



Treasury Minutes on the Fifty-eighth, Fifty-ninth, Sixty-first and the Sixty- second Reports from the Committee of Public Accounts 2005-2006

- 58th Report: Enhancing urban green space
- 59th Report: Improving poorly performing schools in England
- 61st Report: Crown Prosecution Service: Effective use of magistrates courts hearings
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TREASURY MINUTES DATED 13 DECEMBER 2006 ON THE
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NINTH, SIXTY-FIRST AND THE SIXTY-SECOND REPORTS
FROM THE COMMITTEE OF PUBLIC ACCOUNTS SESSION
2005-2006

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Fifty-eighth Report

Department for Communities and Local Government

Enhancing urban green spaces

1. Good quality green spaces enhances the quality of life and contributes to wider Government objectives such as health, community cohesion, especially in the most deprived neighbourhoods. The Department for Communities and Local Government (formerly the office of the Deputy Prime Minister) now leads on a number of initiatives to raise the profile of green space and enhance its quality. Over £693 million is spent each year to enhance urban green spaces.

2. These initiatives have helped to bring about a halt in the decline of the quality of green spaces in many neighbourhoods. However, more action is required to support the poorest performing and most deprived areas; to improve information base and financial management; and to continue to build capacity and skills within local authorities to embed a strategic approach to management and engage effectively with children and young people.

3. Communities and Local Government is developing its urban green space action plan with key stakeholders to sustain the progress that has already been made and to target areas where performance still needs to be improved, as noted by the Committee's report. The action plan will form the framework for delivering against the recommendations of the Committee's report and the findings of the Comptroller and Audit General set out in *Enhancing Urban Green Spaces* (NAO, March 2006).

PAC conclusion (i): A majority of residents in every urban local authority are satisfied or very satisfied with their local green space, with nine in ten authorities having satisfaction levels of over 60 per cent. In one in ten authorities, however, satisfaction levels have not risen over time and remain well below the national average. The Department should encourage local authorities to develop locally owned, green space targets within Local Area Agreements. These should be supported by consultation with local communities on what they consider should be the priorities for improving the quality and safety of their public spaces.

4. The Department for Communities and Local Government accepts the Committee's recommendation. Current Government guidance on preparing Local Area Agreements (LAAs) suggests green space related targets that might be adopted if deemed a local priority, and many local authorities have already adopted such targets (predominantly improving residents' satisfaction and increasing quality through attainment of Green Flag Awards) within their LAAs. The Department also promotes the role of LAAs in delivering green space outcomes through our *How To good practice* programme and through the enabling work of CABE Space (Commission for Architecture and the Built Environment). Local authorities should consult their communities in preparing Sustainable Communities Strategies, which guide their LAA priorities, and the local development framework and LAA process already requires local authorities to prepare a statement of community involvement.

5. The proposed new local government performance framework, announced in *Strong and Prosperous Communities*, will give local authorities and their partners greater scope to agree and deliver local priorities and targets through their LAA. Priorities should be determined using the local evidence-base developed in line with *Planning Policy Guidance Note 17 – Planning for Open Space, Sport and Recreation*, July 2002 (PPG17) requirements. Local authorities and other local partners will also be required to secure the participation of local citizens and communities, to ensure that services reflect the communities' needs. Subject to Parliamentary approval, the Department expects to introduce the new performance framework in 2009-10.

PAC conclusion (ii): In one in six urban local authorities the quality of green space is declining. New sources of funds and better central government advocacy have helped to halt and in some places reverse, a significant decline in the quality of urban green space. Improvement is, however, not universal. The Department should target its financial and advisory support to help those areas most in need, particularly those with high levels of social deprivation.

6. The Department for Communities and Local Government accepts the Committee's recommendation. The Department's Public Service Agreement target number 8 (PSA8) recognises the need to ensure improvements in the most deprived areas as well as poor performing local areas.

7. The Department will continue to focus on deprived areas and other poorer-performing areas through its urban green spaces action plan and its priorities for CABA Space and the Green Flag Award Scheme. Funding through the Cleaner, Safer, Greener Element of the Safer and Stronger Communities Fund is targeted at 50 of the poorest performing areas in 2006-2008. Any future targeting of funding and support will be considered as part of the current Spending Review.

8. In addition, the Department has commissioned ENCAMS (Environmental Campaigns) to: (a) provide technical support to those 50 areas in receipt of the Cleaner, Safer, Greener (CSG) Element of Safer, Stronger Communities Fund that are performing poorly on CSG issues, including green spaces to ensure that action is embedded within their Sustainable Community Strategies and LAAs; and (b) develop a detailed picture of local authorities' performance on cleaner, safer, greener issues, including residents' satisfaction with local parks and green spaces. This will assist the Department to target its delivery support services to local authorities that are most in need.

PAC conclusion (iii): 65 per cent of local authorities have not yet completed an audit of current provision and 70 per cent have yet to make an assessment of future needs, increasing the risk that resources are not used cost effectively. The Department should make the production of robust assessments a condition of central government grants and encourage other funders such as the lottery distribution boards to do so too.

9. The Department for Communities and Local Government accepts the Committee's recommendation in part. Whilst the majority of local authorities have started work on PPG 17 audits and assessments, the Department acknowledges that many local authorities still need to start or complete them. The new development plan system incorporates robust scrutiny arrangements. As part of the plan making process, there is a requirement for an independent examination of development plan documents to test their soundness. One of the tests of soundness is consistency with national planning policies. We would expect that development plans, which included policies relating to open space, sport and recreation, which were not based on the assessments and audits required by PPG17 would not meet this test. The Department is raising awareness of PPG17 requirements and supporting local authorities to develop an evidence-based approach to green spaces through the *How To* and CAGE Space programmes.

10. However, whilst the Department encourages assessments, it does not propose to make them a requirement of central government grants. Grants are now mainly delivered to local authorities through LAAs, at the heart of which are the objectives of giving local authorities greater freedoms and flexibilities to determine the inputs and outputs necessary to deliver local priorities. However, to ensure value for money within the LAA framework, there are regular assessments to address the primary risks to delivery, including what support, engagement or intervention is necessary to address these risks. Conditioning central grants as the Committee recommends would run counter to these objectives.

PAC conclusion (iv): There is a wide range in the quality of local authority green or open space plans. For example, local authorities need help to improve their coverage of green space owned and managed by other organisations; consideration of the needs of all users of green space; and setting a minimum standard for access to green space.

11. The Department for Communities and Local Government accepts the Committee's findings. The Government provided guidance on developing a strategic approach to the provision of open spaces in *Assessing Needs and opportunities: A companion guide to PPG17* (July 2002). In addition, Communities and Local Government provides direct support to local authorities to develop green space strategies and implement PPG17 through CAGE Space's advisory programme, which has provided direct help to over 200 local authorities. CAGE Space's *Green space strategies: good practice guidance* reaches a wider audience. The Department will consider how it needs to better communicate the existing guidance, and how the advisory support and guidance needs to be revised to better address the identified areas of weakness.

