors and supported by the Capability Review Team from the Cabinet Office. The Capability Review Team regularly reviews progress and provides support to help ensure a Department is on track to deliver its objectives.²⁶

2.3 The Ministry's baseline assessment was conducted during February 2008. As the Ministry was created from part of the old Home Office and the Department for Constitutional Affairs, it was necessary to compare the Ministry's baseline assessment with the previous reviews of the Home Office and DCA from 2006. The review was broken down into three strands of leadership, strategy and delivery. These were all given a rating (**Figure 8**).

2.4 A stock take of the Ministry's progress was undertaken by the Capability Review Team in November 2008. The stock take provided feedback on progress but did not include a re-assessment of performance, nor did it comment on each of the ten areas documented in the original capability report.

2.5 In the stock take the Capability Review team noted that:

- a** Good progress had been made on developing and communicating the Ministry's narrative, and in linking it to Departmental Strategic Objectives (DSOs). However, more work needed to be undertaken to increase staff understanding of the case for the Department and what it means to them.
- b** The Board were seen to be working well together with good personal visibility and leadership from the Permanent Secretary.
- c** Good progress was being made on building top level capability with a number of new appointments at Director level.
- d** Improving the quality of management information and the availability of research and analysis remained a challenge for the Ministry. The Review team wanted to see more pace by the one year stage in resolving difficulties in both these areas.

2.6 A one year update of progress was completed by the Capability Review Team in July 2009. This provided feedback on progress but also did not include a re-assessment of performance, nor did it comment on each of the ten areas in the original baseline assessment. The Cabinet Office are not intending to publish the one year update. The date for the next stock take has yet to be decided but it is likely to take place in 2010.

Figure 8

Summary of Baseline Capability Assessment for the Ministry versus the former DCA and Home Office

		DCA	Home Office	MoJ
Leadership				
L1	Set direction			
L2	Ignite passion, pace and drive			
L3	Take responsibility for leading delivery and change			
L4	Build capability			
Strategy				
S1	Focus on outcomes			
S2	Base choices on evidence			
S3	Build common purpose			
Delivery				
D1	Plan, resource and prioritise			
D2	Develop clear roles, responsibilities and delivery model			
D3	Manage performance			

Strong
 Well placed
 Development area
 Urgent Development area
 Serious Concerns

Source: *The Cabinet Office*

The Procurement of goods and services

2.7 The Ministry is the third largest civil Government Department and has an operating expenditure with third party suppliers of approximately £2.5 billion per annum. In November 2008, the Office of Government Commerce published a Procurement Capability Review for the Ministry, which was in part informed by the NAO's VFM study entitled "The Procurement of Goods and Services by HM Prison Service" published in July 2008. The Capability Review identified a number of issues, specifically leadership, capability, systems and data, which needed to be overcome to deliver commercial success. Due to its inherited structures, the commercial function was found to be devolved and inconsistent, and there was evidence that resources were not routinely deployed effectively.²⁷

2.8 The Ministry has since approved a new procurement strategy based upon the HM Prison Service model which will address the issues raised in the Capability Review, although its success will depend upon the resolution of strategic and structural issues. In addition, an improvement programme called 'Procurement Success' is expected to realise cumulative savings of £141.6 million on third-party expenditure by the end of 2010-11, and £3.3 million per annum on the cost of procurement by the start of 2010-11.²⁸

Staff Survey

2.9 The Ministry undertook its first complete survey of staff as the Ministry of Justice in September 2008. The top five (and equal) statements with which staff most agreed and least agreed are summarised in **Figure 9**. The 2009 staff survey is due to start shortly.

2.10 The 2008 survey shows that ninety per cent of the Ministry staff are clear about what is expected of them in their job and eighty-eight per cent understand how the work of their unit affects the lives of the public. The lowest scores primarily relate to how well (or otherwise) staff think the Ministry is perceived within the Ministry, across Government and outside Government, and to their terms and conditions. Other interesting scores include that only 25 per cent of staff agreed that the Corporate Management Board has a clear vision for the future of the Ministry and only 26 per cent have confidence in the senior management of the Ministry.

