



dca

Department for  
Constitutional Affairs  
Justice, rights and democracy

# Delivering justice, rights and democracy

## DCA Departmental Report 2004/05



This document (Cm 6530) is part of a series of three documents that make up the Departmental Report of the Department for Constitutional Affairs 2004/05. The other two documents are the 2004/05 annual report of the Scotland Office (Cm 6544) and the 2004/05 annual report of the Wales Office (Cm 6545). It is part of a series of departmental reports (Cm 6521 to Cm 6548) which, along with the Main Estimates, the document Public Expenditure: Statistical Analyses 2005/06, and the Supply Estimates 2005/06: Supplementary Budgetary Information, present the Government's expenditure plans for 2005–08.

The complete series of Departmental Reports and Public Expenditure Statistical Analyses 2005 is also available as a set at a discounted price.

The information contained in this report is also available on the DCA website at [www.dca.gov.uk](http://www.dca.gov.uk)



# Delivering justice, rights and democracy DCA Departmental Report 2004/05

Northern Ireland Court Service

The National Archives

Her Majesty's Land Registry

## The Government's Expenditure Plans for 2005–08

Presented to Parliament

by the Secretary of State for Constitutional Affairs and Lord Chancellor  
and the Chief Secretary to the Treasury

by Command of Her Majesty

June 2005

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## Foreword by the Secretary of State and Lord Chancellor

When the Department for Constitutional Affairs (DCA) was established in 2003, we

concentrated what we do into three words: justice, rights and democracy. These are the foundations of a decent, fair and civilised society – the kind of society in which we all want to live.

The Department is responsible for upholding the rule of law and ensuring that our system of justice delivers for everyone. We are determined to protect and promote people's rights and, equally, ensure that people are held accountable for fulfilling their responsibilities. We will ensure that our democratic and justice systems work in the best way possible. We are committed to improving the ways in which people are able to engage with public institutions – reforming our constitutional arrangements so they are fit for the 21st century.

Our work has a real, day-to-day impact on people's lives. We deliver important public services, taking forward the policies that address the everyday concerns of our communities. We are responsible for managing the courts that tackle crime and anti-social behaviour – a blight for many, but especially those living in disadvantaged areas. We offer the means for people to resolve disputes and seek redress, and the means for people to deal with heart-searchingly difficult family issues.

This Annual Report sets out what we have achieved over the past year. The challenge ahead is to continue with our reforms and to focus on the key areas that matter to the general public.

Over the last year, we have continued to make real improvements to the way the legal and justice system operates. The launch of Her Majesty's Courts Service in April 2005 has brought benefits for the law-abiding public by bringing all of the criminal, civil and family courts in England and Wales under a single management structure. This improves the efficiency of the courts, meaning more effective and robust justice for local communities. We are bringing key tribunals together with similar intent.

We have improved the enforcement of court orders. The use of special facilities, such as live TV links for witnesses to give evidence, has continued to make court proceedings less intimidating for those seeking justice. We have worked to increase diversity in the judiciary, and to encourage those who would not normally consider becoming a magistrate to do so, ensuring that the delivery of local justice reflects the community it serves.

We have made real progress since DCA was created in 2003. But there is still much more to do. DCA's 5 Year Strategy 2004–09 set the direction of travel for a modern public service delivery department and, in May 2005, I published *Making a Difference – Taking Forward Our Priorities*, which shows how we will focus on a number of key areas, including:

- support for victims and witnesses
- support for magistrates to provide justice
- respect for the authority of the courts
- efficient and effective fraud trials
- a diverse judiciary

- a fairer deal for legal aid
- reformed legal services
- tackling the compensation culture
- further reform of the House of Lords
- improved electoral administration.

This clearly shows how we have learnt from our experience, listened to the public and used this to shape our key priorities for the coming period. Our reforms will impact on these people and many others in a positive way. Our policies will be focused on putting people at the heart of the way justice, rights and democracy are delivered. We will continue to work with our partners to deliver on these key areas.

The Department is ensuring that justice, rights and democracy are not merely abstract concepts, but actually connect with the way people live their lives and what they want and expect from public services. I look forward to more progress in these areas in the months and years ahead.



**Rt Hon Lord Falconer QC**  
**Secretary of State for Constitutional**  
**Affairs and Lord Chancellor**



## Foreword by the Permanent Secretary

I have been Permanent Secretary in the Department for Constitutional Affairs for almost

a year. In this relatively short time I have never ceased to be amazed by the impact of DCA's work, and this report shows the extent of the progress we have achieved over the past year.

Essential to achieving these objectives is our focus on the users of our services. From 1 April 2005, when the Crown, county and magistrates' courts came together with the creation of Her Majesty's Courts Service, DCA became an employer of nearly 24,000 people. Over 20,000 of these people work in delivering services directly to the public – from listing officers, who make sure courtroom cases are processed quickly to ushers, who are on the front line of engaging with victims, witness, and defendants as they enter the courts. Our work affects the whole country. Day in, day out, DCA is making a real difference.

We are committed to building our skills so we continue to deliver first-class public services. With the backing of all Government departments, the Cabinet Secretary and Head of the Home Civil Service has launched a new 'Professional Skills for Government' programme. This aims to focus on training needs for all the different jobs across the Civil Service. DCA is playing an important role here, helping to determine the key skills for delivering top-quality services for the law-abiding public.

I am particularly proud of the Department's diversity. We have one of the most comprehensive systems of staff networks in the country, and through these networks we are ensuring that diversity issues become a part of our collective consciousness with tangible results. In the Stonewall Corporate

Equality Index for 2005, DCA was ranked as the sixth best employer for gay people in Britain and was the best of all Government departments. This is an important achievement. We recognise that a diverse team will go a long way to improving the way our diverse communities can be served.

And we are improving our communication to make the public aware of the importance of the work we do and our successes. We must continue to build up a public understanding of the increasingly important role that DCA plays in society.

This is an important agenda: customer service; teamwork; professional skills; diversity and communications. These are the key areas we will need to focus on with combined effort in order to deliver the Secretary of State's 5 Year Strategy and the immediate priorities in the *Making a Difference* document.

I'm really proud to be working for a Ministerial team that has got the determination to carry through what it wants to do. But I am just as proud to be working with a body of staff who are dedicated and committed right across the country to dealing with incredibly important issues. These are issues that are important to the law-abiding public, and issues on which we can make a difference to the lives of ordinary people.

**Alex Allan**  
Permanent Secretary

# Executive Summary

## About DCA

### Our purpose

- DCA is responsible for upholding justice, rights and democracy, the foundations of a civilised society. We work from the simple rule that we exist to serve the public, not the provider.

### Our functions

- During 2004/05, DCA was responsible for approximately £3.5 billion of public spending. At the heart of this was over £2 billion on legal aid and £1 billion on the operation of our courts, all going towards the delivery of a fair and effective system of criminal, family and civil justice.
- Associated with DCA are a number of related organisations such as the Northern Ireland Court Service, Her Majesty's Land Registry and The National Archives (sister departments that report directly to the Secretary of State); Her Majesty's Courts Service and the Public Guardianship Office (executive agencies wholly part of DCA) and the Legal Services Commission (an executive non-departmental public body).
- The administrative functions of Scotland Office (including the Office of the Advocate General for Scotland) and Wales Office are part of DCA. The two Offices have produced separate annual reports for 2004/05.

### How we are organised

- DCA has a Secretary of State (Lord Falconer, who is also the Lord Chancellor), a Minister of State (Harriet Harman QC MP) and two Parliamentary Under Secretaries of State (Baroness Ashton and Bridget Prentice MP).

- The Ministerial team is supported by a Permanent Secretary (Alex Allan), and a Ministerial Executive Board which includes the eight senior policy and operational officials from DCA and its major agencies and four non-executives.

## Justice

### More offenders brought to justice

- The number of crimes for which an offender was brought to justice increased to 1.131 million (December 2004) compared with 1.096 million (November 2003). Since 2002/03 the rate of ineffective trials has reduced from 24 per cent to 14.4 per cent in the Crown Court and from 31 per cent to 22.7 per cent in the magistrates' courts (quarter ending March 2005).

### Increased public confidence in the criminal justice system

- In the year to December 2004, 43 per cent of the public believed that the criminal justice system is effective in bringing people who commit crimes to justice – up from 39 per cent in 2003.
- We have also improved the experience of victims and witnesses, enabled wider community involvement in the justice process, set up specialist courts to tackle anti-social behaviour and introduced other initiatives to help support the victims of domestic violence, combat drug dependency, and ensure the rigorous enforcement of fines. We continued to upgrade court buildings and information technology to ensure the delivery of joined-up criminal justice.

- We contacted every magistrate in England and Wales, seeking their views on how the magistrates' courts can be made more connected, effective and respected. We are continuing to investigate the outcomes of this consultation and will publish a White Paper later in 2005.

#### **More effective ways of solving disputes**

- We have continued to help people resolve their disputes at the earliest possible stage by promoting mediation as an alternative to court appearances with increased customer satisfaction with the courts, tribunals and other offices – 95 per cent of all civil and family courts achieved Charter Mark accreditation by April 2004.

#### **Faster asylum and immigration appeals**

- In 2003/04 64 per cent of new substantive asylum applications including final appeal were decided within 6 months with 74 per cent of appeals determined within 12 weeks (compared with the target of 65 per cent).
- A new Asylum and Immigration Tribunal started work on 4 April 2005 with a new system of higher court oversight and a regulation making power for new legal aid arrangements – all designed to streamline the process, prevent abuse of the system and ensure cases are concluded more rapidly.

## **Rights**

### **More people accessing information about their public services**

- The Freedom of Information Act was fully implemented in January 2005 with DCA taking a central role in providing advice during the first few months. Statistics will be published shortly on how central government has performed.

### **A fair and decent society**

- We introduced a new legal regime for adults who cannot take decisions for themselves. The law is now driven by what is in their interests. Carers who act in the best interest of people in their care will not be vulnerable to legal action.
- New legislation now enables transsexual people to gain proper legal recognition in their acquired gender, ensuring that they are afforded the rights appropriate to that gender.
- We began a programme of work to address perceptions of a compensation culture by tackling practices that encourage invalid claims.
- Legislation on commonhold for people living in flats has made it easier for them to own the freehold of their property through the new form of commonhold tenure.
- A new legal framework for public inquiries provides powers to establish the facts quickly, effectively and at reasonable cost, thus promoting public confidence in the processes, conclusions and any recommendations.

### **Lawyers and legal aid meeting the needs of the law-abiding public**

- We introduced measures in 2004/05 to improve the way criminal cases are managed so that legal aid is targeted more efficiently and the process is more effective. We developed draft legislation which is now before Parliament that will make those found guilty of a criminal offence pay for their defence when they can clearly afford to do so.
- We have conducted a thorough review of the legal aid system so that it responds to what the public wants and justice requires – guaranteeing fair and equal access to justice for all who need it. We will shortly publish our analysis and plans for fundamental reform of legal aid to put it on a sustainable footing for the long term.
- An independent review of the regulatory framework for legal services recommended the creation of a Legal Services Board to oversee the legal services sector and put forward ways of opening up the way legal practices are managed and owned. We will publish a White Paper in autumn 2005 with legislation to follow to set the parameters of the new regulatory framework.

## **Democracy**

### **A modern department focused on the public's priorities**

- The Constitutional Reform Act received Royal Assent in March 2005. We are now establishing the new Supreme Court and an independent Judicial Appointments Commission. The Lord Chancellor will no longer be a judge or head of the judiciary, instead focusing on delivering services for the public and upholding the rule of law in government.

### **A strong, independent and diverse judiciary**

- A key part of the constitutional reforms has been to promote a more diverse judiciary. As well as legislating for – and working towards – the establishment of the Judicial Appointments Commission, DCA is committed to increasing the diversity of the judiciary. We have developed a more transparent process – with a clear competence framework for judicial selection and assessment centres being used for an increased number of appointments; new arrangements are in place for Circuit Bench and Recorder appointments; and new appointments to the 'lay interviewers' have been made, increasing the proportion of black and minority ethnic representation.

### **Citizens engaged with democracy**

- DCA is committed to getting more people involved in the electoral process, including by utilising new ways of voting. All-postal and electronic voting was piloted in local elections between 2000 and 2003 and all-postal voting was piloted in four areas in the June 2004 European and local elections. We will continue to promote democratic engagement and increase public confidence in the system.

## Delivery

### Delivering justice, rights and democracy

- In December 2004 DCA published its strategy for the next five years based around the top priorities of: reducing crime; speeding up asylum and immigration appeals; protecting the vulnerable; faster and more effective dispute resolution; and renewing the relationship between the public and the state. DCA has also put in place an effective process to focus our operations on meeting these objectives and a new Public Service Agreement agreed in the 2004 Spending Review.

### Putting the public first

- Her Majesty's Courts Service was launched in April 2005 to merge the Magistrates' Courts Committees and the Court Service. This is a more streamlined structure which, critically, will make it easier for our courts to respond to national priorities and the needs of local communities.

- We began work to bring together many of the largest central Government tribunals – providing real improvements in services to tribunal users. The new Tribunals Service will be launched in April 2006, and by 2008 DCA's current tribunals will be joined by other major tribunals to offer a better and more consistent service to those who need their disputes resolved.

### A motivated, effective and efficient department

- The diversity of DCA personnel continued to improve to better serve our diverse communities – the current fast stream cadre includes 6.6 per cent disabled staff and 8.8 per cent of minority ethnic origin, and 57.7 per cent are women.
- We introduced a series of efficiencies in the way asylum and criminal legal aid is used, and increased fine payment rates to 80 per cent compared with 69 per cent in the first quarter of 2003/04.





We are responsible for upholding justice, rights and democracy. We work from the simple rule that we exist to serve the public.

# 1 Purpose, objectives and organisation



## Purpose

**1.1** DCA is the Government department responsible for upholding justice, rights and democracy: the foundations of a civilised society. We work from the simple rule that we exist to serve the public – not the providers.

**1.2** Our role is to drive forward the reform and improvement of the legal and justice system in England and Wales. We are responsible for upholding the rule of law and for reforming and safeguarding the constitution so that they serve the public effectively.

**1.3** Our long-term priorities are set out in our *5-Year Strategy* ([www.dca.gov.uk/dept/strategy/index.htm](http://www.dca.gov.uk/dept/strategy/index.htm)) They are to:

- reduce crime and anti-social behaviour, protecting the rights of the law-abiding citizen and making our communities safer
- speed up the asylum and immigration appeals system as part of delivering a fair, effective and efficient overall migration process
- protect the vulnerable, especially children at risk and the socially excluded
- enable people to resolve their problems by better promoting and delivering faster and more effective dispute resolution
- strengthen democracy, rights and responsibilities by renewing the relationship between the public and the state.

**1.4** This report summarises our progress against these goals during 2004/05 and our programme of work for 2005/06.

## Our Public Service Agreement (PSA) for this report 2004/05

**1.5** The Spending Review in 2002 covered the period 2003/04 to 2005/06. Our PSA for this period covers the delivery of justice, civil and administrative law, protecting the vulnerable, modernising the constitution, increasing consumer choice and working in partnership with the independent judiciary, with seven targets. These are set out in the performance tables in Chapter 2.

## How DCA is organised

### Our responsibilities and functions

**1.6** DCA administers the courts and tribunals in England and Wales and the legal aid budget (through sponsorship of the Legal Services Commission). Our budget for 2004/05 was £3.4 billion of which approximately £1 billion was spent on the courts and £2 billion on legal aid.

**1.7** With the creation of Her Majesty's Courts Service in April 2005, the number of staff employed by DCA has risen from 13,034 to 23,910 full-time equivalents, owing to the merger of 42 magistrates' court areas. We support the independent judiciary, comprising 2,450 judges and 28,700 magistrates across England and Wales.

**1.8** Three sister departments – the Northern Ireland Court Service, Her Majesty's Land Registry and The National Archives – report directly to the Secretary of State for Constitutional Affairs. Also associated with DCA are a number of organisations such as the Public Guardianship Office, the Office of the Official Solicitor and Public Trustee, the Law Commission, the Office of the Legal Services Ombudsman, Her Majesty's Court Administration Inspectorate, and the Judicial Studies Board.

**1.9** The administrative functions of the Scotland Office (including the Office of the Advocate General for Scotland) and the Wales Office transferred to DCA in June 2003. Responsibilities for the maintenance of the relationship between Westminster and the devolved administrations in Edinburgh and Cardiff remain with the Secretary of State for Scotland and the Secretary of State for Wales respectively.

**1.10** Following machinery of government changes announced by the Cabinet Office on 23 May 2005, DCA took on responsibility for policy on coroners, burials and cremation from the Home Office. The Government has made clear its commitment to reforming the coroner system, and DCA will be working on proposals for how this should be done. DCA will also assume responsibility for policy on the conduct of local government elections. This means all major elections policy and responsibility for developing new methods of voting and enhancing security now rest with DCA.

**1.11** From April 2006 we will be responsible for the new tribunals service, which will bring together the administration of all the major tribunals across government.

### Ministers and senior officials

**1.12** The Secretary of State and Lord Chancellor is the Rt Hon Lord Falconer of Thoroton.

**1.13** The Secretary of State is supported by a Ministerial team and a Departmental Management Board, led by the Permanent Secretary, Alex Allan. The Ministerial team joins with the Permanent Secretary and senior officials from the Department and the Legal Services Commission (LSC) to form the Ministerial Executive Board (MEB),

chaired by the Secretary of State. This oversees both progress on the strategy and policy priorities set by the Secretary of State for DCA and its delivery arms and the operation of the Department. It identifies actions to ensure that strategy and policies are delivered effectively and maintains an oversight of the Department's financial position. It also maintains high standards of propriety and corporate governance and oversees relationships with key DCA stakeholders.

**1.14** The MEB benefits from the experience and input of four non-executive Directors:

- Sir Peter Bonfield (former chief executive of British Telecommunications Plc)
- Trevor Hall (equality and diversity adviser to the Permanent Secretary)
- Rt Hon Lord Justice Judge (Deputy Chief Justice for England and Wales)
- Barbara Thomas (former partner of a large US law firm and Commissioner of the US Securities and Exchange Commission).

**1.15** The Departmental Management Board ensures delivery of the strategy set by the Secretary of State. It prepares, on the basis of the Secretary of State's priorities, a business plan with annual and longer-term objectives; ensures delivery of the Department's Public Service Agreement (PSA) targets; and ensures that DCA is resourced and motivated to achieve its objectives, building capacity for the future.

## Ministerial Executive Board

### Ministers



Lord Falconer  
of Thoroton



Harriet Harman QC MP



Baroness Catherine Ashton  
of Upholland



Bridget Prentice MP



Alex Allan



Ian Magee



Rod Clark



Sir Ronald De Witt KB



Clare Dodgson



Lucian Hudson



John Lyon CB



Barbara Moorhouse



Moira Wallace

**1.16** The senior officials of DCA and the LSC, together with the Director of Human Resources, Helen Dudley, form the Departmental Management Board.



Helen Dudley

## Organising ourselves to deliver

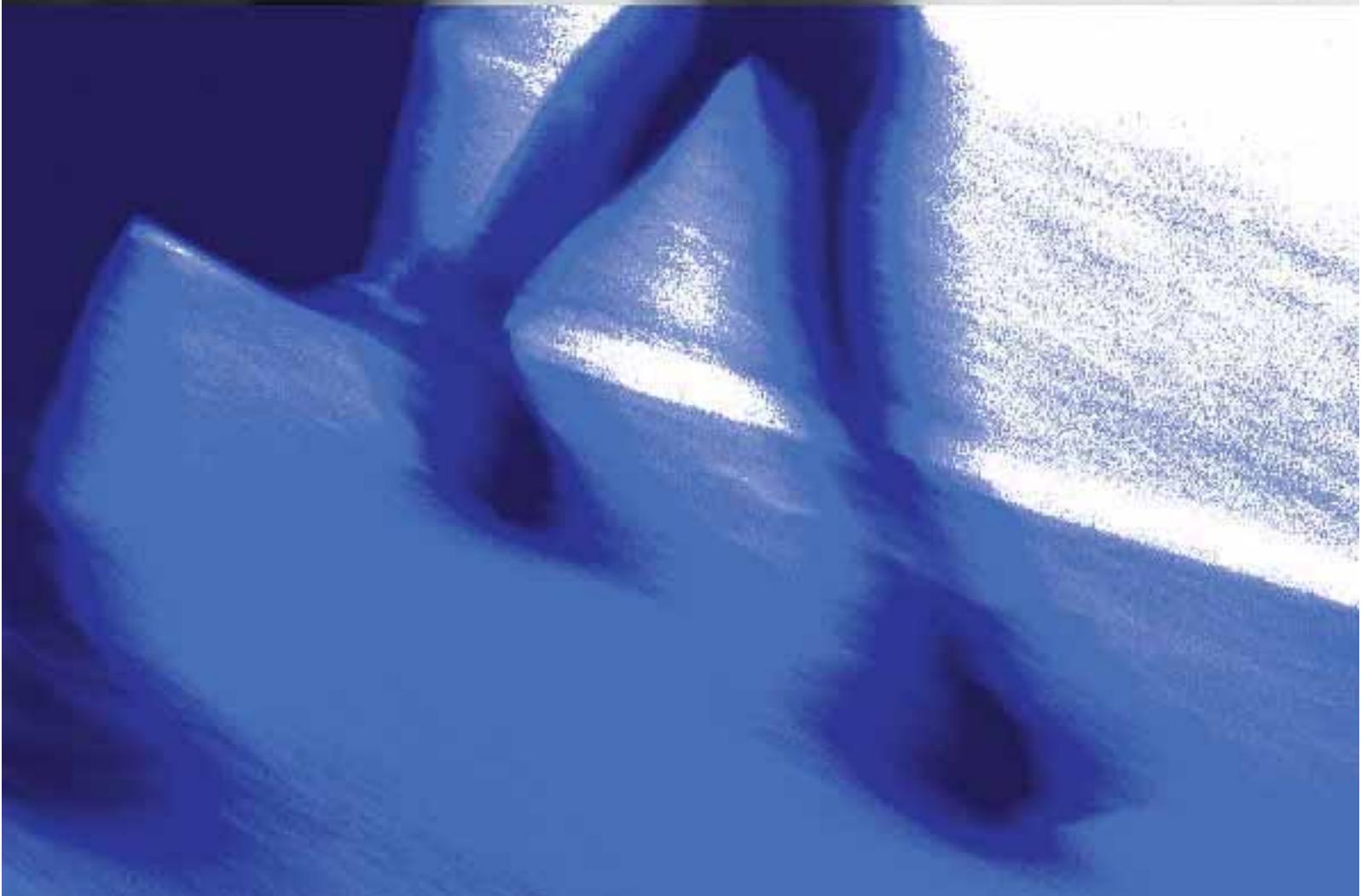
**1.17** We have developed a new organisational model for the centre of the Department to help us serve the public more effectively. This reshaping will focus resources and staff in delivery groups rather than the centre of the Department, and develop an improved strategic capability. Implementation of the new model began in early 2005. The new structure makes better use of our resources and skills and will help us to deliver our 5 Year Strategy. In essence, the guiding principles for refocusing the DCA centre are:

- a small, new strategic capability
- clearer accountability, with the role of the centre being to support and, where necessary, challenge
- policy is developed as part of service delivery, not something we develop and manage separately at the centre
- more flexible deployment of resources to match priorities
- improved efficiency by removing duplication between policy and delivery
- complementary not competitive roles for the centre and delivery organisations, such as Her Majesty's Courts Service.

**1.18** These changes are part of DCA's contribution to greater efficiency throughout Government, and complement our work on creating Her Majesty's Courts Service and the new Tribunals Agency. The changes will mean closer involvement of operational staff in the development and implementation of policy, as well as improved capacity at the centre to identify the need for change, whether created by external events or driven by ideas from people in front-line roles. We expect, as a result, to improve the way in which we develop, plan and implement changes to operations and to undertake this work more efficiently.



## 2 Summary of performance in 2004/05



## Performance data against all seven PSA Targets

2.1 The following tables are for Spending Review 2002 performance. Details of previous Spending Review periods and DCA's accounts for 2004/05 are in Chapter 10.

### Objective 1: To ensure the effective delivery of justice

DCA works with others across Government and with local partners to reduce crime and anti-social behaviour and empower people to exercise their rights and enforce their responsibilities. We work to reduce the number of ineffective trials and to guarantee the rights of defendants whilst ensuring that the public are protected and that jurors, victims and witnesses are treated with respect and care.

**Target 1:** To improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice<sup>1</sup> to 1.15 million by 2005/06; with an improvement in all Criminal Justice System areas, a greater increase in the worst performing areas and a reduction in the proportion of ineffective trials.<sup>2</sup>

(Contributing to Criminal Justice System PSA.)

#### Measures

**Increasing the number of crimes for which an offender is brought to justice**  
*The target will be met if 1.15 million offences are brought to justice in 2005/06.*

#### Latest outturn

##### ON COURSE

Baseline: (Home Office-Office for Criminal Justice Reform (OCJR) March 2002)  
1,002,000

Latest outturn: (Home Office-OCJR provisional figures for December 2004)  
1.131 million

Target (2005/06): 1,150,000

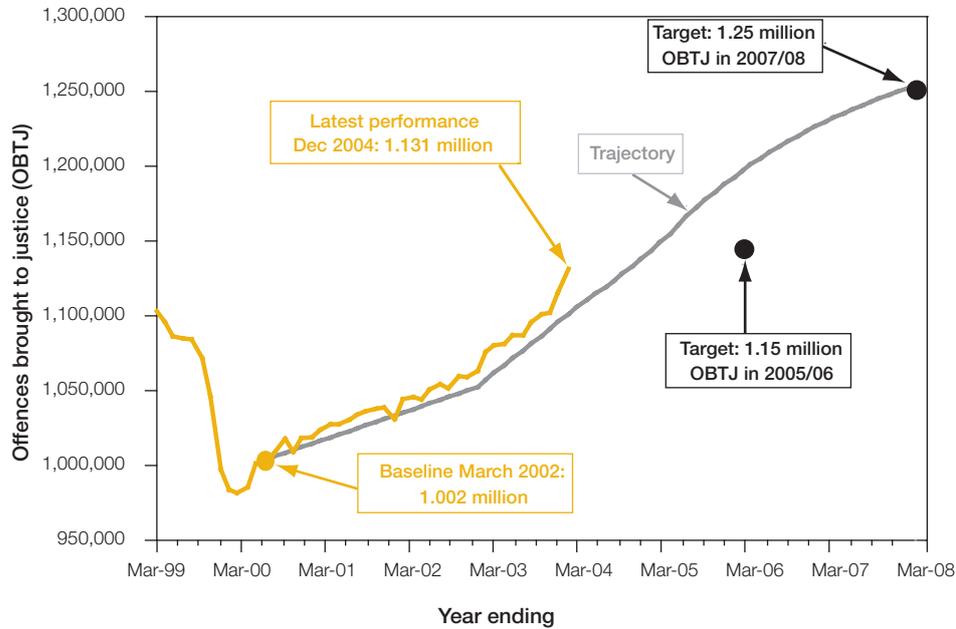
This element of the target was modified in the 2004 Spending Review, superseding the previous target of 1.2 million offences brought to justice in 2005/06. This adjustment removed a number of minor motoring offences (known as 825/90 offences) which had been previously counted.

At the same time, a higher target of 1.25 million offences brought to justice was set for 2007/08.

<sup>1</sup> 'Offences brought to justice' counts the number of offences that someone is convicted of, cautioned, has had taken into consideration by the court, or for which they receive a penalty notice (either for harassment, shoplifting (retail under £200) or vandalism (damages under £500)). Formal warnings for the possession of cannabis are also included. Only notifiable cases are counted.

<sup>2</sup> 'Ineffective trials' are trials that, on the date expected, do not proceed due to action or inaction by one or more of the prosecution, the defence or the court and a further listing for trial is required.

**Target 1 (continued)**



**Measures**

**An improvement in all Criminal Justice System areas**  
*The target will be met if, in each of the 42 Criminal Justice System areas, more offences are brought to justice in 2005/06 than in the baseline year, 2001/02.*

**Latest outturn**

**SLIPPAGE**  
 The latest outturn is that 36 of the 42 Criminal Justice System areas had improved their performance over the baseline year. There are currently six areas where performance is below the baseline.

**A greater increase in worse performing areas**  
*The target will be met if the average performance improvement achieved by the worst performing Criminal Justice System areas between 2001/02 and 2005/06 is greater than the national average performance improvement over the same period.*

**ON COURSE**  
 18 areas were classified as 'worse performing'.  
 As at December 2004 the aggregated performance of the worse performing areas was on track to achieve the target.

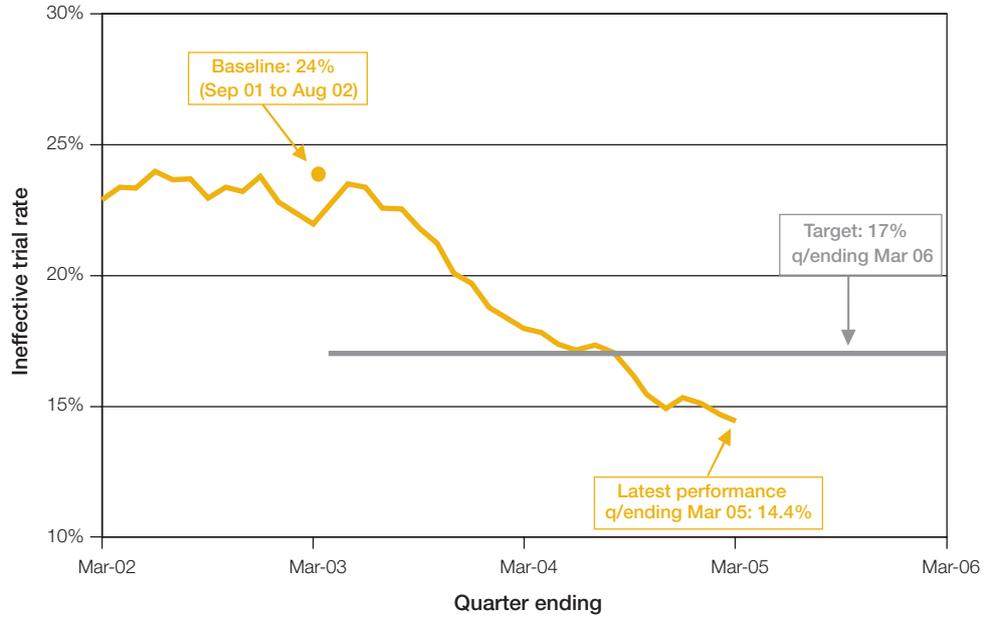
**A reduction in the proportion of ineffective trials**  
*The target will be met if the national level of improvement for Crown Court and magistrates' courts is 27% by March 2006. This equates to a reduction in the proportion of ineffective trials from 24% to 17% in the Crown Court, and from 31% to 23% in the magistrates' courts.*

**ON COURSE**  
 Latest outturn for the proportion of ineffective trials (quarter ending March 2005) shows:

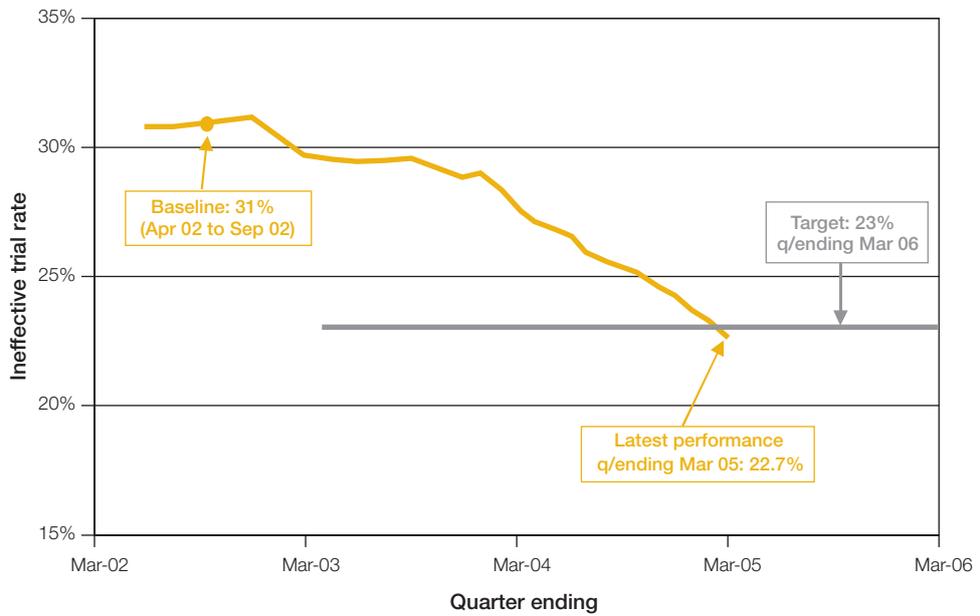
- a reduction for Crown Court Centres from 24% (baseline) to 14.4%
- a reduction for magistrates' courts from 31% (baseline) to 22.7%.

### Target 1 (continued)

#### Reducing ineffective trials in the Crown Court



#### Reducing ineffective trials in the magistrates' courts



**Target 2:** Improve the level of confidence in the Criminal Justice System, including increasing that of ethnic minority communities, and increasing year on year the satisfaction of victims and witnesses, whilst respecting the rights of defendants.

(Contributing to Criminal Justice System PSA.)<sup>3</sup>

Measures	Latest outturn
<p><b>Improve the level of public confidence in the Criminal Justice System</b></p> <p><i>This will be met if, by March 2006, the level of public confidence has increased, compared with the baseline year (2002/03).</i></p>	<p><b>AHEAD</b></p> <p>Baseline: (British Crime Survey (BCS) 2002–03) 39%</p> <p>Annual outturn: (BCS 2003–04) 41%</p> <p>Latest outturn: (year to Dec 2004) 43%</p>
<p><b>Including increasing that of ethnic minority communities</b></p> <p><i>This will be met if, by March 2006, the level of confidence amongst black and minority ethnic people is statistically higher than that during the baseline year (2002/03).</i></p>	<p><b>AHEAD</b></p> <p>Baseline: (BCS 2002–03) 49%</p> <p>Outturn: (BCS March 2004) 56%</p>
<p><b>Increasing year on year the satisfaction of victims</b></p> <p><i>This will be met if the level of satisfaction of victims increases year on year during the target period (April 2003 to March 2006) with the final year showing a statistically significant increase over the first year.</i></p>	<p><b>NOT YET ASSESSED</b></p> <p>Baseline: (BCS 2003–04) 59%</p> <p>First outturn: (BCS 2004–05) July 2005</p> <p>This is measured using new BCS questions on victim satisfaction with the CJS, which were introduced in October 2003, together with questions on victim satisfaction with the police.</p>
<p><b>Increasing year on year the satisfaction of witnesses</b></p> <p><i>This will be met if the level of satisfaction of witnesses increases year on year during the target period (April 2003 to March 2006) with the final year showing a statistically significant increase over the first year.</i></p>	<p><b>NOT YET ASSESSED</b></p> <p>Baseline: (BCS 2003–04) 57%</p> <p>First outturn: (BCS 2004–05) July 2005</p> <p>This is measured using a new BCS question measuring witness satisfaction with the police which was introduced in October 2003.</p>
<p><b>Respecting the rights of defendants</b></p>	<p>The rights of defendants are protected by law. We will investigate and take action if there is any evidence that the rights of defendants are not being respected or that public confidence in rights being respected is falling.</p>

<sup>3</sup> Public confidence is being measured through a question in the British Crime Survey on effectiveness of the Criminal Justice System in bringing people who commit crimes to justice. The target requires a statistically significant increase (one percentage point). Ethnic minority confidence is being measured through the same question and requires a three percentage point increase. Victim and witness satisfaction will be measured through new questions in the British Crime Survey, with a target of a three percentage point increase on the baseline (October 2003 – March 2004).

## Objective II: To ensure a fair and effective system of civil and administrative law

DCA works to deliver a fair and effective system of civil and administrative law in order to help reduce anti-social behaviour, tackle asylum abuses and create sustainable communities. We work to give people access to a choice of proportionate and low cost ways to resolve disputes including alternatives to court-based systems. We work to make sure that costs are kept to a minimum, delays are avoided and judgments are enforced so that excellent customer service becomes the norm.

**Target 3:** Reduce the proportion of disputes which are resolved by resort to the courts.

Measures, baselines and target levels	Latest outturn
(i) Reduce the number of non-family claims in the civil courts by 11.8% (from 1.79 million to 1.58 million)	<p><b>SLIPPAGE</b></p> <p>Latest outturn: (year to March 2005) 1.791 million</p> <p>Slippage due to the large increase in the number of claims for recovery of debt and fines issued by major users – such as water utilities, the DVLA and the Inland Revenue. These claims are rarely defended, and are even more rarely the subject of court hearings. They are not, therefore, ‘disputes’ in the sense envisaged in the wording of the target.</p>
(ii) Reduce the proportion of allocated (i.e. defended) cases that are resolved by a hearing by 1.9% (from 48.9% to 47%)	<p><b>AHEAD</b></p> <p>Latest outturn: (year to March 2005) 40.5%</p>
(iii) Reduce the number of hearings by 9.3% (from 71,300 to 64,700)	<p><b>AHEAD</b></p> <p>Latest outturn: (year to March 2005) 61,500</p>
<p>(iv) Increase the proportion of Contact and Ancillary Relief Orders made by consent by 2.8% (from 70.6% to 73.4%)</p> <p>a) Maintain the proportion of Ancillary Relief Orders made by consent at over 90%</p> <p>b) Increase the proportion of Contact Orders made by consent to 32.2%</p>	<p><b>SLIPPAGE</b></p> <p>Latest outturn: (year to March 2005) 69.9%</p> <p>a) Ancillary Relief Orders – current performance is 91.2%</p> <p>b) Contact Orders – current performance is 32.0%</p> <p>This is a composite target and the two separate elements are performing well. However, because we have seen a greater increase in the number of Contact Orders compared with Ancillary Relief Orders, overall performance is being dragged down. This is because less than 33% of Contact Orders are made by consent compared with the much higher rate of 90% for ancillaries.</p>

**Target 4:** Target 4: Increase year on year the level of satisfaction of users by taking speedy, high quality decisions and reducing unnecessary delay and cost, and by ensuring that outcomes are enforced effectively.

This target will be met if all headline targets are achieved and 8 of the 14 supporting targets are achieved.

## Measures

## Latest outturn

The achievement of year-on-year improvements in four key areas of dissatisfaction identified through the 2002/03 customer satisfaction survey.

### By March 2006:

85% of customers satisfied with the knowledge of court staff at public counter (2004/05 target is 82%)

80% of customers satisfied with the knowledge of staff on telephone service (2004/05 target is 78%)

60% of customers satisfied with the speed of resolution of complaints (2004/05 target is 50%)

80% of customers satisfied with the helpfulness of written communication (2004/05 target is 75%)

In 2004/05 three of the four headline targets were met. There was some slippage against the target measure relating to customer satisfaction with the speed of resolution of complaints, though the percentage fall is within the high statistical tolerance caused by particularly low volume responses to this question in the annual customer satisfaction survey. A range of activities have been implemented to improve the complaints handling process (e.g. including actual speed of complaint resolution in senior managers' performance reviews, introducing new standards for customer service staff, and supporting staff and managers involved in resolving complaints through providing new complaints handling guidance and new training events). However, it is proving particularly challenging to translate improvements in the complaints handling process itself through to customer perception, which the survey measures.

	2003/04	2004/05
85% of customers satisfied with the knowledge of court staff at public counter (2004/05 target is 82%)	87%	87%
80% of customers satisfied with the knowledge of staff on telephone service (2004/05 target is 78%)	85%	86%
60% of customers satisfied with the speed of resolution of complaints (2004/05 target is 50%)	31%	27%
80% of customers satisfied with the helpfulness of written communication (2004/05 target is 75%)	79%	79%

## 2004/05 supporting targets

## Outturn for Apr-Mar

1. 95% of courts or units that apply for the Charter Mark are awarded that status

Target met early<sup>4</sup>

2. 85% of complaints answered within the target timescales:

a) Received by Ministers – 17 working days

97%

b) Received at Court Service Headquarters Customer Service Unit – 15 working days

95%

c) Received by Group Managers – 10 days

75%

d) Received by Court Managers – 5 days.

86%

<sup>4</sup> In April 2004 we achieved 95% court accreditation. From 2004/05 the Charter Mark process is changing and individual courts will no longer apply, or re-apply, for accreditation. The creation of the new Her Majesty's Courts Service agency in April 2005 more than doubled the number of courts that DCA directly oversees. Because of these changes we have agreed with Her Majesty's Treasury that this target measure will be reported as 'met early' for the remainder of the PSA period.

<b>Target 4 (continued)</b>	
<b>Measures</b>	<b>Latest outturn</b>
3. 94% of administration transactions completed within 5 days	95%
To increase the percentage of civil cases heard within target from allocation to hearing:	
4. 77% small claims heard within 15 weeks	81%
5. 77% fast-track cases heard within 30 weeks	79%
6. 77% multi-track cases heard within 50 weeks	76%
Percentage of Public and Private Law Children Act cases and adoption cases dealt with within target by the end of March 2006	
7a) 70% Public Law heard within 40 weeks	41%
7b) 70% Private Law heard within 40 weeks	68%
8. 70% of adoption cases heard within 20 weeks	64%
9. Realise at least 30 opportunities for county courts and magistrates' courts to share accommodation by April 2006	17 <sup>5</sup>
10. Establish a cost indicator (by April 2004)	Met
11. The amount of money on enforceable warrants as a percentage of the total value of enforceable warrants will be 80%	91%
12. 70% of Charging Orders will be processed in the appropriate timescales:	
a) From application to interim order in 2 weeks	93%
b) From interim order to final order in 10 weeks	84%
13. 70% of Third Party Debt Orders will be processed in the appropriate timescales:	
a) From application to interim order in 2 weeks	92%
b) From interim order to final order in 10 weeks	84%
13. 70% of Third Party Debt Orders will be processed in the appropriate timescales:	
a) From application to interim order in 2 weeks	92%
b) From interim order to final order in 10 weeks	84%
14. 70% of Attachment of Earnings Orders will be processed in the appropriate timescales:	
From application to first order (suspended or full) in 10 weeks	69%

<sup>5</sup> We have delivered 10 in 2003/04 and a further 7 in 2004/05, making a total of 17 out of the target 30 achieved.

**Target 5:** Focus the asylum system on those genuinely fleeing persecution by taking speedy, high quality decisions and reducing significantly unfounded asylum claims, including by:

- fast turnaround of manifestly unsound cases
- ensuring by 2004 that 75% of substantive asylum applications are decided within two months; and that a proportion, including final appeal, are decided within 6 months
- enforcing the immigration laws more effectively by removing a greater proportion of failed asylum seekers.

(Joint target with Home Office.)

### Measures

### Latest outturn

Fast turnaround of manifestly unfounded cases.

#### NOT YET ASSESSED

This element of the target has been changed following the expansion of the countries listed in the Nationality, Immigration and Asylum Act 2002.

Number of substantive asylum applications decided within two months.

#### ON COURSE

For 2002/03: 75%  
For 2003/04: 82% (target of 75% achieved)  
Quarterly update: (October–December 2004) 77%

Number of substantive asylum applications, including final appeal, decided in six months:  
2003/04: Target 60%

#### ACHIEVED

60% target exceeded with 64% of applicants for the period April 2003 to March 2004 decided within six months.