PAC conclusion (v): Two thirds of local authorities had not considered the needs of children and teenagers. Access to green space is important in helping to promote good health in children. But young people and their parents are unlikely to use green spaces for sport and recreation if they are unattractive or unsafe. Parents' fears over safety should be allayed by having staff on duty who are visible, accessible and trained in leisure activities.

12. The Department for Communities and Local Government accepts the Committee's findings. PPG17 is clear that assessments of need should cover the differing and distinctive needs of the population of their area, and the Companion guide gives good practice guidance on ensuring that the needs of children and young people are fully taken into account in the audit and assessment process. Through its sponsorship of Groundwork, the Department already supports thousands of local projects focused on children and young people. Through its *How To* programme, the Department will work with youth advisors to provide support and information for local practitioners on how to engage children and young people in all aspects of green space provision, including effective application of the duty on local authorities to provide positive activities for young people (included in the Education and Inspection Act 2006).

13. The Department has funded CABE Space's *Parkforce* campaign to encourage greater additional supervision and adult presence within urban parks during daylight hours. Over a third of all local authorities in the country have signed up to this pledge and CABE Space is developing how to support this network over the year ahead, particularly by exchanging best practice. CABE Space has also distributed good practice guidance on tackling anti-social behaviour in parks to local authorities. Security in parks can also be delivered in different ways, through formal presence in the form of a parks staff, neighbourhood wardens or police. Communities and Local Government is working with the Warden Resource Centres to consider how wardens can better engage and support parks staff. Creating and managing quality spaces that are well used by the community also provides natural surveillance, which can help to prevent anti-social behaviour and promote positive behaviour.

PAC conclusion (vi): There is a lack of reliable data on how much green space is available and whether it is increasing or decreasing. As there is no statutory requirement for local authorities to provide good quality urban green space, it can receive less attention. At the same time pressures for additional housing and business makes urban green space attractive as potential development sites. The Department should, with local authorities, accelerate the development of the new green space database, to establish a consistent baseline on the total amount of public green space in England and its distribution, particularly in deprived areas.

14. The Department for Communities and Local Government accepts the Committee's findings. The Department has now collated several national green space datasets through its *Maps on Tap* initiative. The Department is currently piloting this data with key stakeholders to consider how this data can be best used and to develop an effective process for sharing and updating local and national data with green space managers across the country. In addition, the implementation of PPG17 audits will also capture valuable information on the amount and quality of green spaces, which will be integrated into the database.

15. The Department will also work with CABE Space and others to consider the development and use of a standardised methodology for collecting green spaces data, using the PPG17 typology as the framework.

16. Through its *How To* programme and with partners, Communities and Local Government will continue to support local authorities to raise political support and to develop robust evidence base for quality green spaces in their area.

PAC conclusion (vii): Some local authorities spend five times as much as others maintaining their green space, and there is scope for improved efficiency. Lack of consistency in the way local authorities record expenditure on green spaces prevents benchmarking of costs to provide assurance that value for money is achieved. The Department should encourage local authorities to follow the framework recommended by the C&AG to record and analyse the costs of managing their green space.

17. The Department for Communities and Local Government accepts the Committee's recommendation. Whilst accepting that local authorities will have different patterns of spend to reflect different types of spaces and different community needs, they should, nonetheless, base their decisions on good information on costs and outcomes. The C&AG's report suggests a sensible framework for ensuring this.

18. CABE Space published two reports in 2006 which are relevant to the Committee's recommendation – *Urban Parks: do you know what you're getting for your money* and *Paying for Parks: eight models of funding for urban green spaces*. It is also supporting a collaborative pilot project with the Greater London Authority, led by the London Parks and Green Spaces Forum, into providing direct cost and quality comparisons for green space sites and services across all London authorities.

19. The Department will work with CABE Space, CIPFA (The Chartered Institute of Public Finance and Accountancy) and practitioners to build on and refine recent work on resourcing and developing meaningful data, including the C&AG's report, and agree suitable guidance that can be adopted by local authorities.

PAC conclusion (viii): Skills shortages are a significant barrier to the improvement of green space. Green space management is too often treated as a Cinderella service and underrepresented in important decision making. CABE Space should address the need to equip managers with the skills to think strategically and engage successfully with communities to raise the profile of green space, as it develops the national skills strategy for delivering and supporting improvements in green space.

20. The Department for Communities and Local Government accepts the Committee's recommendation. CABE Space is pursuing three areas of work to improve the skills issues across the sector. First the successful CABE Space Leadership Programme will be run again for a further 2 years, following an extremely successful programme in Sheffield. Covering the country, the next programme will be held in Bristol in March 2007 to offer around 85 delegates an intense residential course, which is aimed at providing them with the suite of strategic skills, which will allow them to progress and promote their urban green spaces and service locally. While the Programme is already heavily oversubscribed, there is an excellent exchange between the Programme content and the direct enabling work with local authorities, thus transferring the lessons to a wider audience.

21. The green space skills strategy will be published in 2007. CABA Space is developing a consensus with the key players across the green space sector (professional and representational bodies) in order to agree a common set of priorities that will influence and set the priorities for national skills and training provision. The strategy will provide a means of co-ordination and knowledge sharing, ensuring complementarities to the fragmented approach to date.

PAC conclusion (ix): Key lessons from central government funded projects to encourage local authorities to be innovative in their management of green space have yet to be fully identified and spread. The Department should identify and spread good practice from the Liveability Fund pilots and the Living Spaces scheme. It should, through its websites, provide easily accessible information on how to set up and organise a community group together with innovative examples of successful renewal of green space. It should also provide one-stop shop information on how community groups can access advice and funding and present clearer and more immediate guidance on eligibility criteria for funds.

22. The Department for Communities and Local Government accepts the Committee's recommendation. Identifying and sharing good practice has been at a key element of the Government's policy on urban green spaces. For example the *How To* good practice programme, Groundwork and CABA Space programmes already do this.

23. The Department commissioned the Improvement and Development Agency (IDeA) to identify and disseminate good practice from the Liveability Fund pilots. It is currently implementing an Action Learning programme to share lessons learnt with local authorities through a website, regional events and good practice publications.

24. An evaluation of the £27m Living Spaces programme will be published in November 2006 and will be followed by a celebration and learning event in late 2006/early 2007. The lessons learnt from the Living Spaces programme will be disseminated by the Department and will reach local groups and Trusts through the involvement in the programme of organisations including Groundwork, GreenSpace, BTCV, the Federation of City Farms and Community Gardens, the Civic Trust and the Wildlife Trusts. The findings will also provide valuable lessons for those organisations involved in running similar programmes in the future.

25. The Department will use lessons from these and other relevant programmes to inform our policies and programmes, and in providing support to local authorities through our *How To* programme for example.

26. The Department will review the content of the Cleaner, Safer, Greener Communities website, to ensure that local communities have access to new and existing information on a range of issues, including local green space management and care, and links to good practice and information on funding options.

