

## Ministry of Justice

Autumn Performance Report 2009

Cm 7732

ISBN 9780101773225

### CORRECTION

#### Page 18 – Performance Improvement statistics

The figures describing performance should read as follows:

Indicator	Performance
Target will be met if by March 2010 the family proceedings courts (magistrates' courts) achieve 56%.	<b>Slippage</b> The current financial year to date performance (April to June 2009) is 47.6%.  PSA 4 performance has slipped when compared to the 49.2% seen in the same period last year. There has been a significant increase in the volume of applications received by the courts month on month since November 2008.
Target will be met if by March 2010 the care centres (county court) achieve 48%.	<b>Slippage</b> The current financial year to date performance (April to June 2009) is 35.8%.  PSA 4 performance has slipped when compared to the 36.5% seen in the same period last year. The increase in applications has also affected Care Centres. Given the high volume of cases already over 40 weeks in the system, this will undoubtedly have an impact on overall future performance and has jeopardised any prospect of meeting the target.

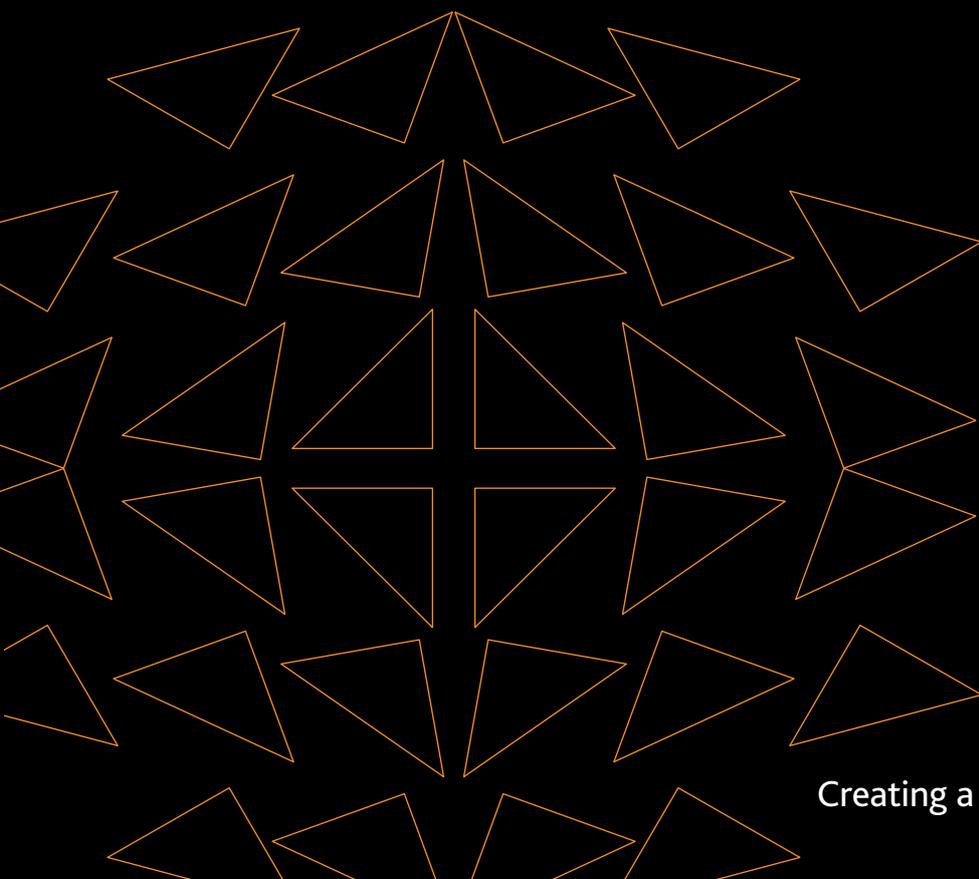
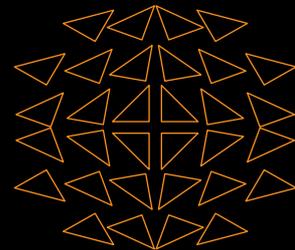
December 2009

London: The Stationery Office



Ministry of  
**JUSTICE**

# Autumn Performance Report 2009



Creating a safe, just and democratic society



# Ministry of Justice Autumn Performance Report 2009

Presented to Parliament  
by the Lord Chancellor and Secretary of State for Justice  
by Command of Her Majesty  
December 2009

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ISBN: 9780101773225

Printed in the UK by The Stationery Office Limited on behalf of the Controller of Her Majesty's Stationery Office

ID P002333723 12/09

Printed on paper containing 75% recycled fibre content minimum.

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## Foreword by the Lord Chancellor and Secretary of State for Justice

I am pleased to introduce this Autumn Performance Report, which charts the Ministry of Justice's progress over the last twelve months against its Strategic Objectives, Public Service Agreements, and Value for Money targets.

The Ministry celebrated its second birthday in May this year. In a short space of time it has I believe established itself as one of the major Departments of State, unique in its breadth and influence. The objectives and targets set out in this report are designed to inform our efforts to create a safe, just and democratic society; to ensure we fully realise the benefits of bringing responsibility for the justice system into one department; and to meet the challenges which lie ahead.

Thanks to a new departmental structure and the hard work and dedication of staff across the Ministry of Justice, the last twelve months have been highly productive.

- We have continued to place the needs of victims at the centre of the criminal justice system. We have increased the money we provide to Victim Support; introduced new protection for victims of forced marriage; appointed Sara Payne as the Victims' Champion; and announced plans for a National Victims Service.
- We are better engaging local communities in criminal justice – by giving them a say in the types of Community Payback projects offenders carry out and allowing them to see justice being done, for example through the use of high visibility jackets. Offenders have now worked more than eight million hours, with an estimated value to the taxpayer of nearly £50 million.
- The family justice system has been made more open and transparent, through reforms to allow the media to attend family hearings and report the gist of proceedings, and through pilots for online judgments in family cases.

- We introduced measures to help people avoid losing their homes during the recession, and made £13 million available to fund additional debt, housing, employment and family cases. In September, we launched a consultation on how the Government can help people solve their debt problems as quickly and fairly as possible.
- We created a new UK Supreme Court – marking the latest stage of the “quiet revolution” in our constitutional arrangements since 1997. The renovation of the Middlesex Guildhall was completed in October on time and on budget.
- The emergency Parliamentary Standards Bill gained Royal Assent, creating a new system of robust, independent, statutory regulation of MPs’ allowances and the registration of financial interests.

We have made enormous progress, but significant challenges remain. In a difficult economic climate, the Ministry of Justice has an even greater responsibility to ensure that every penny of taxpayers’ money is best spent. This means we must be clear about where our priorities lie, and honest about where and how we can work more efficiently and effectively. I am confident that through the collective efforts of Ministry of Justice staff – as well as our partners across the justice system – we will continue to improve the services we provide to the public over the twelve months ahead.



The Rt Hon Jack Straw MP  
Lord Chancellor and  
Secretary of State for Justice

# 1. Introduction to the Ministry: Organisation and Performance Framework

## The Ministry of Justice

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.

The Ministry's work is wide-ranging, providing services to around nine million people a year directly and through the many delivery partners that work with and for the Ministry.

The Ministry is responsible for prisons and probation, the court system, tribunals and legal aid, plus constitutional reform and devolution, democracy and human rights. There are also three other departments that report directly to the Justice Secretary: The Northern Ireland Courts Service, The National Archives and Her Majesty's Land Registry.

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

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

The Ministry also has four priority themes that run through all our DSOs. These describe how we will go about delivering our purpose and objectives, thereby ensuring our public services are working for the community and the taxpayer.

Our four priorities are to:

- **Continue reform of public services** by strengthening democratic involvement in the justice system by involving frontline staff and communities in decision-making, while ensuring value for money for the taxpayer.
- **Continue to build a justice system that inspires greater public confidence**, where justice is not only done, but seen to be done. The Ministry will provide more information about how the justice system works to serve the public – particularly victims, the vulnerable and their families – and ensure it is demonstrably on their side.

- **Listen to victims and the vulnerable** to ensure that their voices are heard in all aspects of the Ministry's work and put them at the heart of the justice system.
- **Involve communities in justice.** The Ministry will inform, consult and involve communities better in decision making. Communities expect to know that offenders are being punished effectively and rightly expect that the justice system is on their side.

## Structure of the Ministry

The Ministry is structured around four Business Groups, each responsible for delivering one DSO, but working collaboratively on cross-cutting priority outcomes, and a Corporate Performance Group which supports delivery by the other groups.

The Lord Chancellor and Secretary of State for Justice, the Rt. Hon. Jack Straw MP, is supported by his ministerial team and a Corporate Management Board. The Corporate Management Board, chaired by the 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.

The Ministry is working in an economic and financial environment where demand for services is increasing but where financial resources are becoming increasingly constrained. Working hard to save money where we can without damaging core services, we have begun a programme of transformational change and reform to provide better outcomes for individuals and society at a lower cost, giving better value for money to the taxpaying public.

## Our Public Service Agreements

We are responsible for delivering, or contributing to, a number of **Public Service Agreements (PSAs)**. PSAs set out the key cross cutting priority outcomes the Government wants to achieve in this spending period (2008-11).

The following PSAs are included in this report:

- **PSA 24:** Deliver a more effective, transparent and responsive criminal justice system for victims and the public. **MoJ leads on delivering this PSA.**
- **PSA 23:** Making Communities Safer. The Home Office leads this PSA and the MoJ has responsibility for two indicators, Adult and Young Offender proven reoffending and, Serious Reoffending.
- **PSA 16:** Increase the proportion of socially excluded adults in settled accommodation and employment, education or training. The Cabinet Office leads this PSA and MoJ has responsibility for two indicators, offenders under probation supervision in settled and suitable accommodation and, offenders under probation supervision in employment.

The Ministry of Justice also contributes to the following PSAs which are not included in this report (lead departments in brackets):

- **PSA 3:** Ensure controlled, fair migration that protects the public and contributes to economic growth (Home Office).
- **PSA 13:** Improve the safety of children and young people (Department for Children, Schools and Families).
- **PSA 14:** Increase the number of children and young people on the path to success (Department for Children, Schools and Families).
- **PSA 15:** Address the disadvantage that individuals experience because of their gender, race, disability, age, sexual orientation, religion or belief (Government Equalities Office).
- **PSA 21:** Build more cohesive, empowered and active communities (Communities and Local Government).
- **PSA 25:** Reduce the harm caused by alcohol and drugs (Home Office).
- **PSA 26:** Reduce the risk to the UK and its interests overseas from international terrorism (Home Office).

Full reporting against all these PSAs can be found in the lead departments' Autumn Performance Reports.

## Spending Review 2004 (SR2004) Public Service Agreements

In addition to Comprehensive Spending Review 2007 (CSR07) targets, we report on any outstanding PSA targets from SR2004. In this report we have therefore provided outturn data for SR2004 PSA 4: Increase the proportion of care cases being completed within 40 weeks. This PSA has targets running until March 2010 and progress on its indicators can be found on page 16 of this report.

## Value for Money

The Ministry of Justice was created in May 2007, but its predecessors - the Department for Constitutional Affairs and the National Offender Management Service (previously part of the Home Office), managed to deliver £455 million of efficiency savings by March 2008 against their original Gershon targets of £290 million. This included relocating more than 750 civil servants out of London and the South East.

Building on this record of success, at the start of the 2007 Comprehensive Spending Review Period, the Ministry of Justice identified scope to deliver £1,007 million of additional net cash releasing Value for Money (VfM) savings by 2010-11. In the 2009 Budget, as part of the on-going government response to the difficult global economic conditions, the Chancellor of the Exchequer announced that the MoJ would contribute an additional £70m in VfM savings taking the overall target to £1,077m.

This settlement equates to over 3% savings per annum and a 5% real reduction in our administration budget.

In late 2008 the MoJ established the Performance and Efficiency Programme (PEP) to deliver the required VfM savings. PEP has assisted in establishing a MoJ wide portfolio of savings initiatives and all parts of the Ministry have developed plans to identify and deliver VfM savings and performance improvements.

### **Progress on outstanding Public Accounts Committee Recommendations**

Following on from Value for Money reports published by the National Audit Office relating to various aspects of the Ministry of Justice's operations, it is common for the Public Accounts Committee (PAC) to conduct their own inquiries and publish their own reports containing numerous follow-up recommendations and conclusions.

A list of those PAC recommendations which are currently outstanding, with detailed progress against each, can be found at Annex A. These recommendations cover 14 PAC reports. Of the 147 recommendations originally contained in these reports, 108 (or 73%) have been implemented to date.

### **Resource accounts**

This report complements the MoJ's Resource Accounts which are the annual financial accounts for the MoJ for the financial year ending 31 March 2009, and related information (annual report, management commentary, remuneration report, statement on internal control and audit certificate). They were laid before Parliament on 21 July 2009 and are available on the Ministry of Justice website at <http://www.justice.gov.uk/publications.htm> or may be purchased from The Stationery Office [www.tso.co.uk](http://www.tso.co.uk).

## 2. Performance against Departmental Strategic Objectives and Public Service Agreements

### Performance Summary Table

DSO	Indicator	Status	Assessment
DSO 1: Strengthening democracy, rights and responsibilities	<ul style="list-style-type: none"> <li>• Modernised constitutional institutions.</li> <li>• Reformed arrangements for political party finance and expenditure.</li> <li>• Increasing the use, safekeeping and availability of public authority information.</li> <li>• A Youth Citizenship Commission Reporting in spring 2009.</li> </ul>	Improvement Improvement Improvement Improvement	<b>Strong progress</b>
DSO 2: Delivering fair and simple routes to civil and family justice	<ul style="list-style-type: none"> <li>• Delivery of Agency Key Performance Indicators               <ul style="list-style-type: none"> <li>- Provision of civil and family acts of legal advice and assistance.</li> <li>- Resolution of civil and family disputes.</li> <li>- Customer service and contact targets.</li> <li>- Delivery of public law targets, carried over from the 2004 Spending Review, to reduce delay in care proceedings.</li> </ul> </li> <li>• Achievement of Legal Services Commission, Office of the Public Guardianship and civil court cost recovery targets.</li> <li>• Delivery of Transforming Tribunals Programme<sup>1</sup>.</li> </ul>	Improvement          No improvement Improvement	<b>Strong progress</b>

<sup>1</sup> Formerly known as Delivery of the 'Transforming Tribunals agenda'.

DSO	Indicator	Status	Assessment
DSO 3: Protecting the public and reducing reoffending	<ul style="list-style-type: none"> <li>• Maintaining current performance of no Category A escapes.</li> <li>• Maintaining the existing very low rate of escapes from prison or prisoner escorts as a percentage of the average prison population.</li> <li>• Maintaining the existing very low rate of absconds from the open/semi-open estate per 100,000 prisoner days.</li> <li>• Delivery of NOMS Key Performance Indicators.</li> <li>• Delivery of relevant Youth Justice Board Key Performance Indicators.</li> <li>• Levels of reoffending as per the PSA 23 indicator.</li> <li>• Levels of serious reoffending as per the PSA 23 indicator.</li> </ul>	Maintained  Maintained  Maintained  Improvement  Improvement  Improvement  Improvement	<b>Strong progress</b>
DSO4: A more effective, transparent and responsive criminal justice system for victims and the public	<ul style="list-style-type: none"> <li>• Improve performance in bringing serious offences to justice.</li> <li>• Magistrates' court and Crown Court timeliness.</li> <li>• Increased levels of public confidence recorded by the British Crime Survey.</li> <li>• Increased levels of victim and witness satisfaction as recorded by the Witness and Victim Experience Survey.</li> </ul>	Maintained  Maintained  Improvement  Improvement	<b>Some progress</b>
PSA 24: Deliver a more effective, transparent and responsive criminal justice system for victims and the public	<ul style="list-style-type: none"> <li>• Efficiency and effectiveness of the criminal justice system in bringing offences to justice.</li> <li>• Public confidence in the fairness and effectiveness of the criminal justice system.</li> <li>• Experience of the criminal justice system for victims and witnesses.</li> <li>• Understanding and addressing race disproportionality at key stages in the criminal justice system.</li> <li>• Recovery of criminal assets.</li> </ul>	Maintained  Improvement  Improvement  Improvement  Slippage	<b>Some progress</b>

## Strengthening Democracy, Rights and Responsibilities

Through this DSO we aim to modernise the constitution, strengthen democracy and create the conditions for increased citizen engagement.

We lead the Government's constitutional, rights and legal reform programmes. These include work on institutional reform, data protection and data sharing, relations with the judiciary, electoral policy, human rights and devolution.

### Strong progress - Improvement against all indicators

- The Supreme Court was officially opened on 16 October 2009 by Her Majesty the Queen.
- The Parliamentary Standards Bill was introduced in response to public concern over MPs' expenses and received Royal Assent on 20 July 2009. It provided for the establishment of the Independent Parliamentary Standards Authority (IPSA). MOJ established the implementation team, which is now helping to set up the independent body.
- Government response to the consultation on increasing the powers and the funding for the Information Commissioner have been incorporated into the Coroners and Justice Act which recently received Royal Assent.
- The Constitutional Reform and Governance Bill is currently before Parliament, and includes measures on Lords conduct and discipline and ending the hereditary principle.
- The Political Parties and Elections Act 2009 received Royal Assent on 21 July. It reforms political party funding and expenditure to make it more transparent and better regulated, including through reforms to the governance and powers of the Electoral Commission. It also puts in place a framework for a shift from household to individual voter registration.
- A programme of public engagement has been launched over the proposals in the Green Paper *Rights and Responsibilities: developing our constitutional framework* including a series of public deliberative events.

**Constitutional modernisation, to strengthen democracy and create the conditions for increased citizen engagement.**

Indicator	Performance
<p>Modernised constitutional institutions</p>	<p><b>Improvement</b></p> <p><i>Supreme Court Implementation programme</i>                      Supreme Court opened for business on 1st October 2009. The programme was completed on time and within budget.</p> <p><i>Constitutional Reform and Governance Bill</i>                      Introduced into the Commons on 20 July 2009 and given unopposed second reading on 20 October. Includes measures on Lords conduct and discipline, and ending the hereditary principle.</p> <p><i>Parliamentary Standards Act 2009</i>                      In response to public concern following the publication of MPs' expenses, the Parliamentary Standards Bill was introduced (June 2009) and received Royal Assent on 20 July 2009.</p> <p><i>Independent Parliamentary Standards Authority (IPSA)</i>                      The Parliamentary Standards Act allows for the establishment of an Independent Authority (IPSA) to undertake the scrutiny and payment of MPs' expenses, the authority is to be established by January 2010; the independent authority aims to be operational by Spring 2010.</p>
<p>Reformed arrangements for political party finance and expenditure</p>	<p><b>Improvement</b></p> <p><i>Political Parties and Elections Act 2009</i>                      Received Royal Assent 21 July 2009. Implementation is now underway, with some provisions already commenced.</p>

## Constitutional modernisation, to strengthen democracy and create the conditions for increased citizen engagement.

Indicator	Performance
Increasing the use, safekeeping and availability of public authority information	<p><b>Improvement</b></p> <p><i>Data Sharing Review</i></p> <p>The Government response to the consultation on new powers and funding for the Information Commissioner and to the Walport/Data Sharing review was published on 24 November 2008. Legislation taking forward the recommendations made was introduced via the Coroners and Justice Bill which was introduced in January 2009 and has reached the Lords.</p>
A Youth Citizenship Commission Reporting in spring 2009	<p><b>Improvement</b></p> <p>Youth Citizenship Commission reported on 26 June 2009.</p>

## Delivering fair and simple routes to civil and family justice

This DSO aims to deliver more accessible civil, family and administrative justice services by providing early advice and support, simplified processes and greater opportunities, where appropriate, to help people resolve problems without the need for court action.

The civil, administrative and family justice system is important because it supports people with welfare problems such as family, debt, and housing. The aim is to ensure these people, particularly the most vulnerable and disadvantaged in society, are able to get help, advice and support that they need. Often early, quick and easily understood information on debt, welfare or housing can prevent problems spiralling out of control.

Through this objective we strive for better customer service by working towards achieving more joined up services across the different businesses and making flexible use of estate and resource. Closer integration of our services will allow us to provide a more effective pathway for users through the justice system; and help them to find the most appropriate solution to their dispute.

## Strong progress - Improvement against two out of three indicators

- As part of the Ministry's continued aim to meet the needs of citizens and businesses we have established two clusters of advice helplines dealing with 'Money, Tax and Benefits' and 'Youth' matters. These are identifying barriers to the service provided in these areas which in due course will contribute to identifying solutions to improve the services provided to users. Further helpline clusters focussing on helping older people and relationship breakdown are being established.
- The Small Claims Mediation Service continues to see an increase in the number of mediations conducted. In the 12 months to the end of September 2009, the mediators conducted 10,109 mediations, of which 7,365 settled – a settlement rate of 73%. Responses to the mediation customer survey have shown that 98% of customers are satisfied or highly satisfied with both the helpfulness and professionalism of the mediators, and 95% said they would use the service again.
- As part of the review of the Implementation of the Mental Capacity Act, we have introduced simplified and shorter versions of the Lasting Powers of Attorney forms, making them easier for customers to complete. OPG have set up a base in Birmingham and are introducing another office in Nottingham, which will provide the flexibility needed to meet the increasing demand for services and ensure customers receive the standard of service required, whilst reducing our cost base. In addition, Sir Mark Potter, President of the Court of Protection, is setting up an ad-hoc committee to undertake a review of the Court of Protection Rules 2007 and the practice directions and forms which accompany the Rules. The aim of the committee is to produce new rules or amendments to existing rules, to ensure they provide an efficient and effective service.
- We introduced a 'pre-action protocol' in November 2008 aimed at lenders, to consider alternatives to re-possession – which should be a last resort. Early indications are that this is working. Claims for re-possession have dropped 32%, from 38,832 to 26,215 in the first quarter of 2009 compared to the same period in 2008. The LSC has also expanded the 'Housing Possession Court Duty Scheme' in courts from 93 to 112. Immediate re-possession or eviction was avoided in 76% of cases, enabling the client to remain in their own home after their hearing.
- Social problems such as debt are linked with offending and re-offending. In partnership with the National Offender Management Service (NOMS) we have set up a service to deliver debt advice to prisoners across England and Wales. This will go towards addressing social problems, such as debt, which will contribute to reducing offending and re-offending.
- We continue to improve our online services and incorporate our websites onto 'DirectGov' the Government website. Criminal justice system (CJS) online information will be available from January 2010, and Office of the Public Guardian (OPG) information will be converged from December 2009.