²⁷ OGC Procurement Capability Review tranche 3, Ministry of Justice, November 2008, p4.

²⁸ Ministry of Justice Departmental Annual Report, p71.

Figure 9

Summary of statements from the 2008 staff survey with which staff most agreed and least agreed

Questions with the highest level of agreement	
Question	Agree/tend to Agree
78 I understand what I need to do to protect information and personal data that I use	93
38 I understand my responsibilities for promoting equality and diversity in my workplace	93
1 I am clear about what is expected of me in my job	90
80 I understand how the work of my unit affects the lives of the public	88
79 I know where to find information security policies and guidance	88
Questions with the lowest level of agreement	
Question	Agree/tend to Agree
64c I think the Ministry is highly regarded by people outside of Government	19
63 The Ministry energises me to 'go the extra mile'	20
40b I feel my pay is reasonable in comparison to other people working in the Ministry	21
65 I feel that change is well managed in the Ministry	21
47c My Service/Directorate does a good job of: Retaining its most talented people	22
64a I think the Ministry is highly regarded by: its own staff	22
64b I think the Ministry is highly regarded by: People in other Government Departments	22
40a I feel my pay is reasonable in comparison to: People in similar jobs elsewhere	22
67 The Ministry motivates me to contribute more than is normally required in my work	22

Source: Ministry of Justice Staff Engagement Survey September 2008

Part Three

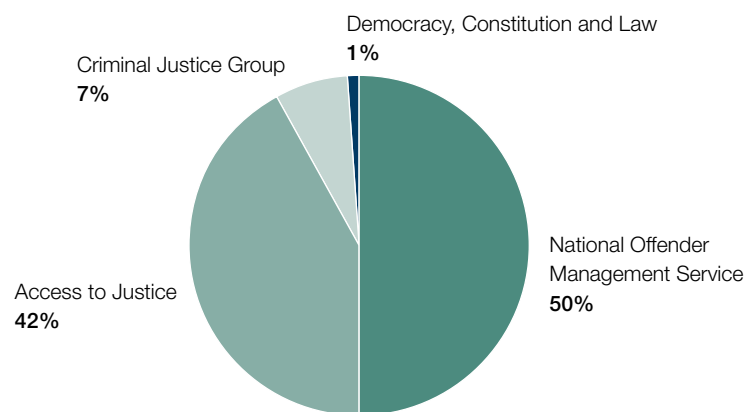
Performance against PSAs and DSOs

Introduction

3.1 The Ministry is the lead Department on one Public Service Agreement (PSA 24) for the Comprehensive Spending Review period 2008-2011 (CSR 2007) and has four Departmental Strategic Objectives (DSOs). This is the first year of reporting on these targets. The Ministry also contributes to nine PSAs led by other Departments, (Appendix 3). From the previous spending review period, final assessments have also been made on four PSA targets whilst one target (PSA 4) is being concluded in 2009-10. **Figure 10** shows the proportion of the Ministry budget spent against each DSO in 2008-09.

Figure 10

The proportion of the Ministry's 2008-09 budget used against each Departmental Strategic Objective



Source: Ministry of Justice Departmental Annual Report 2008-09

Public Service Agreements: Spending Review 2007

PSA 24: Deliver a more effective, transparent and responsive criminal justice system for victims and the public – Some progress

3.2 The Ministry of Justice is the lead Department for this Public Service Agreement but responsibility for delivery is shared with the Home Office and the Attorney General. This PSA is measured by five indicators, three of which are also indicators within DSO 4

- The efficiency and effectiveness of the Criminal Justice System in bringing offences to justice;
- Public confidence in the fairness and effectiveness of the criminal justice system;
- Experience of the criminal justice system for victims and witnesses;

3.3 The other two indicators are

- Understanding and addressing race disproportionality at key stages in the criminal justice system; and
- Reducing the harm caused by crime by increasing the recovery of criminal assets.