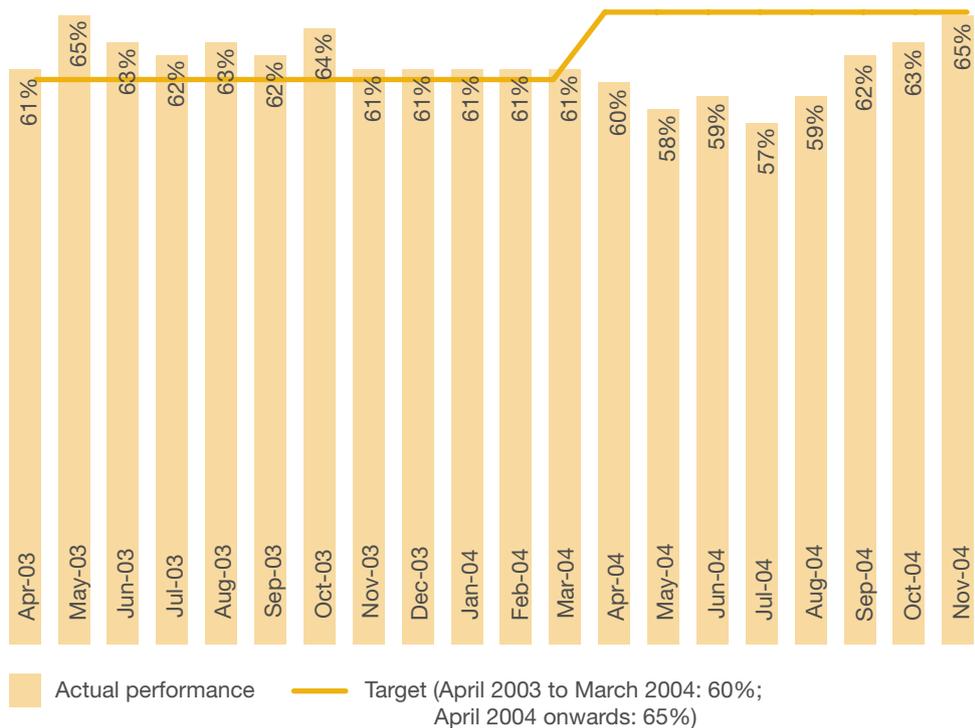
2004/05: Target 65%

#### SLIPPAGE

Unaudited data for April–November 2004 shows performance at 60%.  
There are several reasons for this slight dip in performance. The number of asylum seekers has reduced but the percentage of those refused asylum has increased. Asylum seekers are also less likely to accept the initial Immigration and Nationality Directorate (IND) decision and are more likely than previously to appeal to both tiers of the Tribunal. This increases the time taken to make a final decision on their application.  
The new Asylum and Immigration Tribunal, introduced on 4 April 2005, has significantly reduced the time scales of the appeals process. This new process will underpin improved performance in the future.

## Target 5 (continued)

### Performance on applications through to appeals processed end-to-end within 6 months



Actual performance is based on unaudited data from the 6-month target report – produced by the Home Office. Because of the nature of this target, performance for the 2004/05 year cannot be measured until at least 6 months have elapsed. For example, final performance through application and appeal stages for cases received in March 2005 will not be known until October 2005, allowing a 6-month period for processing March cases.

Enforcing the immigration laws more effectively by removing a greater proportion of failed asylum seekers.

#### ON COURSE

Baseline: (2002/03) 21%

Latest outturn: (2003/04) 21%

Target: remove a greater proportion in 2005/06.

### Objective III: To reduce social exclusion and protect the vulnerable

DCA works to improve access to justice especially for the socially excluded and vulnerable so that everyone can protect their rights in law. We are increasing the effectiveness of the civil and criminal justice system for domestic violence cases, improving decision-making for people with impaired mental capacity, and ensuring that children's welfare remains paramount. Recent legislation has given transsexual people proper legal recognition in their acquired gender.

**Target 6:** Increase year on year the number of people who receive suitable assistance in priority areas of law involving fundamental rights or social exclusion.

#### Measures

Performance will be measured by the triennial National Periodic Survey of Legal Need.  
*This target will be met if the number of people receiving suitable assistance in priority areas of law increases from 31 per thousand (baseline) to 34 per thousand by the end of the Spending Review 2002 period.*

An indicative annual Telephone Survey will be conducted to provide a broader indicator of trends towards delivery of the target.

#### Latest outturn

**SLIPPAGE**  
Target: 34 people receiving suitable assistance per 1,000 population of England and Wales  
Achievement measured by National Periodic Survey conducted in summer 2004: 29.8 per 1,000  
The absolute number of people receiving suitable assistance has fallen because the number of problems reported by respondents to the survey has decreased.  
However, the proportion of people with problems who received suitable assistance has increased significantly.  
Measures aimed at achieving the target during 2005/06 have been identified.

The response rate to the telephone surveys has been increasingly insufficient for this to be regarded as a valid measure.  
DCA proposes to utilise a rolling face-to-face survey during 2005/06 as the final measure for PSA 6.

**Objective IV: To modernise the constitution and ensure proper access to information by citizens**

DCA seeks to establish mutual trust between the citizen and the state by strengthening our democratic processes and institutions, supporting greater freedom of information and ensuring citizens' own personal information is handled with care. We are making it easier for people to vote, reforming the office of Lord Chancellor and creating a new Supreme Court, setting up an independent Judicial Appointments Commission and promoting better understanding of human rights.

**Objective V: To increase consumer choice in legal services by improving information and by promoting competition**

DCA promotes better access to the justice system by working towards the creation of a market where everyone can get legal services at affordable cost. Conditional fee agreements and moves to increase out-of-court settlements and alternative dispute resolution procedures are part of this work. Following an independent review of the regulatory framework for legal services (led by Sir David Clementi), we will publish a White Paper in autumn 2005 with legislation to follow. We will set the parameters of the regulatory framework – which will include the roles of a new Legal Services Board, a new Office for Legal Complaints and the professional bodies – and make it possible for legal services to be provided in new ways.

**Objective VI: To deliver justice in partnership with the independent judiciary**

DCA works to improve the public's confidence in the justice system by working in partnership with magistrates and judges to make sure courts are efficient and understand the problems of their communities. We work to ensure that the justice system serves everyone irrespective of gender, race, religion, or sexual orientation. The new Judicial Appointments Commission will establish better transparency and accountability in the selection of judges and open up the bench to a wider diversity of candidates.

## Value for money

**Target 7:** Increase value for money from the Criminal Justice System by 3% per year, increasing efficiency by at least 2% a year, including the delivery of legal aid. (Contributing to Criminal Justice System PSA.)

### Measures

To increase value for money from the Criminal Justice System by 3% per annum.

*This target will be met if, by March 2006, improvements are achieved in value for money which, over the Spending Review 2002 period, equate to an average per year of 3% of the £1.9 billion (i.e. £57 million p.a.<sup>6</sup> or £171 million for three years) relating to criminal justice spend in the Department's 2002/03 baseline.*

Increasing efficiency by at least 2% a year, including the delivery of legal aid.

*This target will be met if, by March 2006, improvements in efficiency are achieved which, across the whole Spending Review 2002 period, equate to an average per year of 2% of the Department's total 2002/03 Departmental Expenditure Limit of £3 billion (i.e. £70 million p.a.<sup>7</sup> or £210 million for three years).*

### Outturn for 2004/05

We are on course to meet both targets over the Spending Review 2002 period, with performance in 2004/05 increasing as expected as the savings initiatives gather momentum.

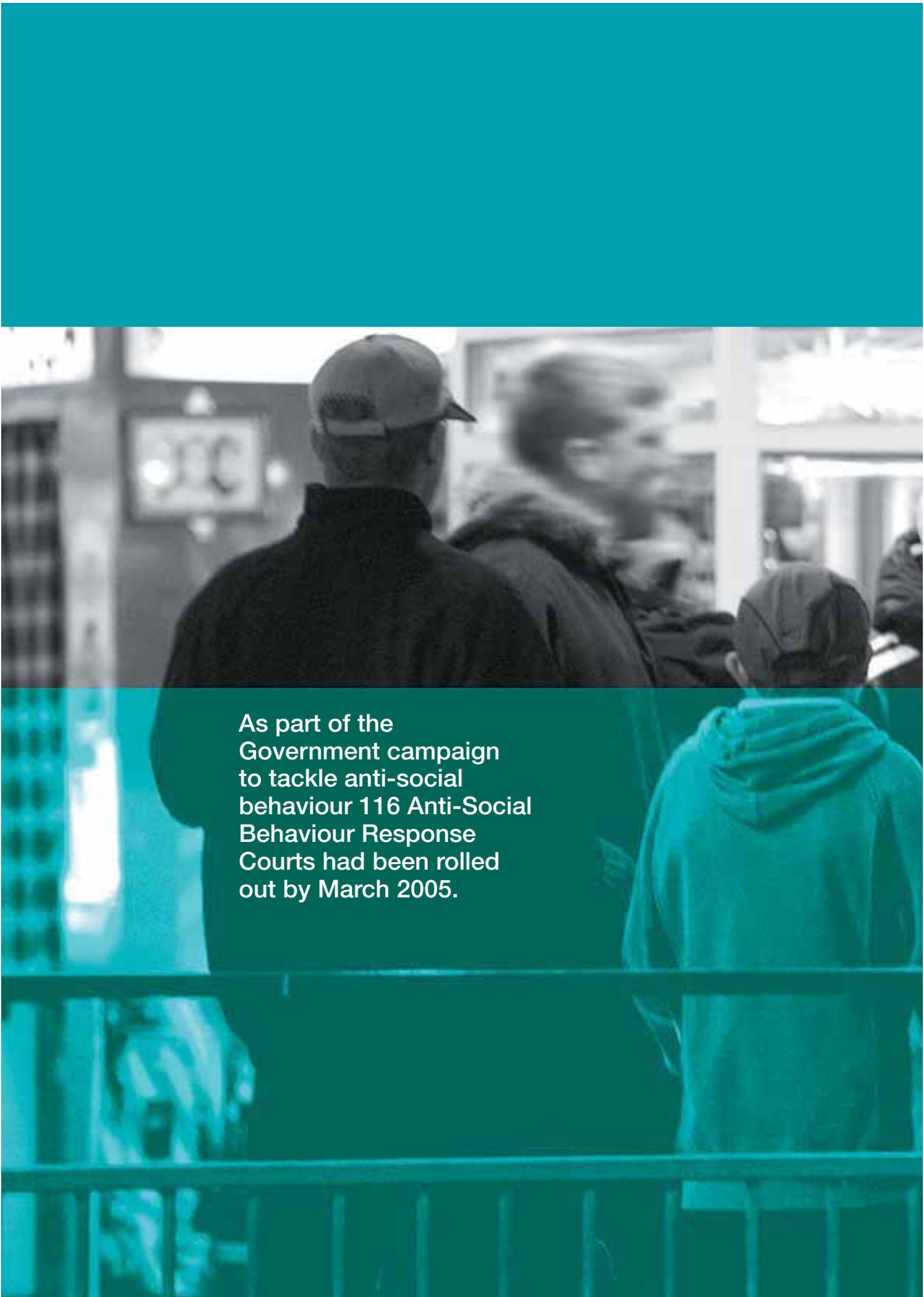
In year savings toward the criminal justice sub-target are projected to total £96 million or 5.1% of average annual criminal justice spend. For the DCA sub-target, projected savings total £136 million or 3.9% of average annual DCA spend.

In 2003/04 outturn against the criminal justice element of the target was £39 million or 2.1% of average annual criminal justice spend. For the DCA element, outturn was £28 million or 0.8% of average annual DCA spend.

The upward trend in savings is expected to continue in 2005/06.

<sup>6</sup> The £57 million per annum figure is indicative only and is not a target in itself.

<sup>7</sup> The £70 million per annum figure is indicative only and is not a target in itself.



As part of the  
Government campaign  
to tackle anti-social  
behaviour 116 Anti-Social  
Behaviour Response  
Courts had been rolled  
out by March 2005.

### 3 Reducing crime and anti-social behaviour



## Our role

**3.1** A key objective of the Criminal Justice System (CJS) is to reduce crime and anti-social behaviour and to make people feel safer. The DCA works closely with colleagues in the Home Office, the Crown Prosecution Service and the Office for Criminal Justice Reform and contributes to the work of Local Criminal Justice Boards to achieve these aims.

**3.2** A strategic plan for the CJS, *Cutting crime, delivering justice: A strategic plan for criminal justice 2004–08*, which sets out the shared vision for criminal justice reform, can be obtained at [www.cjsonline.gov.uk](http://www.cjsonline.gov.uk).

**3.3** DCA's role is set out in our *5-Year Strategy* which is available at [www.dca.gov.uk/dept/strategy/index.htm](http://www.dca.gov.uk/dept/strategy/index.htm). Joint Public Service Agreement targets for the CJS support this work.

**3.4** DCA plays a critical role in helping to achieve these goals by ensuring the fair, efficient and effective delivery of justice through the courts. Our approach focuses on preventing crime from happening in the first place, meeting the wider needs of victims and witnesses, and turning offenders away from crime.

## Bringing more offenders to justice

**3.5** The CJS has a target to bring 1.25 million offences to justice by 2007/08. This target was set in July 2004. The current performance is ahead of trajectory to meet this target.

**3.6** Since the year ending September 2001, there has been an almost continuous improvement in offences brought to justice.

**3.7** Measures that the Government has taken to increase the number of offences brought to justice include:

- setting up 42 Local Criminal Justice Boards to manage the CJS at local level by making the local agencies more joined-up
- improving the robustness of the prosecution case by introducing the Charging Programme
- improving the way that cases are managed across the CJS, for example through better IT systems
- giving more effective support for victims and witnesses, to encourage more of them to give evidence in court. From March 2005 each area in the country has a Witness Care Unit established to provide this support
- a number of projects in the Police Reform Programme aimed at improving police capacity and effectiveness in investigating crime and bringing offences to justice, e.g. strengthening forensic capability and targeting the most persistent and prolific offenders.

**3.8** DCA is working to:

- improve the management of courts' capacity and provide better judicial support
- improve the existing performance management framework and develop it further



## Office for Criminal Justice Reform

The Office for Criminal Justice Reform was created in July 2004 and is the cross-departmental team that supports all criminal justice agencies in working together to provide an improved service to the public. It is a shared resource reporting to the Home Office, DCA and Law Officers' Departments.

## Criminal justice system vision for 2008

A shared vision for criminal justice in 2008:

- The public will have confidence that the CJS is effective and that it serves all communities fairly.
- Victims and witnesses will receive a consistently high standard of service from all criminal justice agencies.
- We will bring more offences to justice through a more modern and efficient justice process.
- Rigorous enforcement will revolutionise compliance with sentences and orders of the court.
- The CJS will be a joined-up, modern and well-run service, and an excellent place to work for people from all backgrounds.





## A joined-up criminal justice system

Working together as a team, the police, the Crown Prosecution Service and the courts ensured a murderer was arrested, charged, tried and convicted in less than 4½ months.

On New Year's Eve 2003, a disturbance took place outside a pub in Leeds where a man was stabbed and subsequently died of his injuries. As a result of police enquiries a man was arrested together with two other people.

The man was subsequently charged with murder and the two other people were released without charge. The trial commenced on 17 May 2004 before the presiding judge. On 26 May, the man was found guilty of murder and on 27 May he was sentenced to life imprisonment with a recommendation that he serve 12 years. The jury had retired for only 50 minutes and returned a unanimous guilty verdict.



- reduce the proportion of ineffective trials in the courts through improved case management (cases being better prepared and trials better managed), and work closely with our partners in criminal justice (locally and nationally), and the Office for Criminal Justice Reform, to develop a joined-up approach to bringing offences to justice.

### Effective Trial Management Programme

**3.9** The primary aim of the Effective Trial Management Programme (ETMP) is to reduce the number of ineffective trials by improving case preparation and progression from point of charge through to trial or earlier conclusion. By increasing the certainty of trial or hearing dates, the programme is anticipated to improve public confidence in the CJS, particularly that of victims and witnesses.

**3.10** ETMP is designed to help local areas decrease their ineffective trial rates by targeting lack of prosecution or defence readiness, non-attendance at court by the defendant and problems due to court administration. It seeks to achieve this by:

- providing much greater clarity of the roles and responsibilities of all those involved in the preparation and progression of criminal cases (prosecution, defence, judiciary, etc)
- introducing a case progression function embedded across key criminal justice agencies and services. Presided over by the judiciary, 'virtual teams' of Case Progression Officers in the Crown Prosecution Service, police, magistrates' courts and Crown Court work closely with each other and with a nominated representative for the defence, actively preparing and progressing cases in and out of court

- encouraging defendants' attendance at court hearings, for example, by ensuring early communication with the defendant. This early communication will be coupled with improved enforcement procedures for non-attendance
- engaging the defence in formulating changes to case management and ensuring effective trial preparation and progression. Measures designed to secure this engagement include joint working and new incentives, such as judicial interventions.

**3.11** Results in the areas that have implemented these measures demonstrate significant reductions in ineffective trial rates. For example, in the Crown Court data for rolling quarter March 2005 shows percentage improvements of 9.8 per cent at Bedfordshire Local Criminal Justice Board since implementation in September 2003, and a 26.5 per cent improvement at Greater Manchester Local Criminal Justice Board since May 2003. In the magistrates' courts there has been a percentage improvement of 14.5 per cent in Greater Manchester since January 2004, and since September 2004 we have seen an improvement of 19.3 per cent in Merseyside. For the same period there has been a 19.7 per cent improvement in Humberside and 3.2 per cent in Nottinghamshire. Stakeholder confidence in and satisfaction with the changes remain high.

### Delivering justice efficiently and fairly

**3.12** We are increasing the capacity of the system by reducing the ineffective trial rate to 23 per cent in magistrates' courts and to 17 per cent in the Crown Court by 2005/06. We will further reduce the ineffective trial rate to 19 per cent in magistrates' courts and to 14 per cent in the Crown Court by 2007/08.

**3.13** To ensure further that there is sufficient capacity in the Crown Court, we have allowed for increased sittings. In the Crown Court the increase has been from 101,500 days in 2003/04 to 104,200 days in 2004/05.

**3.14** Similar procedures have been undertaken to increase capacity in the magistrates' courts. In the magistrates' courts the increase has been from 1,067,243 hours in 2003/04 to 1,085,948 hours in 2004/05.

**3.15** Further improvements have been secured in the Crown Court this year with 'overlisting'. Overlisting/floater not reached is when no courts are available for the hearing and the case cannot be heard on the date set for trial. In the Crown Court for rolling quarter March 2005 the current rate stands at 0.5 per cent and in the magistrates' courts at 1.4 per cent. In comparison with this for rolling quarter March 2004 the Crown Court rate stood at 0.7 per cent and at 1.2 per cent for the magistrates' courts. Work is currently under way to put in place similar measures for the magistrates' courts to improve performance.

**3.16** We regularly monitor the ineffective trial rate of individual courts and also of each of the Local Criminal Justice Boards. This has enabled us to work closely with local managers to establish the cause of any problems and identify remedial action.

**3.17** Nationally, the ineffective trial rate for 2004/05 (rolling quarter March 2005) is 14.4 per cent for the Crown Court and 22.7 per cent for magistrates' courts. The Crown Court is already exceeding the target rate for 2005/06, with both the magistrates' courts and the Crown Court beginning to make inroads into their 2007/08 targets.

## A Courts Service for the 21st century

**3.18** From 1 April 2005, Her Majesty's Courts Service has brought together both the Crown and magistrates' courts to develop a unified approach to performance issues, and will provide targeted support across all our criminal courts. This new unified courts service will aim to improve performance across the board.

**3.19** We have also established a new forum for streamlining and modernising procedures for all criminal courts in England and Wales. The Criminal Procedure Rule Committee includes judges and magistrates, legal practitioners and representatives of the users of the criminal courts, the police and voluntary organisations. For more information, visit [www.dca.gov.uk/dept/rulecomms/criminalprc.htm](http://www.dca.gov.uk/dept/rulecomms/criminalprc.htm).

**3.20** The Criminal Procedure Rules 2005, which came into force on 4 April 2005, have been designed to bring about a culture change in the management of criminal cases coming to the courts. Under these new Rules, everyone involved is made responsible for helping to make the case go ahead efficiently, under the supervision of the court. They give courts explicit powers actively to manage the preparation of criminal cases waiting to be heard, to get rid of unfair and avoidable delays; and to promote certainty about what is happening, for the benefit of everyone involved. Information about the Rules can be found at [www.dca.gov.uk/criminal/crimpr.htm](http://www.dca.gov.uk/criminal/crimpr.htm).



## Reducing ineffective trials

Working with the Office for Criminal Justice Reform and local managers, DCA has this year targeted support to 10 key underperforming Local Criminal Justice Areas. The chosen areas also make the largest contribution to the national target and will therefore have a greater impact on the performance figures. The success of this support has led to a noticeable improvement in the rate of ineffective trials. For example, the most recent data available to us (rolling quarter March 2005) shows approximately

a 31 per cent improvement in the ineffective trial rate during the last 12 months at Merseyside magistrates' courts. The Crown Court mirrors a similar story, with approximately a 50 per cent improvement over the same period. Also over the past 12 months, Greater London magistrates' courts have achieved improvement of approximately 23 per cent and are currently operating at their best performance rate since data collection began.

## Improving public confidence

**3.21** A crucial factor in the success of the CJS is the level of confidence that the public has in the system. We work with others in the CJS to improve public confidence in the system, including that of ethnic minorities, and aim to increase year on year the satisfaction of victims and witnesses, while respecting the rights of defendants.

**3.22** Our principal activities to deliver these goals centre around victims and witnesses, community justice, specialist courts, fine enforcement and engagement with Black and Minority Ethnic communities.

### Victims and witnesses

**3.23** Every victim or witness of crime needs to know they will be supported and protected through the process of helping to bring an offence to justice.

**3.24** We are improving witness facilities in criminal courts in order for people to feel more confident in coming forward and giving evidence. In December 2004, we announced that there will be separate waiting areas for witnesses in all Crown Courts and 90 per cent of magistrates' courts by 2008. This is so that witnesses can wait in a comfortable environment without fear of meeting the defendant or the defendant's supporters. In addition, 75 per cent of magistrates' courts will have video links that will enable witnesses to give evidence in a more flexible way.

**3.25** The 'No Witness No Justice' project introduced dedicated Witness Care Units across England and Wales in all 42 criminal justice areas from March 2005, with full coverage to be completed by December 2005. These units bring police and the Crown Prosecution Service together to meet jointly the individual needs of victims and witnesses. Information from the No Witness No Justice project will be used

to ensure that the needs of the witness when at court are met. Courts will provide accurate and timely information to the No Witness No Justice project for the Witness Care Units to keep the witness informed of the progress/outcome of the case. We have drafted a toolkit providing guidance for practitioners, which is designed to improve the victim and witness experience of going to court.

**3.26** March 2004 saw the successful conclusion of a programme to install video links for vulnerable and intimidated witnesses in 85 Magistrates' Youth Courts in England and Wales. The programme focused on the principle of linking the Youth Court to a vulnerable and intimidated witness suite, which in all but one instance was located in the same building.

**3.27** DCA has embarked on a further programme to install video links in magistrates' courts, this time for adult witnesses. 64 magistrates' courthouses have been included in the rollout and 26 Crown Court Centres will also receive equipment. A further 21 remote links, similar to the link installed at Leicester (see case study opposite), will be installed in the magistrates' courts, providing a good national spread and a stronger movement toward alleviating witness intimidation. Each of the 26 Crown Court installations will receive equipment that will enable them to communicate between themselves and remotely (where similar remote equipment exists). This rollout of links in the Crown and magistrates' courts was completed at the end of the financial year 2004/05.

**3.28** There is now a national coverage of 75 per cent of magistrates' courts with video link equipment, with 269 of the 355 magistrates' courthouses in England and Wales now having video links.



## Video link Leicester Youth Court

This installation is linked to a vulnerable and intimidated witness room located in the Victim Support Office, a quarter of a mile away from the court. The Leicester Youth Court link is unique to the project in that the vulnerable and intimidated witness room is not in the courthouse but in the Victim

Support Office and linked through a British Telecom ISDN link. This is the first of its kind, not only in the programme but also in any Youth Court in England and Wales, and will work towards a decrease in ineffective trials, as the prospect of witnesses meeting defendants, or defendants' families or friends will be removed.

## Community justice

**3.29** We play a key role in the work of the 42 Local Criminal Justice Boards in England and Wales ([www.cjsonline.org.uk/working/lcjb.html](http://www.cjsonline.org.uk/working/lcjb.html)) and are involved in developing plans locally to enable wider community involvement in the justice process. Local Criminal Justice Boards have a responsibility to engage with a wide range of communities, particularly those Black and Minority Groups that might be hard to reach.

**3.30** In October 2004 DCA announced a new programme of work – *Supporting Magistrates to Provide Justice*. The programme marks a significant shift in the relationship between the Government and the magistracy.

**3.31** The aim of the programme is to see our magistrates' courts:

- better connected to their communities
- more respected and their orders obeyed
- more effective at what they do.

**3.32** The programme is also working to ensure a recruitment and retention strategy that will see a magistracy that reflects the community it serves.

**3.33** We contacted every magistrate in England and Wales, seeking their views on how the magistrates' courts can be made more connected, effective and respected. A Response Paper to this work was published in March 2005, as well as the National Magistrates Recruitment Strategy – Implementation Paper. We are continuing to investigate the outcomes of the Supporting Magistrates to Provide Justice Response Paper with a White Paper due later in the year.

**3.34** We are working with the Home Office and Crown Prosecution Service on the development of innovative community justice initiatives. The first pilot being implemented is the North Liverpool Community Justice Centre, which is designed to tackle anti-social behaviour and quality-of-life crime by dealing with the underlying causes of offending, not just the crime committed by an individual. The Community Justice Centre will be more than a courthouse: it will be a key focus for access to services for the local community, and will integrate justice into the community by involving local people in the system and giving them a voice about its priorities. The overall aims include a reduction in offending and an increase in public confidence in the justice system.

**3.35** The Community Justice Centre will not only tackle anti-social behaviour through the court, but will work to divert people away from crime through intervention and diversionary activities and the other services that it will provide access to. The Community Justice Centre, and the problems it deals with, will be responsive to community priorities. Through Community Advisory Panels, there will be a forum for the local community to voice its opinions and views to the Community Justice Centre team. The Community Justice Centre will open and be fully operational later in 2005. The results of this pilot, which is due to finish at the end of 2006, will feed into the continuing development of community justice. The second community justice initiative is being developed in Salford. This will test how to mainstream aspects of community justice in the wider court system. The Salford Community Justice Initiative will integrate the problem-solving approach to tackling crime and anti-social behaviour into the magistrates' court system whilst working to provide the local community with the support services it needs.



## Offering offenders support

From 9 December 2004, the Community Justice Court, presided over by His Honour Judge David Fletcher (above), began hearing cases from the interim site of a refurbished courtroom in Liverpool Magistrates' Court. Judge Fletcher and his problem-solving team (including the Crown Prosecution Service, police, Youth Offending

Teams, court staff, legal representatives and Probation) are working to deal with the underlying problems of offending, not just the crime itself, by offering offenders support such as debt advice. The Judge will also be able to monitor compliance with sentences and bring anyone who fails to comply back into his court.



### Specialist courts

**3.36** As part of the Government campaign to tackle anti-social behaviour, we worked with magistrates' courts in 12 priority areas to develop and launch Anti-Social Behaviour Response Courts in July 2004. By March 2005 that approach had been rolled out to 116 magistrates' courts right across the country and lessons learnt had been distributed to all magistrates' courts.

**3.37** The precise nature of a Response Court varies according to local needs; however, the hallmarks of the courts are:

- a commitment to dealing with anti-social behaviour cases quickly and effectively
- awareness of what causes concern to local communities
- responsiveness to other local agencies (including consideration of specialist anti-social behaviour sessions where that is appropriate)
- a commitment to witness care and ensuring magistrates are properly trained to deal with anti-social behaviour cases.

**3.38** This step change in the courts' response to crime and disorder has intensified, as by March 2005 a total of 116 magistrates' courts had committed to working as Anti-Social Behaviour Response Courts.

**3.39** The Anti-Social Behaviour Response Courts send out a visible signal to communities that they will deal with behaviour that causes concern to local communities. Magistrates represent and serve their communities and are therefore in a powerful position to respond appropriately to what matters to local people.

**3.40** We are introducing specialist drug courts to focus on tackling misuse of drugs.

**3.41** Drug dependency is often a key factor in the offending behaviour of prolific offenders. Close involvement of the court, such as in sentence review of drug treatment, can play a significant role in successful rehabilitation.

**3.42** Pilots of specialist panels in the magistrates' court to review progress on Drug Treatment and Testing Orders have already been running in Nottingham, Bristol and the Wirral. Evaluation, completed in October 2004, found them to be a success and we plan to extend use of such panels in 2005.

**3.43** We will also develop a model for a full drug court and commence pilots where the court works with other agencies to intervene at an earlier stage to identify offenders who misuse drugs and start action to address the addiction.

**3.44** Information relating to Domestic Violence Courts can be found in Chapter 5.

### Enforcement

**3.45** The effective use and subsequent enforcement of financial and non-financial penalties is crucial to maintaining confidence in the CJS. We have worked with magistrates' courts in England and Wales and their partners in Local Criminal Justice Boards to deliver sustained improvement in enforcement performance and an effective enforcement process, which will uphold the authority of the courts and send a clear message to offenders that disregard for the orders of the court will not be tolerated.



## Courts responding to anti-social behaviour

*Speed* – making every effort to avoid delay and being quick to respond to the circumstances of the case.

In Lancashire and Kent designated legal advisers act as ‘gatekeepers’ to receive applications and case manage contested applications.

In South Wales the Crown Prosecution Service serves evidence and a draft order one week before the hearing, which enables the court to identify where Anti-Social Behaviour Orders may be made, and ensure listing before a bench that has received training.

Norfolk Square in Brighton was a hot spot for street drinkers and was targeted through inter-agency co-operation. In that area five street drinkers were targeted by the police

and local authority. Brighton Magistrates’ Court (an Anti-Social Behaviour Response Court) imposed Anti-Social Behaviour Orders on three of these, and following the commencement of proceedings the two others agreed to enter treatment/rehabilitation. Following this concerted work, the problems have declined significantly with far fewer drunk and disorderly charges from that area.

*Working with local agencies* – in order to respond to their needs and ensure communication and co-operation.

All areas draw on user groups, either existing or special Anti-Social Behaviour Groups, as a forum to discuss issues and to improve communication and understanding.

## Courts responding to anti-social behaviour (continued)

Brighton holds a dedicated Anti-Social Behaviour Response Court on a regular basis for civil Anti-Social Behaviour Order applications.

*Witness support* – taking special care to ensure intimidation does not take place.

In Manchester Salford Court Witness Service works with the local authority services to ensure witnesses receive a joined-up approach to witness care.

South Yorkshire has produced an information leaflet specially designed for witnesses in Anti-Social Behaviour Order cases.

*Training and awareness* – to ensure courts are properly trained and understand the concerns of their local communities.

West Midlands, Sunderland and Croydon magistrates and court staff have attended a joint training event with the Crown Prosecution Service and the police.

As well as gaining information about local concerns from court user groups and local discussions, a Deputy Bench Chairman in Avon and Somerset sits on a Police Authority committee and attends Crime and Disorder Reduction Partnership group meetings. Information is disseminated to magistrates through meetings, conferences and newsletters.

**3.46** The key performance indicator for financial penalty enforcement is the payment rate. Significant progress has been made in raising the profile of court fines as an effective penalty and to improve performance levels. In 2004/05 payment rate performance reached 80 per cent, exceeding the target of 78 per cent. £10 million more was collected than in 2003/04. The overall position is encouraging and indicates that the focus on enforcement is delivering results.

**3.47** Local Criminal Justice Boards have been set enforcement targets in four areas for 2005/06:

**3.48** Her Majesty's Courts Service enforcement programme is in place to deliver in this important area and is made up of two main strands of work focusing on:

- targeted support and improvement initiatives for magistrates' courts that are performing poorly, as well as provision of support to others
- longer-term business redesign.

Financial penalties	<p>To achieve an average national payment rate for financial penalties of 81% of the total amount (in £) imposed in a given period against the amount collected and cancelled.</p> <p>Payment rate – defined as the amount paid into courts as a percentage of new amounts owed, over a specified period of time (month, quarter, year to date).</p>
Community penalties	<p>To achieve an average time of 35 working days from second unacceptable breach of a community penalty to resolution of the case.</p> <p>To resolve 50% of breaches of community penalties within 25 days of a second unacceptable breach.</p>
Asset Recovery	<p>To secure 2,200 confiscation orders worth £68 million.</p> <p>To reduce the outstanding balance rate to 50% for confiscation orders made under the Proceeds of Crime Act 2002.</p> <p>To reduce the number of collectable outstanding orders over twelve months old by 25%.</p>
Fail to Appear Warrants	<p>To reduce the absolute number of unexecuted Fail to Appear Warrants.</p>

**3.49** The programme has already successfully delivered against several key milestones:

- A positive final evaluation of national and local fine enforcement pilots has been conducted, and a new package of enforcement measures was launched on 3 January 2005, to be rolled out nationally during 2005/06. These include:
  - the wider use of Attachment of Earnings and Deduction from Benefit Orders
  - a new role of Fines Officers within magistrates' courts
  - a new offence of not providing the court with information on financial means
  - further sanctions of clamping vehicles and registration on the new Register of Judgements for persistent defaulters
  - for those who are genuinely unable to pay, discharge of fines through fines payment work.
- The Government approved further development and introduction of the National Enforcement Service, with a view to implementation in 2007/08. The objective of the Service is to maximise the effectiveness of all those involved in compliance and enforcement, and to create a highly visible, professional and collaborative enforcement squad.
- Improved information sharing arrangements with other Government departments and agencies have been introduced to help trace defaulters:
  - Magistrates' courts were provided with access to the Equifax credit reference agency database in September 2004, resulting in persistent offenders being traced and brought to justice.
  - An electronic system for submitting tracing requests to the Department for Work and Pensions was rolled out to magistrates' courts in November 2004.
  - Stand-alone secure dial access to the Police National Computer was rolled out to 10 (out of 42) magistrates' court areas by the end of 2004. Full rollout to all areas is expected by Summer 2005.
  - In August 2004 a national protocol was introduced setting out the 'minimum standard of information' that prosecutors should provide to the court at summons stage.
- The level of deductions from benefits was increased to £5 from £2.80 from 18 December, which will help recover fines more quickly.
- Ongoing support has been targeted to selected magistrates' courts to drive up payment rate and support improved enforcement performance.
- Joint working has been undertaken with the National Offender Management Service and the Home Office on a programme of work to improve Community Penalty Breach Warrant and Confiscation Order performance.

# FINE-DODGERS: WE'RE COMING TO COLLECT.



## Operation Payback 2

Operation Payback 2, a second nationwide fine enforcement blitz, was undertaken in November 2004 by magistrates' courts in partnership with police forces and other CJS partner agencies. The operation was supported by a comprehensive national media and advertising campaign. Results show that the initiative was a resounding success, delivering a positive impact on the payment rate of over £1.7 million.

The operation generated positive publicity, which has helped drive home the message that fines must be paid. Much of the success of Operation Payback 2 derived from the high visibility of the scheme, and the fact that the police and the courts were giving enforcement the utmost priority.

### Key results were:

- Total amount collected increased by 136 per cent in Operation Payback 2 exceeding the success of Operation Payback 1 (March 2004).
- Collections for the month of November were £0.5 million higher than the average monthly collections for the previous six months.
- All Magistrates' Court Committees participated in the initiative.
- A strong, clear message was sent to defaulters that financial impositions have to be paid.
- Positive publicity was generated for the CJS.
- Partnerships between different agencies continued to be strengthened: relationships are being developed between courts, the police, the Department for Work and Pensions and many other partners, resulting in improved support and information sharing.

### Black and minority ethnic confidence

**3.50** DCA, in partnership with Operation Black Vote, runs the Magistrates Shadowing Scheme. Over 100 people from Black and Minority Ethnic communities have been chosen to shadow a pair of magistrates for six months. They accompany their mentors at court sittings and also visit a Crown Court and go on prison visits. A weekend seminar 'A Judiciary for All' informs and educates the shadows about all aspects of the CJS. The third scheme is being run in 2005.

### Justice Awards

**3.51** The Justice Awards 2004 were organised by the Office for Criminal Justice Reform with the support of DCA, to recognise the diverse achievements of those working within the CJS, such as helping victims of crime, working with offenders or engaging with local communities. Snaresbrook Crown Court won the innovation award for Exchanging Hearing Information by Internet Technology (Xhibit), which provides instant access to court information to everyone involved in the justice system. Humberside Crown and magistrates' courts staff were part of a multi-agency operation which scooped the partnership award for stamping out drug dealing in Hull.



## New technology and court modernisation

**3.52** We are currently on course to deliver a number of information technology initiatives which will enable Her Majesty's Courts Service and DCA to deliver the Government's aim of providing a modern, joined-up, IT-enabled CJS.

### Wired-up court centres

**3.53** LINK infrastructure provides hardware and network access for 78 Crown centres, enabling the courts to use the latest technologies to deliver a more modern customer-focused court service. The new infrastructure is needed to provide users with desktop information technology facilities. A key feature for users is

**3.54** The Libra Project will provide a joined-up information technology system for the magistrates' courts. Libra has already put information technology into all magistrates' courts, which were using a range of outdated systems to process around 2 million defendants every year. The system is required to provide court users with modern and standardised case management software that will help them improve the way they work and serve their customers, while also forming a platform to build on for the future. The project will standardise the information technology used in courts and provide new and improved links (interfaces) with other agencies. This will include linking with the police through the CJS Exchange.

**3.55** Eplanner will provide an electronic application to enable list officers in the Crown Court to plan the listing of trials and support the case management process. It will replace all the existing paper-based



connection to the Government Secure Intranet. This will provide secure email facilities within the CJS, creating a wider network for communicating with customers, colleagues within headquarters and other courts, and Government agencies and practitioners. By March 2005, LINK had been rolled out to 92 per cent of 112 Crown Courts. The LINK roll-out programme is on course to be completed by March 2006.

systems currently in use. It will support List Officers in matching trials with the availability of resources, such as court rooms, court time, staff and other listing requirements, for example video links. It is required to improve timeliness targets and communication so that access to listing information is more widely available to court staff and the

judiciary. Eplanner is currently being piloted in three different sized courts and, following evaluation, will be referred to the Assurance Board for approval to roll out.

### Secure email

**3.56** Secure email enables speedier transfer of information within the criminal justice community. The Secure Email Service is designed to be a step towards electronically joining up the CJS in England and Wales. It allows criminal justice organisations with government secure internet (gsi) or similar accredited systems to securely communicate sensitive information. Criminal justice practitioners and other organisations such as Youth Offending Teams and Witness Service can also join the system by means of a special internet connection (cjsm.net) which encrypts emails. Use of secure email in the criminal justice community is not yet embedded as 'business as normal' and work to promote and extend its use continues.

### Right people, right place, right time

**3.57** Exchanging Hearing Information by Internet Technology (Xhibit) will deliver electronic sharing of hearing-related information, with additional functionality to include interfaces with the CJS Exchange, which has the capability to display courtroom lists and case progression, deliver results and select orders electronically. Alerts via mobile phones, email and pagers to interested parties (including victims, witnesses and criminal justice agencies and partners) support the immediate notification of results. The system is needed to act as a technology platform to link information technology systems across the CJS so as to transport data from one system to another. Following the successful pilot at Snaresbrook Crown Court, national roll-out commenced in December 2004. Xhibit 2 has now been rolled out to 39 Crown Court centres.

### Prison video links

**3.58** Prison video links have been installed in 30 Crown Court centres and 154 magistrates' courts. The links enable defendants to give evidence from prison, thereby reducing: the need to transport prisoners; the associated disruption to prisoners; and cost and safety risks. The links are required to enable Her Majesty's Courts Service to implement section 57 of the Crime and Disorder Act 1998, where defendants in custody remain in prison and appear for preliminary court hearings over video links. The facility is also made available to the Probation Service to prepare pre-sentence reports, and to counsel for conferences with defendants. This initiative has been well received by the judiciary.

### Fair and effective justice for all

**3.59** Legal aid helps defendants to get advice and ensures fair and equal justice. Criminal Defence Service Funding enables people to defend themselves against criminal accusations, where the interests of justice require that they get help doing so, at public expense. This is important, since people need to be confident not only that those who have committed offences are brought to justice, but also that those who are innocent, or against whom cases cannot be proved beyond reasonable doubt, are acquitted.

**3.60** Proposals have been developed to halt the rising costs of criminal legal aid and prevent any potential erosion into the civil legal aid budget, with the serious implications that would have for the wider fight to tackle disadvantage and social exclusion.

**3.61** In May 2004, and following an extensive consultation exercise, the Government introduced a series of measures aimed at focusing legal aid on where it was needed most. The Criminal Defence Service Bill was introduced early in the first session of the new Parliament and will, if enacted, help bring the cost of legal aid under control by introducing a new means test for criminal legal aid and transfer the authority for the grant of this right to representation to the Legal Services Commission. These two measures together would bring greater consistency, better control over grant, a quicker reaction to changes within the CJS and better management information.

**3.62** These powers will:

- help control the cost of legal aid by having better control over grant
- focus the limited resources available for funding more closely on the people who need them most
- bring estimated savings of around £35 million a year
- ensure that those who can pay for their own legal defence should pay.

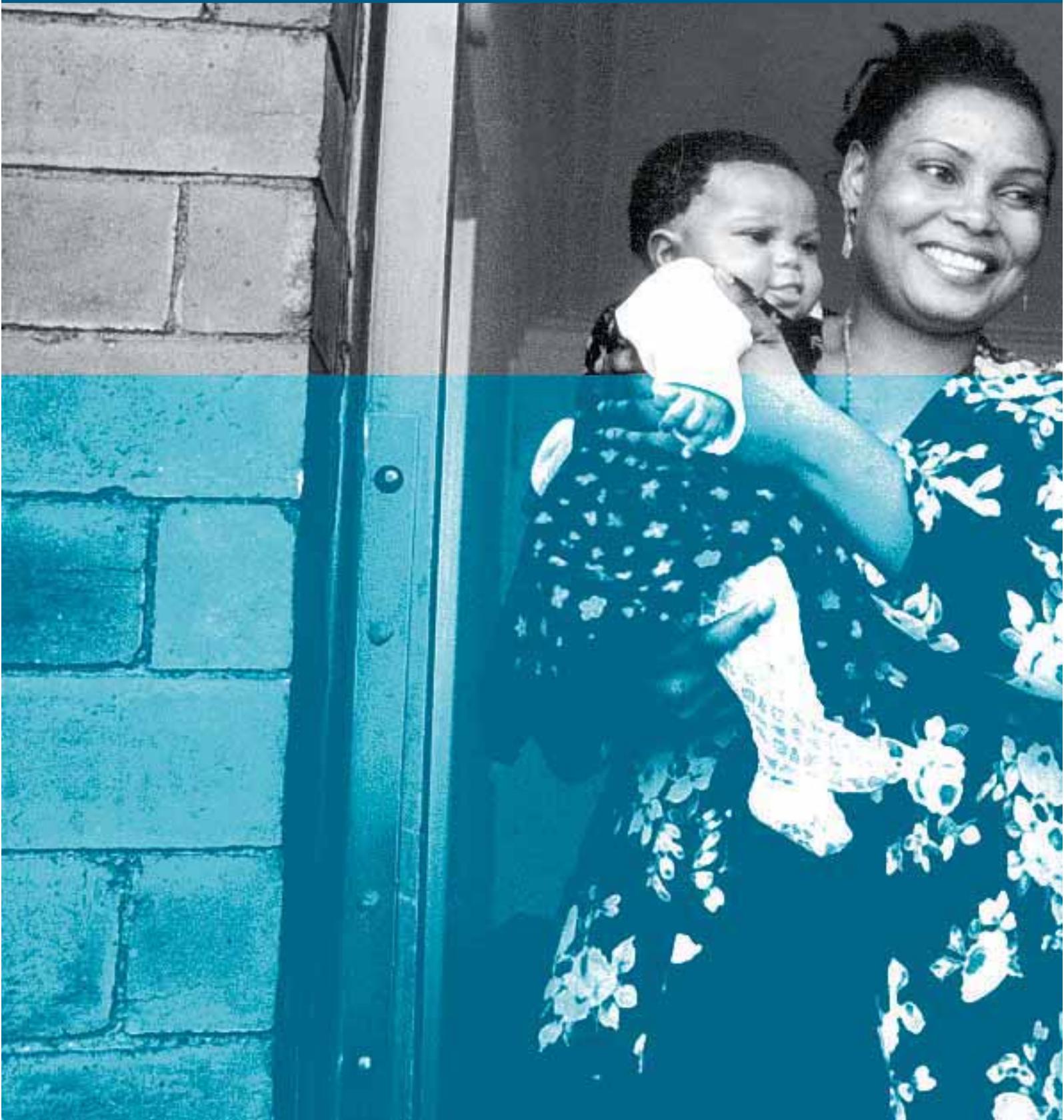
### **Fundamental Legal Aid Review**

**3.63** The Fundamental Legal Aid Review, announced in May 2004, has been concerned with developing proposals that will improve outcomes for those who need publicly funded legal services and will deliver them in the most efficient way for the taxpayer.