Increased efficiency and effectiveness of the civil, administrative and family justice systems.

Provision of early advice and support to enable disputes to be resolved out of court or tribunal wherever possible.

Accessible justice system that provides support where it is needed.

Indicator	Performance
Delivery of Agency Key Performance Indicators (KPIs).	<p><b>Improved</b></p> <p>33 out of 42 (79%) KPIs are being delivered which include the provision of acts of legal advice and assistance, and resolution of civil and family disputes. The majority of KPIs are on track to be delivered by the end of the financial year with the exception of the public law targets, which are covered under SR 2004 PSA 4 on page 16.</p>
Provision of civil and family acts of legal advice and assistance measured by the LSC acts of assistance KPI (annual target 1 million). <sup>2</sup>	Last year the annual target was met. This year <b>498,026</b> acts of assistance were delivered from April to September 2009. The LSC is expecting to achieve the annual target.
<p>Resolution of civil and family disputes.</p> <p>Increase the proportion of civil settlements to 65%.</p> <p>Increase the proportion of Family Orders made by consent to 37% in all HMCS Areas.</p>	<p>April to June 2009 data:</p> <ul style="list-style-type: none"> <li>● Civil settlements: <b>74%</b> (target being exceeded).</li> <li>● Family Orders made by consent: <b>41%</b> (target being exceeded).</li> </ul>
<p>Customer satisfaction and contact targets:</p> <p>HMCS achieves 41% of very satisfied and 82% overall;</p>	HMCS survey (2008/09) shows <b>42%</b> of court users are very satisfied and an overall satisfaction rate (the combined very and fairly satisfied) of <b>83%</b> .
The Tribunals Service Business Plan for 2009-10 stated that the customer satisfaction target for 2009-10 would be set when full-year data for the 2008-09 survey was available. This data is now available and a target for 2009-10 will shortly be agreed with Ministers;	Tribunals Service: recent survey (June 2009) shows a customer satisfaction rate of <b>67%</b> .

<sup>2</sup> Figure does not include criminal acts of assistance

Increased efficiency and effectiveness of the civil, administrative and family justice systems.

Provision of early advice and support to enable disputes to be resolved out of court or tribunal wherever possible.

Accessible justice system that provides support where it is needed.

Indicator	Performance
<p>LSC achieves 90% or more; and</p> <p>OPG achieves 64% or more.</p>	<p>Current performance (September 2009) is assessed as 86%: LSC is predicting to achieve its year-end target</p> <p>OPG appointed IPOS MORI to conduct a customer satisfaction survey for 2008-09. The result (March 2009) of this showed customer satisfaction to be 64% providing a baseline for the OPG.</p>
<p>Delivery of public law targets, carried over from the 2004 Spending Review, to reduce delay in care proceedings.</p>	<p>For performance data see SR2004 PSA 4 entry in this report on page 16.</p>
<p>Achievement of LSC, OPG and HMCS civil court recovery cost targets: Measured by the individual agency cost recovery targets. Indicators will be achieved if: LSC<sup>3</sup>, OPG and HMCS met their respective targets.</p>	<p><b>No Improvement</b></p> <p>April to September 2009 data:</p> <ul style="list-style-type: none"> <li>• LSC: 310million (on track to deliver year-end target).</li> <li>• OPG: 90%.</li> <li>• HMCS: 93%.</li> </ul>
<p>Delivery of Transforming Tribunals Programme<sup>4</sup>.</p>	<p><b>Improvement</b></p> <p>The East London multi-jurisdictional hearing centre began operating in September 2009, offering improved facilities to its customers. Implementation of the Tribunals, Courts and Enforcement Act has continued with the establishment of the Tax Chamber and General Regulatory Chamber within the First-tier Tribunal and the Finance and Tax Chamber and Lands Tribunal within the Upper Tribunal. On 8 May 2009, the Government announced that Asylum and</p>

<sup>3</sup> Achieves a reduction of overall debt owed to it from £315 to £300 million by 31 March 2010 this replaces the previous target of reducing outstanding debit notes.

<sup>4</sup> Formerly known as Delivery of the 'Transforming Tribunals' agenda'.

Increased efficiency and effectiveness of the civil, administrative and family justice systems.

Provision of early advice and support to enable disputes to be resolved out of court or tribunal wherever possible.

Accessible justice system that provides support where it is needed.

Indicator	Performance
	Immigration will transfer into the unified tribunal structure and work is on track to complete this, subject to Parliamentary approval, by February 2010.

## Performance against PSA 4 SR2004

**PSA 4:** By 2009/10, increase the proportion of care cases being completed in the courts within 40 weeks by 10%. This means 48% of care centre (county court) cases and 56% of family proceedings court cases (magistrates' courts) should be completed within 40 weeks.

### Progress since Autumn Performance Report 2008

- With only a few months left until the end of this target (March 2010), current trends suggest that this target will not be met. There has been a surge of care applications from the latter part of 2008 and through 2009. Due to the average length of care cases, the benefits of the reforms from the implementation of the 'Public Law Outline (PLO)' were not expected to accrue until April 2009. Due to some difficulties with transition, compliance, and inconsistent application of the new procedures, it is too early to assess the full impact of the reforms. The findings from the early evaluation of the PLO (July 2009), show that when implemented appropriately to the needs of the case, the PLO provides clear expectations and a clear case structure. Given the small sample of cases, the findings are not representative of the national picture, but are an indication of how the processes are working. The research will be used to help inform future work to embed the reforms.
- A new allocation and transfer of proceedings order came into force in November 2008 to seek to re-distribute cases between county courts and magistrates' Family Proceedings Courts (FPCs). The order encourages county courts to transfer appropriate cases to be heard at FPC level, allowing county courts to focus on more complex cases. Early evidence is that transfers from county courts to FPCs have increased considerably in many areas of HMCS but a general increase in family applications means that it is too early to judge the success of the order.
- The availability of medical expert witnesses is a major cause of delay in care cases. Work to improve the provision of medical expert evidence in public law cases is being taken forward by the Department of Health and the Legal Services Commission (LSC). In particular, the LSC is piloting alternative arrangements for commissioning multi-disciplinary teams of health professionals. In August 2009, we issued best practice guidance for professionals involved in the care proceedings system. Later this autumn, we plan to issue comprehensive guidance specifically to support HMCS Legal Advisers with case management under the PLO.

- One of the key recommendations from Lord Laming's Report (March 2009) was to establish a National Safeguarding Delivery Unit (NSDU). The NSDU came into operation in July 2009 and is a partnership between MoJ, the Department for Children, Schools and Families, the Home Office and the Department of Health. The prime function is to support frontline delivery agencies to improve all aspects of child protection, including care proceedings. In recognising there are many complex drivers of delay in care proceedings, Lord Laming recommended a new system-wide target to tackle the potential for delay. This will be an overarching aspiration to improve outcomes for children and families, supported by a suite of performance improvement indicators and statutory targets. The aim is to have the target and monitoring mechanisms in place by April 2010. This will replace the existing PSA 4 SR04 target.

By 2009/10, increase the proportion of care cases being completed in the courts within 40 weeks by 10%. This means 48% of care centre (county court) cases and 56% of family proceedings court cases (magistrates' courts) should be completed within 40 weeks.

Indicator	Performance
<p>Target will be met if by March 2010 the family proceedings courts (magistrates' courts) achieve 56%.</p>	<p><b>Improvement</b>                      The current financial year to date performance (April to June 2009) is 52%.                       PSA 4 performance has improved slightly when compared to the 50.3% seen in the same period last year, in spite of significant increase in the volume of applications received by the courts month on month since November 2008.                       Currently there are 6,857 outstanding cases, which will have a detrimental impact on the ability to meet the target. Given the high volume of cases already over 40 weeks in the system, this target will not be met.</p>
<p>Target will be met if by March 2010 the care centres (county court) achieve 48%.</p>	<p><b>Improvement</b>                      The current financial year to date performance (April to June 2009) is 36%.                       Performance has improved slightly when compared to the 35.4% seen in the same period last year. The increase in applications has also affected Care Centres. Given the high volume of cases already over 40 weeks in the system, this will undoubtedly have an impact on overall future performance and has jeopardised any prospect of meeting the target.</p>

## Protecting the public and reducing reoffending

Through this DSO we aim to protect the public by managing and reducing the risk posed by offenders, especially the risk of serious crime, to reduce reoffending more generally and increase the efficiency and effectiveness of service delivery. Through work to counter the risks posed by violent extremist offenders, the MoJ also contributes to cross-Government work on reducing terrorist risks to the UK (PSA 26 'Reduce the risk to the UK and its interests overseas from international terrorism').

Protecting the public and reducing reoffending is central to our whole purpose as a Ministry, to our efforts to punish and reform and to increase public confidence in the criminal justice system. Work in this area has a direct impact on PSA 23 (Make Communities Safer) and PSA 24 (A more effective, transparent and responsive criminal justice system for victims and the public), on which the MoJ leads.

We work to protect the public and to reduce and maintain reductions in the frequency of reoffending by delivering the punishment and orders of the courts and helping offenders to reform their lives. This is done through a combination of addressing the root causes of offending behaviour, reducing social exclusion and working across Government and sectors through the pathways out of offending. This includes responsibilities for increasing the number of offenders in the community who are in employment and/or in accommodation, which also contributes to PSA 16 (Increase the proportion of socially excluded adults in settled accommodation and employment, education or training). For reporting against PSA 16, please refer to the Cabinet Office Autumn Performance Report.

Although NOMS is the lead Business Group on this objective, success in this area depends to a large extent on working collaboratively across Government and through providers and partners in the public, private and third sectors to manage offenders in an integrated way and to access the right interventions and specialist resources.

Crucial to delivery of this objective is having sufficient prison capacity to meet sentences ordered by the court. As a result, we have a prison capacity programme in place to increase the available capacity and ensure we use the estate more effectively.

We are also focussing on ensuring delivery of the most effective community penalties that reflect the needs of local people. The creation of Probation Trusts will allow probation services more independence to focus on the needs of local communities with delivery structures that are effective at the local level. Each of our nine English regions and Wales now has a new Director of Offender Management to oversee delivery of both prison and probation services. By increasing collaboration and managing offenders in a more integrated manner throughout their sentences we can target our efforts where they will do the most good.

**Strong progress – Improvement or existing good performance maintained against six out of eight indicators. Performance on other indicators remains on trajectory to meet our targets.**

#### **Progress since Autumn Performance Report 2008**

- Maintained progress towards achieving the 10% target for reducing the frequency rate of reoffending for adult offenders since 2005 (11.1% fall) and for juvenile offenders (7.5% fall). Adult reoffending has increased by 2.3% between 2006 (data included in the 2008 APR) and 2007, whilst juvenile reoffending fell by 6.0%.
- The rate of the most serious re-offences has also fallen since 2005 for both adults and juveniles and remains on trajectory, although serious reoffending by adults rose between 2006 and 2007. The serious reoffending measure, however, remains volatile and small changes in data may not reflect real changes in performance on the ground. We are working to develop a better understanding of the profile of offenders, both adults and children and young people, who commit serious re-offences to ensure that future activity is effectively targeted. We are also examining options for improving the metric for serious reoffending to help us better distinguish genuine changes and trends from random fluctuations.
- Existing good performance in securing prisoners and preventing escapes was further maintained, despite the pressures of an increasing prison population.
- For 2009/10 we have agreed a slimmed-down set of key performance indicators for NOMS in order to provide a focus on the joint priorities across prisons and probation for the combined Agency. Performance on a wider set of accountabilities specific to each service continues to be monitored internally.
- The majority of key performance indicators for delivery of custodial and community services show improvements in an environment of resource constraints and an increasing offender caseload. This covers measures of offender management, public protection and delivery of services to address the pathways out of offending. However, against a background of economic downturn, targets for the percentage of offenders in employment are at risk.

## Protecting the Public

Indicator	Performance
Maintaining current performance of no Category A escapes.	<b>Maintained</b> We have continued to protect the public by keeping the most dangerous prisoners secure.
Maintaining the existing very low rate of escapes from prison or prisoner escorts as a percentage of the average prison population.	<b>Maintained</b> The rate of escapes as a proportion of the average prison population from April to September 2009 was 0.007%. This is a marginal increase on the level of escapes recorded at the same time last year (0.003%), but remains considerably lower than the national target of less than 0.05%.
Maintaining the existing very low rate of absconds from the open/semi-open estate per 100,000 prisoner days.	<b>Maintained</b> An annualised rate of 14.5 absconds per 100,000 prisoner days at the end of September is a reduction from 16.4 recorded at the same time last year.

## Increasing the efficiency and effectiveness of service delivery

Indicator	Performance
Delivery of NOMS Key Performance Indicators.	<b>Improvement</b> For the current year to date (to September '09), 11 out of 12 targets on the slimmed-down list of KPIs are on course to be met. The exception is the combined prison and probation target for the percentage of offenders in employment at end of sentence, where performance is 31% against a target of 35%. <sup>5</sup>

<sup>5</sup> As a result of the transition to new data systems it has been necessary to implement manual data collections for this indicator for some prison establishments, which leads to an increased risk of data inaccuracies. However, we have dealt with any known issues and believe that a level between 4 and 5 percentage points short of the target is a reliable assessment of current performance for this KPI.

## Increasing the efficiency and effectiveness of service delivery

Indicator	Performance
	<p>At this stage last year two targets were off track: (1) the percentage of licence recall request reaching the NOMS Post Release Section within 24 hours of the decision by the Offender Manager; and (2) appropriate programme starts in the community. Both are now ahead of target.</p>
<p>Delivery of relevant Youth Justice Board Key Performance Indicators.</p>	<p><b>Improvement</b>                      The Youth Justice Board has achieved a 21.6% decrease in first time entrants to the Youth Justice System in 2008/9 from the previous year. The latest figures shown that the number of young people receiving a reprimand, warning or conviction for the first time in England fell from 94,481 in 2007/8 to 74,033 in 2008/9.</p>

## Through work to counter the risks posed by violent extremist offenders, the Ministry of Justice contributes to PSA 26

Indicator	Performance
<p>The text of the PSA Delivery Agreement on countering-terrorism will not be published.</p>	<p>By its nature, the PSA Delivery Agreement contains information about the UK counter-terrorism effort that could potentially be useful to those who threaten the UK and its interests.</p> <p>In so far as is possible and consistent with national security, scrutiny arrangements for this PSA, including parliamentary scrutiny, will mirror those in place for other PSAs with progress reports made public during the CSR period. However, we are not able to publish any performance information in this report.</p> <p>We are fully integrated into the Government's CONTEST strategy for countering international terrorism.</p>

## PSA 23: Making communities Safer

PSA 23 is helping to deliver safer communities and is led by the Home Office. The Ministry of Justice is responsible for two of the indicators:

Reducing reoffending	
Indicator	Performance
Levels of reoffending as per the PSA 23 indicator <sup>6</sup> .	<p><b>Improvement</b> Despite a slight increase in the reoffending rate for adult offenders between 2006 and 2007, performance remains on trajectory towards achieving the target for a reduction in the frequency of reoffending.</p> <ul style="list-style-type: none"> <li>• Baseline (Adults): 165.7 reoffences per 100 offenders (2005)<sup>7</sup></li> <li>• Latest outturn (Adults): 147.3 reoffences per 100 offenders (2007)</li> <li>• Baseline (Youths): 125 reoffences per 100 offenders (2005)</li> <li>• Latest outturn (Youths): 115.7 reoffences per 100 offenders (2007)</li> </ul>
Levels of serious reoffending as per the PSA 23 indicator.	<p><b>Improvement</b> Although there was an increase between 2006 and 2007, the severity rate of reoffending for adult offenders remains below the 2005 baseline year. The downward trend in serious reoffending for young offenders has been maintained.</p> <ul style="list-style-type: none"> <li>• Baseline (Adults): 0.85<sup>8</sup> serious offences per 100 offenders (2005)</li> </ul>

<sup>6</sup> For full reporting against PSA 23, please refer to the Home Office Departmental Report.

<sup>7</sup> The rate of reoffending for adults has been revised for the period 2000-2006 reflecting the correction of an error. The baseline rate was revised from 167.9 to 165.7 offences per 100 offenders. For more information on the revisions please see the 2007 adult reoffending results (<http://www.justice.gov.uk/publications/reoffendingofadults.htm>).

<sup>8</sup> The rate of reoffending for adults has been revised for the period 2000-2006 reflecting the correction of an error. The baseline rate was revised from 0.88 to 0.85 serious offences per 100 offenders. For more information on the revisions please see the 2007 adult reoffending results (<http://www.justice.gov.uk/publications/reoffendingofadults.htm>).

## Reducing reoffending

### Indicator

### Performance

- Latest outturn (Adults):<sup>9</sup> 0.77 serious offences per 100 offenders (2007)
- Baseline (Youths): 0.90<sup>10</sup> serious offences per 100 offenders (2005)
- Latest outturn (Youths): 0.73 serious offences per 100 offenders (2007)

The small number of cases involved and consequent volatility mean that careful interpretation of these figures is needed and further work is required to refine our approach to, and understanding of, serious reoffending.

<sup>9</sup> These figures must be treated with a degree of caution, due to the small number of serious re-offences in the data. There is less than one serious offence per 100 offenders in the cohort.

<sup>10</sup> The baseline for this indicator has been corrected to reflect the 2005 baseline level – the Autumn Performance Report published the 2000 level of 0.91. More information on re-offending statistics can be found at: [www.justice.gov.uk/publications/reoffendingjuveniles.htm](http://www.justice.gov.uk/publications/reoffendingjuveniles.htm).

## A more effective, transparent and responsive criminal justice system for victims and the public

This DSO aims to increase the efficiency and effectiveness of the criminal justice system (CJS) and increase its transparency so that it inspires confidence in local communities. It works towards a more responsive CJS that has the needs of victims and witnesses at its heart.

The targets which make up PSA24 contribute directly to the delivery of this DSO and these targets, along with other work which help deliver the overall Strategic Objective, are reported here.

### **Some progress - Improvement against two of the indicators and performance has been maintained against two.**

Please note that some of the data is provisional.

- Latest performance on bringing serious sexual offences to justice, public confidence in the fairness and effectiveness of the CJS, and victim and witness satisfaction with the police and the CJS is ahead of or on trajectory and, if performance is sustained, these elements of DSO 4 would be met. Performance in bringing serious acquisitive offences to justice indicates some progress: the number of offences brought to justice has fallen 7% since 2007/08, while the number of these recorded crimes has fallen by 8% over the same period.
- The indicators on magistrates' court and Crown Court timeliness will be met if magistrates' courts achieve the year-end target of 6 weeks or less; and Crown Court timeliness achieves the year-end target of 78%. Latest data on magistrates' courts timeliness (June 2009) stands at 6.8 weeks, and Crown Court timeliness (April to June 2009) stands at 79%.
- The 2008/09 baseline for performance in bringing serious violent offences to justice has now been established.

## Increasing the efficiency and effectiveness of the criminal justice system.

Indicator	Performance
<p>Improve performance in bringing serious offences to justice.</p>	<p><b>Maintained</b></p> <ul style="list-style-type: none"> <li>● Performance in bringing serious sexual offences to justice has improved.</li> <li>● Performance in bringing serious acquisitive offences to justice indicates some progress.</li> <li>● Performance in bringing serious violent offences to justice cannot be assessed.</li> </ul> <p>The effectiveness of the CJS in bringing serious sexual and serious acquisitive offences to justice has been assessed by comparing data for the year ending June 2009 with the baseline year 2007/08. Current performance indicates some progress in narrowing the gap between recorded crime and offences brought to justice.</p> <p>The number of serious sexual offences brought to justice has risen 3% since 2007/08, while the number of these recorded crimes has fallen by 3% over the same period.</p> <p>The number of serious acquisitive offences brought to justice has fallen 7% since 2007/08, while the number of these recorded crimes has fallen by 8% over the same period.</p> <p>There were 9,414 serious violent offences brought to justice in the year ending June 2009. The number of recorded serious violent crimes was 43,508 for the year ending June 2009. The 2008/09 baseline for this element of DS04 is 9,444 serious violent offences brought to justice and 42,470 recorded serious violent crimes.<sup>11</sup></p>

<sup>11</sup> Data on recorded crimes of serious violence from April 2008 cannot be compared with earlier periods and therefore historical comparisons are not possible. For this reason 2008/09 is the baseline year for this element of DS04.

Magistrates' court and Crown Court timeliness.

Indicator will be achieved if:  
magistrates' courts achieve the year-end target of 6 weeks of less;  
Crown Courts achieve the year-end target of 78%.

### **Maintained**

Latest data on magistrates' courts timeliness (June 2009) stands at 6.8 weeks, which is a slight improvement from the 6.9 weeks reported in 2008. The 2008 baseline was 8.8 weeks.

Latest data on Crown Court timeliness (April to June 2009) stands at 79%.

## Increasing the transparency of the criminal justice system so that it inspires confidence in local communities.

### **Indicator**

Increased levels of public confidence recorded by the British Crime Survey.

### **Performance**

#### **Improvement**

The proportion of people who think that the CJS as a whole is fair (from the British Crime Survey) was 59% for 12 months to June 2009, in comparison with a baseline of 56% in the six months to March 2008. If this performance is maintained this element of the indicator would be met.

The proportion of people who think that the CJS as a whole is effective (from the British Crime Survey) was 39% for the 12 months to June 2009, in comparison with the baseline of 37% for the six months ending March 2008. If this performance is maintained this element of the indicator would be met.

**A more responsive criminal justice system that has the needs of victims and witnesses at its heart.**

<b>Indicator</b>	<b>Performance</b>
Increased levels of victim and witness satisfaction as recorded by the Witness and Victim Experience Survey (WAVES).	<p><b>Improvement</b></p> <p>The baseline for victim and witness satisfaction with the CJS stands at 81% (six months ending March 2008). Latest performance has shown an improvement to 83% (12 months ending March 2009).</p> <p>If current performance continues, the indicator covering victim and witness satisfaction with the CJS as a whole will be met.</p>

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## PSA 24 - Deliver a more effective, transparent and responsive criminal justice system for victims and the public

### Some progress – Improvement against 3/5 indicators

While there has been improvement in relation to three of the five indicators (noting that some data is provisional), overall progress on the efficiency and effectiveness of the criminal justice system in bringing offences to justice indicator has been limited and there has been slippage on the recovery of criminal assets indicator.

