

## A Short Guide to the

# Ministry of Justice





## About this guide and contacts

This Short Guide summarises what the [Ministry of Justice](#) does, how much it costs, recent and planned changes and what to look out for across its main business areas and services.



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## Overview



Key facts



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Ministry of Justice



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in 2016-17



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Summary

## Key facts

### Expenditure and people



**£10 billion**

the Ministry's gross expenditure in 2016-17, with cash requirement down 13% from 2011-12.



**The Ministry must deliver 13 major projects** costing £8.5 billion and covering courts, prisons, probation and the core department.



**25%**

decrease in workforce between 2011-12 and 2016-17, to 68,651 people.

### Legal aid, courts and tribunals



**£4.1 million**

cases received into the courts and tribunals system in 2016.



**468,000**

legal aid applications granted, equalling 95% of applications.



**£1,882 million**

expenditure on legal aid in 2016-17.



Courts transformation programme including:

- 86 court closures in England and Wales; and
- £226 million savings per year once new court reforms are fully implemented by 2022. HMCTS annual spend in 2016-17 was £1,791 million.

### Prisons and probation



**118 adult prisons**

comprising 104 public sector prisons and 14 privately managed prisons.



**86,000**

people in prison and young offender institutions in August 2017 and 268,000 supervised by the probation service as at March 2017.



**95 out of 104**

public sector prisons and young offenders institutions were under-staffed on 31 March 2017.

# About the Ministry of Justice

The Ministry of Justice sets and carries out government policy for the criminal, civil and family justice systems in England and Wales. It is responsible for provision of legal aid, administration of justice through courts and tribunals, and detention and rehabilitation of offenders.

## The Ministry has strategic objectives to provide:

- a prison and probation service that reforms offenders;
- a modern courts and justice system;
- a Global Britain that promotes the rule of law; and
- a transformed department (see section on [Major programmes and developments](#)).

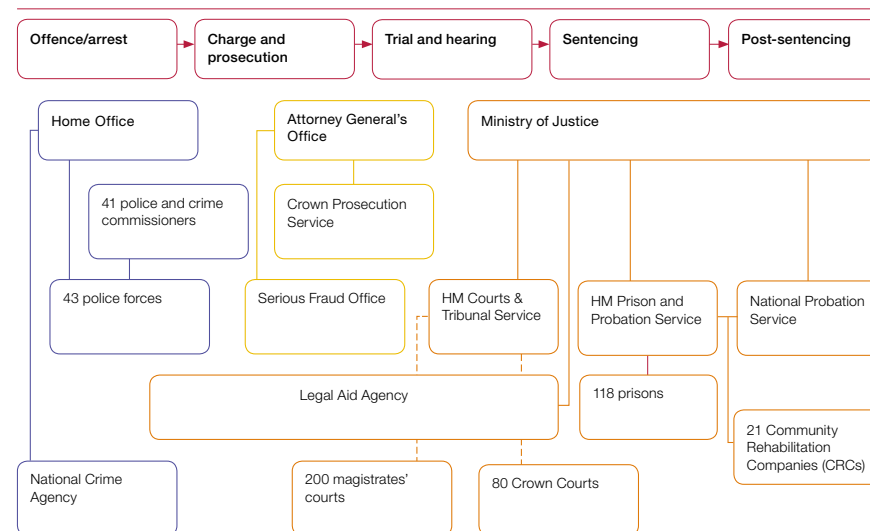
## The Ministry delivers its objectives through a number of agencies and arm's-length bodies, notably:

- HM Prison and Probation Service, which carries out sentences given by the courts, in custody and the community, and rehabilitates people in its care through education and employment.
- The Legal Aid Agency (LAA), which provides civil and criminal legal aid and advice in England and Wales.
- HM Courts & Tribunals Service (HMCTS), which is responsible for the administration of criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland.
- Criminal Injuries Compensation Authority (CICA), which deals with compensation claims from victims of violent crime.
- The Youth Justice Board, which oversees the youth justice system in England and Wales.

The Ministry of Justice works with a number of other government bodies across the criminal justice system. The later sections of this guide cover the process in more detail, with information on legal aid, courts, prisons and probation. A separate short guide is available on the Home Office.

Zoom Out

Zoom In +



- Stage of the process
- Home Office and related parties
- Attorney General's Office and related parties
- Ministry of Justice and related parties

### Note

- 1 HM Prison and Probation Service replaced the National Offender Management Service in April 2017.

Source: National Audit Office analysis

# Accountability to Parliament

## Permanent Secretary (Richard Heaton CB, appointed September 2015)

As government's Principal Accounting Officer for the Ministry of Justice, the Permanent Secretary is personally responsible and accountable to Parliament for managing the Ministry, its use of public money and the stewardship of its assets, as set out in *Managing Public Money*. The Ministry published an Accounting Officer System Statement in October 2017. This set out how the Accounting Officer gains assurance over all of the public spending for which the Ministry is responsible.

If an Accounting Officer has concerns about the propriety, regularity, feasibility or value for money of a proposed course of action that cannot be resolved, they should request a formal Ministerial Direction before proceeding. The Ministry has requested one Ministerial Direction since its creation in 2007: in 2010 Suma Chakrabati received a Ministerial Direction relating to £33 million of extra-statutory compensation scheme for victims of pleural plaques, small localised areas of fibrosis within the lung caused by exposure to asbestos fibres.

## Four key elements of accountability and considerations for the Ministry of Justice



### A clear expression of spending commitments and objectives

The Ministry delivers most of its activities through the arm's-length bodies that are accountable to it, but only 58% of them reported that they were clear on what the Ministry's objectives were in relation to their area of work (*Departments' oversight of arm's-length bodies*, 2016).



### A mechanism or forum for holding to account

The **House of Commons Justice Select Committee** examines the policies, expenditure and administration of the Ministry and its associated public bodies, selecting its own subjects for inquiry. The **House of Commons Committee of Public Accounts** examines Ministry of Justice spending and the use of allocated resources. It does not question policy. The HM Courts & Tribunals Service Board is subject to a dual accountability structure because it is accountable to both the judiciary and the Ministry.



### Clear roles and someone to hold to account

Accountability in the criminal justice system is complex. This is because it is important, for constitutional reasons, that different parts of the system operate independently, although they each depend on the functions of the others. The *Prison Safety and Reform white paper* (2016) proposed that prison governors would be given greater powers and become directly accountable to ministers for prison performance. This was intended to be brought into effect through the Prisons and Courts Bill, but the bill did not complete its passage through Parliament before the 2017 election.