Fifty-ninth Report

Department for Education and Skills

Improving poorly performing schools in England

1. In 2004-05, schools received around £25 billion and the Department for Education and Skills (the Department) spent around £837 million on a range of national programmes to help improve school performance. In addition the Office for Standards in Schools (Ofsted) cost around £60 million a year¹. Most schools do provide a good standard of education. However though the number of poorly performing schools has been reducing, there are still around 1,500 that fall within the definitions that the Department and Ofsted use for poorly performing schools.

2. On the basis of the Comptroller and Auditor General's report, *Improving poorly performing schools in England* (HC 679, Session 2005-06), the Committee examined the Department and Ofsted on trends in poorly performing schools, developing simpler relationships with schools, strengthening school leadership, and dealing with deep rooted failure.

PAC Conclusion (i): Around 1,500 schools in England are performing poorly, including 649 that have been identified in Ofsted inspections. Improving standards in poorly performing schools is a considerable challenge that will require sustained effort and collaboration by the Department, Ofsted, local authorities and the school community.

3. The Government agrees that close partnership working between the Department, Ofsted, local authorities and schools themselves is vital to ensure every school is a good school. This collaboration between all parties has already been instrumental in securing the very considerable progress over recent years, which the C&AG's report acknowledges.

4. The identification of around 1,500 schools as poorly performing brings together several different categories of school performance. However, it is important to recognise how much progress has been made in the different categories. The numbers of schools in special measures has fallen from 524 at the end of the academic year 1997-98 to 208 in August 2006. The current numbers represent only a very small proportion of the total numbers of maintained schools (1 per cent). Furthermore, the average time a school spends in special measures has been considerably reduced for both primary and secondary sectors².

¹ This represents the direct cost of the section 10 inspections carried out by registered inspectors. It does not include any of Ofsted's other work.

² Of the primary schools placed in special measures in 1997/98 the median amount of time these schools took to be removed from special measures was 97 weeks. For schools placed in special measures in 2003/04, the median was 79 weeks. Of the secondary schools placed in special measures in 1997/98 the median amount of time these schools took to be removed from special measures was 131 weeks. For schools placed in special measures in 2003/04, the median was 103 weeks. Figures exclude schools that are still in special measures or were closed in the academic year that the school was judged to require special measures. Similar calculations for later years are not comparable due to some schools still being in special measures and Ofsted's decision in 2005/06 to re-inspect any school in special measures for longer than 2 years.

5. There has also been a significant reduction in the total number of schools in Ofsted categories of concern – from 1064 schools in August 1998 to 654 schools in August 2006. Changes to the inspection regime make direct comparisons difficult – as the Annual Report of Her Majesty’s Chief Inspector of Schools for 2005/06 makes clear, the bar has been raised and higher standards are expected.

6. Progress against our key Public Service Agreement floor targets must also be noted. There has been a reduction in the numbers of primary schools at which less than 65 per cent of pupils achieve level 4 at Key Stage 2. In English, there are now 1,785 schools below this level – a reduction of 1,064 (37 per cent) since 2003. In Mathematics, there are now 2,555 schools below this level – a reduction of 1,015 schools (28 per cent) – this represents good progress towards the 2008 floor target of a 40 per cent reduction in the number of schools where less than 65 per cent of pupils achieve level 4 in both subjects.

7. At Key Stage 4 (GCSE), provisional 2006 results indicate that 62 schools are below this year’s floor target of 25 per cent of pupils achieving 5 or more good GCSEs, down from a final figure of 110 schools in 2005. Similarly, 156 schools are below 30 per cent 5 A*-Cs, down from last year’s final figure of 230 schools, and a significant drop compared to 1997 when less than 30 per cent of pupils got 5 or more good GCSEs in 896 schools. These figures are likely to fall further when final results are published in January 2007.

8. It is not meaningful however to compare changes to numbers of “under performing schools” since this is a relative measure. The figures used in the C&AG report refer to the number of secondary schools in the bottom quartile for contextual value added and there will always be such a number of schools no matter how much things improve.

9. However the Government is not complacent. Despite these achievements, some pupils still do not achieve their full potential, and some poorly performing schools and their staff do not receive the necessary support and challenge until it is too late.

10. This is why, through Part 4 of the Education and Inspections Act 2006, the Government has brought together all the relevant legislation into one place and introduced new powers to enable local authorities, who are primarily responsible for driving improvements across schools, to bring their support to bear at an earlier stage and tackle underperformance as well as outright low standards, through the extension of the warning notice system. There are also new provisions to ensure schools in special measures are turned around more quickly and a new power for local authorities to require a school to take a partner for the purposes of school improvement.

11. The Department and its partners are also tackling under performing schools – those where pupils making insufficient progress compared with other schools in similar circumstances – through a range of approaches including the Raising Achievement, Transforming Learning programme run through the Specialist Schools and Academies Trust. Schools on this programme improved the numbers of pupils achieving 5 or more good GCSEs in 2006 by an average of 3.4 percentage points, compared to a national average improvement of 1.8 percentage points.

³ In Primary schools, raise standards in English and maths so that by 2008, the proportion of schools in which fewer than 65 per cent of pupils achieve level 4 or above at Key stage 2 is reduced by 40 per cent. In secondary schools, raise standards in English, maths, ICT and science in secondary education so that by 2008 at least 50 per cent of pupils in all schools achieve level 5 or above at Key Stage 3 in each of English, maths and science; and by 2008, at least 20 per cent of pupils in all schools to achieve the equivalent of 5 GCSEs at grades A*-C by 2004, rising to 25 per cent by 2006, and 30 per cent by 2008.

12. The Department has streamlined and focused its school improvement support, working through the National Strategies regional teams to provide support and challenge to local authorities with schools in Ofsted categories of concern and schools below key PSA floor targets so improvements are made as quickly as possible. Programmes of training, guidance and teaching support are available through the National Strategies where the underlying problems identified concern the quality of teaching in the core subjects.

13. Where weak leadership of the school is a key issue, support may be offered from one of the National Leaders in Education – head teachers at strong schools selected and accredited by the National College for School Leadership (NCSL) for deployment by the relevant local authority to support the turn around of the school in special measures.

14. Through brokering support federations and “collaborative restarts” with other stronger schools, the Department has sought to also strengthen school leadership. Overseen by an Executive Head Teacher – normally the head of the stronger school – such collaborative arrangements have proved successful at developing the leadership and management capacity of poorly performing schools in a sustainable way and have given high quality personal development opportunities to teachers and managers at the stronger school.

15. Tailored packages of support, with additional financial resources, can be offered by the Department to particular schools, where the local authority is unable to meet the immediate needs. In cases where the replacement of the school is necessary, the Schools’ Commissioner will examine whether a new Academy or a Trust school will offer a solution to the problems of poor performance.

PAC Conclusion (ii): Limited comparative data about primary school performance restricts the scope for early identification and intervention. Experience with secondary schools has demonstrated the value of using attainment and other (e.g. pupil attendance) data to identify declining performance at an early stage. The Department should develop primary school performance data for comparisons between schools and to help identify under-performing primary schools that need support to prevent their failure.