- Local Criminal Justice Boards (LCJBs) have submitted local action plans for the first two years and strategic plans for the full period setting local targets and describing how they will deliver improved performance. Performance management arrangements have been put in place to drive local progress against these plans and targets.
- Latest performance on bringing serious sexual offences to justice, public confidence in the fairness and effectiveness of the CJS, and victim and witness satisfaction with the police and the CJS is ahead of or on trajectory and, if performance is sustained, these elements of PSA 24 would be met. Performance in bringing serious acquisitive offences to justice indicates some progress: the number of offences brought to justice has fallen 7% since 2007/08, while the number of recorded crimes has fallen by 8% over the same period. Roll-out of the Minimum Data Set on race disproportionality is also on schedule.
- The 2008/09 baseline for performance in bringing serious violent offences to justice has now been established.
- Performance on asset recovery is well below trajectory and the target is unlikely to be met. A comprehensive set of actions is being taken to improve performance, but many of these will not bear fruit until next year i.e. after the PSA period, which is one year early for this indicator.
- A PSA 24 performance framework has been developed which highlights those LCJBs that are performing well – even on PSA 24 indicators that are 'red' at a national level. By identifying these high performing areas we are able to ensure that the factors contributing to good performance are effectively shared across all LCJBs helping to drive up national performance. For example, Cleveland and North Yorkshire are performing well above baseline for serious acquisitive offences brought to justice (OBTJs); Dorset and Cumbria on serious violent OBTJs; and Wiltshire, Dorset and Durham on serious sexual OBTJs. Overall, Lincolnshire, South Yorkshire and the West Midlands are performing above baseline for all OBTJ tiers. On asset recovery Cleveland and West Midlands are performing above peers on both confiscation enforcement and pipeline targets.

## Deliver a more effective, transparent and responsive criminal justice system for victims and the public

Indicator	Performance
<p>Indicator 1: Efficiency and effectiveness of the criminal justice system in bringing offences to justice.</p>	<p><b>Maintained</b></p> <ul style="list-style-type: none"> <li>● Performance in bringing serious sexual offences to justice has improved.</li> <li>● Performance in bringing serious acquisitive offences to justice indicates some progress.</li> <li>● Performance in bringing serious violent offences to justice cannot be assessed.</li> </ul> <p>The effectiveness of the CJS in bringing serious sexual and serious acquisitive offences to justice has been assessed by comparing data for the year ending June 2009 with the baseline year 2007/08. Current performance indicates some progress in narrowing the gap between recorded crime and offences brought to justice. The number of serious sexual offences brought to justice has risen 3% since 2007/08, while the number of these recorded crimes has fallen by 3% over the same period.</p> <p>The number of serious acquisitive offences brought to justice has fallen 7% since 2007/08, while the number of these recorded crimes has fallen by 8% over the same period.</p> <p>There were 9,414 serious violent offences brought to justice in the year ending June 2009. The number of recorded serious violent crimes was 43,508 for the year ending June 2009. The 2008/09 baseline for this element of PSA 24 is 9,444 serious violent offences brought to justice and 42,470 recorded serious violent crimes.<sup>12</sup></p>

<sup>12</sup> Data on recorded crimes of serious violence from April 2008 cannot be compared with earlier periods and therefore historical comparisons are not possible. For this reason 2008/09 is the baseline year for this element of PSA 24 Indicator 1.

## Deliver a more effective, transparent and responsive criminal justice system for victims and the public

Indicator	Performance
	<p>After a 45% increase in total expenditure on the CJS since 1998/99, the budgeted CJS spend in bringing offences brought to justice is projected to fall by approximately 3.2% over the period 2008/11 in real terms as efficiency savings are made. The budgeted spend in 2009/10 is £7.41bn compared to £7.55bn in 2007/08.</p>
<p>Indicator 2: Public confidence in the fairness and effectiveness of the criminal justice system</p>	<p><b>Improvement</b></p> <p>The proportion of people who think that the CJS as a whole is fair (from the British Crime Survey) was 59% for 12 months to June 2009, in comparison with a baseline of 56% in the six months to March 2008. If this performance is maintained this element of the indicator would be met.</p> <p>The proportion of people who think that the CJS as a whole is effective (from the British Crime Survey) was 39% for the 12 months to June 2009, in comparison to the baseline of 37% for the six months ending March 2008. If this performance is maintained this element of the indicator would be met.</p>
<p>Indicator 3: Experience of the criminal justice system for victims and witnesses.</p>	<p><b>Improvement</b></p> <p>If current performance continues, both elements of this indicator will be met.</p> <p>The baseline for victim satisfaction with the police stands at 81% (12 months ending March 2008). Latest performance information has shown an improvement to 83% (12 months ending March 2009).</p> <p>The baseline for victim and witness satisfaction with the CJS stands at 81% (six months ending March 2008). Latest performance has shown an improvement to 83% (12 months ending March 2009).</p>

## Deliver a more effective, transparent and responsive criminal justice system for victims and the public

Indicator	Performance
<p>Indicator 4: Understanding and addressing race disproportionality at key stages in the criminal justice system.</p>	<p><b>Improvement</b>                      The Minimum Data Set (which enables the analysis of consistent and robust ethnicity data across the criminal justice system in order to identify and, where necessary, address race disproportionality) was being used by 50% of LCJBs as at June 2009 against the target of 50% (the minimum Data Set is rolled out on an area by area basis); by March 2010 it will be ahead of trajectory in terms of the number of LCJBs using the Minimum Data Set. A number of LCJBs are now formulating action plans using Minimum Data Set data to address issues identified. If current performance continues this indicator will be met.</p>
<p>Indicator 5: Recovery of Criminal Assets</p>	<p><b>Slippage</b>                      Baseline: £125m recovered in 2006/07.                      Current performance shows that £31m has been recovered between April 2009 and June 2009.                      Current performance trends are below trajectory to recover £250m in 2009/10. Actions are underway to address the performance gap.</p>

## Value for Money

### Value for Money Savings 2009/10

Building on our VfM savings delivered in 2008/09 the MoJ has forecast cumulative savings of £764m by the end of 2009/10. These forecasted cumulative savings will support the MoJ to live within its settlement whilst protecting front line services. The mix and value of savings is subject to change, for example as assumptions about changes in demand and inflationary pressures are revisited.

To ensure that the MoJ achieves its savings target for 2009/10 all the various parts of the Ministry are developing new and innovative initiatives, while continuing to develop and maintain existing VfM savings programmes.

The tables below outlines the 2009/10 full year VfM savings forecast for MoJ Headquarters and its biggest Agencies and Non Departmental Public Bodies. It includes examples of key initiatives from each area.

Area	2008/09 Savings (£m)	2009/10 Full Year Savings Forecast (£m)
<b>Moj Headquarters</b>	<b>97</b>	<b>42</b>
Examples of MoJ HQ savings initiatives include:		
<ul style="list-style-type: none"> <li>• Reducing the Overhead - Reducing overheads (including a recruitment freeze).</li> <li>• Estate Rationalisation (London Accommodation Programme) - reducing the number of buildings used for the London headquarters, facilitated by the introduction of flexible working.</li> </ul>		
<b>National Offender Management Service (NOMS)</b>	<b>82</b>	<b>171</b>
Examples of NOMS savings initiatives include:		
<ul style="list-style-type: none"> <li>• Specification, Benchmarking and Costing (SBC) - SBC is a framework of costed specifications for all offender services delivered in prisons. Specifications will drive better commissioning of outcomes and ensure resources are targeted at the most effective work with offenders.</li> </ul>		

Area	2008/09 Savings (£m)	2009/10 Full Year Savings Forecast (£m)
<ul style="list-style-type: none"> <li>● Probation Change Agenda - The creation of Probation Trusts is a key VfM initiative. Probation providers must meet challenging criteria, including an increased focus on VfM, to achieve Trust status. In addition, work to develop a framework of costed service specifications highlights early opportunities to streamline some processes in the management and assessment of offenders.</li> <li>● Area/Regions/HQ: Restructure - The creation of the NOMS Agency has enabled streamlining of offender management that has removed duplication and overlap. NOMS new regional structures are now in place, delivering real efficiencies and providing an enhanced commissioning capability to support the newly created Directors of Offender Management.</li> <li>● Procurement Success Programme - The procurement success initiative aims to ensure that best practices for procurement are spread across the MoJ.</li> <li>● Clustering - Merging services between prisons in close proximity to achieve VfM savings.</li> </ul>		
<p><b>Her Majesty's Courts Service (HMCS)</b></p>	82	72
<p>Examples of HMCS savings initiatives include:</p>		
<ul style="list-style-type: none"> <li>● Regional &amp; HQ Management Overhead - Reducing Regional and HQ management overheads across HMCS.</li> <li>● Accelerating to 100% cost recovery - Implementing a strategy to introduce fees based on full 100% cost recovery for civil and family business and accelerate existing fee strategy for civil and magistrates' courts family work.</li> </ul>		

Area	2008/09 Savings (£m)	2009/10 Full Year Savings Forecast (£m)
<b>Tribunals Service (TS)</b>	<b>18</b>	<b>17</b>
Examples of TS savings initiatives include:		
<ul style="list-style-type: none"> <li>Regional and HQ Management Overhead and other savings - TS is reducing Regional and HQ management overheads. This includes introducing standard operation procedures in the Tribunals system through the use of Lean methodology, which is examining how work is processed and the efficiencies that can be realised by transferring processing activities to one location.</li> </ul>		
<b>Legal Services Commission: Legal Aid Reform<sup>13</sup></b>	<b>43</b>	<b>85</b>
Examples of Legal Aid savings initiatives include:		
<ul style="list-style-type: none"> <li>Crown Court Means Testing - Legal Aid Reform is introducing a means testing scheme in Crown Courts to secure payments from defendants in instalments during the trial, and then recouping further payments post-conviction from capital assets.</li> </ul>		
<b>Legal Services Commission (LSC): Administration</b>	<b>7</b>	<b>12</b>
Examples of LSC Administration savings initiatives include:		
<ul style="list-style-type: none"> <li>LSC administration - A reduction in staffing costs through business efficiency improvements is contributing to the LSC's delivery of VfM savings.</li> </ul>		
<b>Other savings</b>	<b>0</b>	<b>36</b>
<b>Total VfM savings</b>	<b>329</b>	<b>435</b>
<b>2008/09 flow through VfM savings</b>	<b>N/A</b>	<b>329</b>
<b>Ministry of Justice cumulative total 2009/10</b>	<b>329</b>	<b>764</b>

Approximately £512 million of cumulative savings have been delivered to date.

<sup>13</sup> The process for capturing and reporting Legal Aid savings is subject to review, these figures should be treated with caution. Legal Aid savings are calculated on a resource as opposed to near-cash basis. Estimates from 2008/09 have been revised.

An internal audit has been completed by the Ministry to ensure that structures are sufficiently robust to validate all VfM savings for 2008/09. These savings will be reviewed by the NAO, which will report on each Department's claim during the CSR07 spending period.

Whilst delivering substantial VfM savings by the end of 2009/10, the MoJ remains committed to the effective delivery of the Ministry's four Departmental Strategic Objectives, and the Public Service Agreements (PSA) the department is responsible for delivering or contributing to, including PSA 24: Deliver a more effective, transparent and responsive Criminal Justice System for victims and the public, towards which substantial progress has already been made.

## Lyons Relocation Programme

The cross-government Lyons Relocation Programme aims to relocate 20000 posts out of London and the South East. As part of the Lyons Relocation Programme the MoJ has a target of 280 relocations by the 31 March 2010. The MoJ has already substantially surpassed this target relocating 772 posts out of London and the South East to date. A prime example of a successful relocation was the relocation of 130 London based Criminal Injuries Compensation Authority posts to Glasgow.

## Annex A - Public Accounts Committee Recommendations

The status of MoJ's Public Accounts Committee (PAC) recommendations were first published within its 2008 Autumn Performance Report (APR) in December 2008 and again in its 2009 Departmental Annual Report (DAR) in June 2009.

Included in this update are three further Reports issued by the PAC since the DAR was published:

- The Procurement of Goods and Services by HM Prison Service
- Protecting the Public: The work of the Parole Board
- The Administration of the Crown Court

On the 3 and 5 of November 2009 respectively the following two PAC Reports were issued:

- National Offender Management Information System
- Maintenance of the Prison Estate

Publication of HM Treasury minutes for these two reports, the Department's initial response, has yet to be laid in Parliament. It has been agreed with HM Treasury that progress against these recommendations will be reported on in the 2010 DAR.

Recommendations which had been reported as "implemented" in the 2008 APR and 2009 DAR have been excluded from this update. Recommendations that have been implemented since the publication of the 2009 DAR have been included in this update, along with the latest position relating to the recommendations where implementation remains "in progress".

## Summary Table

	Number of Recommendations	Number of Recommendations Implemented	Percentage Implemented
<b>2009 PAC Reports</b>			
The Administration of the Crown Court	12	1 <sup>1</sup>	8%
Protecting the Public: The Work of the Parole Board	12	8	67%
The Procurement of Goods and Services by HM Prison Service	7	7	100%
<b>2008 PAC Reports</b>			
Compensating Victims of Violent Crime	14	11	79%
The National Probation Service: The Supervision of Community Orders in England and Wales	11	8	73%
<b>2007 PAC Reports</b>			
Legal Services Commission: Legal Aid and Mediation for People Involved in Family Breakdown	9	7	78%
Fines Collection	10	7	70%
<b>2006 PAC Reports</b>			
The Electronic Monitoring of Adult Offenders	15	12	80%
Serving Time: Prisoner Diet and Exercise	10	8	80%

<b>2005 PAC Reports</b>			
Facing Justice: Tackling Defendants' non-Attendance at Court	9	8	89%
The Management of Sick Absence in the Prison Service	9	9	100%
<b>2004 PAC Reports</b>			
Youth Offending: the Delivery of Community and Custodial Sentences	8	7	88%
<b>2003 PAC Reports</b>			
The Operational Performance of PFI Prisons	9	8	89%
<b>2002 PAC Reports</b>			
Reducing Prisoner Reoffending	12	7	58%
<b>Overall Performance</b>	<b>Total Number of Recommendations</b>	<b>Total Number of Recommendations Implemented</b>	<b>Percentage Implemented</b>
<b>In total, 14 sets of PAC Recommendations</b>	<b>147</b>	<b>108</b>	<b>73%</b>

<sup>1</sup> The Department's formal response to the Public Accounts Committee report entitled "Administration of the Crown Court" was published on 29 October 2009

## The Administration of the Crown Court

*(Thirty-fifth report published 9 July 2009)*

The PAC examined HM Courts Service and the Ministry of Justice on improving the performance of the Crown Court, getting the right resources for the Crown Court and modernising Crown Court technology.

Total number of recommendations contained in the report: 12

Total number of recommendations which remain outstanding: 11

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (1):</b>                      HM Courts Service's overall performance in commencing Crown Court cases improved significantly during 2008–09, but the Service did not expect to achieve its target for starting cases which have been committed for trial. To reduce delays in starting cases committed for trial, HM Courts Service should:</p> <p>a) categorise cases, identifying those which require limited preparation and court time, and those which are more complex, such as fraud cases, and are thus likely to take longer; and</p> <p>b) work with its partner, including the Crown Prosecution Service, to examine the main causes of delay for each category of case, and use this analysis to develop business processes that address the different barriers cases face in progressing promptly.</p>	<p><b>In Progress</b></p> <ul style="list-style-type: none"> <li>● HMCS already has processes in place to categorise cases in relation to seriousness and assessments of length of trial such as those suggested and are working with the judiciary and other agencies to achieve more consistency.</li> <li>● HMCS has already appointed case progression officers who check with the parties to ensure they are progressing to timetable, in addition most courts hold case progression meetings with the local prosecution teams at some level to check the readiness of forthcoming trials and to discuss and review recent cases that have cracked or been ineffective.</li> <li>● Every time a trial is listed a form is completed and signed by prosecution, defence, court clerk and judge, giving information such as reasons for the case not proceeding or whether tried in the absence of the defendant if effective. These forms are then used at the local meetings to discuss the issues that have caused the problem and / or used by the court case progression team or Resident Judge to analyse trends that can be addressed or that need action taken.</li> <li>● Finally guidance on cracked and ineffective trials will be revised by January 2010.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (2)</b></p> <p>There are wide variations across England and Wales in the time taken to commence Crown Court trial cases. HM Courts Service is seeking to address these variations by targeting resources at locations facing the greatest demands in terms of the number and complexity of cases. The Service should consider introducing local targets for those locations with longer waiting times.</p>	<p><b>In Progress</b></p> <ul style="list-style-type: none"> <li>● The Crown Court is a single entity, which sits at many locations and which should have a single target for commencing all cases, including trials.</li> <li>● Performance at court, area and regional level is regularly reviewed. HMCS recognises that there is variation in performance and in order to continue to drive up performance, those centres significantly missing the target will set locally agreed improvement targets as part of the in-year review process (June, October, and March). This process started in October 2009.</li> <li>● The Crown Court model, introduced for the financial year 2009-10, also enables resources to be targeted according to planned workload.</li> <li>● HMCS has allocated an additional 1,800 Crown Court sitting days for 2009-10 compared with those sat during 2008-09. Sitting days have also been redistributed to those Areas with the greatest need, including London and the South East, to equalise against target performance. The court-building programme is also being redistributed to increase capacity where it is needed in the longer term</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (3)</b></p> <p>HM Courts Service does not have targets for increasing the proportion of planned Crown Court trials which are effective, and despite recent improvement, fewer than half of all trials proceed on the date scheduled. Case progression officers should identify key reasons for trials not being effective. Where necessary, they should identify whether particular lawyers are regularly involved in trials, which do not proceed when scheduled and work with them to improve performance.</p>	<p><b>In Progress</b></p> <ul style="list-style-type: none"> <li>● HMCS is working with the judiciary and other agencies to ensure proper and more effective use is made of the Cracked and Ineffective Trial forms, used to record the reasons for the cracked or ineffective trials, and that they are completed in detail. The Cracked and Ineffective Trial Guidance will be reviewed and re-circulated in January 2010. Trends in performance by specific Crown Prosecution Service teams or defence firms can be identified and referred to the judge.</li> <li>● The HMCS Performance Database and CREST produce reports summarising the reasons for every cracked or ineffective trial by court, area or region. This will be used by performance teams for analysis when required.</li> <li>● HMCS is working with the Department and the Legal Services Commission (LSC) to ensure that publicly paid lawyers involved in the trial contribute to the process in a positive manner. The judiciary have the power to issue wasted cost orders in appropriate situations.</li> </ul>
<p><b>PAC Recommendation (4)</b></p> <p>Many of the factors that influence the time taken to commence cases, and their length, are outside the Service's control. Some of them, such as the availability of legal aid and the powers of magistrates courts, are policy issues and therefore beyond our remit. It is nonetheless crucial that those dealing with such policy issues are aware of the impact their decisions are likely to have on the practical administration of crown courts.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● In November 2009, HMCS wrote to the Legal Services Commission, the Office of Criminal Justice Reform and relevant MoJ and HMCS official to remind them of the need to assess the impact of policy issues on the Crown Court.</li> <li>● As they have done previously, HMCS will continue to engage at an early stage with colleagues in these bodies to ensure that policy makers remain mindful of the impact their decisions are likely to have on the practical administration of crown courts.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (5)</b></p> <p>Judges are responsible for the administration of justice, and their decisions on listing and trial proceedings can significantly impact on the efficiency of the courts. The establishment of a new governing Board for the Service provides its executive team with regular opportunities to discuss performance issues with the Board's three judicial members, one of whom is the Senior Presiding Judge, responsible to the Lord Chief Justice for the judicial management of the Crown Court. To inform these discussions the Service should provide the judiciary with an assessment of the performance of individual court locations, taking account of their workload and resources.</p>	<p><b>In Progress</b></p> <ul style="list-style-type: none"> <li>● HMCS has already reviewed the way performance data is reported to the judiciary. A standard approach across HMCS has been proposed to the Senior Presiding Judge. This is to provide the judiciary with a monthly national and local jurisdiction (crown, magistrates', county and family) based report. This includes Regional, Area and court level performance data and workload figures. This process will commence from December 2009.</li> <li>● In addition, HMCS is improving the way in which it presents information to the HMCS Board to provide a more cohesive report that links finance and performance data.</li> </ul>
<p><b>PAC Recommendation (6)</b></p> <p>HM Courts Service has introduced a model for determining the number and type of staff required at each court, but this cannot guarantee a good match on each court day between the work to be undertaken and the staff available. The Service should, therefore, provide appropriate training and support so that its ushers, clerks and administrative staff can work flexibly and undertake a range of Crown Court tasks.</p>	<p><b>In Progress</b></p> <ul style="list-style-type: none"> <li>● The training provided by HMCS includes specific training for ushers, court clerks and a range of 22 courses aimed at administrative staff.</li> <li>● In August 2009, all Crown Court managers provided the Department with details of any staff training requirements. These needs will be met by the end of December 2009.</li> <li>● From 2010, Crown Court managers will assess any training requirements on a quarterly basis, to enable staff to be trained fully and deployed flexibly according to local operational needs. These requirements will be met within 12 weeks, by full or part time trainers, as appropriate.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (7)</b></p> <p>By moving cases between Crown Court locations in parts of London and the South East to improve waiting times, HM Courts Service has placed burdens on victims, witnesses and other parties attending court. When planning and reviewing its estate, HM Courts Service should give high priority to providing good local access to justice.</p>	<p><b>In Progress</b></p> <ul style="list-style-type: none"> <li>● HMCS has to balance a number of competing factors. These include ensuring access for victims, witnesses and other court users, witnesses requirements for a timely outcome, providing value for money and increasing efficiency.</li> <li>● HMCS also has to provide courts in strategic locations that allow greater flexibility and efficiencies in listing practices in order to enable increased courtroom utilisation.</li> <li>● By December 2009, instructions will be issued to Regional and Area Directors reminding them of the need to carry out an assessment of the impact of transferring cases on court users when transfers are being considered. Listing guidance is also in the Crown Court Manual.</li> </ul>
<p><b>PAC Recommendation (8)</b></p> <p>Reducing the number of courts where magistrates hear criminal cases risks dividing magistrates from their localities. We welcome the Service's assurance that there are no plans to close any more magistrates' courts. The Service should only consider centralisation of the magistrates' courts if it has undertaken a full assessment of the impact on the local community.</p>	<p><b>In Progress</b></p> <ul style="list-style-type: none"> <li>● HMCS must always balance the importance of local justice against keeping magistrates' courts open at public expense when those courts are significantly under-utilised. By the end of the December 2009, HMCS will review and re-issue the standing instructions to Operational Directors on "Court and courthouse closure, and jurisdictional guidance" to re-emphasise the importance of assessing the impact on the local community.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (9)</b></p> <p>HM Courts Service cut staff absence levels during 2008–09, but at around 10.1 days a year, the level remains high, exceeding the civil service average by 6%. The Service should strengthen incentives for staff and managers to reduce absence levels by incorporating its targeted level of absence of 7.5 days per year into the models it uses for determining the staff required at each court.</p>	<ul style="list-style-type: none"> <li>● In October 2009, a discussion paper on the future provision of magistrates' courts in London was published: It was aimed at court users and others affected by the provision of magistrates' courts services in London and had regard to the possibilities presented by virtual courts. It will form a basis for HMCS managers to discuss how magistrates' courts services should best be arranged to meet the needs of the communities they serve. The conclusions from this will form the basis of a formal consultation on a proposed way forward.</li> </ul> <p><b>In Progress</b></p> <ul style="list-style-type: none"> <li>● HMCS is committed to reducing its absence levels to meet the Department's target. HMCS has incorporated the 7.5 day target into the assumptions for the model for the resourcing of the Crown Court.</li> <li>● HMCS is also introducing further measures to help managers tackle sick absence and continue to reduce absence levels. Each region will be undertaking an absence audit to identify areas which need to be addressed. In addition, there will be targeted interventions, a pilot for which commenced in the Midlands region in April 2009, to reduce absences and ensure long-term sick absences are dealt with appropriately. This will involve regular reviews with senior managers and additional occupational health support being provided. The successful measures identified from this pilot will then be rolled out across HMCS. The outcome of the absence audits will be reported to the Directors' Board in December 2009.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (10)</b></p> <p>The 20 year-old case management system CREST has been reliable but its limited functionality increases the risk of error and reduces efficiency. During 2009 to 2011, when CREST is being put onto modern supported software and hardware, the Service should work with its IT partners to establish realistic plans for improving the system's functionality.</p>	<p><b>In Progress</b></p> <ul style="list-style-type: none"> <li>● CREST is reliable and has been kept up-to-date with legislative and business requirements. However, the underlying technology has aged and a project is already under way to modernise this technology, which is due for completion by April 2011. This will allow for the electronic transfer of cases between Crown Court sites, addressing concerns about risks of errors and inefficiencies, and will also provide other efficiency benefits.</li> <li>● HMCS will continue to work with its suppliers to develop plans for improving the functionality of the system and to maximise the benefits of this updated technology.</li> </ul>
<p><b>PAC Recommendation (11)</b></p> <p>Three years after the Government's target to implement by 2006 new procedures to enable automatic updating of the Police National Computer with court results, the police still have to input data manually. Later this year the new automatic procedures are due to go live, but some cases will still be too complex to use them. HM Courts Service should, as a matter of urgency, work with its partners to increase the range of cases that can be automatically updated on the Police National Computer, thereby reducing the risk that police investigations are hindered by poor information on court results.</p>	<p><b>In Progress</b></p> <ul style="list-style-type: none"> <li>● The Department is already working with partners to increase the range of cases that can be automatically updated on the Police National Computer via the Bichard 7 solution.</li> <li>● The Bichard 7 solution has been developed by the Office of Criminal Justice Reform, in partnership with both HMCS and the police. The project team is continuing to work closely with the courts, police and non-police prosecutors, both at the local criminal justice board level and nationally, in order to identify best practice and maximise automation levels.</li> <li>● Oversight of this project is also provided by the Criminality Information Unit at the Home Office, which holds the policy lead for the cross-Government improvement agenda to strengthen criminality information management in support of public protection arrangements. This</li> </ul>

