



## **Treasury Minutes on the Seventh, the Eighth and the Tenth Reports from the Committee of Public Accounts 2006-2007**

- 7th Report: Department for Work and Pensions: Using leaflets to communicate with the public about services and entitlements
- 8th Report: Tackling child obesity – first steps
- 10th Report: Fines Collection

**Presented to Parliament by the Financial Secretary  
to the Treasury by Command of Her Majesty  
29 March 2007**

TREASURY MINUTES DATED 29 MARCH 2007 ON THE SEVENTH, THE EIGHTH AND THE TENTH REPORTS FROM THE COMMITTEE OF PUBLIC ACCOUNTS, SESSION 2006-2007

© Crown Copyright 2007

The text in this document (excluding the Royal Arms and departmental logos) may be reproduced free of charge in any format or medium providing that it is reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the document specified.

Any enquiries relating to the copyright in this document should be addressed to The Licensing Division, HMSO, St Clements House, 2-16 Colegate, Norwich, NR3 1BQ. Fax: 01603 723000 or e-mail: [licensing@cabinet-office.x.gsi.gov.uk](mailto:licensing@cabinet-office.x.gsi.gov.uk)

# Seventh Report

## Department for Work and Pensions

### Using leaflets to communicate with the public about services and entitlements

1. The Department for Work and Pensions (the Department) welcomes this report by the Public Accounts Committee in which it examined how the Department manages the risks of its information being accurate and complete as well as the processes it uses to publish and disseminate information for the public. The Department is pleased that the Committee recognises the challenges associated with producing customer information and the progress the Department has made to date in rationalising its product set and increasing the accuracy and availability of it.

**PAC conclusion (j): The Department has reduced its total number of published leaflets from 245 to 178 and is committed to making an overall reduction of 100. To facilitate further decreases and maintain a low number as it develops new policies, the Department should seek to update information in existing leaflets wherever possible, establish a programme to amalgamate existing leaflets and target information at particular groups and use the independent Social Security Advisory Committee as a barrier to the proliferation of leaflets.**

2. The Department recognises the need to significantly reduce the number of information products it produces and is pleased that the Committee recognises the work that has already been done in this area. A complete review of the Department's customer facing leaflets is currently under way with the first of the new leaflets due to be published in April 2007 and the whole new suite being complete by the Autumn. The Department aims to make further reductions to the number of leaflets, beyond the 100 it has already committed itself to.

3. The new product set that is currently being written will cover all the benefits and services provided by the Department and will be complemented by a new set of guides covering key events such as bereavement, becoming disabled, or losing your job and the services the Department can provide to customers experiencing those situations. The events the Department has chosen are based on extensive customer research and will signpost customers to the relevant business within the Department as well as to sources of information available from other Government Departments.

4. The Department also agrees that it should seek more support from the Social Security Advisory Committee in this area. The Department is currently agreeing a new role with the Committee which will give it a strategic role in determining how the Department's product set is structured and how this fits in the wider information offering which the Department makes to its customers, for example through other channels such as the internet. The Department will also be introducing a new standard that will be applied to all leaflets addressing issues such as tone, branding, pitch and content. This standard will require each request for a new leaflet to be considered by the Department's Communications staff and by the Social Security Advisory Committee in their new strategic capacity.

**PAC conclusion (ii): Only 8 out of 20 leaflets examined had undergone the six-monthly reviews for accuracy to which the Department committed itself and around 40 per cent of the 27 different leaflets collected by the National Audit Office across the country were out of date. The reduction in the number of leaflets offers the opportunity to improve the effectiveness of these reviews. The Department should streamline the process, targeting the highest risk leaflets such as those with the most complex and frequently altered information. It should also extend the computerised 'content management system' used by The Pension Service across the whole organisation.**

5. The Department accepts this recommendation and recognises the importance of ensuring that its information is regularly reviewed and only made available to the public in its most current form. The review of all the Department's leaflets has provided the opportunity to look at the processes that are used and make changes to the way leaflets are written and managed.

6. The Department has already extended the content management system used by The Pension Service to cover the rest of the Department's products and is using the leaflet review to identify individual facts and items of information so that they can be managed wherever they appear in future. Managing information on the Department's computerised Content Management System provides a degree of automation to the review of information with the identified owners of the information items being automatically prompted at fixed intervals to review and confirm the accuracy of their information. Using this system will not only help to ensure a more reliable and regular review of the Department's information but will also ensure that the review process is followed consistently across the Department.

7. The Department has also taken steps to increase the currency of leaflets in its offices by ensuring that old stocks are destroyed throughout the supply chain and reminding staff of their obligation to ensure that only current versions of leaflets are stocked in offices and made available to the public. The Pension Service has improved the way Mystery Shopping tests the supply chain and has put a new process in place for ensuring that out of date stocks are removed from storage.

8. Jobcentre Plus has also taken a number of steps to improve the accuracy and currency of its leaflets. All Jobcentre Plus information leaflets have been assessed for the risk of inaccuracy and are now reviewed in accordance with rating they have been given. The Jobcentre Plus Chief Operating Officer has issued 3 instructions to the network to ensure that leaflets in offices are the most up to date versions. A full leaflet audit has been commissioned, supported by regular checks by District Marketing Managers and a Mystery Shopping programme to help to ensure that all offices are complying with revised Customer Information Display Standards. A number of Departmental leaflets are also held in Jobcentre Plus offices and are included in the Display Standards.

**PAC conclusion (iii): The Department is unable to determine the exact cost of producing leaflets, which has been estimated at £31 million in 2004-05. The Department should develop a means of calculating the full costs of managing, producing and printing leaflets in order to inform decisions and developments such as changes to information management processes and the new print and distribution system.**

9. The Department agrees that it should be in a position to quote a more exact figure for the cost of producing, managing and printing its information products. The Department has recently let a major contract for the provision of its print and associated services, which will start on 1 June 2007. It will be working with the new contractor to develop a computerised system that provides detailed financial and management information. This will enable the Department to establish more precise costs of leaflet production and help inform future decisions about the Department's print and distribution system.

**PAC conclusion (iv): All 13 of the Department's key leaflets tested by the National Audit Office required a reading age higher than the national average, and eight required a reading age equivalent to five years of secondary schooling. The Department is testing all new leaflets on customers, but also needs to revise previously published literature, which remains in use.**

10. The Department recognises the need to ensure that its information can be understood by its customers and has committed itself to ensuring that all its new leaflets are tested with the target customer group and are submitted for Plain English Crystal Mark accreditation. The Department wide leaflet review involves removing any information or language, which cannot be understood by someone with a reading age at the national average. The new leaflet suite will be issued by Autumn 2007. While this is being done the Department is also resubmitting all those leaflets that do not currently carry the Plain English Crystal Mark to the Plain English Campaign for accreditation.