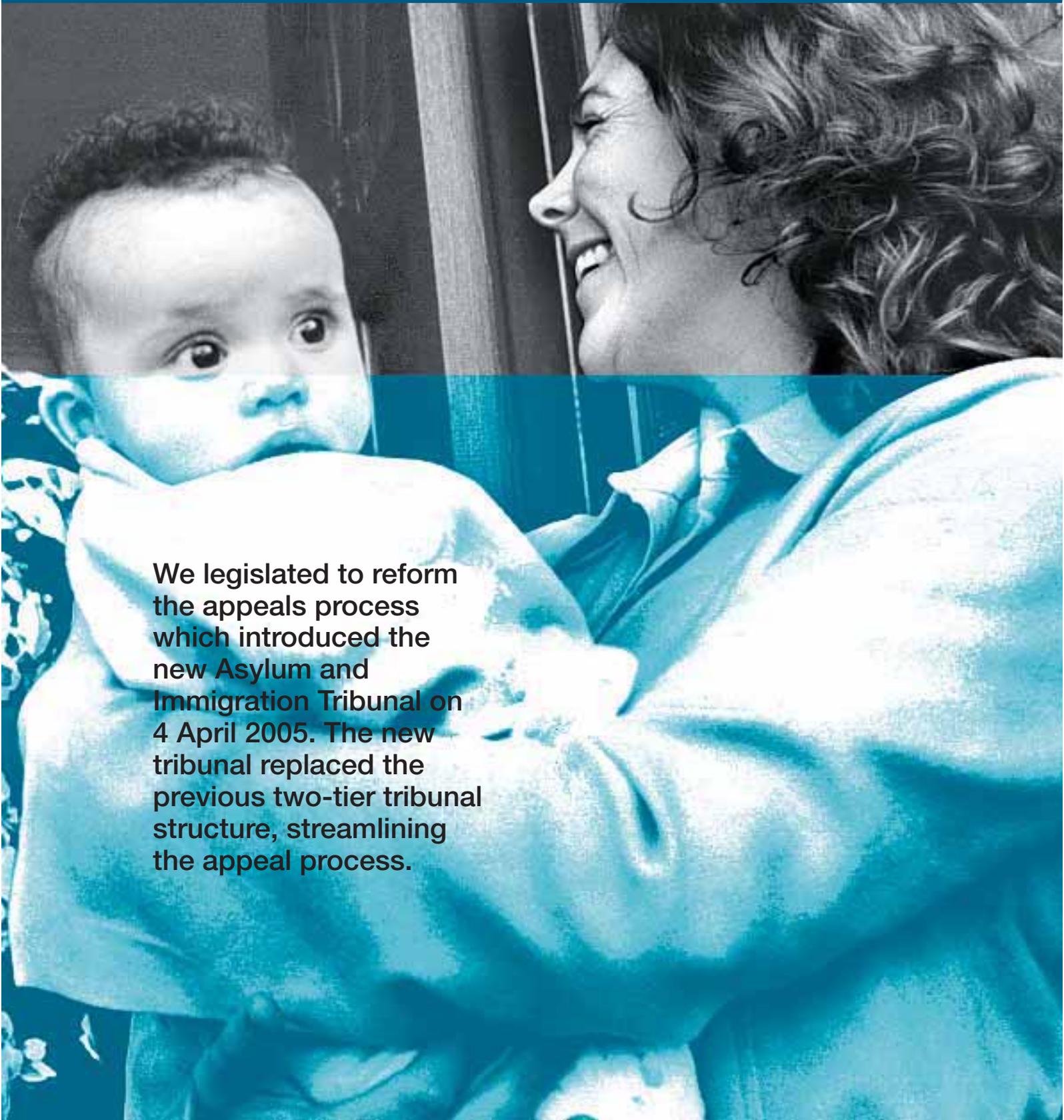
**3.64** The Review has been concerned with a range of issues relating to the CJS, including:

- tackling high-cost cases
- closer working between courts and the criminal defence service to reduce wasted time and money
- getting more early criminal case disposals
- increasing value for money in purchasing criminal legal aided service.

**3.64** Further announcements on how the Review's findings are to be implemented will be made during 2005/06.



## 4 Speeding up asylum and immigration appeals



We legislated to reform the appeals process which introduced the new Asylum and Immigration Tribunal on 4 April 2005. The new tribunal replaced the previous two-tier tribunal structure, streamlining the appeal process.

## Our role

**4.1** The Government's vision is that migration is managed to benefit the United Kingdom while preventing abuse of the immigration laws and of the asylum system. We support this vision through our priority to speed up the asylum and immigration appeals system as part of delivering a fast, fair and efficient overall process.

**4.2** We will deliver our priority by:

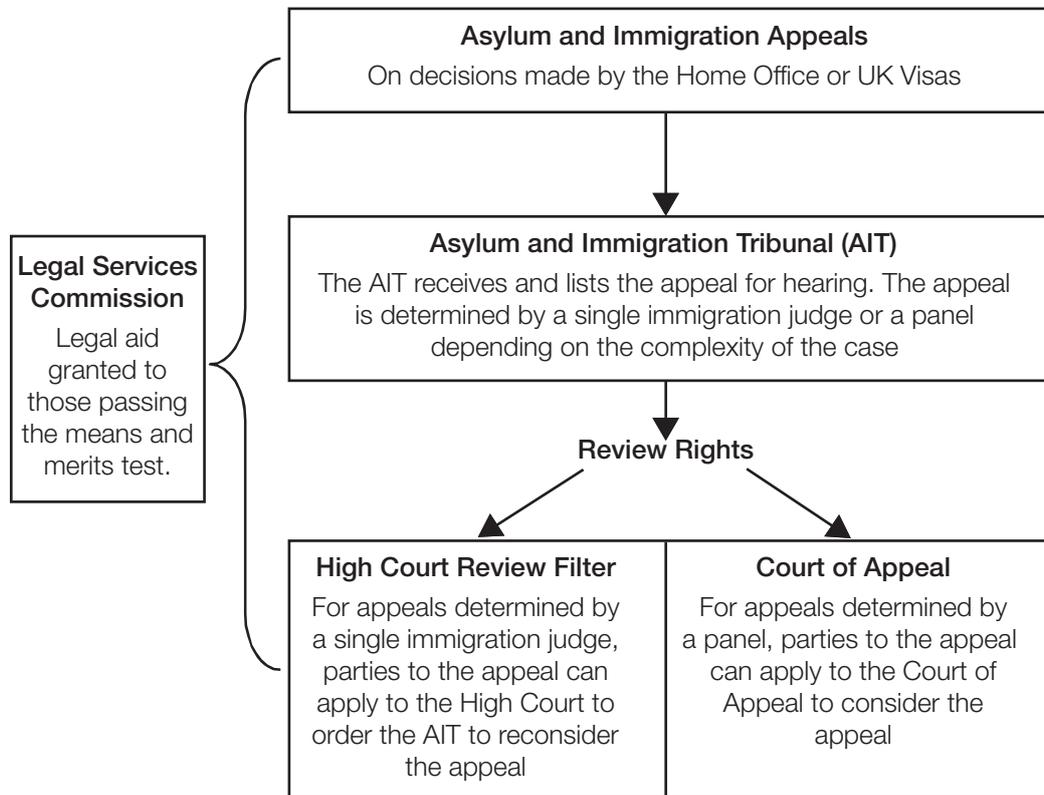
- continuing to provide a fair, just and independent appellate system that provides early resolution for all those with a genuine case for appealing
- ensuring asylum seekers and immigrants have the necessary and proportionate professional support to make their case (legal and other expertise)

- controlling abuse through fast, flexible and robust processes that deter unfounded applicants.

## The process

**4.3** The Asylum and Immigration Tribunal (AIT) and new system of higher court oversight were introduced on 4 April 2005, replacing the previous two-tier tribunal structure.

**4.4** This new appeals process formed part of the Government's wider political strategy on asylum and immigration. The creation of the new tribunal was a joint initiative between DCA and the Home Office to streamline the appeals process and improve the quality of the end-to-end system.



## Performance and delivery so far

### Spending Review 2002 PSA Target 5

4.5 PSA Target 5 for the Spending Review 2002 period (joint with Home Office) is:

*Focus the asylum system on those genuinely fleeing persecution by taking speedy, high-quality decisions and reducing significantly unfounded asylum claims, including by:*

- *fast turnaround of manifestly unfounded cases*
- *ensuring by 2004 that 75 per cent of substantive asylum applications are decided within two months, and that a proportion, including final appeal, are decided within six months*
- *enforcing the immigration laws more effectively by removing a greater proportion of failed asylum seekers.*

4.6 DCA contributes directly to the measure **“a proportion, including final appeal, are decided in six months”**.

4.7 For year ending March 2004 the proportion target was 60 per cent. This was exceeded, with 64 per cent of applications decided within six months. Three supporting targets underpin this PSA measure, DCA's supporting target being *“to ensure 65 per cent of appeals from receipt of appeal at Immigration Appellate Authority<sup>1</sup> to adjudicator determination are completed in 12 weeks”*. This target was exceeded, with 74 per cent of appeals determined within 12 weeks.

4.8 For year ending March 2005, the proportion target is 65 per cent. The full year performance will be in October 2005. DCA's supporting target is *“to ensure 75 per cent of appeals from receipt of appeal at Immigration Appellate Authority to adjudicator determination are completed in 12 weeks”*. We are on track to achieve this target, with current year-to-date performance at 76 per cent. The full year performance for the year ending March 2005 will be available in August 2005.

### The Asylum and Immigration (Treatment of Claimants, etc.) Act

4.9 The Asylum and Immigration (Treatment of Claimants, etc.) Act received Royal Assent on 22 July 2004. The Act introduced the new Asylum and Immigration Tribunal (AIT), in place of the previous two-tier tribunal structure. It also introduced a new system of higher court oversight and a regulation-making power for new legal aid arrangements. This package of measures will streamline the process, prevent abuse of the system and ensure cases reach earlier finality. By comparison with the previous 65 week period that it could take for an application to be processed from receipt by the Home Office through to promulgation of the Immigration Appeal Tribunal's<sup>2</sup> decision, corresponding timescales under the new process reduced this by at least half. These reforms were implemented on 4 April 2005 along with new rules that govern the procedures and changes to the composition and titles of the judiciary.

<sup>1</sup> The Immigration Appellate Authority was replaced by the Asylum and Immigration Tribunal on 4 April 2005.

<sup>2</sup> The Immigration Appeal Tribunal was the second tier of the Immigration Appellate Authority now replaced by the Asylum and Immigration Tribunal.

## Legal aid

**4.10** Legal aid reforms have been introduced to deliver access to justice more effectively in the interests of both users and taxpayers. The main reforms include:

- a financial threshold of five hours for the initial decision-making process, which can only be exceeded with prior authority of the Legal Services Commission
- measures to ensure no legal aid work is undertaken in asylum appeal cases without prior approval from the Legal Services Commission
- removal of Home Office interviews
- introduction of accreditation for all lawyers and caseworkers doing legally aided asylum and immigration work.

**4.11** These reforms have contributed to reducing the cost of asylum legal aid by over £70 million in 2004/05.

## Future programme of work

**4.12** The 5 Year Strategy for asylum and immigration, announced in February 2005, sets out a wide-ranging programme of measures to deliver the Government's vision.

**4.13** The Department plays a key role in delivering this vision and the new Spending Review 2004 PSA Target 3 "to reduce unfounded asylum claims as part of a wider strategy to tackle abuse of the immigration laws and promote controlled legal migration".

**4.14** The future programme of work includes:

- further legal aid reforms: introduction of compulsory accreditation for all lawyers and caseworkers doing legally aided asylum and immigration work. This will ensure that high quality advice is being provided by suppliers of publicly funded legal services and ensure that taxpayers' money is properly used to protect the genuine interests of immigrants and asylum seekers
- working jointly with the Home Office in reviewing appeal rights for certain family visit visa cases, to discourage speculative appeals. We will also consider reviewing the right to an oral hearing for family visit visa appeals and whether to charge for these appeals
- working jointly with the Home Office to expand fast track processes by adding a detained fast track process for single females at Yarl's Wood to the existing Harmondsworth detained fast track for single males
- working jointly with the Home Office to introduce a new asylum model with more tightly managed processes for all new asylum applicants. The new model will include:
  - a new screening process that is better able to move asylum applicants through a multi-processing track tailored to the characteristics of their claim
  - an end-to-end case management process with specialist case management teams having ownership throughout the system, from when the asylum claim is first made right through to either integration or removal.

## Joint working

**4.15** The 2003/04 PSA target (jointly held with the Home Office) for asylum was “to ensure 60 per cent of new substantive asylum applications are decided (including final appeal) within six months”. The target was exceeded, with 64 per cent of applications for the period decided within six months.

**4.16** A governance structure facilitated the collaborative working across government, which was a key enabler in achieving the

target. A Joint Asylum Decisions and Appeals Sub Programme Board, with joint Senior Responsible Owners for the programme of work, monitored delivery of the target on a monthly basis. A Delivery Working Group, comprising DCA, the Home Office and the Prime Minister’s Delivery Unit (PMDU) officials, met fortnightly to discuss performance in detail and provided monthly updates to the Sub Programme Board.

**4.17** The following table illustrates the speed and performance measures which contributed towards achieving the target.

	Home Office – Immigration Nationality Directorate		DCA	
Delivery areas	Asylum Casework Directorate	Appeals Processing Centre	Immigration Appellate Authority	Legal Services Commission
Process component	Applicant screened, interviewed and served with the initial decision	Appeal paperwork prepared and bundle sent to Immigration Appellate Authority	Management of the two-tier appeal process at adjudicator/tribunal (subject to permission to appeal) stages	Management and provision of legal aid for cases passing means and merits test
Speed	Fast decisions: 82% of applications were decided and served within two months	Fast processing: Bundles sent to Immigration Appellate Authority within 14 days and 28 days of appeal receipt	Fast turnaround: 74% of appeals decided within 12 weeks of receipt of appeal	Fast funding: Controlled Legal Representation enables Legal Services Commission to decide funding for meritorious cases
Quality	Higher quality – over 80% of asylum decisions sampled assessed as fully effective or better by both internal and external assessors	Quality – thorough preparation of appeals paperwork to avoid unnecessary adjournment of cases	Quality – comprehensive training for all new adjudicators and lay members. Increased use of new technology	Quality – quick turnaround of funding decisions to avoid adjournment of cases due to lack of funding

**4.18** The following boxes illustrate the contribution made by the Immigration and Nationality Directorate, the Legal Services Commission and the Immigration Appellate Authority to the process described in the table above.

#### **Immigration and Nationality Directorate**

The speed and quality of the initial decisions was made possible through improvements in the training and feedback provided to caseworkers. Also, the use of fast track processes contributed to the quick turnaround of asylum applications, appeals and improved removals. The use of fast track procedures required close cross-departmental working which was made possible by co-locating detention to hearing centres.

The Immigration Appellate Authority and the Immigration and Nationality Directorate work very closely together in order to maximise the number of cases through the appeals system that is sensible with the resources available to both departments.

#### **Legal Services Commission**

Controlled Legal Representation, where the Legal Services Commission decides funding for meritorious cases, ensured quicker funding decisions in legally aided asylum work.

#### **Immigration Appellate Authority**

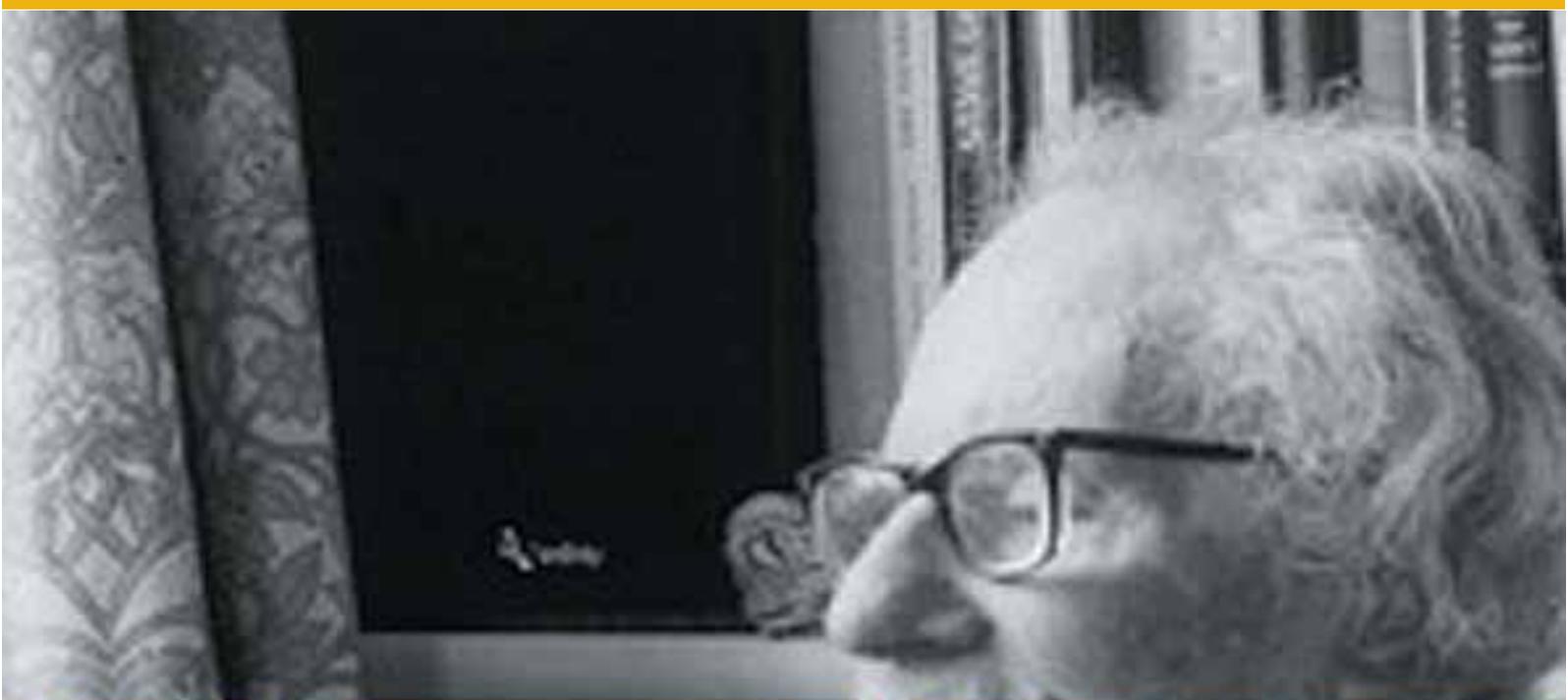
The improved turnaround of asylum appeals was made possible through the rapid expansion of the capacity at the Immigration Appellate Authority such as increase in hearing venues and recruitment of additional staff and members of the judiciary. Similarly, the Home Office recruited additional caseworkers and presenting officers and provided the necessary training.





**Our role is to widen access to justice so that vulnerable people – children, victims of domestic violence and people who lack mental capacity – can exercise their rights and solve their problems.**

## 5 Protecting the vulnerable



## Our role

**5.1** The Family Courts have a key role in protecting the vulnerable. They deal with family proceedings, which include divorce, children's cases (including abuse and domestic violence), and adoption. The type of work the Family Courts undertake depends on their jurisdiction. County Courts that are Family Hearing Centres deal with divorce and private law family cases, whereas Care Centres deal with all private and public law cases. The Family Proceedings Courts also have full private and public law jurisdiction although they do not deal with divorce cases. The High Court has jurisdiction to hear all cases relating to children's welfare and interests, and exercises an exclusive jurisdiction in wardship cases.

**5.2** Our role is to widen access to justice so that vulnerable people can exercise their rights and solve their problems, and to ensure that the courts and legal advice are there to provide necessary protection. Our focus in this area is on children, victims of domestic violence and people who lack mental capacity.

**5.3** For children specifically, we work to deliver on the Government's commitment that "every child matters": when children and parents need the protection or support of the justice system; when children are at risk; and when parents' relationships break down and they are unable to agree on their children's futures.



**5.4** The aim of the Relationship Breakdown Programme is to deliver a coherent package of reforms that will deliver better outcomes for children and parents. These reforms will be led by a number of agencies including ourselves, the Department for Education and Skills, the Legal Services Commission and Children and Family Court Advisory and Support Service and will be co-ordinated by a Programme Team based in this Department. Those involved in delivering the programme will also work closely with the judiciary to achieve these changes.

## Families and children

**5.5** We recognise that parents and families are the most important people in children's lives. When things go wrong, parents need help and support that enables them to

emotional and practical needs, as well as their legal needs, in all the information, advice and support we provide. We are restructuring information and advice, legal aid, court services and provision by the voluntary sector to support this aim.

**5.6** For children who are most at risk, we will work with the Department for Education and Skills to assist earlier identification, quicker access to the courts, and a speedier resolution of their futures.

**5.7** Legal aid has a crucial role to play in ensuring that people know what their rights and responsibilities are and how they can be enforced. This is important if we are to help the vulnerable take effective action to deal with the problems they face. Family legal aid is targeted to meet the needs of vulnerable children, young people and their families, by delivering high-quality, cost-



resolve their family difficulties themselves as much as possible. DCA provides particular support to families in times of crisis, building on the support that the Department for Education and Skills makes available to all children and families. Our future approach is to recognise children's and parents'

effective services appropriate to their needs. In 2003/04, 146,438 bills at a value of £489 million were paid for legal representation in family matters. This compares with 141,600 bills at a value of £457 million in 2002/03.

**5.8** As part of the package of reforms to legal aid for civil cases announced on 2 March 2005, incentives will be introduced for early settlement, particularly in divorce and family cases, along with increased help for victims of domestic violence. The package includes measures to redesign the structure of family legal aid to place emphasis on early resolution out of court, in line with the Next Steps document on parental separation published in January 2005.

### Protecting children at risk

**5.9** Public law cases are usually brought by local authorities or the NSPCC and include cases relating to matters such as care, supervision and emergency protection orders.

**5.10** Cases involving the protection of childrens' interests are complex and many other organisations must be involved in the process before care arrangements can be finalised by family judiciary. DCA has played a key role in bringing these organisations together, including, for example, the Department for Education and Skills, local authorities, the Court Service (now Her Majesty's Courts Service), the Magistrates' Family Proceedings Courts, legal practitioners and the Children and Family Court Advisory and Support Service, to tackle unnecessary delay. The Department now has a new PSA target (announced in the Spending Review 2004) to increase the proportion of care cases being completed in the courts within 40 weeks by 10 per cent by 2009/10.

**5.11** The positive impact of a protocol for judicial case management, and other initiatives to tackle delay, were seen in 2004/05. Performance against the target measure in 2004/05 in the care centres has increased to 41 per cent from 35 per cent in 2003/04. To continue to tackle delay in

public law cases in 2005/06, an inter-agency plan focusing on better inter-agency working, more effective use of experts, improved case management and more flexible judicial allocations and use of courtroom facilities is being implemented, and delivery is overseen by a Programme Board. This Board includes representatives from the judiciary and all key delivery organisations, including those mentioned above.

**5.12** The creation of Her Majesty's Courts Service in April 2005 provides the opportunity to consider the various levels at which work is conducted in the court system. Working closely with the President of the Family Division, we will use this opportunity to revisit the Family Proceedings (Allocation To Judiciary) Directions 1999 (as amended) with a view to considering which, if any, of the present Directions should be recommended for amendment. Proposed changes, already announced by the Lord Chancellor on 1 April 2005 (and agreed with the President of the Family Division), give:

- nominated recorders (with family law tickets) jurisdiction to hear public law cases in the County Court
- nominated District Judges in the County Court the same jurisdiction to hear care cases as the Family Proceedings Courts.

**5.13** However, our target to resolve 70 per cent of cases within 40 weeks remains very challenging, particularly given the backdrop of year-on-year increases in the volume of cases coming into the system.

## Adoption

**5.14** We will also be finalising the implementation of the Adoption and Children Act 2002. This introduces new arrangements for domestic and inter-country adoption, and measures to reduce delay by better case management and by the use of specialist adoption centres and procedures which improve efficiency and consistency. We expect the legislation to come into force in December 2005.

**5.15** As at the end of March 2005, performance against the Adoption Target (70 per cent of adoption cases heard within 20 weeks) was 63.7 per cent. There was a dip in performance between August and October 2004, from which there has been a recovery. Work has been commissioned to ascertain underlying issues affecting performance and to review the forecast trajectory. Overall reported performance reflects performance for both placement adoptions and significant levels of private (step-parent) adoptions. In private adoption proceedings the child is likely to reside with one of his or her natural parents and is not normally considered in the vulnerable category. For the year to date, private adoptions performance is 45.2 per cent. Strong performance in placement adoptions is more urgent in that children concerned are normally in the vulnerable category. Placement performance for the year to date is encouraging at 67.2 per cent.

## International

**5.16** DCA gives financial support (£110,000 in 2004/05) to *reunite*, the international parental child abduction charity. *reunite* runs a 24-hour helpline, providing advice, information and support to parents, family members and guardians who have had a child abducted or who fear child abduction, as well as training and awareness events. They also provide advice to parents who have abducted their child and advise on

international contact issues. On 1 March 2005 new regulations were introduced that extend the mutual recognition and enforcement of certain family orders across the European Union.

## Domestic violence

**5.17** We are continuing to improve the justice system so that victims of domestic violence have access to swift and effective protection from the courts. The Domestic Violence Crime and Victims Act 2004 includes a range of measures that improve the protection available to victims of domestic violence and help ensure that perpetrators are brought to justice.

**5.18** With the Crown Prosecution Service, we have evaluated the effectiveness of the first five specialist/fast-track systems dealing with domestic violence cases in the magistrates' courts. A further evaluation of two more systems in Gwent and Croydon is being undertaken – an interim report was published in September 2004 and a final report is due on 29 June 2005. The evaluations have indicated that specialist domestic violence courts enhance the effectiveness of court and support services for victims. Crucially it has also been shown that they increase victim participation and satisfaction and thus increase public confidence in the criminal justice system. On 31 March 2005 DCA and the Home Office published a joint document, *Domestic violence: a national plan*, which contains a range of initiatives for delivering better services for victims of domestic violence. Included in the plan are proposals to have 25 specialist domestic violence courts by April 2006. We also want to pilot the first integrated domestic violence court where criminal and civil aspects of domestic violence proceedings involving the same family would be heard in a designated domestic violence court.



## Improving family work in Birmingham

On 19 January 2004 Birmingham Family Proceedings Court relocated to Priory Courts, home of Birmingham Civil Justice Centre. The effect of this relocation is that all the administrative and judicial functions of family justice in Birmingham are now on one site.

Sometimes, however, the Family Proceedings Court is unable to meet the demand for a contested hearing at short notice.

Arrangements are in place so that, following a short-term transfer, such urgent hearings may be listed in the county court before a District Judge or Circuit Judge.

The immediate benefits have been that the additional courtrooms in Birmingham Family Proceedings Court can be flexibly used as the demands of the Family Proceedings Court work or county court work dictate. One of the Family Proceedings Court courtrooms has been released on a regular basis for county court use, which has helped accommodate extra family sitting days to help meet the protocol timetable.

The co-location project was pursued enthusiastically by everyone concerned and has paved the way for a pilot project to create a 'Specialist Family Centre' to improve the delivery of family justice in Birmingham.

## Relationship breakdown

**5.19** Private law cases are those brought by private individuals, and generally in connection with divorce or parental separation.

**5.20** The Green Paper *Parental Separation: Children's Needs and Parents' Responsibilities*, published in July 2004, set out a broad programme of reform to support parents and children. The proposals were broadly supported. On 18 January 2005 the Secretaries of State for Constitutional Affairs, Trade and Industry, and Education and Skills issued a White Paper (*Next Steps*), which set out plans to implement a range of measures to help separating parents in dispute about future parenting arrangements to reach agreement.

**5.21** Also on 18 January, the Rt Hon Dame Elizabeth Butler-Sloss GBE, the former President of the Family Division, announced the Private Law Programme. It is intended that the Programme will be a gradual process involving a national roll-out of best practice in courts. The programme addresses two key issues – the considerable delay in getting to court; and that, too often, people have to repeat the same information before different judges where there are repeat applications. At the Secretaries of State's announcement, the Government expressed its support and appreciation for the President's Private Law Programme.

**5.22** Her Majesty's Courts Service is working with DCA, the Department for Education and Skills, the Legal Services Commission, the Children and Family Court Advisory and Support Service and the judiciary on the suite of projects that will deliver the proposals outlined in the *Next Steps* document. These projects include:

- Gateway Forms – new forms allowing the early identification of cases where harm is alleged were implemented on 31 January. This change also clarified the definition of harm that includes impairment from seeing or hearing the ill treatment of another. The forms will be evaluated over the next 12 months – £10 million has been identified for legal aid to deliver this improvement (HMCS).
- Parenting Plans – seeking to show the sort of contact arrangements that work well for children at different ages and who are living in a range of circumstances were drafted. The consultation on revised parenting plans has now been completed (DfES).
- Contact services – additional resources have been identified, and work will be done to evaluate how a wider range of services to support child contact can be delivered, to include delivery of contact services through contact centres, extended schools and children centres (DfES).
- In-court conciliation – improved and national access will be delivered whereby CAFCASS officers facilitate an agreement, avoiding a contested court hearing. Work is under way to determine the most successful models (CAFCASS).
- Mediation – the strongest possible encouragement will be given to separating couples to use mediation instead of going to court (HMCS/ judiciary).



## Fast-track system for domestic violence cases in Cardiff

Cardiff Magistrates' Court and Cardiff Women's Safety Unit operate within a 'fast-track' system for processing domestic violence cases. Partners include the Women's Safety Unit, Cardiff Crown Prosecution Service, South Wales Police and the magistrates' and the Crown courts. Links have also been established with Multi-Agency Risk Assessment Conferences which bring together 16 agencies who provide information in order to minimise the risk of serious harm to high-risk victims.

Partners operate under a Memorandum of Understanding, data sharing protocols and specific data sharing protocols for high-risk cases.

The Women's Safety Unit provides a one-stop shop for women and children experiencing or witnessing domestic violence and/or known perpetrator rape.

The system includes a Pre-Trial Review Court one morning a week and designated '1 in 4' slots for domestic violence hearings, and applies to pre-trial hearings and trials.

Members of the Women's Safety Unit attend the Pre-Trial Review Court to support victims.

Further support is provided through a Victims' Forum where women who have used the unit meet to discuss and share their experiences.

- Family resolutions pilot – this pilot is testing different arrangements for handling contact applications (DfES).
- Changing the role of the Children and Family Court Advisory and Support Service to move away from report writing to problem solving (CAFCASS/ judiciary).
- The Children and Adoption Bill was introduced into Parliament on 13 June 2005 and will be taken forward in the 2005–06 parliamentary session. The judiciary asked for more flexible powers to facilitate child contact, and the Bill will deliver this. A draft Bill was published for pre-legislative scrutiny in February 2005 by the DfES, and the scrutiny committee's report, which was broadly supportive of the draft Bill's proposals, was published on 12 April. The Government's response was published on 8 June 2005 (DfES).
- Post Order Follow-Up – support for the Children and Family Court Advisory and Support Service to help ensure that court orders are complied with (CAFCASS).

## Civil Partnerships

**5.23** The Civil Partnerships Act 2004 will create a new legal status for same-sex couples who currently have no way of having their relationships legally recognised. Same-sex couples will be able to give notice to enter into a Civil Partnership from 5 December 2005. The provisions in the Act broadly mirror the rights and responsibilities presently acquired through marriage. They include, for example, a duty to provide maintenance to the other partner; access to fatal accident compensation; and access to employment and pension benefits.

## Mental capacity

**5.24** The Mental Capacity Act received Royal Assent on 7 April 2005. Our priority now, working with the Public Guardianship Office, the Department of Health and other partners, is to ensure effective implementation of the Act by April 2007.

**5.25** Implementation of the Act will provide for the first time a clear statutory framework to empower and protect vulnerable people who may not be able to make their own decisions. It will ensure that people can maintain a maximum level of autonomy and that their best interests should always be at the heart of decision making. To safeguard the rights of this vulnerable group, we will also establish a new Court of Protection (a specialist court of record) to deal with complex or highly sensitive decisions, and appoint a new Public Guardian to supervise decisions made on their behalf.



## 6 Faster and more effective dispute resolution



We are focusing on enabling people to resolve their problems better by promoting and delivering faster, more effective and proportionate means of resolving disputes.

## Our role

**6.1** The main role of the civil courts is to resolve disputes which cannot be avoided or resolved elsewhere, and to enforce rights. They provide an environment for people to resolve disputes and enforce their rights in a manner and at a cost which is proportionate to the issues at stake.

**6.2** The civil justice system plays an important role in maintaining and improving the economic well-being of the country. Civil courts deal with cases including those relating to debt, contracts and the recovery of land. The High Court hears more specialist matters or substantial and complex cases. As well as providing an effective means of recovering debts and settling property disputes, the courts also guard against oppressive creditors and landlords.

**6.3** Tribunals exist as forums to resolve particular types of disputes that would otherwise go to the courts. Often, these concern decisions made by public bodies and agencies – such as tax liability, entitlement to benefits, and immigration and asylum status – but others deal with party versus party matters like employment and land disputes.

**6.4** Tribunals are intended to bring advantages over the courts in that they specialise in the particular area of law with which they are concerned. Decisions are made by individuals/panels who/that have the necessary legal and specialist knowledge to determine the cases before them. Tribunals are designed to be less formal than courts and more inquisitorial in nature.

**6.5** Tribunals – run by both central and local government – form a major part of the civil justice landscape and deal with something in the order of a million cases a year. The issues at stake range from the straightforward,

involving modest sums of money, to the highly complex, dealing with intricate points of law and millions of pounds.

**6.6** We are focusing on enabling people to resolve their problems better by promoting and delivering faster, more effective and proportionate means of resolving disputes. We aim to facilitate a competitive and consumer-focused legal services market.

**6.7** To achieve these aims, we are taking forward a programme of work that includes examining the existing regulatory framework and professional rules to ensure a better deal for consumers, and amending those rules where necessary.<sup>1</sup>

## Alternatives to court

**6.8** Most people are apprehensive about using the legal system and often lack information about other ways to settle disputes. In many cases, alternatives can provide a quicker and less costly means of solving a disagreement between people. We have been promoting the use of alternative means of resolving disputes for many years, and have agreed specific performance targets to reduce the proportion of disputes that are resolved by resort to the courts.

## Information and awareness

**6.9** We are improving the information that users are given about alternative methods of dispute resolution in the following ways:

<sup>1</sup> For further information on faster and more effective dispute resolution involving family issues, see Chapter 5.

## Leaflets and website information

**6.10** We now send out information about mediation to all court users. We are also reviewing the other leaflets currently on offer to court users to ensure that they cross-refer with the mediation leaflet and the range of leaflets produced by the Community Legal Service about early dispute resolution. We have also revised the DCA web pages to provide links to alternative dispute resolution providers and advice services.

## National awareness campaign

**6.11** We are working with key stakeholders to develop a national mediation awareness campaign, which will climax in a 'mediation week' to be held in October 2005.

## Mediation

### Court mediation schemes

**6.12** For a number of years, DCA has been supporting the development of court-based and court-linked mediation schemes. Such schemes now exist in Central London, Birmingham, Exeter, Guildford and South Wales. We have recently produced a best-practice 'tool kit' to help local courts, judges and mediation providers that want to set up new schemes.

### National Mediation Helpline and website

**6.13** In conjunction with the Civil Mediation Council, we are piloting a national helpline to help court users and members of the

public arrange a low-cost and time-limited mediation appointment with one of the national providers.

### Small claims

**6.14** We intend to introduce a range of pilots to establish the best ways to help people with lower value disputes settle their cases before a court hearing. We aim to launch the first of the new pilots this summer.

## Appropriate resolution of problems

**6.15** DCA is developing proposals to improve the services available to creditors and debtors in support of the Government's over-indebtedness agenda. In July 2004 we published the consultation paper *A choice of paths – better options to manage over-indebtedness and multiple debt*. This contained proposals for new measures to assist the over-indebted who wish to be helped, as far as possible, to meet their obligations without being pushed further into debt. The Government response was published on 17 March 2005. This confirmed that there was broad support for the proposals to reform court-based Administration Orders and the introduction of an Enforcement Restriction Order, as well as for the proposed 'No Income No Asset' debt relief scheme. These will be introduced as soon as Parliamentary time allows.

**6.16** Separately, DCA issued its *Debt Position Paper* on 17 March 2005, outlining progress to date and future intentions for its wider debt programme. This places a strong emphasis on the provision of better information and early and effective advice to

debtors, with a view to facilitating early engagement to resolve problems, avoiding cases coming to court unnecessarily. Where a matter must come to court, for example to resolve a dispute or for enforcement, it should be handled speedily, effectively and efficiently, according to the needs of the case.

## Customer satisfaction in the courts

**6.17** Performance against our customer service targets are set out in Chapter 2. We are on course to exceed three out of the four headline targets that directly measure customer satisfaction, reflecting the commitment of staff and managers in the civil and family courts to pursuing excellence in customer service. A further illustration of this was the achievement of Charter Mark accreditation across 95 per cent of all civil and family business units in April 2004. This allowed us to meet our target nearly two years early, and meant we became the public sector leader in achieving Charter Mark accreditation.

**6.18** During 2004/05, we focused particular efforts on improving our complaints-handling process, including introducing new national customer service standards and providing staff and managers with new guidance and training in dealing with any expression of dissatisfaction with the service received. However, the impact of this is not expected to translate through to improved customer perception, measured through the satisfaction survey, until 2005/06.

**6.19** During 2004/05, the pilot scheme to extend the scope of hearings conducted by telephone continued at Newcastle County

Court and now includes Luton and Bedford County Courts. During 2005/06, we will evaluate the results of the pilot and issue a consultation paper before making a decision on rolling out the scheme across the country.

**6.20** In September 2004, we published a consultation paper *Civil warrant performance indicator – information for customers*. This set out proposals for improving the quality and nature of information supplied to customers to help them make better-informed choices on enforcement.

**6.21** During 2004, DCA piloted a unified enforcement team in Leicestershire, where county court bailiffs and civilian enforcement officers from the magistrates' court worked together to enforce county court judgments and magistrates' court fines. The single team proved effective, and analysis of the pilot has provided the necessary information for the unified enforcement team model to be introduced (where appropriate) across Her Majesty's Courts Service from April 2005.

**6.22** In 2005/06, Her Majesty's Courts Service will embark on a programme to achieve Charter Mark accreditation across all business areas, including the magistrates' courts, with the objective of achieving full corporate accreditation by 2008/09. One of the key criteria for successfully attaining the Charter Mark standard is for courts to demonstrate a positive contribution to the community they serve. This programme of work will therefore help support DCA's 5 Year Strategy objective of forging stronger ties with all aspects of the wider community, in order to make the court system more accessible and better understood by the public.



## The National Mediation Helpline: a user's comments

"I was in dispute with a replacement window firm. An action had been started in the small claims court, which then resulted in a counter claim from the other party involved. It was becoming highly stressful and increasingly expensive. Preparing for the potential court action took me days of work as well as the research concerning the dispute and liaison with various agencies.

"The court told me about the National Mediation Helpline. Mediation appeared the quickest route to a solution of a dispute that was not of my making and had become dangerously out of control, no matter how I tried to resolve it myself. Following one brief telephone call, I was referred to a mediation service that gave me all the advice needed to proceed with the mediation session.

"The National Mediation Helpline provided a fast and affordable resolution to my dispute. The mediator helped us to reach a solution that is subject to a confidentiality agreement. I regained my costs and am happy with the result.

"The benefits of mediation are the speed and lower cost in providing a solution, compared with the court process. Mediation is more informal, has fewer people involved and needs less preparation before mediation takes place. There is no need to consult a solicitor.

"I definitely recommend mediation to others involved in disputes that could end up in court. The less litigious the solution, the better it is for all concerned and the quicker an end can be reached."

## Dealing with correspondence and complaints

**6.23** The speed of complaints and correspondence handling in the Courts Service continued to improve considerably during 2004/05, following the work done to improve standards and the culture and approach to complaint handling. The 85 per cent performance targets for complaint handling were met in three of the four target areas defined in the Public Service Agreement (PSA) (see table in Chapter 2), and, in the fourth (Group Managers), performance was within target by the end of the 2004 calendar year (but not the cumulative year-to-date performance).

## Enforcing the court's decision

**6.24** One of the objectives in DCA's strategy for more effective and proportionate dispute resolution is to improve enforcement so that creditors have a more straightforward and accessible system, and debtors who genuinely do not have the means to pay are protected from oppressive pursuit of their debts. Public confidence in the administration of civil law requires that judgments can be properly enforced.

**6.25** April 2004 saw the successful implementation of a new system for the enforcement of High Court writs, based on provisions contained in the Courts Act 2003. Despite this being a year of change, High Court enforcement collection rates



have continued to improve during 2004, with a collection rate against all correctly due and enforceable writs of 58 pence in the pound, compared with a figure of 54 pence in the pound for 2003.

**6.26** The performance of county court bailiffs on warrant enforcement has consolidated over the past year. Their results for 2004 showed a collection rate against all correctly due and enforceable warrants of 90 pence in the pound, compared with a figure of 89 pence in the pound for 2003.

**6.27** DCA has also continued to develop the package of legislative proposals designed to improve court-based methods of enforcement, as set out in the White Paper *Effective enforcement*, published in

March 2003. This has involved continued liaison with other Government departments and outside stakeholder groups. We continue to explore opportunities to take forward the proposals through legislation.

**6.28** The proposed reforms include data sharing with other agencies, to better enable us to give customers the information and support they need in choosing appropriate enforcement methods and service providers. The draft bill will also contain proposals for the regulation of bailiffs and a single piece of enforcement agent law. DCA is also continuing to develop proposals for the creation of a National Enforcement Service, to enable the better targeting of resources by the courts across the whole spectrum of civil, family and criminal enforcement.



## Online forms

**6.29** Users of nine county courts can now use a new online service which will improve access to justice by allowing customers to carry out transactions online. This service is being piloted in Basildon, Birmingham, Bournemouth, Coventry, Dartford, Leicester, Llangefni, Norwich and Preston. Using the service can be done from home, the office or other locations, such as advice agencies. Applicants complete the forms on-screen, making use of easy-to-follow instructions. There is on-screen help for each step of the process. Using a debit or credit card, fees are paid online over a secure link. People who are eligible for fee exemption can apply for this online. Details of the forms and more information are available at [www.hmcourts-service.gov.uk/courtformsonline/](http://www.hmcourts-service.gov.uk/courtformsonline/).