3.4 While improvements have been made in the experiences of victims and witnesses, and levels of public confidence about the fairness of the justice system, there have been no significant improvements in the efficiency and effectiveness of bringing offences to justice. Improvement has occurred in the recovery of criminal assets, however, the current performance is still below the trajectory required to recover £250 million in 2009-10.

Departmental Strategic Objectives

DSO 1: Strengthening democracy, rights and responsibilities – Strong progress

3.5 This objective aims to modernise the constitution, encourage participation in the democratic process and strengthen the devolution settlement. As the guardian of the Freedom of Information (FOI) and Data Protection Acts, the Ministry also plays a leadership role in providing information and advice to Government Departments on FOI and data protection issues.

3.6 Key outputs have been the introduction of several bills into Parliament including the Political Parties and Election Bill and the Parliamentary Standards Bill. In addition a considerable amount of work was undertaken on the Constitutional Reform and Governance Bill introduced in July 2009. These pieces of legislation are discussed further in paragraph 3.7 below. The Government's response to the Data Sharing Review Report²⁹ was published in November 2008, by the Ministry's Information Directorate, concluding that the Government would continue to implement steps to protect personal data more effectively. Internally, an Information Sub-Committee has been created, providing accountability and governance over information assets and risks.

²⁹ *Data Sharing Review Report*, Thomas and Walport, July 2008; Government response: *Response to the Data Sharing Review Report*, Ministry of Justice, November 2008.

3.7 Bills introduced into Parliament

- The Political Parties and Election Bill included measures to increase the transparency of political donations, tighten controls on party spending and enables political parties to put forward four extra Electoral Commissioners. It received Royal Assent on 21 July 2009.
- The Parliamentary Standards Act 2009 received Royal Assent on 21 July 2009³⁰, introducing reform of MPs' expenses. Extensive media coverage and great public disquiet highlighted the necessity for the system to be overhauled and introduce further scrutiny to track any mistakes or abuse of the system. The Act establishes the Independent Parliamentary Standards Authority (the Authority) and the Commissioner for Parliamentary Investigations³¹. The Authority has responsibility for paying the salaries³² of members of the House of Commons and administering an allowances scheme³³. In addition, the Authority has responsibility for the development of the MPs' Allowance Scheme, reviewing this at regular intervals for appropriateness³⁴. The Authority must also prepare a code of conduct for MPs to observe with regard to their financial interests³⁵. The Commissioner for Parliamentary Investigations may conduct an investigation where they have reason to believe an MP has been paid an allowance that should not have been allowed or has failed to comply with the rules set out by the Authority in relation to the registration of a financial interest. The Authority sets the procedures by which the Commissioners can receive complaints and carry out investigations. At least one of the members of the Authority must qualify under Schedule 3 to the National Audit Act 1983 (c. 44) to be an auditor for the NAO³⁶. The Authority's annual accounts will be subject to audit by the Comptroller and Auditor General³⁷.
- The Constitutional Reform and Governance Bill aims to rebuild trust in our democratic and constitutional settlement by ensuring openness, transparency and accountability. It includes measures to remove the hereditary principle from the House of Lords, places elements pertaining to the Civil Service on a statutory footing, removes the Prime Minister from involvement in appointments to the Supreme Court and repeals legislation that limits protests around Parliament.

Improvement was made against **all** indicators that were agreed with HM Treasury details of which are in Appendix 4.