**PAC conclusion (v): Leaflets are not easily accessible to groups such as those with disabilities or non-English speakers. Whilst information in languages other than English or in Braille, large print or audio format can be ordered from the Department, this service is not well publicised to customers or staff. The Department should also require all offices to make physical access to leaflets easy for those with disabilities.**

11. The Department takes its duty to provide information to its disabled customers very seriously and introduced a standard for accessible written communications in December 2006 (attached at Annex A). This standard reinforces the message to the Department's staff that they need to ensure their information is available to disabled customers without delay or inconvenience. The standard is monitored centrally to ensure compliance and any breaches are reported twice yearly to a sub-Committee of the Department's Executive Team. This ensures visibility of the needs of disabled customers at the highest level in the Department and enables swift action to be taken on identified issues.

12. The Department also makes information available in a range of ethnic languages and has an Ethnic Minority Language Standard to ensure the consistency of service to those of its customers whose first language is not English. While there is currently no statutory or legal requirement to translate or provide customer information in ethnic minority languages those languages that the Department does translate products into are based on objective research into the information and communication needs and abilities of ethnic minority customers.

13. The Departmental leaflet review will ensure that a standard paragraph appears in all of the Department's literature explaining what alternative formats are available to customers and how to contact the Department to obtain them. Departmental staff have also been reminded about the availability of alternative formats and information is currently available to them on the Department's intranet about how to obtain these for customers.

**PAC conclusion (vi): Copies of four core departmental leaflets examined were available at only 11 per cent of the non-departmental locations such as libraries and Citizens Advice offices visited by the National Audit Office. External organisations cannot be expected to hold copies of all the Department's leaflets, but key information-providing organisations need to be able to provide core information to the Department's customers. One option could be to produce a single leaflet of basic information that is unlikely to change for non-Departmental locations to stock and which contains instructions on where to obtain more detailed information.**

14. The Department accepts that it needs to work more closely with partner organisations and the voluntary sector to ensure that customers receive information that signposts them to the right part of the Department. The Department's Communications staff and the Department's Corporate Customer Liaison Team will be working with national organisations such as Citizens Advice to establish whether a simple leaflet is the best way to achieve this or whether an alternative product, such as a dedicated website for the adviser community, might be the best way to ensure that customers using these independent services are provided with the most up to date information. Using electronic channels instead of a printed product might well provide better value for money and allow the Department to update information more quickly.

# Eighth Report

## Department of Health, Department for Education and Skills, and Department for Culture, Media and Sport

### Tackling Child Obesity – First Steps

1. Obesity is a major public health issue with serious financial and health consequences. In 2004 a Public Service Agreement target (PSA) was established, shared between the Department of Health (DH), Department for Education and Skills (DfES), and Department for Culture, Media and Sport (DCMS): “to halt, by 2010, the year-on-year increase in obesity among children under 11 in the context of a broader strategy to tackle obesity in the population as a whole.” On the basis of a Report by the Comptroller and Auditor General, *Tackling Obesity: First Steps*, (HC 801, Session 2005-06), the Committee examined three main issues: progress against the PSA target, the involvement of parents, and influencing organisations.

**PAC conclusion (i): The 2004 Health Survey for England showed an overall rise in obesity amongst children aged 2-10 from 9.9 per cent in 1995 to 13.4 per cent in 2004. Despite the introduction of a specific PSA target in July 2004 aimed at tackling the growing problem of child obesity, the Departments have been slow to react and have still not published key sections of the Delivery Plan. The Departments need to increase the pace of their response and improve their leadership by, for example, appointing a senior, high profile champion, to lead and galvanise activity.**

2. DH, DfES and DCMS, working together as the cross-Government Obesity Programme, accept the Committee’s findings. Tackling obesity is a complex issue and there are no quick fixes. The Departments have taken time to ensure the evidence is effectively reviewed by asking the National Institute for Health and Clinical Excellence (NICE) to review the available evidence and make recommendations. Their advice, published in December 2006, forms the basis of the Departments’ approach. The Departments are currently reviewing this approach, consulting with local partners, and will publish the delivery plan shortly.

3. The three Departments have been working on six fronts:

- to change population attitudes towards eating and activity;
- helping children to be active and eat healthily;
- supporting targeted local-level obesity interventions in children;
- raising awareness of the importance of healthy weight to children and parents;
- working with local partners on delivery; and
- developing the knowledge base.

4. Given that obesity is a complex, multifactoral problem, appointing a single high-profile champion may not necessarily have the impact expected. The Departments are engaging high-profile figures in key areas that can influence obesity. For example, Dame Kelly Holmes is the National School Sport Champion and Prue Leith has recently been appointed as Chair of the School Food Trust.

5. The three Departments are already seeing results from their strategy: The Office of Communications (OFCOM) has put forward proposals:

- on limiting broadcast advertising of high fat, sugar and salt foods to children;
- front of pack labeling is making it simpler for families to make healthier food choices;
- 80 per cent of schoolchildren now do at least two hours of high quality PE or school sport a week, beating the target of 75 per cent for 2006;
- there are tougher nutritional standards for school food;
- the Healthy Start scheme to provide vouchers to certain low-income pregnant women and young children to purchase fresh fruit, fresh vegetables, milk and infant formula has been launched;
- a key obesity performance indicator for Sure Start Children's Centres; and healthy eating, play and activity are incorporated into the standards for the Early Years Foundation Stage curriculum.

6. The Departments are working with the Office of Science and Innovation's Foresight Obesity Project, which aims to produce a long-term vision of how we can deliver a sustainable response to obesity in the UK over the next 40 years.

**PAC conclusion (ii): The three Departments have set up a complex delivery chain for tackling child obesity involving 26 different bodies or groups of bodies. Our predecessors' report on obesity, identified confusion over roles and responsibilities both between different departments and others charged with tackling the problem. This confusion still exists. The Departments need to clarify responsibilities throughout the delivery chain and introduce measures to judge the performance and contribution of the respective parties, perhaps similar to those under development for Local Area Agreements.**

7. DH, DfES and DCMS accept the Committee's findings. However, the three departments have not 'set up' a complex delivery chain. Complex delivery mechanisms exist because this is an issue, which cuts across all social and geographical boundaries and has emerged rapidly, requiring a tiered multifaceted response. Scientific advice is that no single approach will work in isolation. Until there is solid evidence of interventions that work, the Government needs to develop and support many promising practices, learning in the process.



8. At national level, the PSA Programme Board brings in delivery chain partners beyond the target-holding Departments. In addition, each Department has established its own relevant networks to address and deliver the target. For example DH has established a coalition of 150 organisations from the public and private sector working together to understand drivers of families' eating and physical activity habits. DH, DfES and DCMS Obesity Networks meet periodically to draw in relevant policy colleagues across the Departments and beyond.