6 October 2003 which enables customers to communicate directly with civil and family courts using customer-facing email accounts. Guidance on the operation and management of the email accounts, and information for court managers in publicising the email service to court users, are published on the DCA infonet. Guidance for court users is available on the website for Her Majesty's Courts Service at: [www.hmcourts-service.gov.uk/infoabout/email\\_guidance/index.htm](http://www.hmcourts-service.gov.uk/infoabout/email_guidance/index.htm).

**6.32** Nineteen existing forms were identified as suitable for conversion to an electronic format. These forms are available from the DCA website and can be downloaded by court users and filed by email directly with the relevant court. The number of customer emails to courts has increased as confidence in the service has grown. Publicity initiatives, such as the formation of 'partnerships' between courts and targeted customer groups, have proved effective in increasing email volumes.

## Money Claims Online

**6.30** Money Claims Online ([www.moneyclaim.gov.uk](http://www.moneyclaim.gov.uk)) continues to be a highly popular online service for citizens and businesses. It allows online issue of claims and responses to claims and provides the ability to monitor progress 24 hours a day. Claimants now issue over 4,000 cases a month online.

**6.33** A set of protocols for the emailing of sensitive documents from the Children and Family Court Advisory and Support Service has also been developed. The protocols were successfully piloted at Leicester and Preston County Courts, where the majority of private law reports are now filed electronically. The team also developed electronic versions of referral and mediation report request forms. The use of electronic requests has improved allocation times for the appointment of reporting officers and has the potential to reduce the overall time taken for the production of reports.

## Customer email for civil and family courts

**6.31** The civil email project enables electronic communication between court users and civil courts within the LINK infrastructure implementation programme. An email facility has been available since

**6.34** The customer email project was successfully concluded in September 2004 when the mailbox structure became a component of the LINK and Civil LINK infrastructure implementation programme.

## Lawyers serving the public

### Legal services reform

**6.35** On 24 July 2003, Lord Falconer appointed Sir David Clementi, chairman of Prudential PLC, to head an independent review of the regulatory framework for legal services in England and Wales. The terms of reference for the review were:

- to consider what regulatory framework would best promote competition, innovation, and public and consumer interests in an efficient, effective and independent legal sector
- to recommend a framework that will be independent in representing the public and consumer interest, comprehensive, accountable, consistent, flexible, transparent, and no more restrictive or burdensome than is clearly justified.

**6.36** The Secretary of State welcomed Sir David's report (published on 15 December 2004) and broadly accepted the main recommendations, which were:

- the setting up of the Legal Services Board – a new legal regulator to provide consistent oversight of front-line bodies such as the Law Society and the Bar Council
- the Legal Services Board to have statutory objectives, including the promotion of public and consumer interests
- regulatory powers to be vested in the Legal Services Board, with powers to devolve regulatory functions to front-line bodies, subject to their competence and governance arrangements

- front-line bodies to be required to make governance arrangements to separate their regulatory and representative functions
- the setting up of the Office for Legal Complaints – a single independent body to handle consumer complaints in respect of all members of front-line bodies, subject to oversight by the Legal Services Board
- the establishment of alternative business structures such as Legal Disciplinary Partnerships – law practices that bring together lawyers from different front-line bodies, for example solicitors and barristers, working together on an equal footing, and that permit non-lawyers to be involved in management and ownership.

**6.37** DCA will publish a White Paper in autumn 2005, with legislation to follow.

**6.38** DCA also continues, through the European Union's representation in the World Trade Organisation, to encourage the liberalisation of legal services internationally, and supports the attempts of British law firms to provide services and enter into partnerships in other countries.

### Queen's Counsel (Silks) and quality marking

**6.39** In May 2004, the Government announced its conclusions on the future of Queen's Counsel (QCs). The Secretary of State asked the legal professions in England, Wales and in Northern Ireland to take over the primary responsibility for selecting QCs. The professions are developing an improved system that will be based on rigorous selection against objectively defined criteria, and they hope to recommend the first awards to the Secretary of State towards the end of 2005 or in early 2006.

**6.40** Meanwhile, DCA is conducting a study of the legal services market to determine whether similar quality marking or other information about quality is needed for services other than advocacy, and what form any resulting information scheme ought to take. The study is intended to lead to a report in summer 2005. When it is complete, the new QC scheme will be reviewed to determine whether it is consistent with the principles the study will establish.

## Access to advice and legal services

**6.41** One of our key challenges is to improve access to justice, making people aware of their rights and responsibilities and how to exercise them. This is crucial if we are to help the poor, the vulnerable and the victimised to resolve their problems, while ensuring that public funds are used to best effect.

**6.42** The Community Legal Service has a crucial role to play in delivering this objective. We have continued to target legal aid resources to maximise help to those most in need. Further information on the Community Legal Service can be found at: [www.clsdirect.org.uk](http://www.clsdirect.org.uk) and [www.legalservices.gov.uk](http://www.legalservices.gov.uk).

**6.43** We have a specific target to increase year on year the number of people who receive suitable assistance in priority areas of law involving fundamental rights or social exclusion. The strategy for achieving this comprises three key areas of activity:

- maximising the number of people receiving assistance from the Community Legal Service

- developing the capacity of the wider Community Legal Service, incorporating all advice and guidance services (e.g. those provided by local authorities or voluntary sector organisations)
- facilitating the expansion of privately-funded services.

**6.44** The principal pieces of work that have contributed within these three areas are described below.

### Community Legal Service Direct

**6.45** In July 2004, the Legal Services Commission launched Community Legal Service Direct, a new service to deliver improved access to justice and combat social exclusion by making it easier to find quality legal advice. This service provides free information, help and advice direct to the public on a range of common problems, including debt, education and welfare benefits (and in some locations employment and housing). It is available via a national helpline and a website that help members of the public to find a quality-assured local advice provider or solicitor. The website currently averages 58,000 visits each month, and over 205,000 calls were dealt with by the helpline from launch on 14 July 2004 to the end of March 2005.

### LawWorks project

**6.46** Together with the Legal Services Commission, we have funded a second phase of the LawWorks project, run jointly by the Law Centres Federation and the Solicitors Pro Bono Group. Advice is available to the public from law clinics and via the LawWorks website. The project aims to deliver help to 85,000 clients during the period 2004–07, with 45,000 clients receiving advice per year by 2006/07.



## Help to find a new life

“The independent advice and guidance I received saved me from the hands of a violent partner. I felt as though my voice was being heard at last and was helped through a really trying part of my life. I had no family support whatsoever, but after speaking to a caseworker I felt as though I was in safe hands.

“They helped me take one step at a time and solved problems that I didn’t think could be solved, especially so quickly. One example was finding me somewhere to live. The caseworker contacted the local housing association and got me an interview with a representative. On the following Monday I was offered accommodation in exactly the area that I had requested, which is where I had grown up.

“I am now a volunteer at the centre that provided the advice, working on reception, learning lots of new skills and meeting different people everyday. It has given me the confidence I needed. I feel that I can now make something of myself and improve my life. The experience I am gaining will also improve my chances of finding work in the future.”

### Impact of Debt Advice study

**6.47** We are funding a multi-stranded research project by the Legal Services Research Centre (LSRC) to establish the quantifiable benefits of advice. The Impact of Debt Advice study aims to identify benefits to the individual, the community and the wider society that come from timely, quality advice. Benefits to the individual may include monetary savings, reduction of stress levels, improved health, reduced problem escalation, and/or additional knowledge and financial management skills. For society, it may include monetary savings to the taxpayer via benefits and healthcare and more people with financial awareness. Work started in September 2004 and initial findings will be available from late 2005.

### Government Office representation

**6.48** Three DCA secondees are now working in Government Offices across the country. The multidisciplinary approach of Government Offices and their focus on social exclusion make them an ideal means of taking forward part of our legal aid agenda, ensuring that colleagues in other departments recognise the role of advice and the Community Legal Service in the regeneration of local communities.

### Managing Lottery funding

**6.49** We have supported a joint proposal with the Legal Services Commission and the Advice Services Alliance for a single 'advice' funding stream, which was put to the board of the Big Lottery Fund in February 2005. The existing uncoordinated system of grants will be replaced by a planned and integrated programme that links into the work of other categories. This would, for the first time, allow lottery funding to be managed coherently, and ensure that advice projects are given due recognition within the funding process.

### Financial Inclusion Fund

**6.50** Her Majesty's Treasury has allocated £6 million from the Financial Inclusion Fund (£2 million for each year from 2005/06 to 2007/08). This will offer services to both prevent and resolve debt problems. DCA is working closely with the Legal Services Commission and the advice sector on the design of pilot schemes to target those most in need of help. We are also working with the Department of Trade and Industry, itself a recipient of a Financial Inclusion Fund allocation, to ensure that our work complements and dovetails with theirs.

### Advice provision

**6.51** We have worked closely with both local authorities and voluntary sector organisations to ensure optimal linkages with Legal Services Commission-funded advice providers, and to encourage them to maintain and improve their own services. Working with several local authorities to develop local PSA targets based on an aspect of advice provision, we increased the focus on this area.

### Voluntary sector organisations

**6.52** Our voluntary and community sector liaison officer has opened up new channels of communication with voluntary sector organisations, in order to better understand and overcome the barriers they face. This new relationship should also help simplify the collection of future performance information.

## National Periodic Survey of Legal Need

**6.53** This triennial survey measures the level of legal need in respect of social welfare and family problems, and shows how legal services are helping tackle social exclusion. The baseline was set by the first survey in 2001, which found that 31 people per 1,000 were receiving suitable assistance in priority areas of law. Our target is to raise this figure to 34 people per 1,000 by the end of 2005/06.

**6.54** The second National Periodic Survey of Legal Need was conducted between April and August 2004 and results show that the proportion of problems in respect of which advice was successfully obtained has risen from 32.4 per cent to 36.0 per cent (43.7 per cent if assistance obtained from internet and self-help sources is included). LSRC confirms that this is a statistically significant increase. The number of justiciable problems has fallen by 10 per cent. The effect of this large (and welcome) drop in the number of problems has been a slight drop in the absolute number of people receiving assistance (as defined for PSA Target 6), although LSRC reports that this marginal decline is not statistically significant.

**6.55** The figures from this second survey suggest that there is work to do in order to achieve PSA Target 6 by 2005/06.

## Accessible and affordable legal help and advice

**6.56** We are currently reviewing the position of advice services across the board to inform the development of future provision. These reviews include the Independent Review of the Community Legal Service and the Fundamental Legal Aid Review.

**6.57** The Independent Review of the Community Legal Service reported in April 2004 and a number of its key recommendations have already been implemented. A new post, head of the Community Legal Service, has been created, and its main task has been to develop the first five-year strategy for the Community Legal Service, which will provide a mission statement and performance management process. A draft strategy will be published for consultation later in 2005.

**6.58** The Fundamental Legal Aid Review, announced in May 2004, has been concerned with developing proposals that will improve outcomes for those who need publicly-funded legal services and deliver them in the most efficient way for the taxpayer.

**6.59** The review has been concerned with a range of issues relating to the justice system and has considered options for resolving disputes more effectively, including:

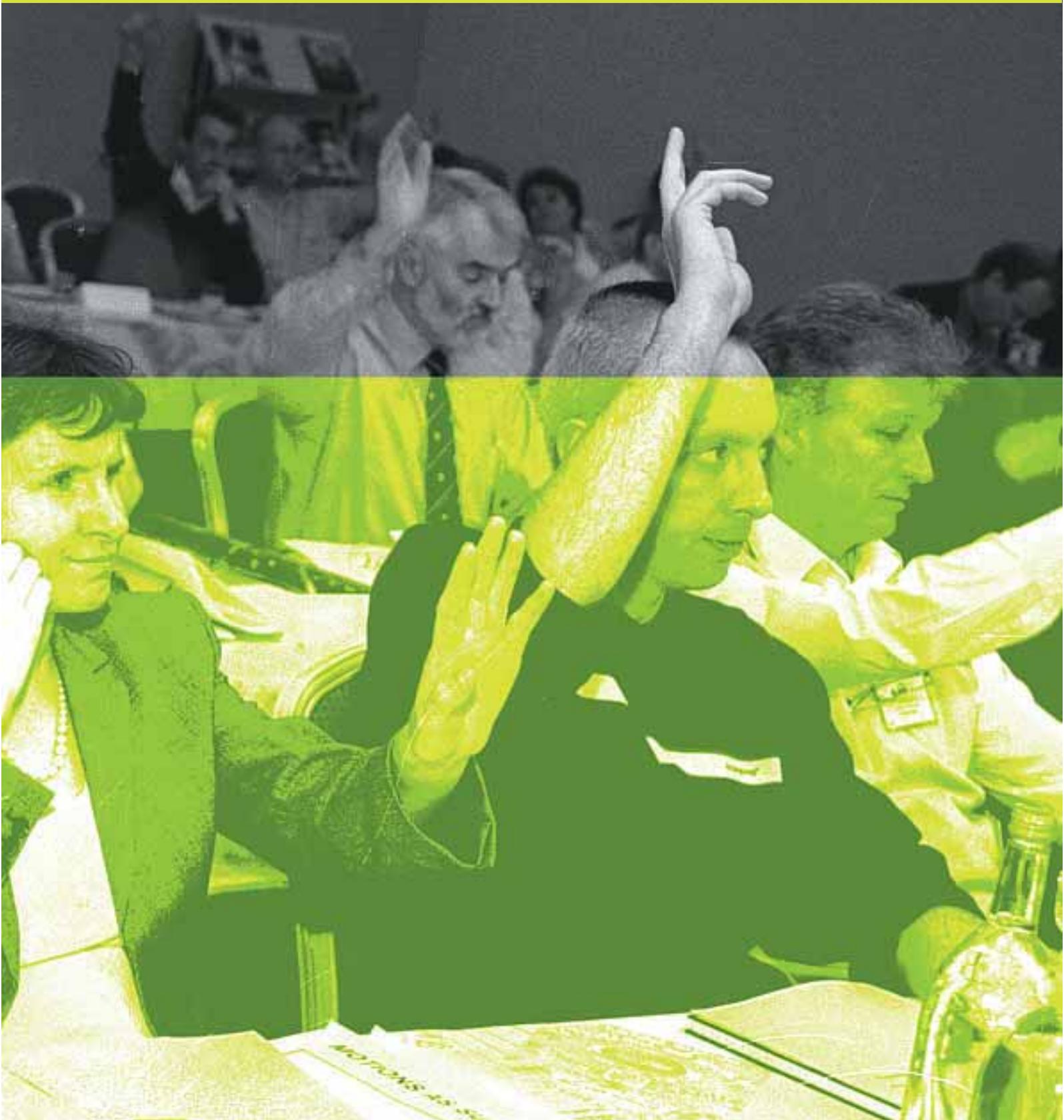
- streamlining the process for handling public law children cases
- improving the delivery of social welfare legal and advice services.

**6.60** Further announcements on how the review's findings are to be implemented will be made during 2005.



**We aim to renew the relationship between citizens and state. We want to encourage a culture in which people are aware of their rights, as well as the accompanying responsibilities, and are able to exercise those rights easily and with confidence.**

## 7 Strengthening democracy, rights and responsibilities



## Our role

**7.1** To achieve our aims, we are engaged in a wide-ranging programme of work that includes:

- the full implementation of the Freedom of Information Act 2000
- improvements in the engagement between citizens and their democratic institutions – for example, new methods of voting
- actively embedding the principles on which the Human Rights Act 1998 is based into the way that public services are delivered
- carrying through the major reforms in the Constitutional Reform Act
- taking forward the Government's commitments on House of Lords reform.

## Information rights

**7.2** The Freedom of Information Act 2000 came fully into force on 1 January 2005. The Act establishes a general statutory right to see information held by public authorities or those providing services of a public nature.

**7.3** The Act covers some 100,000 public bodies in England, Wales and Northern Ireland, including schools, hospitals, General Practitioner surgeries, local government and central government, plus non-devolved bodies operating in Scotland.

**7.4** We lead on freedom of information within Whitehall. We have taken a central role in providing advice during the first few months of implementation and have built on the work we did in preparing for implementation.

**7.5** During that period, we:

- established networks of freedom of information practitioners, information lawyers, and communications directors
- published a guide to final steps towards implementation in association with the National Audit Office and the Information Commissioner
- produced extensive guidance on the application of procedures and exemptions under the Act – to ensure that this complex piece of legislation, with multiple interfaces to other information access regimes, is consistently and appropriately applied
- finalised a liberal fees regime that is also simple to administer
- initiated a significant programme to raise awareness of the new rights, including ministerial speeches, articles and a dedicated FOI website: [www.foi.gov.uk](http://www.foi.gov.uk)
- established a centre of expertise for central government on dealing with information requests.

**7.6** In line with DCA's broad responsibility for data-sharing issues across Government, we have developed a 'Public Sector Guarantee for Data Handling' to help ensure that public bodies share data in a way that enables better services to citizens while properly respecting their privacy rights.

**7.7** We continue to keep the Data Protection regime under review to ensure that it continues to be fit for purpose: properly balancing individuals' rights to the privacy of their data with the need for organisations in both the public and private sectors to make legitimate use of personal data for the benefit of individuals and

society as a whole. We also play an active role in European data protection matters, working with both European Community institutions and the Council of Europe to ensure that the UK continues to have an influence on developing thinking in the internationally important area of information rights.

### Tribunal operations

**7.8** During 2004/05 the Tribunals Group established administrative support for the new work of the Information Tribunal.

**7.9** The Information Tribunal deals with appeals against the decision of the Information Commissioner. Appeals are made under the Data Protection Act 1998, Freedom of Information Act 2000, and National Security Appeals. The workload of this Tribunal is expected to increase significantly during 2005 from initial relatively low levels. This is due to the full implementation of the Freedom of Information Act on 1 January 2005.

### Democratic engagement

**7.10** DCA's objective is to get more people involved in the electoral process. We are working to: modernise electoral systems; provide choice in the way people are able to exercise their vote; and promote public involvement in democratic issues and processes.

**7.11** DCA was responsible for renewing the statutory framework and organising funding for the European Parliamentary elections in June, which were combined with 169 English and Welsh elections and with elections for the Greater London Authority.

**7.12** New ways of voting – including all-postal and electronic voting – were piloted at local government level between 2000 and 2003. We took this further in June 2004 with pilots of all-postal voting in four English regions at the combined European and local elections.

**7.13** Despite some ballot paper production difficulties, local administrators and central government worked effectively together with major stakeholders such as Royal Mail and the Electoral Commission to ensure the pilot elections were successfully delivered. Turnout in the European elections was significantly higher than in 1999, more than doubling overall in the pilot regions.

**7.14** The challenges encountered and lessons learned in delivering these large-scale pilots are being used to inform future innovations in voting methods, with the longer-term aim of an electronically-enabled General Election after 2008.

**7.15** In December we responded, jointly with the Office of the Deputy Prime Minister, to the Electoral Commission's *Voting For Change* and *Delivering Democracy* reports on the modernisation of electoral law. The response is available on our website: [www.dca.gov.uk/elections/pubs.htm](http://www.dca.gov.uk/elections/pubs.htm).

**7.16** Government has a responsibility to support people in accessing their democratic rights. Ensuring that people are registered to vote and aware of their rights and of how the electoral system works is central to this aim. To support this objective we have started the Voters and Voting Insight Project to gain a greater understanding of the attitudes and motivations of the electorate towards the acts of registering and voting, to inform how we develop effective policies that reflect their experiences and expectations. This groundbreaking research will provide a solid evidence base for developing democratic engagement policies for a healthy democracy.

**7.17** Finally, we oversaw the administrative arrangements for the General Election in May 2005, when it was combined with county council elections in England.

## Human rights

**7.18** DCA is responsible for ensuring that public services protect and respect individuals' human rights and incorporate key human rights principles into service delivery.

**7.19** DCA has an important role as 'champion' for human rights within Whitehall, and has this year conducted a strategic review of the implementation of the Act by Government departments, the results of which will be made available shortly.

**7.20** Following the publication of the White Paper *Fairness for All* in May 2004, the Government has announced that it will legislate when Parliamentary time allows to establish a Commission for Equality and Human Rights. This will for the first time provide institutional support for the Human Rights Act through its promotional work and guidance, as well as ensuring that a co-ordinated approach is taken to work on human rights, equality and diversity, and good relations between communities in Great Britain. Proposals were contained in the Equality Bill, which received its Second Reading on 6 April 2005 under the last Parliament, and which was announced in the 2005 Queen's Speech as part of the Government's programme for the 2005/06 session.

**7.21** In July 2004, the Government concluded a DCA-led review of international human rights treaties. Outcomes included acceptance of the Convention on the

Elimination of All Forms of Discrimination Against Women, the first time the United Kingdom has accepted the right of individual petition to the United Nations. In November 2004, DCA led the UK delegation for a potentially difficult examination by the United Nations Committee Against Torture. The Committee commended the quality and thoroughness of the UK's presentation.

## Civil rights

**7.22** DCA is responsible for wide areas of the substantive civil law. This law defines citizens' rights and responsibilities towards one another, and regulates fundamental transactions such as contracts and conveyancing. One of the key principles in the Department's strategy for more effective and proportionate dispute resolution is to minimise people's legal problems by ensuring that the framework of law is as fair, simple and clear as possible so that people can understand their rights and responsibilities. Simpler law can also reduce burdens on citizens, businesses, taxpayers and the courts.

**7.23** We also sponsor the Law Commission (see Chapter 9) and have been working with it and Government departments on ways to ensure that the law reform process is as effective as possible, and that reforms are taken forward in a timely way to bring real benefits to the public. As part of this we completed in March this year the task of implementing the recommendations contained in the Report of the 2003 Quinquennial Review of the Law Commission. In particular, we have published a joint Government/Law Commission vision paper which sets out how "the Law Commission and Government can work together to deliver

the benefits of clear, simple and modern law". An important element of this is the need for the Commission to have a well-balanced programme of law reform, and for Government departments generally to be committed to taking forward consideration of the Commission's reports. The Law Commission submitted its draft 9th programme of law reform to the Lord Chancellor on 14 January; the programme as approved by the Lord Chancellor took effect from 1 April 2005.

## Rights with responsibilities

### Tackling the 'compensation culture'

**7.24** We have set out a range of initiatives which we are taking forward to improve the compensation system and to implement recommendations made by the Better Regulation Task Force in its report *Better Routes to Redress*. The Government published its response to the Better Regulation Task Force in November 2004. Part of that work is to send a strong message that with rights come responsibilities. We are tackling practices that encourage invalid claims and finding ways to improve the effectiveness and efficiency of the system for those with valid claims.

### Payment of damages

**7.25** We included powers in the Courts Act 2003 for the courts to order periodical payments instead of lump sums when an injured person is awarded damages for future loss and care costs. We believe that periodical payments are usually a much better and fairer way of compensating those facing long-term losses and care needs. These provisions were implemented on 1 April 2005.

## Commonhold

**7.26** Commonhold gives people occupying buildings in multiple ownership, in particular those living in flats, a way to own the freehold of their property without the disadvantages associated with 'flying freeholds' or long-term leases. The owners of a freehold property form a commonhold association, which manages the property and owns the shared parts. The legislation came into force on 27 September 2004, since when it has been possible to create commonholds. Work with key stakeholder representatives and experts will continue in 2005 as the second phase of regulations is drafted. They will deal with issues such as compulsory purchase, shared ownership leases and Islamic home finance.

## Gender recognition

**7.27** During 2004/05 the Tribunals Group established administrative support for the new work of the Gender Recognition Panel. This was established after the Gender Recognition Act received its Royal Assent on 1 July 2004. The Act allows transsexual people to be given legal recognition in their acquired gender. Cases will mainly be decided on the basis of paper applications to the panel. It is estimated that 3,000 applications could be made in 2005/06 and 1,000 in 2006/07. After that, applications are expected to drop to about 300 a year.

## Reform of the constitution

### Managing the constitution

**7.28** In addition to the areas mentioned above, DCA has a broad responsibility for key elements of the constitutional settlement in the United Kingdom. Our work is directed at enhancing the credibility and effectiveness of our public institutions.

**7.29** This includes reform when required, as in the case of the legislative changes we have been taking forward to clarify the separation of constitutional powers.

## Constitutional Reform Act

**7.30** The Constitutional Reform Act 2005 received Royal Assent on 24 March.

Provisions include:

- the creation of a Supreme Court for the UK, so that the highest court in the UK is demonstrably independent from the legislature
- reform of the office of Lord Chancellor, so that a senior member of the Cabinet is no longer also the Head of the Judiciary, and so that the Secretary of State and Lord Chancellor can focus on core departmental business and key public service delivery issues



- the establishment of an independent Judicial Appointments Commission
- the establishment of a Judicial Appointments and Conduct Ombudsman.

**7.31** The preferred site for the Supreme Court is the Middlesex Guildhall. Detailed designs are being developed with the Law Lords and we are identifying the operational requirements of a modern Supreme Court for the United Kingdom, which will come into operation when the building is ready.

**7.32** The constructive engagement of the judiciary, affirmed by the Concordat with the Lord Chief Justice and the senior judges, continues to be crucial in ensuring that this set of reforms is effective. This Concordat, which sets out the Government's proposals relating to the transfer of the Lord Chancellor's judiciary-related functions, and on the operation of the new constitutional arrangements, was published in January 2004 and is available at: [www.dca.gov.uk/consult/lcoffice/judiciary.htm](http://www.dca.gov.uk/consult/lcoffice/judiciary.htm).

**7.33** The Judicial Appointments Commission will:

- make the judicial appointments system more open and more efficient
- remove day-to-day responsibility for selecting candidates from the executive and reduce ministerial discretion
- have a statutory duty seeking to encourage diversity in the range of applicants for judicial appointments
- utilise best practice in recruitment
- make every effort to attract qualified candidates from groups that are under-represented in the judiciary.

**7.34** The Judicial Appointments and Conduct Ombudsman will:

- deal with complaints from candidates who are unhappy with the handling of their application for judicial appointment
- consider complaints from either the complainant (or a member of the judiciary who is the subject of a complaint) about the handling of the judicial conduct complaints process.

## Inquiries

**7.35** DCA, in conjunction with other Government departments, has been reviewing the effectiveness of formal independent inquiries set up by Ministers into matters that have caused public concern such as accidents, deaths which should have been prevented, outbreaks of disease and apparent failing in systems or services. Shortcomings in existing legislation have been identified and there is growing concern about the cost of some inquiries.

**7.36** The Inquiries Bill was introduced on 25 November 2004 following a consultation exercise between May and July 2004, the outcome of which confirmed the Government's view that it was time for revisions to be made to the inquiries system, and supported much of the detailed policy thinking. The Act came into force on 7 June 2005.

**7.37** The Inquiries Act is UK-wide and gives Ministers a single statutory framework for future inquiries. It provides suitable powers to establish the facts quickly, effectively and at reasonable cost, thus promoting public confidence in the processes, conclusions and any recommendations. The Act replaces the Tribunals of Inquiry (Evidence) Act 1921 and some powers in subject-specific legislation, such as police and health.

## Devolution

**7.38** As with information rights, human rights and democratic engagement, DCA has a continuing role in delivering the outcomes of the overall UK devolution settlements.

**7.39** DCA provides the Secretariat to the Joint Ministerial Committee and (with colleagues from the Irish Government) to the British-Irish Council. DCA provides advice on multilateral devolution policy and practice, through its stewardship of the Memorandum of Understanding and Devolution Guidance Notes. DCA also has a key education and awareness-raising role around Whitehall and the Devolved Administrations to promote best practice in dealing with devolution issues.

## Crown dependencies

**7.40** Throughout the year DCA has managed the constitutional relationship between the United Kingdom and the Crown Dependencies (Jersey, Guernsey

and the Isle of Man). At a strategic level this has involved issues concerning financial regulation, human rights, crown appointments, and UK domestic and insular legislation. At an administrative level, DCA continues to process insular legislation through the Privy Council for the grant of Royal Assent, and provides advice to the islands on a range of UK departmental business.

## Royal, church, hereditary and ceremonial matters

**7.41** DCA has continued to provide advice on a wide range of royal and ceremonial matters, liaising with a number of different constitutional bodies including Buckingham Palace, the Church of England, and Government departments. The Government's response to the Public Administration Select Committee's report on the Royal Prerogative was published in July 2004. A roll of the peerage has been established and first claims have been received. DCA has continued to process warrants of appointment, and to consider requests for the use of the title "Royal" and royal names, arms and emblems.

## European policy and EU constitution

**7.42** We aim to participate constructively in Europe on the basis of the Government's position on issues in the justice and home affairs agenda. This includes:

- clarifying where the European Union matters most, and can most effectively add value, to citizens and businesses, and seeking to focus European Union policy there
- becoming a powerful influence in the EU, promoting appropriate collective action where it is needed but challenging unnecessary harmonisation of law
- ensuring effective and appropriate treaty language for civil law, family policy and human rights issues that helps drive progress whilst at the same time promoting subsidiarity and proportionality, thus protecting against inappropriate EU action
- influencing the future direction and work of the EU by preparing for and contributing actively to the United Kingdom Presidency in 2005
- working alongside the Foreign and Commonwealth Office on the Government's approach to the European Constitution. As part of this work, DCA will be involved in the Bill that will be introduced to give effect to the Constitutional Treaty for the European Union and on the paving legislation for a referendum
- taking a constructive departmental role in relation to the wider Europe, working with the Council of Europe and engaging with countries of strategic importance, such as future EU Accession States and those bordering Russia.

## Rights and democracy overseas

**7.43** DCA has continued to pursue its commitment to strengthening rights and democracy overseas. Training projects with the Chinese Ministry of Justice and Supreme People's Court were continued, as were institution-building projects in new European Union member states. Study visits from judges and ministry of justice officials from all over the world have taken place.

## A strong, independent and diverse judiciary

### Role of the judiciary

**7.44** DCA continues to work closely and effectively with the judiciary, recognising it as a key partner in delivering improvements to the justice system. The Department values the expertise and experience that the judiciary provides, and is working hard to improve the methods by which it engages with judicial office-holders at all levels.

**7.45** Building on the Concordat agreed between the Lord Chancellor and Lord Chief Justice in January 2004, the judiciary is now represented on the DCA Ministerial Executive Board and Her Majesty's Courts Service Board. The participation of the Deputy Chief Justice and Senior Presiding Judge respectively on these two key bodies signifies the importance DCA attaches to its relationship with the judiciary and the commitment of the judiciary to helping the Department take forward its delivery agenda. The text of the Concordat may be found at the Constitution section of the DCA website at [www.dca.gov.uk](http://www.dca.gov.uk).

**7.46** These arrangements are mirrored at lower levels, with increasing numbers of judicial office-holders sitting on Departmental programme and project boards, working groups and other bodies, covering a very wide range of initiatives. The judiciary, through the Judges' Council, is also increasingly providing a representative response to consultations and other developments.

**7.47** Guidance has been provided to all DCA staff to help them to work as effectively as possible with the judiciary. The Department is also working with the senior judiciary to ensure that they will have the resources necessary to fulfil their functions following successful passage of the Constitutional Reform Act 2005.

### A diverse judiciary

**7.48** The Department continues to implement a programme of reform to the judicial appointments process. The changes aim to increase public and stakeholder confidence in the appointments process and to increase the diversity of the judiciary without jeopardising the key principle of appointment solely on merit. In particular, a number of significant reforms have been taken forward:

- A new generic competence framework, adjusted for each level of competition, now forms the basis of all judicial selection.
- New arrangements have been implemented for Circuit Bench and Recorder appointments, which streamline consultation with the judiciary.

- A pilot of appraisal for Recorders is being taken forward on the Northern Circuit.
- Assessment Centres provide significantly more information about a candidate's abilities than an interview alone. Following their successful use for all Deputy District Judge competitions, assessment centres were piloted in March 2005 for Recorders on the Western Circuit.
- In August 2004, the Lord Chancellor appointed a new pool of lay interviewers to refresh the existing pool whose contracts were coming to an end. The new panel of interviewers is more diverse than the panel replaced, with 14 per cent coming from black and minority ethnic communities, and all have significant experience of recruitment at senior levels.

**7.49** Key appointments made during the year were as follows:

- one appointment to the Court of Appeal from the Queen's Bench Division
- nine appointments to the High Court, including the first female minority ethnic High Court Judge (Mrs Justice Dobbs DBE).

**7.50** Principal activities for Circuit Judge and District Judge appointments in 2004/05 included:

- continuing the rolling programme of appointments for judges ready to sit in 2004/05 on the Circuit Bench nationally, along with a similar programme for the appointment of Recorders

- running competitions for a number of specialist and senior Circuit Judge appointments
- running national competitions for the appointment of District Judges (civil) and starting a competition for District Judges (magistrates' courts)
- running two sets of assessment centres for the appointment of Deputy District Judges (civil and magistrates' courts).

**7.51** Full details and statistics of all appointments will be available in the Judicial Appointments Annual Report to be published later this year, and also at [www.dca.gov.uk](http://www.dca.gov.uk).

**7.52** A major component of our work to improve the diversity of the judiciary is the creation of an independent Judicial Appointments Commission (see above). In 2004/05 we undertook a number of other activities related to judicial appointment and diversity, which included the following:

- The Department has organised or attended various events (often in liaison with the legal profession) to provide information and demystify the appointments process. Other events were held to encourage applications for specific competitions, and these were well received by those who attended. The Department continued to be represented on the organising committees for the Woman Lawyer Forum and the Minority Lawyers' Conference, both of which held major conferences in Spring 2005.

- In 2001 the Department introduced a limited scheme of salaried part-time working for new judicial appointments at District Judge (civil) and Tribunal Judge level. A working group was established to consider how far the scheme could be extended, and this reported to the Lord Chancellor in June 2004. The working group's recommendations were accepted and the Department announced in August that from 1 April 2005 all new and existing salaried appointments below the level of the High Court would be suitable for part-time sitting unless the nature of the office or business needs dictated otherwise. Guidance has been drafted which supports the introduction of the expanded scheme.

**7.53** The table below illustrates the steady increase in appointments of female and minority ethnic judicial officers since 1998/99, when the Lord Chancellor published his first Annual Report on Judicial Appointments.

### Percentage of female and minority ethnic judicial officer appointments since 1998/99

	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04
Female	24	27	28	34	31	33
Minority ethnic	5.4	4.2	6.9	7.8	8.9	14.71

**7.54** The gender and ethnic background of judicial officers in post at 31 March 2005 is shown in the table below.

Position	Total	Gender		Ethnicity						
		M	F	White	Mixed	Asian	Black	Chinese	Other	Unknown
Lord of Appeal in Ordinary	12	11	1	9						3
Head of Division (excluding the Lord Chancellor)	4	3	1	4						
Lord Justice of Appeal	37	35	2	34						3
High Court Judge	108	98	10	96	1				1	10
Circuit Judge	643	576	67	593	2	2	2		5	39
Recorder	1358	1172	186	1244	12	23	23	3	12	41
Recorder in training	17	13	4	15		1				1
District Judge (including Family Division)	433	349	84	393	3	5			1	31
Deputy District Judge (including Family Division)	823	620	203	748	8	8	15	1	4	39
District Judge (magistrates' courts)	128	101	27	122	1	3				2
Deputy District Judge (magistrates' courts)	168	130	38	151	1	5	3	1	1	6
<b>Total</b>	<b>3731</b>	<b>3108</b>	<b>623</b>	<b>3409</b>	<b>28</b>	<b>47</b>	<b>43</b>	<b>5</b>	<b>24</b>	<b>175</b>
<b>% of total</b>	<b>100</b>	<b>83.3</b>	<b>16.7</b>	<b>91.4</b>	<b>0.8</b>	<b>1.3</b>	<b>1.2</b>	<b>0.1</b>	<b>0.6</b>	<b>4.7</b>

**7.55** A major priority for 2004/05 was the development of a co-ordinated strategy for increasing the diversity of the judiciary. This was overseen by a senior steering group, chaired by a DCA Minister (originally Lord Filkin, and subsequently Baroness Ashton), and whose members were Mrs Justice Hallett, (Senior Liaison Judge for Diversity, nominated by the Lord Chief Justice) and the serving President of The Law Society and Chairman of the Bar.

**7.56** Following meetings with key stakeholders over the summer a wide-ranging consultation paper, *Increasing Diversity in the Judiciary*, was published on 13 October 2004 ([www.dca.gov.uk/consult/judiciary/diversitycp25-04.htm](http://www.dca.gov.uk/consult/judiciary/diversitycp25-04.htm)). The consultation was supported by a series of 12 roadshows across England and Wales and a video.

**7.57** Beginning from the premise that the judiciary should reflect the diversity of the nation, the paper sought to analyse issues of and barriers to diversity. The paper then sought views and comments on how diversity might be improved, while emphasising that appointments must continue to be made on merit. The consultation paper focused on six key areas: improving information and communication strategies; becoming a judge; the appointments process: judicial working practices; the role of the legal profession; and monitoring judicial diversity in the future.

**7.58** The consultation period closed on 21 January 2005, and 101 responses were received. A summary of responses can be found at [www.dca.gov.uk/consult/judiciary/responsecp25-04.pdf](http://www.dca.gov.uk/consult/judiciary/responsecp25-04.pdf).

**7.59** The Lord Chancellor outlined the Government's response to the consultation on 5 March 2005 at the Woman Lawyer Forum Conference in London. The key areas are:

- a review of current eligibility requirements, both in terms of the qualifications required and the length of time which must be served before an application for judicial appointment can be made
- consideration of whether judges below the High Court should be allowed to return to practice
- expansion of flexible working arrangements for the judiciary, to include career breaks
- feasibility of establishing a mentoring scheme for salaried judges
- actively encouraging more people to apply to be judges.

The Lord Chancellor's speech can be seen at [www.dca.gov.uk/speeches/2005](http://www.dca.gov.uk/speeches/2005).

**7.60** The Lord Chancellor appointed 1,027 magistrates in the nine months to 31 December 2004. The percentage of magistrates from minority ethnic backgrounds in post (excluding the Duchy of Lancaster) has risen from 5.6 per cent in 2001/02 to 6.1 per cent in 2002/03 and 6.4 per cent in 2003/04. This is compared with an overall percentage of 8 per cent of the black and minority ethnic population of England and Wales. The percentage of magistrates appointed from black and minority ethnic backgrounds in 2004 (including the Duchy of Lancaster) was 8.7 per cent.

**7.61** As part of the Magistrates National Recruitment Strategy, launched in October 2003, the Department has conducted an extensive programme of research and data collection. We have also continued a regional bus advertising campaign, and have developed a range of advertising materials to be used to raise the profile of the magistracy and encourage additional, and more diverse, applicants. The *Magistrates National Recruitment Strategy: Implementation Paper*, published in March 2005, provided guidance for increased local recruitment, and this is to be supported in 2005/06 by new advertising material, and by a campaign to raise awareness and support for the magistracy among employers.

## Tribunals appointments

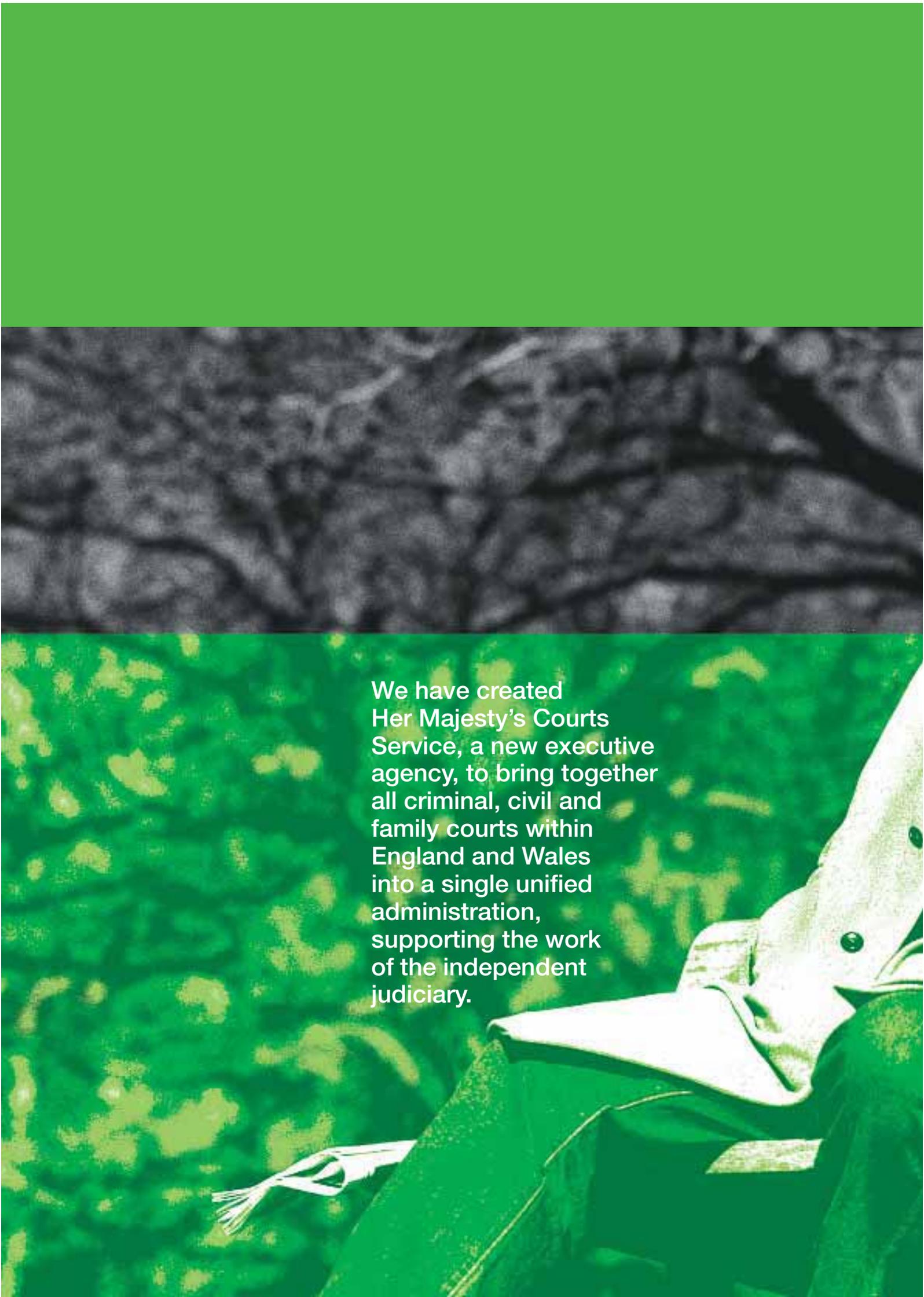
**7.62** The Lord Chancellor has appointed legally qualified tribunal members to a range of tribunals, including employment and mental health review tribunals. Following Royal Assent for the Asylum and Immigration (Treatment of Claimants etc) Act 2004, he has also appointed Immigration Judges, Designated Immigration Judges and Senior Immigration Judges for the new unified asylum and immigration appeals system.

**7.63** In addition, the Lord Chancellor has appointed doctors, other professionals and lay members to a wide range of tribunals according to the needs of the particular tribunals concerned.

