



National Audit Office

DATA ASSURANCE SUMMARY REPORTS

Ministry of Justice

Background and scope

1 In 2012, the government published updated departmental business plans. These focused on coalition priorities and are monitored by a set of input and impact indicators. Departments are expected to publish performance against these indicators quarterly. In addition the Civil Service Reform Plan, published in June 2012, set out additional requirements for departments in sharing management information on back-office functions such as estates, HR or finance.

2 The National Audit Office has undertaken to review, over three years, the input and impact indicators systems of all central government departments and a sample of back-office and operational information. Our first review was carried out in 2011-12, and a summary report was published on each department.¹ This report covers our second review of the Ministry of Justice (the Ministry or MoJ). In this second review we examined four operational indicators and eight business plan indicators. During this review, the Cabinet Office were determining the common areas of spend that will be reported on in the coming year. With this in mind we did not review the previous common areas of spend.

¹ Available on the National Audit Office website at: www.nao.org.uk/search/pi_area/data-assurance-summary-reports/type/report

3 We planned our work over the three-year period of this review to focus on the National Offender Management Service (NOMS) in the first year, Her Majesty's Courts and Tribunals Service (HMCTS) this year and other areas of the Ministry in the third year. We considered various factors in the selection of performance indicators relating to HMCTS this year. These included the indicator's importance to HMCTS as management information; the perceived interest on the indicator from HMCTS' stakeholders and the general public; and previous recommendations for improvement made in respect of the indicator.

4 This report provides an overview of the results of our assessment. It does not provide a conclusion on the accuracy of the outturn figures included in the Ministry's performance statements. This is because the existence of sound data systems reduces but does not eliminate the possibility of error in the reported data. We have assigned each indicator a numerical score, based on the extent to which departments have put in place and operated internal controls over the data systems that are effective and proportionate to the risks involved.

Our findings on completeness of information

5 The business plan indicators and other reported data sets cover all of the coalition priorities, although coverage is variable between different heads of action agreed in respect of each priority. While the existing indicator set provides a solid baseline, we believe that the Ministry could build on this by:

- providing more information addressing those individual heads of action under the coalition priorities which are not yet covered, but are measurable;
- rationalising the use of 'other key data' to ensure that data representing an impact or input indicator is properly categorised, and that where performance measures remain in this category but are highly significant, they are given appropriate prominence; and
- ensuring that the business plan includes measures relating to all of the most significant elements of the Ministry's transactions, including its income from fees, fines and penalties.

Our findings on information strategy

6 The Ministry does not have a formal information strategy. However, we have not raised this as an issue since we found that at board level there is a clear commitment to accurate data which meets the needs of the users (for instance through the board's demands for highly detailed performance information to support their scrutiny of the Ministry's business areas). This information culture is underpinned by board level ownership of the data transparency strategy; the professional requirements for statisticians set out in the Ministry of Justice quality strategy; and in the integration in many business areas of performance management frameworks into well-controlled operational data systems.

Our assessment of data systems

Overview

7 We examined 12 data systems in our latest review, of which eight were business plan indicators and four were operational data sets. Three of these are described as 'other key data' in the business plan, while one (payment rate for financial penalties) is not in the business plan but relates to a key business area for HMCTS and is available on the MoJ website and in HMCTS publications. They covered the HMCTS business area with the exception of two mediation-related indicators relevant to the Legal Services Commission (LSC).

8 Most of the data systems used by HMCTS are for case management and therefore the data is collected by HMCTS as part of normal business. This limits extra costs incurred for producing the data. Also in most cases, controls in place to ensure the accuracy of the case information also act to mitigate the risks of incorrect performance data, since operational demands and performance measurement requirements often focus on the same data fields.

Nature of issues identified by NAO review

9 The significant issues which we identified in our review of the indicators related either to how the indicator was reported, or the appropriateness of the data being used to support it. In most cases these related to improvements which could be made in the transparency of how performance measures were described, or their fitness for comparison with apparently similar indicators (cost per sitting day).

10 In one case 'proxy measure for the proportion of civil disputes resolved out of court' we considered that the Ministry did not have the systems to overcome a high level of complexity in measuring against the indicator as phrased in the business plan. In our view there was a significant gap between the data actually provided and the expectations of users from the indicator as stated. We have provided some suggestions for improvement below.

11 We identified very few controls deficiencies in the data systems themselves. The exception to this was the tribunals timeliness indicator, where we found that tribunals did not operate formal controls over the data input of case lengths in the relevant systems. Although there are subsequent overall checks on data once it reaches the central performance team, we believe that quality and efficiency could both be improved by improving the preventative element of control over data quality in these systems, i.e. controls at the data entry stage.