9. The Departments have taken steps to simplify and streamline the delivery chain at regional level by placing responsibility on Regional Directors of Public Health (RDsPH), working with Directors for Children and Learners (DCLs), Regional Sports Boards, the DCMS Government Office representatives, as well as other key stakeholders to galvanise action regionally. In August 2006, we asked RDsPH, Government Offices and Strategic Health Authorities to work jointly to develop a memorandum of understanding setting out how they would work together on key public health issues, including obesity. We are working with them to develop their plans.

10. From April 2007, additional funding will also be provided to each Region to increase their capacity and capability to deliver the target and tackle the problem of obesity within their respective populations. Work is also underway to establish a National Support Team for Obesity, which will be piloted from Summer 2007.

11. At a local level, there is coordination by Local Authorities, Primary Care Trusts (PCTs) and other local partners through Children's Trusts and Local Strategic Partnerships. The Departments are encouraging Local Area Agreements (LAAs) to focus local partnerships on tackling obesity and to coordinate inputs from different local partners who will contribute. In the latest round of LAAs a good number have identified obesity as a priority, including some with reward targets. As well as supporting the Government Office negotiation of LAAs, the Departments will support local areas, Primary Care Trusts and their partners to develop partnerships with external organisations, such as industry. The Local Government White Paper aims to strengthen partnership working between PCTs and local areas who will be expected to cooperate under a new statutory duty, reinforcing the duty Local Authorities, PCTs and other local services have under the Children Act 2004 to cooperate to support better health and other outcomes for children.

12. Understanding the roles and responsibilities of individuals in the delivery chain has been assisted by the recently published NICE Guidance on Obesity, which makes a series of recommendations covering the NHS, local authorities and partners, early years settings, schools, workplaces, self-help, commercial and community settings.

**PAC conclusion (iii): Parents have not been engaged; the only initiative planned by the Departments that will directly target parents and children is a social marketing campaign, which will not be launched until 2007. The campaign should be started as soon as possible. It should present some simple but high profile messages and advice to parents, children and teachers, outlining the risks of obesity and show simple ways in which children can make a difference to their lifestyles: for example, the message that consuming one less chocolate biscuit per day can help lead a child out of obesity (the Departments' own example).**

13. DH, DfES and DCMS do not accept the Committee's findings. Parents are crucial in tackling obesity and the Government's strategy explicitly recognises this.

14. DH has developed a better understanding of the parental behaviours that need to be influenced. This has been developed with the Medical Research Council in conjunction with a broad range of stakeholders across government, the not-for-profit and commercial sectors. This work has informed a number of new campaigns, the first of which, an initiative to tackle the four key barriers to children eating fruit and vegetables, has now been developed as "Top Tips for Top Mums" and was launched on 15 March 2007.

15. The Departments are also ensuring that general information and guidance is available for parents to help them establish healthy lifestyles for their children and families. This includes:

- a toolkit that includes information on the importance of healthy eating and regular physical activity for parents of children entering primary school;
- providing information to Local Authority Children's Information Services to pass on to parents;
- an information booklet for parents on the importance of the weighing and measuring exercise;
- information and advice online; and
- work to engage non-governmental organisations (NGOs) and charities working with parents to see how they might be able to support this agenda.

16. The Departments have also ensured that Sure Start Children's Centres are places where parents-to-be, parents, and children under five years old, can receive advice and services on healthy eating, play and activity, and where they can access help from multi-disciplinary teams of professionals. DfES is also exploring how the new Parental Support Advisors (PSA) pilots in 20 Local Authorities can help convey obesity messages to parents and provide support to them.

17. The Healthy Start programme is also a key mechanism for engaging parents-to-be and families who are most in need. Healthy Start provides closer links to the NHS with health visitors providing advice and information to pregnant women and families, who qualify for the scheme, on breastfeeding, diet, physical activity, and other health issues relating to obesity. We are also developing an early years Life Check programme, which will focus specifically on supporting parents to understand the factors leading to obesity.

**PAC conclusion (iv): Despite embarking on a national programme to measure children in all primary schools in England the Department of Health is still not clear about whether parents should be informed if their child is overweight or obese. The Departments decided originally that to protect children from stigmatisation and bullying, parents should not be informed. Reflecting the Committee's concerns, however, the Department is now considering how and when parents could be informed. The Department should move quickly to disclose the information in ways that will help parents to address the dietary and exercise needs of their children.**

18. DH, DfES and DCMS accept the Committee's findings. The Departments are working to enable the feedback of information to parents and have commissioned a review into parents' and children's attitudes towards the weighing and measuring to inform the approach.

19. This review explores parents' awareness and understanding of the measurement exercise, their motivations and barriers to taking part, including the privacy of the child, their trust in schools and sensitivity to children's feelings. The study has also tested the leaflet to feed back children's height, weight and BMI and a parent's comprehension of these measurements.

20. In the 2005-06 academic year, parents and carers could obtain their child's height and weight data on request. This continues to be the case in the current academic year and a new online calculator will be available for all parents to help them establish whether their child's weight is a problem.

21. DH has added a section in the NHS Operating Framework for 2007-08 to prioritise the collection of weighing and measuring data and action to tackle childhood obesity locally. DH and DfES are producing joint updated guidance to PCTs and schools to build on the experience of areas where the exercise was most successful last year.

**PAC conclusion (v): There is a delay of up to two years between the Health Survey for England and publication of results, so Departments do not currently know what progress is being made towards halting the rise in child obesity. The Departments should use the annual data from weighing and measuring in schools as an interim measure of overall performance, determining where most and least progress is being made and using this data to identify factors, which contribute to performance.**

22. DH, DfES and DCMS accept the Committee's findings. The Departments acknowledge that the Health Survey for England (HSE) findings are generally published 12-15 months after the end of the interviewing period, but this is the nature of a detailed annual survey. This was the only data source that could be used at the time to give consistent results. Therefore, the 2010 target will be assessed using the HSE data for continuity and using proxy indicators, where relevant, to provide an indication of progress against the target.

23. The Departments accept there are limitations of the HSE data to make detailed analyses, for example prevalence based on locality and ethnicity. This is generally the case for national surveys, where very large sample sizes would be needed to give accurate local figures. The annual weighing and measuring exercise of primary school children was established partly for this reason. It will provide data at a regional and local level to allow for local performance monitoring and more effective targeting of resources.

24. The Departments are also producing new guidance on the weighing and measuring exercise for PCTs and schools, an information booklet for parents based on lessons learned from last year's data collection, and there will be nine regional conferences in 2007 that will include feedback on the data and on strengthening reporting, data uploading and data analysis for the exercise.

**PAC conclusion (vi): The Departments' strategy of working alongside the food industry to influence its approach to the marketing of foods and drinks that are high in fat, salt and sugar has not been successful in changing the way the majority of unhealthy foods are marketed. The Departments should encourage the growth in the market for healthy food and drink for children. For example, they could introduce an accreditation scheme with readily identifiable badging and publicity material, which highlights those companies who are doing most to tackle this issue.**

25. DH, DfES and DCMS do not accept the Committee's findings. Ofcom's ruling to limit broadcast advertising of high fat, sugar and salt (HFSS) products to children, coupled with the successful implementation of front of pack labeling, has created a positive environment to make healthy food choices, and offers the opportunity to actively promote healthy foods to children.