30 <http://news.parliament.uk/2009/07/royal-assent-3/>

31 Parliamentary Standards Act 2009 (c.13), Paragraph 3.

32 Parliamentary Standards Act 2009 (c.13), Paragraph 4(1).

33 Parliamentary Standards Act 2009 (c.13), Paragraph 5(1).

34 Parliamentary Standards Act 2009 (c.13), Paragraph 5(3).

35 Parliamentary Standards Act 2009 (c.13), Paragraph 8(1).

36 Parliamentary Standards Act 2009 (c.13), Schedule 1, Part 1, Paragraph 1.

37 Parliamentary Standards Act 2009 (c.13), Schedule 1, Part 2, Paragraph 24.

DSO 2: Delivering fair and simple routes to civil and family justice – Some progress

3.8 Key outputs have been the opening of four Community Legal Advice centres, improving access to legal advice, and the creation of the Two-tier Tribunals which has streamlined the tribunals system. The Small Claims Mediation Service, which settles disputes out of court, was successful in winning the European Crystal Scales of Justice Award, recognising its contribution to the quality of civil justice in England and Wales and placing it ahead of its European peers.

3.9 In July 2009, the Justice Committee's 2009 review of Family Legal Aid Reform concluded that the legal aid structure being designed by the Legal Services Commission is based on a pattern of supply which does not yet exist.³⁸ This followed a 2007 NAO report on the use of mediation in cases of family breakdown, which recommended that the Legal Services Commission (LSC) actively promote mediation and that mediation should be attempted before other remedies are tried. The NAO recommended the Commission should assess the cost-effectiveness of funding mediation for both parties, where only one party is currently entitled to legal aid, because the average cost of a mediated case was less than half that of a case in which mediation had not been tried. The NAO also suggested that the LSC extend the provision of mediation to areas of the country that were not well covered. Management information would be useful to measure the proportion of cases where agreement is reached through mediation, and the proportion of cases which do not return to court, and to apply sanctions to poor performers.³⁹

3.10 Other initiatives included establishing the Legal Services Board and the Office for Legal Complaints. These bodies are responsible for overseeing regulation of the legal profession and supervising complaints handling of legal professionals, respectively. Both were established as a result of the Legal Services Act 2007 and are due to become fully operational in 2010.

3.11 Improvement was made on the indicator called 'Delivery of the Transforming Tribunals Programme'. Improvement was not reported against the indicator 'Achievement of Agency Cost Recovery Targets' because cost recovery data had not been assessed for Her Majesty's Court Service (HMCS). However, cost recovery targets were met for the Office of the Public Guardian and exceeded for the LSC. Full details of all the indicators are in Appendix 4.

³⁸ Family Legal Aid Reform, Justice Committee, 15 July 2009, p32, Paragraph 12.

³⁹ Comptroller & Auditor General's report, *Legal aid and mediation for people involved in family breakdown*, HC256, 2 March 2007, Summary.

DSO 3: Protecting the public and reducing re-offending – Strong progress

3.12 This objective, led by the NOMS Agency, aims to manage the risks posed by offenders, effectively and reduce the likelihood of re-offending. Work in this area has a direct impact on PSA 24 (A more effective, transparent and responsive criminal justice system for victims and the public) which the Ministry leads, PSA 23 (Making communities safer) and PSA 26 (Reduce the risk to the UK and its interest overseas from international terrorism) both of which are led by other Departments but contributed to by the Ministry.

3.13 Key impacts have been a reduction in the rate of adult and juvenile re-offending since 2005 (a 11.1 per cent fall for adults and a 7.5 per cent reduction for juveniles), over 4,600 new prison places delivered since the start of the Prison Capacity Programme and the publication of the Youth Crime Action Plan which was produced jointly with the Department for Children Schools and Families, in July 2008. Her Majesty's Inspectorate of Probation also completed its five year programme of joint inspections of all 157 Youth Offending Teams in 2008-09.⁴⁰

3.14 Of the eight indicators agreed with HM Treasury, five have shown improvement and two have been maintained. In particular, the low level of escapes from prison has been maintained, re-offending rates have fallen and the majority of NOMS Key Performance Indicators (27 out of 28) were met. One indicator linked to PSA 26 "Reduce the risk to the UK and its interests overseas from international terrorism" has not been reported on due to its sensitive nature. Details on all the indicators are in Appendix 4.