16. A pilot is currently underway which will see the introduction of a Key Stage 1-2 contextual value added (CVA) measure in the 2007 Achievement and Attainment Tables. This measure takes account of the varying starting point of each pupil’s Key Stage 1 assessment, but it also adjusts for pupil characteristics (such as gender, levels of deprivation, mobility, etc), which are beyond the schools’ control. This provides a more accurate way of comparing the progress made by schools with similar pupils.

17. Local authorities already use comparative data to help identify under-performing schools, and are supported in doing so by the National Strategies. Value Added and conversion data are widely used to identify underperformance at pupil level and their use is being expanded with further analysis this autumn commissioned by the Department from the Fischer Family Trust. As they come on stream, School Improvement Partners will play an important role in the use of these data to challenge and support schools to ensure that all children achieve their potential.

18. In working with all local authorities, the Department and the National Strategies seek to ensure that they have systems in place to identify poorly performing schools. Through provision in the Education and Inspection Act 2006, local authorities are able to use the statutory warning notice system to bring support to bear to address underperformance at an early stage before it leads to formal school failure.

PAC Conclusion (iii): Shorter, more frequent Ofsted inspections are intended to help identify poorly performing schools sooner, but could result in less robust judgements. The lighter inspections are predicated on schools producing reliable self-evaluations that the inspectors can use in their assessment, together with the improving data on school performance. Ofsted should not lose sight of the need for enough observation and inspection to validate these self-assessments. It should evaluate the effectiveness of its shorter inspections after the first year, including by drawing together the experience of different inspection teams and by measuring trends in the differences between Ofsted's and schools' evaluation judgements.

19. Ofsted is aware of the risk that the lighter-touch inspections conducted under section 5 of the Education Act 2005, and introduced in September 2005, could result in less robust judgments, and will not lose sight of the need for enough observation and inspection to investigate the claims made in schools' self-assessments. The lighter-touch inspection model, however, is not dependent on the reliability of schools' self-evaluations; inspectors engage in discussions with the leadership team, staff and pupils, undertake observations of lessons, and reach judgments about the school's effectiveness and the reliability of its self-evaluation on the basis of all the evidence that they gather. Thus, for example, as the Committee acknowledges, inspectors' judgments about leadership and management in weaker schools often do not match the judgments made by the school itself in its self-evaluation form.

20. Ofsted agrees that it is important to evaluate the effectiveness of the shorter inspection model. It published both internal and external evaluation reports on the impact of section 5 inspections in July 2006. The findings were generally very positive, but where further action was needed (for example, to improve further the quality of written reporting) this action is being taken. A study of trends in the differences between Ofsted's and schools' evaluation judgements is currently in progress.

21. A more proportionate approach to school inspections, in which the most successful schools receive an even lighter-touch 'reduced tariff inspection' normally involving one inspector spending one day in the school, was introduced in September 2006. An evaluation of these reduced tariff inspections will be published in spring 2007.

PAC Conclusion (iv): Schools that are under-performing but not seriously enough to be placed in 'Special Measures' (the weakest) or given a 'Notice to Improve' may get insufficient attention from Ofsted, while high performing schools can receive too much inspection coverage. Such schools are currently getting similar attention to higher performing schools, but are likely to benefit from more support, particularly in implementing improvements following an inspection. From September 2006, Ofsted will start to introduce lighter touch inspections for high performing schools and will trial additional visits to some schools that have pockets of underachievement. In implementing these arrangements, Ofsted should re-deploy the inspector time saved on to deeper inspections and support for under-performing schools.

22. Ofsted agrees that schools that are under performing should receive more attention than those that are performing well. As the report acknowledges, lighter-touch inspections were introduced for higher-performing schools in September 2006. Arrangements for monitoring inspections of schools subject to special measures are well established and make a significant contribution to the progress made by these schools, as a result of which nearly 60 per cent are judged to be good schools when inspected again two years after the removal of special measures. Following successful trials, a monitoring visit is also being made to all schools given a 'notice to improve' since Easter 2006. Monitoring visits to schools whose overall effectiveness is satisfactory, but where there are elements of underperformance or inadequate provision, are currently being trialed. However, Ofsted is also seeking to reduce the overall cost of inspecting maintained schools, and so only a relatively small proportion of the time saved by reduced-tariff inspections is being devoted to monitoring inspections of those that are under-performing.

23. The Government is committed to a reduction in overall inspection activity – giving the best performers as much freedom as possible, ensuring appropriate and swift action to tackle poor performance and driving improvement across the public services. As the 2006 Budget set out, the Government is working with public service inspectorates to assess more fully the scope for reducing inspectorate expenditure by around a third over the medium term as overall inspectorate activity is reformed, rationalised and ultimately reduced.

PAC Conclusion (v): Inspection reports contain an assessment of school leadership and management overall, but not a distinct assessment of the head teacher. A statement in inspection reports about which elements of the leadership need to be strengthened would make clearer the changes required for a school to improve. Very few schools with inadequate leadership acknowledge their problem, so Ofsted should give guidance on the characteristics of inadequate leadership and publicise examples of leadership teams that improved by recognising their shortcomings and addressing them.

24. Ofsted agrees that the effectiveness of leadership and management are key to the effectiveness of the school as a whole. The guidance on *Using the evaluation schedule*, published on the Ofsted website, includes descriptors for outstanding, good, satisfactory and inadequate leadership and management, to which inspectors refer when making judgements. The descriptor for grade 4 (inadequate) indicates that when leadership and management are inadequate, they do not provide the school with the capacity to improve. Section 5 inspection reports provide a commentary that illustrates the impact of the school's leadership and justifies the grade given. Although a number of staff may contribute to the leadership and management, Ofsted agrees that the role of the head teacher is usually crucial.

25. Effective leadership almost invariably plays a key role in schools' improvement. A survey of the factors that enable schools formerly subject to special measures to sustain their improvement and become good or outstanding has been included in Ofsted's work programme for 2007/08.

26. A new school improvement website to supplement the statutory guidance on Part 4 of the Education and Inspections Act 2006 will be launched in early 2007, and will promote good practice in providing early support for school leaders. Under powers in the Act, local authorities can require a school causing concern to work with a partner (which may include, for example, a mentor head teacher, another school or a consultant).

PAC Conclusion (vi): It is increasingly difficult for schools needing a new head teacher to attract suitable candidates. Progress is being made in increasing the professionalism of school leaders and improving the training and support they receive, but much more is needed to make head teacher posts attractive to good candidates and to develop potential leaders, for example by increasing the emphasis of initial teacher training on opportunities for developing a career in school leadership.

27. The Department agrees with this recommendation and welcome the comment that progress is being made. Whilst the evidence explicitly shows that only a very small proportion of posts are unfilled, we agree that some schools are finding it difficult to recruit. We recognise that more heads are reaching retirement age and hence we need to do more to attract more individuals into the profession.