26. In March 2006, following extensive consumer research and consultation with stakeholders, the Food Standards Agency (FSA) recommended an approach for front of pack labeling that uses traffic light colours to show at a glance whether the level of fat, saturated fat, salt and sugar in foods are high, medium or low.

27. The FSA has worked with a number of retailers and manufacturers who are applying the Agency's approach to their products including Waitrose, Co-op, Sainsburys, Marks and Spencer, McCain, New Covent Garden Soup Company, S&B Herba Foods, Moy Park, Avondale, Bombay Halwa, Asda and Budgens/Londis.

28. The Government strongly supports this model as an easy to understand way of helping people make healthier choices. We are working to increase uptake of this approach, and welcome the now common acceptance across the industry that front of pack labeling is good for consumers. Internationally, the UK is leading on this issue and there is widespread interest within the EU and globally in learning from our experiences.

29. The FSA has secured support for its recommended front of pack nutrition labeling approach from a number of professional, consumer and health organisations including the Royal College of Physicians, the Chief Medical Officer in Scotland, the Chartered Institute of Environmental Health, Northern Ireland Chest, Heart and Stroke, the British Heart foundation, Diabetes UK, National Consumer Council, National federation of Women's institutes, National Heart Forum, Netmums and Which?

30. The FSA is also developing, in discussion with its stakeholders, a draft Saturated Fat and Energy Intake Programme, which will include work to improve consumer awareness on the impact of saturated fat on health, and also to encourage promotion of food products with reduced saturated fat and energy. Consultation work will begin on 26 March 2007.

31. Recent data from the Expenditure and Food Survey (18 January 2007) have shown the largest increase in purchases of fruit and vegetables for 20 years. Household purchases of fruit and vegetables, excluding potatoes, were 7.7 per cent higher in 2005-06, than the previous year, whereas confectionery purchased fell by 6.1 per cent. Household expenditure on soft drinks also fell and the data suggests households are continuing to switch from whole milk to semi skimmed milk. There is also evidence emerging from the retail sector to suggest consumers are responding to front of pack labeling, e.g. traffic lighting, by selecting healthier foods.

32. The Government has committed approaching £500 million between 2005 and 2011 to support the transformation of school food across the school day through its School Food Programme. This includes new regulation to introduce new standards for school meals from September 2006, developing new training qualifications for catering staff and establishing the School Food Trust.

**PAC conclusion (vii): Advertising for food high in fat, salt and sugar accounts for 80-90 per cent of all food advertising on television. In November 2006 the Office of Communications (Ofcom) announced new restrictions on the advertising of unhealthy foods. These include a ban on advertisements for unhealthy foods “in and around all programmes of particular appeal to children”. Ofcom should make arrangements with the Departments concerned to monitor and assess the impact of the new restrictions and tighten the restrictions if those now planned are found to be ineffective.**

33. The Departments accept the Committee’s findings. However, time is needed to allow for time for changes in broadcast and non-broadcast advertising to bed in before evaluating the impact on the nature and balance of food promotion. The Departments, led by DH and DCMS, will be monitoring closely the impact of Ofcom’s and other measures across all media in order to see whether or not there is going to be a real change in the nature and balance of food promotion. An interim review will be conducted in Autumn 2007, and working with Ofcom, a more detailed review in 2008. On that basis, a decision whether or not future action is required will be made.

**PAC conclusion (viii): In 2003-2004, 72 new playing fields were created against 52 lost and during the same period 131 swimming pools were opened against the 27 that were closed. Departments have made progress in encouraging children to lead more active lifestyles, but there is scope for better targeting at children’s preferences and at localities and social groupings with fewer opportunities. The Departments for Education and Skills and for Culture, Media and Sport should encourage local authorities, schools and other providers to develop more public facilities such as lidos, and identify and prioritise those competitive and other sports and physical activities that children are most likely to take up.**

34. DH, DfES and DCMS accept the Committee’s findings. The Departments are committed to helping children be physically active and develop healthy lifestyles. More than £1.5 billion is being invested in transforming physical education and school sport. DCMS and DfES are working with schools to increase sporting activity by offering different sports in schools, such as golf, and cycling, and have proposed changes to the national curriculum for Physical Education to enable children to be taught about the importance of being healthy.

35. The National School Sport Survey showed that 80 per cent of children in School Sport Partnerships are now doing at least 2 hours of high quality PE and school sport each week. All maintained schools are now in a school sport partnership. By 2010 it is our ambition to offer all children at least 4 hours of PE and school sport each week. This will comprise 2 hours high quality PE and sport within the school day, and a further 2-3 hours beyond the school day, delivered by a range of school, community and club providers.

36. Links between schools and sports clubs are being established so that young people have the opportunity to do more sport after school. Dance is now the second most popular activity being provided by schools with 95 per cent of schools offering dance and 40 per cent of schools having a club link with dance. Travel to and from school also provides the opportunity to be more active, and Local Authorities are working with schools to develop travel plans, which have a positive impact on children's health and / or the environment by encouraging walking or cycling to and from school. The new National Pedometer Scheme, funding for Walking Buses and Bikeability will help encourage children to get moving.

37. Over £60 million of the £1.5 billion being invested into School Sport is being used to improve the quality and quantity of coaching in the country. The vast majority of this funding has been spent on establishing 3,000 Community Sports Coach posts. The focus of Community Sports Coaches is working with young people in schools. Over 85 per cent of their time is spent coaching children and over 50 per cent coaching children under 12. The programme includes schemes to tackle childhood obesity, for example, pre-school activity clubs.

38. The Healthy Schools Programme ties much of this together and encourages schools to promote good health across their activities and across the whole school community. To achieve Healthy Schools Status, schools have to meet criteria in four core standards: healthy eating, physical activity, emotional health and well-being and personal health and social education (PHSE). As at end January 2007, 23.1 per cent of schools (5,276) had achieved the new healthy school status and 85.9 per cent of schools (19,624) were involved in the programme. Local Programmes are currently working towards a new target of 55 per cent of schools fully satisfying the new status criteria by December 2007.

39. The Departments also appreciate that access to good quality sporting provision is essential if we are to encourage people to lead healthier, more active lives. One of the obstacles that prevent people from being involved in sport and physical activity is a lack of good quality sports facilities. Government and the National Lottery have committed over £1 billion to develop new or refurbished sports facilities since 2001. Over 80 per cent of that money has already been committed or spent on a wide range of facilities programmes. In addition, the Building Schools for the Future initiative will provide Local Education Authorities with £6.5 billion over 2005-08 for investment in secondary schools, part of which will go towards sports facilities. Over the next 15 years every secondary and half of all primary schools will be rebuilt or refurbished.

