



# Have you got what it takes?

## Working with the Secretary of State for Justice

### Important facts

The Secretary of State for Justice is the ministerial head of the Ministry of Justice, with responsibility for the administration, and reform, of core parts of the justice system.

The Ministry of Justice provides services to around 9 million people each year, directly and through a variety of partners. Through its delivery arms — Her Majesty's Courts and Tribunals Service and the National Offender Management Service — the Ministry runs the courts, tribunals, prisons, probation services and attendance centres.

In the field of criminal justice, the Ministry works in partnership with other government departments to introduce reforms aimed at improving the way the criminal justice system protects the public, reduces reoffending and supports the victims of crime.

Since 2007 the office of Secretary of State for Justice has been held in conjunction with the separate office of Lord Chancellor. The Constitutional Reform Act 2005 removed the Lord Chancellor's position as a judge and head of the judiciary of England and Wales. The Lord Chancellor's judicial responsibilities were transferred to the Lord Chief Justice, who is head of the judiciary in England and Wales.

### Context: Reform of the criminal justice system

The Government has begun a series of wide-ranging reforms across crime and justice. The central aim of this programme is to cut re-offending and so prevent crime and protect individuals from becoming victims of crime.

The Government has recently published its plans for reforming the criminal justice system. The proposed changes will help criminal justice agencies to work together more effectively to reduce delays, and to introduce services that are more accountable and transparent, and better able to respond to local needs.

The CJS Reform White Paper 'Swift and Sure Justice: The Government's Plans for Reform of the Criminal Justice System' can be found at: <http://www.justice.gov.uk/publications/policy/moj/swift-and-sure-the-governments-plans-for-reform-of-the-criminal-justice-system>

These changes will build on the following reforms, which the Ministry of Justice has already begun to carry out:

- **The passing of the Legal Aid, Sentencing and Punishment of Offenders Act will, among other things:**

- **ensure that legal aid is focused on those cases where it is most needed;**
- **toughen up community sentences, with the possibility of more onerous curfews; and**
- **return discretion to sentencers and offender managers to tailor sentences to deal with breaches more effectively.**

The full text of the Act can be found at: <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>

- **The Government consultation, Getting it Right for Victims and Witnesses, which was published on 30 January 2012 and closed on 22 April, contained proposals to:**
  - **raise up to an additional £50m a year from offenders to support services for victims and witnesses;**
  - **have the majority of victims, services commissioned (contracted) at a local level by police and crime commissioners; and**
  - **reform the Criminal Injuries Compensation Scheme by targeting compensation on the most seriously injured victims of serious crime.**

Having received over 350 responses to the consultation, the Government published its response in July 2012. It can be found at: <https://consult.justice.gov.uk/digital-communications/victims-witnesses>

• **The Government consultations, Punishment and Reform: Effective Community Sentences and Punishment and Reform: Effective Probation Services, which were published on 27 March 2012, contain proposals to:**

- **reform community orders – including plans for intensive community punishment for some offenders, a punitive element in every community order, greater use of tagging, and for more effective use of fines and restorative justice (which gives the victim of a crime the opportunity to meet the offender face-to-face, enabling them both to play a part in finding a positive way forward);**
- **reform probation services by extending competition, including, for example, to the management of lower risk-offenders, and strengthening the commissioning role of probation trusts; and**
- **give Police and Crime Commissioners a role in commissioning probation services.**

The Government’s response to these consultations will be published in due course.

## **BACKGROUND: THE MINISTRY OF JUSTICE**

The creation of the Ministry of Justice in 2007 brought together responsibility for criminal justice, prisons and penal policy (previously the Home

Secretary’s responsibility) and responsibility for the courts and legal aid (previously the Lord Chancellor’s responsibility).

Following the creation of the Ministry of Justice in 2007, government and the judiciary drew up an agreement recognising that the judiciary has a distinct responsibility to deliver justice independently.

As well as criminal justice, the Ministry’s work spans civil, family and administrative justice (justice relating to the decisions and actions of public bodies). It is also responsible for strengthening democracy and safeguarding human rights.

The Ministry’s key strategic objectives, as set out in its business plan, are to:

- **introduce a rehabilitation revolution (a plan which aims to reduce reoffending by harnessing the full potential of the private and voluntary sectors);**
- **reform sentencing and penalties;**
- **reform courts, tribunals and legal aid, and work with others to reform delivery of criminal justice;**
- **assure better law; and**
- **reform the delivery of its services.**

The Secretary of State for Justice chairs a departmental board which has overall responsibility for the Ministry’s strategic direction, including delivery of the above objectives.

Further information on the Ministry of Justice can be found at: <http://www.justice.gov.uk/>

## **Why was the role of Lord Chancellor changed?**

The Lord Chancellor’s role was reformed in order to separate its different responsibilities and make a clear distinction between government, Parliament and the judiciary. As part of these reforms the Lord Chancellor’s judicial functions were transferred to the Lord Chief Justice.

## **What do these changes mean for judicial independence?**

It is vitally important in a democracy that individual judges and the judiciary as a whole are impartial and independent of all external pressures and of each other so that those who appear before them, and the wider public, can have confidence that their cases will be decided fairly and in accordance with the law. The Constitutional Reform Act 2005 contained a number of provisions that sought to strengthen this principle, including an explicit statutory duty on government ministers to uphold the independence of the judiciary. Ministers are specifically barred from trying to influence judicial decisions through any special access to judges. The Lord Chancellor also has a specific duty to defend the judiciary’s independence.