28. There are several policies already in place to address this recommendation. Head teacher's pay scales have increased substantially since 1997 and governing bodies have greater scope, flexibility and autonomy to award attractive recruitment and retention allowances. In addition, the National College for School Leadership has just launched new advice to school governing bodies to help recruitment. They are also piloting approaches, in ten local areas, to improve succession planning within and across schools.

29. The Department is actively encouraging talented teachers to move into leadership sooner through the *Fast Track* programme and we are also testing ways of encouraging those who might not otherwise have applied for leadership posts to do so. The Future Leaders pilot this year is aiming to increase promotional opportunities and diversity in leadership teams.

30. The roles of school leaders are changing and, as requested by the School Teacher Pay Review Body, PriceWaterhouseCoopers are carrying out an independent study into school leadership to see if the right systems and frameworks are in place to best support the school leaders of the future. They will report back to the Department in December 2006. In addition, the Department has initiated a proposal to extend Initial Teacher Training Requirements to increase the emphasis on school leadership opportunities with the Training and Development Agency for Schools and other partners.

PAC Conclusion (vii): There are substantial variations between regions in the incidence of schools in Special Measures, with schools in Outer London nearly four times as likely to be in Special Measures as schools in the North East. The Department and Ofsted should examine the reasons for the variations, and drawing on the C&AG's Report explore the extent to which local authorities are intervening early enough to prevent schools requiring Special Measures. Ofsted should identify examples of authorities providing effective support to struggling schools and using their powers of intervention well. The Department should draw on Ofsted's work to set out the good practices that it expects all authorities to adopt.

31. Ofsted agrees that there have been substantial regional variations in the proportion of schools made subject to special measures, although these regional variations change over time; the pattern of variations at the end of 2006 is not the same as it was at the end of 2005. Ofsted has considered the possible reasons, and agrees with the suggestion in the C&AG's report, that the effectiveness of local authorities is an important factor. In response to the recommendation that the Department and Ofsted should measure the performance of local authorities in turning around schools, Ofsted has reviewed and expanded the questions asked by inspectors during Annual Performance Assessments (APAs) of local authorities, to enable inspectors to identify elements of effective support. The evidence gathered and reports produced in connection with APAs and joint area reviews will be drawn upon to analyse the features of effective support by local authorities. Ofsted is currently considering the inclusion of a survey, drawing on this evidence and identifying effective practice, in its work programme for 2008/09.

32. The statutory guidance that will accompany Part 4 of the Education and Inspections Act 2006 sets out the principles of good local authority practice in supporting schools causing concern. Further practical advice and case studies will be made available on the school improvement website planned for early 2007, including any future evidence from Ofsted. The statutory guidance is currently available in draft form and open for consultation at: www.standards.dfes.gov.uk/sie/si/SCC/news/draftguidance.

PAC Conclusion (viii): Poorly performing schools would benefit from increased collaboration with successful schools. Ofsted should expect schools to respond to critical inspection judgements in part by seeking to collaborate with other better performing schools and, in assessing subsequent progress, Ofsted should consider the schools' efforts to collaborate with others. Schools providing support to other schools, for example through the sharing of staff resources or facilities, should also receive due recognition as part of their own inspection by Ofsted.

33. Ofsted agrees that collaboration with successful schools gives significant scope for supporting improvements in weaker schools. There have been several instances when poorly performing schools have benefited from increased collaboration with successful schools (for example, in the context of successful ‘collaborative restarts’). However, realising the full potential benefits depends on successful implementation and support. Local authorities often play an important role in promoting successful collaboration, and the Education and Inspections Act 2006 introduces a new power that allows a local authority to require a school causing concern to work in partnership with an individual or organisation for the purposes of school improvement.

34. When evaluating the progress made by schools subject to special measures or with a notice to improve, inspectors evaluate the impact of external support, including that provided through a federation or other collaborative arrangements, in promoting their progress. Ofsted accepts that this could be done more systematically, and will issue further guidance to this effect.

35. When successful schools support others, through a federation or other collaborative arrangement, they should feel encouraged to provide details in their self-evaluation forms. When inspectors are able to substantiate these details, they will refer as appropriate to the school’s involvement in the inspection report.

PAC Conclusion (ix): Without good financial management skills, schools will not derive maximum benefit from three-year budgets. As part of the simpler funding arrangement for schools from 2006-07, the Department requires secondary schools to comply with its Financial Management Standard by March 2007, and local authority Chief Financial Officers to certify schools’ compliance. The Department should review the application of the Standard at the end of the first compulsory year, and draw lessons for its eventual application by primary and special schools.

36. The Department intends to evaluate the implementation of the Financial Management Standard in secondary schools at the end of the financial year. In October we completed a consultation on a timetable for the introduction of the standard in primary and special schools. The Department is working to phase the introduction of the standard over a three-year period up to March 2010 in these schools. To help local authorities implement the standard in secondary schools and look ahead at the potential issues for primary and special schools, the Department has been holding “Supporting Schools Financial Management” workshops.

Sixty-first Report

Crown Prosecution Service

Making effective use of magistrates' courts hearings

1. Over 90 per cent of the Crown Prosecution Service's (CPS) cases are conducted in magistrates' courts. In 2004-05, there were 190,466 magistrates' courts trials and over 2.8 million pre-trial hearings. In just over half of the cases where the trial did not go ahead, the defence was responsible, most frequently because the defendant pleaded guilty on the trial date. Just under two thirds of trials (117,922) and over a quarter of pre-trial hearings (784,000) did not go ahead as planned. Delays in these proceedings cost the taxpayer over £173 million, of which £24 million was attributable to the CPS.

2. In part, delays are a product of the increasing complexity and more stringent evidential requirements, which have eroded the distinction between magistrates' courts and Crown court case preparation, undermining the effectiveness of magistrates' courts as a system of summary justice. Nevertheless, the CPS could do more to progress cases promptly and efficiently.

3. On the basis of a Report from the Comptroller and Auditor General,⁴ the Committee examined the extent to which the CPS makes best use of its resources, the measures needed to modernise and reform its working practices and overcome cultural barriers, and how the CPS could work more effectively with Her Majesty's Court Service (HMCS), the police and other parties to reduce the number of ineffective trials and hearings.

On managing cases:

The Crown Prosecution Service should:

PAC conclusion (i): Develop and implement nationally the good local practice operating in Cardiff, so that small teams of lawyers and administrative staff are responsible for progressing all cases from a specific police command unit.

PAC conclusion (ii): Nominate a member of each team to be available during working hours to respond to queries on the team's caseload.

PAC conclusion (iii): Introduce and develop a time recording system to identify whether the CPS has the right mix of legal, caseworker and administrative staff, and to effectively manage its resources.

PAC conclusion (iv): Make full use of the CPS's electronic case management system (COMPASS) capabilities by requiring all CPS staff to update the system when moving files.

⁴ C&AG's Report, CPS: Effective use of magistrates' court hearings (HC 798, Session 2005-06).