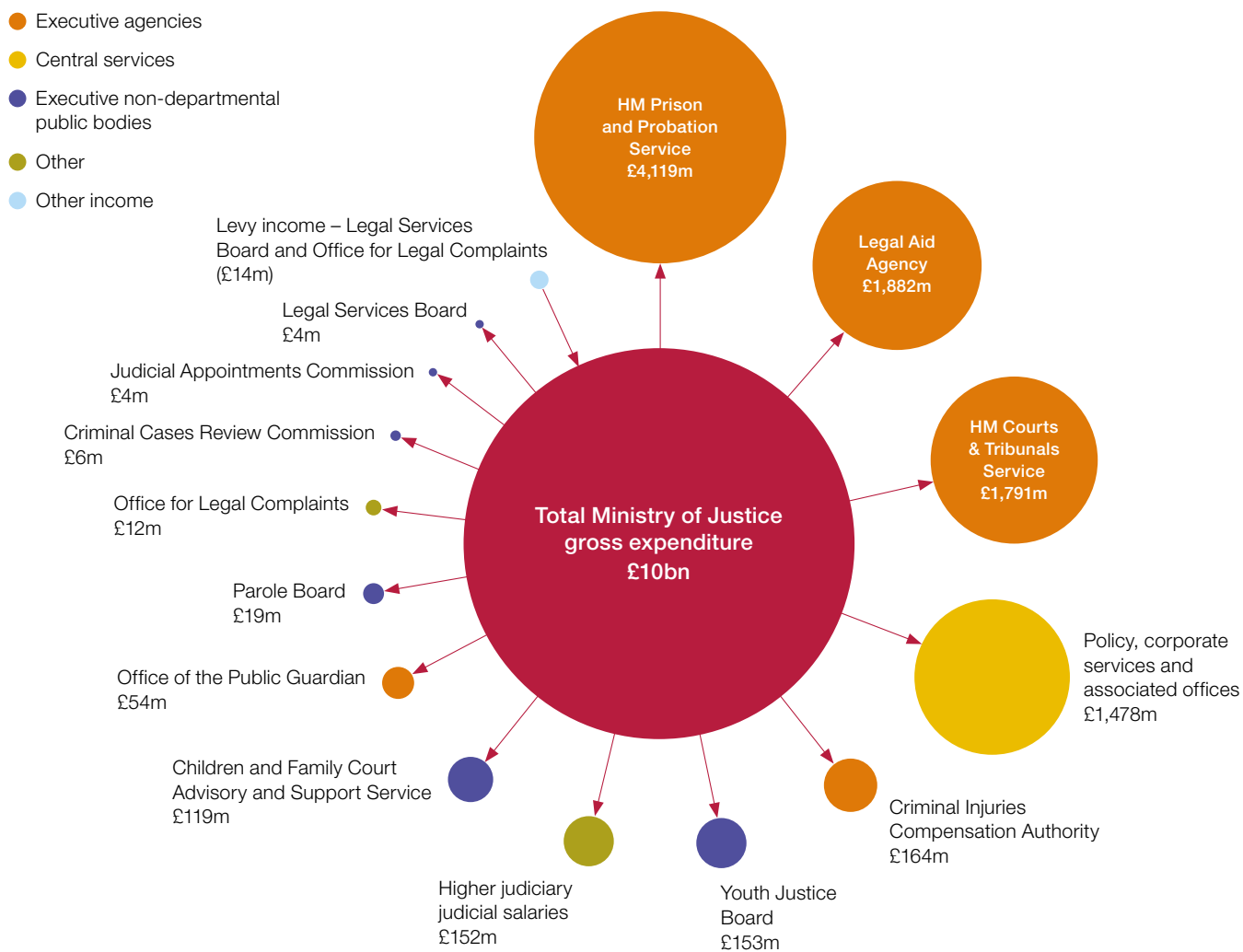


### Robust performance and cost data

Our work on *Mental health in prisons* found that government does not know how many people in prisons have a mental illness, how much is it spending on mental health services or whether it is meeting its objectives in this area. Government collects limited performance data on activities to support prisoners' mental health, and the data it collects does not link to its objectives.

Source: Comptroller and Auditor General, *Accountability to Parliament for taxpayers' money*, Session 2015-16, HC 849, National Audit Office, February 2016

## Where the Ministry spent its money in 2016-17



### Notes

- Figures include Departmental Expenditure Limit (DEL) expenditure, which is generally planned a number of years in advance, and Annually Managed Expenditure (AME), which can fluctuate year to year.
- The individual accounts of each organisation will not reconcile to the figures shown above owing to adjustments made in consolidating the group accounts.
- From 1 October 2016, policy responsibility for education and training provision for those subject to adult detention in England transferred from the Department for Education to the Ministry, to be overseen by the National Offender Management Service (NOMS). This funding was worth £143 million in 2015-16, almost all of which was committed to existing contracts which were transferred, with employment and careers advice staff employed by contractors, not by NOMS/HM Prisons and Probation Service.

Source: Ministry of Justice, Annual Report and Accounts 2016-17, Session 2017-18, HC 22, July 2017, Analysis of net resource and net capital outturn by section

## Key trends – The core department

### Current trends

The Ministry's net spending (net cash requirement) in 2016-17 was £7.4 billion. **It has reduced its net spending (net cash requirement) by 13% between 2011-12 and 2016-17** (see chart).

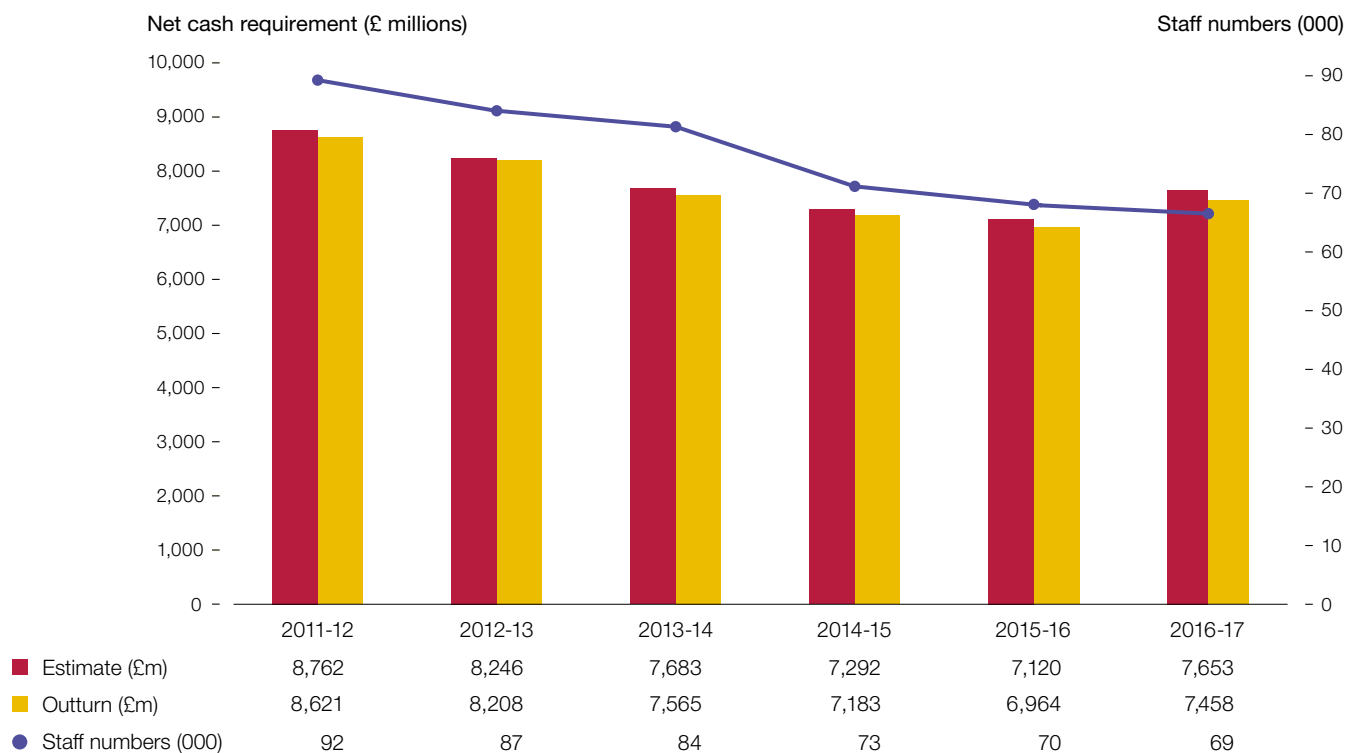
The Ministry has one of the highest departmental spends on staff, and staff costs form the Ministry's highest area of expenditure.