## Broadcasting court cases

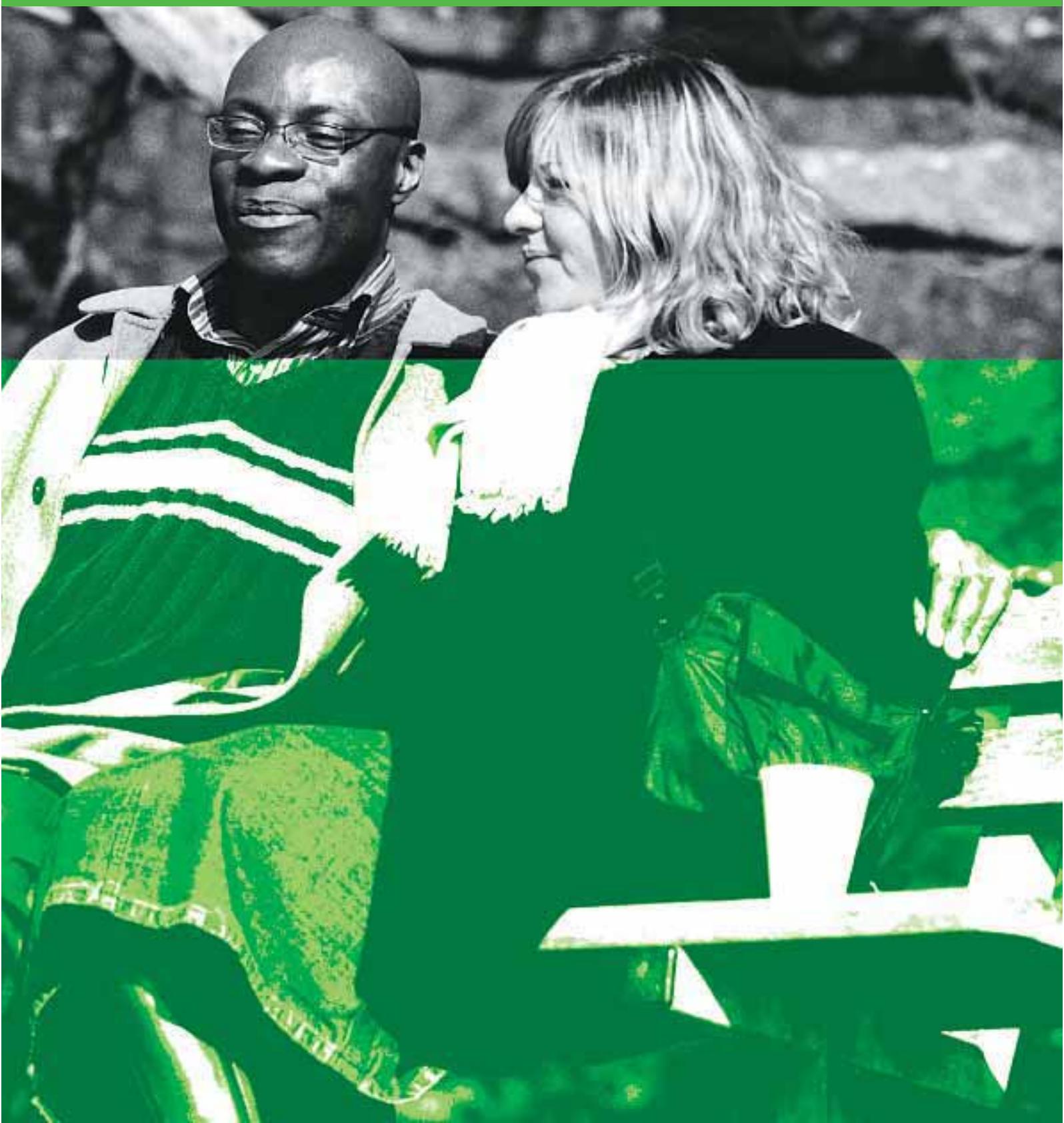
**7.64** DCA has carried out a consultation on the issue of whether any change should be made to the legislation that currently prevents the broadcasting by television or radio of court proceedings. For this complex, sensitive and high-profile issue, it was important to ensure that we received the views not only of stakeholder groups (the judiciary, lawyers, media, etc), but also of members of the general public. Therefore, as well as publishing a consultation paper in hard copy and on the internet, we also made an online version of the response questionnaire available, hosted an internet discussion forum, and held a stakeholder seminar, the results of which were posted on the DCA website.





We have created  
Her Majesty's Courts  
Service, a new executive  
agency, to bring together  
all criminal, civil and  
family courts within  
England and Wales  
into a single unified  
administration,  
supporting the work  
of the independent  
judiciary.

## 8 Delivering for the public



## DCA's strategy 2004–2009

**8.1** In December 2004, we issued a key strategy paper, *Delivering justice, rights and democracy: DCA strategy 2004–09*. This sets out our vision of how DCA should develop over the next five to ten years. It also provides the overall context for the Department's activity during the Spending Review 2004 period and beyond.

**8.2** Our analysis of the external environment defining the need for DCA services drew four main conclusions:

- overall demand for the services for which DCA is responsible will generally remain high and is set to increase in some areas
- levels of public confidence in government, the state and the justice system are not as high as we would like
- current services must focus better on the needs of the public and communities
- DCA needs to change significantly in order to meet these challenges, in terms of its capability, culture and skills.

**8.3** The key priorities for the DCA, as outlined in the previous five chapters of this annual report, are those areas where we judge that improvements will have the biggest impact on the public.

**8.4** The strategy is informed by the outcomes of the initial phase of our Consumer Strategy Review described in the *Departmental Report 2003/04*. In order to help deliver the commitment to putting the public at the centre of DCA policy and services, the Consumer Strategy team, which will form the core of the Department's enhanced strategy capability as a result of the reshaping of the centre of DCA, has been carrying out further work in a number of areas in 2004/05, including voters and voting, black and minority ethnic

consumers, and consumers' experience of the criminal justice system. It has also been co-ordinating development of the DCA Education, Information and Advice Strategy.

## Spending Review 2004

**8.5** Announced in July 2004, the Spending Review 2004 reinforced the Government's commitment to support an ambitious programme of reform across all parts of the criminal justice system. DCA's baseline (including provision for legal aid) will rise by 1.8 per cent annually in real terms compared with 2004/05, taking its budget to over £3.8 billion in 2007/08. The settlement will enable the Department to continue delivering an efficient and effective justice system, which supports the rights and needs of victims, witnesses and defendants and those who use our tribunals. It will also enable delivery of the Government's key constitutional priorities, including electoral reform and creation of the Supreme Court.

### Efficiency

**8.6** A major theme of the Spending Review 2004 across government was the need for a step change in efficiency, enabling resources to be focused on front-line service delivery. All departments will contribute to meeting the Government's programme to achieve at least £20 billion in annual efficiency gains across the public sector by 2007/08. By the end of the Spending Review 2004 period, DCA's contribution will have amounted to £292 million. The main elements being:

- Legal aid – £173 million
- Cross criminal justice system – £50 million

- Her Majesty's Courts Service (HMCS) – £31 million
- Procurement – £25 million
- Re-shaping the centre of DCA – £9 million

**8.7** The Efficiency Review is gathering momentum within the DCA and is being taken forward within the individual business areas detailed above. For example, Her Majesty's Courts Service has established an efficiency group to take forward the delivery of efficiencies through local plans in each of the 42 areas. The efficiencies will, on current plans, be achieved through a combination of initiatives including:

- streamlining management structure, achieving financial savings, shortening communications to the front-line and thus improving the effectiveness of the organisation
- more efficient management of the estate and facilities, for instance through the consolidation of county and magistrates' courts into common buildings, and progressively implementing a new estates strategy
- integration of functions, such as management of court business (listing); pooling of information to reduce costs and increase efficiency (e.g. common list of offender contact details); and merger for support functions at area level
- elimination of duplication of administration, for instance unified approach to the delivery of human resources, finance and information technology services
- more cost-effective procurement of goods and services and elimination of waste.

**8.8** Additionally, DCA is working with its partners across the criminal justice system and with the Office for Criminal Justice Reform to drive our efficiency within the system. Efficiencies will be delivered through a combination of initiatives including:

- Charging – reducing discontinuance rates and ineffective trials and increasing guilty pleas and conviction rates
- No witness, no justice – reducing ineffective and cracked trials as a result of witness issues
- Xhibit – reducing staff time taken to perform a range of back office tasks and unnecessary adjournments and the consequential impact on throughput.

**8.9** The legal aid workstream is continuing to identify initiatives to deliver efficiencies, and current plans include improvements in streamlining, improving efficiency in the allocation of legal help, and better control of costs for Very High Cost Criminal Cases (VHCCCs).

**8.10** One aspect of the programme is the more efficient deployment of workforces across all departments. For DCA, this equates to an overall reduction by March 2007/08 of 1,100 staff.

**8.11** During the next 6–12 months, work will focus on the development of more ambitious proposals for delivering efficiencies within HMCS drawing upon plans for business transformation in the courts. Additionally, work will continue in the legal aid and cross criminal justice arenas in identifying more initiatives and determining firm plans for securing and delivering efficiency savings and benefits.

## Relocation

**8.12** Consistent with the recommendations of the Lyons review of public sector relocation published in 2004, the Department is to locate new functions outside London and the South East of England whenever it makes good business sense. We therefore plan to locate the regional centre for the new Judicial Appointments Commission and the HQ of the new Tribunals Agency outside those areas. We expect these to comprise 200 posts in total. No decisions have yet been taken as to where they will be located.

## Better regulation

### Regulatory Impact Assessments

#### Overall level of compliance with Cabinet Office guidance

**8.13** During the course of 2004, the Department has fully complied with Cabinet Office guidance. Whenever appropriate, partial Regulatory Impact Assessments have accompanied consultation documents. Consultation documents published without Regulatory Impact Assessments either did not require them because of the nature of the proposal being consulted on or were scoping documents. In both instances, decisions were discussed and agreed in advance with the Cabinet Office.



### Plans to improve Regulatory Impact Assessment quality

**8.14** Following successful training seminars held in 2003, a further seminar was held for policy-makers in November 2004 to explain recent developments on the Better Regulation agenda. The seminar was jointly presented with the Cabinet Office, the Small Business Service and the Office of Fair Trading. The main focus of the seminar was on the widening of the scope of the Regulatory Impact Assessment to take in further impacts such as race equality and sustainable development.

**8.15** Following the seminar, it was agreed with the Cabinet Office that smaller workshops would be arranged to allow policy-makers to consider a worked example and explore in detail the issues that should be considered as a Regulatory Impact Assessment is developed. Three workshops were subsequently held during

### Effective Regulatory Impact Assessment use

**8.16** An example of a Regulatory Impact Assessment that had a positive impact on the formulation of policy is the final Regulatory Impact Assessment on 'Increases in Civil Court fees to recover costs incurred by the Court Service' [www.courtservice.gov.uk/docs/using\\_courts/fees/ria-1204.pdf](http://www.courtservice.gov.uk/docs/using_courts/fees/ria-1204.pdf). This Regulatory Impact Assessment outlines how some of the proposed fee increases would not be implemented because of specific concerns raised by stakeholders during the original consultation.

### Alternatives to classic regulation

**8.17** DCA, the Department of Trade and Industry and the Department for Education and Skills jointly published a Green Paper,



March and April 2005 with policy-makers who had varying degrees of experience in dealing with Regulatory Impact Assessments. It was found to be an effective and practical way to communicate the essential issues that need to be considered when preparing Regulatory Impact Assessments.

*Parental separation: children's needs and parents' responsibilities*, in July 2004. It outlined proposals to reform the way the family law system deals with contact cases and to support parents and children. The proposals were aimed at helping separating

parents to make arrangements in the interests of their child. To help parents more effectively reach these agreements, the proposals are intended to provide improved access to information, advice and mediation at the time of separation. For those who do ask the courts to decide on arrangements for their children, we intend to improve the legal processes and service delivery.

**8.18** After consultation on these proposals we published the *Next Steps* report on 18 January 2005, setting out plans to take forward the proposals published in the earlier Green Paper and new measures that emerged from the consultation exercise.

### Consultation

**8.19** During the year, 32 consultations were initiated, of which 19 lasted for 12 weeks or longer. Of the 13 limited consultations authorised by the appropriate DCA Minister, 12 contained an explicit reference to the ministerial authorisation and all 13 set out reasons why a limited consultation was appropriate for the particular topic on which views were being sought.

**8.20** Limited consultations were conducted rather than full public consultations for a number of reasons, the most common of which were that the subject was highly specialised or technical, or that there was a small number of clearly identifiable stakeholders who were involved in the development of the policy or proposal.

**8.21** As an example of best practice, towards the end of the year, the Department consulted on whether court proceedings should be broadcast. The consultation was designed to elicit the widest possible range of views on what is a sensitive and controversial topic, and to assist in achieving this objective an online discussion forum was run alongside the conventional

consultation exercise. The results of the discussion forum will be analysed to see what learning points it offers as the Department moves to adopting different and more innovative approaches to consultation in the future.

### Regulatory reform

**8.22** No major regulatory reform measures or Regulatory Reform Orders were delivered during the year; however, the Department's first Regulatory Reform Order has cleared all Parliamentary stages and will come into force later this year. Although not concerned with regulatory reform in the strictest sense, the Statute Law (Repeals) Act 2004 was also passed during the year.

**8.23** No new proposals for Regulatory Reform Orders have been identified during the year, in part because of continuing problems with the scope of the Regulatory Reform Act as it affects proposals that come within the Department's area of responsibility. In order to try to address these difficulties, the Department has initiated discussions with the Cabinet Office about how the Act might be revised. The Department has also been in discussion with the Cabinet Office about whether other procedures might be adopted to allow smoother implementation of reform measures within its areas of responsibility.

**8.24** The major regulatory reform measure identified during the year and on which work continues is the Government's response to the Clementi Review. The report of the review, which makes recommendations about the reform of the regulatory framework for legal services in England and Wales, was delivered in December 2004. The Government has broadly accepted the findings of the review and will publish a White Paper in autumn 2005, with legislation to follow. We will set the

parameters of the regulatory framework – including the roles of a new oversight regulator (the Legal Services Board) and new Office for Legal Complaints, and the professional bodies – and make it possible for legal services to be provided in new ways.

**8.25** No regulatory reform measures that have previously been identified have been dropped during 2004. One previously identified Regulatory Reform Order (RRO) concerning solicitors' professional regulation was put on hold in 2004 as the subject was likely to come within the scope of the Government's response to the Clementi Review. The Department has now decided that it will not proceed with this particular RRO because any measures it might have taken forward under this proposal will probably be dealt with as an element of the Government's overall response.

### Examples of regulations with sunset clauses

**8.26** Two examples from 2004 are:

- The Collection of Fines (Pilot Schemes) Order 2004 (ended 31 March 2005)
- Magistrates' Courts, England and Wales: The Fines Collection Regulations 2004 (ended 31 March 2005).

### Commitments to review specific regulations or regulatory areas within the next year

**8.27** The major area of activity will concern the response to Sir David Clementi's independent review of the regulatory framework for legal services in England and Wales. Sir David's report was published at the end of 2004 and his recommendations are currently being considered.

### Transparency of implementation plans for European legislation

**8.28** The Department is not responsible for a significant amount of European legislation. Most European proposals on civil law are permissive rather than mandatory, providing an optional alternative method or process.

### Change agenda

**8.29** DCA is developing and strengthening its capacity and capability to ensure it is better able to deliver its commitments and ambitious reform agenda. DCA's main focus is to develop more efficient and effective services designed around the needs of the public.

**8.30** In May 2003, DCA launched a change programme (the Change Agenda) to assist with this focus and to deliver Secretary of State Lord Falconer's manifesto for the DCA.

**8.31** The Change Agenda concentrated on the following areas: corporate audit (efficiency); consumer strategy; PSA delivery planning; stakeholder management; and communications and leadership.

**8.32** In June 2004, we reviewed the Change Agenda and identified the areas we now need to concentrate on for our continued development.

**8.33** In 2005/06, DCA will build on this progress by concentrating on the following key elements:

- delivering commitments which have been defined in the DCA *Manifesto/5-Year Strategy* and Public Service Agreement for the Spending Review 2002 and Spending Review 2004 periods

- ensuring that DCA business is delivered in the most efficient and cost-effective ways and that the DCA is living within its means
- ensuring that the DCA is positioned to deliver a service which is based on the current and future needs of its customers, the public and stakeholders
- ensuring that DCA continues to develop its capability to deliver its business and commitments.

## Courts and tribunals modernisation

### Her Majesty's Courts Service

**8.34** Lord Justice Auld's review of the criminal courts in 2002 paved the way for the Department to create Her Majesty's Courts Service as a new executive agency. The new organisation, comprising over 20,000 staff and working with 30,000 judges and magistrates in over 600 locations, brings together all criminal (both Crown and magistrates'), civil and family courts within England and Wales into a single unified administration, supporting the work of the independent judiciary. The agency came into operation on 1 April 2005.

**8.35** This is the largest and most challenging change programme undertaken by the Department, and one of the largest within Government. The work of the programme has affected all areas of the Department to support the demands of an operational arm that has doubled in size. Throughout this transition period, the Department has continued to maintain and improve performance whilst ensuring minimal disruption to customers.

**8.36** Sir Ron De Witt has been appointed the first Chief Executive. He has recruited a new management team, responsible for setting and managing a challenging strategy and performance framework. The agency has a strong local focus with seven regional and 42 area directors, responsible for the administration of all courts within their geographical areas. All of the directors are now in place and have been working closely with the existing organisations to ensure continuity of service and the successful migration of staff and responsibilities into Her Majesty's Courts Service.

**8.37** Her Majesty's Courts Service will work with and be supported by 42 new local Courts Boards, which have been operative since October 2004 in shadow form. These boards will ensure that the new organisation has a strong focus on the needs of court users and the local community they serve. The boards have already provided a valuable contribution to the creation of business plans for Her Majesty's Courts Service in readiness for the first formal year of operation.

**8.38** The successful migration of staff, and retention of their skills and knowledge, from both the Court Service and the 42 local Magistrates' Courts Committees has been a substantial undertaking and is a key driver to the success of the new agency.

**8.39** At the same time, the introduction of innovative and best practice gleaned from across existing organisations and other sectors, is expected to translate into improved service for court users and increased value for money.

**8.40** A strong, forward-looking base has now been established that will allow Her Majesty's Courts Service to deliver the sort of modern, effective and innovative court service that will inspire public confidence in the civil and criminal justice system and places people at the very heart of our service.

### Tribunals Service Programme

**8.41** In July 2004, the Government published the White Paper *Transforming public services: complaints, redress and tribunals* which set out detailed plans for the creation of a single Tribunals Service agency in DCA, which will provide common administrative support to the largest central government tribunals.

**8.42** Between 2006 and 2008, DCA's current tribunals will be joined by the Employment Tribunals Service, the Special Educational Needs and Disability Tribunal for England, the Criminal Injuries Compensation Appeals Panel, the Appeals Service and the Mental Health Review Tribunals, which will transfer from their current sponsoring departments. Other smaller central government tribunals will also join the service as appropriate.

**8.43** The new agency, which will deliver real improvements in services to tribunal users as well as efficiencies for the taxpayer, will be launched in April 2006. Planning is well underway, and in December 2004 Peter Handcock took up post as Chief Executive designate of the new service. He is being supported by a 'virtual' management team

comprising the senior managers of the tribunals that will initially constitute the Tribunals Service.

**8.44** As well as creating the new agency, the Tribunals Service Programme is also exploring opportunities for delivering improved services to users ahead of 2006, including piloting a scheme for making better use of the various tribunals' hearing centre estates.

## Human resources

### Senior Civil Service recruitment

**8.45** There are currently 148 members of the Senior Civil Service. There is a service-wide target to fill at least 50 per cent of Senior Civil Service vacancies by external competition. In 2003/04, only 22 per cent of our vacancies were advertised externally. However, the mixed approach to vacancy filling agreed to in January 2004 (and the presumption that jobs will be filled by open competition unless there are business grounds why this would not be appropriate) has meant that the number of posts advertised externally increased significantly in the 2004/05 financial year to 52.85 per cent. Figures for 2004/05 have been distorted by the level of recruitment activity for Her Majesty's Courts Service, but we are confident that we will continue to meet the target if we maintain the ratio of external recruitment activity undertaken for DCA headquarters.

### Senior Civil Service development

**8.46** In January 2004 we completed a programme of assessment centres for 88 existing members of the Senior Civil Service. The assessment centres were

designed specifically for the DCA and tested 12 key leadership behaviours. The same exercises have been used in Senior Civil Service selection since January 2004.

**8.47** The Departmental Management Board is playing an active role in ensuring that the outcomes of the Assessment Centre programme are followed through and that the development needs identified are addressed both corporately and by individuals. All members of the Senior Civil Service now have an individual development plan that seeks to both build on strengths and improve weaker areas of performance. Progress against the plans will be monitored through active performance management, by both directors and directors general. To support them in doing so, the High Performance Coaching Programme was extended to include all directors and focused on developing performance management skills.

**8.48** To meet the demands of individual development plans, and build on the leadership development already provided, we are expanding the suite of development options available to the Senior Civil Service. In July 2004, we piloted Performance Management Masterclasses with emphasis on coaching and giving feedback and, in November 2004, launched the Senior Civil Service website, which includes access to career management tools. Future work will be developed in line with the Professional Skills for Government initiative.

**8.49** The objective of the development activities is to fully embed a culture of leadership in the DCA, so that it is regarded as part and parcel of all senior managers' jobs. We will continue to monitor progress in this area through focused questions in Staff Opinion Surveys.

## Professional Skills for Government

**8.50** Professional Skills for Government is a programme of action agreed by the Civil Service Management Board to ensure that the Civil Service has the right skills in all areas and at all levels to deliver its priorities effectively. The programme will establish clearer career paths for civil servants within the three delivery strands of policy delivery, operational delivery and corporate services delivery. It will therefore enable civil servants to identify their skills needs in order to progress and develop their careers as professionals in their fields, building on the professionalism and expertise for which the Civil Service is already renowned. Ian Magee, Chief Executive Operations and Second Permanent Secretary, has been invited to take the lead as Professional Head of the operational delivery specialism, co-ordinating professional development for this skill area across the Civil Service.

**8.51** Within the DCA, Professional Skills for Government will be a key enabler of our *5-Year Strategy*. Its successful implementation will ensure that everyone in DCA is developing the skills they need to deliver policies and services that meet the needs of our customers. The programme will build upon the work underway to develop strong leadership capability and to reinforce customer focus across the Department, enabling DCA to achieve the challenging targets it has set.

## Developing a diverse workforce

### Diversity

**8.52** Our diversity targets are currently being updated in conjunction with the Human Resources Directorate.

**8.53** The recommendations of the diversity review for creating a more strategic approach to delivering the DCA's diversity agenda has been turned into measurable plans and objectives to deliver progress, and has evolved and progressed to the stage of implementation. The work is being delivered through the diversity programme with a portfolio of four projects: staff potential and leadership; delivering services to our communities and clients; developing policy; and compliance with diversity legislation.

### Diversity in the Senior Civil Service

#### Gender

**8.54** As of April 2004, the service-wide average of the percentage of women in Senior Civil Service posts was 27.8 per cent, and the DCA 28.9 per cent (against a target of 35 per cent). As of April 2005, the overall percentage of women in the Senior Civil Service in the DCA has risen (to 35.2 per cent) but still falls short of the Cabinet Office's April 2008 target (of 37 per cent).

**8.55** As of April 2004, the percentage of women in top management posts across the Civil Service (i.e. director level and above) was 24.4 per cent and in the DCA 26.7 per cent (against a target of 25 per cent). As of April 2005, 34.4 per cent of such posts in DCA are filled by women, exceeding the Cabinet Office target of 30 per cent set for 2008.

#### Disability

**8.56** As of April 2004, 2.6 per cent of our Senior Civil Service had declared a disability (against a service-wide target of 3 per cent) but this was higher than the Civil Service average (of 2.4 per cent). As of April 2005, the percentage of Senior Civil Service staff declaring a disability has fallen to 1.4 per cent compared with a new target of 3.2 per cent. (The numbers are so small that the departure of one member of the Senior Civil Service with a disability can have a significant impact on our performance against the diversity target.) 42 per cent of our Senior Civil Service have not declared either way and we are planning to re-survey in the near future.

#### Ethnicity

**8.57** As of April 2005, only 1.8 per cent of our Senior Civil Service had declared they were from an ethnic minority (compared to a service-wide target of 3.2 per cent and an average across the Civil Service of 2.2 per cent). As of November 2004, the percentage of DCA Senior Civil Service staff declaring minority ethnic origin had increased to 2.74 per cent, compared with the 2008 target of 4 per cent.

**8.58** The April 2008 targets provide further challenges but the early signs suggest we will be able to meet them if we can maintain current trends. While there is still some way to go, the signs are positive. Over 5 per cent of the staff who attended the development programme for Spans 8 and 9 were of minority ethnic origin and 47 per cent were women. The current fast stream cadre include 6.4 per cent disabled staff, 8.5 per cent of minority ethnic origin and 57.4 per cent are women.

**8.59** We will need to maintain current recruitment activity if we are to continue to improve our diversity statistics, and ensure that the recruitment practices are fair and literature is kept under review so that it appeals to minority groups. But we also need to take positive action to bring on talented staff in minority groups in both the feeder grades and the fast stream.

## Effective communications

### Correspondence from MPs/Peers

**8.60** The Department has a target to reply within 20 working days. Figures for the period 1 January – 31 December 2004 show that Ministers replied to 3,416 letters with the target for response met in 64 per cent of cases. In June 2004, a number of reforms were made to the ministerial correspondence handling system. As a result, 88 per cent of letters received a response within target during the period July to December. We anticipate that this significant improvement will be sustained in 2005.

### Correspondence from members of the public

**8.61** The Department has a target to reply within 15 working days. Figures for the period 1 January – 31 December 2004 show that 11,933 letters (including e-mails) were answered with the target for response met in 76 per cent of cases. The reform of the handling of ministerial correspondence will be extended to the handling of this correspondence and we anticipate improvement in performance for 2005.



## Greater engagement and better communication

**8.62** DCA supported its commitment to develop a more strategic approach to communication with the appointment last July of a new Director of Communications, Lucian Hudson, a member of the Ministerial Executive Board. The Director is responsible for strategic leadership and management of internal and external communications for DCA, and is head of profession across the Department (including its executive agencies and non-departmental public bodies).

**8.63** The main task is to support the Department in opening up and engaging with our stakeholders, our own staff, particularly those delivering front-line services, the public and the media, being clear about the Department's purpose, business, achievements and priorities.

## Publicity and advertising campaigns

**8.65** Communications Directorate took a proactive approach to communicating to the public and to staff, including publicising the Secretary of State and Lord Chancellor's Departmental Agenda and 5 Year Strategy. Key achievements include:

- the Green Paper on parental separation
- extensive national media coverage on the coming into force of the Freedom of Information (FOI) Act
- raising awareness of FOI among public sector bodies and the general public
- the establishment of the first Community Justice Centre in Liverpool



**8.64** Our strategy is to be more proactive and open in targeting consumers more effectively and working closely with stakeholders to engage and communicate with key audiences; to develop the identity of DCA and its key agencies; to build a centre of expertise; and to drive quality and efficiency in communication throughout the DCA family.

- a radio, press and ambient media campaign for effective fine enforcement
- a national magistrates recruitment campaign.

The Department also managed a pilot on filming in courts based in the Court of Appeal, the results of which will not be broadcast but assessed by Ministers and the senior judiciary.

## Welsh language

**8.66** DCA has adopted the principle that in the conduct of public business and the administration of justice in Wales we will treat the English and Welsh languages on a basis of equality. DCA is currently in discussion with the Welsh Language Board with a view to finalising a Welsh Language Scheme for public consultation. Once the consultation has been carried out the Scheme will be adopted as the published statement of DCA's policy on the use of the Welsh language.

**8.67** There is a dedicated Welsh language unit in Her Majesty's Courts Service based in Holyhead. The unit provides support to the customers of the courts and across DCA and the tribunals. A helpline facility is also available, providing a range of free services to the public on request. The majority of Her Majesty's Courts Service leaflets and forms currently available are produced in a bilingual format. Court users have the right to give evidence in either language, in which case simultaneous translation facilities can be made available.

**8.68** Her Majesty's Courts Service and members of the magistrates' courts in Wales are currently developing a joint Welsh Language Scheme for Her Majesty's Courts Service to extend existing services and functions to all court users.

**8.69** The Lord Chancellor's Standing Committee for the Welsh language meets regularly, chaired by Mr Justice Roderick Evans, the Presiding Judge, Wales and Cheshire, and discusses a wide range of issues relating to the Welsh language in the courts.

## Health and safety

**8.70** DCA is committed to ensuring the health, safety and welfare of its employees, the judiciary, visitors, contractors and all others who may be affected by its activities. It fully accepts its responsibilities under the Health and Safety at Work Act 1974 and other associated legislation in providing safe and healthy working conditions, and will take all reasonably practicable measures to minimise the risk of injuries or damage to health.

**8.71** DCA also recognises that effective health and safety management provides a significant contribution to business performance and demonstrates our commitment to our staff in relation to their welfare and the quality of their working environment. With this in mind, the new DCA HQ health and safety branch has focused on reviewing and revitalising existing arrangements for the management of health and safety and provision of assurance to senior management, and is preparing an action plan for the forthcoming year. Significant successes were achieved in the delivery of general health and safety awareness courses for all employees, and specific training events for senior managers and those nominated to carry out display screen equipment (DSE) risk assessments.

**8.72** Within DCA, the former Court Service ran the generic risk assessment programme. The major achievement in 2004 was an extensive in-house DSE risk-assessment programme that involved 32 nationwide training events. A revised health and safety policy and practice manual with costed training proposals to cover the new Her Majesty's Courts Service structure has been circulated for approval.

**8.73** Close co-operation and co-ordination with Trade Unions and safety representatives continues to ensure an informed partnership approach to improving the health and safety culture.

## Sustainable development

**8.74** DCA is committed to embedding sustainable development into all aspects of its policies and operations. To this end the Department is undertaking a review of its performance on sustainability with a view to developing a comprehensive strategy based on the principles set out in the Department for Environment, Food and Rural Affairs' *Framework for sustainable development on the Government estate*, published in 1999.

**8.75** We have a dedicated sustainable development team responsible for co-ordination of the sustainable development strategy and providing information and advice throughout DCA. In addition we have a dedicated Green Minister and a departmental 'Green Champion' on the Departmental Management Board.

**8.76** During 2004/05, DCA committed £350,000 towards sustainable development issues. Much of this money was used to undertake energy and water surveys, and to fund works identified from these on a 'spend to save' initiative. Progress has been made on the Department's two pilot Environmental Management Systems with key personnel in each site attending a four-day training course enabling them to effectively monitor and audit the systems in place. We also moved much of our estate on to a new electricity tariff and approximately 80 per cent of the estate now receives electricity from renewable sources. Sustainable development clauses have been included in all new building contracts and within the *Court standards design guide*, providing information on best practice and advice about the Department's strategy.

**8.77** The coming year will see the Department embedding the principles of sustainable development across its estate and working to raise awareness of staff by providing training and awareness sessions as well as development of both a web and intranet site. Following the internal review, work will be taken forward to develop a sustainability action plan that will enable a more strategic approach and ensure sustainability is taken into account in the delivery of its business. DCA will also continue its rolling programme of energy and water surveys, as well as incorporating the enlarged estate following the establishment of Her Majesty's Courts Service into the energy and water monitoring programme.

## Financial and risk management

### Identifying and managing risks

**8.78** Active management of risk is fundamental to the efficient, effective and economical achievement of DCA's strategic and business objectives, and is central to the way business is conducted within the Department. Risk forms an integral element of the DCA Ministerial Executive Board performance reviews, and informs the financial planning process, operational decision making, contingency planning and investment decisions.

**8.79** DCA was able to produce a fully compliant Statement on Internal Control for 2003/04, and work has been continuing this year to develop our risk management capabilities further, utilising HM Treasury's Risk Framework. Notable improvements have been achieved across the range of elements of the framework covering: Leadership; Strategy and Policies; People; Partnerships; Processes; Handling; and Outcomes.

**8.80** This has been achieved by a combination of:

- high profile senior sponsorship and regular communications
- improved risk management processes and reporting templates
- consistent emphasis on the importance of robust risk management across all main business processes
- availability of input and advice from a central team reporting to the Risk Improvement Manager
- development of consistent methods to review and report risks at both local and executive management level
- the adoption of a risk-based approach to internal audit planning and execution.

**8.81** In common with other Government departments, DCA reported its progress on management of risk to the Prime Minister in December. Areas identified for continued development include:

- further refinement of corporate risk reporting, integration of external and information risks
- adoption of a more sophisticated Impact assessment model including operational delivery, financial performance and control, legal and regulation, and reputation
- building upon management of risks with partners, for example through Criminal Justice System joint working.

### Value for money

**8.82** We have a target to *increase value for money from the Criminal Justice System by 3 per cent per year, increasing efficiency by at least 2 per cent a year, including the delivery of legal aid (PSA Target 7)*. The target also contributes to the CJS value for money PSA.

**8.83** Crucial to achieving this target are those initiatives which increase efficiency within the legal aid system, spending on which currently makes up around two-thirds of our total expenditure. Legal aid is a key enabler for many policies in our 5 Year Strategy and is vital in protecting individuals' fundamental rights in areas such as crime and asylum. It is also an important enabler in giving people access to their rights in social welfare areas of law, such as housing, welfare and debt. A more efficient use of resources is therefore vital to ensure that we can effectively deliver these services in the interests of users and taxpayers.

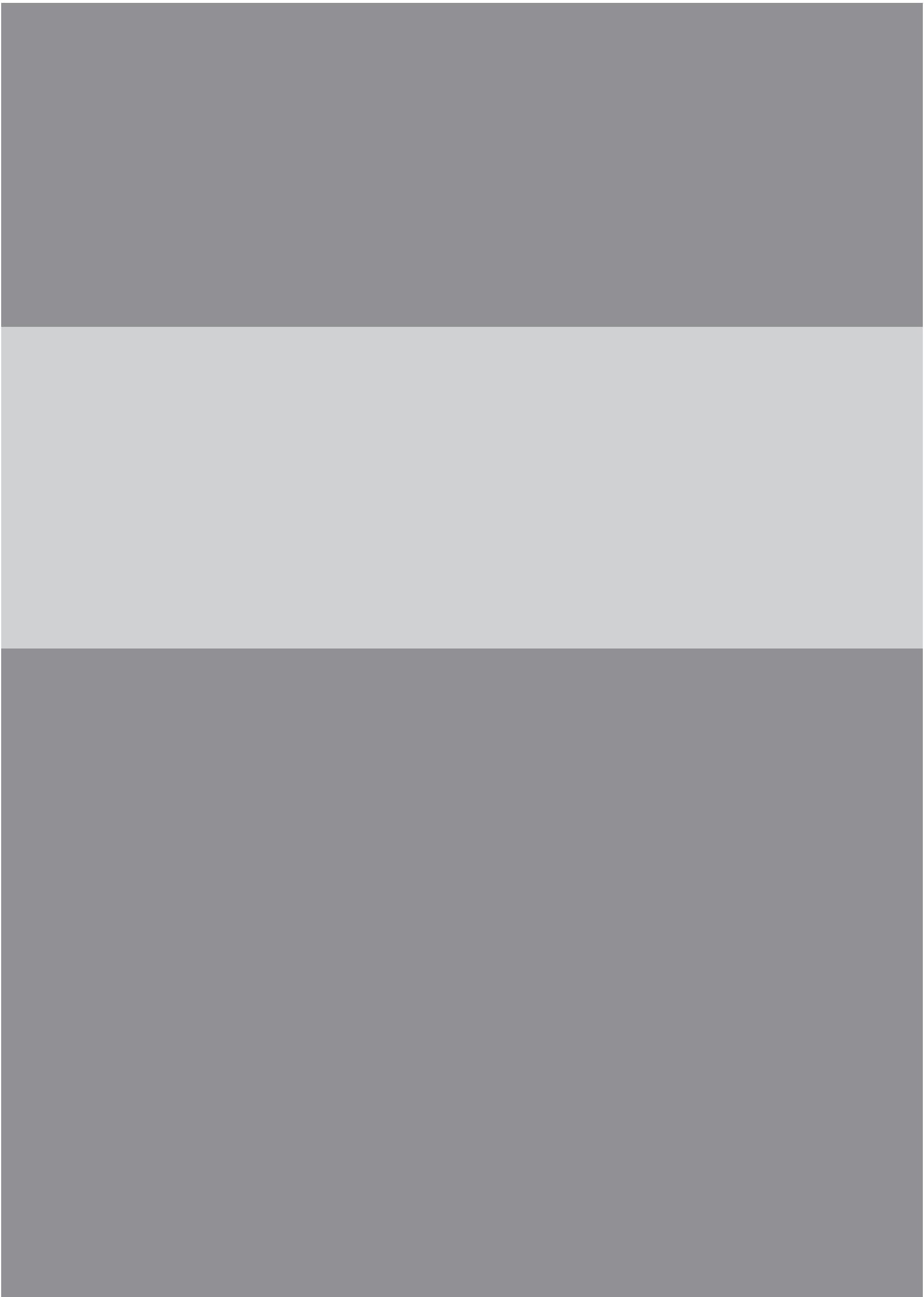
**8.84** Activities undertaken in 2004/05 which contributed to achieving value for money included:

- undertaking then implementing the findings of a review of the Very High Cost Criminal Cases regime as part of the continuing programme of work to apply contracts to all cases which qualify. Very High Cost Criminal Cases account for a disproportionate amount of expenditure within the Criminal Defence Service. In 2003/04 the top 1 per cent of Crown Court cases (about 1,300) consumed 50 per cent of Crown Court legal aid spending (i.e. over £300 million). The 30 largest cases consumed around £80 million in legal aid
- introducing a package of controls to bring asylum legal aid under effective control and cut out unnecessary expenditure, and contributing to the overall drive to speed up the asylum and immigration appeals system. Costs are being addressed and resources targeted at the most deserving cases. Quality is being recognised and rewarded by the new accreditation scheme, and wasteful duplication of cases is being tackled
- including the fines enforcement programme into the target as a further contributory initiative. DCA has agreed a tough new fines enforcement regime to crack down on fine defaulters. Rigorous enforcement is vital in improving public confidence in the effectiveness of the criminal justice system and in reducing crime. The fines enforcement national payment rate target of 78% for 2004/05 was exceeded (a rate of 80% was achieved).

- implementing a package of criminal justice legal aid savings and strengthening Recovery of Defence Costs Orders.

**8.85** Our future programme of work in 2005/06 includes:

- continuing application of Very High Cost Criminal Cases contracts to all qualifying cases and conducting a benchmark exercise as part of the work to measure the actual level of Very High Cost Criminal Cases savings (and of those from changes between the Very High Cost Criminal Case regime and the Criminal Graduated Fee Scheme) against predicted totals
- ongoing evaluation of the effectiveness of the package of asylum and criminal changes
- fines enforcement national target rate for 2005/06 of 81 per cent.



## 9 Other offices

# Northern Ireland Court Service

**Director: David A Lavery**

## Introduction

**9.1** In 2004 the Northern Ireland Court Service (the Court Service) celebrated 25 years of public service. Established in 1979 as a separate civil service in Northern Ireland, the Court Service employs some 750 staff and operates 21 courthouses across Northern Ireland, including Laganside Courts in Belfast which is Ireland's largest courthouse comprising the Crown Court, the county court and magistrates' courts in a 16 courtroom hearing centre.

**9.2** The Director of the Court Service is supported by a Management Board comprising five Divisional Heads and a non-executive member.

## The work of the Court Service

**9.3** The work of the Court Service is to:

- provide administrative support for the Northern Ireland courts, i.e. the Supreme Court, county courts, magistrates' courts, coroners' courts and certain tribunals
- enforce civil court judgments through a centralised enforcement service provided by the Enforcement of Judgments Office
- support the Lord Chancellor in discharging his ministerial responsibilities in Northern Ireland, including responsibility for judicial appointments and legal aid.

## Objectives for 2004/05

**9.4** The Court Service's new *Corporate Plan 2005–2008* will be published in June 2005. The corporate aim of the Court Service is 'Serving the community through the administration of justice'.

## Performance for 2004/05

**9.5** The Court Service's Annual Report for 2004/05 will report on business performance against the targets and performance milestones set in the Business Plan for 2004/05. A summary of key achievements is provided below.

## Promoting confidence in the Criminal Justice System

**9.6** The Court Service has continued to work with other criminal justice agencies in Northern Ireland to deliver the modernisation of the criminal justice system as set out in the Government's *Implementation Plan for the Northern Ireland Criminal Justice Review* (2000). The Court Service collaborated with key stakeholders to secure the passage of the Justice (Northern Ireland) Act 2004, which provides for the establishment of a Northern Ireland Judicial Appointments Commission.

**9.7** The Northern Ireland Criminal Justice Review recommended the establishment of a new office of Lay Magistrate in order to facilitate greater community involvement in the courts. A high-profile campaign was launched in May 2004 and attracted 5,000 applications for approximately 300 posts. The new Lay Magistrates took up office in April 2005.

**9.8** During 2004/05 the Court Service continued to deliver, in partnership with other criminal justice agencies, a number of new initiatives such as the introduction of Anti-Social Behaviour Orders and Special Measures for Vulnerable and Intimidated Witnesses.

### **Constitutional Reform**

**9.9** The Court Service continues to work closely with DCA colleagues on the implementation of the Constitutional Reform Act 2005, which will transfer a number of the Lord Chancellor's judiciary-related functions to the Lord Chief Justice of Northern Ireland.

### **Reforming publicly funded legal services**

**9.10** The Court Service continues to work in partnership with the Northern Ireland Legal Services Commission on the reform of legal aid in Northern Ireland. Significant progress was made on the introduction of new arrangements for remuneration paid to lawyers who undertake publicly funded defence work in Crown Court cases. The new arrangements came into force at the end of the financial year 2004/05 and will secure budgetary predictability, cost control and value for money.

**9.11** The Court Service initiated a Fundamental Legal Aid Review in Northern Ireland. This work will be completed by the summer of 2005 and will shape the future arrangements for civil legal aid.

### **Modernising the Coroners' Service**

**9.12** Following a consultation exercise in 2004 on the reform of the Coroners' Service in Northern Ireland, the Court Service published proposals to modernise the Coroners' Service in Northern Ireland in April 2005. The proposals will introduce a new judicial structure for the Coroners' Service in Northern Ireland, including the appointment of a High Court Judge to act as the presiding Judge for the Coroners'

Service. These reforms will be rolled out during 2005 and will give effect to the recommendations of the Luce Review on the inquest system.

## **Delivering better public services**

### **Modernising business delivery**

**9.13** The Business Modernisation Strategy comprises four major programmes:

- Integrated Court Operations System and Causeway
- Electronic Service Delivery
- Courtroom Technology
- Electronic Documents and Record Management.

**9.14** The Court Service, in partnership with Fujitsu Services, has developed an IT platform – the Integrated Court Operations System (ICOS) – to support civil, criminal and family court operations. ICOS will support the delivery of efficiencies in the processing of court business. During 2004/05 the following ICOS modules became operational:

- County Court Civil Business
- Fees Collection
- High Court Queen's Bench Division
- High Court Chancery Division
- High Court Family Division
- County Court Divorce.

**9.15** The Court Service is a partner in the Causeway Programme which will permit information sharing between the criminal justice agencies in Northern Ireland.

**9.16** The first elements of the Electronic Service Delivery Programme delivered during 2004/05 were:

- the publication of Court Lists
- public searching of the Bankruptcy and Chancery Register
- public searching of the Probate Register
- public searching of the Divorce Register.

**9.17** The Courtroom Technology Programme was extended to Londonderry Courthouse, providing advanced courtroom technology facilities including the digital presentation of evidence and video-conferencing. Digital Audio Recording systems were also introduced into all Crown Court and Family Care Centres across Northern Ireland.

**9.18** In August 2004 the Court Service achieved ISO 7799 Security of Information Accreditation. A critical element of this accreditation was the creation and testing of province-wide Business Continuity and Disaster Recovery Plans.