4. The CPS accepts these conclusions and is developing a new business model for managing cases in the magistrates' courts drawing on the good practice identified in the National Audit Office report. The project to introduce the new business model will: address the structure of case management teams; ensure that a member of each team is available to answer queries about the teams' caseload; consider the practical issues raised by introducing time recording for work on cases dealt with in the magistrates' court; and ensure the case management system is updated when moving files. On current plans, the new business model will start to be rolled out during 2007-08.

PAC conclusion (v): Work with HMCS to establish 24 hour courts as "one stop shops" in city areas, where those arrested for minor offences could be dealt with immediately.

5. The CPS supports the desire to ensure that minor offences are dealt with very quickly. One of the aims of the paper, Delivering Simple, Speedy Summary Justice (July 2006) was to ensure cases are dealt with as quickly as possible. The CPS is working with HMCS to establish pilots for: next day justice where some simple cases are taken to court and disposed of very quickly (possibly within 24-72 hours); and for live links between the police station and the court for simple cases to be dealt with at the point of charge.

6. Pilots of extended court sitting hours were conducted in 2002. The results suggested that physical 24-hour courts were substantially more expensive than normal court business and did not represent value for money.

In addition, the Department for Constitutional Affairs (DCA) should:

PAC conclusion (vi): Follow their endorsement of the effectiveness of District Judges, consult further with the Head of the Judiciary, on the case for a significant increase in their number, particularly in city areas, in order to speed up the delivery of summary justice.

7. The DCA is determined to ensure that there are appropriate numbers of District Judges in place across the country. District Judges are a key part of the magistrates' courts and their numbers have been increasing in recent years. Existing plans allow for an increase in the total number of posts subject to the business needs of HMCS. The need to increase the number of posts will be kept under review. The DCA recognises the part that magistrates play in the magistrates' courts and are determined to maintain that role. Their work is well established and they have demonstrated that they can deliver effective justice.

On managing risk:

The Crown Prosecution Service should:

PAC conclusion (vii): Mark cases requiring medical or CCTV evidence as high risk, and review them weekly to obtain the necessary evidence in time for the hearing.

8. The new business model for managing CPS cases in the magistrates' courts described earlier will address how high risk cases can be identified and dealt with speedily so that the necessary evidence is available in time for the hearing.

PAC conclusion (viii): Examine the reasons for dropping cases on the day of the trial as part of its regular review of area performance to identify ways in which its processes might be improved.

9. The CPS will consider how best to examine why cases are dropped on the day of trial as part of the regular series of performance reviews with Areas to identify how its processes can be improved.

PAC conclusion (ix): Take a risk based approach to quality assurance, focusing on cases that are more likely to experience delays, and periodically disseminate lessons learned.

10. The CPS accepts the conclusion that a risk based approach should be taken to quality assurance. The operation of the casework quality assurance scheme has been improved. A risk-based approach will be adopted through the regular series of performance reviews with Areas and good practice will be disseminated.

On using technology to improve processes:

The Crown Prosecution Service should:

PAC conclusion (x): Provide electronic equipment, which allows legal staff across the CPS to record case information at court and automatically transfer it to the COMPASS system.

11. The CPS accepts the conclusion. The CPS implemented its case management System (CMS) on time and to budget. All cases prosecuted by CPS Areas are managed using CMS. The CPS has already provided access to CMS at 140 magistrates' and Crown Courts and is aiming to expand on this provision. A recent survey has identified a further 145 magistrates' courts where access to CMS is required.

PAC conclusion (xi): Provide CPS lawyers during the 2006-07 financial year with technology such as pagers to enable them to be contacted more easily when away from the office.

12. The CPS accepts the conclusion that technology should be used so that prosecutors can be contacted more easily when they are away from the office. The CPS is piloting the use of blackberries. The CPS has voice mail capabilities at all CPS offices and a range of communication technologies including mobile phones and pagers are available to staff. By the end of 2006-07, a new service will be introduced that forwards calls when staff are out of the office. The new system will provide another means for prosecutors to be contacted when they are away from the office.

PAC conclusion (xii): Equip each CPS office with a DVD player on which to review evidence.

13. The CPS accepts the conclusion and all CPS staff will have access to a DVD player on which to review evidence.

PAC conclusion (xiii): Encourage Local Criminal Justice Boards to seek greater availability of DVD players in courts.

14. The CPS accepts the recommendation. HMCS recognises the need for technology to be available in court to facilitate the presentation of evidence. A programme of work to increase the provision of DVD players in courts is underway to provide 269 DVD players in 232 magistrates' courts by March 2007.

PAC conclusion (xiv): Take the lead in initiating discussions with the police, the Courts Service, manufacturers, trade associations, and other interested parties, to explore the scope for a national CCTV standard to provide consistency across the industry.

15. The CPS accepts the conclusion. The CPS intends to play its full part in the work to resolve the cross-CJS issue of CCTV standards, which is being addressed by the Home Office and ACPO in their jointly-led national review of the UK's public space CCTV infrastructure.

In its work with other criminal justice agencies, the Crown Prosecution Service should:

PAC conclusion (xv): Seek co-operation from HMCS to list each CPS team's cases together so that lawyers can present more of their own cases in court.

PAC conclusion (xvi): Pursue with HMCS the grouping of straightforward cases in court listings, setting and monitoring joint monthly targets for the number of court sessions covered by designated caseworkers, thereby releasing lawyers to manage more complex cases.

16. While listing is considered a judicial responsibility, the CPS and HMCS accept the conclusion and are working together to improve listing arrangements so that prosecutors can present more of their own cases in court and that cases that are suitable for designated caseworkers are grouped together so that other prosecutors can be released to manage more complex cases. The joint work recognises that there are other factors and constraints on the courts that need to be taken into account in the process.

PAC conclusion (xvii): Set up a national protocol with local National Health Service (NHS) trusts to improve the timeliness of medical reports.

17. The CPS accepts the conclusion and will work with the NHS to produce a joint national protocol that can be provided to local NHS trusts to improve the timeliness of medial reports.

Sixty-second Report

Home Office

The electronic monitoring of adult offenders

1. Electronic monitoring, also known as tagging, allows offenders who might otherwise be in prison to be subject to a curfew. Electronic monitoring costs about £70 less per day on average than keeping an offender in prison. Two contractors have managed electronic monitoring since April 2005 when the Home Office re-tendered the contracts. The new contracts cost 40 per cent less than the original contracts. In order to minimise risks to the public, the system has to be robust. On the basis of a report by the Comptroller and Auditor General *The Electronic Monitoring of Adult Offenders* (HC 800, Session 2005-06) the Committee examined the Home Office, the National Offender Management Service and the two contractors on the robustness of electronic monitoring and its use in rehabilitating offenders.

PAC conclusion (i): Keeping offenders on electronically monitored curfews is some £70 cheaper, per offender per day on average, than prison. If the risks to the public are minimised, through tagging only those offenders least likely to re-offend, and their rehabilitation is at least as effective as prison, then electronically monitored curfews offer a cost effective alternative to prison.