DSO 4: A more effective, transparent and responsive criminal justice system for victims and the public – Some progress

3.15 This objective aims to deliver the Government's vision for the Criminal Justice System⁴¹ by creating a fairer and more joined-up system that works closer with local communities, is more effective at bringing offences to justice and ensures higher standards of service for victims and witnesses. Its indicators overlap directly with PSA 24.

3.16 Key outputs included The Coroners and Justice Bill which includes measures to enhance the Information Commissioners' powers of investigation and inspection which is expected to improve the way that data is held and used. Other changes have been the introduction of the Criminal Justice and Immigration Act 2008 and the Criminal Evidence (Witness Anonymity) Act 2008, the appointment of a Victims' Champion and evidence of improved public confidence in the Criminal Justice System as measured by PSA 24.

3.17 Of the four indicators agreed with HM Treasury, an improved performance was shown on two, while performance was maintained on the remaining two indicators. In particular, Crown Court 'timeliness'⁴² is above target and victim satisfaction levels with the police are above the baseline. Magistrates Court 'timeliness' has also improved but is still below the target. Details of all the indicators are in Appendix 4.

⁴⁰ Her Majesty's Inspectorate of Probation Annual Report 2008-09.

⁴¹ *Strategic Plan for Criminal Justice 2008-11*, Office for Criminal Justice Reform, November 2007.

⁴² 'Timeliness' is the estimated average time from charge to completion of a case.

Public Service Agreements: Spending Review 2004

3.18 During 2008-09, the Ministry were able to provide final assessments on four of their five SR 2004 PSA targets. Three of the PSAs were reported as **met** this year.

- PSA 1: Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25 million by 2007-08 (joint CJS target), was **met**.
- PSA 2: Reassure the public, reducing the fear of crime and anti-social behaviour, and building confidence in the CJS without compromising fairness, was **met**.
- PSA 3: Reduce unfounded asylum claims as part of a wider strategy to tackle abuse of the immigration laws and promote controlled legal migration (joint Home Office target), was **met**.
- PSA 4: By 2009-10 increase the proportion of care cases being completed in the Courts within 40 weeks by 10 per cent, reported **slippage** and will be finally assessed next year.
- PSA 5: Achieve earlier and more proportionate resolution of legal problems and disputes, was **not met**.

3.19 Details of the final outturn for all the indicators within these PSAs are in Appendix 4.

Appendix One

Financial Savings

Delivery strategy	2008-09 savings (£m)	Savings target 2009-10 (£m)	Indicative savings target 2010-11 (£m)
National Offender Management Service (NOMS)	82	171	74
Access to Justice (A2J)	153	236	160
Of which HM Courts Service	82	87	91
Of which Tribunals Service	18		
Of which Legal Aid Reform	46	27	61
Of which LSC Admin	7		
Of which Other	0	122	8
Democracy, Constitution and Law (DCL)	0	3	4
Criminal Justice Group (CJG)	0	26	18
Corporate Performance Group (CPG)	97	23	12
Total	332	459	268
2008/09 flow through ¹	N/A	264	280
2009/10 flow through	N/A	N/A	459
Total of savings/savings plans	332	723	1,007
Additional OEP savings			70

NOTE

¹ Flow through estimates are based on original plans and are subject to revision following the over delivery of savings in 2008-09.

Appendix Two

Criminal Legal Aid reforms

Primarily in response to the report produced by Lord Carter of Coles in 2006 entitled Legal Aid A market-based approach to reform, the Legal Services Commission has introduced a number of significant reforms to the way criminal legal aid is operated. These include:

Means Testing

Means testing in the magistrates' court was introduced with effect from October 2006.

Police station and magistrates' court fees

The introduction of revised fees for criminal legal aid advice at police stations based on fixed fees for 245 separate areas of England and Wales, took place in January 2008. This removed the right to claim separate travel and waiting costs. The introduction of revised standard fees for advice and representation in the magistrates' court in 16 designated urban areas, occurred in April 2007.