40. Local councils need to listen to their communities who are rightly demanding high quality swimming and sports facilities. We want to help local authorities to revitalise their leisure facilities and to ensure that the right sports facilities are in the right places.

41. DCMS and Sport England are encouraging and helping LAs to plan strategically through the Comprehensive Performance Assessment (CPA) and through toolkits to aid strategic planning. We are developing a comprehensive facilities strategy, which maps out supply, demand and priorities for investment.

42. Our aim is that by 2008, the majority of people will live within 20 minutes of a good multi-sports environment, such as a school, sports club or leisure centre.

43. Schools cannot sell off playing fields that they, or their communities, need. Sales can only go ahead at closed schools, or where the land is surplus to school and community needs. All proceeds go back into improving outdoor sports facilities in the first instance. Because of the tough regime introduced, the number of applications to sell school playing fields has dropped from 41 in 1998-99 to just 18 in 2005-06.

44. Government acknowledges that open-air swimming facilities can be valuable public assets and, like many other sporting facilities, can play an important role in the delivery of a number of areas of public policy, particularly health and fitness.



# Tenth Report

## Department for Constitutional Affairs

### Fines Collection

1. In 2004-05, the courts imposed over one million financial penalties with a value of some £350 million. The Department for Constitutional Affairs measures its performance with “the payment rate”, calculating the fines collected each year (including those imposed in previous years) as a proportion of the annual fines imposed, less those cancelled. The Department has reported an improvement in the “payment rate” year on year since 2002-03, but the actual value of fines collected has remained almost constant. The lack of basic data needed to provide more useful measures of performance is due to continued delays in the introduction of the Department’s new IT system, Libra.

2. On the basis of a Report by the Comptroller and Auditor General, *Department for Constitutional Affairs: Fines Collection* (HC 1049, Session 2005-06) the Committee examined the Department for Constitutional Affairs and Her Majesty’s Courts Service 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.

**PAC conclusion (i): The Department does not know the number or percentage of offenders who pay their fine nor the amount of fines imposed each year that 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.**

3 Following the previous National Audit Office and Public Accounts Committee reports into the Collection of Fines and Other Financial Penalties in the Criminal Justice System, the Enforcement Programme was created in 2003 to manage and co-ordinate the various streams of work required to improve performance. The aim of the programme is not only to deliver sustained improvement in performance and thus ensuring respect for the orders of the court, but to also improve first time compliance and reduce the number of cases that require enforcement action.

4. Since its inception the Enforcement Programme has worked closely with magistrates’ courts and has undertaken a range of initiatives designed to improve the collection rate. This focus has resulted in the payment rate for fines improving from 55 per cent in 2002-03 to 91 per cent (April to January 2007). The initiatives undertaken have included:

- The provision of targeted support to areas that are having difficulty reaching their performance targets;
- The provision of effective practice guidance;
- Implementing wider information sharing to improve tracing capabilities e.g. Police National Computer and a credit reference agency;



- National enforcement blitzes (Operation Payback); and
- Improving enforcement processes, including the development and implementation of new legislative measures.

5. The improvement in fine collection performance could not have been achieved if the courts, at a local level, did not have the basic information required to enforce fines. Each court has details of which offenders have fines outstanding and how much remains to be paid, which is held on an account basis rather than an offender basis. Each of the local IT systems hold information on defendants and how much each person owes. Therefore the Department does not accept that it does not have the basic information required to manage the collection of fines.

6. Once rolled out Libra will enable the Department to collect management information at the desired national level. In the interim, the Department has undertaken analysis to look for alternative ways to collect the necessary information to provide a national view of fine enforcement performance. One option, which was identified as viable, was to utilise an Oracle Customer Data Hub. However at a cost of approximately £4 million to implement, it was decided that for the period of time it would be required (6-12 months), it was not a cost-effective proposal and was therefore rejected.

**PAC conclusion (ii): The “payment rate” is not an adequate measure of performance and cannot be compared over time. The apparent increase in the “payment rate” since 2002-03 is due to the changes the Department has made each year in the way it is calculated. Actual receipts from fines both in absolute terms and as a percentage of fines imposed are not increasing, and arrears are increasing. The Department should replace the “payment rate” as a measurement of performance with:**

- 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;
- the percentage of fines (by value) imposed in the year that are collected;
- the proportion of fines annually that require enforcement action;
- the annual change in arrears; and
- the number and value of cancelled fines, broken down by reason for cancellation.

7. In 2003, following the creation of the Enforcement Programme, the payment rate was revised, removing confiscation orders, civil and family monies, to focus clearly on criminal fines. This has enabled the Department to undertake year on year comparisons to monitor the improvement in fine enforcement performance.

8. It is recognised that to achieve further improvements in the enforcement of fines, smarter performance measures need to be introduced. As an interim measure, prior to the introduction of Libra, we are developing a series of additional performance indicators, which can be supported by the existing legacy systems. The new indicators will provide the Department with additional information and will include the payment rate excluding administrative cancellations, the amount of cash collected broken down by area, and a “write off” indicator showing the percentage of fines cancelled. It is anticipated that these additional indicators will be in place by summer 2007. The Department will then monitor the performance of the areas against these new indicators in order to drive up enforcement performance further.

9. The Department does not accept that the increases in the payment rate since 2002-03 are purely as a result of formula changes, but as a result of more fines being rigorously enforced. Nor is it accepted that the actual value of fines collected has remained almost constant. This is supported by the fact that actual receipts from fines are increasing. Fine enforcement performance has continued to improve since the establishment of the Enforcement Programme in 2003, with actual cash collections in fine receipts (financial impositions minus costs and compensation) rising from £120 million in 2002-03 to £149 million in 2005-06, an increase of 19.5 per cent. During April to December 2006 compared to the same period in 2005, the courts have collected £7.7 million more in cash.

10. Following a data cleansing exercise undertaken in June 2003, the Department is confident that the data collected is reliable. As far as comparability is concerned, a standard Debt Analysis Return has been introduced which is completed by all 42 areas to ensure that performance is monitored on a like for like basis across all the legacy computer systems.

11. The Department is working towards being able to report against the performance measures recommended by the committee. When the Libra system is rolled out, the Department will have available national management information including:

- the number of offenders who have had a fine imposed in the year;
- the value of the fines imposed and collected; and
- the value of cancelled fines.

12. The Enforcement Programme is actively working with the Libra project to define the requirements for a series of new indicators to enable changes to be made to the system to ensure that Libra can produce all the performance measures recommended by the National Audit Office and the Committee.