Decreasing staff numbers have contributed to spending reductions. Between 2011-12 and 2016-17, **total staff numbers as at year end decreased by 25%.**

The net cash requirement was 7% higher in 2016-17 than in the prior year. This was partly a result of spending on reform programmes in prisons and courts, which is expected to result in savings in future years.

Staff numbers and net spending, estimate (budget) compared with outturn (actual), to 2016-17

The Ministry has reduced its spending by 13% since 2011-12



Source: Ministry of Justice, *Annual Report and Accounts 2016-17*



## Key trends – The core department *continued*

### Future trends

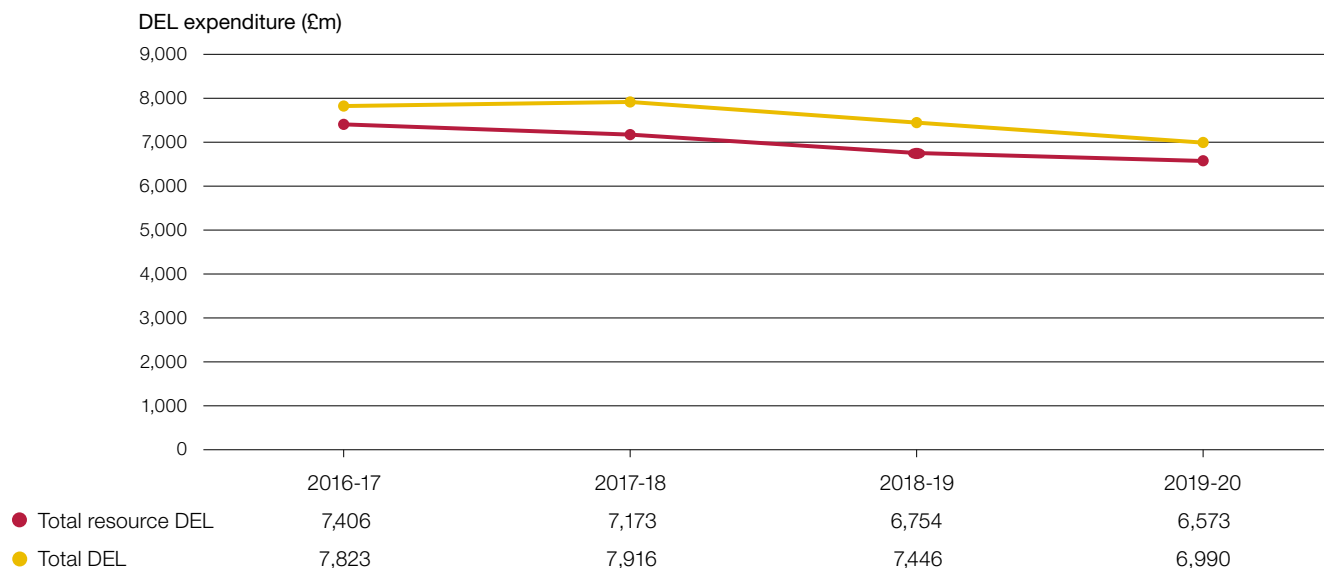
The Ministry intends to reduce its planned spend (DEL) by a further 11% between 2016-17 and 2019-20 (see chart).

The Ministry plans to reduce its spending through its transformation programmes (see section on [Major programmes and developments](#)). Its corporate transformation programme focuses on cost efficiency and effectiveness across corporate functions. The Ministry plans to reduce reliance on expensive properties, upgrade technology, develop staff and build a more cost-conscious culture.

Some of the changes in the Ministry's spending are the result of changes to its responsibilities. Responsibility for offender learning transferred into the Ministry in 2016-17. The Information Commissioner's Office, currently the responsibility of the Ministry, will transfer to the Department for Digital, Culture, Media & Sport. These changes caused an increase of £131 million and a decrease of £5 million respectively to the amount the Ministry expects to spend in 2017-18.

### Ministry funding plans, 2016-17 to 2019-20

The Ministry's spending will reduce further in future years



Source: National Audit Office analysis of Ministry of Justice data

# Key trends – Reoffending and courts

**The Ministry's strategic objectives include a prison and probation service that reforms offenders and a modern courts and justice system.**

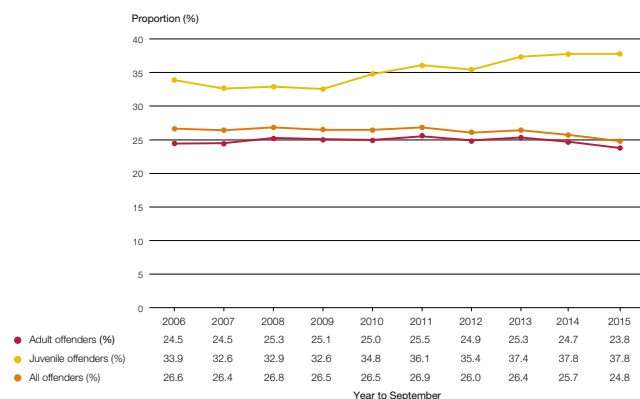
## Reducing reoffending

In 2015, the latest year for which data are available, 24% of adult offenders and 38% of juvenile offenders reoffended. There is a time lag in data because of the time necessary for offences to occur and be prosecuted.