A Graduated Fee Scheme for Crown Court litigators

A graduated fee scheme for litigators in the Crown Court which was loosely based on the existing Advocates Graduated Fee Scheme, was introduced with effect from January 2008. This scheme was designed to engineer a shift from paying for inputs, such as time spent, to outputs such as completed cases.

Very High Cost Criminal Cases Panel

A panel of solicitors and barristers was launched on 2 April 2008, to undertake Very High Cost Cases in the Crown Court. The fee rates were not accepted by much of the Bar and revised fees were introduced in December 2008. The Legal Services Commission is currently considering its options for revising the scheme.

To be implemented:

Best value tendering in criminal legal aid work

A system of best value tendering is to be piloted in Greater Manchester and Avon and Somerset later in 2009. Roll out of the scheme to the remainder of England and Wales has now been delayed until 2013.

Crown Court means testing

A pilot scheme for Crown Court means testing will begin in five Crown Court areas in January 2010.

Appendix Three

Public Service Agreements from the Comprehensive Spending Review 2007 contributed to by the Ministry of Justice

PSA	Description	Lead Department
3	Ensure controlled, fair migration that protects the public and contributes to economic growth	Home Office
13	Improve the safety of children and young people	DCSF
14	Increase the number of children and young people on the path to success	DCSF
15	Address the disadvantage that individuals experience because of their gender, race, disability, age, sexual orientation, religion or belief	Government Equalities Office
16	Increase the proportion of socially excluded adults in settled accommodation and employment, education or training	Cabinet Office
21	Build more cohesive, empowered and active communities	DCLG
23	Make communities safer	Home Office
25	Reduce the harm caused by alcohol and drugs	Home Office
26	Reduce the risk to the UK and its interests overseas from international terrorism	Home Office

Source: Ministry of Justice and HM Treasury

Appendix Four

Progress against current PSAs and DSOs and CSR2004 PSAs closed during the year

PSA 24 – To deliver a more effective, transparent and responsive criminal justice system for victims and the public

Some Progress

Indicators	Performance
1 Efficiency and effectiveness of the CJS in bringing offences to justice.	1 <i>Maintained</i> (see DSO 4).
2 Public confidence in the fairness and effectiveness of the CJS.	2 <i>Maintained</i> (see DSO 4).
3 Experience of the CJS for victims and witnesses.	3 <i>Improvement</i> (see DSO 4).
4 Understanding and addressing race disproportionality at key stages in the CJS.	4 <i>Improvement</i> <ul style="list-style-type: none"> ● Progress toward the 2011 milestone on schedule – local Criminal Justice Boards are collecting and analysing data on race disproportionality.
5 Recovery of criminal assets.	5 <i>Improvement</i> <ul style="list-style-type: none"> ● £148 million recovered between April 2008 and March 2009. ● Current performance shows improvement but it is still below trajectory to recover £250 million in 2009-10.

DSO 1 – Strengthening democracy, rights and responsibilities

Strong Progress

Indicators	Performance
1 Modernised constitutional institutions; Royal Assent to the Constitutional Renewal Bill, establishment of the UK Supreme Court and a strengthened devolution settlement.	1 <i>Improvement</i> <ul style="list-style-type: none"> ● Report into the Constitutional Renewal Bill published on 31 July 2008. The Constitutional Reform and Governance Bill, which includes many of the provisions of the Constitutional Renewal Bill was introduced on 20 July 2009. ● The Supreme Court opened in October 2009. ● The House of Lords Reform White Paper was published in July 2008. ● Green paper published on Rights and Responsibilities (following on from the Human Rights Act).
2 Reformed arrangements for political party finance and expenditure.	2 <i>Improvement</i> <ul style="list-style-type: none"> ● The Political Parties and Elections Act received Royal Assent on 21 July 2009.

3 Increasing the use, safekeeping and availability of public authority information.

3 *Improvement*

- The Coroners and Justice Bill reached its Lords Committee stage on 9 June 2009 and includes recommendations from the Data Sharing review.
- An assessment on the recommendations of the Dacre review is being carried out and should lead to changes in the 30 year rule for the transfer of historical records to the National Archives.