Recommendations

High-level recommendations

12 Breadth of indicators against business plan. The Ministry should review whether additional valuable management information could be obtained by expanding the coverage of its indicators (or other published data sets) to heads of action from its business plan which are measurable e.g. 'to make greater use of video link technology' but are not yet covered explicitly by published data.

13 Coverage of MoJ income in business plan and board information. The Ministry should ensure that all significant areas of financial transaction are covered in its business plan. Currently, relatively little information on income (including fines and penalties) is considered by the departmental board.

14 Use of 'other key data' – prominence of key data sets. Many data sets in the business plan are classified as 'other key data' rather than formal indicators. In some cases these are key to measuring performance against certain heads of action, and we recommend additional prominence for these data sets e.g. in the extent of accompanying narrative or in their published location.

15 Use of 'other key data' – availability. Furthermore where 'other key data' exist which cover a head of action which lacks any formal indicators, the Ministry should aim to ensure these are published (LSC mediation data, for example, is currently not available).

Figure 1

A summary of the results of our data assurance exercise

Score	Meaning	Indicators we reviewed
4	The indicator's data system is fit for purpose and cost-effectively run	Care proceedings timeliness Civil Proceedings timeliness (small claims hearings) Civil Proceedings timeliness (fast/multitrack trials) Criminal Court timeliness Number of cracked, effective and ineffective trials by court Number of new criminal offences Number of people taking up publicly-funded family mediation assessments Conversion rate from mediation assessment to mediation session in family cases The payment rate for financial penalties ('enforcement rate')
3	The indicator's data system is fit for purpose but some improvements could be made	Staff and Judicial cost per sitting day (Crown, magistrates', civil courts and tribunals) Tribunals timeliness
2	The indicator's data system has some weaknesses which the Department is addressing	
1	The indicator's data system has weaknesses which the Department must address	Proxy measure for the proportion of civil disputes resolved out of court
0	No system has been established to measure performance against the indicator	

Source: National Audit Office

16 Ease of use of transparency information. While the MoJ maintains an effective single portal for transparency information, information relating to the business plan should be co-located to allow users to scrutinise performance against objectives and to access associated performance measurement guidance. The Ministry could enhance the transparency of its information by ensuring that all indicators were published online (staff and judicial cost per sitting day is currently not) and that information on other key data was considered for inclusion along with formal indicators.

Significant recommendations from individual indicators

17 Staff and judicial cost per sitting day – comparability and transparency. The MOJ should explain differences in the calculation of sitting days between the Crown and other courts alongside published statistics, and put measures in place to improve the level of cost allocation to specific business areas.

18 Tribunals timeliness – preventative data entry control and efficiency. The Ministry should consider introducing preventative controls on data input and/or the integration of checks on data fields into existing sample checks, to improve data quality and to reduce the significant overhead associated with retrospective quality control over this indicator.

19 Proxy measure for the proportion of civil disputes resolved out of court. We recognise that this indicator is a 'proxy measure', and that it aims to measure an inherently challenging target. However, in our view it falls short of providing a reasonable measure of the proportion of civil disputes resolved outside of court. This is because in reality it only measures the percentage of defended civil claims which do not result in a case hearing, and does not take account of the reasons why that might occur. For instance, while 'dropped' claims might reflect disputes successfully resolved through court-promoted mediation, they might also reflect the counterparties' lack of means to pursue the case. While we acknowledge the practical difficulties faced here, we recommend that the scope and limitations of this measure be made clear alongside its reporting. (We have also suggested that the Ministry should continue to consider other data when considering the success of alternative resolution tracks.)

20 Number of new criminal offences – indicator design. We are content with the data systems supporting this indicator, and recognise that the subject matter does not lend itself easily to quantitative measurement. However, the indicator is narrow in that it addresses new offences rather than a net change, and it is difficult for users to assess whether the Ministry is succeeding in its aims since there is no expectation or target. Management should consider whether measurement could be broadened and further contextualised in response to these concerns.

Minor recommendations from individual indicators

21 In several cases we have made less important recommendations suggesting additional analysis and/or accompanying narrative for performance measurement to promote the ability of users to interpret data. These recommendations are principally in respect of the various timeliness indicators.

22 As discussed with other ministry colleagues, we have also recommended that all published information in respect of the 'payment rate for financial penalties' indicator, moves to using the newer 'enforcement' rate, which in our view provides a more conceptually coherent data set than the older measure.