2. The Home Office agrees with the Committee's findings. For most eligible prisoners Home Detention Curfew (HDC) should form a normal part of their progression through their sentence and they should be granted release unless there are clear grounds to indicate that they are unlikely to complete their period on curfew successfully. Since the scheme began in 1999, more than 130,000 prisoners have been released under the scheme. HDC has been very successful in providing prisoners with a smoother and more effective re-integration back into the community. HDC can provide opportunities for successful resettlement by enabling offenders to resume employment or training at an earlier stage. This can be one of the first steps in helping them to lead a law-abiding life by enabling them to take responsibility for their lives and better support themselves and their families.

3. The HDC assessment is designed to select those prisoners who are of lowest risk. Where a Governor considers that there is a significant risk to the public, or risk of re-offending on HDC, or considers that the prisoner is likely to breach the curfew conditions, and then release will not be granted.

PAC conclusion (ii): Home assessments are sometimes carried out for prisoners who are ineligible for HDC, at a total additional cost of some £200,000 per year. Such nugatory assessments also give prisoners and their families false hope that they are going to be released early. Prisons should carry out interim eligibility assessments to exclude those ineligible before they ask Probation Officers to carry out home assessments.

4. The Home Office agrees that wherever possible prisons should not refer cases for a home circumstances assessment unless the prisoner's eligibility has been established first. But, where time is short, seeking information simultaneously from a number of sources ensures that cases are progressed as quickly as possible. Seeking information sequentially could, in some cases, create delays.

PAC conclusion (iii): 60 per cent of the prisons that release prisoners on HDC do not have access to the Police National Computer to check criminal records. Their records therefore have to be posted from a prison with access to the Police National Computer, which can delay the release of prisoners. The Home Office should implement a timetable for providing all prisons that release prisoners on HDC with access to the Police National Computer.

5. The Police National Computer (PNC) gives direct access to previous conviction data. The majority of prisons that have access to PNC are local prisons. Local prisons have the most urgent need for swift access to previous conviction data in order to facilitate the categorisation and allocation process. Previous conviction data should be recorded on the prisoner's record as part of their reception at the first local prison to which they were admitted (Prison Service Order 0500 – Reception, refers) and should therefore be available to prisons considering HDC without the need to access the PNC. Where this information is missing, prisons that do not have access to PNC can obtain the previous conviction data under a partnership arrangement with another establishment that is linked to PNC. There are therefore no current plans to install a PNC terminal at every prison, as existing arrangements should be adequate.

6. Prison Service access to the PNC takes place with the consent of the Association of Chief Police Officers (ACPO). The current agreement requires updating to reflect the creation of the National Offender Management Service and in response to the recommendations of the Mubarek Inquiry. A proposal for a revised access agreement has been submitted to ACPO, and their response is awaited. This proposal includes provision for access in more prisons. However, any additional terminals approved by ACPO would have to be paid for by the Prison Service and there are currently no funds available for expanding access. As previously indicated, if the correct procedures are followed on or shortly after reception, the information will be available in the prisoner's record and there would therefore be no need for additional terminals. The Prison Service Director of Operations has recently written to Governors asking them to ensure that, when a PNC check is requested from a nearby prison in connection with Home Detention Curfew, it is carried out as quickly as possible. Their attention has also been drawn to the expectation that PNC information will be placed in the prisoner's record in the reception prison.

PAC conclusion (iv): HDC eligibility assessments are not routinely sent with prisoners when they are transferred between prisons. All records should be transferred with prisoners when they are moved between prisons. Until all records are available electronically to all prisons, the Prison Service should transfer all paperwork associated with eligibility assessments with prisoners, to prevent duplication of effort and to help prisoners to be released on their eligibility date.

7. This is already the case. Under the terms of Prison Service Order 6200 (Transfer of Prisoners), the F2050 (the prisoner's record) must be handed over to the escorting contractor prior to transfer between establishments. Home Detention Curfew documentation, including the eligibility assessments, should form part of the F2050.

8. With the roll out of the National Offender Management Information System (NOMIS) all information on an offender will be held electronically. Roll out commences in December 2006 with completion in mid-2008. Users, regardless of geographic location or the location of the offender, will be able to access relevant information relevant to their job function. NOMIS is an offender management database that will be shared by the Prison Service and the National Probation Service and private sector providers. In the meantime, the Prison Service and NOMS will investigate the procedural failings that give rise to this problem and will issue appropriate reminders/guidance to ensure that all relevant information accompanies a prisoner on transfer.

PAC conclusion (v): Governors are not provided with feedback on whether prisoners whom they have released early have successfully completed their curfew. Governors should be provided with information on any prisoners they released under HDC who have offended whilst on curfew or breached their curfew conditions. Such feedback would help them improve their decision-making on releasing prisoners whilst at the same time minimising the risks to public safety.

9. The National Offender Management Service (NOMS) accepts the Committee's findings. The releasing prisons are already sent a copy of the revocation order in every case where an offender released by them has been recalled from HDC. A copy of an information sheet, which sets out the reasons for recall, which is routinely sent to the police to hand to the offender upon their arrest, is also sent to the releasing prison (this practice was introduced in March 2006). Therefore, the information on the recall, including the reasons, is now readily available to governors.

PAC conclusion (vi): There is insufficient evidence available to determine whether electronic monitoring helps to reduce re-offending or promote rehabilitation. The Home Office should carry out further research to establish the role that electronic monitoring could play in minimising re-offending. It should make the results of the research available to courts and prisons, which make decisions on whether to place offenders on curfews.

10. The Home Office has a research and analysis programme underway to build knowledge about the relationship between sentencing and re-offending, including the impact of curfew orders on reconviction. Starting in early 2007, the Home Office will conduct analysis of the reconviction rates of offenders on community sentences with an electronically monitored curfew compared to those without an electronically monitored curfew, using a quasi-experimental design known as propensity score matching (PSM) to control for selection effects and other influences when comparing the two groups. Results from the analysis will be available in summer 2007.

PAC conclusion (vii): Families of offenders placed on curfew are only given limited advice on living with a curfewee, prior to the start of the curfew. When faced with the realities of an offender confined to their address, some families withdraw their consent for their home to be used as a curfew address. Probation Officers should explain fully the requirements of providing a curfew address to the family when they carry out home assessment visits, assisted by a standardised checklist, so that the family can give fully informed consent. On-going support could be offered to families, such as through voluntary groups.

11. The Home Office accepts there may be scope to improve advice given to families of offenders placed on curfew. Guidance currently exists for Probation staff carrying out home circumstances assessments in cases where an offender is to be released from custody on a Home Detention Curfew (HDC). The Home Office accepts that, subject to proper consultation with practitioners, a checklist might prove helpful in reinforcing this guidance to ensure that family issues are addressed more fully. However there are practical considerations, including timeliness, which may limit the Probation Service's ability to fully put into practice the Committee's recommendation in all cases.

PAC conclusion (viii): Prisoners released on HDC are not able to continue with any education or training, which they were undertaking in prison. The National Offender Management Service should ensure that Probation Officers work with prisons to help offenders continue with their education when they are released on HDC.