Recommendations	Detail of Progress made to date
	<p>includes supporting a number of critical IT-enabled criminality information initiatives such as Bichard 7.</p> <ul style="list-style-type: none"> <li>• These initiatives are designed to increase the range of cases that can be automatically updated and to improve the quality and timeliness of the information held on the Police National Computer, by December 2009.</li> </ul>
<p><b>PAC Recommendation (12)</b></p> <p>From April 2009, network constraints limiting the number of courts able to use prison video links should have been removed and HM Courts Service should decide whether to seek the funding necessary to increase provision. In preparing its business case, HM Courts Service should work with HM Prison Service to identify potential levels of use and confirm that the consequent reduction in prisoner movements would deliver savings.</p>	<p><b>In Progress</b></p> <ul style="list-style-type: none"> <li>• Prison Court Video Links play an important role as part of a range of measures to facilitate attendance at court and reduce the impact of prisoner movements. HMCS is committed to working with HM Prison Service (HMPS) to ensure that the links are used as efficiently and effectively as possible.</li> <li>• Whilst contract negotiations have delayed the expected enhancements to service, these are expected to be delivered by the end of December 2009. HMCS and HMPS have worked together to develop best practice guidance on the use of video links and HMCS will ensure that this is effectively embedded in court business by the end of December 2009.</li> <li>• HMCS is considering whether to seek funding to increase provision of video links in the next spending review. This will take account of demand for the service, current availability, the benefits that may be accrued through the reduction of prisoner movements and ensuring that the needs of justice are fulfilled.</li> </ul>

## Protecting the Public: The Work of the Parole Board

*(Ninth report published 17 March 2009)*

The PAC examined the Parole Board on whether its members are well equipped to make decisions; whether the Board manages its workload in a timely and efficient way; and whether the Board has adequate processes for reviewing its performance and learning lessons.

Total number of recommendations contained in the report: 12

Total number of recommendations which remain outstanding: 4

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (1)</b></p> <p>Assessing the risk posed by offenders, especially those on life sentences or an indeterminate sentence for public protection, is a difficult task for Board members, and is made more difficult if key documents are not available or late. The Board is demanding that dossiers are received complete and on time, and if key documents are not available it will defer hearings. This approach is not a tenable solution. All relevant parts of the criminal justice system must provide the reports required for the parole process on time and in full.</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>● In April 2009, the Generic Parole Process (GPP) was introduced for indeterminate sentence prisoners which established the performance monitoring of all agencies at all key stages of the parole process. This is overseen by the Parole Process Performance and Monitoring Board which meet quarterly and include representatives from all agencies involved.</li> <li>● Performance targets have been set for all agencies in the Parole process to ensure dossiers are submitted complete and on time. The targets are supported by a single IT system the Public Protection Unit Database (PPUD) which has users in the Prisons, Probation Service, Parole Board and central NOMS.</li> <li>● Regional Directors of Offender Management have been established which allow NOMS to liaise directly with offices to identify possible barriers to successful performance at an early stage. Each NOMS region has an identified lead for Parole process issues.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (2)</b></p> <p>The Board has not explained why release rates for both determinate and indeterminate sentenced offenders fell by one-third in 2006-07 and 2007-08. We were told that a speech by the then Home Secretary in 2006, in which he reflected public concern about certain high profile cases where offenders on parole committed very serious offences, led to Board members placing greater emphasis on public protection when making their decisions. The fall in release rates can be ascribed to this greater emphasis on public protection.</p>	<ul style="list-style-type: none"> <li>● Prison Service Order (PSO) 6010 identifies exactly which reports are required for the dossier and Governor Grade staff are responsible for quality assuring the completed dossiers and signing that they are complete and to the required standard before submitting them to the Board.</li> <li>● In September 2009, 96% of those dossiers received by the Board contained all the necessary documentation. However, only 26% of the dossiers were received on time against a GPP target of 80%.</li> </ul> <hr/> <p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● Although the Board's focus has always been and will continue to be the protection of the public, as the PAC concluded, the fall in rates during the period identified can be ascribed to an increased emphasis on public protection.</li> <li>● Since the period on which the report focuses, the release rate has remained reasonably constant for indeterminate sentence prisoners but has fallen for discretionary conditional release prisoners.</li> <li>● The Board has introduced systematic monitoring of the quality of decisions and has a database of all indeterminate sentence prisoners released by the Board. This has enabled the Board to investigate patterns in parole decisions.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (3)</b></p> <p>Since 2003, the percentage of determinate sentenced offenders recalled for having committed a further offence while on parole has remained constant at 6-7%. No system can be foolproof, but on the other hand, every offence committed while an offender is on licence is unacceptable. To help the Board work towards a reduction in the rates of re-offending, the Board's Review Committee should supplement its scrutiny of serious further offence cases by examining, on a sample basis, the reasons given for the decision to release in all cases where prisoners on licence re-offend.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● The Parole Board has established a Quality Unit to take forward the agenda on quality decision making across the work of the Board. In March 2009, the Unit implemented a 'Monitoring, Evaluation and Feedback Project' to provide a more systematic process for the assessment of the quality of release decisions and the reasons given for those decisions.</li> <li>● The Project includes samples where the Panel has made decisions to release and not to release and are not restricted to cases where the offender goes on to re-offend on parole licence.</li> <li>● The Board's Quality Unit now has evidence of what members are doing well and where improvements need to be made. This has enabled individual feedback to be given to members and will drive learning and development generally. It has also contributed to the development of policy and guidance and point to areas of further research in order to improve the overall decision making of the Board.</li> <li>● In 2008/09, 4% of Discretionary Conditional Release prisoners were recalled from parole for committing a further offence compared with 6.8% in 2007-08.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (4)</b></p> <p>More than two-thirds of oral hearings did not take place as planned and 20% were held more than 12 months late. These delays are completely unacceptable but until recently the Board did not monitor its performance in this area. As part of the wider changes being proposed to the management and oversight of the parole process, the Board should set a target for holding oral hearings in the planned month, and manage its achievement accordingly.</p>	<p><b>In Progress</b></p> <ul style="list-style-type: none"> <li>● In April 2009, as part of the GPP, the Department introduced a target for holding the oral hearing of every indeterminate sentence prisoner by a certain date. The target, which has yet to be achieved, is for 80% of all cases to be determined within a calendar month of the scheduled GPP.</li> <li>● The GPP delivers agreed end-to-end targets allowing for performance to be monitored within each element of the process, offers clear lines of accountability and holds agencies to account for their performance.</li> <li>● A Parole Process Performance and Monitoring Board, chaired by the head of the Department's Sponsorship and Performance Unit, the sponsors of the Parole Board, will monitor this process (in addition to ongoing monitoring by the agencies concerned).</li> <li>● In 2009, the Department carried out a recruitment campaign which resulted in the recruitment of 35 new members and the reappointment of 30 members.</li> <li>● The Board has recently reached an agreement with HMCS to seek expressions of interest from serving judges to become Parole Board members. It is very encouraging to report that over 50 positive responses have been received from serving judges and arrangements are being made for interviews to take place in December 2009, January and February 2010 with training in February and March 2010.</li> <li>● In order to cope with the further 37% increase in Indeterminate Sentence for Public Protection (IPP) workload and 12% increase in Lifer workload</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (5)</b></p> <p>The Board's administration of cases and its recording of data are being hampered because it holds details of cases on three separate databases and combined them manually. The Board should work with its new sponsor in the Ministry of Justice to implement a new database as soon as possible.</p>	<p>the Board has increased the number of monthly panels it holds and over a 12-month period will have doubled the number of panels to 226 by January 2010.</p> <p><b>In progress</b></p> <ul style="list-style-type: none"> <li>• The proposed replacement system, as well as replacing the existing internally developed systems, also supports the IT system designed for the inter-agency Generic Parole Process which will track cases in a more effective way. The design phase of the Parole Board's new Casework Management System (CMS) is complete and the project, led by the Department's sponsor unit, has commenced. The system is on track and due to go live in April 2010.</li> <li>• The linked PPUD/CMS IT system will provide one shared database for all cases arising since 1 April 2009. Parole Board Staff have received guidance about entering data onto the existing PPUD part of this system.</li> </ul>
<p><b>PAC Recommendation (6)</b></p> <p>Money is being wasted because hearings cannot be held on time and offenders are held in prison when they should have been released, at a time when the prison population is at an all-time high. The cost to the Board of hearings that were adjourned or deferred was nearly £1 million in the nine months to 30 September 2007. The cost to HM Prison Service of keeping offenders in jail who were subsequently released at rescheduled hearings or were transferred from closed to open conditions was estimated to be nearly £2million in the same period.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>• The Parole Board has worked hard with its criminal justice partners to ensure that all necessary information is provided at oral hearings so that the number of cases adjourned or deferred is kept to a minimum. The Board introduced the Intensive Case Management process to ensure that all dossiers contained adequate evidence to enable an oral hearing to proceed. This reduces the risk of hearings being deferred on the day.</li> <li>• The Board regularly reviews reasons for adjournments and deferrals to identify common problems and take remedial action.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (7)</b></p> <p>One of the key factors underlying the Parole Board's difficulties is that all agencies involved have been attempting to cope with a significant increase in oral hearings. A big factor in this increase has been the introduction of the indeterminate sentence for public protection, brought in by the Criminal Justice Act 2003. This has been used far more by sentencers than the Ministry of Justice had optimistically predicted, resulting in more cases coming before the Board for oral hearings. The full range of the implications of criminal justice legislative change should be considered at the planning stage for new Bills, including modelling the potential impact on all criminal justice agencies.</p>	<p>● Despite an increase in the overall number of hearings held, the number of deferrals on the day has reduced from 18% at the time of the NAO report publication (December 2007) to 10% as at August 2009.</p> <p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● The Criminal Justice and Immigration Act 2008 amended some of the sentencing provisions so as to give judges more discretion over the use of public protection sentences. This change is intended to discourage courts from handing down public protection sentences with very short tariffs.</li> <li>● A taskforce has been established to co-ordinate the work being undertaken by NOMS, the Parole Board and A2J in aligning capacity with caseload which in turn will improve the accuracy of workload forecasts. The taskforce will report to the Parole Process Performance and Monitoring Board.</li> <li>● The Department ensures that the full resource implications for all agencies are considered when bringing forward new legislation by carrying out Impact Assessments and publishing them as required. The Generic Parole Process Board, which meets quarterly and is chaired by the Head of the Sponsorship and Performance Unit, gives the head of Sentencing Policy and Penalties Unit an opportunity to bring new policy and legislative ideas to the Board for early consideration. The GPP includes members from all parts of the criminal justice system and gives them an opportunity to share new policy ideas and consider their impact at an early stage.</li> </ul>

Recommendations	Detail of Progress made to date
	<ul style="list-style-type: none"> <li>● In April 2009, the Parole Board Rules were also amended to allow the Board increased flexibility in the allocation of the resources available to them. For example, non-judicial chairs will be able to chair IPP oral hearings which will maximise the number of cases heard.</li> <li>● In May 2009, a programme of training for Independent Parole Board members to chair IPP oral hearings commenced. Members who have completed the training began sittings as chairs on such hearings from June 2009.</li> <li>● In September 2009, the Minister for the Cabinet Office, Tessa Jowell, agreed to the removal of OCPA (Office of the Commissioner of Public Appointments) regulations in the appointment of judicial members to the Board allowing for greater flexibility in the deployment of judges.</li> <li>● The Department's sponsor unit, HM Courts Service, the Parole Board and senior judiciary are working together to ensure that the demands of the Parole Board are properly considered as part of the forecasting work looking at the deployment of judges on a national basis.</li> <li>● As reported in our response to recommendation (4) above, the Board has recently reached an agreement with HMCS to seek expressions of interest from serving judges to become Parole Board members. It is very encouraging to report that over 50 positive responses have been received from serving judges.</li> <li>● The budget for the Parole Board was increased by 18% for 2009/10. This will allow for more hearings to take place. In the six months to September 2009, 16% more three-member oral hearing cases were considered compared with the same period in 2008.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (8)</b></p> <p>Although HM Prison Service and the probation service have been under considerable pressure, with rising numbers of prisoners and of offenders under the supervision of the probation service, both services need to give higher priority to the parole system if it is to work efficiently and effectively. In particular:</p> <ul style="list-style-type: none"> <li>● HM prison Service should introduce a more systematic method for triggering the process of compiling the reports required for Board hearings for indeterminate offenders, which at present relies heavily upon the skills and experience of the individual in prisons responsible for compiling the dossiers, and</li> <li>● The probation service must remedy its lack of a target for producing reports for the Board, and should collect data on whether reports were provided on time.</li> </ul>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● In April 2009, a new Generic Parole Process was introduced for indeterminate sentence prisoners, which includes the introduction of a Probation Service target for the timely completion of reports. This is set at 90% and the Public Protection Casework Section (PPCS) collate performance data against target which is reported to the Parole Performance Board on a regular basis</li> <li>● The GPP delivers agreed end-to-end targets allowing for performance to be monitored within each element of the process, offer clear lines of accountability and hold agencies to account for their performance. A Parole Process Performance and Monitoring Board, chaired by the head of the Sponsorship and Performance Unit, the sponsors of the Parole Board, will monitor this process (in addition to ongoing monitoring by the agencies concerned).</li> <li>● Training modules designed for establishment based staff responsible for parole have been finalised and a central parole helpdesk has been established to provide support and guidance to prison staff.</li> <li>● Staff in PPCS in NOMS have been re-organised into "prison facing" teams so that performance related issues in specific establishments and probation areas can be quickly identified.</li> <li>● Progress has also been made in agreeing the type and standard of evidence required in parole dossiers to ensure that unnecessary delays do not arise later in the parole process. The reports required for dossiers are</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (9)</b></p> <p>The Board's independence was challenged in a Court of Appeal ruling in February 2008, which stated that sponsorship by the National Offender Management Service of the Ministry of Justice meant that the Board was not sufficiently independent. In April 2008, the Secretary of State announced that the sponsorship of the Board would be transferred to the Access to Justice Directorate within the Ministry. The Board's preferred option is that it should become a court and become part of HM Courts Service.</p>	<p>clearly laid out in PSO 6010 along with the qualifications and experience of those collating these reports.</p> <ul style="list-style-type: none"> <li>• Governor grade staff are now also responsible for quality assuring the completed dossiers and signing that they are complete and to the required standard before submitting to the Parole Board.</li> </ul> <p><b>In progress</b></p> <ul style="list-style-type: none"> <li>• A consultation paper entitled "<i>The Future of the Parole Board</i>" published in July 2009 explores some of the options for the future status of the Parole Board, its functions and powers, and where it is best placed within the criminal justice system given its evolution from an advisory body when it was established to the decision making body that it is today.</li> <li>• A full public consultation, include whether the Parole Board should become part of either HMCS or the Tribunals Service, was completed in November 2009. The Department will work closely with the Parole Board to consider the responses and intend to publish its response in February 2010.</li> </ul>
<p><b>PAC Recommendation (10)</b></p> <p>The national Audit Office identified that 22 of the 180 Board members were not fulfilling their minimum time commitment to the Board. The Board has reduced the number of non-judicial members who do not meet their minimum commitment but acknowledges that obtaining enough judges' time to fulfil the requirements of the Parole Board rules as they stand remains difficult. A transfer of the Board to HM Courts Service would help ensure that judges meet their obligations to the Board.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>• The workload of members is now monitored on a monthly basis and the relevant members who are not fulfilling their minimum time are contacted as necessary. Recent figures show that independent members undertook, on average, 31% more workload than the Parole Board had anticipated.</li> </ul>

Recommendations	Detail of Progress made to date
	<ul style="list-style-type: none"> <li>● The Parole Board Rules were amended to allow the Board increased flexibility in the allocation of the resources available to them - particularly in respect of the requirements for judicial chairs of oral hearings.</li> <li>● In September 2009, the Minister for the Cabinet Office, Tessa Jowell, agreed to the removal of OCPA regulations in the appointment of judicial members to the Board allowing for greater flexibility in the redeployment of judges.</li> <li>● The Department is also working with Senior Judiciary and colleagues in HM Courts Service on the question of the availability of judicial resource, as this is a matter that is of equal importance to the efficient and effective operation of the criminal courts. Whether the difficulties around judicial resources would benefit from a transfer of the Board's functions to HM Courts Service is one of the issues that we will be consulting on as part of the consultation exercise referred to in our response to PAC Recommendation 9.</li> <li>● As reported in our response to recommendation (4) above, the Board has recently reached an agreement with HMCS to seek expressions of interest from serving judges to become Parole Board members. It is very encouraging to report that over 50 positive responses have been received from serving judges.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (11)</b></p> <p>The Committee found unacceptable that there has been no requirement for all three panel members to sign off on the reasons for their decisions on each cases, rather, the final word has been left to the chair alone. The Board has accepted the new template recommended by the National Audit Office which will require all three members to sign off reasons for panel decisions.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>• The Board designed and introduced its own Reasons Framework in January 2009 for use in all determinate and indeterminate parole cases. Members are now required to provide evidence that they have 'signed off' the final draft of reasons through means of email. Decisions are monitored by case managers and quality controlled by periodic sampling.</li> </ul>
<p><b>PAC Recommendation (12)</b></p> <p>The average age of the Board's non-judicial members was 50, a figure that is increasing. All but four members described themselves as being 'white' and 86% of those members who provided information have a degree. It is important that the Board increases the level of ethnic minority representation of its membership, reduces its average age and adjusts the social composition of members. It should set targets for each of these areas in conjunction with the Ministry of Justice.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>• The Parole Board and the Ministry of Justice are working to increase the profile of the Board and encourage applications from as diverse a population as possible, for example through the project run in conjunction with Operation Black Vote in 2009 which aimed to encourage more applicants for Parole Board membership from Black and Minority Ethnic (BME) groups by demonstrating the work of a member by offering opportunities such as work shadowing.</li> <li>• In further recognition of the need to improve the Board's diversity, when the Department appointed recruitment consultants to administer the 2009 recruitment campaign, one of the key criteria used when assessing the tenders of consultants was evidence of a track record of attracting a diverse range of applicants. Of the 35 new members recruited through this campaign, 11% identified themselves as being from a BME group. Of the 23 non-judicial members appointed, nine are below the age of 50.</li> </ul>

Recommendations	Detail of Progress made to date
	<ul style="list-style-type: none"><li>• All non-judicial appointments within the Department are OCPA regulated. These regulations ensure that appropriate targets are in place when appointing non-judicial members to the Parole Board.</li><li>• More broadly, the Department is developing guidance on the principles by which all of its Arms Length Bodies (ALBs) should be governed. This guidance will be further developed in light of the outcomes of HM Treasury's review into arms length bodies that forms part of the Public Value Programme.</li></ul>

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## The Procurement of Goods and Services in HM Prison Service

*(Sixth report published 10 March 2009)*

The PAC examined the National Offender Management Service (NOMS) and the Ministry of Justice on the lessons learned when implementing its procurement strategy, and on the potential for further savings.