The Ministry aims to reduce reoffending within the existing bail and sentencing legal framework.

Proportion of offenders who reoffend

The proportion of offenders who reoffend has fallen slightly over the past 10 years



Source: National Audit Office analysis of Ministry of Justice data

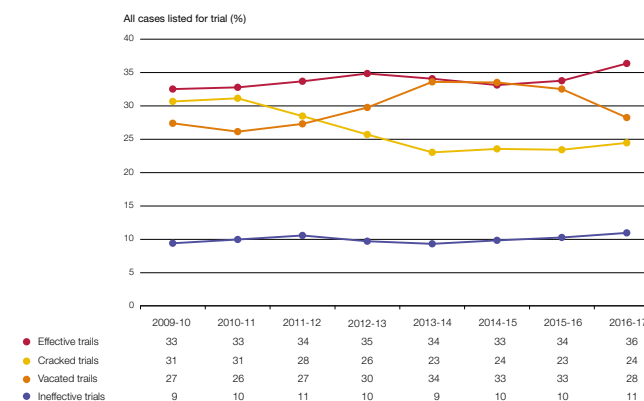
## Courts and tribunals

When a case is listed to go to the Crown Court it can be:

- 1 Effective.** The case goes ahead as planned on the day it was due to start. The proportion of cases that are effective increased from 33% to 36% between 2014-15 and 2016-17, suggesting the system has got slightly better at preparing cases.
- 2 Ineffective.** The case is not ready on the day it is due to start, and is relisted for a later date. Around one in 10 trials are ineffective, and this has risen very slightly from 10% to 11% over the past three years.
- 3 'Cracked'.** A case is withdrawn on the day it is due to start and not relisted, for example because the defendant pleads guilty. This has held steady over the past three years, following a drop from 31% to 24% since 2010. Fewer cracked trials should result in less wasted court and preparation time.
- 4 Vacated.** Before the day it is due to start, it becomes clear that the case is unlikely to go ahead as scheduled, and it is removed from the list. The further ahead this happens, the more likely it is that court time will be used productively, and that effort will not be wasted preparing for a case that does not go ahead. The proportion of vacated trials has fallen in the past three years, as the other three rates have increased.

Effectiveness of Crown Court trials 2009-10 to 2016-17

An increasing proportion of cases have gone ahead as planned (been 'effective') over the past three years



Source: National Audit Office analysis of Ministry of Justice data

# Major programmes and developments

## The Ministry must deliver 13 major projects, with total whole-life costs of £8.5 billion

The Infrastructure and Projects Authority is the government's centre of expertise for infrastructure and major projects. It sits at the heart of government, reporting to the Cabinet Office and HM Treasury.

It assesses programme across government using a five-point scale ranging from green, where successful delivery is highly likely, to red, where delivery appears unachievable unless significant, urgent and often substantial action is taken.

### Future IT Sourcing programme (FITS)

Whole-life cost: £2,879 million  
Share of total Ministry programme budget: 34%  
Current rating: Amber/Red

The FITS programme aims to deliver at least £95 million per annum reduction in the Ministry's ICT operating costs through the design and implementation of a new ICT operating model.

### North Wales Prison (NWP) programme

Whole-life cost: £2,253 million  
Share of total Ministry programme budget: 27%  
Current rating: Amber

The programme aims to build a new prison in Wrexham, North Wales. HMP Berwyn opened in February 2017.

### HM Courts & Tribunals Services (HMCTS) Reform programme

Whole-life cost: £1,638 million  
Share of total Ministry programme budget: 19%  
Current rating: Amber/Red

The aims of the HMCTS Reform programme are to modernise the infrastructure and deliver a better and more flexible service to court users, modernise and transform the courts and tribunal service to increase efficiency, improve service quality and reduce the cost to the taxpayer.

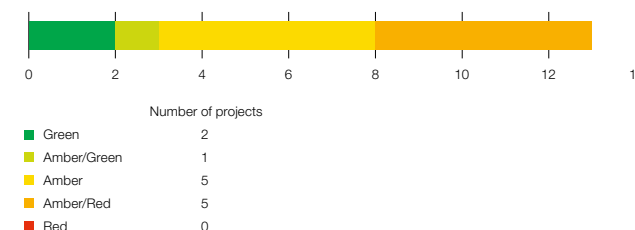
Source: Ministry of Justice, MoJ Government Major Projects Portfolio data, 2017, July 2017

## Things to look out for:

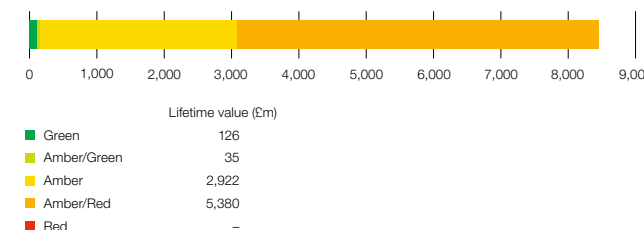
- Prison estate transformation programme**  
The Ministry considers that many of its prisons are crowded and out of date, and that they do not meet prisoners' needs. This programme aims to reconfigure the custodial estate, in part by building new prisons and smaller house-block units within existing prisons. The programme is currently rated Amber and does not yet have a budget attached.
- Electronic monitoring** aims to procure an improved electronic tagging system that exploits the latest technology. The NAO reported on progress in July 2017 and found the programme was late and over-budget, and had not yet delivered anything. The Ministry had taken action to address many of the issues, although significant risks remain. It is rated Amber/Red.
- Department capacity**  
The Ministry's reform agenda, covering both courts and prisons simultaneously, puts pressure on the Ministry's project delivery capacity at a time when it is also undergoing structural reform through transformation.

Ratings of the Ministry's projects, as at September 2016, published July 2017

RAG ratings of the Ministry's projects by the Major Projects Authority, number of projects in each category, September 2016



RAG ratings of the Ministry's projects by the Major Projects Authority, the lifetime value of the projects (£m), September 2016



Source: Ministry of Justice, MoJ Government Major Projects Portfolio data, 2017, July 2017

The main delivery challenge for the Ministry is sustaining sufficient capacity and capability to deliver one of the largest portfolios in government, while working effectively with autonomous partners such as the judiciary, police and the private sector.

## Key themes from NAO reports

### Transformation

The Ministry faces significant challenges in delivering one of government's largest transformation portfolios while facing significant budget reductions.

Government has struggled to deliver major transformation programmes in the past ([The National Programme for IT in the NHS](#), [Universal Credit](#)). There are a variety of reasons for this including lack of clarity about objectives, capacity and capability and poor project management.

The Ministry is attempting to simultaneously transform its services and significantly reduce costs. Our reports on [Capability in the civil service](#) and [Transforming Rehabilitation](#) question whether government has the capacity and capability to do both.

### Integrated and accessible services

To succeed, the Ministry needs to work with other parts of government. It does not always do so effectively.