12. The Home Office accepts the Committee's conclusion. New learning and skills delivery arrangements for offenders in custody and in the community were introduced across England from 31 July 2006. These new arrangements involve the Learning and Skills Council (LSC) in planning and funding learning for offenders alongside their general post-16 learning responsibilities. A key feature of the new arrangement is the co-commissioning of education provision by the LSC and the Regional Offender Manager, with a clear focus on the development of skills that lead to employability and, hence, reduced re-offending. The service to be provided under the new delivery arrangement is specified in the Offender's Learning Journey⁵ and this includes a clear requirement on the provider to join up education and training started in custody with that available in the community on release. The requirement applies to those released on Home Detention Curfew. Probation Officers will have a key role in encouraging and motivating offenders to take up this continuing learning on release.

⁵(http://www.dfes.gov.uk/offenderlearning/uploads/documents/adult_OLJ_V0.5a.doc).

PAC conclusion (ix): Offenders given Adult Curfew Orders are not given specific help to access education and training or to find work. The Home Office should set out measures that Probation Officers should take to help offenders on Curfew Orders access education, training or work to complement any rehabilitative remedies ordered by the courts.

13. The Home Office accepts that the Probation Service can play a key role in motivating offenders to pursue training and education opportunities.

14. Under the Criminal Justice Act 2003 a Community Order is composed of one or more of twelve “Requirements” available to the court, of which a Curfew Requirement is one. Where a court wants to impose a Curfew Requirement but also wants the offender to undertake training and education it will include an “Activity Requirement” in the Community Order through which the education or training need will be met.

15. Probation Service contact with an offender after sentence does not occur in those cases in which the offender is serving a Community Order, which consists only of a Curfew Requirement. This is because the Probation Service has no statutory responsibility for such cases; the 2003 Act instead places responsibility on the electronic monitoring contractor. However, where the court is of the view that education or training is needed the Home Office expects that the court would impose an Activity Requirement alongside the Curfew Requirement. Where a probation officer identifies an education and/or training need they are expected to draw this clearly to the court’s attention in the Pre-Sentence Report.

PAC conclusion (x): In the sample reviewed by the NAO, 52 per cent of prisoners eligible for HDC were released after their eligibility date. If this performance were replicated across England and Wales, delays in releasing prisoners would cost £9.3 million in unnecessary custody costs. Delays occur when prisoners are given short sentences because prisons sometimes have as little as a month in which to carry out assessments before the eligibility date. When courts impose a short sentence, they should carry out the eligibility assessment for Home Detention Curfew at the time of sentencing.

16. The Department does not agree that the courts should carry out the HDC eligibility assessment at the time of sentencing. HDC is an executive power exercised by Governors on behalf of the Secretary of State. Courts are not responsible for identifying prisoners who are eligible for HDC and the Department does not consider that it would be appropriate to change that position. However, the Department agrees that timely completion of the HDC assessment for very short sentence prisoners presents difficulties for prisons and probation and is looking closely at the assessment processes in place to see if improvements can be made.

PAC conclusion (xi): There is no target for returning to court offenders who breach Adult Curfew Orders. The Home Office should set a target for returning these offenders to court, monitor performance against that target and take action where it is not met.

17. The electronic monitoring contractors are responsible for the enforcement of adult curfew orders with electronic monitoring which are not combined with any other requirement. The current electronic monitoring contracts require the contractors to obtain a court hearing date within three working days in all cases. Failure to meet this target will result in financial deductions. In July 2006, the last month for which audited performance figures are available, both suppliers met this target.

18. Since 1 October 2005 tough end-to-end enforcement targets for community orders have been introduced by Local Criminal Justice Boards (LCJBs) in magistrates courts. Orders with only a curfew with electronic monitoring requirement have been included in this target since April 2006. The target is to resolve breach cases in an average of 35 working days and to resolve 50 per cent of cases within 25 working days. The LCJBs include the Probation Service, Youth Offending Teams, the Courts and the police. Progress is being made. Breach cases are currently being resolved in an average of 42 working days. And 48 per cent are resolved within 25 working days.

PAC Recommendation (xii): The Home Office has recently obtained real-time access to the contractors' databases. The Home Office should use this access to carry out independent monitoring and auditing of the contractors' performance and it should publish information on their performance where this does not undermine the effectiveness of curfews.

19. The Home Office system for accessing in real time the data held by both contractors is currently under review within NOMS. Assuming it continues in operation, the Home Office has tested the contractors' real-time data access systems and neither system is yet fully working to our specifications. Both contractors have agreed to remedy this at no cost to the Home Office and this work is in progress. At present the systems are not suitable for operational use, but when they are (likely to be in early 2007), and subject to the outcome of the review, they will be used to support the contract management role including as suggested in the PAC recommendation.

20. The service providers are contractually required to meet 19 reported service levels each month. These include requirements to make induction visits within tight timescales, investigate and obtain a court date in cases where they have enforcement responsibility, and check equipment every 28 days. It has been agreed within NOMS that performance data will be made available on a new dedicated section of the NOMS website by the end of January 2007.

PAC conclusion (xiii): The Home Office made ex-gratia payments totalling some £8,000 to two offenders because it could not prove whether they had intentionally damaged monitoring equipment. The Home Office should instruct contractors to retain monitoring equipment when there is a dispute over the reason for an apparent breach, so the facts of such cases can be proven. It should incorporate it into any future contracts.

21. The National Offender Management Service (NOMS) accepts the Committee's findings. We already have formally instructed suppliers to retain equipment. We are also working towards placing this change in practice on a contractual footing and expect to have the contract changes in place by the end of December 2006. We have put in place arrangements for alleged faulty equipment to be independently inspected and for the offender to be given a copy of the inspection report.

PAC conclusion (xiv): The contractors have improved their performance after incurring financial deductions for failing to meet all the requirements in their contracts. The Home Office should build on the successful use of financial deductions by making further use of them in these and other contracts with private companies, in particular by including financial deduction for contractors for those points of performance, which they consider to be the most important.

22. The contracts that the Home Office has with private sector suppliers for the provision of electronic monitoring, prisoner transport and prison management all contain financial sanctions for poor performance. Financial deductions can be made under the contract where performance falls below agreed levels. The size and type of sanction is dependant on the nature of the failure. For example an escape from prison would result in a financial deduction of between £50,000 to £60,000, whereas other more minor failures may be handled through either financial or non-financial sanctions.

PAC conclusion (xv): The Home Office negotiated a 40 per cent reduction in the price of the contracts when it renegotiated them in April 2005. The Home Office team responsible for the negotiations should produce a good practice guide to disseminate lessons learned from this experience to other contract managers within the Home Office.

23. The procurement of electronic monitoring was run using "Prince 2" principles of project management and the project team maintained a Lessons Learned Log throughout the project. This has been published in the Home Office Lessons Learned Library on the Department's intranet, and is linked to procurement and project management and commercial good practice guidance.



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