Total number of recommendations contained in the report: 7

Total number of recommendations which remain outstanding: 0

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (1)</b></p> <p>The Prison Service has made cash savings of £120 million and has improved the quality of the goods and services it procures. These achievements are as a direct result of implementing the recommendations in this Committee's 41st Report of Session 2002-03, <i>Modernising procurement in the Prison Service</i>.</p>	<p><b>Closed</b></p> <p>The Department acknowledges the Committee's recognition of these achievements.</p>
<p><b>PAC Recommendation (2)</b></p> <p>Centralising procurement and developing tailored procurement strategies for different types of goods and services would help other Government organisations improve their procurement and generate cash savings. In partnership with the Office of Government Commerce and the National School of Government, the Prison Service should bring its success to the attention of senior management in other public sector bodies, for example, by participating in workshops, and by speaking at training events and conferences.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● An approach was made to both the Office of Government Commerce and National School of Government to offer to participate in workshops or by speaking at training events and conferences.</li> <li>● The Department has shared its experiences with a number of departments including BIS, DCSF, DEFRA, FCO, Dept Health, DfT, DWP and Thames Valley Police at a number of different events.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (3)</b></p> <p>Using the Prison Service procurement model throughout the Ministry of Justice should generate further substantial cash savings. We are pleased to note the Ministry's plans to extend the Prison Service model across the whole of its operations, and look forward to its successful implementation in the expectation that the Ministry will also generate substantial cash savings. The Ministry of Justice should set an annual target for finding savings from procurement.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>• A new Procurement Strategy for the Ministry of Justice titled <i>Procurement Success</i> was approved by the Department's Corporate Management Board in November 2008. The strategy, which is based on the model deployed throughout the Prison Service, introduces a defined acquisition model and a new organisation and targets savings of £140 million by April 2011. Delivery and implementation of the strategy is under the governance of a formal change programme managed by the Department's Procurement Directorate.</li> </ul>
<p><b>PAC Recommendation (4)</b></p> <p>Not all Prison Service personnel have understood or supported the move to centralised procurement. The Prison Service acknowledged that it should have done more from the outset to win over the 'hearts and minds' of Prison Service staff to the benefits of centralised procurement. The Ministry of Justice procurement function should learn from this experience and increase staff awareness by publicising the aims, objectives and successes of its procurement strategy to staff, for example through articles on its intranet and in staff magazines, as well as at internal training events.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>• The Department recognised that good communications would be an integral part of the implementation of <i>Procurement Success</i>. A network of procurement liaison contacts has been established within each directorate. The aims and objectives of the new procurement strategy have been explained in communications and published on the intranet. A guide to the savings achieved has been published and is updated at regular intervals by category management teams as the strategy is delivered.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (5)</b></p> <p>Reducing the threshold for procurement undertaken by the Service's Purchase to Pay teams from £20,000 to £5,000 will not be enough on its own to secure best value from local procurement. In addition to lowering the upper limit for procurement by the Purchase to Pay teams, the Prison Service should periodically obtain details of the items procured most frequently through this route, with a view to extending central contracts to cover these items.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● In addition to reducing the upper limit for procurement by the Purchase to Pay teams to £5,000, the Department has also realigned its procurement organisation to ensure that staff in the Purchase to Pay teams are more closely aligned to specific categories of spend. This enables staff to become more familiar with central contracts and to redirect potentially off contract spend to central contracts.</li> <li>● A spend analysis tool has also been purchased to enable Category managers to review what has been purchased. This enables category managers to determine if individual items should be added to central contracts or, where the aggregated spend is sufficient, to commence the process of letting new contracts. This will maximise the opportunity for further savings through aggregation of total departmental spend.</li> </ul>
<p><b>PAC Recommendation (6)</b></p> <p>The Prison Service supplier database included 9,000 dormant supplier accounts. The Prison Service acknowledged the NAO's role in identifying that its supplier database was out of date. The Prison Service should carry out validation checks on the integrity of the data in its supplier database at least annually, in order to confirm that it only holds details of current suppliers, and to check staff authorities to authorise the addition of new suppliers.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● The Department now reviews supplier accounts quarterly. Dormant supplier accounts are marked as inactive which disables them from use.</li> <li>● A new system to approve the setting up of new suppliers was implemented in July 2009 following the National Audit Office review. The system restricts authorisation to Procurement staff with knowledge of contracts and approved suppliers. It is designed to prevent new suppliers being added to the system when goods or services required are already obtained from an existing supplier.</li> </ul>

Recommendations	Detail of Progress made to date
<p>PAC Recommendation (7)</p> <p>The new inventory control modules currently being introduced will help the Prison Service identify excess or obsolete stock. The Prison Service has yet to fully implement the Committee's recommendations from 2003 relating to stock levels and inventory control, pending deferment of the inventory control modules of its new computer system. The Prison Service should use the information generated by the new inventory management system to identify stock holding levels across the Prison Service and to act to reduce excess or obsolete stock, as appropriate.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● Implementation of a new inventory control system in all Public Sector prisons was completed in June 2009. The system provides commonality of procedure and processes, enables the monitoring of the majority of goods stored within prisons and facilitates better-informed prison management decisions on the range and quantity of items to be held. This includes the ability locally to identify where excess or obsolete stocks are held and act accordingly.</li> </ul>

## Compensating Victims of Violent Crime

*(Fifty-fourth report published 20 November 2008)*

The PAC examined the Ministry of Justice, the Criminal Injuries Compensation Authority (CICA) and the Tribunals Service on the reasons for the deterioration in performance since it last reported and the steps that they had taken, and planned to take, to improve performance in the future.

Total number of recommendations contained in the report: 14

Total number of recommendations which remain outstanding: 3

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (1)</b></p> <p>In 2006, 64% of victims of violent crime were unaware of the Criminal Injuries Compensation Scheme and only 5% applied. The Scheme continues to be undersubscribed and application rates varied by gender, age, location, employment status and ethnicity. The Ministry and the Authority should increase awareness of the scheme by using research and the Authority's database to examine the characteristics of both applicants and eligible victims and to improve the marketing of the scheme. It should also make information more widely available on how and where to apply, and who is eligible.</p>	<p>In progress</p> <ul style="list-style-type: none"> <li>● The Criminal Injuries Compensation Authority (CICA) has raised awareness by:</li> <li>● Consulting widely with victims' groups and other stakeholders.</li> <li>● Participating in victims' conferences and arranging Stakeholder conferences.</li> <li>● Revising literature and guidance notes and re-designing its website.</li> <li>● Piloting a poster campaign during August to October 2009. Results are currently being analysed.</li> <li>● Producing three editions of 'In Touch' (a new quarterly publication for stakeholders.)</li> <li>● Full details on how to apply for compensation are now clearly available on CICA's redesigned website and previous guidance on the scheme has been consolidated into a Booklet entitled "<i>A Guide to the Criminal Injuries Compensation Scheme 2008</i>". This is available on CICA's website and also in hard copy on request. This booklet contains clear guidance on how to apply and eligibility.</li> </ul>

Recommendations	Detail of Progress made to date
<p>PAC Recommendation (2)</p> <p>Almost a fifth of applicants responding to the Authority's survey found the application form difficult to complete, and almost half of those using representatives did so because of the form's complexity. The Authority should:</p> <ul style="list-style-type: none"> <li>● make use of good practice developed elsewhere in government and by bodies such as the Plain English Campaign to make its application forms easier to complete;</li> <li>● advertise its helpline number widely and encourage applicants to use the service to apply over the phone, with appropriate support; and</li> <li>● encourage use of its interactive online application form.</li> </ul>	<ul style="list-style-type: none"> <li>● In July 2009, the Department's Research Unit commenced research to establish awareness of the scheme. This will involve researchers examining CICA's database to identify the characteristics of those who have applied and identifying the characteristics of those who are eligible but who are not applying. This will enable the Authority to target their advertising to reach those victims (in addition to what they are currently doing). Preliminary feedback was received at the end of October and the project is due to be completed in December 2009.</li> </ul>
<p>In progress</p> <p>● All application forms have been revised, making them easier to complete. A further review of application forms commenced in July 2009 and will be dovetailed with the Online Application Forms IT project relating to online application forms to ensure consistency.</p> <p>● Plain English is now used in all key documentation and relevant staff have received plain English training.</p> <p>● A single freephone helpline for all applicants has been introduced, which is publicised on all its literature and its website.</p> <p>● In October 2009, CICA began taking new applications over the telephone. This is being gradually rolled out, alongside a training programme for staff, with full implementation by February 2010.</p> <p>● An on-line application form was launched at the end of October 2009.</p>	

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (5)</b></p> <p>The Authority's outsourced call centre fails to answer 15% of calls, and of those that are answered half have to be referred to the Authority's staff as call centre staff are not able to resolve the query. The Authority should equip its new applicant support service with people who have knowledge of the scheme and have access to information about individual cases to answer queries effectively, and set challenging targets for the timeliness and quality of their responses.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● A new caseworking model was introduced in July 2008, which placed greater emphasis on applicant support. At the same time an in-house telephone support service replaced the outsourced contract.</li> <li>● More of the available resource is concentrated at the front end of the caseworking process to ensure that all calls are answered by fully trained staff. Whilst the basic service has been available since July 2008, recruitment and training of new staff was completed in March 2009.</li> <li>● Through the business planning process, KPIs have been established, which challenge specifically the timeliness and quality of processes. Performance is compared to targets and included in the balanced scorecard.</li> </ul>
<p><b>PAC Recommendation (6)</b></p> <p>After the Authority changed its policy so that it requested medical records only when the police report indicated that a crime of violence had occurred, it took four years for the Authority to alter the standard nil award letter so that the position on requesting applicants' medical records was properly spelt out. This delay could have disadvantaged some applicants. The Authority should consider the effect of all policy changes on its standard literature and amend it quickly as necessary, as well as put in place robust processes to ensure that this situation cannot arise in the future.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● In October 2008, a single source of policy guidance was established, which can be easily referenced by all staff.</li> <li>● The policy team have completed a full literature review to ensure that all documentation reflects current policy.</li> <li>● New internal procedures were introduced in March 2009, which ensure that any changes to policy are assessed with regard to the impact on the content of standard letters and other documentation. The impact assessment also looked at the effect on processing times.</li> <li>● Proposed technological improvements to make the updating of standard letters quicker and less costly by bringing processes in-house were identified in September 2009.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (7)</b></p> <p>The Authority and the Panel have not developed appropriate targets or adequate incentives and, as a result, case processing has been inefficient. The Authority and Panel should:</p> <ul style="list-style-type: none"> <li>● develop performance targets that cover the process from initial application to final appeal, ensuring each body is accountable for their part in the process;</li> <li>● put performance management systems in place that link personal objectives to organisational targets, monitor performance, and provide incentives for delivering against those targets; and</li> <li>● finish and roll out its new casework model to support caseworkers, minimise handovers and identify ineligible cases as quickly as possible.</li> </ul>	<p><b>Implemented</b></p> <p><b>CICA:</b></p> <ul style="list-style-type: none"> <li>● Published its Corporate Plan in April 2008, which includes its KPIs; the associated targets; corporate values and an action plan.</li> <li>● Published a Performance Management Framework in June 2008, which links personal objectives to organisational targets and which clearly sets out the key operational targets and how these will be measured.</li> <li>● Since March 2008, it has reported monthly to its sponsor department on progress against targets using a balanced scorecard approach. It will continue to work closely with the Tribunal Service to identify and implement improvements in the service provided to applicants across the whole of the claims process.</li> <li>● The First-tier Tribunal (Criminal Injuries Compensation), hereafter known as (TS-CIC), also has a full Performance Framework in place, which links personal objectives to organisational targets. The Tribunal Service is committed to moving, from April 2010, to a target that measures time taken from when they were logged into the system, to disposal of all tribunal cases.</li> <li>● The TS-CIC and the Authority held two workshops to further develop the caseworking model in early 2008 and explored the interdependencies between the appeal stage and earlier stages in the decision making process.</li> <li>● The TS-CIC and the Authority continue to meet on a regular basis and are working together to introduce changes that will reduce processing delays and improve efficiency in decision making at the appeal stage.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (9)</b></p> <p>The Authority relies on information from third parties to assess eligibility in 98% of cases but police forces, hospitals and General Practitioners often fail to meet the 30-day response deadline required by the Code of Practice for Victims of Crime. To improve performance in deciding cases:</p> <ul style="list-style-type: none"> <li>● the Authority should improve relations with GPs and hospitals in the short term and over a longer timescale, develop other ways of gathering medical information to decide cases;</li> <li>● the Authority should review its forms to check it requires all the information requested and to make them easier to complete;</li> <li>● the Ministry should discuss with the Home Office and the Association of Chief Police Officers how to improve the individual performance of police forces against the requirements of the code. Similar action will be required by the Scottish Government with respect to the Association of Chief Police Officers for Scotland.</li> </ul>	<p><b>In progress</b></p> <p><b>The Authority:</b></p> <ul style="list-style-type: none"> <li>● Has liaised with the British Medical Association and commenced work to improve and streamline the collection of medical information by March 2010.</li> <li>● Has requested that applicants enclose Accident &amp; Emergency reports with their applications since November 2008, to provide timely access to basic medical information.</li> <li>● Has established regional case-working teams to work with local police forces and medical authorities.</li> <li>● Workshops held in early 2008 considered the end-to-end customer experience with a view to reducing bureaucracy and improving service provided.</li> <li>● MOJ and CICA are working with the Association of Chief Police Officers (ACPO) and the Association of Chief Police Officers Scotland (ACPOS) and other relevant bodies to agree the best way of collecting information from police forces and to redesign the forms accordingly. These projects are underway. Agreement on a Service Level Agreement and the redesigned forms is due in December 2009 for ACPOS and early 2010 for ACPO.</li> <li>● CICA is introducing an IT strategy which provides for further developments to allow police to submit information by way of third party portals.</li> <li>● Since the introduction of the Victims' Code by the Office for Criminal Justice Reform in April 2006 in England and Wales and the requirement for police forces to return forms within 30 days, the proportion of forms returned on time has improved from 40% in December 2007 to 56% in June 2009, and 52.9% in September 2009.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (10)</b></p> <p>Since 2000, the Authority has introduced operational policy changes incrementally and without fully considering their impact, which have had the cumulative effect of increasing processing times. Before introducing any further changes to its operational policies or working practices, the Authority should consider the likely impact on processing times and assess whether the benefits of change outweigh any increases to processing times or unit costs.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● Any proposed changes to the scheme's policy guidance are considered beforehand by relevant operational managers to gauge the potential impact.</li> <li>● The new regional set-up provides the Authority the scope to test a number of approaches under controlled conditions. Once piloted, any 'changes' will be reviewed by the CICA Management Board before implementation.</li> </ul>

## The National Probation Service: The Supervision of Community Orders in England and Wales

*(Forty-eighth report published 4 November 2008)*

The PAC examined the Ministry of Justice on increasing the effectiveness of community orders; building the confidence of both the court and the community in community orders; improving the funding formula; and tightening adherence to the requirements of orders through compliance and enforcement procedures.

Total number of recommendations contained in the report: 11

Total number of recommendations which remain outstanding: 3

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (2)</b></p> <p>The Ministry lacks robust, national information about which offenders are less likely to reoffend if sentenced to a community order, rather than to a short custodial sentence. Without this key information, it is harder for probation officers to advise the courts properly on what might encourage particular offenders to stop or reduce their reoffending. The Ministry's planned research study, due for publication in summer 2015, should show the type and combination of community order requirements that work best for different types of offender. Rather than waiting until 2012 to release the first results, the Ministry should report emerging findings from this work, so that they can be absorbed into Probation Officers' day to day work, including information on the extent to which offenders gain and remain in employment.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● The Offender Management Community Cohort Study (OMCCS) began in December 2009. The study will provide information about the characteristics of offenders on community orders, the work undertaken with them, and the short and long term outcomes including the impact on reoffending. Additional information will be provided by NOMS through the Unit Cost in Criminal Justice (UCCJ) Study which is due for completion at the end of August 2010. This study will identify the unit costs of community-based interventions and activities targeted at adult offenders. This will subsequently enable data from the OMCCS to be used in combination with unit cost information to examine the costs associated with achieving outcomes for offenders who receive a community sentence, including reductions for reoffending.</li> <li>● It is expected that initial findings on the characteristics of offenders will be available in the summer of 2011. First results covering short term outcomes will be available early 2012. The final report is due in 2013.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (3)</b></p> <p>The most widely used measure of reoffending, the reconviction rate, does not include all offences committed in the two year monitoring period after sentencing and is not comprehensive enough to be a useful measure of sentence effectiveness. Offences occurring during the two year monitoring period, but identified more than six months later are not included in the reconviction rate, which is therefore understated. To gain a fuller picture of reoffending, the Ministry should supplement its two year reconviction data with information on offences identified later.</p>	<ul style="list-style-type: none"> <li>● The National Offender Management Service (NOMS) Sentence Plan Outcomes Shadow Measure reports monitor the levels of offending-related needs and the extent to which these needs are addressed in sentence plans. These reports, which are updated quarterly, include a breakdown by gender, ethnicity and age.</li> <li>● Directors of Offender Management (DOMs) have been appointed with effect from April 2009 and they will be accountable for integrating service provision and commissioning services to address the needs of offenders and the requirements of the courts in their region.</li> </ul> <hr/> <p><b>In Progress</b></p> <ul style="list-style-type: none"> <li>● An initial unpublished comparison of reconviction rates using data available in 2007 (and based on a slightly outdated method) showed that for the majority of offences, rates over one year are highly indicative of those over two and five years. However, NOMS are updating this with reoffending rates based on the current methodology (frequency and severity of reoffending) over a period of one to seven years.</li> <li>● This work will be completed and published in late 2010, exact timing dependent on the outcome of a consultation which will commence in December 2009 on future reoffending statistics.</li> <li>● This work will also assess the impact of offences which were committed during the one year follow up period, but were identified more than six months after the end of this period.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (4)</b></p> <p>The National Probation Service does not have accurate, complete and up-to-date information about its capacity to oversee community orders, the relative costs between areas or the number of community orders completed as sentenced. In the face of changing demands on the National Probation Service, good decision making is difficult without accurate information. The changes set out in the Ministry's Action Plan should improve the reliability and timeliness of management information, and the National Probation Service should publish periodic reports on progress made on implementation.</p>	<p><b>In progress</b></p> <p>Improvements in these areas are being taken forward via two main work programmes:</p> <ul style="list-style-type: none"> <li>● In May 2008, the <i>Specification, Benchmarking and Costing Programme (SBC)</i> was established to support improvements in efficiency and effectiveness by addressing unnecessary variation in service provision and developing specifications for each service which will be costed, enabling fair comparison of the costs for the key services across probation. The first specifications received Ministerial approval in July 2009. A full set of specifications is due to be completed by March 2012; and</li> <li>● <i>The Performance Management Framework</i> contains a number of work strands including:             <ol style="list-style-type: none"> <li>a) the development of a performance information hub that widens access to performance information.</li> <li>b) the development of an enhanced management information strategy which aims to make the best use of available data.</li> <li>c) the implementation of 'Best Value' work for Probation Services as part of the <i>Probation Trust Programme</i> which will focus on work with victims and unpaid work during 2009/10.</li> </ol> </li> <li>● Whilst accurate information is available on orders completed by probation areas/trusts it is currently difficult to access high quality, consistent data on the completion of an individual's requirements within those orders. However, this data will be available when all probation trusts migrate to a new, standard case management system (expected completion summer</li> </ul>

Recommendations	Detail of Progress made to date
<p>PAC Recommendation (5)</p> <p>Funding for the delivery of community orders is not aligned with the demands falling on individual local Probation Areas. The Ministry should adjust its funding arrangements to more flexibly respond to changes in demand from sentencers, as well as local Area circumstances.</p>	<p>2011) and an appropriate indicator will be included within the probation performance framework.</p> <ul style="list-style-type: none"> <li>● NOMS' Performance Management Group are exploring with the Department's Chief Statistician on how to make more data and reports publicly available.</li> </ul> <hr/> <p>In progress</p> <ul style="list-style-type: none"> <li>● Changes to the allocation process have already taken place to ensure that the allocation of funds is adjusted to align more closely with local demands and offender needs.</li> <li>● The allocation process will be informed and improved by the results of the work set out against our response to Recommendation 4 and by other management information, such as conviction data for each probation area.</li> <li>● The allocations for individual probation areas 2009-10 were adjusted to take account of local conviction data. The 2010-11 allocations will be further adjusted using the conviction data. The Specification, Benchmarking and Costing work is also now being deployed to probation services.</li> <li>● Under the longer term aims for NOMS, DOMs will have more direct control of the allocation of funds for probation services within their region which will further improve the links to local needs.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (6)</b></p> <p>Some sentencers see community sentences as a 'soft option', meaning they are less likely to give them as a sentence. The Ministry could do more to improve sentencer and public confidence in community orders as a real alternative to custodial sentences by promoting community sentences more proactively to local sentencers. The Ministry could do this, for example, through using case examples and validated local information on the proportions of orders completed and breached, as well as reconviction rates.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● Community sentences are being promoted and numbers continue to rise. Joint work with the Home Office on the Justice Seen, Justice Done campaign, has highlighted what offenders pay back to their local communities via community sentences. Prior to that in December 2008, there was a well publicised launch of the use of hi-visibility jackets by those carrying out Community Payback followed by an exercise in March 2009 allowing the public to vote for preferred Community Payback placements. Citizens' Panels were launched in September 2009 in 30 local authorities to encourage greater participation and awareness by the public in Community Payback. Probation websites have also been improved to encourage nominations for projects.</li> <li>● Case examples of best practice in sentencer communications, backed up by statistics on reoffending and probation performance, were shared with the National Probation Sentencer Forum.</li> <li>● The Forum also supports local liaison by sharing the national data it receives on community sentences via a regular bulletin which goes to bench chairs and local probation areas/trusts.</li> <li>● Local measures of reoffending have been developed, which provide reconviction rates for all offenders at probation area or trust level and at local authority level. These rates were first published in February 2009 and are updated quarterly.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (8)</b></p> <p>Some of the programmes supporting the delivery of community order requirements may not be well suited to meeting the needs of women and members of minority groups, which could make it harder for these offenders to complete their order in line with court requirements. The Ministry should use the information it collects on the gender, ethnicity and disabilities of offenders, and the length and type of community orders they are serving, to check that the programmes provided meet their needs.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● Centrally developed communication materials promoting community sentences, including a bench guide and handbook, DVDs and literature on community sentences will help to enhance sentencer understanding of community sentences.</li> </ul> <hr/> <ul style="list-style-type: none"> <li>● To support commissioning NOMS is undertaking a review of accredited programmes, and a census of non-accredited programmes delivered in the community so that programmes can be targeted more effectively to meet particular needs.</li> <li>● The Department is investing £15.6 million over two years to help divert vulnerable women, who are not serious or dangerous offenders, from custody. In November 2009, it was announced that the £10 million in grant funding has been awarded to Third Sector providers to support additional and enhanced community support for women offenders and women at risk of offending. The funding will also be used to develop bail services and maximise accommodation opportunities by engaging with accommodation providers.</li> <li>● The Department is working with NOMS on occupancy rates of approved premises and exploring other models showing success in supportive accommodation.</li> <li>● Action is being taken forward to ensure that sentencers are better informed about these supportive community provisions for women beyond, and in addition to those within, the criminal justice system; and how it can address their needs more effectively than custody.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (9)</b></p> <p>The Ministry's current system of delivery targets for local Probation Areas could create perverse incentives. Offender managers, for example, may be incentivised to channel offenders towards programmes that are below target, and to avoid breaching those on such programmes. In other instances, targets for some requirements, such as unpaid work, are easily exceeded. The Ministry should refocus its performance measures to drive up the quality of offender management and encourage a better spread of programmes throughout the year.</p>	<p>Assessments for those undertaking accredited programmes will seek to ensure that the programme is responsive to individual offenders and will specifically take into account ethnicity and disability. Information about ethnicity is currently collected using legacy information systems. These provide limited data at present but that data will be enhanced when the new information systems are introduced in 2011.</p> <hr/> <p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>• A performance framework of indicators for probation areas has been developed for 2009/10, which has screened out the potential for perverse incentives, particularly in relation to programmes and the Offender Assessment System (OASys) quality as described below.</li> <li>• The new programme target indicator introduced in 2008/09, to limit programme access to offenders meeting the eligibility criteria, was converted to a Key Performance Indicator (KPI) in 2009/10 with target levels set nationally. A new pilot indicator within Service Level Agreements (SLAs) focusing on the eligibility levels of programme 'completers' was also introduced.</li> <li>• NOMS have also moved away from less meaningful volume targets towards targets based on completion rates but will continue to collect information on the completion numbers for individual programmes to ensure that the profile of programmes provided is appropriate.</li> </ul>