**PAC conclusion (iii): The projected cost of Libra to March 2007 has increased by £52 million since the committee last reported on it in January 2003 and IT contracts are to be re-tendered from early 2007. The Department should re-examine future expenditure on Libra and the changes to the IT contracts to determine whether all the expenditure is necessary, and whether it will have to pay twice for any services or equipment purchased as part of the Libra contract.**

13. The Department accepts that the cost of the Libra project has increased since the Committee last reported in January 2003. Any transition of IT contracts will be carefully managed. The Department will not pay twice for services or equipment already purchased under the existing Libra contracts.

14. The Libra system development is almost complete; the system is already in use in 20 courts with approximately 1000 users and the project is now focused on national rollout. The Department will continue to scrutinise the project costs for the remainder of the project, and is committed to finding opportunities to reduce costs.

**PAC conclusion (iv): 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 breakdown for the reasons. The Department should take action to reduce the number of cancelled fines by:**

- **reminding legal advisers to provide magistrates with the information from the means forms and the offenders' history of fines payment, so that magistrates can set fines at an appropriate level;**
- **requiring legal advisers to record the reasons for canceling fines; and**
- **analysing the reasons for cancellations to identify ways to reduce their number.**

15. It is essential that orders of the court are complied with and that fines are rigorously enforced. However, there will always be genuine reasons for canceling fines.

16. The criteria for cancelling fines, which were reissued to all courts in May 2006, are limited, clear and specific. The Department knows the reasons for the cancellations of fines at a local level on a case-by-case basis, and will ensure that following the introduction of Libra, this information will be available centrally. Meanwhile, the Department will undertake an exercise to analyse the reasons for the cancellation of fines, leading a piece of work to identify ways of reducing the number of cancellations to an acceptable level, which will then be monitored by the new "write off" indicator.

17. It is important that fines are set at an appropriate level in the first instance and this will help to ensure that the level of legal cancellations are kept to a minimum.

18. The Department has been working with legal advisers to ensure that means information is provided in all cases where the defendant attends court, so that magistrates can set fines at the appropriate level at the point of sentence. In many areas legal advisers will only proceed with cases where means information has been provided and will hold back a case until later in the day so that the defendant can provide the necessary information. The Department will encourage all areas to adopt this best practice, so that means forms are available to magistrates in every case, where a defendant attends court, at the point of sentence.

19. There will always be the need for courts to have the ability to review a fine if an offender's circumstances have changed, for example if a defendant's change of job results in a decrease in their salary, perhaps through illness, and as a result can not keep up with the level of repayment. It is also only right that in circumstances such as these courts are able to cancel part, or all, of the fine.

**PAC conclusion (v): The availability of means information forms varied from 5 per cent to 67 per cent in different areas. The Department should disseminate good [means information] practice from Devon and Cornwall, recommending that:**

- forms are sent to defendants before the hearing and also made available (with pens) on the day, if necessary;
- ushers and legal advisers work together to encourage defendants to complete forms prior to the case; and
- communications with defendants prior to the hearing impress upon them the requirement to provide the means form ahead of the hearing.

20. The Department recognises that swift and effective justice can only be delivered if full and accurate information is before the court from the outset. For a fine to be set at an appropriate level, magistrates must have available to them, prior to sentence, details of a defendant's income and expenditure. Additionally the Department is committed to the setting of realistic payment terms for financial penalties, based on an offender's ability to pay. To that end, we have taken steps to improve the availability of means information to courts at the point of conviction.

21. In November 2004, a revised standard means form, available in 14 different languages, was introduced nationally. These means forms are sent out to all defendants who are summoned to attend court and they are requested to complete and return it to the court when pleading guilty by post, or asked to bring it with them when coming to court. There are now provisions, introduced in the Courts Act 2003, to prosecute defendants for failure to supply means information. Posters reminding defendants and their legal representatives to complete means forms are displayed in every court.

22. The means form is reviewed regularly to improve its contents to ensure that the right information is provided to magistrates. The means form has subsequently been refined to take account of feedback from magistrates, defendants, fines officers and ushers based on its usage. The process for recording and retrieving means information will vary from area to area to take appropriate account of the local arrangements and systems in place.

23. By working closely with the legal advisers the courts have become more rigorous at making sure that when a defendant arrives at court who has not filled out a means information form they are given a form and a pen on the day. They are asked to complete it before they go into court, and the case is relisted for later in the day so that they have an opportunity to do so.

24. Following the publication of the National Audit Office's Report into Fines Collection in May 2006, the Department reissued the Bench Engagement guidance to all areas, which was originally issued in January 2004. This guidance informs legal advisers that they "should ensure that details of means have been provided and verified where possible". Since the National Audit Office undertook their sample (January 2005), which showed a variation in the availability of means forms across the country, the number of means forms available to magistrates has improved. For example, in West Yorkshire new systems have been put in place, and over 1200 completed means forms are now collected monthly, this equates to availability of means forms in approximately 95 per cent of cases.

25. To ensure this guidance is being followed across England and Wales the Department is currently undertaking a manual sampling exercise to ascertain the availability of means forms provided to magistrates at the point of sentence. Once the results have been evaluated the Department will discuss and agree, with any poorer performing areas, what action they must take to increase the availability of means forms.

26. One of the remaining problem areas is people who do not attend court, either because they have pleaded guilty by post or because they are avoiding their responsibilities and who do not return their means forms. In 2004 a guilty plea was entered in 61 per cent of cases prosecuted by the Crown Prosecution Service in the magistrates' courts, with a further 14 per cent of cases proved in the defendant's absence. To help address this, by the end of 2007, the Department will have made available to the courts any means forms that have been completed by defendants for the purposes of obtaining legal aid. This will not only help to resolve the lack of means information for some of those defendants who do not attend their hearing and therefore enable the courts to set any financial imposition at an appropriate level, but also inform agreements on how impositions will be paid.

**PAC conclusion (vi): Research commissioned by the Home Office and the Department has revealed the profile of offenders who are most likely to default on fines. The Department should circulate information on the profile of fine defaulters to magistrates, so that they can take this into account in setting an appropriate payment period.**

27. The Department has used the Home Office research as a basis for further analysis of the profile of fine defaulters in conjunction with a credit reference agency to create a profile of those offenders who are most likely to default on their fine. This analysis will be used as part of the development of a compliance strategy for fines, which is designed to increase the number of fines paid without the need for enforcement.

28. This work has given a further insight into the profile of defaulters, particularly highlighting the difference between those who cannot pay and those who refuse to pay. Further work to inform the options for the way forward, such as developing a 'scoring' system designed to help the courts assess the likelihood of an offender defaulting on their fine, is being conducted. Once this further work has been undertaken and evaluated, a definitive profile of typical defaulters, that may assist magistrates in setting fines and appropriate payment arrangements, will be issued.

29. In the London area the courts are undertaking a similar profiling exercise to determine the most appropriate method of enforcing a fine once a defendant has defaulted, based on their age, sex, location and other factors. If this exercise is successful the Department will look to undertake similar exercises across the country to assist courts in targeting enforcement actions where they will have the most success.