The organisations that make up the criminal justice system should agree what 'good' looks like for the system as a whole, and the levels of performance that each of them can deliver to achieve this ([Efficiency in the criminal justice system](#)).

The Ministry needs to work with the Department of Health and NHS England to improve integration between prisons and secure hospitals to provide continuity for patients ([Mental health in prisons](#)).

### Effective oversight and intervention

More than 80% of the Ministry's budget is spent through its agencies and arm's-length bodies (78% through HMCTS, LAA and HMPPS). However, the Ministry's oversight of its agencies and arm's-length bodies has not always been effective.

The NAO has reported on a number of failures of financial oversight within the Ministry group in recent years:

In 2016-17, we qualified our opinion on the HMPPS accounts because it failed to gain HM Treasury approval for certain pay enhancements for prison officers and so breached the 1% pay cap.

We reported concerns over the possible irregular compensation payments on the Criminal Injuries Compensation Scheme's accounts for 2015-16. CICA addressed many of these concerns in 2016-17.

In 2013-14, the Office for Legal Complaints made payments in respect of a remuneration scheme for senior staff and a flexible benefit scheme for its employees. These schemes were not approved by the Ministry and were therefore irregular.

### Contract management

The Ministry must manage its contracts more effectively.

[The new generation electronic monitoring programme](#) found that the Ministry had so far failed to achieve value for money with the programme. The Ministry did not sufficiently support the case for the expansion of electronic monitoring, and there was poor contract and risk management. The Ministry has taken action to address many of the issues, but significant risks remain.

[Transforming Rehabilitation](#) noted that the Ministry needs to have a deeper understanding of the risks associated with reduced case volumes for CRCs, the bodies that deliver probation services, and to improve oversight of the contractors.

## Summary – The challenge facing the Ministry of Justice

**In order to deliver government's policy priorities, including reducing the deficit, the Ministry has significantly reduced its spending since 2011-12.**

It has reduced its spending (net cash requirement) by 13% from £8.6 billion to £7.5 billion.

**The Ministry is spending billions of pounds on major programmes** to transform services in every area of its business, including legal aid, courts, prisons and probation. These programmes are expected to improve services and reduce the Ministry's running costs, for example by modernising the courts and the prison estate.

**The Ministry's future budget, as agreed with HM Treasury and set out in the 2015 Spending Review, is based on assumptions about the benefits to be delivered by its transformation programmes.** Its budget for planned spend (DEL) will reduce by a further 11% between 2016-17 and 2019-20.

**The Ministry has faced challenges sustaining some of the spending reductions implemented in the previous spending review.** For example, the Ministry was defeated in the courts on some reductions to legal aid and increases in employment tribunals fees.

**The Ministry's transformation programmes are challenging.** The IPA has rated the Ministry's three biggest programmes, representing 80% of its programme spending, as Amber or Amber/Red. Over the previous spending review the Ministry reduced its workforce by 25% between 2011-12 and 2016-17. The Ministry now faces a challenge to retain the capacity and capability to manage its portfolio of programmes.

**The Ministry's ability achieve its objectives and live within its spending plans will depend on its ability to manage the risk that its transformation programmes do not deliver to plan:** Every element of the Ministry's services are under significant pressure, and the Ministry has a limited ability to manage demand because of the interdependent nature of the justice system. There is risk around the delivery of individual complex and high-risk programmes, but also risk of contagion across the Ministry if it does not make required savings and therefore cannot sustain the planned investments that could reduce its costs in the longer term.

## Legal aid



How is  
it delivered?



In your area



Recent and planned  
developments



What are the things  
to look out for?

# How is it delivered?

## Introduction to legal aid

Legal aid is funding from government to help pay for legal advice or representation. It covers legal advice, mediation and representation in courts and tribunals, for both criminal and civil law, including family law. Whether or not someone is eligible for legal aid depends on the area of law, the applicant's financial circumstances, and the chance of success. For civil or family law, where disputes can be between two individuals, both parties may be eligible for legal aid. In criminal law, cases are brought by the Crown against a defendant, so only the defendant could require legal aid.

Spending by the Legal Aid Agency (LAA) fell by 38% between 2010-11 and 2015-16, from £2.4 billion to £1.5 billion. The amount of legal aid provided fell by 32% between 2010-11 and 2016-17, from 693,000 cases of advice or representation to 468,000.

## Delivering legal aid

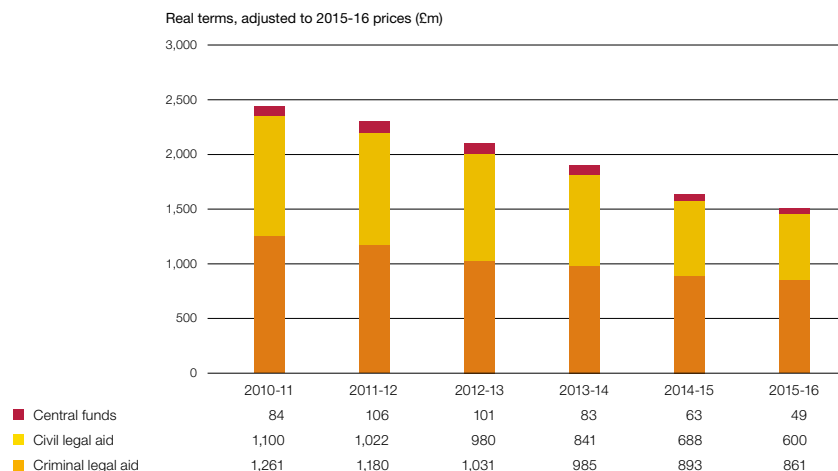
The LAA administers the legal aid system in England and Wales. Legal aid is provided by independent lawyers and mediators who hold contracts with the LAA, and by a contracted-out telephone helpline.

## Staffing and spending

In 2016-17, the LAA had 1,456 staff members, 2% of the Ministry's total workforce, and spent £1,882 million, 19%, of the total expenditure of the Ministry.