Recommendations	Detail of Progress made to date
	<ul style="list-style-type: none"> <li>● As targets are set, DOMs face a challenge process from the NOMS Performance Management Group and relevant policy groups which ensure targets are appropriately stretched, quarterly milestones are accurate and the overall target profile is in keeping with the offender profile. An assessment of the latter also forms part of the DOM performance scorecard as does an assessment of the target negotiations.</li> <li>● A 'priority development indicator' was established in 2009/10, which is a measure of the quality of OASys. This will form part of formal SLA negotiations in 2010/11 and will be part of the performance framework.</li> <li>● A new quality assurance process for OASys has also been developed during 2009/10 with a view to having a full KPI in 2010/11.</li> <li>● In April 2010, NOMS will also introduce a measure assessing the offender's view of the quality of their engagement with probation and a measure of the overall level of satisfaction victims felt regarding their contact with probation staff. These will form part of the formal SLA negotiations from 2010/11.</li> <li>● Measures of quality are complex and can be resource intensive but these new measures will be tested before they are introduced.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (10)</b></p> <p>Unpaid work is focused on projects which benefits local community groups but could be broadened to include more schemes which improve communal areas, such as litter clearing and chewing gum removal. Nationally, unpaid work represented some 31% of all requirements issued in 2006. The National Probation Service should promote the performance and increase the visibility of unpaid work sessions, both within the local communities in which they occur and to sentencers.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● The Mayor’s Community Payback is in its second year and it is expected that 70 projects will be chosen by locally elected officials.</li> <li>● Six Citizens’ Panels were piloted in 2008/09, in which local residents took part in identifying community payback projects. This work has been further promoted through the Pioneer Areas, establishing local joint arrangements with local authorities and the police. These arrangements allow members of the public to nominate Community Payback projects and to receive feedback on the work done and related issues. The lessons learned from the pilots have also been made available to probation areas so that they can establish their own local arrangements.</li> <li>● Members of the public can also nominate Community Payback projects through the websites operated by all Probation Trusts/ Boards. These websites not only provide a mechanism for the public to make their views known but also display information about Community Payback work done and the sentence that is being served. This is one means of increasing the visibility of the work being done and makes clear the benefit that it contributes to local communities.</li> <li>● 3,000 hours of community payback is being made available to 60 Pioneer Areas as part of a joint campaign with the Home Office. This involves media campaigns and allows members of the public to identify work projects which could include improving communal areas.</li> <li>● Since December 2008, offenders on community payback wear branded high visibility jackets, to ensure that work undertaken is more visible to the public.</li> </ul>

Recommendations	Detail of Progress made to date
<p>PAC Recommendation (11)</p> <p>Alcohol misuse was shown to cause a quarter of offenders to commit offences, but only 2% were given an alcohol treatment requirement. It is for the courts to determine an offender's sentence, but a lack of alcohol treatment in some areas may reduce sentencing options. This means that the cause of offending may not be being tackled effectively. The Ministry of Justice should work with the Department of Health to make the alcohol treatment requirement available to courts for all offenders with chronic alcoholism where this contributes to their offending behaviour.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● Alcohol Treatment Requirements (ATRs) are now available in all probation boards/trusts as part of community orders. Commencements and completions of ATRs continue to rise, with 3,509 ATRs completed in 2008/09.</li> <li>● In April 2009, Lord Bradley published his report on the diversion of offenders with mental health problems and learning disabilities away from the CJS. In its response, the Government published a national delivery plan in November 2009. Action on alcohol is included, which builds on existing Primary Care Trust (PCT) plans for improving access to alcohol treatments. It includes looking to set a minimum level of 15% of alcohol dependent offenders receiving access to treatment and issuing guidance to PCTs on commissioning alcohol services to ensure they meet the needs of offenders.</li> <li>● NOMS issued guidance to Probation Areas for the delivery of the full range of alcohol interventions, including ATRs in November 2009. The guidance included advice to local Areas/Trusts on engagement with local joint commissioning processes and needs assessment.</li> <li>● In November 2009, a cross-departmental group completed and published a Health &amp; Criminal Justice Delivery Plan. Progress against the delivery plan will be monitored by the Health and Criminal Justice Board to ensure ongoing developmental work across departments.</li> </ul>

## Legal Services Commission: Legal Aid and Mediation for People Involved in Family Breakdown

*(Fifty-first report published 16 October 2007)*

This report considered the current system for referring clients to mediation in legally aided family cases. It also considered the actions the Legal Services Commission (LSC) has in progress to increase referrals to mediation services, to improve the quality of mediation offered, and to strengthen the LSC oversight of solicitors and mediation providers.

Total number of recommendations contained in the report: 9

Total number of recommendations which remain outstanding: 2

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (1)</b></p> <p>In around a third of cases, solicitors had not discussed the option of mediation with clients involved in cases of family breakdown. Under proposals out for consultation, the Commission intends that all clients seeking legal aid for representation in court are first assessed, by a professional mediator, on their suitability for mediation. The Commission should require mediators to maintain records of referrals and attendance, and of the decisions taken at these assessment meetings, evidenced by the mediator and client.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>• Under the LSC's standard Unified Contract, a client must be assessed by a mediator for the suitability of mediation, unless one of a limited number of exemptions apply. These include cases of domestic abuse where there has been either civil injunction proceedings brought, police investigation or where there are imminent court proceedings. In 2008/09 there were approximately 80,000 publicly funded private law family disputes that had the potential to go to contested court proceedings. Of these, approximately 27,000 clients (34%) were considered exempt from the need to consider mediation by the solicitor and the remainder of clients were referred to mediation. Approximately 30% of the 80,000 disputes participated in actual mediation following assessment by the mediator and 20% were resolved by mediation.</li> <li>• From April 2007, mediators have been required to retain all client files and records for a minimum of three years.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (2)</b></p> <p>Of the 148 people surveyed who commented on the quality of the mediation they received, 67 (25%) were dissatisfied. The Commission does not have sufficient information on the quality and effectiveness of individual mediators' work to be confident it is getting maximum value from legal aid funding, and that members of the public are achieving the potential benefits. The Commission should:</p> <ol style="list-style-type: none"> <li>carry out regular user satisfaction surveys;</li> <li>incorporate measures of mediator performance into its quality assurance procedures including the proportion of cases in which agreement is reached;</li> <li>seek agreement from the UK College of Family Mediators, Law Society and</li> </ol>	<ul style="list-style-type: none"> <li>● LSC collects information on the source of all publicly funded mediation referrals. Currently 80% are Funding Code referrals (clients seen by legal aid family solicitors who make a mandatory referral to mediation), 5% are self-referrals and 2% are from courts. The remainder are from other sources such as Citizens Advice Bureaux and advice/counselling services.</li> <li>● In December 2007, the LSC agreed with the Family Mediation Council that decisions at assessment meetings or mediations should be evidenced by both the mediator and client where it is practicable to do so. LSC Account Managers have sampled a selection of provider files to evidence that this has taken place. An appropriate clause has been inserted into future contracts.</li> </ul> <p><b>In progress</b></p> <ul style="list-style-type: none"> <li>● The Mediation Quality Mark requires comprehensive client satisfaction feedback. LSC believes a more cost effective approach is to review a sample of these records to identify trends and understand client satisfaction levels and this has been included in the Mediation Quality Mark Audit Process.</li> <li>● In June 2007, a mediation provider Contract Management Review Criteria Report was introduced. This report looks at individual mediation service performance in terms of conversion rates and agreements reached. This allows the Commission to work with mediation services to improve performance and take remedial action where it is appropriate to do so. These reports will be central to the new revised Mediation Audit Process which will be introduced in October 2010.</li> </ul>

Recommendations	Detail of Progress made to date
<p>Bar Council to share information about the quality of service provided by solicitors and mediators when funded by legal aid;</p> <p>d) revise its leaflets and online guidance to ask clients to copy to the Commission all complaints made to the complaints services of those professional bodies about legal aid funded work;</p> <p>e) in mediators' contracts include scope for financial penalties to be applied to the poorest performers including provision, ultimately, for contracts to be terminated.</p>	<ul style="list-style-type: none"> <li>● Representative bodies and the Solicitors' Regulation Authority deal with all complaints about their members. LSC meet these stakeholders quarterly and address concerns regarding solicitor and mediator performance relating to publicly funded work as a standard agenda item.</li> <li>● LSC believe that addressing any fundamental issues via our quarterly meetings with the Representative Bodies is a more effective approach to monitoring the nature of complaints made. To complement this, LSC also reviews complaints made to individual services when it visits the representative bodies to undertake the Mediation Quality Mark Audit.</li> <li>● The LSC's audit activities include an assessment of performance against the quality requirements in the Mediation Quality Mark and the LSC only pay for work carried out by mediators who have passed LSC's Competence Assessment Process. Contracts can be terminated where there is a failure to comply with this standard. From October 2010, LSC will introduce Key Performance Indicators (KPIs) for mediation services. Failure to meet these will result in sanctions being taken.</li> </ul>
<p><b>PAC Recommendation (3)</b></p> <p>Fee rates have acted as a financial disincentive for solicitors to refer clients to mediation. The new fixed fee scheme proposed by the Commission should give solicitors more incentive to refer clients to mediation. The Commission needs to evaluate the effectiveness of the new scheme after one year of its operation, to check whether it has increased the take up of mediation, encouraged earlier referrals to mediators, and led to faster resolution of cases.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● In October 2007, new funding arrangements for family cases were implemented which were designed to encourage solicitors to increase the referral to and take up of mediation.</li> <li>● In the first 12 months since the introduction of the new family mediation arrangements in October 2007, the LSC achieved additional savings of approximately £1 million from increasing the use of family mediation. This is as a result of a 2%</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (4)</b></p> <p>On average, a referral to court funded by legal aid costs around £930 more than a mediated case. In response to the National Audit Office survey of recipients of legal aid, 33% said they had not been told about mediation and, of those, 42% (or 14% of the total) said they would have been willing to try it, representing potential savings of up to £10 million a year. Mediation will remain voluntary, but the Commission should set solicitors and other advisers a target for the number of cases it expects to be resolved by mediation rather than referred to court, and review the target annually thereafter. Whilst mediation will remain voluntary, the Commission's guidance and information should highlight its benefits and this material should be made widely available, in public places such as libraries and surgeries.</p>	<p>increase in the proportion of cases going to mediation and a 1.6% increase in full agreements reached over the same period. 2008/09 saw a further improvement as actual mediation referrals increased by 9.2% to 52,086. LSC published a report on those findings in March 2009.</p> <ul style="list-style-type: none"> <li>● In 2008/09 there were approximately 80,000 publicly funded private law family disputes that had the potential to go to contested court proceedings. Of these, approximately 27,000 (34%) clients were considered exempt from the need to consider mediation by the solicitor with the remainder referred to mediation. Approximately 30% of the 80,000 disputes participated in actual mediation following assessment by the mediator and 20% were resolved by mediation.</li> </ul> <p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● <i>In August 2008, LSC published Publicly Funded Family Mediation: The Way Forward</i> which set out LSC's strategy for increasing the number of mediations in future years.</li> <li>● In April 2009, LSC introduced internal Key Performance Indicators for family solicitors in April 2009 looking at mediation exemption reason use to ensure that those cases suitable for mediation are referred. LSC now monitors individual solicitor firm exemption reason usage to ensure that those cases suitable for mediation are referred. Where issues are identified, contact is made with the service and action plans to improve performance are agreed to address any issues where it is appropriate to do so.</li> <li>● From October 2010, LSC criteria for family solicitor contracts will require practitioners to have strong links with</li> </ul>

Recommendations	Detail of Progress made to date
	<p>local mediation services and KPI's will be built into their contracts to ensure appropriate referrals are made. Contract sanctions such as termination will be applied if there is a failure to comply.</p> <ul style="list-style-type: none"> <li>• The Community Legal Advice (CLA) helpline (0845 345 4 345) now offers specialist family advice over the phone and clients are actively referred to a mediator or to the MoJ Family Mediation Helpline where it is appropriate to do so. The CLA website (<a href="http://www.communitylegaladvice.org.uk">www.communitylegaladvice.org.uk</a>) has been improved with new mediation portals and a revised Family Mediation leaflet is also available to order or download from the above website.</li> <li>• As reported in our response to recommendation (3) above, positive progress has been made in the 12 months since the introduction of the new family mediation arrangements.</li> </ul>
<p><b>PAC Recommendation (6)</b></p> <p>The Commission's management data on mediation referral and take up rates is poor, reducing the scope for comparison between suppliers. The Commission is currently developing a new supplier management database which will be implemented in October 2007 for solicitors undertaking family work and in April 2008 for mediators. The Commission plans to develop a client database to accurately identify clients across all schemes, including mediation. Meanwhile, it should use the supplier database to record variations in rates of referral to and take up of mediation, identify and investigate significant outliers, and, where necessary, take remedial action.</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>• A mediation module of the LSC supplier management system will be developed and include the functionality to track individuals across all databases. The implementation date of April 2009 has been delayed as all LSC IT projects are being reviewed to ensure the correct prioritisation of limited IT resources. It is currently anticipated that the new IT Supplier Management System will be introduced by October 2010.</li> <li>• In the longer term, all LSC databases will be replaced and, under the LSC's <i>Delivery Transformation Programme</i>, a client database will be created to allow clients to be properly identified across all schemes.</li> </ul>

Recommendations	Detail of Progress made to date
	<ul style="list-style-type: none"> <li>● In the meantime LSC have been using the existing supplier database to monitor variations in rates of referral and take up of mediation. In the 12-month period to Sept 2007, there were 40,180 exemption reasons used by solicitors against 32,747 in the year to September 2008, a drop of 19%. This has further fallen to 26,739 in the year to September 2009.</li> <li>● In the year to September 2007, 21% of exemption reasons were because of domestic abuse, dropping to 13.9% in the year to September 2008 and fell further to 7.9% in the year to September 2009.</li> <li>● The “existing proceedings” rule during these same 12-month periods pre and post October 2007 also fell from 20% to 14.5% during 2008/09.</li> <li>● In April 2009, LSC introduced internal Key Performance Indicators for family solicitors which looked at mediation exemption reasons used to ensure that those cases suitable for mediation are referred. LSC analyses the data and where issues are identified, contact is made with the service provider and an action plan to improve performance is agreed, where appropriate to do so.</li> </ul>

## Fines Collection

*(Tenth report published 31 January 2007)*

This report examined the Ministry of Justice and Her Majesty's Courts Service (HMCS) on the information available on the payment of fines, how courts might set appropriate penalties and how they might increase and speed up the payment of fines.

Total number of recommendations contained in the report: 10

Total number of recommendations which remain outstanding: 3

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (1)</b></p> <p>The Department does not know the number or percentage of offenders who pay their fine nor the amount of fines imposed each year that it is collected. Delays to the introduction of Libra, the Department's new management information system, mean that the Department does not have the basic information required to manage the collection of fines.</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>● The LIBRA IT system was fully rolled out in December 2008 in all magistrates' courts. A number of reports have been developed to provide the information referred to in the recommendation and it is our intention to commence business testing in January 2010.</li> </ul>
<p><b>PAC Recommendation (2)</b></p> <p>The Department should replace the "payment rate" as a measurement of performance with:</p> <ul style="list-style-type: none"> <li>● the number of offenders annually who pay their fine as a proportion of the number of offenders who have had a fine imposed in the year;</li> <li>● the percentage of fines (by value) imposed in the year that are collected;</li> <li>● the proportion of fines annually that require enforcement action;</li> <li>● the annual change in arrears; and</li> <li>● the number and value of cancelled fines, broken down by reason for cancellation.</li> </ul>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>● The fine payment rate is reported in two forms:                             <ul style="list-style-type: none"> <li>- Overall payment rate.</li> <li>- Payment rate excluding those that were administratively cancelled.</li> </ul> </li> <li>● The payment rate will be supported by a number of measures, which are being developed as recommended. Business testing should commence December 2009.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (4)</b></p> <p>In 2004–05, £69 million of fines were cancelled at a cost of some £28 million. The Department for Constitutional Affairs stated that the main cause of cancellations is fines being set at too high a level, but cannot provide a detailed breakdown of the reasons. The Department should take action to reduce the number of cancelled fines by:</p> <ul style="list-style-type: none"> <li>● reminding legal advisers to provide magistrates with the information from the means forms and the offenders' history of fines payment, so that</li> <li>● magistrates can set fines at an appropriate level;</li> <li>● requiring legal advisers to record the reasons for cancelling fines; and</li> <li>● analysing the reasons for cancellations to identify ways to reduce their number.</li> </ul>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>● The LIBRA system has the ability to record the reason why a fine was cancelled.</li> <li>● Following twelve months of business testing, full operational roll-out of reports will commence. This is not expected to occur before April 2011. Guidance to enforcement teams and legal advisers, which will reinforce the need to record the reasons for cancelling fines, will coincide with that roll-out. The Department will then be in a position to analyse the reasons for judicial cancellations.</li> <li>● In the meantime, The <i>Criminal Compliance and Enforcement Services Blueprint</i> (see recommendation 5) contains specific guidance that administrative teams should complete a case summary which includes offender details, means information, enforcement history and outstanding accounts in the local justice area.</li> <li>● A DVD has been produced by HMCS Enforcement entitled '<i>That Fine's Payable Now</i>' and approved by the Judicial Studies Board. This has been sent out to all regions for distribution to magistrates. One of the recommendations in the DVD is that a means form is obtained in every case where a defendant appears in court.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (5)</b></p> <p>The availability of means information forms varied from 5 to 67% in different areas. Devon and Cornwall makes more effort to collect means information forms and achieves higher levels of payment from offenders. The Department should disseminate good practice from Devon and Cornwall, recommending that:</p> <ul style="list-style-type: none"> <li>● forms are sent to defendants before the hearing and also made available (with pens) on the day, if necessary;</li> <li>● ushers and legal advisers work together to encourage defendants to complete forms prior to the case; and</li> <li>● communications with defendants prior to the hearing impress upon them the requirement to provide the means form ahead of the hearing.</li> </ul>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● In August 2008, the Sentencing Guidelines Council introduced new guidelines to magistrates. The setting of the fine amount is now a combination of the seriousness of the offence and the net income of an offender (net income is required on the means form). Outgoings are not needed for setting the level of a fine unless they are 'out of the ordinary'. However, this data is still collected to inform payment terms and for the purpose of potential enforcement activity.</li> <li>● In July 2009, a revised <i>Means Form</i> was published which highlighted the importance of providing accurate information and encourages payment on the day.</li> <li>● In July 2008, HMCS incorporated the good practice from Devon &amp; Cornwall into the <i>Criminal Compliance and Enforcement Services Blueprint</i> which set out the criminal enforcement strategy from 2008 to 2012. The strategic objective is for a cheaper, faster and more proportionate system that focuses primarily on 'first time' compliance, whilst continuing to apply the principles of rigorous enforcement to the hard-core of defaulters.</li> <li>● The Department has investigated the feasibility of using legal aid information, where means forms are not available. The Data Protection Act infringes this and therefore this action will not be taken forward further.</li> </ul>

## The Electronic Monitoring of Adult Offenders

*(sixty-second report published 12 October 2006)*

This report examined the Home Office (now the Ministry of Justice, the National Offender Management Service and the two contractors on the robustness of electronic monitoring and its use in rehabilitating offenders.