**PAC conclusion (vii): The National Audit Office's review of fines found that only one in twenty fines is paid on the day of the hearing; half of fines are paid in full after six months, and two thirds of fines require enforcement action. The Department should increase the proportion of offenders who pay on the day of the hearing by:**

- **emphasising in the guidance provided to defendants before the hearing that any financial penalties imposed are payable immediately;**
- **offering attachment to earnings orders or deduction from benefits as the only alternatives to full payment or the setting up of a payment plan on the day;**
- **disseminating to all areas the success achieved by magistrates and court officials in Devon and Cornwall in increasing the number of offenders paying immediately by following a more proactive policy of payment on the day; and**
- **requiring HM Courts Service staff to review the layout of courts to overcome the problem of some offenders, who undertake to pay their fine on the day, leaving court without payment.**

30. The Department agrees with the committee's findings and is already taking forward work to address this. The Department is currently undertaking a manual data collection exercise, in the areas where the National Audit Office performed their original study, to establish if there has been an increase in the number of fines that are paid on the day. Once the Department has analysed the results of this exercise, if there has not been a significant improvement in performance, the Department will reinforce the message to legal advisers that payment in full must be requested, prior to agreeing any other payment terms, and before the defendant leaves the court.

31. In a recent limited survey it was established that 67 per cent of fine defaulters were receiving state benefits, and while they may be willing to pay their fines, their financial circumstances prevented them from doing so in full on the day. Therefore any move towards encouraging more payment on the day will need to form part of a balanced approach, which deals with offenders on a case-by-case basis. Magistrates, Legal Advisers and court staff must be able to set payment terms that reflect the offender's circumstances in a way that maximises the court's ability to recover the financial penalty.

32. In some cases people simply do not have the means to pay on the day even if they wish to do so, because the fines are set as multiples of peoples' earnings and deliberately at levels that are meant to be challenging and therefore act as a deterrent against re-offending.

33. For those defendants who claim not to have any money with them in court, Magistrates now have the power to order defendants to be searched to find out how much money they have on their person, which can then be put towards paying off the fine.

34. Additionally, a significant number of defendants are not present at the hearing. Non-attendance is common in motoring offences, which account for 58 per cent of all fines imposed.

35. The current means form, which is sent to all defendants with their summons to attend court, already informs them that they must bring a method of payment to the court that enables them to make payment on the day if a financial penalty is imposed against them. The Department will be enforcing this message by adding a notification to the summons to inform defendants that if they are sentenced to a fine, they must come to court prepared to pay the fine in full on the day.

36. Magistrates already have the power to make an Attachment of Earning Order (AEO) or a Deduction from Benefit (DB) where payment of the fine is required to be made forthwith and the offender fails to do so. In those circumstances, the magistrate can regard the offender as being in default and so has the power to make an AEO or a DB as appropriate. From 3 July 2006 Magistrates' Courts have had the power to make mandatory deductions from benefits and attachments of earning for all offenders sentenced to pay compensation, so that victims receive their money sooner (Final Regulations of Courts Act 2003).

37. Fines officers provide a front-end impetus to enforcement and key point of contact in the court. At imposition, magistrates can ask for immediate payment (usually within 14 days). Where an offender indicates that this would not be possible, the magistrate can pass the case to the fines officer to set time to pay and set up a payment plan if appropriate. The fines officer is able to tailor this plan to the individual circumstances of the offender, and can review and revise it where appropriate, for example, where there is a change in circumstances leading to payment difficulties. The fines officer is critical to this process because they can build a relationship and ensure the offender stays in contact with the court in order to maintain payments, rather than slipping into default.

38. In January 2004 the Department issued Bench Engagement effective practice guidance which included instructions to legal advisers to ensure that once a financial penalty had been imposed, and before a defendant leaves court, they should establish whether payment in full on the day has been requested. Following the committee's hearing the Department wrote, on 28 June 2006, to all areas reinforcing this previously issued guidance.

39. The Department recognises the importance of providing a variety of methods of payments, which are freely available and easy to use, for those wishing to pay a fine.

40. Accepting cash payments raises security concerns as secure systems must be in place to ensure staff are not put at risk and to enable safe collection and transportation. For these reasons fines collection offices are usually located away from the court rooms, often within the main office facilities, as the areas outside courtrooms are often congested with those waiting for hearings and therefore the security and safety requirements of staff and public cannot be met.



41. In some areas cash point machines, near to the fines office or at least within the perimeter of the Courthouse, has been established which enables those offenders who can pay on the day, but did not bring the funds with them, to access their money and then make payment.

42. The Modernising Money Handling programme was launched in mid 2006 to examine the methods by which people can pay money into the courts. Its scope covers all the courts and offices contained within Her Majesty's Courts Service (HMCS), and covers a wide spectrum of activities, not just limited to payment of fines. The programme aims to identify a suite of payment methods that offer high levels of accessibility, reliability and convenience to customers, at the same time enabling more efficient and effective service delivery by HMCS. Modernising Money Handling is a key enabler to the HMCS business strategy; it is envisaged that the programme will complete in 2010.

43. In developing a compliance strategy the Department considers that neither compliance nor enforcement should be viewed in isolation, but rather as part of a holistic approach. The process begins by ensuring that the most appropriate penalty is given in the first place. The framework then allows a proportionate and targeted approach to be taken ensuring that the orders of the court are obeyed. It is known that there is a pool of people who comply voluntarily and do as ordered by the court with no additional effort by the system being necessary. There are also a number of offenders that need assistance or support in order to enable them to comply – supported compliance. Finally, there is a hard-core of defaulters for whom we will need to enforce compliance.

44. The challenge, which the Department is now addressing, is to reduce to an absolute minimum the numbers for whom enforced compliance is necessary and to identify those where efforts will realise greatest results.

**PAC conclusion (viii): Fines Officers have been effective in arranging payment and varying terms without using court time. The Department should increase the number of Fines Officers, possibly by reducing the number of Civilian Enforcement Officers, for whom employment costs exceed the value of fines they collect.**

45. The Department agrees that fines officers are a particularly effective way of enforcing fines. However, there is a clear distinction between the roles of fines officers and Civilian Enforcement Officers (CEOs). The fines officer is an office-based role having responsibility for the efficient day-to-day running of enforcement within the area. The fines officer has a range of delegated powers that enable them to determine the most effective way to enforce fines in individual cases based on the personal circumstances of the offender. This includes deciding which sanction is most likely to secure payment of the outstanding fine.

46. By contrast CEOs are responsible for doorstep enforcement activity, including, for example, executing distress warrants issued by fines officers, when all other methods of enforcement have proved unsuccessful.

47. As part of the compliance strategy, the amount of proactive debt chasing undertaken by fines officers will be increased – telephoning offenders to secure payments and texting offenders to remind them to pay their fines. This in turn will increase the number of fines paid without enforcement and reduce the number of warrants that will need to be sent to CEOs.