Expenditure on legal aid fell by 38% between 2010-11 and 2015-16, with most of the reduction coming from spending on civil legal aid

Legal aid expenditure 2010-11 to 2015-16



Source: Legal aid statistics, England and Wales bulletin, January to March 2017

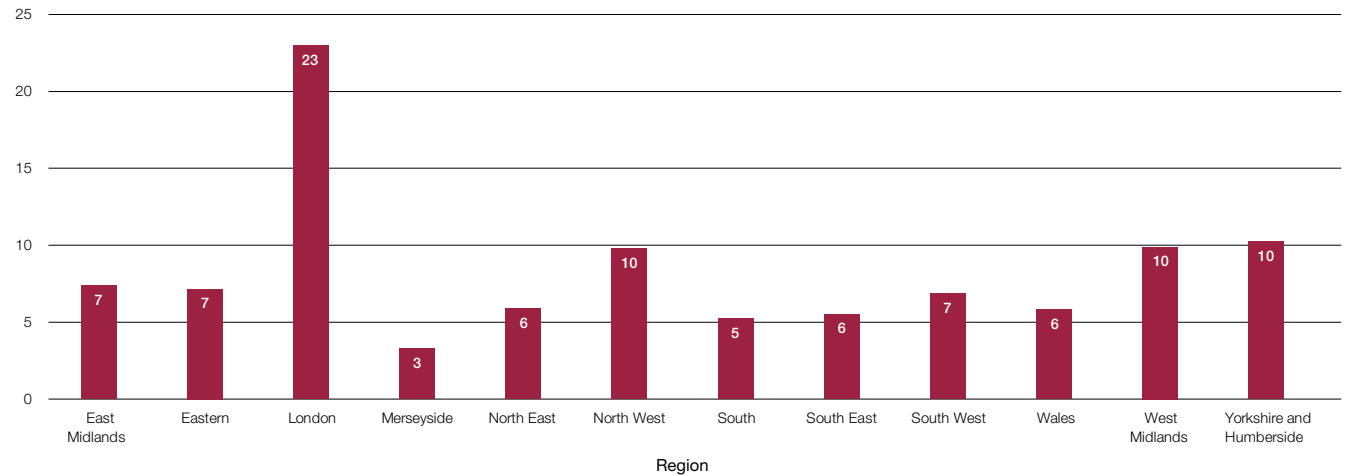
## In your area

In 2016-17, 1.44 million pieces of legal aid were provided. The number varied significantly by region, ranging from 329,794 in London to 47,228 in Merseyside. London accounted for 23% of all legal aid claims by number of cases (including both criminal and civil cases), while Merseyside accounted for 3% of cases.

When the NAO examined changes to legal aid in 2014, it found significant variation in the number of legal aid claims started per 100,000 people in different areas of the country. In some areas, there were more than 1,000 claims per 100,000 people, while in other areas there were fewer than 50 per 100,000 people. It is not clear whether this was because there was less need in some areas than others, or whether legal aid was harder to access in some areas.

Volume of claims by UK region in 2016-17

Claims attributable to each region (%)



Source: Legal aid statistics, England and Wales bulletin, January to March 2017



## Recent and planned developments



### Legal Aid, Sentencing and Punishment of Offenders Act 2012 changes to civil legal aid

In 2012, government significantly restricted the availability of civil legal aid in order to reduce the cost of the system. These changes were introduced through the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). The main changes included limiting the areas of law covered by legal aid and restricting access to legal aid for particular groups. Prior to reforms, it was estimated that around 685,000 civil legal aid claims would be approved in 2013-14. Following reforms, the actual number was 300,496. Spending on legal aid fell by 38% between 2010-11 and 2015-16. In 2014, the [NAO reported](#) that the Ministry was on track to meet its main objective of significantly reducing spending on civil legal aid in a short time frame, but that it did not think through the impact of the changes on the wider system early enough, and does not know whether all those who are eligible for legal aid are able to access it.



### Government has been defeated in the courts on a number of changes to civil legal aid

Government has refined its approach to civil legal aid following a number of defeats in the courts. It was defeated on its guidance for granting Exceptional Case Funding, which is a scheme that provides legal aid for cases that fall outside the scope of the normal legal aid scheme, but where a failure to provide legal aid could lead to a breach a person's rights under the European Convention on Human Rights or under EU law. The guidance was found to be unlawfully restrictive (December 2014). The Ministry was also defeated on the introduction of a residency test for legal aid, which sought to restrict access to legal aid to people who had been lawfully resident in the UK for less than a year (April 2016) and cuts to legal aid for prisoners (April 2017). Government is considering whether to appeal this latest decision.



### Changes to criminal legal aid

The Ministry has reduced the amount it spends on criminal legal aid from £1.26 billion in 2010-11 to £0.86 billion in 2015-16 by reducing the fees it pays for it. Between 2015-16 and 2016-17, however, the value of legal aid work for criminal law rose by £48 million (6%) because of an increase in the average length of cases and changes to the calculations used to determine the amount of work carried out.



### The LAA won the skills category of the 2016 Civil Service Awards for building digital capability

In 2016-17, more than 90% of legal aid applications were received online, and digital tools are used throughout the organisation.

# What are the things to look out for?

## Domestic violence

The reduction in legal aid has led to an increase in self-representation in court and, as a result, increasing numbers of victims being cross-examined by perpetrators. In January 2017, the Ministry announced an emergency review into this issue. The Courts Bill, introduced in the 2017 Queen's Speech, intends to end direct cross-examination of domestic violence victims by their alleged perpetrators in the family court.

## Post-implementation review of changes to civil legal aid

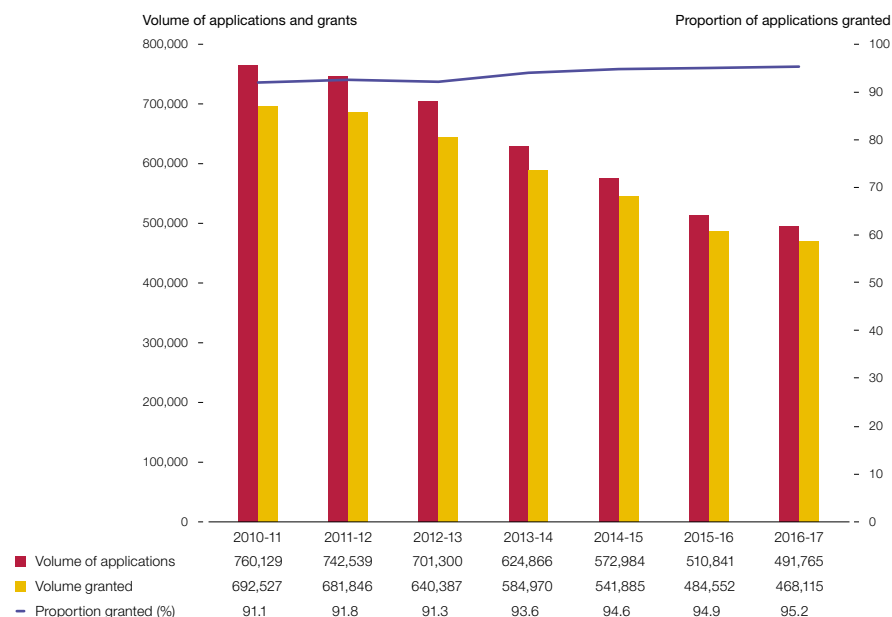
In 2012, government significantly restricted the availability of civil legal aid in order to reduce the cost of the system. These changes were introduced through the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) ([see previous page](#)). The Ministry will publish a post-implementation review of LASPO 2012 by April 2018. The review will aim to provide government “with a robust evidence-based picture of the current legal aid landscape and how it has changed”.