Total number of recommendations contained in the report: 15

Total number of recommendations which remain outstanding: 3

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (4)</b></p> <p>Home Detention Curfew eligibility assessments are not routinely sent with prisoners when they are transferred between prisons. We recommended in a previous report that all records should be transferred with prisoners when they are moved between prisons. Until all records are available electronically to all prisons, the Prison Service should transfer all paperwork associated with eligibility assessments with prisoners, to prevent duplication of effort and to help prisoners to be released on their eligibility date.</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>● The transfer of eligibility assessments for Home Detention Curfew (HDC) is one of the system tasks on the NOMS Information system (NOMIS), under which paperwork will be transferred electronically and automatically as part of the NOMIS standard transfer process. The national roll out commenced in May 2009 and finishes in May 2010. It has so far been implemented in 33 prisons.</li> <li>● Workshops organised by the Home Detention Curfew policy team have taken place in each prison area covering recent changes in legislation and also the Home Detention Curfew process generally.</li> <li>● HDC clerks were reminded to ensure HDC paperwork is sent with the prisoner at the time of transfer or if not, that it goes immediately the following day. Staff were reminded of the delays and duplications that can occur when paperwork is not sent straight away.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (6)</b></p> <p>There is insufficient evidence available to determine whether electronic monitoring helps to reduce reoffending or promote rehabilitation. The Home Office should carry out further research to establish the role that electronic monitoring could play in reducing reoffending. It should make the results of the research available to courts and prisons, which make decisions on whether to place offenders on curfews.</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>● Following initial assessment of the data available and scoping of the work required in 2007, Offender Management &amp; Sentencing Analytical Services identified the need for a feasibility study.</li> <li>● The study was contracted to the London School of Economics which is now conducting the main stage of analysis using the specialist methods identified OMS Analytical Services.</li> <li>● Preliminary analysis was conducted by LSE and a report of preliminary findings delivered in March 2008. Subsequent to expert peer review, further analysis has been requested. This analysis has been delayed due to problems with providing the new data required and the contractor being posted abroad. A report of the results and methods used will be finalised by April 2010. Results will then be assessed by the Department before further action is considered.</li> </ul>
<p><b>PAC Recommendation (12)</b></p> <p>The Home Office has recently obtained real-time access to the contractors' databases. The Home Office should use this access to carry out independent monitoring and auditing of the contractors' performance and it should publish information on their performance where this does not undermine the effectiveness of curfews.</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>● The project called EMDAS (Electronic Monitoring Data Access Service) was closed in 2007 as it failed to meet the Department's audit requirements.</li> <li>● NAO audit standards would require access to original documentation which auditors need to verify. The direct access system was unable to do this. Also, due to Home Office requirements for security it was extremely slow (like a dial up system) and was, therefore, not robust enough to roll out to Offender Managers.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (13)</b></p> <p>The Home Office made ex-gratia payments totalling some £8,000 to two offenders because it could not prove whether they had intentionally damaged monitoring equipment. The Home Office should instruct contractors to retain monitoring equipment when there is a dispute over the reason for an apparent breach, so the facts of such cases can be proven. It should incorporate it into any future contracts.</p>	<ul style="list-style-type: none"> <li>● However the NOMS audit process has been strengthened and has helped to achieved changes within both contractors, such as the establishment of their own internal audit systems. NOMS undertakes its own audits as well as auditing the contractors' audits.</li> <li>● A dedicated Electronic Monitoring section on the NOMS website is planned for December 2009. NOMS are consulting with the Department's Commercial Group and the EM providers themselves on whether this website will include reference to the performance of its EM providers. In the meantime, the Department has, where applicable, provided information on performance in reply to requests under the Freedom of Information Act.</li> </ul>
<p><b>Implemented</b></p> <p>● A Contract Change Notice to implement this recommendation was signed off in April 2009 and incorporated into all future contracts.</p>	

## Serving Time: Prisoner Diet and Exercise

*(Fifty-sixth report published 19 July 2006)*

The Committee examined the Prison Service's progress on catering since it last reported in 1998 and how prisoners' access to nutritious food and exercise could be improved.

Total number of recommendations contained in the report: 10

Total number of recommendations which remain outstanding: 2

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (4)</b></p> <p>The Prison Service has not yet reacted to research completed in 1997, which indicated a link between nutrition and behaviour. The Prison Service should arrange for further research to be carried out into this subject. It should agree a timetable with its research partners to carry out further research, or if they are unable to deliver suitable research within an acceptable timetable request that the Home Office Research Development and Statistics Directorate fund the research.</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>● The study is being carried out and funded independently by Natural Justice at three HM Young Offenders Institutions - Hindley, Greater Manchester; Lancaster Farms, Lancashire; and Polmont, Falkirk.</li> <li>● The research aims to involve over 1,000 young men in prison (aged between 16 and 21). The timetable for completion is a matter for Natural Justice, but is currently scheduled to be conducted over a three-year period, reporting by December 2011.</li> </ul>
<p><b>PAC Recommendation (6)</b></p> <p>The cost of food per prisoner per day varied by over 180% between the cheapest and the most expensive in 2004–05. Variation is to be expected between different types of prison, but there were also large variances between prisons of the same type. The cost of food at male Young Offenders Institutions varied by 95% between the lowest and highest. The Prison Service should investigate large variations in food costs and quality of catering between prisons and identify good practice from the more cost-effective prisons for adoption by those with relatively high costs or poor quality of catering.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● A number of initiatives have been undertaken to improve food purchasing. Food pricing is now managed through two key national contracts and through central maintenance of catalogues covering the majority of items. A reduced supplier base has also helped to ensure cost consistency.</li> <li>● The Prison Service's contracts ensure that suppliers mix long-term contracts with spot buying to take advantage of seasonal produce and market over-supply.</li> <li>● The profit element of each price is fixed for the life of the contract, so suppliers cannot increase their profits by</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (9)</b></p> <p>The cost of physical education per prisoner varied by over 175% between the cheapest and the most expensive prisons visited by the National Audit Office in 2004–05. Variation is to be expected between different types of prison but there were large variances between prisons of the same type. The cost of physical education at male local prisons visited by the National Audit Office varied by 68% between the lowest and highest. The Prison Service should investigate large variations in the cost and provision of physical education, and disseminate good practice from prisons providing high quality physical education cost effectively, including the use of civilian instructors.</p>	<p>increasing product prices. All other elements of price are adjusted only when fully validated by reference to agreed indices.</p> <ul style="list-style-type: none"> <li>● The wide range of available similar commodities has been reduced resulting in a mandated streamlined catalogue of food products that caterers can buy.</li> <li>● The wider NOMS Specification, Benchmarking and Costing Programme which aims to create a framework of costed service specifications covering the entire NOMS business has set a budget of £2.10 as a national per day maximum cap for prisoner food spends for 2009-10.</li> </ul> <p><b>In progress</b></p> <ul style="list-style-type: none"> <li>● Across the estate, there are wide variations in prison population, regime resources and Physical Education (PE) facilities and therefore variation between services provided and cost are to be expected.</li> <li>● A system of PE reviews, which identify the opportunities for increased effectiveness or efficiency savings within PE have been introduced. These reviews involve assessing resources, both physical and staffing, and advising individual Prison Governors how they can get the most efficient and effective PE programmes in place.</li> <li>● Provision and analysis of PE is part of the wider NOMS Specification, Benchmarking and Costing (SBC) Programme, to create a framework of costed service specifications covering the entire NOMS business. The first set of SBC Programme specifications were completed in 2009 and a full set of specifications are expected by March 2012.</li> </ul>

## Facing Justice: Tackling Defendants' non-Attendance at Court

(Twenty-second report published 16 June 2005)

The Committee examined the Home Office (now Ministry of Justice for this report), the Court Service, the Crown Prosecution Service, the Office for Criminal Justice Reform and the Association of Chief Police Officers on whether they were taking effective action to improve performance in getting defendants.

Total number of recommendations contained in the report: 9

Total number of recommendations which remain outstanding: 1

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (1)</b></p> <p>15% of defendants fail to attend court hearings, which undermines confidence in the criminal justice system, and is the second largest cause of ineffective trials in England and Wales in the year ended June 2004. The National Criminal Justice Board should make available on the internet and by other means data on the success rates of individual local criminal justice boards in achieving defendants' attendance at court, to encourage more effective joined up working by the criminal justice agencies and early sharing of good practice. The Board should consider "naming and shaming" poor performing areas by issuing a press notice reporting local performance across the country for the attention of the local news media.</p>	<p><b>In Progress</b></p> <ul style="list-style-type: none"> <li>• A new measure of compliance and enforcement is being developed as part of the Government's commitment in Public Service Agreement (PSA) 24 to "deliver a more effective, transparent and responsive criminal justice system for victims and the public".</li> <li>• This is made up of sub-measures which include a proxy measure for defendant attendance: "the percentage of persons proceeded against at magistrates' courts who do not fail to appear at magistrates' court or Crown Court".</li> <li>• The measure is built from data on failures to appear following bail or summons that is published annually at a national level in <i>Criminal Statistics, England and Wales</i> (see Tables 4.6 and 4.8 in <a href="http://www.justice.gov.uk/docs/crim-stats-2007-tag.pdf">http://www.justice.gov.uk/docs/crim-stats-2007-tag.pdf</a>). The measure shows what proportion of completed cases have had one or more instances of recorded failures to appear during the case. It does not, however, show the percentage of instances of failure to appear for all hearings.</li> </ul>

Recommendations	Detail of Progress made to date
	<ul style="list-style-type: none"><li>● In addition, other related data continue to be available to Local Criminal Justice Boards on:<ul style="list-style-type: none"><li>- the number and percentage of trials (in both magistrates' and Crown Court) which are ineffective due to a defendant's failure to appear</li><li>- the number of Failure To Appear warrants which are received by the police from the courts for execution.</li></ul></li><li>● As this measure is currently being piloted, its robustness and suitability have yet to be assessed. Therefore, the Department does not believe that it would be appropriate to "name and shame" areas on the basis of their performance against this measure at this time.</li></ul> <hr/>

## The Management of Sickness Absence in the Prison Service

*(First report published 18 January 2005)*

The Committee examined the National Offender Management Service of the Home Office and HM Prison Service on the factors influencing the Prison Service's attainment of its target; on whether long term sickness absences have been managed effectively; whether managers were able to motivate and encourage staff to attend; and the extent to which implementing new systems and procedures had impeded progress.

Total number of recommendations contained in the report: 9

Total number of recommendations which remain outstanding: 0

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (3)</b></p> <p>The Prison Service should consider the costs and benefits of not paying staff for the first three days of any period of sickness absence in line with the approach used by private sector prisons to manage sickness absence.</p>	<p><b>Closed</b></p> <ul style="list-style-type: none"> <li>• Terms and conditions of employment relating to sick absence have been reviewed on a number of occasions since this recommendation was made. The most recent review formed part of the NOMS Workforce Modernisation Programme which, between October 2007 and April 2009, planned a restructured pay and grading system for NOMS built on a new job evaluation system.</li> <li>• Following this review NOMS has determined that a change to sickness pay will not be made. The consistency agenda (for terms and conditions across the Civil Service) limits the scope for individual departments to implement changes to the Civil Service sick pay arrangements.</li> <li>• Furthermore, NOMS does not consider a change to sickness pay arrangements to be an effective method in the management of sickness absence.</li> </ul>

## Youth Offending: The Delivery of Community and Custodial Sentences

*(Fortieth report published 12 October 2004)*

The Committee examined the Home Office on the delivery of custodial and higher tariff community sentences; the efforts made to address the main causes of offending behaviour; and the Youth Justice Board's role in overseeing the performance of custodial establishments and Youth Offending Teams. The Committee also visited Haringey Youth Offending Team and met staff working with young offenders, senior council officials, and the local police commander and young offenders attending the various programmes.

Total number of recommendations contained in the report: 8

Total number of recommendations which remain outstanding: 1

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (1)</b></p> <p>Of the 7% of young offenders sentenced to custody, eight out of ten re-offend, despite planned expenditure of £283 million on providing custodial sentences. Short periods of custody are unlikely to make an impact on offending behaviour, nor help offenders gain the educational qualifications often necessary for a change in lifestyle. If reoffending rates are to be reduced, custodial and non-custodial elements of sentences, and rehabilitation during and on completion of sentence, need to be better integrated by the Youth Justice Board. The Youth Justice Board should review the ability of custodial establishments to tailor education programmes to meet the needs of those offenders serving short sentences.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>• Working jointly with the Department for Children, Schools and Families, and the Learning and Skills Council the Youth Justice Board developed a prototype delivery system for a new specification for juvenile learning and skills. This was successfully completed in August 2006 and is now in place in all English regions as the Offender Learning and Skills Service (OLASS).</li> <li>• It is underpinned by the Young Offenders Learning Journey which has replaced the old Youth Justice Board National Specification for Learning and Skills. The Offender Learning Journey requires development of an individual learning plan, which should take into account the sentence length of each young person, with consideration given to the ongoing learning of the young person after release.</li> <li>• The Youth Justice Board is using its effective practice quality assurance process to evaluate how well Youth Offending Teams are carrying out resettlement activity including ongoing learning.</li> </ul>

Recommendations	Detail of Progress made to date
	<ul style="list-style-type: none"> <li>• Additionally the Youth Crime Action Plan set out further plans to improve rehabilitation and resettlement of young people subject to custodial sentences. In line with the Youth Crime Action Plan, the Youth Justice Board (YJB) is developing two regional resettlement consortia in the North West and South West in order to improve and co-ordinate resettlement services including the input of local authority children's services and learning issues (the London Criminal Justice Board and the London Development Agency is also developing a resettlement consortia with the YJB in an advisory role).</li> <li>• Youth Justice Board education funding and programmes (including those in custodial establishments) are now specified using a service level agreement with the Learning and Skills Council.</li> <li>• The third phase of OLASS re-tendering is now complete. From August 2009, new education providers have been delivering to an improved specification (two major retendering processes have taken place since the original recommendation, both including a review of the specifications).</li> </ul>
<p><b>PAC Recommendation (4)</b></p> <p>The average annual cost of custodial places varies significantly between providers, but no research has been undertaken as to their relative effectiveness. A secure Training Centre place (run by private contractors) costs £164,750, and a local Authority Secure Children's Home place costs £185,780, reflecting staffing ratios of 4 staff to youngsters. A place at a Young Offender</p>	<p>In progress</p> <p>a) Following significant pilot study research, the YJB have commissioned a major new study to look at the secure estate for children and young people by Kings College London and Ipsos MORI. A draft report is expected in December 2011.</p> <ul style="list-style-type: none"> <li>• The study will use both qualitative and quantitative methods to document the experience of a large sample of children</li> </ul>

Recommendations	Detail of Progress made to date
<p>Institution run by the Prison Service costs £50,800, with a ratio of around 4 staff to 60 youngsters. The Youth Justice Board should</p> <p>(a) commission research into each option's cost effectiveness in terms of reoffending rates and the welfare of the young person;</p> <p>(b) establish a strategy for the nature of custodial place provision and its geographical spread; and</p> <p>(c) carry out an opportunity cost analysis of steadily moving part of the custodial places into effective community surveillance and supervision.</p>	<p>and young people as well as staff and their attitudes to the operation of secure establishments. In addition to this, behavioural changes of young people while in custody and changes to risk will be analysed.</p> <ul style="list-style-type: none"> <li>● It will not be able to make comparisons across different types of establishments due to methodological limitations and the fact that it is not a like-for-like comparison.</li> <li>● However, in the spirit of the recommendation, the research will be looking at good practice within secure children's homes, secure Training Centres and Youth Offender Institutions separately, examining regime quality and interventions in relation to influencing outcomes such as re-offending.</li> <li>● Additionally the Youth Justice Board has developed new reporting tools to enable better use of existing data flows. These data flows may make possible the analysis of outcomes linked to the different custodial sectors but a difficulty in any such analysis is the effect of what happens in the community once an offender leaves the secure estate.</li> </ul> <p>b) The YJB developed a Strategy for the Secure Estate for Children and Young People for 2005/06 to 2007/08. This ran until April 2008. The Strategy described a set of principles and plans for the three-year period.</p> <ul style="list-style-type: none"> <li>● YJB have produced an updated and revised version which would run until 2012/13 which has been endorsed by the Board. It has been agreed that the original proposed timetable for consulting on this is to be delayed to allow Ministers an opportunity to consider the major,</li> </ul>

Recommendations	Detail of Progress made to date
	<p>strategic issues in our proposals. YJB are, therefore, unlikely to consult until the second half of 2010.</p> <ul style="list-style-type: none"> <li>● The Board have agreed that the principles still apply and the original strategy acknowledged that they were achievable over a period of time that would extend beyond the planning period of that document. YJB will continue to work to the principles set out in the original Strategy.</li> </ul> <p>c) The Youth Rehabilitation Order (YRO) was introduced in November 2009 and is the new generic community sentence for young offenders and will combine a number of existing sentences into one generic sentence (including Intensive Supervision and Surveillance based in the community rather than a custodial sentence).</p> <ul style="list-style-type: none"> <li>● It is the standard community sentence used for the majority of children and young people who offend. It aims to simplify sentencing for young people, while improving the flexibility of interventions and avoiding custody</li> <li>● Additionally, YJB are running a number of resettlement pilots; the evaluation of which will look at the case for justice reinvestment. These pilots will run over the next three years.</li> </ul>
<p><b>PAC Recommendation (8)</b></p> <p>The Home Office and the Youth Justice Board need to take action to help Youth Offending Teams fill frontline vacancies. Vacancy rates amongst frontline staff, which were 6.5% in September 2003, must impact adversely on the effectiveness of Youth Offending Teams, and hence on the success of their work with young offenders</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● The Youth Justice National Qualifications Framework provides an incentive for professional development in the youth justice system, and in doing so provides a framework for continuing professional development which is attractive to those considering a career in youth justice. In 2008, YJB published its new workforce development strategy for the period from 2008 to 2011.</li> </ul>

Recommendations	Detail of Progress made to date
	<ul style="list-style-type: none"> <li>● YJB has recently made arrangements with the Open University to make an introductory course in youth justice available by December 2009 to those interested in youth justice but not employed by Youth Offending Teams (YOTs). It is hoped that this will have the effect of encouraging interest in youth justice as a career. The YJB intends to monitor uptake of this course but it will not be realistically possible to review the impact of this course on vacancy rates.</li> <li>● Additionally the YJB has a number of workstreams in place in relation to encouraging and supporting volunteers in YOTs which are directly related to filling vacancies through volunteers developing an appetite for a paid position within youth justice. These include appropriate training, guidance for YOTs and publicity materials</li> <li>● YJB published during the first half of 2009 a new brochure called 'Get Involved' which provides information on volunteering in the youth justice and is designed to stimulate potential interest and help citizens make informed choices about the opportunities that volunteering in youth justice can provide.</li> <li>● All YOTs submitted 2008-09 plans to the YJB, incorporating data on vacancy rates and plans to address any risks related to vacancy levels. Following analysis by YJB regional teams, Workforce Development Advisors based in each English region and Wales, are working to assist YOTs that have difficulty in managing these risks.</li> </ul>

## The Operational Performance of PFI Prisons

*(Forty-ninth report published 2 December 2003)*

The Committee examined the extent to which good practice is shared between PFI and public prisons, and how the operational performance of PFI and public prisons is measured and managed.

Total number of recommendations contained in the report: 9

Total number of recommendations which remain outstanding: 1

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (6)</b></p> <p>The monitoring and recording of performance data is at present less reliable in the public sector than in the PFI sector. The Prison Service should examine the feasibility of introducing within the next year a performance data monitoring function, similar to the Controller function in PFI prisons, throughout publicly managed prisons. The cost of such an initiative could be reduced by making such monitors responsible for a number of prisons within a geographical area.</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>● Data accuracy issues differ between Public and Private Prisons, but are evident in both. Work is ongoing across all prisons to improve the data capture systems and reliability of information, particularly targeting those prisons with a known issue.</li> <li>● The current process is a three stage sign-off (data inputter inputs the data, management level signs off this data and finally data is signed off by Senior Management Team) in both public and private prisons. NOMS is looking to introduce a further layer of quality assurance which sits outside the establishments using a performance hub which will provide NOMS staff and associated organisations with data collection, validation and reporting systems.</li> <li>● This fourth layer would be the same for both public and private prisons. We anticipate Regional Managers Custody and Regional Managers for Finance and Performance in Directors of Management (DOM) offices will take responsibility for this fourth and final sign-off. Data will be marked provisional until final DOM office sign-off has taken place. This would be in place by April 2010.</li> </ul>

Recommendations	Detail of Progress made to date
	<ul style="list-style-type: none"> <li>● There is a drive to capture performance information directly from operational systems which will reduce the burden and improve accuracy.</li> <li>● New IT programmes (such as Phoenix and NOMIS) which are being rolled out have the functionality to include performance requirements in reporting databases.</li> <li>● The primary system for the recording of performance information in public prisons is still PSimon. NOMS are in the process of migrating PSimon to the Performance Hub. Initially this will still require data be entered into the PSimon environment. However, by October 2010, once establishments are 'business ready', PSimon data will be fully migrated and all performance data will be entered directly onto the hub.</li> </ul>

## Reducing Prisoner Reoffending

*(Fifty-third report published 5 September 2002)*

The Committee examined the Prison Service on the development and delivery of programmes, and the support given to prisoners prior to release.