4 A Youth Citizenship Commission reporting in spring 2009.

4 *Improvement*

- 13 Commissioners appointed reporting in June 2009.

DSO 2 – Delivering fair and simple routes to civil and family justice

Some Progress

Indicators

1 Delivery of Key Performance Indicators (KPIs).

1 *Maintained*

- 31 out of 42 KPIs delivered (74 per cent) overall

2 Achievement of LSC, OPG and HMCS civil court cost recovery targets.

2 *No improvement*

- LSC target exceeded, OPG target met and HMCS target not met.

3 Delivery of the Transforming Tribunals Programme.

3 *Improvement*

- Multi-jurisdictional Administrative Support centre opened in Birmingham in September 2008 to deal with Social Security, Child Support and Asylum and Immigration Tribunal work. The First-tier and Upper Tribunals commenced operation in November 2008.

DSO 3 – Protecting the public and reducing re-offending

Strong Progress

Indicator

1 Maintaining current performance of no Category A escapes.

1 *Maintained*

- The Ministry has continued to protect the public by keeping the most dangerous prisoners secure.

2 Maintaining existing very low rate of escapes from prison or prisoner escorts as a per cent of the average prison population.

2 *Maintained*

- The rate of escape from April 2008 to March 2009 was 0.006 per cent of the average prison population. This is considerably lower than national target of less than 0.05 per cent.

3 Maintaining the existing very low rate of absconding from the open/semi-open estate as a percentage of the average prison population.

3 *Improvement*

- An average of 15.8 absconds per 100,000 prisoner days; a reduction of 31 per cent on the previous year.

4 Levels of re-offending as per PSA 23, reported on by lead Department the Home Office:

4 *Improvement*

- Baseline (Adults): 165.7 re-offences per 100 offenders (2005); and
- Baseline (Youths): 125.0 re-offences per 100 offenders (2005).

- Outturn (Adults): 147.3 re-offences per 100 offenders (2007); and
- Outturn (Youths): 115.7 re-offences per 100 offenders (2007).

<p>5 Levels of serious re-offending as per PSA 23, reported on by lead Department the Home Office:</p> <ul style="list-style-type: none"> ● Baseline (Adults): 0.85 serious offences per 100 offenders (2005); and ● Baseline (Youths): 0.90 serious offences per 100 offenders (2005). 	<p>5 <i>Improvement</i></p> <ul style="list-style-type: none"> ● Outturn (Adults): 0.77 serious offences per 100 adult offenders (2007); and ● Outturn (Youths): 0.73 serious offences per 100 youth offenders (2007).
<p>6 Delivery of NOMS KPIs.</p>	<p>6 <i>Improvement</i></p> <ul style="list-style-type: none"> ● 27 out of 28 national targets for 2008-09 were met.
<p>7 Delivery of Youth Justice Board KPIs.</p>	<p>7 <i>Improvement</i></p> <ul style="list-style-type: none"> ● A 10.2 per cent reduction in first time entrants to the Youth Justice System achieved in 2007-08, compared to a target of five per cent.
<p>8 Work to counter the risks posed by violent extremist offenders by contributing to PSA 26 (the PSA Delivery Agreement for Counter-terrorism is not being published).</p>	<p>8 <i>Not reported</i></p> <ul style="list-style-type: none"> ● The Ministry is unable to report against this indicator for security reasons. ● The Ministry is fully integrated into the Government's CONTEST strategy for countering international terrorism.

DSO 4 - A more effective, transparent and responsive criminal justice system (CJS) for victims and the public

Some Progress

Indicators

- 1 Increase the performance of bringing serious offences to justice.
- 2 Magistrates' Court and Crown Court timeliness.
- 3 Increased levels of public confidence as measured by the British Crime Survey.
- 4 Increased levels of victim and witness satisfaction as recorded by the Witness and Victim Experience Survey.