## Amount of legal aid provided

Following LASPO 2012, which changed the eligibility criteria for legal aid, numbers of applications decreased. The number of applications has decreased year-on-year since then, although it is not clear why or whether it will level out at some point.

### Volumes of applications received and granted

The amount of legal aid provided has fallen year-on-year for the past seven years



#### Note

1 Figures used only include those areas of legal aid for which an application must be submitted to the LAA.

Source: National Audit Office analysis of legal aid statistics, England and Wales bulletin, January to March 2017



## HM Courts & Tribunals Service



How is  
it delivered?



In your area



Recent and planned  
developments



What are the things  
to look out for?

# How is it delivered?

## Introduction to courts and tribunal services

HM Courts & Tribunals Service (HMCTS) provides courts and tribunals services in England and Wales and non-devolved tribunals in Scotland and Northern Ireland. It is responsible for providing the administration for a fair, efficient and accessible courts and tribunal system and supporting an independent judiciary. It is accountable both to the Ministry (of which it is an executive agency) and to the judiciary. In 2016, 4.1 million cases were received into the courts and tribunal system.

## Delivering courts and tribunal services

There are 386 court and tribunal buildings in England and Wales and tribunal buildings in Scotland. Between 2010 and 2015, 146 courts were closed and 86 further closures were announced in February 2016. Prior to the commencement of the 86 closures, justice was delivered through 460 courts, tribunals and hearing centres.

## Staffing and spending

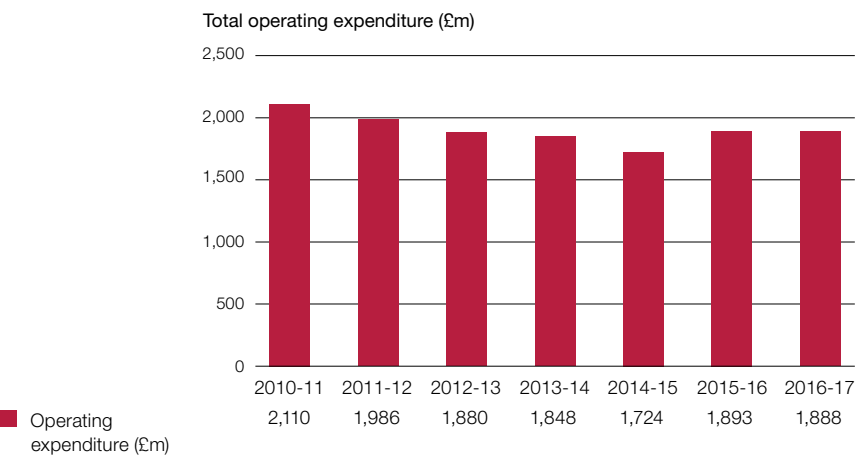
In 2016-17, the total operating expenditure of HMCTS was £1,888 million, a 0.3% reduction from £1,893 million in 2015-16.

There were 15,749 staff members in 2016-17, a reduction of 24% since 2010-11, when there were 20,777 staff members. The number of non-permanent staff has increased to 9% of the workforce in 2016-17, compared with 2% in 2010-11.

## Other related bodies

The UK Supreme Court is a separate entity that sits outside HMCTS. The Judicial Appointments Commission, which is an independent selection body for judicial appointments in the courts and tribunals, is also separate from HMCTS.

HM Courts & Tribunals Service total operating expenditure, 2010-11 to 2016-17



**Note**  
1 Unlike many other areas of the justice system, spending on courts has remained relatively stable since 2011-12.

Source: HM Courts & Tribunals Service, *Annual Report and Accounts*



In your area

## Regional variation in services

The NAO's Efficiency in the criminal justice system (2016) reported significant regional variation in criminal justice. Services varied in terms of how long it took for a case to be resolved and whether a trial was likely to go ahead as scheduled:

- A victim of crime in North Wales had a 7 in 10 chance of a trial going ahead at a Crown Court on the day it was scheduled, whereas in Greater Manchester the figure was only 2 in 10.
- It took more than 20% longer for cases to be heard in the worst-performing areas than in the best-performing areas.

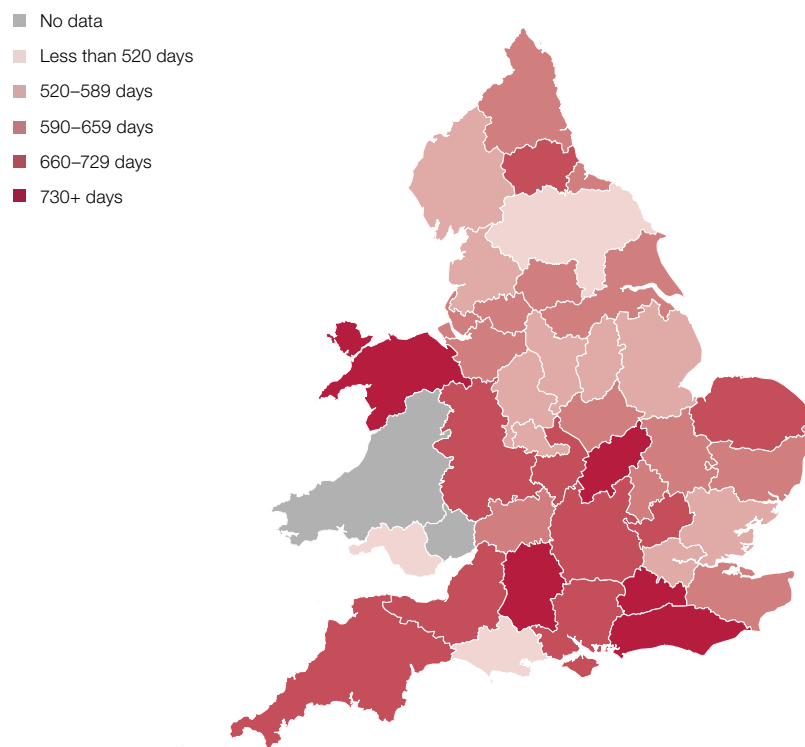
See map for the 2016-17 figures. They reflect the rise in historical offences coming through the system.

## Changes since the report

- The Ministry of Justice created the Crown Court published information tool, which enables scrutiny of published data for all Crown Courts and comparison between regions.
- HMCTS is implementing the '**Single Justice Procedure**'. This removes the need for cases to be heard in court by allowing a magistrate to sit with a legal adviser out of court and sentence those who plead guilty to offences including speeding and vehicle excise duty and fare evasion. This is expected to relieve pressure on the system; there are about 850,000 such cases a year, equivalent to 55% of the total number of cases received by magistrates' courts in 2016-17.
- **Transforming the courts estate.** Court closures are ongoing under the reform programme. In February 2016, HMCTS announced 86 closures following public consultation. Many closures are expected to have no impact on the ability of users to reach a court within one hour by car, although, for example, only 6% of Barnstaple Crown Court users would be within one hour's drive of an alternative facility.