#### **Freedom of Information**

**9.19** The Court Service has adopted an Electronic Documents and Record Management solution across key service areas. The Court Service has developed a full range of Publication Schemes, all of which were approved by the Information Commissioner.

#### **Case management**

**9.20** Each year targets are set for increasing the efficiency of case management across each of the court areas of criminal, civil and family business. Business performance during 2004/05 was as follows:

#### **Criminal business**

<b>To process 80% of criminal business within target time</b>	<b>Within target</b>
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Overall performance	79%
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#### **Civil business**

<b>To process 97% of civil business within target time</b>	<b>Within target</b>
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Overall performance	96%
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#### **Family business**

<b>To process 95% of family business within target time</b>	<b>Within target</b>
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Overall performance	97%
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#### **Improving customer service**

**9.21** During 2004/05 eight court venues achieved Charter Mark accreditation with best practice being recognised in many aspects of customer service. All remaining courthouses will apply for Charter Mark accreditation by the end of 2006.

**9.22** The Court Service Inspectorate has undertaken an inspection of all aspects of customer service within the Court Service, including support for the judiciary. A final inspection report will be published in July 2005.

**9.23** A Customer Service Board co-ordinates and drives-forward the work on customer service improvement. The Board has responsibility for taking forward a Customer Services Strategy for the Court Service.

#### **Becoming a more community facing organisation**

**9.24** Court visits by schools and colleges are a popular element of the Court Service's outreach programme, with over 70 court visits facilitated during 2004.

**9.25** A Court Service Education Online website was introduced in November 2004. This is designed to support the delivery of the citizenship module of the Northern Ireland schools curriculum. The website is at [www.courtsni.gov.uk](http://www.courtsni.gov.uk). The website was highly commended at the BT Goldeneye Awards 2005.

#### **The right staff with the right skills**

**9.26** The Court Service has implemented a staff development programme for staff at Executive Officer and Administrative Officer levels, providing opportunities for staff to undertake national vocational qualifications.

#### **Achieving a workforce reflective of the community it serves**

**9.27** The Court Service, in partnership with the Northern Ireland Equality Commission, has developed an Employment Equality Plan to achieve a workforce reflective of the community it serves. The Court Service is the first Government Department in Northern Ireland to take this initiative.

## **Management of resources**

**9.28** As part of the Spending Review 2004 settlement, the Court Service developed an Efficiency Plan covering the Court Service and the Northern Ireland Legal Services Commission.

**9.29** The Court Service's Resource Accounts for the financial year ending 31 March 2004 were published in September 2004. These are available online at [www.courtsni.gov.uk](http://www.courtsni.gov.uk)

#### **Judicial appointments**

**9.30** During the year a number of senior judicial appointments were made, including a Lord Justice of Appeal, three High Court Judges, five County Court Judges, a President of the Industrial Tribunals and the Fair Employment Tribunal, and two High Court Masters.

## **Contact details**

Northern Ireland Court Service  
9–15 Bedford Street  
Belfast BT2 7LT

T: +44 (0)28 9032 8594  
F: +44 (0)28 9041 2390  
Textphone: +44 (0)28 9041 2920  
E: [informationcentre@courtsni.gov.uk](mailto:informationcentre@courtsni.gov.uk)  
[www.courtsni.gov.uk](http://www.courtsni.gov.uk)

## Financial tables

**Table 1**

**Northern Ireland Court Service: total public spending**

**£000**

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn	2005/06 plans	2006/07 plans	2007/08 plans
<b>Consumption of resources</b>									
Courts, other legal services and legal aid	65,145	72,890	82,986	99,256	106,814	133,509	110,339	132,439	132,439
<b>Total resource budget</b>	65,145	72,890	82,986	99,256	106,814	133,509	110,339	132,439	132,439
<i>of which</i>									
Resource DEL	65,145	72,890	82,986	99,256	106,814	133,509	110,339	132,439	132,439
<b>Capital spending</b>									
Courts, other legal services and legal aid	1,547	2,569	9,901	9,631	2,175	7,940	6,000	6,000	6,000
<b>Total capital budget</b>	1,547	2,569	9,901	9,631	2,175	7,940	6,000	6,000	6,000
<i>of which</i>									
Capital DEL	1,547	2,569	9,901	9,631	2,175	7,940	6,000	6,000	6,000
<b>Total public spending</b>	63,068	71,621	88,930	103,061	100,875	135,329	110,219	132,319	132,319

**Table 2****Northern Ireland Court Service: resource budget: DEL and AME (voted and non-voted)****£000**

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn	2005/06 plans	2006/07 plans	2007/08 plans
<b>Resource DEL</b>									
<b>Voted</b>									
Courts, other legal services and legal aid									
RfR1A	22,514	26,609	31,679	47,467	46,383	54,517	53,632	53,511	53,511
Publicly funded legal services									
RfR1	38,073	41,490	46,038	49,841	32,857				
<b>Total voted</b>	<b>60,587</b>	<b>68,099</b>	<b>77,717</b>	<b>97,308</b>	<b>79,240</b>	<b>54,517</b>	<b>53,632</b>	<b>53,511</b>	<b>53,511</b>
<b>Non-voted</b>									
Courts, other legal services and legal aid									
<b>Total non-voted</b>	<b>4,558</b>	<b>4,791</b>	<b>5,269</b>	<b>1,948</b>	<b>27,574</b>	<b>78,992</b>	<b>56,707</b>	<b>78,928</b>	<b>78,928</b>
<b>Total resource DEL</b>	<b>65,145</b>	<b>72,890</b>	<b>82,986</b>	<b>99,256</b>	<b>106,814</b>	<b>133,509</b>	<b>110,339</b>	<b>132,439</b>	<b>132,439</b>
<b>Total resources budget</b>	<b>65,145</b>	<b>72,890</b>	<b>82,986</b>	<b>99,256</b>	<b>106,814</b>	<b>133,509</b>	<b>110,339</b>	<b>132,439</b>	<b>132,439</b>
<i>of which</i>									
Voted	60,587	68,099	77,717	97,308	79,240	54,517	53,632	53,511	53,511
Non-voted	4,558	4,791	5,269	1,948	27,574	78,992	56,707	78,928	78,928
<i>and of which</i>									
Central government own spending	65,145	72,890	82,986	99,256	106,814	133,509	110,339	132,439	132,439
<b>NB Voted net resource outturn in Estimate entitled: Northern Ireland Court Service Resource DEL in Estimates</b>									
Resource DEL in Budgets	60,587	68,099	77,717	97,308	79,240	54,517	53,632	53,511	53,511
<b>Total resource consumption in Estimates</b>	<b>60,587</b>	<b>68,099</b>	<b>77,717</b>	<b>97,308</b>	<b>79,240</b>	<b>54,517</b>	<b>53,632</b>	<b>53,511</b>	<b>53,511</b>

Voted DEL and AME excludes any EU receipts included in DEL and AME in Estimates.

**Table 3****Northern Ireland Court Service: capital budget: DEL and AME (voted and non-voted)****£000**

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn	2005/06 plans	2006/07 plans	2007/08 plans
<b>Capital DEL</b>									
<b>Voted</b>									
Courts, other legal services and legal aid									
RfR1A	1,547	2,569	9,901	9,631	2,175	7,940	6,000	6,000	6,000
<b>Total voted</b>	<b>1,547</b>	<b>2,569</b>	<b>9,901</b>	<b>9,631</b>	<b>2,175</b>	<b>7,940</b>	<b>6,000</b>	<b>6,000</b>	<b>6,000</b>
<b>Total capital DEL</b>	<b>1,547</b>	<b>2,569</b>	<b>9,901</b>	<b>9,631</b>	<b>2,175</b>	<b>7,940</b>	<b>6,000</b>	<b>6,000</b>	<b>6,000</b>
<b>Total capital budget</b>	<b>1,547</b>	<b>2,569</b>	<b>9,901</b>	<b>9,631</b>	<b>2,175</b>	<b>7,940</b>	<b>6,000</b>	<b>6,000</b>	<b>6,000</b>
<i>of which</i>									
Voted	1,547	2,569	9,901	9,631	2,175	7,940	6,000	6,000	6,000
<i>and of which</i>									
Central government own spending	1,547	2,569	9,901	9,631	2,175	7,940	6,000	6,000	6,000
<b>NB Voted net capital in Estimate</b>									
<b>Capital DEL in Budgets</b>	<b>1,547</b>	<b>2,569</b>	<b>9,901</b>	<b>9,631</b>	<b>2,175</b>	<b>7,940</b>	<b>6,000</b>	<b>6,000</b>	<b>6,000</b>
<b>Grants to NDPBs to finance their spending</b>					24,197	63,688	43,117	69,618	67,132
<b>Total capital consumption in Estimates</b>	<b>1,547</b>	<b>2,569</b>	<b>9,901</b>	<b>9,631</b>	<b>26,372</b>	<b>71,628</b>	<b>49,117</b>	<b>75,618</b>	<b>73,132</b>

Voted DEL and AME excludes any EU receipts included in DEL and AME in Estimates.

**Table 4****Northern Ireland Court Service: capital employment****£000**

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn	2005/06 estimated outturn	2006/07 estimated outturn	2007/08 estimated outturn
<b>Fixed assets</b>	105,107	111,745	150,539	164,405	181,843	195,601	210,412	221,124	236,126
<i>of which</i>									
Tangible assets									
Land and buildings	103,955	110,047	145,701	158,098	175,966	188,517	203,920	216,405	232,712
Plant and machinery and IT	13	509	3,494	3,675	4,318	4,941	4,271	2,568	1,255
Furniture and fittings	1,139	1,189	1,164	1,380	1,525	1,936	2,053	2,020	2,010
<b>Intangible assets</b>									
Software licences and development			180	1,252	34	207	168	131	149
<b>Current assets</b>	6,050	8,138	8,328	10,994	6,524	7,912	6,965	7,161	7,360
Creditors (<1 year)	(8,577)	(12,141)	(11,789)	(14,046)	(9,231)	(8,023)	(7,217)	(7,352)	(7,517)
Creditors (>1 year)	0	0	(24,621)	(25,190)	(25,556)	(25,809)	(25,937)	(25,938)	(25,813)
Provisions	(384)	(817)	(1,040)	(764)	(853)	(1,269)	(1,224)	(1,217)	(1,223)
<b>Capital employed within main department</b>	<b>102,196</b>	<b>106,925</b>	<b>121,417</b>	<b>135,399</b>	<b>152,727</b>	<b>168,412</b>	<b>182,999</b>	<b>193,778</b>	<b>208,933</b>
NDPB net assets									
Legal Aid Fund net assets									
<b>Total capital employed in departmental group</b>	<b>102,196</b>	<b>106,925</b>	<b>121,417</b>	<b>135,399</b>	<b>152,727</b>	<b>168,412</b>	<b>182,999</b>	<b>193,778</b>	<b>208,933</b>

**Table 5****Northern Ireland Court Service: administration budget****£000**

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn	2005/06 plans	2006/07 plans	2007/08 plans
<b>Northern Ireland Court Service</b>									
<b>Administration Expenditure</b>									
Paybill	4,606	5,684	5,878	4,978	7,666	7,896	7,879	7,879	7,879
Other	4,298	8,738	13,045	10,441	9,475	15,339	12,536	12,432	12,432
<b>Total Administration Expenditure</b>	<b>8,904</b>	<b>1,422</b>	<b>19,283</b>	<b>15,419</b>	<b>14,454</b>	<b>23,005</b>	<b>20,432</b>	<b>20,311</b>	<b>20,311</b>
<b>Administration Income</b>	<b>-11,248</b>	<b>-13,554</b>	<b>-12,442</b>	<b>-10,942</b>	<b>-15,942</b>	<b>-13,942</b>	<b>-10,942</b>	<b>-10,942</b>	<b>-10,492</b>
<b>Total Administration Budget</b>	<b>-2,344</b>	<b>868</b>	<b>6,841</b>	<b>4,477</b>	<b>-1,488</b>	<b>9,063</b>	<b>9,490</b>	<b>9,369</b>	<b>9,369</b>
<b>Analysis by activity</b>									
RfR1 Supporting the effective and efficient administration of justice in Northern Ireland									
<b>Total Administration Budget</b>	<b>-2,344</b>	<b>868</b>	<b>6,841</b>	<b>4,477</b>	<b>-1,488</b>	<b>9,063</b>	<b>9,490</b>	<b>9,369</b>	<b>9,369</b>

**Table 6****Northern Ireland Court Service: staff numbers****£000**

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 outturn	2005/06 plans	2006/07 plans	2007/08 plans
<b>Northern Ireland Court Service<sup>1</sup></b>									
Civil Service full-time equivalents	638	655	691	710	740	752	765	743	737
Overtime	9	19	115	7	5	4	4	4	4
Casuals	20	37	2	1	0	0	0	0	0
<b>Total</b>	<b>667</b>	<b>711</b>	<b>808</b>	<b>718</b>	<b>745</b>	<b>756</b>	<b>769</b>	<b>747</b>	<b>741</b>

<sup>1</sup> The staff of the Northern Ireland Court Service are not part of the Home Civil Service and therefore are not included in the Civil Service staffing count.

## HM Land Registry

### Chief Land Registrar and Chief Executive of Land Registry: Peter Collis

#### Introduction

**9.31** Her Majesty's Land Registry, a separate Government Department since 1862, was established as an Executive Agency of the Secretary of State in July 1990 and as a Trading Fund in April 1993. Land Registry is wholly self-financing and therefore makes no call on public funds under normal operating procedures.

**9.32** Land Registry operates through 24 land registry offices located throughout England and Wales; a London-based Head Office, the Land Charges and Agricultural Credits Departments and an Information Systems Group (based in Plymouth).

**9.33** Land Registry's main function is to maintain and develop a register of title to freehold and leasehold land throughout England and Wales. On behalf of the Crown, Land Registry guarantees title to registered estates and interests in land.

**9.34** The Land Register is a record of all land ownership that has been registered in England and Wales. Each register of title has its own number (the title number) and contains a description of the property, the name and address of the registered proprietor, and other details such as mortgages and rights that may affect the property adversely. The register also includes a title plan, showing the location and extent of each registered title.

**9.35** Disputed applications to Land Registry are determined by the Adjudicator to HM Land Registry, an independent office created by the Land Registration Act 2002.

**9.36** The Land Register is open to the public and for a fee anyone can inspect the register, find out the name and address of the current owner of any registered property or obtain a copy of any registered title.

#### Land Registry objectives

**9.37** Land Registry's vision is to provide the world's best service for guaranteeing ownership of land and facilitating property transactions.

**9.38** We have a 10-year strategy that enables us to plan our business development towards the achievement of our long-term plans. It is a rolling plan, updated each year and supported by an Annual Business Plan. Both plans can be viewed on Land Registry's website ([www.landregistry.gov.uk/strategy](http://www.landregistry.gov.uk/strategy)).

**9.39** The Strategic Plan is built around the following strategic objectives:

#### Customer service

**9.40** Continue to make improvements to the delivery of services to all stakeholders.

#### Land registration

**9.41** Deliver timely and effective secondary legislation in relation to land registration.

**9.42** Create a comprehensive land register for England and Wales.

#### Electronic service delivery

**9.43** Introduce an electronic conveyancing system through which most property transactions will be effected.

**9.44** Make all land registration data electronically accessible to everyone.

### Other business development

**9.45** Develop a broader range of services for property professionals, the public and others.

### Land Registry performance for 2004/05

**9.46** Under the terms of our Framework Document, the Secretary of State presents our Annual Report and Accounts to Parliament before the summer recess. The Annual Report and Accounts for 2003/04 was published in October 2004 and contains details of our Key Performance Indicators and other wider business measures.

**9.47** Table 1 below gives details of our Key Performance targets for 2004/05 with the latest forecast outcome. The actual outcome will be published in our Annual Report and Accounts for 2004/05. Table 2 provides explanations for the information in Table 1.

### Efficiency (unit costs)

**9.48** We are constantly working to improve the efficiency of our services. With Treasury agreement, we aim to reduce unit costs in real terms to £21.17 by the end of 2006/07. Table 3 shows our achieved and planned unit costs in cash terms.

**9.49** Our business is demand-led and the volume of transactions can be affected by a number of factors, including domestic and commercial conveyancing activity, the growth in owner occupation and the buoyancy of the secured credits market. Our unit output (actual and planned) is shown in Table 4.

### Quality public services

**9.50** The Land Registration Act 2002 and the associated Land Registration Rules 2003 provide the legislative framework for land registration in England and Wales, and pave the way for electronic conveyancing.

**9.51** In order to meet the public's desire for a quicker and a more transparent and certain home-buying and selling process, we are progressing a ministerially approved programme of work that will develop and deliver a re-engineered and fully electronic conveyancing system.

**9.52** For further details of this and of other electronic services, see the Land Registry Annual Report and Accounts and visit our website ([www.landregistry.gov.uk](http://www.landregistry.gov.uk)).

**9.53** We are committed to delivering high quality and responsive land registration services and to improving those services to meet our customers' needs. Our Statement of Service Standards is published in our Annual Report and Accounts and as a separate document.

**9.54** Formal customer surveys are carried out each year.

**9.55** We are one of a very small number of organisations to have been awarded the Charter Mark on five consecutive occasions.

**9.56** We have an Independent Complaints Reviewer, Mrs Jodi Berg, who conducts impartial investigations of complaints from customers who are dissatisfied with the service they have received from us and have not been satisfied by our internal complaints procedures. The Independent Complaints Reviewer's annual report is available from:  
New Premier House  
150 Southampton Row  
London WC1B 5AL  
T: +44 (0)20 7278 6251.

## Staffing and appointments

**9.57** Staff are our major asset (see Table 5 for staff numbers) and their unique skills and expertise in the field of land registration continue to be key to our success. We:

- recruit on the basis of fair and open competition
- are committed to diversity and equal opportunity
- are recognised as an Investor in People.

**9.58** For further information on our staffing policies and initiatives which include our own 'Qualification in Land Registration Law and Practice', delivered in partnership with the College of Law, please see our Annual Report and Accounts.

## Environment

**9.59** All our local offices now have ISO 14001 accreditation and an Environmental Management System is in place.

## Contact details

HM Land Registry  
Lincoln's Inn Fields  
London WC2A 3PH

T: +44 (0)20 7917 8888  
F: +44 (0)20 7166 4474  
[www.landregistry.gov.uk](http://www.landregistry.gov.uk)

**Table 1****HM Land Registry: key performance targets 2004/05**

	Target 2004/05	Forecast
<b>Financial</b>		
To deliver a return on average capital employed, payable as a dividend to the Consolidated Fund	3.5%	7.6%
<b>Efficiency</b>		
Cost per unit in real terms	£21.43	£19.61
Cost per unit in cash terms <sup>1</sup>	£28.84	£27.00
<b>'Service First' Standards</b>		
<b>Speed</b>		
Percentage of office copy and official search applications processed within two working days	98	99
Percentage of all registrations processed within 20 working days	80	88.6
<b>Accuracy</b>		
Percentage of registrations processed free of any error	98.5	98.71
<b>Overall satisfaction</b>		
Percentage of customers who, overall, are very satisfied/satisfied with the full range of services provided by the Land Registry	Better than 95	98.4
<b>Strategic</b>		
Enable printing of authenticated results of Official Copies and Official Searches in customers' offices		Achieved June 2004
<b>Land registration</b>		
Carry out consultation on a standard form of lease		Achieved Sept 2004
<b>Electronic service delivery</b>		
Start the pilot for processing e-lodgement of forms		Achieved Feb 2004
<b>Other business development</b>		
Make Land Registry Data available to the European Land Information System (EULIS) Demonstrator		Achieved Dec 2004

<sup>1</sup> Based on GDP deflator issued by HM Treasury on 16 March 2005.

**Table 2****HM Land Registry: key performance indicators explained**

<b>Target</b>	<b>Technical Note</b>
<b>Financial</b>	
Percentage return on average capital employed	The operating surplus for the year as shown in the Income and Expenditure account (after taking into account the profit or loss on disposal of capital assets) expressed as a percentage of the average of net assets for the current and previous year. It is payable as a dividend to the Consolidated Fund.
<b>Efficiency</b>	
Cost per unit in real terms <sup>1</sup>	The cost per unit in real terms is the cost per unit in cash terms (see below) divided by the forecast Gross Domestic Product (GDP) deflator published by HM Treasury.
Cost per unit in cash terms <sup>2</sup>	The cost per unit in cash terms is defined as the total operating costs on an accruals basis, excluding the cost of accepted indemnity claims, Commonhold and e-conveyancing, divided by the units of workload processed. (A unit is a comparative measurement of the cost and the effort required to process any category of application handled by Land Registry.)
<b>'Service First' Standards Speed</b>	
Percentage of Official Copy and Search Applications processed within two working days	Office copies and official searches of the land register are time-sensitive applications made at the start of the conveyancing process. Measurement is an average of monthly 'snapshots'.
<i>And</i>	
Percentage of all registrations processed within 20 working days	'Registrations' are defined as all substantive applications for registration received, including those subsequently delayed through incomplete/incorrect lodgement. Measurement is an average of monthly 'snapshots'.
<b>Accuracy</b>	
Percentage of registrations processed free of any error	Measurement is by continuous monthly recording of errors returned by customers for correction, as a percentage of all registrations processed.
<b>Customer satisfaction</b>	
Percentage of customers who, overall, are very satisfied/satisfied with the full range of services provided by the Land Registry	Measurement is by continuous monthly monitoring through customer questionnaires and through the annual customer survey.

**Table 2 (continued)****HM Land Registry: key performance indicators explained**

Target	Technical Note
<b>Strategic Development Areas</b>	
Enable printing of authenticated results of Official Copies and Official Searches in customers' offices	To provide external customers with the facility to request the printing of authenticated results of Official Search and Official Copies in their office (i.e. watermarked and admissible in court as evidence).
Carry out consultation on a standard form of lease	Complete informal and formal consultation on a new compulsory standard form of lease to meet both Land Registry's need for standard presentation of registration information and customers' needs for flexibility, produce required rules and implement.
Start the pilot for processing e-lodgement of forms	Electronic lodgement of forms and deeds are an important element of the e-conveyancing programme.
Make Land Registry Data available to the European Land Information System Demonstrator.	The European Land Information System will provide the possibility of online and updated information about land across European borders. Land Registry will make live data available to the European Land Information System demonstrator scheduled to be launched in the spring.

<sup>1</sup> These are milestones towards the HM Treasury agreed cost per unit target for 2006/07 of £21.17 (real terms) and £29.94 (cash terms).

<sup>2</sup> The inflation factor for the cost per unit in cash terms is derived from the GDP indices announced by HM Treasury (base year 1992/93).

**Table 3****HM Land Registry: unit costs in cash terms**

2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07
actual	actual	actual	actual	milestone	milestone	
£28.57	£26.67	£24.48	£27.06	£28.79	£29.95	£29.94

Note: The cost of completing each unit of work is calculated by dividing Land Registry's operational expenditure in any period by the number of units of work completed during that period.

**Table 4****HM Land Registry: workload (thousands of units)**

	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07
	actual	actual	actual	actual	actual	actual	plans	
Work received	8,790	9,400	10,682	12,747	12,648	13,472	12,943	13,607
Output	8,764	9,194	10,756	12,783	12,695	13,555	12,943	13,607

**Table 5****HM Land Registry: staff figures**

	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
	actual	actual	actual	actual	actual	actual	plans	plans	
Civil Service full-time equivalents	7,772	7,767	7,690	7,950	8,060	8,048	8,004	8,004	8,004

## The National Archives

**Chief Executive: Sarah Tyacke**

### Introduction

**9.60** The National Archives (TNA) was formed in April 2003 by a merger of the Public Record Office and the Historical Manuscripts Commission. The Chief Executive is both Keeper of Public Records and sole Historical Manuscripts Commissioner. TNA is a Government Department and Executive Agency under the Secretary of State for Constitutional Affairs.

**9.61** TNA operates the United Kingdom Public Records Acts of 1958 and 1967, and exercises the powers of the Historical Manuscripts Commission in relation to other archives. The records that TNA preserves and makes publicly available span over a thousand years of English and British history, from the Domesday Book in 1086 to the latest releases of government papers. Its work begins with overseeing the creation and management of active records in Government departments, continues with the selection and preservation of public records of enduring historical value, and culminates in making these records available onsite and online. Previously most records were opened to the public after 30 years but, now that the Freedom of Information Act 2000 has been implemented, it is the content of a record rather than its age which determines whether it is open or not. Already a significant number of files younger than 30 years old have been released.

**9.62** TNA also proactively collects information about official and private archives kept by over 1,200 institutions throughout the UK and also archival material relating to British history held overseas. It makes this information available to readers in its Kew reference room and to

online users throughout the world. It gives impartial advice to private owners on the care of their collections and is consulted by a wide range of grant-awarding bodies on applications relating to archives.

### Strategic objectives

**9.63** TNA is working to achieve the following objectives in the period 2004–07.

#### Records management and selection

##### 9.64

- To develop effective and efficient management of active records to support government business operations.
- To improve the selection of public records for permanent preservation for the benefit of the public and of government.
- To ensure that its policies for records selection are socially inclusive.

#### Preservation

**9.65** To make arrangements for the permanent preservation of digital records of enduring historical value and to ensure that archives on traditional media are kept in accordance with international standards.

#### Access

##### 9.66

- To extend the range and improve the quality of our online public services.
- To improve the quality and efficiency of our onsite public services.

## Awareness

### 9.67

- To promote the public records and other archives as a national information and learning resource to the widest possible audience.
- To raise awareness of TNA's holdings by means of a rigorous social inclusion programme.
- To raise the public profile of TNA.

## Performance against Key Performance Indicator Targets in 2004/05

### Access

**9.68** To achieve six Public Service Standard Targets.<sup>1</sup>

**9.69** These cover a wide range of activities, including the release of newly opened records and their catalogues, answering written correspondence, delivery of records to users in the reading rooms, handling of copy orders, answering the telephone, and keeping appointments with visitors. TNA achieved all six targets, helping it to retain the Charter Mark Award for a further three years in November 2004.

**9.70** In 2004/05 TNA handled a record 64,858 items of written correspondence, 99.94 per cent of which were answered within 10 working days. This compares with 46,508 in 2003/04 (99.8 per cent). Publicity on national television and Freedom of Information implementation caused the volume of written enquiries to rise by nearly 40 per cent, but TNA nevertheless managed to exceed its target of answering

98.5 per cent within the target of 10 working days by a comfortable margin. This excellent result was achieved through the sustained commitment of front-line staff, who had to bear the brunt of increased public service pressures.

**9.71** To carry out three onsite satisfaction surveys and to achieve assessments of 'good' or 'excellent' from 90 per cent of respondents.

**9.72** Three surveys were carried out and the average satisfaction rating was 93.9 per cent.

**9.73** To attract new users to our website so that they comprise at least 25 per cent of all users.

**9.74** Three surveys were carried and the aggregated results showed that 58 per cent of users to TNA's website were new users.

**9.75** To develop direct digital access to popular records so that 100,000 record images are delivered to users.

**9.76** By 31 December 2004 over 167,000 images had been delivered. The availability of World War One medal cards online, together with the publicity generated by TV programmes on family history, contributed enormously to this exceptionally strong performance.

### Social inclusion

**9.77** To organise 25 per cent of educational workshops at TNA for schools with above average take-up of free school meals and 40 per cent of these workshops for schools with an above average proportion of pupils from ethnic minority backgrounds.<sup>2</sup>

<sup>1</sup> These are published in detail in TNA's Corporate and Business Plans for 2004/05, p16.

<sup>2</sup> This target applies to English primary and secondary schools covered by an OFSTED report; the categories and averages are taken from OFSTED reports.

**9.78** 41 per cent of workshops were delivered to schools with an above average take-up of free school meals and 59 per cent to schools with an above average proportion of pupils from ethnic minority backgrounds.

#### **Awareness**

**9.79** *To produce marketing and communication strategies and to implement annual action plans issuing from these strategies.*

**9.80** TNA organised a Family History Week in May 2004 that attracted 1,400 visitors and a BBC London Family History Day in December that drew almost as high a number. It has run a series of press events based on record releases that have achieved extensive coverage in the media nationally and internationally. On 15 December 50,000 files less than 30 years old were made available to journalists in anticipation of Freedom of Information.

#### **Freedom of Information (FOI) implementation**

**9.81** With the implementation of the FOI Act on 1 January 2005, many of the features of the public records system, which have provided the framework for TNA's activities for many years, completely disappeared from the scene. Complex judgements concerning the release of information contained in the records now need to be made. In particular, the exemptions set out in the Act have to be carefully weighed in the balance against the public interest test on a case-by-case basis. TNA is determined to play its part in promoting a general attitude of openness in the civil service and other public bodies. More specifically, TNA has done the following:

- It has set up a research service to answer FOI requests concerning records at Kew.
- It is now operating consultation procedures with other Government departments in relation to access requests for information in transferred records to which FOI exemptions might apply.
- It has set up an FOI tracking system in order to monitor the progress of FOI access requests against the relevant statutory targets.
- It has completed a programme of improvements in its own record-keeping, so that it is able to answer questions about its own policies and activities.

#### **Formation of new National Advisory Service**

**9.82** TNA has considerable experience of providing guidance on records management to central Government departments and other public record bodies. It has played a leading role in developing the Code of Practice on Records Management, issued by the Lord Chancellor under section 46 of the FOI Act in November 2002. TNA's new National Advisory Service, which will build on the extensive network of contacts among records and archive professionals cultivated over many years by the Historical Manuscripts Commission, is now starting to make the organisation's records management expertise more widely available to local authorities and other parts of the public sector. Already it has produced an audit methodology to assess compliance with the Records Management Code and a self-assessment toolkit for the effectiveness of Electronic Records Management Systems.

## Management of resources

**9.83** TNA is gearing up for its next assessment under Investors in People in the autumn of 2005. The general framework of TNA staff competencies, known as Key Skills, is now used throughout the organisation in order to identify the main training and development needs of all staff, and the progress that is made in the course of the business year towards meeting these needs. The framework also helps staff to identify the skills they will need to acquire in order to develop their careers at TNA in the longer term.

**9.84** In September 2004 over 80 per cent of TNA staff responded to a staff attitude survey. A range of actions is being taken to address the key issues within TNA departments and for the organisation as a whole. The exceptionally high participation rate is an early indication of the success that is being achieved by TNA's new internal communications team, which also produces a monthly staff newsletter.

**9.85** TNA is committed to equality of opportunity for all and has policies in place to guard against discrimination and to ensure that there are no unfair barriers to employment or advancement. A lively working group, drawn from all parts of the organisation, ensures that TNA continues to forge ahead with its diversity strategy. TNA recruits staff on the basis of fair and open competition and selection on merit, and complies with the recruitment code laid down by the Office of the Civil Service Commissioners.

**9.86** There are four senior civil service staff, three of whom are women. Of total TNA staff as at March 2005, 46.3 per cent were women, 6.3 per cent classified themselves as disabled under the Disability Discrimination Act 1995, and 19.1 per cent were from the ethnic minorities.

## Health and safety

**9.87** TNA employs a Health and Safety Adviser who attends site one day per week. The role of this adviser is to undertake risk assessments within the building, and in particular where alterations have been undertaken within a department. They undertake training, e.g. manual handling, fire safety, on an as and when basis. The Health and Safety committee meets quarterly and is chaired by the Head of Estates and Security. The minutes are published on TNA Intranet.

**9.88** The health and safety policy document is updated annually. This is updated by the adviser and passed to the Trade Union side for comment, prior to being signed by the Chief Executive.

## Capital investment

**9.89** TNA's capital investment in 2004/05 will be £4.6 million. This investment continues to support the Government's electronic records management and electronic service delivery priorities, while promoting social inclusion by broadening the range of TNA users.

**9.90** An independent feasibility study found that the sale and leaseback of TNA buildings would not provide value for money. There are no other significant possibilities for the sale of surplus assets or asset disposal.

**9.91** TNA always examines potential Public Private Partnership (PPP) solutions, particularly in areas of rapid technological change and areas of possible income generation. It currently has a PPP-type contract with QinetiQ Ltd to provide the 1901 Census returns on the internet.

## Expenditure

**9.92** TNA's expenditure covers the cost of a number of activities. It has a lead role in supporting other Government departments in electronic records management. In 2004/05 a challenging programme continues to be implemented for electronic service delivery to provide access on the internet to TNA holdings. Meanwhile, ongoing work continues, with the maintenance of the archives repository at Kew, our low usage records storage facility in Cheshire, and of the public reading rooms at Kew and the Family Records Centre in Islington. TNA funds the British Film Institute to preserve and store government films, the University of London for storing and giving access to government datasets and QinetiQ to make available the 1901 online service. Microfilming documents ensures their preservation and enhances access to them. TNA incurs capital expenditure on improvement works and electronic development projects. Since TNA store approximately 172 linear kilometres of records, accommodation costs are a high proportion of total expenditure. TNA also produce copies of documents, on paper and electronically, for sale to the public, and offset their cost by charging fees.

## Administration costs

**9.93** Net administration costs will increase from £38.7 million in 2004/05 to £39.4 million in 2005/06. TNA will continue investment in electronic service delivery during 2005/06, and the investment will be £3.3 million (£4.6 million 2004/05). Details of the resource budget, administration costs, capital budget, staff numbers, and capital assets are given in the following tables.

## Prompt payment

**9.94** TNA complies with the Confederation of British Industry's prompt payment code and BS 7890. Its policy is to pay bills in accordance with contractual conditions. Where no such conditions exist, the policy is to pay within 30 days of receipt of goods and services or on presentation of a valid invoice, whichever is the later. Complaints are registered with regard to late payment in the Financial Services Department. No complaints were received with regard to late payment in the period from November 2003 to December 2004. Performance is monitored continuously: in 2004/05, 99.3 per cent of invoices were paid within 30 days; and the projection for 2005/06 is 99.4 per cent.

## Contact details

The National Archives  
Kew  
Richmond  
Surrey TW9 4DU

T: +44 (0)20 8876 3444  
E: [enquiry@nationalarchives.gov.uk](mailto:enquiry@nationalarchives.gov.uk)  
[www.nationalarchives.gov.uk](http://www.nationalarchives.gov.uk)

## Financial tables

**Table 1**

**The National Archives: total public spending**

£000

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn	2005/06 plans	2006/07 plans	2007/08 plans
<b>Consumption of resources</b>									
Promoting the study of the past in order to inform the present and future by selecting, preserving and making publicly available public records of historical value and by encouraging high standards of care and public access for archives of historical value outside the public records	25,037	27,169	29,874	32,873	36,382	38,731	39,394	39,394	39,394
<b>Total resource budget</b>	<b>25,037</b>	<b>27,169</b>	<b>29,874</b>	<b>32,873</b>	<b>36,382</b>	<b>38,731</b>	<b>39,394</b>	<b>39,394</b>	<b>39,394</b>
<i>of which</i>									
Resource DEL	25,037	27,169	29,874	32,873	36,382	38,731	39,394	39,394	39,394
<b>Capital spending</b>									
Promoting the study of the past in order to inform the present and future by selecting, preserving and making publicly available public records of historical value and by encouraging high standards of care and public access for archives of historical value outside the public records	1,666	1,222	1,338	2,244	3,318	4,592	3,315	3,315	3,315
<b>Total capital budget</b>	<b>1,666</b>	<b>1,222</b>	<b>1,338</b>	<b>2,244</b>	<b>3,318</b>	<b>4,592</b>	<b>3,315</b>	<b>3,315</b>	<b>3,315</b>
<i>of which</i>									
Capital DEL	1,666	1,222	1,338	2,244	3,318	4,592	3,315	3,315	3,315
<b>Total public spending</b>	<b>23,814</b>	<b>25,575</b>	<b>27,173</b>	<b>31,411</b>	<b>35,416</b>	<b>37,229</b>	<b>36,616</b>	<b>36,616</b>	<b>36,616</b>

Note: this table does not include the 2004 Spending Review allocations.

**Table 2****The National Archives: resource budget: DEL and AME (voted and non-voted)****£000**

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn	2005/06 plans	2006/07 plans	2007/08 plans
<b>Consumption of resources</b>									
Promoting the study of the past in order to inform the present and future by selecting, preserving and making publicly available public records of historical value and by encouraging high standards of care and public access for archives of historical value outside the public records									
<b>Resource DEL</b>									
<b>Voted</b>									
The cost of running the Public Records System									
RfR1A Public Record Office	24,643	26,307	28,651	32,329	35,418	37,587	38,252	38,252	38,252
RfR1B Historical Manuscript Commission	1,074	1,095	1,223	1,122	1,151	1,144	1,142	1,142	1,142
<b>Total voted</b>	<b>25,717</b>	<b>27,402</b>	<b>29,874</b>	<b>33,451</b>	<b>36,569</b>	<b>38,731</b>	<b>39,394</b>	<b>39,394</b>	<b>39,394</b>
<b>Non-voted</b>	-680	-233		-578	-187				
<b>Total resource DEL</b>	<b>25,037</b>	<b>27,169</b>	<b>29,874</b>	<b>32,873</b>	<b>36,382</b>	<b>38,731</b>	<b>39,394</b>	<b>39,394</b>	<b>39,394</b>
<b>Total resources budget</b>	<b>25,037</b>	<b>27,169</b>	<b>29,874</b>	<b>32,873</b>	<b>36,382</b>	<b>38,731</b>	<b>39,394</b>	<b>39,394</b>	<b>39,394</b>
<i>of which</i>									
Voted	25,717	27,402	29,874	33,451	36,569	38,731	39,394	39,394	39,394
Other non-voted	-680	-233		-578	-187				
<i>and of which</i>									
Central government own spending	25,037	27,169	29,874	32,873	36,382	38,731	39,394	39,394	39,394
<b>Resource DEL in Budgets</b>	<b>25,717</b>	<b>27,402</b>	<b>29,874</b>	<b>33,451</b>	<b>36,569</b>	<b>38,731</b>	<b>39,394</b>	<b>39,394</b>	<b>39,394</b>
<b>Total resource consumption in Estimates</b>	<b>25,717</b>	<b>27,402</b>	<b>29,874</b>	<b>33,451</b>	<b>36,569</b>	<b>38,731</b>	<b>39,394</b>	<b>39,394</b>	<b>39,394</b>

Note: this table does not include the 2004 Spending Review allocations.

**Table 3****The National Archives: capital budget: DEL and AME (voted and non-voted)****£000**

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn	2005/06 plans	2006/07 plans	2007/08 plans
Promoting the study of the past in order to inform the present and future by selecting, preserving and making publicly available public records of historical value and by encouraging high standards of care and public access for archives of historical value outside the public records									
<b>Capital DEL</b>									
Voted									
Capital investment in the Public Records System									
RfR1A Public Record Office	1,654	1,210	1,324	2,230	3,303	4,577	3,300	3,300	3,300
RfR1B Historical Manuscript Commission	12	12	14	14	15	15	15	15	15
<b>Total voted</b>	<b>1,666</b>	<b>1,222</b>	<b>1,338</b>	<b>2,244</b>	<b>3,318</b>	<b>4,592</b>	<b>3,315</b>	<b>3,315</b>	<b>3,315</b>
<b>Total capital DEL</b>	<b>1,666</b>	<b>1,222</b>	<b>1,338</b>	<b>2,244</b>	<b>3,318</b>	<b>4,592</b>	<b>3,315</b>	<b>3,315</b>	<b>3,315</b>
<b>Total capital budget</b>	<b>1,666</b>	<b>1,222</b>	<b>1,338</b>	<b>2,244</b>	<b>3,318</b>	<b>4,592</b>	<b>3,315</b>	<b>3,315</b>	<b>3,315</b>
<i>of which</i>									
Voted	1,666	1,222	1,338	2,244	3,318	4,592	3,315	3,315	3,315
Other non-voted									
<i>and of which</i>									
Central government own spending	1,666	1,222	1,338	2,244	3,318	4,592	3,315	3,315	3,315
<b>Capital DEL</b>	<b>1,666</b>	<b>1,222</b>	<b>1,338</b>	<b>2,244</b>	<b>3,318</b>	<b>4,592</b>	<b>3,315</b>	<b>3,315</b>	<b>3,315</b>
<b>Total net capital in Estimate</b>	<b>1,666</b>	<b>1,222</b>	<b>1,338</b>	<b>2,244</b>	<b>3,318</b>	<b>4,592</b>	<b>3,315</b>	<b>3,315</b>	<b>3,315</b>

**Table 4****The National Archives: capital employed****£000**

	1998/99 outturn	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn	2005/06 projected	2006/07 projected	2007/08 projected
Assets on balance sheet at end of year										
<b>Fixed assets</b>										
Intangible <sup>1</sup>					87	164	254	170	170	170
Tangible	87,520	87,332	86,792	92,714	93,148	94,911	105,231	107,061	108,891	110,722
<i>of which</i>										
Land and buildings	83,073	82,421	83,527	84,501	84,534	85,161	95,896	96,900	98,556	100,213
Equipment	1,697	1,832	1,652	6,463	6,089	6,031	6,072	5,961	6,063	6,165
IT including databases	2,750	3,079	1,613	1,750	2,525	3,719	3,263	4,200	4,272	4,344
Investments										
<b>Current assets</b>	2,892	2,797	2,523	3,148	4,632	5,103	3,799	4,700	4,700	4,700
Creditors (<1 year)	1,961	2,424	2,026	2,688	3,639	3,414	3,910	3,600	3,600	3,600
Creditors (>1 year)										
Provisions	64	51	170	235	401	250	168	400	400	400
<b>Capital employed within main department</b>	88,387	87,654	87,119	92,939	93,827	96,514	105,206	107,931	109,761	111,592
NDPB net assets										
<b>Total capital employed in departmental group</b>	88,387	87,654	87,119	92,939	93,827	96,514	105,206	107,931	109,761	111,592

<sup>1</sup> Intangible assets were included in tangible assets up to 2001/02.

**Table 5****The National Archives: administration budget****£000**

	1998/99 outturn	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn	2005/06 plans	2006/07 plans	2007/08 plans
<b>Gross administration costs</b>										
Other	14,333	16,386	18,061	21,376	22,273	25,552	27,526	22,129	22,129	22,129
Paybill	11,187	11,657	12,013	13,021	14,783	15,772	16,205	18,870	18,870	18,870
<b>Total gross administration costs</b>	<b>25,520</b>	<b>28,043</b>	<b>30,074</b>	<b>34,397</b>	<b>37,056</b>	<b>41,324</b>	<b>43,731</b>	<b>40,999</b>	<b>40,999</b>	<b>40,999</b>
Related administration cost receipts	-1,866	-2,326	-2,672	-4,523	-3,605	-4,755	-5,000	-1,605	-1,605	-1,605
<b>Total net administration costs</b>	<b>23,654</b>	<b>25,717</b>	<b>27,402</b>	<b>29,874</b>	<b>33,451</b>	<b>36,569</b>	<b>38,731</b>	<b>39,394</b>	<b>39,394</b>	<b>39,394</b>
Analysis by activity										
The net administrative cost of running the Public Records System	23,654	25,717	27,402	29,874	33,451	36,569	38,731	39,394	39,394	39,394
<b>Total net administration costs</b>	<b>23,654</b>	<b>25,717</b>	<b>27,402</b>	<b>29,874</b>	<b>33,451</b>	<b>36,569</b>	<b>38,731</b>	<b>39,394</b>	<b>39,394</b>	<b>39,394</b>
Controls and limits										
The net administrative cost of running the Public Records System	23,654	25,717	27,402	29,874	33,451	36,569	38,731	39,394	39,394	39,394
<b>Total net limits for gross controlled areas</b>	<b>23,654</b>	<b>25,717</b>	<b>27,402</b>	<b>29,874</b>	<b>33,451</b>	<b>36,569</b>	<b>38,731</b>	<b>39,394</b>	<b>39,394</b>	<b>39,394</b>

Note: this table does not include the 2004 Spending Review allocations.