Total number of recommendations contained in the report: 12

Total number of recommendations which remain outstanding: 5

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (1)</b></p> <p>We agree with the Director of the Prison Service in seeking to give priority to constructive programmes to reduce reoffending, given the urgent need to get more prisoners to resume law-abiding lives on release. However, programmes should be available to short-term prisoners to lower the risk of them becoming repeat offenders</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>● NOMS is working with MoJ's Criminal Justice Group to review provision for the short sentence group and this work will involve assessment of which short sentence prisoners should remain in the target group for constructive programmes to maximise public value.</li> <li>● To support this assessment, a NOMS project, the Effective Interventions Programme, is underway to identify all non-accredited programmes being delivered in prison or probation settings. Many of these are likely to be targeted at short term prisoners and may provide alternative interventions for some of this prisoner group unable to access accredited interventions. Once the project is complete programmes will be targeted more effectively to meet particular needs.</li> <li>● A comprehensive drug treatment framework is in place from which those in prison for a short period of time benefit considerably. Given the link between drug dependency, acquisitive crime and repeat offending, the roll-out of the Integrated Drug Treatment System (IDTS) is of particular and immediate benefit to short term prisoners. Department of Health has allocated £40 million in 2008-09 to all adult prisons in England to roll-out clinical IDTS to all prisons by 2011.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (3)</b></p> <p>Over 5,000 prisoners suffer from a functional psychosis and many are in need of in-patient treatment for mental disorders. The Prison Service and the National Health Service should agree targets for reducing the length of time such prisoners spend waiting for in-patient treatment</p>	<ul style="list-style-type: none"> <li>● All prisons in England and Wales are working towards full implementation of psychosocial (i.e. Counselling, Assessment, Referral, Advice and Throughcare service - CARATs) elements of IDTS. This includes facilitating structured groupwork sessions aimed at the particular needs of prisoners during their first 28 days in custody.</li> </ul> <hr/> <p><b>In progress</b></p> <ul style="list-style-type: none"> <li>● In April 2009, Lord Bradley published his report into the diversion of offenders with mental health problems and learning disabilities away from the criminal justice system. The Government published its response on the same day, broadly accepting the 82 recommendations made and committed to publishing a national delivery plan outlining in more detail the actions it would take to address mental health and learning disability. This was published in November 2009.</li> <li>● Lord Bradley suggested transfers between custodial and health services should be completed within 14 days. The national delivery plan describes how the Prison Transfer Project will produce national guidance and training tools, and develop care pathways and working protocols to address this issue.</li> <li>● In addition, the Prison Transfer Project will deliver a joint training package for Prison Service and NHS staff to increase understanding and appropriate use of the national transfer procedure by clinical and non-clinical staff in the Prison Service and NHS. It will also help prisoners, as well as clinical and non-clinical staff in both the Prison Service and NHS, to increase understanding of and confidence in the transfers and remittance process.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (4)</b></p> <p>The Prison Service should identify measures to enable it to routinely compare the success of individual prisons in reducing reoffending so it can build on best practice and bring about improvements where necessary</p>	<p>In progress</p> <ul style="list-style-type: none"> <li>● Producing prison-specific reoffending rates is technically challenging as for example: offenders maybe housed in more than one prison during their custodial sentence; or the main function of the prison may change over time.</li> <li>● We are in the process of collecting additional data needed for the project which should be completed by March 2010.</li> <li>● We are currently working through some of the technical and methodological challenges involved in quantifying reoffending rates for individual prisons, and the work is likely to take until December 2010 to complete, subject to passing internal quality review procedures, and an external peer review by an academic statistician.</li> </ul>
<p><b>PAC Recommendation (5)</b></p> <p>Non-accredited programmes within prisons can play a valuable role, for example, in helping to meet the needs of short term prisoners. The Prison Service should maintain a central record of the objectives and content of these programmes, identify good practice and encourage the development and delivery of worthwhile new programmes.</p>	<p>In progress</p> <ul style="list-style-type: none"> <li>● A NOMS project, the <i>Effective Interventions Programme</i>, is underway to identify all non-accredited programmes being delivered in prison or probation settings.</li> <li>● Returns have now been received from all prison and probation areas. The interventions are currently being scrutinised, collated, and reviewed with Directors of Offender Management. New policy for approving interventions is under development, and a central database will be created subject to a suitable IT solution.</li> <li>● This work is scheduled for completion in 2010-11.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (6)</b></p> <p>The Prison Service should examine why some prisons have significantly fewer hours of purposeful activity than the average, and reduce the current range in performance.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● In July 2008, NOMS implemented a Standardised Core Day across all establishments. The implementation process was led by Business Change Support Team.</li> <li>● Following introduction implementation has been monitored through the NOMS Performance Framework. The changes mean: <ul style="list-style-type: none"> <li>a) Closed Prisons and YOIs (other than Juvenile establishments holding young people under the age of 18) operate within a framework which provides 10 hour activity periods Monday-Thursday; 8½ hour activity period Friday and 8 hour activity period on weekend days.</li> <li>b) Prisoners participate in regime activities (work/offending behaviour programmes and recreation) during Monday-Friday lunchtime. There are no programmes or work scheduled for Friday afternoons, but prisoners have the opportunity for recreation. Prisoners would be locked up in their cells in all closed prisons on Friday evenings and on weekend evenings.</li> <li>c) The standardised regime leads to an overall reduction in time out of cell for prisoners but provides consistency across the estate and will enable work and interventions to reduce re-offending to be largely maintained.</li> </ul> </li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (7)</b></p> <p>The education option in the New Deal for Young People should be offered to youth offenders while in prison.</p>	<p><b>Closed</b></p> <ul style="list-style-type: none"> <li>● New Deal policy and courses are owned and administered by the Department of Work &amp; Pensions (DWP). New Deal opportunities are explicitly linked to the benefits process and 'job seekers'. Prisoners are not in receipt of benefits nor classified as 'job seekers' under the benefits entitlement rules, consequently will not have access to New Deal content in prisons. However, prisoners who wish to join the programme can be fast-tracked on to New Deal upon their release. Any changes to these arrangements would be the responsibility of DWP.</li> <li>● Jobcentre Plus advisers are located in most prisons, advising and signposting prisoners onto appropriate programmes, such as New Deal.</li> <li>● Prisoners with drug related issues can access other specialist related initiatives such as 'Progress 2 Work'.</li> </ul>
<p><b>PAC Recommendation (9)</b></p> <p>Maintaining family relationships can be an important influence in reducing reoffending, yet only around a fifth of all prisons have involved families in working with offenders to prepare them for release. The Prison Service should give prisoners' families the opportunity to contribute to resettlement planning.</p>	<p><b>In progress</b></p> <ul style="list-style-type: none"> <li>● Revision and creation of policy in relation to the children and families of offenders is ongoing work covering assessment of family circumstance, contact, interventions, and release planning. This includes embedding work with families in offender management practices, through the creation of specifications due to be presented to the Specification Programme Board by March 2010.</li> <li>● The work on visits specifications will also create more consistent opportunity across the prison estate for families to have quality contact with offenders and thus encouraging support in the resettlement process.</li> </ul>

Recommendations	Detail of Progress made to date
<p><b>PAC Recommendation (11)</b></p> <p>Fewer than one in three prisoners enter employment or some form of training on release. Some prisons, however, exceed this rate. At Thorn Cross prison, for example, 44 per cent of prisoners leave with a job or training place. The Prison Service should investigate why some local programmes are more successful than others, and replicate good practice across the prison estate.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● All prisons have a target for getting prisoners into employment or education on release based on the category of prisoner held and number of prisoners they discharge.</li> <li>● Resettlement and open prisons hold low risk prisoners and provide opportunities for prisoners to be released on temporary licence to work in the community. This enables them to acquire skills and work experience needed by employers.</li> <li>● It would not be appropriate to operate similar temporary release programmes with prisoners who present a higher risk to the public. In addition, such schemes cannot generally be offered to short term prisoners, as they must first complete offending behaviour programmes and, if necessary, drug treatment. Therefore, it is not appropriate to expect all prisons to achieve similar results in this respect.</li> </ul>
<p><b>PAC Recommendation (12)</b></p> <p>The nature of work undertaken in prison does not, in many instances, enhance prisoners' prospects of jobs outside. Working with employers and others, the Prison Service should provide more relevant work in prisons and thereby increase the proportion of prisoners gaining related jobs on release.</p>	<p><b>Implemented</b></p> <ul style="list-style-type: none"> <li>● Many prisoners have very limited or no work experience and many have low levels of numeracy or literacy. The Prison Service therefore has to offer a wide variety of both employment opportunities and skills to prisoners. All work has the potential to capture the soft work skills (ability to turn up on time, follow instructions, take responsibility) that many employers say are vital to offering someone a job.</li> </ul>

Recommendations	Detail of Progress made to date
	<ul style="list-style-type: none"><li data-bbox="810 456 1337 969">● Increasingly, work in prisons is modelled, as far as is reasonable, on real work. For example, prison industries have increasingly modernised over the past few years. Commercial disciplines have been introduced, products revamped and management information systems introduced. Some outdated industries have been closed and replaced by more relevant industries. The qualifications available to prisoners have been reviewed and a firmer base for meaningful production established.</li><li data-bbox="810 987 1337 1167">● Other real production activities include catering where large numbers of prisoners are involved in producing over 80 million meals a year, horticulture and land-based activities</li><li data-bbox="810 1184 1337 1438">● As set out in the Prison Policy Update paper published in January 2008, the number of private sector sponsored workshops that train prisoners for specific jobs and in which selected prisoners have a job on release is also being increased.</li></ul>

## Annex B: Data Systems Used

### Departmental Strategic Objectives and Public Service Agreements

#### Strengthening democracy, rights and responsibilities

The indicators for this objective focus for the time being on the delivery of outputs with the aim of creating the appropriate conditions to enable increased democratic engagement. Measuring democratic engagement itself is complex and long term. But work is in hand to explore the options for developing more qualitative and sophisticated evidence base for measuring progress on this DSO.

#### Delivering fair and simple routes to civil and family justice

A number of different data systems are used across the Access to Justice Business Group to assess progress against the underlying agency key performance indicators. For the purposes of this report, we have only included details of the data systems used for the proxy measures being reported in Chapter Two of this report.

#### **'Provision of criminal, civil and family acts of legal advice and assistance'**

Acts of assistance are tracked in two ways:

- Claims for 'face-to-face' acts of assistance are tracked through the LSC online system based on submissions from external providers (solicitors and not-for-profit agencies), input online or by LSC staff in exceptional circumstances. Firms that are classed as 'contingent liability' do not have the ability to bill online, but these are not included in the acts of assistance target as they no longer report 'new matter starts (NMS)'. These providers have their claims uploaded by LSC staff.

Data integrity is dependent on accurate and timely (by the 20th of each month) submissions by providers and is reported in arrears. If providers do not bill on time then the data for that month is not accurate at that given time. On occasion, providers forget to add their NMS to their submissions. In these circumstances, the provider can ask for them to be added after the cut off date by their regional office, or sometimes they 'roll them up' into the next month which means that the data for the year is correct but the monthly data would not be accurate. The LSC periodically carries out compliance audit reviews on claims to ensure the data are valid; and

- Data for telephone advice services is recorded by a third party provider and reported to the LSC at month end.

## 'Resolution of civil disputes'

'Civil disputes' in this context refers to 'defended small claims'. 'Small Claims' are specified money claims for no more than £5,000. This target measures the proportion of small claims cases that settle before they reach a hearing. These are measured by monitoring the number of defended cases that are resolved in the county courts, excluding family matters. The data are captured by the HMCS CASEMAN computer system.

'Family disputes' in this context refers to 'residence and contact orders' made by consent in the county courts (excluding cases involving allegations of harm). The data are captured by the HMCS FAMILYMAN case management system. These data are published in Judicial and Court Statistics, which is a candidate National Statistic and will be assessed by the UK Statistics Authority during 2009-10. The integrity of the data are dependant on the accurate entry of data at the courts.

## 'Customer service and contact targets'

Customer Service is assessed differently across each of the key service delivery organisations. For the purposes of this report, the following customer surveys are being used to monitor progress:

- **HMCS** customer survey is conducted on a rolling basis by IPSOS MORI on behalf of HMCS. Overall satisfaction in the courts is measured by a single question in the survey questionnaire that asks whether the respondent, irrespective of the result of their hearing or case, is happy about the way they were treated at court. Feedback is obtained via random exit surveys undertaken as part of a structured programme across the Crown, county and magistrates' courts. Results are collated from over 11,000 interviews per year and are produced by IPSOS MORI. This sizeable sample ensures that the data covering the 'overall satisfaction' question is accurate to +/- 1 percentage point at the 95% confidence level.
- **The Tribunals Service** customer satisfaction survey is conducted by FDS International. The survey is conducted quarterly with customers who have concluded their case in the previous three months either by way of a tribunal or by ending the process before a judicial decision is made. In 2008-09 (year 2 in which the survey was conducted) a telephone survey interviewed 3,656 customers with hearings. The overall figure for customer satisfaction for those taking part in the telephone survey was 65% (against a target of 72%). The sample size ensures that data is accurate to +/-2% at a 95% confidence level. To accommodate the special needs of Asylum & Immigration Tribunal and Asylum Support Tribunal customers, a postal questionnaire (in eight languages) was used to capture feedback. This is supported by telephone interviews with representatives. The survey continues through 2009-10.

- **Office of the Public Guardian:** Contact targets are part of the OPG Customer Standards. The OPG appointed IPSOS MORI to conduct a customer satisfaction survey for 2008-09. The result of this showed customer satisfaction to be 64% - a baseline position for the OPG. In total, 5,500 self completion postal surveys were distributed, with 1,888 returned, resulting in a 34% response rate. The sample for each of the groups was selected at random from the total number of customers who contacted the OPG in October and November 2008. Fieldwork was conducted in February and March 2009. The overall figure for customer satisfaction for those taking part was 64%.
- **Legal Services Commission:** The LSC Client Feedback Survey is conducted internally within civil case management and requires the collection of 300 responses on a quarterly basis to a range of questions regarding our overall customer service performance. The client survey is just one of the components of our overall customer services score. Although a range of questions is asked in the survey regarding: LSC forms, post handling, phone service and office visits, the question upon which the client survey score is based is "Overall how satisfied are you with the services you received from the Legal Services Commission?" All the results are entered into spreadsheets regionally and then collated nationally to form part of the overall customer service score. The results are also used to feed back into service improvement.

**Delivery of public law targets:** Details of the data systems used to measure this target can be found under SR2004 PSA 4 on page 16 of this report.

#### **Achievement of Legal Services Commission, Office of the Public Guardian and civil court cost recovery targets.**

The financial management systems used to track cost recovery for these three areas are as follows:

- **Legal Services Commission:** The LSC has changed its approach to debt management for 2009-10. The KPI is to reduce debt being managed by the Recovery Services Department to £300m or less by the end of the year. Land Charges<sup>1</sup> are managed within the Corporate Information System (CIS) and each month our finance section provides data from it. Outstanding debit notes are downloaded from the CIS system to the CWX collection system and reconciliation reports are produced after each settlement run. This methodology has been the same for the last two financial years and has recently been validated by LSC Internal Audit. Civil debts interface between CIS & CWX each day. Criminal debts (recovery of defence cost orders) are input into CWX manually. Management information is provided via the Crystal Reports facility in CWX (for all debts apart from Land Charges) and a business objects report produced from the CIS (for Land Charges).

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<sup>1</sup> Debt secured against property, either as security for the postponement of the statutory charge, or other debt types.

- **Office of the Public Guardian:** The cost recovery overrun is calculated using a full cost model to compare the income and expenditure streams of the OPG. The cost estimates used in the model are based upon the full year forecast overrun for the OPG as taken from the Management Accounts each period. This represents the full resource based cost of the organisation including non-cash items and HQ recharges. The model is driven by ratios and staff numbers. For service areas e.g. Finance, Learning and Development, Post Room etc. a set of ratios is used to allocate their cost to an operational area. The following data are incorporated in the model: full forecast overrun from monthly Management Accounts; staff numbers from the monthly staffing returns from Heads of Division; and HQ recharges. As with other OPG KPIs, this is validated annually by MOJ Internal Audit.
- **HMCS civil courts:** Fee income is recorded into local accounting books within the civil courts on a daily basis and subsequently journaled to the HMCS Oracle General Ledger of Account (GL) on a monthly basis. Actual civil fee income (year to date) is then reported directly from the GL after the accounting period has been closed. Reporting against the civil cost recovery target can only be completed after the end of each financial year. As such, an assessment of actual fee income for the reporting period plus a forecast for the remaining period, to the end of the financial year, will be used to assess progress against the fee income target. 'Civil costs' in this context include only civil court costs. They exclude costs for probate and family courts.

### **Delivery of Transforming Tribunals Programme**

No data systems are being used to assess progress against this indicator. Progress will be assessed using approved programme and project management reporting systems.

### **SR2004 Public Service Agreement**

PSA 4: By 2009/10, increase the proportion of care cases being completed in the courts within 40 weeks by 10%.

The data systems for this target centre on Her Majesty's Courts Service (HMCS) FamilyMan (Care Centres) case management system and Family Case Tracker (Family Proceedings Courts). Both systems depend on the accurate entry of data at the courts.

### **Protecting the public and reducing reoffending**

'Escapes' data are considered accurate and reliable.

Escape-related data are recorded on the Prison Service Incident Reporting System (IRS); the data are received from the establishment from where the escape took place. In the case of escape from contractor escorts, it is the responsibility of the contractor escort to ensure that such events are reported in a timely and accurate manner. This is also recorded on the IRS. The accuracy of this data is audited.

A range of data sources (including prison data, probation data and police national computer data) are used to produce the data for the PSA 23 reoffending target. These data sources are compiled based on information from individual prisons/probation areas and police forces.

Data on offenders discharged from prison (following completion of sentence or on license) and data on offenders commencing court orders under probation supervision in the first quarter of each year are matched to data held on the Ministry of Justice extract of the Police National Computer (PNC). This matched dataset provides the cohort used to measure reoffending. In 2007, 97.4% of offenders were matched using basic offender details (name, date of birth, gender), although the total number of offenders included in the cohort is lower than this once additional matching has been done on conviction dates within +/- 7 days, ensuring that offences were committed in England and Wales and were not breach offences, and removing multiple offender entries.

The PNC is used to count the number of proven offences committed in a one year follow up period (with an additional six month waiting period included for offences to be proved by a conviction), as well as the number of serious offences and the proportion of offenders who reoffend.

As with any large scale administrative IT system, the PNC is subject to possible errors with data entry and processing.

The extraction of the criminal histories is checked via a small sample of random offenders from the cohort in order to validate the outputs of the Structured Query Language programme.

Work continually takes place in order to ensure that the PNC data quality is maintained at a high level, such as updates to the coding and classification of offences and court disposal, updates to the methods used to identify the primary offence and removal of duplication of records within the database.

A full summary of the limitations of the methods used and risks involved are included in the introduction to each reoffending report and in the quality section. These reports can be found at:

<http://www.justice.gov.uk/publications/reoffendingofadults.htm>

<http://www.justice.gov.uk/publications/reoffendingjuveniles.htm>

## **A more effective, transparent and responsive criminal justice system for victims and the public**

### **Offences brought to justice**

Offences brought to justice are sourced from HMCS and police computer systems:

Validation checks on court conviction data are run monthly to check whether outcomes and sentencing are consistent with legislation e.g. if an offence is age specific, is the age of the defendant within the required range. Additional validation is carried out on police cautions data to confirm that cautions have been used appropriately. Full reconciliation of Penalty Notices for Disorder is carried out annually with police forces.

Validation checks on police recorded crime data are run on monthly returns to check whether changes are outside a reasonable range. There is also manual inspection of data for plausibility prior to publication and a reconciliation exercise with forces prior to the main annual publication. As well as this, Force Crime Registrars are in post in all police forces, outside of the performance management chain, with a responsibility for data quality. They undertake local audits and work with the National Crime Registrar to devise the counting rules for crime. The National Crime Recording Standard was introduced in April 2002, with the backing of Association of Chief Police Officers, to introduce a more victim focused and consistent approach to recording. This was underpinned by a three year programme of audits, funded by the Home Office but undertaken by the Audit Commission, whose aim was to establish high standards in crime recording. In September 2007, the Audit Commission concluded that the standard of crime recording across England and Wales was the best that it has ever been.

### **Crown Court timeliness**

Data are collected monthly from the Crown Court CREST management system and are available from the HMCS performance database and the court statistics intranet site within MoJ and HMCS. For the purposes of this indicator, this is measured on a financial year to date basis.

### **Magistrates' Court timeliness**

This data are collected via a survey four times a year – March, June, September, and December. The survey collects information relating to the time taken between stages of proceedings for defendants in completed criminal cases in magistrates' courts. The data are available down to court level from the HMCS performance database. This is published as a National Statistic.

## Victim and witness satisfaction

Victim and witness satisfaction is measured by police user satisfaction surveys and the Witness and Victim Experience Survey (WAVES). Both are collected quarterly. Police user satisfaction data are validated annually with police forces before publication.

WAVES is a national telephone survey of victims and witnesses in cases that have resulted in a criminal charge. Its purpose is to provide information at Local Criminal Justice Board (LCJB) level and national level (England and Wales) about victims' and witnesses' experiences of the criminal justice system (CJS), the services they receive and their satisfaction with different aspects of the system.

WAVES covers victims and prosecution witnesses aged 18 and over in the following crime types: violence against the person; robbery; burglary; theft and handling stolen goods; and criminal damage. We do not interview victims and witnesses in sensitive cases such as, sexual offences or domestic violence, crimes involving a fatality, and any crime where the defendant was a family member or a member of the witnesses' or victims' household, on ethical grounds. We do not include certain crime types: fraud and forgery; drug offences; and motoring offences. We also exclude police officers or other CJS officials assaulted in the course of duty, and all police or expert witnesses.

WAVES asks victims and witnesses in cases where an offender was charged about all aspects of their experiences with the CJS, from their first contact with the police to their experience at court. Interviewers ask people about the extent to which they were satisfied with the services they received. We include victims and witnesses who go to court as well as those who do not. The survey, undertaken on a quarterly basis, aims to conduct approximately 38,800 interviews a year, 9,700 each quarter.

WAVES data relate to the period in which the case was finalised by the CJS, rather than the interview period. Data are weighted to enable the survey results to be representative of all eligible victims and witnesses in England and Wales. Weights are derived from the population profiles provided by LCJB areas. Data are analysed and quality assured by researchers from the Office for Criminal Justice Reform, Evidence and Analysis Unit, prior to reporting.

## British Crime Survey

The level of public confidence in the 'fairness' and 'effectiveness' of the criminal justice system is measured through the British Crime Survey (BCS). The BCS is a continuous nationally representative social survey of adults aged 16 and over living in private households in England and Wales (annual sample size of over 45,000). It measures crime victimisation, experience of and attitudes to crime.

For 'effectiveness of the CJS', respondents are asked about their confidence in the effectiveness of each of the individual agencies that comprise the CJS, followed by a question about confidence in the effectiveness of the CJS as a whole. This prompts the respondent's awareness and knowledge of the agencies within the CJS before asking about the overall CJS.

For 'fairness of the CJS', the approach is based on a set of statements covering common attitudes towards issues around 'fairness' (e.g. discrimination against particular groups or individuals and the balance between the victim and offender) in order to provoke consideration of these different aspects before asking the general question on perceptions of fairness in the CJS as a whole.

Social researchers from the Office for Criminal Justice Reform are responsible for undertaking the confidence analyses, and ensuring that each set of data is produced in accordance with the Unit's data quality procedures.

The British Crime Survey is published as a National Statistic.

## PSA 24

For indicators 1, 2 and 3 please refer back to data system information provided for the above Criminal Justice DSO on page 116.

### **Better identify and explain race disproportionality at key points within the CJS**

This target is measured by the progress of Local Criminal Justice Boards in rolling out the Minimum Dataset project. Information measuring performance is collected quarterly for those Boards that have rolled out the MDS. Six-monthly updates on progress against the roll-out schedule are supplied to the Prime Minister's Delivery Unit.

This indicator is activity-based rather than directional and relates to progress on identifying and addressing unjust disproportionality rather than being a measure of disproportionality.

### **Asset Recovery**

The measure for asset recovery is the value of assets recovered from criminals through: cash forfeitures; confiscation orders enforced, civil recovery/taxation and international sharing agreement. It is collected monthly.

The measurement is the aggregate annual asset recovery receipts in Pounds Sterling confirmed by the Asset Recovery Board as retrieved from the Joint Asset Recovery Database.



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