Performance

- 1 *Maintained*
 - Number of serious sexual offences brought to justice has risen by six per cent since 2007-08.
 - Number of serious acquisitive offences brought to justice has fallen by three per cent since 2007-08.
 - Data on recorded serious violent crimes is not currently available.
- 2 *Improvement*
 - Magistrates' Courts: 6.9 weeks compared to a baseline of 8.8 weeks.
 - Crown Courts: 80 per cent compared to a baseline of 78 per cent.
- 3 *Maintained*
 - Against a baseline of 56 per cent for confidence in the fairness of the CJS and 37 per cent for confidence in its effectiveness in the six months to March 2008, the results for the 12 months to March 2009 were 58 per cent and 38 per cent, respectively.
- 4 *Improvement*
 - Latest performance shows Police satisfaction of 83 per cent and CJS satisfaction of 82 per cent both against a baseline of 81 per cent.

PSA 1 (Spending Review 2004) – Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25 million by 2007-08**Final Assessment – Met**

Indicators	Performance
1 Number of crimes for which an offender is brought to justice of 1.25 million.	1 <i>Met</i> 1.446 million offences were brought to justice in the 12 months to the end of March 2008.

PSA 2 (Spending Review 2004) – Reassure the public, reducing the fear of crime and anti-social behaviour, and building confidence in the CJS without compromising fairness**Final Assessment – Met**

Indicators	Performance
1 Target of 39 per cent of the public to be confident in the effectiveness of CJS as measured in British Crime Survey.	1 <i>Met</i> British Crime Survey 2007-08 found 44 per cent confidence in CJS among the public.
2 Target of less than 33 per cent of Black and Ethnic Minorities to believe that the CJS would treat them worse than people of other races.	2 <i>Met</i> The Citizenship Survey 2007 found 28 per cent of the public were unhappy with the fairness of the CJS in relation to Black and Ethnic Minorities.
3 Target of 60.1 per cent of victims and witnesses to be satisfied with the CJS.	3 <i>Not Met</i> British Crime Survey 2007-08 found 59.8 per cent satisfaction among victims and witnesses.

PSA 3 (Spending Review 2004) – Reduce unfounded asylum claims as part of a wider strategy to tackle abuse of the immigration laws and promote controlled legal migration**Final Assessment – Met**

Indicators	Performance
1 To reduce the number of unfounded asylum claims in 2007-08 to less than 70,200.	1 <i>Met</i> Provisional figures suggest there were 16,500 unfounded asylum cases in 2007-08.

PSA 4 (Spending Review 2004) – By 2009-10 increase the proportion of care cases being completed in the courts within 40 weeks by 10 per cent**In Progress – Slippage**

Indicators	Performance
1 56 per cent of family proceedings court cases to be completed within 40 weeks by March 2010.	1 <i>Slippage</i> Performance from April 2008 to March 2009 was 48 per cent
2 48 per cent of care centre (county court) cases to be completed within 40 weeks by March 2010.	2 <i>Slippage</i> Performance from April 2008 to March 2009 was 37 per cent
	Current performance suggests this target will not be met.

PSA 5 (Spending Review 2004) – To achieve earlier and more proportionate resolution of legal problems and disputes**Final Assessment – Not Met**

Indicators	Performance
1 Target of 49.9 per cent of justiciable problems in respect of which people receive suitable advice and assistance.	1 <i>Not Met</i> Civil and Social Justice Survey identified 45.9 per cent of problems.
2 Target of less than 38.5 per cent of disputed claims that are ultimately resolved by a hearing.	2 <i>Not Met</i> 40.9 per cent of claims were resolved by a hearing.
3 Target of 81.5 per cent of small claim hearings that take place within target time.	3 <i>Not Met</i> 77.8 per cent of small claim hearings satisfied the criteria.

This report has been printed on Consort 155

Design & Production by
NAO Marketing & Communications Team
DP Ref: 009111| Printed by Precision Printing