48. As a result of the introduction of the sanctions created under the Courts Act 2003, which were fully implemented by the end of March 2005, there has been a noticeable decrease in the number of warrants issued to CEOs in several areas. The Department will undertake a post implementation review of the application of the Courts Act sanctions and Fines Collection Scheme.

49. The aim is to:

- review use of Courts Act sanctions and the national implementation;
- assess how far the scheme has embedded;
- identify best practice;
- identify any problems with the scheme or in general and possible changes that can be made to improve it; and
- identify ways of maximising benefits, make recommendations and highlight any practical difficulties.

50. There will always be the need for a number of CEOs to enforce warrants against those offenders who refuse to pay their fines and who wilfully defy the orders of the court.

51. It is agreed that it is important to strike the right balance between the number of both fines officers and CEOs in order to be able to enforce fines efficiently and effectively. The Department will regularly review the structure and roles of enforcement teams, to ensure that resources are deployed to best use.

**PAC conclusion (ix): Some Civilian Enforcement Officers work fixed hours at times when defaulters are unlikely to be available. Civilian Enforcement Officers' contracts should be renegotiated so that they work flexible hours and are available to visit defaulters when they are more likely to be at home.**

52. The Department agrees with the committee's recommendation and is already taking forward work to address it.

53. Currently, there are many examples of areas where flexible working patterns with defined core hours are in place and are providing effective enforcement outside of regular 'office hours'. For example, in Hampshire & Isle of Wight CEOs work from 7.00am to 8.00pm while in London they work from 6.30am to 7.00pm. In Staffordshire they work from 7.00am to 8.00pm and in West Yorkshire from 6.00am to 10.00pm.

54. The Department doubled in size in 2005 when nearly 13,000 people from 41 separate Magistrates' Courts Committees (MCCs) and the Greater London Magistrates' Courts Authority merged with the former Court Service to create Her Majesty's Courts Service. Prior to this each MCC was responsible for their staff including contracts and working arrangements and as a result the Department currently has staff on more than 43 different sets of terms and conditions of service.

55. The Department recognised that having people on so many different terms and conditions wouldn't help to create an integrated organisation, or develop a common sense of purpose. Therefore to create a modern, efficient and effective department that can continue to deliver excellent public services a new approach to pay, grading and performance management would be required which can be applied consistently across the Department. Therefore the Pay & Grading project was established to review the whole range of reward and grading structures and to design a common but flexible set of terms and conditions of employment for the whole of the Department.

56. Working with the Pay and Grading project the Enforcement Programme has been developing a nation-wide consistency with regard to the working patterns of Civilian Enforcement Officers, which will enable the effective provision of enforcement activity both in and out of regular office hours. The Pay and Grading exercise is anticipated to be complete this summer and will introduce standardised and flexible contracts across the whole Department for all newly appointed staff and for those staff wishing to opt for the new deal.

**PAC conclusion (x): There is no incentive for offenders to pay their fine on time and enforcement costs are increasing year on year. The Department should encourage prompt payment by adding enforcement costs to outstanding fines, and introducing a system of financial incentives for prompt payment by, for example:**

- charging interest on late payments; and
- introducing a percentage discount for prompt payment.

57. The Department will undertake further consideration of the committee's recommendation in respect of adding costs to fines. Currently fines can include a cost element, but these are in respect of prosecution costs as opposed to enforcement costs. Additionally courts already have some powers to pass on the costs of some enforcement activity to defaulters, including those associated with the vehicle clamping sanction contained in the fines collection scheme, but there remains scope to consider charging for other enforcement activity.

58. The new sanctions introduced by the Courts Act 2003, were designed to act as an incentive to offenders to comply with the orders made against them and keep the courts informed, through the fines officer, of any change in circumstances, which prevented them from doing so. These sanctions were piloted prior to national implementation and the evaluation confirmed that it was the threat of the sanction, particularly in the case of clamping of cars and registration that acted as the incentive to comply as opposed to the sanction actually being imposed.

59. Automatically increasing a fine when an offender defaulted also formed part of the Courts Act pilots, however the evaluation showed that in the majority of cases the threat of this sanction did not act as an incentive for offenders to comply. Therefore in the final scheme, increasing the fine by 50 per cent has been made a discretionary sanction to be recommended by fines officers but which can only be applied on referral back to the Court. An increase will only be used if the magistrate is confident that imposing (or threatening to impose) the increase will secure payment.

60. The Department does not agree that discounts are a fair method of encouraging payment. As has already been stated 67 per cent of defendants are on state benefits. A discount for prompt payment would discriminate against them, as their circumstances would not enable them to pay in full promptly and therefore qualify for a discount. That said, the Department agrees that further incentives to elicit prompt payment should be considered, for example allowing offenders who have kept to payment plans, and maintained contact with fines officers, to take 'payment holidays'. The work the Department is undertaking on the profile of defaulters, and the further development of the compliance strategy, will inform this area of work and enable proposals to be assessed to ensure they do act as true incentives.

61. The Department has previously considered charging interest on late payments. The average fine is typically less than £150, meaning that the additional amount added in interest to the fine is also going to be very small unless the rate of interest was set at an unusually high level. Furthermore, the cost of calculating the interest for each individual case was assessed as being disproportionate to the costs incurred by enforcement teams in administering the scheme. For these reasons charging interest was rejected.

62. The Department continues to look for opportunities to share initiatives developed by Areas and spread good practice throughout England and Wales. In November last year the London Region produced a DVD entitled "*That Fine's Payable Now.*" A copy has been given to every magistrate in London reinforcing the message that fines are payable immediately on the day and if full payment is not possible to secure a part payment of the fine and agree a payment plan, before the defendant leaves court. The DVD has been very well received by all those who have seen it, and the responses are currently being evaluated and reviewed. The Department is currently assessing the impact the DVD has had in London and will then be approaching the Judicial Studies Board, with a view to discussing whether the DVD can be distributed to all magistrates in England and Wales.



Published by TSO (The Stationery Office) and available from:

**Online**

[www.tsoshop.co.uk](http://www.tsoshop.co.uk)

**Mail, Telephone, Fax & E-mail**

TSO

PO Box 29, Norwich, NR3 1GN

Telephone orders/General enquiries: 0870 600 5522

Fax orders: 0870 600 5533

E-mail: [customer.services@tso.co.uk](mailto:customer.services@tso.co.uk)

Textphone: 0870 240 3701

**TSO Shops**

123 Kingsway, London, WC2B 6PQ

020 7242 6393 Fax 020 7242 6394

16 Arthur Street, Belfast BT1 4GD

028 9023 8451 Fax 028 9023 5401

71 Lothian Road, Edinburgh EH3 9AZ

0870 606 5566 Fax 0870 606 5588

**TSO@Blackwell and other Accredited Agents**

ISBN 978-0-10-170202-7



9 780101 702027