**Table 6****The National Archives: staffing**

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn	2005/06 plans	2006/07 plans	2007/08 plans
<b>Staff numbers</b>									
Civil Service full-time equivalents	453	443	478	493	510	502	515	515	515
Overtime	10	10	12	14	14	14	14	14	14
Casual	16	9	12	12	29	34	15	15	15
<b>Total</b>	<b>479</b>	<b>462</b>	<b>502</b>	<b>519</b>	<b>553</b>	<b>550</b>	<b>544</b>	<b>544</b>	<b>544</b>

## Court Service/Her Majesty's Courts Service

**Chief Executive of the Court Service/Her Majesty's Courts Service: Professor Sir Ron De Witt**

### Introduction

**9.95** It has been a year of transition for the Court Service during 2004/05. It started the year as an executive agency of DCA; its purpose the delivery of justice. The Court Service was responsible for the administration of the court system in England and Wales, and provided the necessary services to the judiciary and court users to ensure its impartial and efficient operation.

**9.96** The Crown Court and county courts have been located in six regional circuits, each headed by a Circuit Administrator. The Supreme Court (including the Royal Courts of Justice) operated as a circuit or region in its own right, although its Director worked closely with the South Eastern Circuit Administrator. As well as ensuring that financial and performance objectives were met by all the courts in the circuit, the Circuit Administrator had an important role in maintaining relations with the judiciary and further developing links with our partners in the delivery of justice. The circuits were sub-divided into 17 Court Groups, each headed by a Group Manager. All of the Circuit Administrators, together with the Director of the Supreme Court, reported to the Field Services Director who sat on the Court Service Board.

**9.97** On 1 April 2005, the Court Service was merged into a new executive agency, Her Majesty's Courts Service. For the first time, this brings together all the elements of the Court Service with the Magistrates' Courts Committees.

**9.98** Details on the function and performance of the Court Service can be found in its Annual Report and Accounts for 2003/04, which were published in July 2004 and are available on the Court Service website. The information given in this report is a summary for 2004/05 and will be

provided in full detail in the Court Service Annual Report and Accounts for 2004/05 (due to be published in July 2005).

### Court Service objectives

**9.99** The Court Service contributed directly to DCA's Spending Review 2002 PSA Targets 1–4, and during the last year delivery plans which were already in place were taken forward to ensure the Agency delivered those targets.

**9.100** The Court Service high-level targets were linked to DCA's Spending Review 2002 PSA. These were:

- overall national reduction in ineffective trials in the Crown Court from 24 per cent to 17 per cent by March 2006
- to support Local Criminal Justice Boards in meeting their Crown Court targets for the number of defendants/appellants whose cases are heard within target time – 78 per cent
- to support Local Criminal Justice Boards in meeting the Persistent Young Offenders timeliness target (covering the period from charge to sentence) – 71 days
- increase sitting days in the Crown Court – 104,200
- reduce the proportion of disputes resolved by resort to the courts
- the percentage improvement in the level of satisfaction to court users (a set of four separate targets).

### Contact details

Her Majesty's Courts Service  
Selborne House  
54–60 Victoria Street  
London SW1E 6QW

T: +44 (0)20 7189 2000  
F: +44 (0)20 7189 2732  
E: [customerserviceshq@courtservice.gsi.gov.uk](mailto:customerserviceshq@courtservice.gsi.gov.uk)  
[www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

## Court Service performance for 2004/05

**Contribution to PSA1** Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.15 million by 2005/06; with an improvement in all Criminal Justice System areas, a greater increase in the worst performing areas and a reduction in the proportion of ineffective trials.<sup>3</sup>

**Contribution to PSA2** Improve the level of public confidence in the Criminal Justice System, including that of ethnic minority communities, increasing year-on-year satisfaction of witnesses and victims, while respecting the rights of defendants.

Target/activity	Performance in 2004/05
Overall national reduction in ineffective trials from 24% to 17% by March 2006. Target for 2004/05 is 18.4%	14.4%
To support Local Criminal Justice Boards in meeting their Crown Court target for the number of defendants/appellants whose cases are heard within target time – 78%	The average for the period April 2004 to March 2005 was 78.4%
The period from charge to sentence for Persistent Young Offenders cases – target 71 days	68 days (quarter ending January 2005)
Increase sitting days in the Crown Court – 104,200	101,823 (financial year ending March 2005)

**Contribution to PSA3** Reduce the proportion of disputes resolved by resort to the courts.

Target/activity	Performance in 2004/05
(i) Reduce the number of non-family claims in the civil courts by 11.8% (from 1.790m to 1.580m).	See Chapter 2.
(ii) Reduce the proportion of allocated (i.e. defended) cases that are resolved by a hearing by 1.9% (from 48.9% to 47%)	
(iii) Reduce the number of hearings by 9.3% (from 71,300 to 64,700)	
(iv) Increase the proportion of contact and ancillary relief orders made by consent by 2.8% (from 70.6% to 73.4%)	
a) Maintain the proportion of ancillary relief orders made by consent at over 90%	
b) Increase the proportion of contact orders made by consent to 32.2%	

**Contribution to PSA4**

Target/activity	Performance in 2004/05
The percentage improvement in the level of satisfaction to court users.	See Chapter 2.
• Knowledge of court staff at public counter – 82% (2004/05)	
• Knowledge of staff on telephone service – 78% (2004/05)	
• Speed of resolution of complaints – 50% (2004/05)	
• Helpfulness of written communication – 75% (2004/05)	

<sup>3</sup> The offences brought to justice aspect of the target was modified in Spending Review 2004, superseding the previous target of 1.2 million offences brought to justice in 2005/06. At the same time, a higher target of 1.25 million offences brought to justice was set for 2007/08.

# Public Guardianship Office

## Acting Chief Executive of the Public Guardianship Office: David Thompson

### Introduction

**9.101** The Public Guardianship Office (PGO) is an executive agency of DCA and was established on 1 April 2001 to implement the Court of Protection's decisions on behalf of people who are unable to look after their financial affairs as a result of mental incapacity.

**9.102** Mental incapacity can strike anyone at any stage of his or her life. When this happens, life for both the person affected and their relatives or carers can change totally. They become more vulnerable, often excluded from society and more at risk of abuse. In terms of their financial concerns, this is where the Public Guardianship Office steps in on behalf of the mentally incapacitated person to:

- oversee the implementations of the decisions made by the Court of Protection
- provide a financial protection service
- support the people who manage the person's funds (be they relatives, friends or professionals).

**9.103** The Court of Protection and the Public Guardianship Office undertake these tasks by enabling and monitoring receivers or by registering Enduring Powers of Attorney. An Enduring Power of Attorney is a legal process which allows a person to decide who should deal with their finances

should they lose the capacity to do so for themselves, and to empower them accordingly. If a person loses capacity and there is no Enduring Power of Attorney in place, the Court of Protection will appoint someone (known as a receiver) to manage that person's finances.

### PGO objectives

**9.104** The aim of the Public Guardianship Office is to promote and protect the financial well-being of people with mental incapacity by providing a seamless service responsive to their needs.

**9.105** The Public Guardianship Office has four strategic objectives:

- to provide a forward-looking, accessible service which consults on, understands and meets Public Guardianship Office's clients' diverse and developing needs
- to develop new ways of working with Public Guardianship Office's receivers and in partnership with public and other agencies, which are focused on clients' total needs
- to ensure it has the capability, skills and flexibility to meet the changing needs of its clients
- to provide best value for Public Guardianship Office's clients and the taxpayer.

### PGO performance for 2004/05

**9.106** Both the targets below support PSA targets under Spending Review 2000. Public Guardianship Office has a number of other performance indicators which are reported against in its annual report.

**9.109** We know that not everyone who is in need of the Public Guardianship Office's services is aware of them, and during the year we launched a programme of work to raise our profile among organisations, institutions and individuals that deal with the care of people with mental incapacity, such

Targets	Performance
<p><i>We will maintain an effective system to collect and review accounts, and use this process to review the case management regime to ensure that it is meeting the needs of each customer and client.</i></p> <p>(SDA 29 and SDA 30)</p>	<p>As at 31 March 2005 Public Guardianship Office had completed reviews of 100% of accounts or requested further information within 20 working days of receipt.</p> <p>As at 31 March 2005, we had collected 72.99% of accounts within two months against the target of 60%, 89.35% of accounts within four months against a target of 85% and 100% of accounts within six months referring cases to the Court of Protection where necessary or taking other steps to ensure proper accounts are produced on behalf of clients (applies to Protection clients only, i.e. those clients who have an external receiver).</p>

### Delivering better public services

**9.107** The focus of the Public Guardianship Office in 2004/05 has been to build on the progress made last year in getting the basic service to customers right by setting more effective, challenging and quality focused performance measures.

**9.108** As well as efficiency improvements, we have continued to modernise and make our services more accessible. For example this year empowerment, which enables receivers to undertake a range of actions without referral to the Public Guardianship Office, has been rolled out to all local authority receivers, with plans to extend this to professional receivers in the forthcoming year. This year we have also piloted an Investigations Unit to co-ordinate investigations into financial abuse. Next year this Unit will be established on a permanent basis.

as local authorities, social workers, health professionals and care home staff. We hope that increased awareness will mean that more people will plan what they and their families will do to manage the risk of mental incapacity, as well as reducing the incidence of financial abuse of vulnerable people.

**9.110** We have supported colleagues at DCA in taking forward the Mental Capacity Act, which received Royal Assent in April 2005. The Act, covering England and Wales, provides a statutory framework for people who may not be able to make their own decisions. It sets out who can take decisions, in which situations, and how they should go about this. The Public Guardianship Office will contribute to the development of Codes of Practice that will support the Bill as well as undertaking work to determine what changes will need to be made to the organisational structure, processes, rules and procedures in order to implement the new legislation.

**9.111** We recognise, respect and value people from all sections of society and make special efforts to communicate with a range of groups that represent the diversity of the wider community and continue to value the contribution that each member of staff, whatever their background, makes to our work. We have made our key literature available in six main ethnic languages as well as in easy-read and audiotape format. We have also made links with minority ethnic representative groups, including the Muslim Council of Britain.

**9.112** A number of key factors will influence the work of the Public Guardianship Office over the next year: the Mental Capacity Act; the National Audit Office Value For Money report on the Public Guardianship Office; as well as the continuing input of our customers and stakeholders. Our work for 2005/06 will therefore involve considering the conclusions and recommendations from these drivers for change and implementing them as appropriate.

## Management of resources

### 9.113

- At 31 March 2005, the PGO had 356 permanent members of staff. Of these, 47.7 per cent were women, and of the staff with ethnicity recorded, 47 per cent were from an ethnic minority community.
- The Public Guardianship Office charges fees for the service it provides and currently has a target of recovering 80 per cent of its optimum full cost through fee income. Optimum full cost is total cost less remissions. The level of fees is set by statutory instrument and is reviewed annually.
- The budget delegation for the Public Guardianship Office for the current financial year, net of forecast fee income of £15.9 million is £3.5 million with £170,000 for capital expenditure.

## Contact details

Public Guardianship Office  
Archway Tower  
2 Junction Road  
London N19 5SZ

T: 0845 330 2900 (Lo-call)  
E: [custserv@guardianship.gov.uk](mailto:custserv@guardianship.gov.uk)  
[www.guardianship.gov.uk](http://www.guardianship.gov.uk)

# Legal Services Commission

**Chief Executive: Clare Dodgson**

## Introduction

**9.114** The Legal Services Commission is a non-departmental public body sponsored by DCA and overseen by a board of independent commissioners. The Secretary of State for Constitutional Affairs is accountable to Parliament for its performance and activities.

**9.115** The Commission looks after legal aid in England and Wales and is responsible for ensuring that people get the information, advice and legal help they need to deal with their problems. Part of the Legal Services Commission's role is to identify areas where there is an unmet need for advice and develop quality services to help some of the most vulnerable and disadvantaged people in our society.

**9.116** Through the Community Legal Service the Commission helps people protect their fundamental rights by funding a network of Quality Marked solicitors, Citizens Advice Bureaux and other advice providers. People are able to get advice about a range of problems, including relationship breakdown, debt, housing, domestic violence and benefits. Help is also available about asylum and immigration, education, employment and community care issues.

**9.117** The type of help varies from information leaflets to specialist casework and taking cases to court where necessary.

**9.118** The Criminal Defence Service helps people who are under investigation or facing criminal charges. By ensuring that people accused of crimes have access to legal advice and representation, the Criminal Defence Service also helps the police and courts to operate fairly and efficiently.

**9.119** Each year, the Legal Services Commission publishes its Corporate Plan setting out key priorities and targets, and reports on its performance against those of the previous year.

**9.120** The Corporate Plan 2004/05 and Annual Report 2003/04 were both published in July 2004. These documents are available on request or can be downloaded from the Legal Services Commission's website: [www.legalservices.gov.uk](http://www.legalservices.gov.uk).

**9.121** The 2004/05 Annual Report will be published in July 2005 and the Commission's key objectives and achievements are summarised below.

## Objectives for 2004/05

**9.122** The Legal Services Commission develops its objectives within the framework of the DCA's PSA and is at the forefront of the Government's plans to modernise justice.

**9.123** The Legal Services Commission also has a key role in contributing to the DCA's Strategy for the next five years:

- reducing crime and anti-social behaviour: ensuring criminal legal aid delivers value for money and working with criminal justice system partners to help reduce re-offending
- speeding up asylum and immigration appeals: better targeting of legal aid at those in genuine need
- protecting the vulnerable: providing greater access to legal help and advice through phone and internet services, and reducing the number of relationship breakdown cases that end up in court

- delivering faster and more effective dispute resolution: encouraging people to resolve disputes earlier, and delivering better quality legal help and advice through a range of flexible and accountable providers
- strengthening democracy, rights and responsibilities: helping people understand what they are entitled to and their obligations, preventing cases without merit from being pursued, and encouraging public institutions to recognise their obligations and provide better services.

**9.124** The Commission's specific priorities for 2004/05 were to:

- direct more resources into Community Legal Service work tackling social exclusion
- improve the value for money of asylum cases
- improve the value for money of Criminal Defence Service expenditure
- ensure the delivery of the Criminal Defence Service as our contribution to an effective criminal justice system
- improve customer services for clients, suppliers and partners
- ensure that the Legal Services Commission has the right organisation to deliver its strategic objectives
- build an understanding of its goals and achievements through effective communication with employees, partners and other stakeholders.

## Performance in 2004/05

**9.125** The Legal Services Commission helps around 2 million people get help with their legal problems every year. Its budget is around £2 billion and it accounts for one-fifth of the legal services market in the UK.

**9.126** Over the course of 2004/05, the Legal Services Commission made significant progress in ensuring that all its activities were resolutely focused on the people who depend on it to ensure they can access their basic rights. This ongoing programme of reform – which has also included an internal organisational review – will be consistent with the forthcoming recommendations of the Fundamental Legal Aid Review.

**9.127** The Legal Services Commission's achievements include:

- the launch of Community Legal Service Direct in July 2004. Research shows that telephone advice is preferred to face-to-face advice by some people and is particularly welcomed by those living in remote areas or with reduced mobility. At the same time as launching a national telephone advice service, the Legal Services Commission rebranded its Community Legal Service website and information leaflets. Since the launch, 134,000 calls have been made to the telephone service and 14,000 cases have been completed. The website has been visited by 380,000 users and nearly 1 million leaflets have been distributed directly to the public and advice organisations
- the creation of a dedicated Children and Family Division within the Commission, reflecting a renewed focus on, and commitment to, this significant and often vulnerable client group

- as part of the Legal Services Commission's commitment to supporting the next generation of legal aid lawyers, it is investing £10 million in training grants with the aim of creating 400 new legal aid lawyers. It worked with the College of Law and the Law Society to develop a legal aid orientated Legal Practice Course, the 'Public Legal Service Pathway'
- the Preferred Suppliers pilot project introduced a completely new way of working with service providers for the benefit of legal aid clients. In the longer term, all Legal Services Commission services will be delivered through lawyers and advisers who meet high standards in both quality and cost, and who will in turn benefit from reduced bureaucracy and auditing
- the DCA and Legal Services Commission's July 2004 consultation paper *A New Focus for Civil Legal Aid* proposed the restructure of Community Legal Service funding to encourage the early and effective resolution of cases and use of litigation as a last resort in order to release funding for targeting on priority areas and the most vulnerable clients. Following the consultation, a wide range of changes to financial eligibility, family and non-family funding rules will be introduced in 2005/06
- in 2003/04 the Legal Services Commission spent over £130 million on expert witness fees in criminal, family, immigration and other civil cases. Fees charged by experts have been increasing significantly and research shows that 74 per cent of experts now charge over £100 an hour – up from 55 per cent in 2002. In November 2004 the Legal Services Commission published a consultation paper aimed at improving the quality and cost control of expert witnesses in publicly funded cases. The proposals will also ensure that solicitors and expert witnesses agree clear terms up front
- a consultation on a pilot scheme, Criminal Defence Service Direct, was launched, aimed at improving value for money in the Criminal Defence Service, enhancing the service provided at police stations, both for those detained and the police, and ensuring that duty solicitors are called out on cases at the appropriate time
- a consultation paper setting out proposals for the introduction of competitive tendering for criminal lower work in London was launched in January 2005. The proposals aim to ensure the best possible value for public money, while at the same time guaranteeing clients have quality advice and representation
- the voluntary Tailored Fixed Fee project gave suppliers a new, fixed amount for each case, based on their previous year's average case cost. Following consultation, the scheme will become mandatory in 2005/06
- a wide range of Legal Services Commission-funded projects ensured that specific needs for advice and legal help were met. In Bradford, the Commission invested £120,000 in the 'Staying Put' project which uses civil law to help women who are attacked by their partners, ex-partners or family members by providing support and advice so that they can stay in their homes. Last year, the Staying Put project helped 759 victims of domestic violence

- the Legal Services Commission worked in partnership with other public services and advice funders. In June 2004 the launch of the 'Reducing Offending Through Advice' project brought together the Legal Services Commission, Citizens Advice and the Prison Service in a ground-breaking scheme which gives prisoners in four North East prisons access to legal advice via videophone link. The Legal Services Commission also joined forces with the Court Service to reach people with problems quickly and effectively by helping to ensure that front-line staff in courts are able to notice problems and signpost people to appropriate legal services
- supporting capacity-building in the not-for-profit sector was another focus – the Legal Services Commission invested £200,000 in management training for agencies with Legal Services Commission contracts
- the latest development in the Legal Services Commission's supplier management process aimed at driving up the quality of services was the introduction of Quality Profiles. These have been developed to indicate how service providers are performing on their cases and to highlight the quality of the work done and the client care
- real strides were made in customer services – the Legal Services Commission Quarterly Complaints Review for October to December 2004 recorded the lowest number of official criticisms since records began, 27 per cent down on the previous quarter.

### Contact details

Legal Services Commission  
 85 Gray's Inn Road  
 London WC1X 8TX  
 T: +44 (0)20 7759 0000  
 F: +44 (0)20 7759 1190  
[www.legalservices.gov.uk](http://www.legalservices.gov.uk)

## Commission for Judicial Appointments

### HM First Commissioner for Judicial Appointments: Professor Sir Colin Campbell

### Secretary to the Commissioners: William Arnold

**9.128** The Commissioners were appointed in 2001, following Sir Leonard Peach's report into the judicial and Queen's Counsel appointment process. There are eight Commissioners, including the First Commissioner, none of whom is a practising lawyer or holder of judicial office.

**9.129** The Commissioners' remit covers the appointment of judges (except the Law Lords and Heads of Division), appointments made by the Lord Chancellor to tribunals and Queen's Counsel appointments. It does not cover the appointment of lay magistrates or General Commissioners of Income Tax. The Commissioners' functions are to review the appointments process to establish whether appointments are being made in accordance with the principle of selection on merit and to investigate complaints arising from the application of the appointments procedures. The Commissioners' complaint investigation function does not provide an avenue of appeal for unsuccessful applicants.

**9.130** The Government's policy is that the current Commission will cease to operate after the introduction of the Judicial Appointments Commission. The Judicial Appointments and Conduct Ombudsman will largely take over the current Commissioners' functions in respect of complaints about judicial appointments.

**9.131** During 2004/05 the Commissioners completed reviews of a competition for appointment to the High Court and a competition run by DCA to recruit lay interviewers. Six other reviews were ongoing at the end of 2004/05.

**9.132** The Commissioners also accepted 13 complaints for investigation and finalised their investigations of 17 complaints. In seven of these cases the Commissioners identified concerns that prompted them to suggest at least that DCA apologise to the complainant.

**9.133** The Commissioners have contributed to the debate about the future of the judicial appointments and Queen's Counsel processes. They have responded to the DCA's Consultation Paper *Increasing Diversity in the Judiciary* (a copy of the response is available on the Commissioners' website). They are also taking forward their own work to develop proposals that would increase the diversity of those appointed to judicial office whilst reinforcing the principle of selection on merit.

**9.134** The Commissioners are supported by a six person Secretariat. The Commissioners receive funding from DCA and expenditure for 2004/05 was approximately £350,000. The Commissioners' 2004 Annual Report was published in October 2004 and is available on their website.

### Contact details

Commission for Judicial Appointments  
7th Floor  
Millbank Tower  
Millbank  
London SW1P 4RD

T: +44 (0)20 7217 4470  
F: +44 (0)20 7217 4262  
E: [enquiries@ja-comm.gsi.gov.uk](mailto:enquiries@ja-comm.gsi.gov.uk)  
[www.cja.gov.uk](http://www.cja.gov.uk)

## Her Majesty's Inspectorate of Court Administration (HMICA)

### HM Chief Inspector of Court Administration: Eddie Bloomfield

**9.135** Her Majesty's Inspectorate of Court Administration (HMICA) took over from Her Majesty's Magistrates' Court Service Inspectorate (MCSI) on 1 April 2005, with a wider remit.

**9.136** HMICA operates within a statutory framework set out in the Courts Act 2003. Its remit is to:

- inspect and report to the Lord Chancellor on the system that supports the carrying on of the business of the courts listed (Crown, county and magistrates' courts) and the services provided for those courts
- inspect and report on the performance of the Children and Family Courts Advisory and Support Service (CAFCASS) functions. Under the provisions of the Transfer of Functions Order 2005, HMICA reports to the Secretary of State for Education and Skills on CAFCASS-related inspection matters.

HMICA is not enabled to inspect persons making judicial decisions or exercising any judicial discretion.

**9.137** HMICA currently employs 33 full-time members of staff, based in offices in London, Bristol and Leeds, and two full-time inspectors based at home. In addition, there are nine standby inspectors who are employed on fixed-term contracts and work for a minimum of 20 days per year, providing a vital and flexible resource. HMICA also provides the home for the Joint Inspectorates' Secretariat (JIS). This supports the work of the Criminal Justice Chief Inspectors' Group (CJCIIG), which is made up of Her Majesty's Chief Inspectors of Constabulary, Crown Prosecution Service, Court Administration, Prisons and Probation in England and Wales.

**9.138** The Chief Inspector is a statutory postholder and the Inspectorate is funded by the Department for Constitutional Affairs. The Inspectorate is not responsible for the determination of policy and operates separately from the relevant policy and administration functions performed by DCA. HMICA's indicative budget for 2005/06 is £2.548 million.

**9.139** HM Chief Inspector reports directly to the Lord Chancellor on inspection matters, and makes an annual report to him, which is laid before Parliament.

### Contact details

Eddie Bloomfield  
HM Chief Inspector  
HMICA  
8th Floor  
Millbank Tower  
Millbank  
London SW1P 4QP

T: +44 (0)20 7217 4342  
F: +44 (0)20 7217 4357  
E: eddie.bloomfield@hmica.gsi.gov.uk

## Judicial Studies Board

**Chairman: The Rt Hon Lord Justice Keene**

**Director of Studies: Judge Victor Hall**

**Executive Director: Debora Matthews**

**9.140** The Judicial Studies Board (JSB) is an independent body, established in 1979, whose aim is to ensure that the training and learning needs of the judiciary, lay magistracy and judicial officers of tribunals are met in a timely and effective manner. Its relationship to DCA is set out in a Memorandum of Understanding which was first published on 6 June 1996 and reissued in April 1999.

**9.141** At 31 March 2005, the JSB had 48 members of staff. The JSB's budget for the period of this Report was £9.5 million, an increase from the previous year's budget, which was largely a result of the JSB's work to utilise technology in the delivery of its training. This included a programme of information technology training for judges and extensive work on its websites, as well as a project to establish the JSB's strengthened role in relation to magistrates' training within a unified courts administration.

**9.142** The JSB's objectives are to:

- identify the training needs of the judiciary through its committees and in consultation with relevant outside bodies
- make provision for identified training needs to be met in a timely, effective and innovative way, harnessing new technology and methods as appropriate

- ensure the JSB has appropriate structures, processes and accountability frameworks to determine and deliver its key programmes, as expressed by targets and plans deriving from spending reviews and otherwise
- develop a framework of evaluation for the JSB's key programmes to ensure continuous improvement
- ensure that fair treatment and diversity issues are integrated into all the JSB's activities
- ensure the JSB's information technology strategy, including its e-business strategy, is developed and exploited to add to the tools available for identifying and meeting training needs and knowledge management
- develop and contribute to international legal relations by providing advice and assistance on the training of the judiciary
- support the achievement of JSB objectives through human resource policies and procedures which ensure effective recruitment, selection, training, development and support in a fair, equal opportunities workplace.

**9.143** The Annual Report for 2004/05 was published in July 2005 and is available on the JSB's website (see below).

### Contact details

Judicial Studies Board  
9th Floor  
Millbank Tower  
Millbank  
London SW1P 4QU

T: +44 (0)20 7217 4708  
E: debora.matthews@jsb.gsi.gov.uk  
www.jsboard.co.uk

## Council on Tribunals

**Chairman: The Rt Hon Lord Newton of Braintree OBE DL**

**Acting Secretary: Ray Burningham**

**9.144** The Council was established in 1958 and now operates under the Tribunals and Inquiries Act 1992. It is a statutory advisory non-departmental public body, funded through DCA. The Council's main role is to keep under review the constitution and working of the tribunals specified in the Act. Government departments are required to consult the Council in respect of procedural rules for those tribunals. Its jurisdiction also extends to certain statutory inquiries held by or on behalf of Ministers.

**9.145** The Council has 15 members appointed by the Lord Chancellor and the Scottish Ministers; additionally the Parliamentary Ombudsman and the Scottish Public Services Ombudsman are members by virtue of their office. It has a staff of 12 in its London office, most of whom are DCA civil servants. It also has a Scottish Committee with a Secretariat of three staff seconded from the Scottish Executive and based in Edinburgh. In 2004/05 it had a budget of £1,096k.

**9.146** The White Paper *Transforming Public Services: Complaints, Redress and Tribunals*, published in July 2004, proposes bringing together the 10 largest Central Government tribunals into a single Tribunals Service from 2006. It suggests that the Council has an important role to play in the creation of the Tribunals Service and that over time it should take on a wider remit as an advisory body for the whole administrative justice sector, becoming an Administrative Justice Council.

**9.147** The Council's key priority in 2004/05 has been to build links with other bodies, in particular those representing tribunal users. In October it ran the first in a series of User Support Workshops for representatives from the voluntary and advice sectors, examining the issues raised by the White Paper. In January 2005 it launched *Adjust*, a quarterly electronic newsletter aimed at all stakeholders in tribunals and the wider field of administrative justice.

**9.148** The work of the Council during the period 1 August 2003 to 31 March 2004 is described in its 45th Annual Report, published in July 2004. The Annual Report and other publications are available on the Council's website at [www.council-on-tribunals.gov.uk](http://www.council-on-tribunals.gov.uk), from Her Majesty's Stationery Office, or from the address below. Its next annual report will cover the year to 31 March 2005 and is due to be published in July 2005.

### Contact details

Council on Tribunals  
1st Floor  
81 Chancery Lane  
London WC2A 1BQ

T: +44 (0)20 7855 5200  
F: +44 (0)20 7855 5201  
E: [enquiries@cot.gsi.gov.uk](mailto:enquiries@cot.gsi.gov.uk)  
[www.council-on-tribunals.gov.uk](http://www.council-on-tribunals.gov.uk)

## Official Solicitor and Public Trustee

### Official Solicitor to the Supreme Court and Public Trustee: Laurence Oates

**9.149** The Official Solicitor (a statutory appointment under section 90 of the Supreme Court Act 1981) acts in legal proceedings for those unable to represent themselves. He is responsible for representing in court mentally incapacitated adults and children (other than subject children in child welfare proceedings), administering estates and trusts when there is no-one else suitable or able to do so, and various other areas, for example, committals for contempt and child abduction.

**9.150** The Public Trustee (appointed under section 8 of the Public Trustee Act 1906) acts as executor or administrator of estates and as the appointed trustee of settlements. His aim is to provide an effective executor and trustee service of last resort on a non-profit-making basis; in so doing, his objective is to secure the best value for the beneficiaries.

**9.151** The two offices have been combined under the same post-holder since 1 April 2001 following the transfer of functions of the former Public Trust Office announced by the Lord Chancellor in his Making Changes Report (December 2000).

**9.152** The Official Solicitor and Public Trustee employs 17 lawyers (including the Official Solicitor and Public Trustee himself) and up to 160 caseworkers and other administrative staff. Its gross running costs are £7.7 million per annum, with a requirement to recover costs and fees where appropriate (mainly in trusts and estates) which brings down the net funding requirement from DCA to £3.1 million. The Annual Report for 2003/04 was published in August 2004 (available on the Official Solicitor and Public Trustee website).

### Contact details

Office of the Official  
Solicitor and Public Trustee  
81 Chancery Lane  
London WC2A 1DD

T: +44 (0)20 7911 7127

F: +44 (0)20 7911 7105

E: [enquiries@offsol.gsi.gov.uk](mailto:enquiries@offsol.gsi.gov.uk)

[www.offsol.demon.co.uk](http://www.offsol.demon.co.uk)

## Office of the Judge Advocate General

### Judge Advocate General: His Honour Judge Jeff Blackett

**9.153** The office of the Judge Advocate General was created in 1666. Since then, the appointment has been made by the Sovereign by Letters Patent. The Courts-Martial Appeals Act 1951 requires that the person appointed shall be recommended to Her Majesty by the Lord Chancellor, to whom the Judge Advocate General was made responsible in 1948. The main duties of the Judge Advocate General are to appoint judge advocates to conduct proceedings at Service Courts and judicial officers to hear custody applications and applications for search warrants. In addition, he is responsible for giving the Army and Royal Air Force reviewing authorities post-trial advice on courts-martial, and for the keeping of courts-martial records of proceedings. He also has a broad residual duty to monitor the Army and Royal Air Force criminal justice systems to ensure that they work fairly, properly and efficiently.

**9.154** To support and assist him, there is a Vice Judge Advocate General and seven Assistant Judge Advocates General. These are permanent judicial appointments made by the Lord Chancellor. The Judge Advocate General also maintains an office in Germany to which two Assistant Judge Advocates General are posted on tours of duty at any one time. The senior of these is styled Deputy Judge Advocate General and is largely responsible for the day-to-day running of that office.

**9.155** Administrative and secretarial support is provided by eight DCA staff, two of which are based in Germany to assist the judges there and the rest work at the London office.

**9.156** In the financial year 2004/05, DCA allocated a total of just under £1.5 million for the maintenance of the office.

### Contact details

Office of the Judge Advocate General  
81 Chancery Lane  
London WC2A 1BQ

Office of the Deputy Judge  
Advocate General  
British Forces Germany  
British Forces Post Office 40

T: +44 (0)20 7218 8077

T: (Germany) +49 2161 908 2453

F: +44 (0)20 7218 8090

E: [jenny.norris@jag.gsi.gov.uk](mailto:jenny.norris@jag.gsi.gov.uk)

## Law Commission

**Chairman: Sir Roger Toulson  
(Mr Justice Toulson)**

**Chief Executive: Steve Humphreys**

**9.157** The Law Commission was established under the Law Commissions Act 1965. It exists to recommend reform of the law to make it fair, modern, simple and as cost-effective as possible. The Commission is statutorily independent from Government but is sponsored by DCA and is an advisory non-departmental public body of the Department. The Commission has between 60 to 70 members of staff depending upon the number of projects it is working on at any one time. DCA provided funding to the Commission of £3.4 million for 2004/05.

**9.158** In response to the 2003 Quinquennial Review, the Law Commission has undergone a number of structural and procedural reforms which will improve its efficiency and service delivery. These improvements will continue in 2005.

**9.159** The Law Commission assists the work of a number of Government Departments. During 2004/05 among other things, the Commission published its report on the partial defences to murder and its second report on reform of the law in relation to Compulsory Purchase. Full details of its work in 2004/05 will be reported in its Annual Report published in June 2005.

**9.160** The Law Commission published its *Ninth Programme of Law Reform* in March 2005, setting out the main streams of work over the next three years. The periods of the programmes of law reform will in future be aligned with the periods of the Government's spending reviews.

**9.161** More information about the work of the Law Commission, including published Annual Reports, can be found at: [www.lawcom.gov.uk](http://www.lawcom.gov.uk)

### Contact details

Law Commission  
Conquest House  
37–38 John Street  
Theobald's Road  
London WC1N 2BQ

T: +44 (0)20 7453 1220

F: +44 (0)20 7453 1297

E: [chief.executive@lawcommission.gsi.gov.uk](mailto:chief.executive@lawcommission.gsi.gov.uk)

## Office of the Legal Services Ombudsman

### Legal Services Ombudsman for England and Wales: Ms Zahida Manzoor CBE

**9.162** The Legal Services Ombudsman for England and Wales is appointed by the Secretary of State for Constitutional Affairs under the Courts and Legal Services Act 1990.

**9.163** The Ombudsman's role is to oversee the handling of complaints about solicitors, barristers, legal executives, licensed conveyancers and patent agents by the professional bodies that are responsible for setting and maintaining standards of conduct and service within the legal profession.

**9.164** The Ombudsman's Annual Report for 2003/04 was published in July 2004 and is available on the Ombudsman's website along with a number of other key documents relating to the work of the Office.

**9.165** The Office had an average of 24.1 full-time equivalent staff and 2.5 full-time equivalent external caseworkers over 2004/05, with £1.34 million of funding from DCA for 2004/05. The Ombudsman's Office processed 1,453 cases in 2004/05, with an average turnaround of three months in 54.8 per cent of cases and 99 per cent of cases in six months.

### Contact details

Office of the Legal Services Ombudsman  
3rd Floor  
Sunlight House  
Quay Street  
Manchester M3 3JZ

T: +44 (0)161 839 7262  
F: +44 (0)161 832 5446  
E: iso@olso.gsi.gov.uk  
www.olso.org

## Information Commissioner's Office

### Information Commissioner: Richard Thomas

**9.166** The Information Commissioner is an independent body created under statute, appointed by the Queen and reporting directly to Parliament. The DCA is the Information Commissioner's sponsor department.

**9.167** The Information Commissioner's main functions and duties are to:

- promote the following of good practice by data controllers and public authorities and their respective observance with the requirements of the Acts – the Data Protection Act 1998 and, in the case of public authorities and those who carry out work for them, the Freedom of Information Act 2000
- provide information to the public about both pieces of legislation and how they work, about good practice and about other matters relevant to the Commissioner's work
- consult with the Keeper of Public Records (and Deputy Keeper of Public Records of Northern Ireland) about promoting the observance by public authorities of the statutory records management code of practice
- annually lay before each House of Parliament a general report on the exercise of the Commissioner's functions under both the Data Protection and Freedom of Information Acts
- maintain a register of data controllers who have given notification under the Data Protection Act to add new entries, or amend existing entries, on the register

- deal with requests for assessment made under the Data Protection Act, with applications for decisions made under the Freedom of Information Act, and to consider publication schemes submitted to the Commissioner by public authorities, and decide whether or not to approve each scheme.

**9.168** The Commissioner's main office is in Wilmslow, Cheshire, where just over 200 staff are employed. There are also smaller offices in Wales, Scotland and Northern Ireland.

**9.169** During 2004/05, the Commissioner received £4.5 million of funding from DCA for Freedom of Information activities, and £8 million for Data Protection activities. The Data Protection funding was covered by income from notification fees, which were surrendered to the Treasury.

### Contact details

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

T: +44 (0)1625 545 700 (Switchboard)  
T: +44 (0)1625 545 745 (Helpline)  
F: +44 (0)1625 524 510  
E: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)  
[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

## Office of the Legal Services Complaints Commissioner

**Commissioner:**  
**Ms Zahida Manzoor CBE**

**9.170** The Legal Services Complaints Commissioner (the Commissioner) is appointed by the Secretary of State for Constitutional Affairs under the Access to Justice Act 1999.

**9.171** The Commissioner's role is to work with the Law Society for England and Wales (the Society), on behalf of consumers, to help the Society reach service standards that the consumer could reasonably expect when complaining to the Society about a solicitor.

**9.172** The Commissioner has the power to:

- require the Society to provide information or make reports about the handling of complaints about its members
- investigate the handling of complaints
- make recommendations
- set targets
- require the Society to submit a plan for the handling of complaints.

**9.173** If the Law Society fails to submit an adequate plan when requested, or fails to handle complaints in accordance with the plan, the Commissioner has the powers to levy a penalty under section 52(3) of the Access to Justice Act. This is set at a maximum of £1 million. Prior to a decision on any penalty being taken, the Society would have the opportunity to make representations to the Commissioner and engage in an agreed appeals mechanism before any judicial review.

**9.174** The Commissioner has a website ([www.olsc.gov.uk](http://www.olsc.gov.uk)) which displays the Publication Scheme and makes available a number of key documents such as the Business Plan, Targets Document and guidance to assist the Law Society in drafting its plan.

**9.175** The Commissioner's office is in Leeds, West Yorkshire, where her staff are currently employed. During 2004/05 the Commissioner has received £1.41 million from DCA and the Law Society.

### Contact details

Legal Services Complaints Commissioner  
19th Floor  
West Riding House  
Leeds LS1 5AA

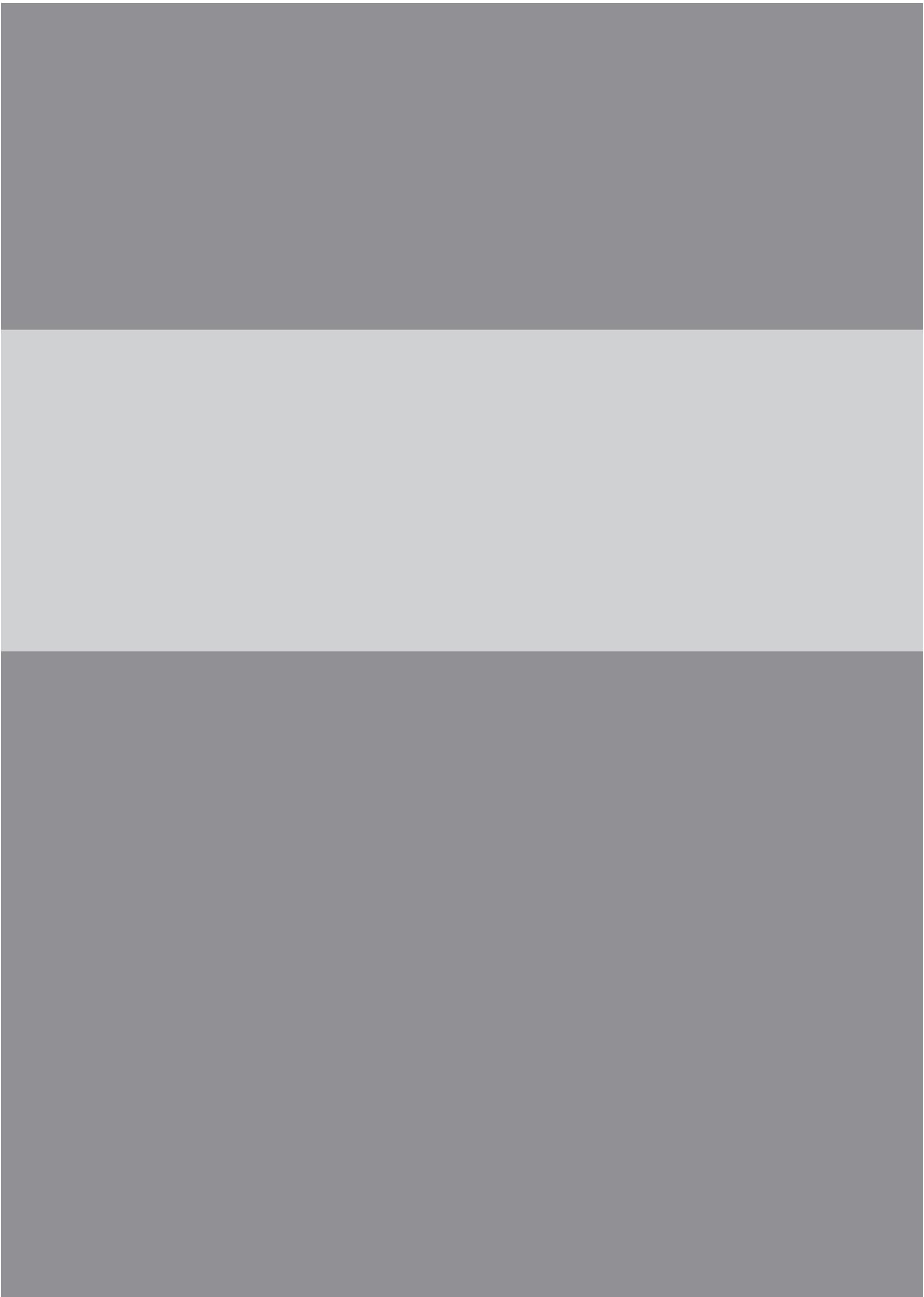
T: +44 (0)113 261 5420

0845 565150

F: +44 (0)113 261 5440

E: [info@olsc.gov.uk](mailto:info@olsc.gov.uk)

[www.olsc.gov.uk](http://www.olsc.gov.uk)



# 10 Accounts

## Core Financial Tables explanation

	<b>Title</b>	<b>Description</b>	<b>Period covered</b>
<b>Table 1</b>	Total public spending for DCA	Shows a summary of the Department's total budget, including spending by local authorities on functions relevant to the Department.	1999/00 to 2007/08
<b>Table 2</b>	Resource budget for DCA	Shows how the Department allocates and spends the resources allocated to it by Parliament to deliver the services within its various responsibilities.	1999/00 to 2007/08
<b>Table 3</b>	Capital budget for DCA	Shows how the Department allocates and spends the capital allocated to it by Parliament to deliver the services within its various responsibilities.	1999/00 to 2007/08
<b>Table 4</b>	Capital employed by DCA	Shows capital employed in meeting the Department's objectives.	1999/00 to 2003/04
<b>Table 5</b>	Administration costs for DCA	Provides a breakdown of the staff and other general costs (including accommodation and other office costs) related to the running of the Department.	1999/00 to 2007/08
<b>Table 6</b>	Staff numbers for DCA	A staffing count for the DCA and its sister departments.	1999/00 to 2007/08
<b>Table 7</b>	DCA's total spending by country and region (over spread of years)	Provides analysis of spending in each UK country and nine regions of England.	1999/00 to 2005/06
<b>Table 8</b>	DCA's total spending per head by country and region (over spread of years)	Provides analysis of spending per head of population in each UK country and nine regions of England.	1999/00 to 2005/06
<b>Table 9</b>	DCA's total spending by function or programme, by country and region (for latest outturn year, 2003/04)	Provides analysis of spending in each UK country and nine regions of England, under each function of Government.	2003/04

**Table 1****Department for Constitutional Affairs (DCA): total public spending****£000**

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn	2005/06 plans	2006/07 plans	2007/08 plans
<b>Consumption of resources:</b>									
To promote the development of a modern, fair, cost-effective and efficient system of justice for all	2,212,451	2,691,168	2,862,613	3,181,142	3,016,247	3,184,073	3,503,607	3,593,178	3,640,184
To support the Secretary of State in discharging his role of representing Scotland in the UK Government, representing the UK Government in Scotland, and ensuring the smooth working of the devolution settlement in Scotland	12,547	6,840	13,265	9,727	17,877	6,384	6,768	6,768	6,768
To support the Secretary of State in discharging his role of representing Wales in the UK Government, representing the UK Government in Wales, and ensuring the smooth working of the devolution settlement in Wales	1,468	2,703	2,538	3,132	3,042	3,929	3,913	3,913	3,913
Judicial Pensions Scheme	87,009	92,262	96,221	101,300	58,082	62,126	80,035	88,836	95,907
<b>Total resource budget</b>	<b>2,313,475</b>	<b>2,792,973</b>	<b>2,974,637</b>	<b>3,295,301</b>	<b>3,095,248</b>	<b>3,268,005</b>	<b>3,593,939</b>	<b>3,692,695</b>	<b>3,746,772</b>
<i>of which:</i>									
Resource DEL <sup>(i)</sup>	2,226,466	2,700,711	2,878,416	3,194,001	3,037,166	3,205,879	3,513,904	3,603,859	3,650,865

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**Table 1 (contd)****DCA: total public spending (continued)****£000**

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn	2005/06 plans	2006/07 plans	2007/08 plans
<b>Capital spending:</b>									
To promote the development of a modern, fair, cost-effective and efficient system of justice for all	33,215	33,514	72,310	75,592	123,733	184,259	127,381	127,381	135,381
To support the Secretary of State in discharging his role of representing Scotland in the UK Government, representing the UK Government in Scotland, and ensuring the smooth working of the devolution settlement in Scotland	226	72	62	88	13	100	100	100	100
To support the Secretary of state in discharging his role of representing Wales in the UK Government, representing the UK Government in Wales, and ensuring the smooth working of the devolution settlement in Wales	8	299	18	34	138	766	766	766	766
Judicial Pensions Scheme									
<b>Total capital budget</b>	<b>33,449</b>	<b>33,885</b>	<b>72,390</b>	<b>75,714</b>	<b>123,884</b>	<b>185,125</b>	<b>128,247</b>	<b>128,247</b>	<b>136,247</b>
<i>of which:</i>									
Capital DEL <sup>(i)</sup>	33,449	33,885	72,390	75,714	123,884	185,125	128,247	128,247	136,247
<b>Total public spending<sup>(ii)</sup></b>	<b>2,424,836</b>	<b>2,782,597</b>	<b>3,001,723</b>	<b>3,325,789</b>	<b>3,165,341</b>	<b>3,390,392</b>	<b>3,604,282</b>	<b>3,698,058</b>	<b>3,755,135</b>

*(i) Departmental Expenditure Limits, set as part of the 2004 Spending Review**(ii) Total public spending calculated as the total of the resource budget plus the capital budget, less depreciation***Spending by local authorities on functions relevant to the department:**

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn
<b>Current spending</b>	<b>334,446</b>	<b>344,722</b>	<b>377,142</b>	<b>379,217</b>	<b>417,379</b>	<b>377,555</b>
<i>of which:</i>						
financed by grants from budgets, above	241,644	284,417	317,552	318,630	339,565	296,479
<b>Capital spending</b>	<b>27,780</b>	<b>19,513</b>	<b>24,318</b>	<b>40,013</b>	<b>32,473</b>	<b>42,118</b>
<i>of which:</i>						
financed by grants from budgets, above	25,820	22,437	32,850	43,839	34,809	44,719

**Table 2****DCA: resource budget****£000**

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn	2005/06 plans	2006/07 plans	2007/08 plans
<b>Headquarters and associated offices</b>	<b>360,104</b>	<b>171,225</b>	<b>109,369</b>	<b>163,027</b>	<b>264,739</b>	<b>598,864</b>	<b>503,053</b>	<b>525,703</b>	<b>484,133</b>
<i>of which:</i>									
Invest to Save Budget	500	1,925		1,439	690				
Headquarters and associated offices	359,604	169,300	109,369	161,588	264,049	598,313	503,041	525,691	484,121
Judicial Pension Administration						551	12	12	12
<b>Executive agencies</b>	<b>157,720</b>	<b>384,146</b>	<b>459,979</b>	<b>544,865</b>	<b>490,552</b>	<b>409,088</b>	<b>982,205</b>	<b>1,002,626</b>	<b>1,043,202</b>
<i>of which:</i>									
HM Courts Service							979,000	999,321	1,039,272
Court Service	163,386	375,242	445,196	531,390	482,744	408,787			
Public Guardianship Office			14,783	13,475	7,808	301	3,205	3,305	3,930
Public Trust Office	-5,666	8,904							
<b>Local authorities: magistrates' court grants</b>	<b>241,644</b>	<b>284,417</b>	<b>317,552</b>	<b>274,951</b>	<b>279,977</b>	<b>233,050</b>			
<b>Publicly funded legal services</b>	<b>1,394,819</b>	<b>1,791,183</b>	<b>1,888,915</b>	<b>2,116,518</b>	<b>1,898,732</b>	<b>1,819,830</b>	<b>1,931,537</b>	<b>1,978,536</b>	<b>2,026,536</b>
<i>of which:</i>									
Community Legal Service		781,000	863,014	988,155	689,037	749,564	799,907	833,909	833,909
Costs from central funds	44,504	39,592	48,971	39,535	65,768	45,000	45,000	45,000	45,000
Criminal Defence Service			976,930	1,088,828	1,143,927	1,025,266	1,086,630	1,099,627	1,147,627
Legal aid: criminal	1,350,315	970,591							
<b>Non-departmental public bodies</b>	<b>58,164</b>	<b>60,197</b>	<b>86,798</b>	<b>81,781</b>	<b>82,247</b>	<b>134,734</b>	<b>86,428</b>	<b>86,313</b>	<b>86,313</b>
<i>of which:</i>									
Legal Services Commission: administration	58,161	60,193	79,907	73,455	80,686	124,734	81,428	81,313	81,313
Information Commissioner's Office	3	4	6,891	8,326	1,561	10,000	5,000	5,000	5,000
Scotland Office	12,547	6,840	13,265	9,727	17,877	6,384	6,768	6,768	6,768
Wales Office	1,468	2,703	2,538	3,132	3,042	3,929	3,913	3,913	3,913
Judicial Pension Scheme	87,009	92,262	96,221	101,300	58,082	62,126	80,035	88,836	95,907
<b>Total resource budget</b>	<b>2,313,475</b>	<b>2,792,973</b>	<b>2,974,637</b>	<b>3,295,301</b>	<b>3,095,248</b>	<b>3,268,005</b>	<b>3,593,939</b>	<b>3,692,695</b>	<b>3,746,772</b>

Note:  
2004/05 values are estimated outturn only and are expected to change.

**Table 3****DCA: capital budget****£000**

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn	2005/06 plans	2006/07 plans	2007/08 plans
<b>Headquarters and associated offices</b>	<b>991</b>	<b>7,885</b>	<b>12,131</b>	<b>2,414</b>	<b>21,784</b>	<b>71,870</b>	<b>41,500</b>	<b>41,500</b>	<b>41,500</b>
<i>of which:</i>									
Headquarters and associated offices	991	7,885	12,131	1,314	7,884	71,870	41,500	41,500	41,500
HM Land Registry				1,100	13,900				
<b>Executive agencies</b>	<b>5,619</b>	<b>2,408</b>	<b>23,982</b>	<b>23,321</b>	<b>65,928</b>	<b>67,670</b>	<b>85,881</b>	<b>85,881</b>	<b>93,881</b>
<i>of which:</i>									
HM Courts Service							85,881	85,881	93,881
Court Service	4,886	1,284	18,827	20,091	64,891	67,500			
Public Guardianship Office			5,155	3,230	1,037	170			
Public Trust Office	733	1,124							
<b>Local authorities: magistrates' court grants</b>	<b>25,820</b>	<b>22,437</b>	<b>32,850</b>	<b>43,839</b>	<b>34,809</b>	<b>44,719</b>			
<b>Non-departmental public bodies</b>	<b>785</b>	<b>784</b>	<b>3,347</b>	<b>6,018</b>	<b>1,212</b>				
<i>of which:</i>									
Legal Services Commission:									
administration	784	784	1,935	1,085	5				
Information Commissioner's Office	1		1,412	4,933	1,207				
Scotland Office	226	72	62	88	13	100	100	100	100
Wales Office	8	299	18	34	138	766	766	766	766
<b>Total resource budget</b>	<b>33,449</b>	<b>33,885</b>	<b>72,390</b>	<b>75,714</b>	<b>123,884</b>	<b>185,125</b>	<b>128,247</b>	<b>128,247</b>	<b>136,247</b>

Note:

2004/05 values are estimated outturn only and are expected to change.

**Table 4****DCA: capital employed****£000**

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn
Fixed assets	1,332,342	1,355,085	1,550,781	1,583,793	1,732,515
<i>of which:</i>					
Land and buildings	1,284,650	1,293,567	1,471,725	1,517,064	1,604,260
Plant and machinery	43,053	57,670	76,021	66,729	128,255
Vehicles	4,639	3,848	3,035		
Current assets	227,133	162,401	180,890	272,037	297,341
Creditors (<1 year)	-241,688	-156,993	-200,958	-285,826	-301,149
Creditors (>1 year)	-3,668	-2,259	-1,190	-7	-427
Provisions	-296,149	-387,491	-437,466	-514,430	-33,571
<b>Capital employed within main department</b>	<b>1,017,970</b>	<b>970,743</b>	<b>1,092,057</b>	<b>1,055,567</b>	<b>1,694,709</b>
NDPB net assets	991	1,908	-6,239	-18,426	-8,881
Legal Aid Fund net assets <sup>(iii)</sup>		-1,982,546	-2,140,966	-2,246,030	-2,593,461
<b>Total capital employed in departmental group</b>	<b>1,018,961</b>	<b>-1,009,895</b>	<b>-1,055,148</b>	<b>-1,208,889</b>	<b>-907,633</b>

*(iii) Balance sheet information not available for Legal Aid Fund assets prior to 2000/01*

**Table 5****DCA: administration costs****£000**

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn	2005/06 plans	2006/07 plans	2007/08 plans
<b>Administration expenditure</b>									
Paybill	55,367	61,415	61,731	75,458	107,114	125,512	145,298	147,011	146,845
Other	331,985	148,156	79,167	127,496	200,797	392,598	277,924	276,051	276,223
<b>Total administration expenditure</b>	<b>387,352</b>	<b>209,571</b>	<b>140,898</b>	<b>202,954</b>	<b>307,911</b>	<b>518,110</b>	<b>423,222</b>	<b>423,062</b>	<b>423,068</b>
Administration income	-4,658	-470	-1,617	-332	-7,202	-9,711	-6,153	-6,153	-6,153
<b>Total administration budget</b>	<b>382,694</b>	<b>209,101</b>	<b>139,281</b>	<b>202,622</b>	<b>300,709</b>	<b>508,399</b>	<b>417,069</b>	<b>416,909</b>	<b>416,915</b>
<b>Total administration expenditure by activity</b>									
Headquarters	339,329	150,919	75,677	131,272	239,818	461,568	362,504	360,530	333,270
HM Courts Service							37,500	39,314	65,655
Court Service	31,053	32,706	40,072	47,239	41,130	32,570			
Public Guardianship Office			23,532	24,111	19,761	14,261	17,065	17,065	17,990
Public Trust Office	12,312	25,476							
<b>Total administration budget</b>	<b>382,694</b>	<b>209,101</b>	<b>139,281</b>	<b>202,622</b>	<b>300,709</b>	<b>508,399</b>	<b>417,069</b>	<b>416,909</b>	<b>416,915</b>
	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 estimated outturn	2005/06 plans	2006/07 plans	2007/08 plans
<b>Scotland Office</b>									
Paybill	1,976	3,281	3,753	4,368	4,193	3,982	4,288	4,288	4,288
Other	1,789	3,047	3,535	3,297	2,994	2,907	3,045	3,145	3,145
Administration income	-79	-311	-690	-915	-894	-965	-965	-965	-965
<b>Total administration budget</b>	<b>3,686</b>	<b>6,017</b>	<b>6,598</b>	<b>6,750</b>	<b>6,293</b>	<b>5,924</b>	<b>6,368</b>	<b>6,468</b>	<b>6,468</b>
<b>Wales Office</b>									
Paybill	784	1,448	1,608	1,816	1,910	2,105	2,105	2,105	2,105
Other	684	1,264	939	1,325	1,142	1,833	1,817	1,817	1,817
Administration income		-9	-9	-9	-10	-9	-9	-9	-9
<b>Total administration budget</b>	<b>1,468</b>	<b>2,703</b>	<b>2,538</b>	<b>3,132</b>	<b>3,042</b>	<b>3,929</b>	<b>3,913</b>	<b>3,913</b>	<b>3,913</b>

Note:  
2004/05 values are estimated outturn only and are expected to change.

**Table 6****DCA: staff numbers****£000**

	1999/00 actual	2000/01 actual	2001/02 actual	2002/03 actual	2003/04 actual	2004/05 estimated actual	2005/06 plans	2006/07 plans	2007/08 plans
<b>Department for Constitutional Affairs:</b>									
CS FTEs	10,150	11,555	11,672	12,823	12,850	13,034	23,410	24,810	24,610
Overtime	120	109	104	109	98	98	98	98	98
Casuals	580	290	652	650	650	650	650	650	650
<b>Total</b>	<b>10,850</b>	<b>11,954</b>	<b>12,428</b>	<b>13,582</b>	<b>13,598</b>	<b>13,782</b>	<b>25,250</b>	<b>25,558</b>	<b>25,358</b>
<b>Northern Ireland Court Service <sup>(iv)</sup>:</b>									
CS FTEs	638	655	691	710	740	752	765	743	737
Overtime	9	19	115	7	5	4	4	4	4
Casuals	20	37	2	1					
<b>Total</b>	<b>667</b>	<b>711</b>	<b>808</b>	<b>718</b>	<b>745</b>	<b>756</b>	<b>769</b>	<b>747</b>	<b>741</b>
<b>The National Archives: Public Record Office and Historical Manuscripts Commission</b>									
CS FTEs	453	443	478	493	510	502	515	515	515
Overtime	10	10	12	14	14	14	14	14	14
Casuals	16	9	12	12	29	34	15	15	15
<b>Total</b>	<b>479</b>	<b>462</b>	<b>502</b>	<b>519</b>	<b>553</b>	<b>550</b>	<b>544</b>	<b>544</b>	<b>544</b>
<b>Land Registry:</b>									
CS FTEs	7,772	7,767	7,690	7,950	8,060	8,048	8,004	8,004	8,004

(iv) The staff of the Northern Ireland Court Service are not part of the Home Civil Service and therefore are not included in the Civil Service staffing count

**Note:**

These figures do not include staff numbers for the Scotland Office or Wales Office, which can be found in the Scotland Office and Wales Office annual reports

## Note for Tables 7 to 9

**10.1** The spending data shown in these tables is consistent with the country and regional analyses (CRA) published by HM Treasury in Public Expenditure Statistical Analyses (PESA). PESA contains more tables analysed by country and region, and also explains how the analysis was collected and the basis for allocating expenditure between countries and regions.

**10.2** The figures were collected about three months before the figures in the other tables, and therefore may not show the latest position.

### Table 7

#### DCA: total spending by country and region (over spread of years)

£ million

	1999/00 outturn	2000/01 outturn	2001/02 outturn	2002/03 outturn	2003/04 outturn	2004/05 plans	2005/06 plans
North East	92.0	108.2	108.3	127.1	134.8	152.3	134.0
North West	268.4	281.7	282.4	327.3	347.4	405.6	356.2
Yorkshire and Humberside	97.1	143.9	142.6	171.1	177.5	202.0	178.2
East Midlands	106.0	137.1	136.2	161.7	169.2	191.5	168.8
West Midlands	108.8	151.3	150.0	179.2	185.0	211.1	186.2
South West	133.5	167.0	166.2	196.5	204.3	230.5	203.0
Eastern	45.7	100.6	100.1	123.1	123.8	140.8	124.8
London	333.3	459.0	455.4	544.5	565.4	654.3	575.6
South East	247.3	279.5	280.1	327.0	340.4	389.2	342.8
<b>Total England</b>	<b>1,432.0</b>	<b>1,828.3</b>	<b>1,821.4</b>	<b>2,157.5</b>	<b>2,247.9</b>	<b>2,577.1</b>	<b>2,269.5</b>
Scotland	3.9	4.2	4.4	4.8	-1.4	-1.2	-0.9
Wales	112.3	147.3	146.1	173.6	180.9	203.7	179.5
Northern Ireland	0.5	0.6	0.6	0.7	-0.2	-0.2	-0.1
<b>Total UK identifiable expenditure</b>	<b>1,548.7</b>	<b>1,980.4</b>	<b>1,972.5</b>	<b>2,336.6</b>	<b>2,427.2</b>	<b>2,779.4</b>	<b>2,448.0</b>
Outside UK							
<b>Total identifiable expenditure</b>	<b>1,548.7</b>	<b>1,980.4</b>	<b>1,972.5</b>	<b>2,336.6</b>	<b>2,427.2</b>	<b>2,779.4</b>	<b>2,448.0</b>
Non-identifiable expenditure	206.0	302.0	394.0	477.0	473.5	275.4	475.2
<b>Total expenditure on services</b>	<b>1,754.7</b>	<b>2,282.4</b>	<b>2,366.5</b>	<b>2,813.6</b>	<b>2,900.7</b>	<b>3,054.8</b>	<b>2,923.2</b>

**Table 8**

DCA: total spending per head by country and region (over spread of years)							£s per head	
	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	
	outturn	outturn	outturn	outturn	outturn	plans	plans	
North East	35.9	42.4	42.6	50.0	53.1	60.0	52.9	
North West	39.5	41.6	41.7	48.3	51.2	59.6	52.3	
Yorkshire and Humberside	19.6	29.0	28.8	34.4	35.5	40.3	35.5	
East Midlands	25.6	33.0	32.7	38.6	40.1	45.0	39.5	
West Midlands	20.6	28.7	28.5	33.9	34.9	39.7	34.9	
South West	27.5	34.2	33.8	39.8	41.1	46.1	40.3	
Eastern	8.6	18.8	18.6	22.8	22.8	25.8	22.7	
London	47.2	64.2	62.9	74.4	76.7	88.6	77.5	
South East	31.3	35.1	35.1	40.8	42.3	48.2	42.2	
<b>Total England</b>	<b>29.3</b>	<b>37.3</b>	<b>37.0</b>	<b>43.6</b>	<b>45.3</b>	<b>51.7</b>	<b>45.3</b>	
Scotland	0.8	0.8	0.9	0.9	-0.3	-0.2	-0.2	
Wales	38.7	50.8	50.3	59.7	61.9	69.3	60.7	
Northern Ireland	0.3	0.4	0.4	0.4	-0.1	-0.1	-0.1	
<b>Total UK identifiable expenditure</b>	<b>26.5</b>	<b>33.7</b>	<b>33.5</b>	<b>39.5</b>	<b>40.9</b>	<b>46.7</b>	<b>40.9</b>	

Table 9

DCA: total spending by function or programme, by country and region (for latest outturn year, 2003/04)

£000

	Yorkshire and the Humber										England				Wales		Northern Ireland		UK		Total		£ millions totals
	North East	North West	Humberside	East Midlands	West Midlands	South West	Eastern	London	South East	England	Scotland	Wales	Northern Ireland	UK identifiable expenditure	Outside UK expenditure	Total identifiable expenditure	Not identifiable						
<b>Department for Constitutional Affairs</b>																							
<b>General public services</b>																							
Public and common services	1.2	1.8	1.4	0.9	1.5	1.2	1.1	2.7	2.2	14.0	0.0	0.6	0.0	14.6	0.0	14.6	2.0	2.0	16.6	16.6			
Total general public services	1.2	1.8	1.4	0.9	1.5	1.2	1.1	2.7	2.2	14.0	0.0	0.6	0.0	14.6	0.0	14.6	2.0	2.0	16.6	16.6			
<b>Public order and safety</b>																							
Administration of justice	133.8	346.6	176.7	168.7	184.4	203.9	123.6	565.0	340.0	2,242.7	0.0	180.7	0.0	2,423.4	0.0	2,423.4	489.0	489.0	2,912.4	2,912.4			
Total public order and safety	133.8	346.6	176.7	168.7	184.4	203.9	123.6	565.0	340.0	2,242.7	0.0	180.7	0.0	2,423.4	0.0	2,423.4	489.0	489.0	2,912.4	2,912.4			
<b>Social protection</b>																							
Public sector occupational pensions	-0.2	-1.0	-0.6	-0.4	-0.9	-0.8	-0.8	-2.3	-1.8	-8.8	-1.4	-0.4	-0.2	-10.8	0.0	-10.8	0.0	0.0	-10.8	-10.8			
Total social protection	-0.2	-1.0	-0.6	-0.4	-0.9	-0.8	-0.8	-2.3	-1.8	-8.8	-1.4	-0.4	-0.2	-10.8	0.0	-10.8	0.0	0.0	-10.8	-10.8			
DUP	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
DUP	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
Total DUP	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
<b>Total for Department for Constitutional Affairs</b>	134.8	347.4	177.5	169.2	185.0	204.3	123.8	565.4	340.4	2,247.8	-1.4	180.9	-0.2	2,427.1	0.0	2,427.1	473.5	473.5	2,900.6	2,900.6			

## Departmental Investment Strategy

**10.3** The Department faces a major challenge in 2005/06 in bringing the Court Service together with the magistrates' courts to form the new Her Majesty's Courts Service, and this will form the major fixed asset base of DCA. The investment strategy is based upon ensuring most efficient use of and improving the quality of the estate, and exploring opportunities to generate funding from its assets for reinvestment. It will also look for opportunities for asset disposals in the medium term in parallel with a number of schemes to provide new accommodation.

**10.4** The Department will continue to implement core IT across the courts to modernise the ways in which services are provided to our customers. A programme has been established to oversee re-competition of several IT contracts, which are due to expire between 2006 and 2008. We expect to streamline the contracts to meet better the evolving needs of the Department in coming years.

**10.5** The Department will publish its full Departmental Investment Strategy which will be available on the DCA website.

## Public Accounts Committee recommendations to departments

**10.6** The House of Commons Committee of Public Accounts' Fourth Report of Session 2004–2005 on *Improving the speed and quality of asylum decisions* was published on 8 February 2005. The report lists ten recommendations, two of which are directed solely at DCA:

**Recommendation:** Improve the Appellate Authority's speed in handling appeals, and hence reducing costs for the taxpayer in supporting asylum seekers until their appeal is determined.

**Response:** We accept the importance of improving the speed in handling appeals and had already acted on this through the introduction of the new Asylum and Immigration Tribunal on 4 April 2005. The new system will reduce DCA's appeal process times for new cases to an expected maximum of 18 weeks.

**Recommendation:** DCA should compare legal aid costs in the UK with other countries.

**Response:** We accepted this recommendation and have started comparing legal aid costs with other countries by obtaining and analysing the relevant information, including volumes and local structures. We will be comparing the different legal systems and arrangements for dealing with asylum applications and take into account the whole system costs – not simply those relating directly to legal aid and its equivalents. We are aiming to complete this work by July 2005.

**10.7** The complete version of the Public Accounts Committee's recommendations and Home Office/DCA's joint formal response is in the Treasury Minutes published in April 2005 and can be accessed at: [www.official-documents.co.uk/document/cm64/6496/6496.pdf](http://www.official-documents.co.uk/document/cm64/6496/6496.pdf)

**10.8** The full Public Accounts Committee report published on 8 February 2005 can be accessed at: [www.publications.parliament.uk/pa/cm200405/cmselect/cmpublic/238/238.pdf](http://www.publications.parliament.uk/pa/cm200405/cmselect/cmpublic/238/238.pdf)

## DCA: numbers of Senior Civil Service staff by payband

Employee numbers			Pay ranges		
Payband	Distinct grade	Total	Minimum £	Progression target rate £	Recruitment and performance ceiling £
1	Senior Civil Service payband 1	24	54,788	76,156	115,616
	Senior Civil Service payband 1 (London)	52	58,288	79,656	
	Senior Civil Service payband 1A	7	63,555	85,469	126,627
	Senior Civil Service payband 1A (London)	24	67,055	88,969	
<b>1 Total</b>		<b>107</b>			
	Senior Civil Service payband 2	34	75,607	101,905	159,659
<b>2 Total</b>		<b>34</b>			
	Senior Civil Service payband 3	5	93,139	132,586	198,197
<b>3 Total</b>		<b>5</b>			
<b>Grand total</b>		<b>146</b>			

## Public appointments

Details of appointments and re-appointments made in 2004/05 to non-departmental public bodies.

Name of body	Number of chairs	Number of members	Notes
Legal Services Commission	0	2	
Information Commissioner	0	0	
Insolvency Rules Committee	1	2	
Criminal Procedure Rule Committee	1	18	
Family Procedure Rule Committee	1	16	
Civil Procedure Rule Committee	0	5	
Crown Court Rule Committee	0	4	
Land Registration Rule Committee	0	0	
Courts Boards	42	246	
Family Justice Council	1	18	
Judicial Appointments Commission	0	0	New body for 2006 – no chair or members yet
Advisory Council on General Commissioners of Income Tax	1	3	
Advisory Council on JPs in England (excluding Duchy of Lancaster) and Wales	1	118	
Advisory Council on JPs in Lancashire, Greater Manchester and Merseyside	0	0	
Advisory Council on National Records and Archives	0	17	
Legal Services Consultative Panel	1	4	
Council on Tribunals	0	2	
Law Commission	0	2	
Civil Justice Council	0	0	
Strategic Investment Board	0	1	
The Boundary Commission, Scotland	0	0	

More details can be found on the Cabinet Office website at: [www.knowledgenetwork.gsi.gov.uk/ndpb/](http://www.knowledgenetwork.gsi.gov.uk/ndpb/)

## Spending Review 2000: performance

Of the nine PSA Targets, Target 8 received its final assessment in the DCA *Departmental Report 2003/04*, while Targets 1, 2, 3, 4, 7 and 9 were concluded in the DCA *Autumn Performance Report 2004*.

**Objective 2:** To improve people's knowledge and understanding of their rights and responsibilities, including how to resolve disputes that affect them in a way and at a cost proportionate to the issue at stake.

**Target 5:** Reduce the proportion of disputes which are resolved by resort to the courts

### Outturn for 2004/05:

**Met** – The baseline figure drawn from the first National Legal Needs Survey conducted in 2001, is that 13.8% of disputes resolved are currently resolved with the use of court processes. The second survey was conducted between April and August 2004.

The target measure for the Spending Review 2000 PSA Target 5, as derived from the second survey, is 7.9%.

This decrease is substantial and significant.

### Supporting measures

To extend the coverage of integrated local Community Legal Service Partnerships to 100% of the population in England and Wales by March 2004.

To increase the number of disputes resolved with funding from the Community Legal Service through alternative dispute resolution, including mediation.

### Latest outturn for 2003/04

Final outturn reported in *Autumn Performance Report 2004*.

Final outturn reported in *Autumn Performance Report 2004*.

**Objective 3:** To improve the availability of affordable and good quality legal services so that the law underpins economic success at home and abroad, and that the use of public funds secures greater social justice and reduces social exclusion.

**Target 6:** Increase the number of people who:

- receive suitable assistance in priority areas of law, involving fundamental rights or social exclusion, by 5% by 2004; and
- secure year-on-year increases of at least 5% in the number of international legal disputes resolved in the UK.

**Measures**

Receive suitable assistance in priority areas of law, involving fundamental rights or social exclusion, by 5% by 2004

Secure year-on-year increases of at least 5% in the number of international legal disputes resolved in the UK.

**Latest outturn for 2003/04**

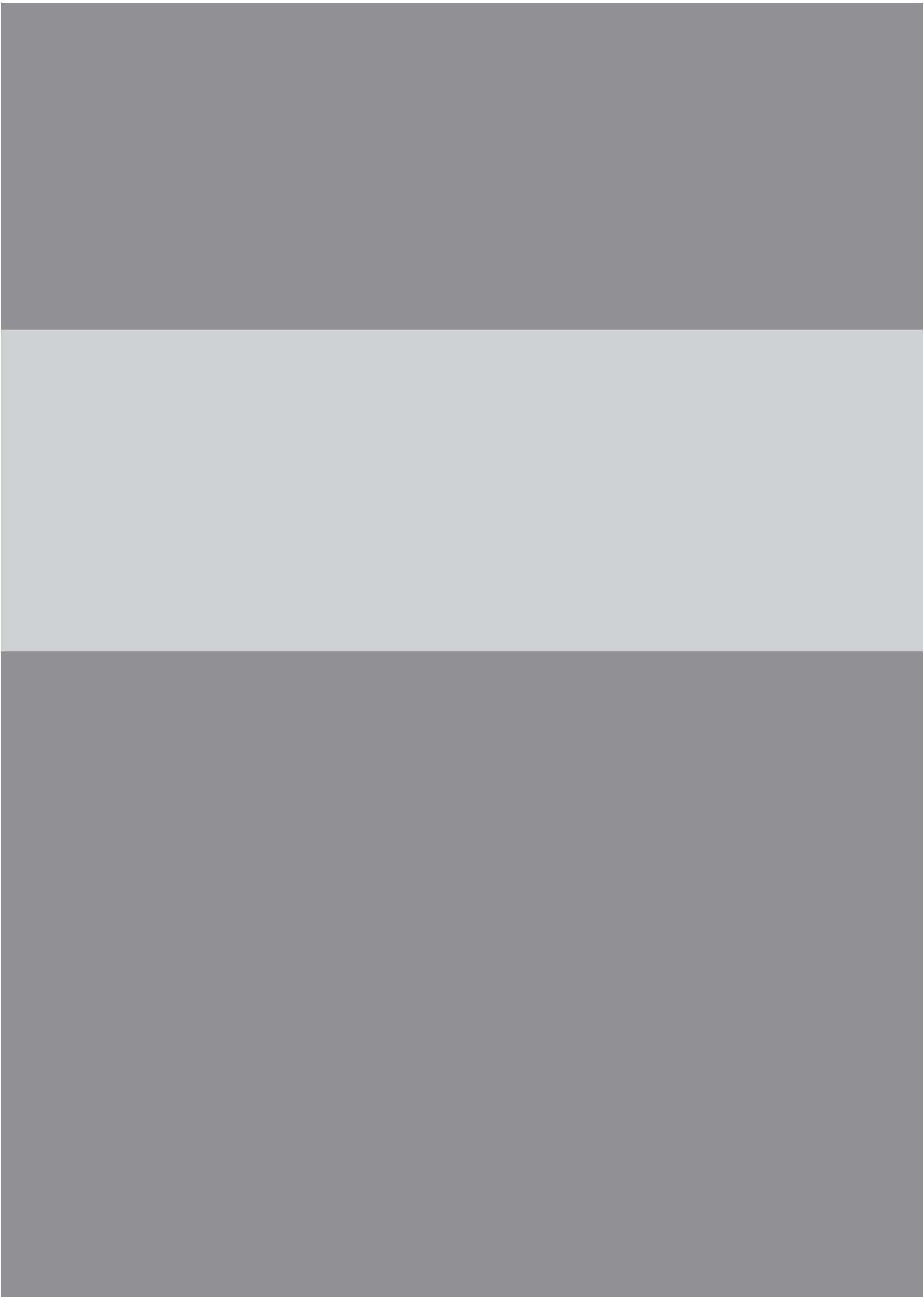
**Not met** – The baseline figure for this target, drawn from the first National Legal Needs Survey conducted in 2001, is 31 problems per thousand of the population per annum received suitable assistance. To meet the target, 32.5 problems per thousand should receive suitable assistance in priority areas of law.

The second survey was conducted between April and August 2004. This indicated that suitable assistance was obtained for 29.8 problems per thousand.

The absolute number of people receiving suitable assistance has fallen because the number of problems reported by respondents to the survey has fallen.

However, the proportion of people with problems who obtained suitable assistance has increased significantly.

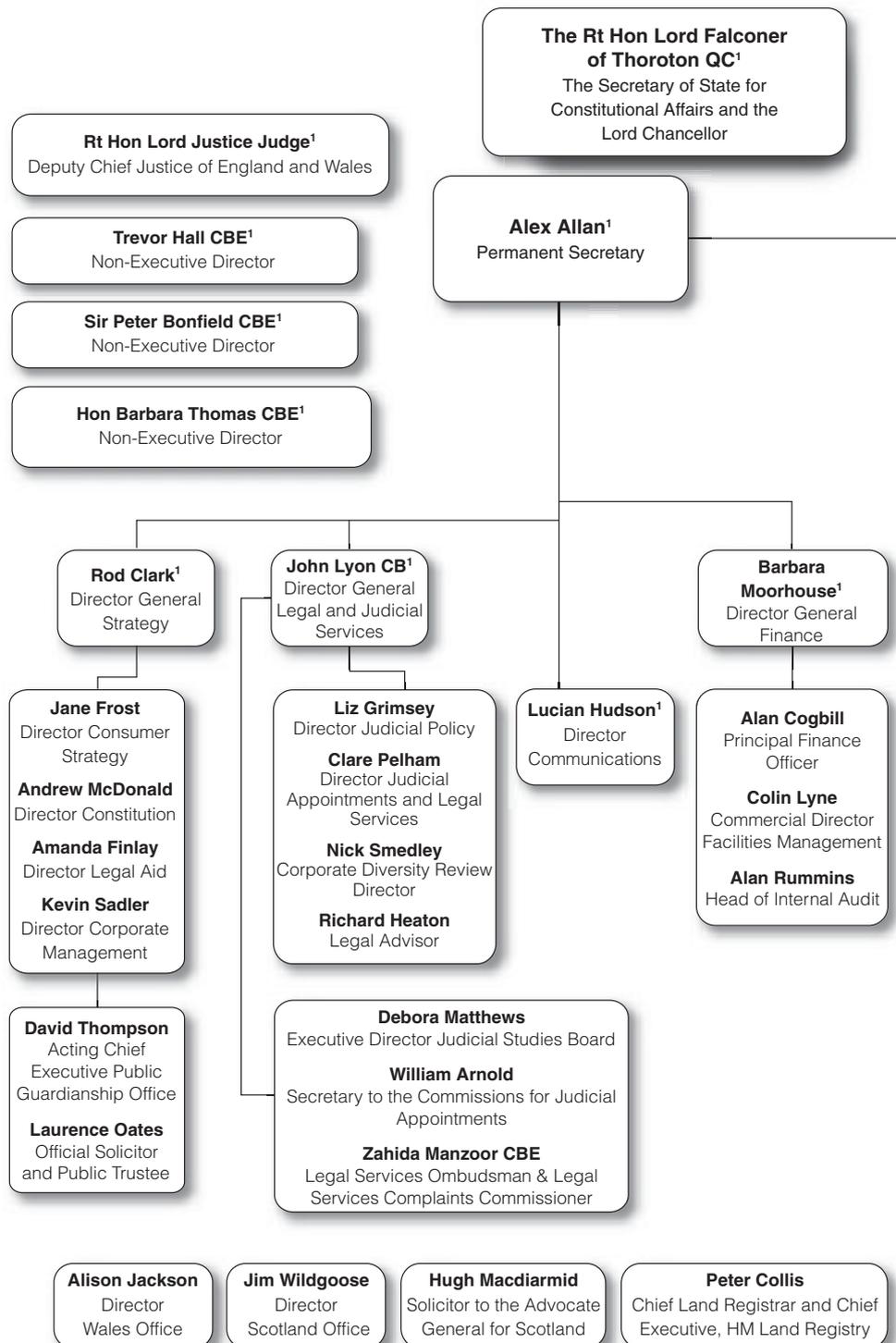
Final outturn reported in *Autumn Performance Report 2004*.



# Annexes

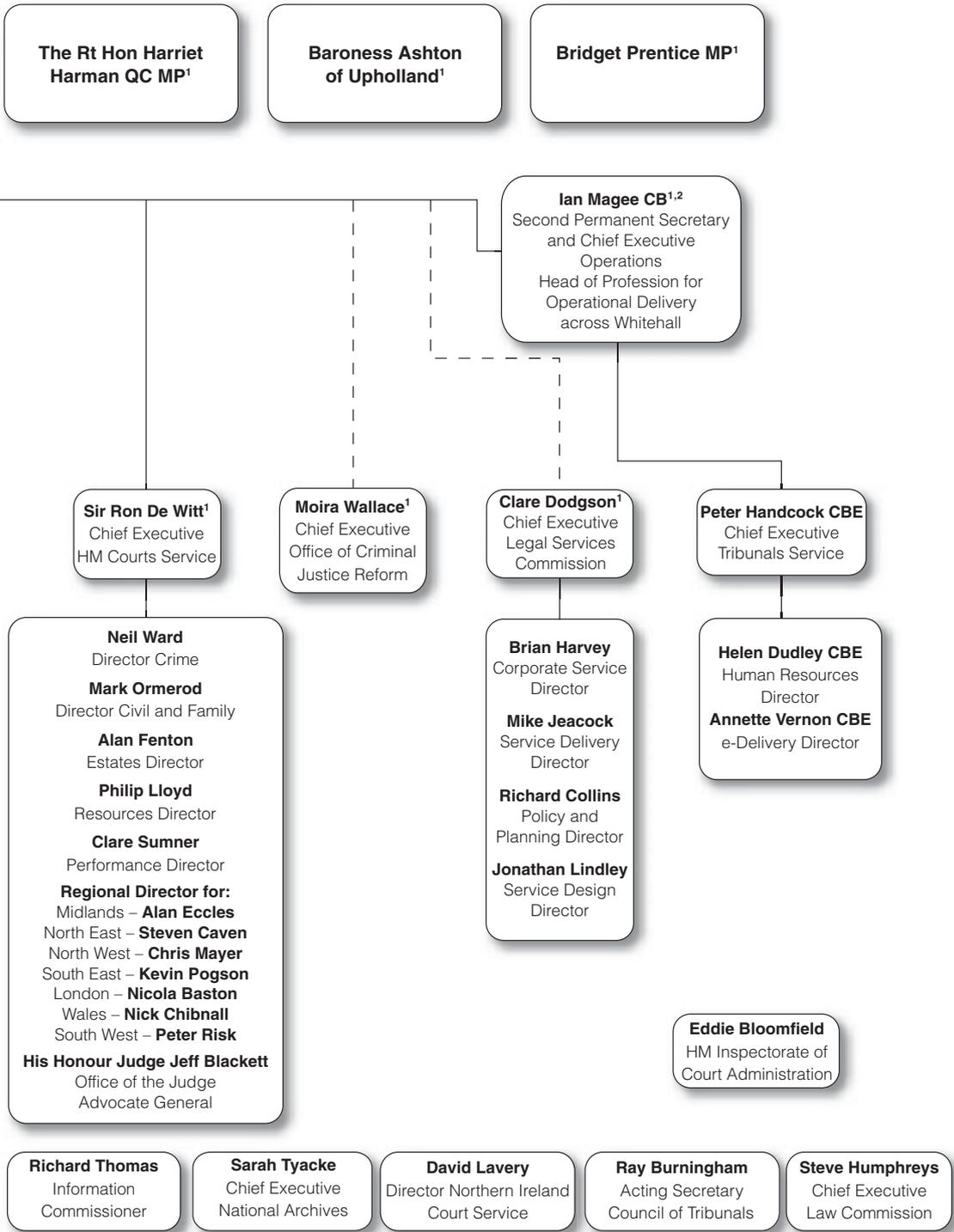
# Annex A

## DCA organisational chart



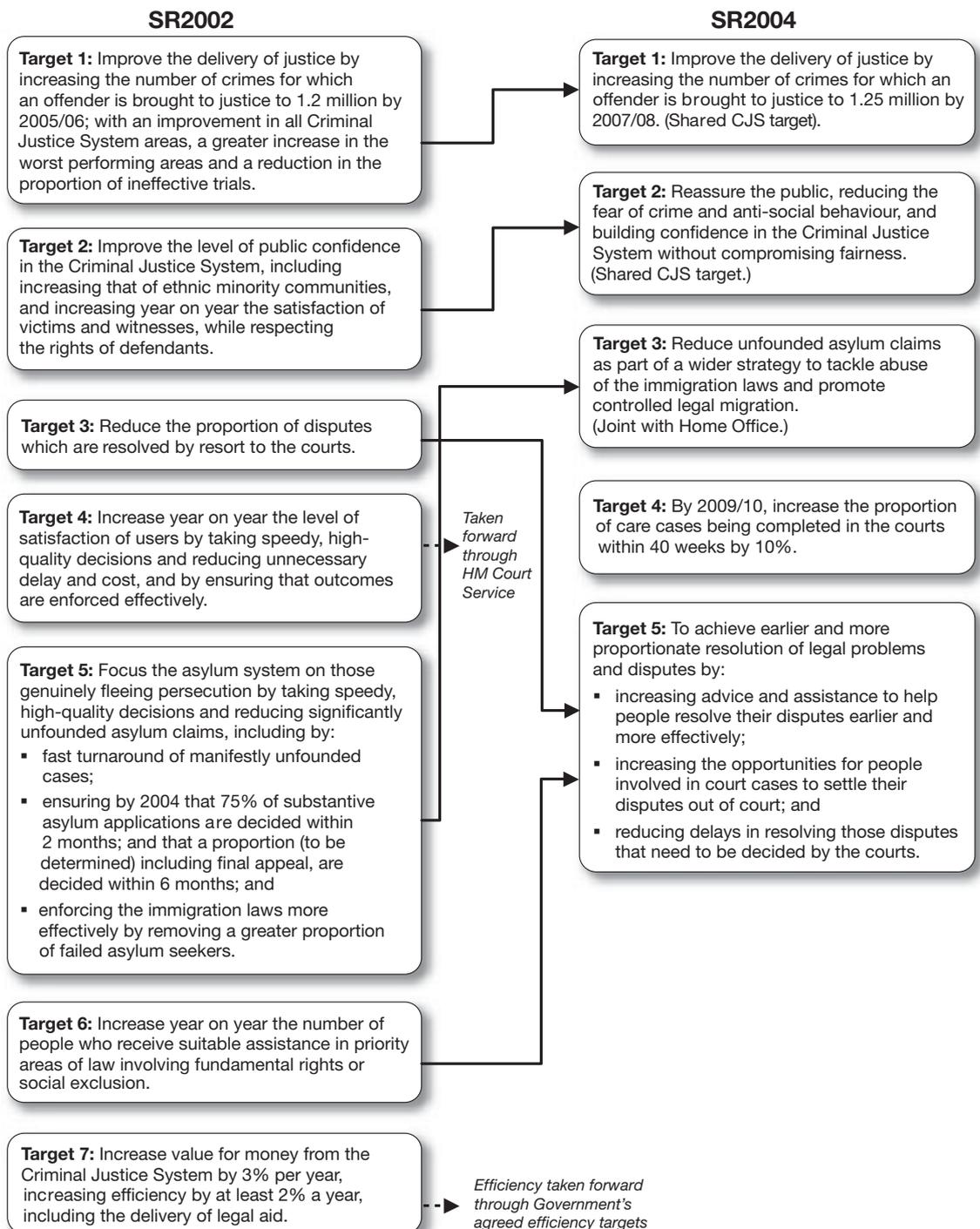
<sup>1</sup> Ministerial Executive Board Member.

<sup>2</sup> The organisational chart reflects the transitional arrangements prior to the planned departure of Ian Magee on 30 September 2005.



# Annex B

## Mapping Spending Review 2002 and Spending Review 2004 PSA Targets



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