## Regional variation – timeliness in the Crown Court

Offence to completion 2016-17



### Note

- 1 Humberside includes data for South Yorkshire and the Humber as South Yorkshire Local Criminal Justice Board  
no longer exists.
- 2 Gwent and Dyfed-Powys have magistrates' cases only and as the timeliness data only includes Crown Courts,  
these areas do not have any data.

Source: National Audit Office analysis of the published Ministry of Justice *Criminal Court Statistics*



## Recent and planned developments

### Transforming our justice system

The Ministry is investing around £1 billion to transform the justice system. Once fully implemented in 2022, the reforms are expected to deliver £226 million of savings per year.

Under the transformation:

- the 86 court closures announced in February 2016 will help fund investment in fewer, more modern and more adaptable courts. HMCTS estimated that 48% of courts and tribunals were used for less than half of their available hours in 2014-15;
- WiFi was installed in criminal courts as part of a previous upgrade programme (the 'Criminal justice system efficiency programme'). The new reform programme is rolling out WiFi coverage to civil and family courts and tribunals;
- more cases are to be heard via video-link to save court time and improve the experience of victims and witnesses;
- some civil legal services will be digitised, including civil money claims that accounted for more than four-fifths of claims issued in county courts and the High Court in 2015. Divorce and probate applications are also due to move online;
- tribunals are to become 'digital by default'. As part of this, digital document sharing will be in place with relevant government departments (such as HM Revenue & Customs and the Department for Work & Pensions). New tribunals services will include online dispute resolution for Social Security and Child Support hearings; and
- the Criminal Justice Common Platform programme is developing a digital platform for cases progressing through the criminal justice system, allowing cases to flow from the police, through the Crown Prosecution Service, into courts and beyond on a single system. It aims to enable legal professionals, public bodies and the judiciary to access and enter case information efficiently.



#### Ecological footprint:

**HMCTS reported that digitisation has saved printing more than 30 million pages of information so far.**



**137,495 cases were heard via video-link in 2016-17 (a 10% increase from 2015-16).**



**54,000 devices are connected to WiFi each week in criminal courts.**

# What are the things to look out for?

## The Courts Bill

The Courts Bill was announced in the Queen's Speech 2017. It provides the enabling legislation for parts of the reform programme.

## Employment tribunal fees

Employment tribunal fees were introduced in July 2013. Cases have fallen by 72% since 2012-13. In November 2016, the Justice Select Committee recommended that the government complete an assessment of the impact of employment tribunal fees. In January 2017, the Ministry published its assessment alongside a consultation on extending the support available to people on lower incomes.

In July 2017, the Supreme Court found that the level that tribunal fees were set at was inconsistent with access to justice principles, and therefore unlawful. The Ministry has said it will take immediate steps to stop charging these fees in employment tribunals and put in place arrangements to refund those who paid them. The Ministry is not yet able to quantify the total costs, but as an indication it collected employment tribunal fees of £7.8 million in 2016-17, and these fees have been in place since July 2013.

Cases in employment tribunals from 2012-13 to 2016-17



### Note

1 The number of cases going to employment tribunals significantly reduced after the introduction of fees in July 2013 (Q2 2013-14).

Source: National Audit Office analysis of Ministry of Justice data, *Tribunals and gender recognition certificates statistics quarterly: January to March 2017, June 2017*



## Prison Service



How is  
it delivered?



In your area



Recent and planned  
developments



What are the things  
to look out for?



# How is it delivered?

## Prison services

Her Majesty's Prison and Probation Service (HMPPS) is responsible for the prison estate, including adult prisons, youth offender institutions and some immigration removal centres. Specifically, it:

- works with its partners to carry out the sentences determined by the courts, either in custody or the community; and
- aims to reduce reoffending by rehabilitating offenders through education and employment.

HMPPS is an executive agency of the Ministry of Justice and replaced the National Offender Management Service (NOMS) on 1 April 2017.

There are 104 public sector prisons and 14 privately managed prisons, managed by private companies under contract, in England and Wales. The private sector also provides services including prison escorts, catering and facilities management. There were 86,000 people in prison and young offender institutions in August 2017 and 268,000 supervised by the probation service as at March 2017.

## Prison inspection

HM Inspectorate of Prisons inspects conditions and the treatment of detainees. Prison healthcare is inspected by the Care Quality Commission, while education provided in prisons is inspected by Ofsted.

## The cost of prisons

The cost of prisons to the Ministry was £3.954 billion in 2016-17 (see figure). The average annual cost per prisoner in 2015-16 was £32,510.

## Prison staffing

There were 31,493 people (FTE) employed by public sector prisons as at 30 June 2017. In HMPPS there were 24,133 (FTE) operational prison staff. Operational prison staff numbers have reduced by more than 10,000 since 2009-10, but HMPPS expects to employ an additional 2,500 prison officers by the end of 2018. On 31 March 2017, 95 out of 104 public sector prisons and young offender institutions were under-staffed.

Prison service funding and operational staff in post from 2009-10 to 2016-17, with staff projections until the end of 2018

Staff numbers in prisons have significantly reduced in recent years. The Ministry has announced plans to recruit more staff



### Notes

- 1 Funding shows the total net funding received by NOMS from the Ministry for each financial year ending in March. This includes funding for all of NOMS' activities, not just for prisons. Figures for prison service operational staff in post during the financial years from 2009-10 to 2016-17 are taken from the NOMS Workforce Statistics Bulletin, March 2017, available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/614643/noms-workforce-tables-march-2017.xlsx](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614643/noms-workforce-tables-march-2017.xlsx)
- 2 Operational staff includes prison officers, supervising officers, custodial managers, operational managers and operational support grades, at public custodial centres including immigration removal centres.
- 3 There were 23,813 operational staff as of 30 September 2016. In the white paper for Prison Safety and Reform, the then Secretary of State announced that 400 additional operational staff were expected to be in post by March 2017, providing a March 2017 estimate of 24,013 officers. In total, 2,500 additional staff are expected to be in post by the end of 2018, providing a total of 26,113.
- 4 From 1 October 2016 policy responsibility for education and training provision for those subject to adult detention in England transferred from the Department for Education to the Ministry, to be overseen by NOMS. This funding was worth £143 million in 2015-16, almost all of which was committed to existing contracts which transferred, with employment and careers advice staff employed by contractors not by NOMS/HMPPS (they are not therefore included in the staff figures above). The funding is included in the funding provided to NOMS by the Ministry in 2016-17 in this figure.

Source: National Audit Office analysis of National Offender Management Service annual reports and accounts, and workforce data

## In your area

### Prison numbers

There were 118 prisons and a total of 85,513 prisoners in England and Wales as at 31 March 2017. The population fluctuated between 84,307 in December 2016 and 85,926 in October 2016.

### Prison performance

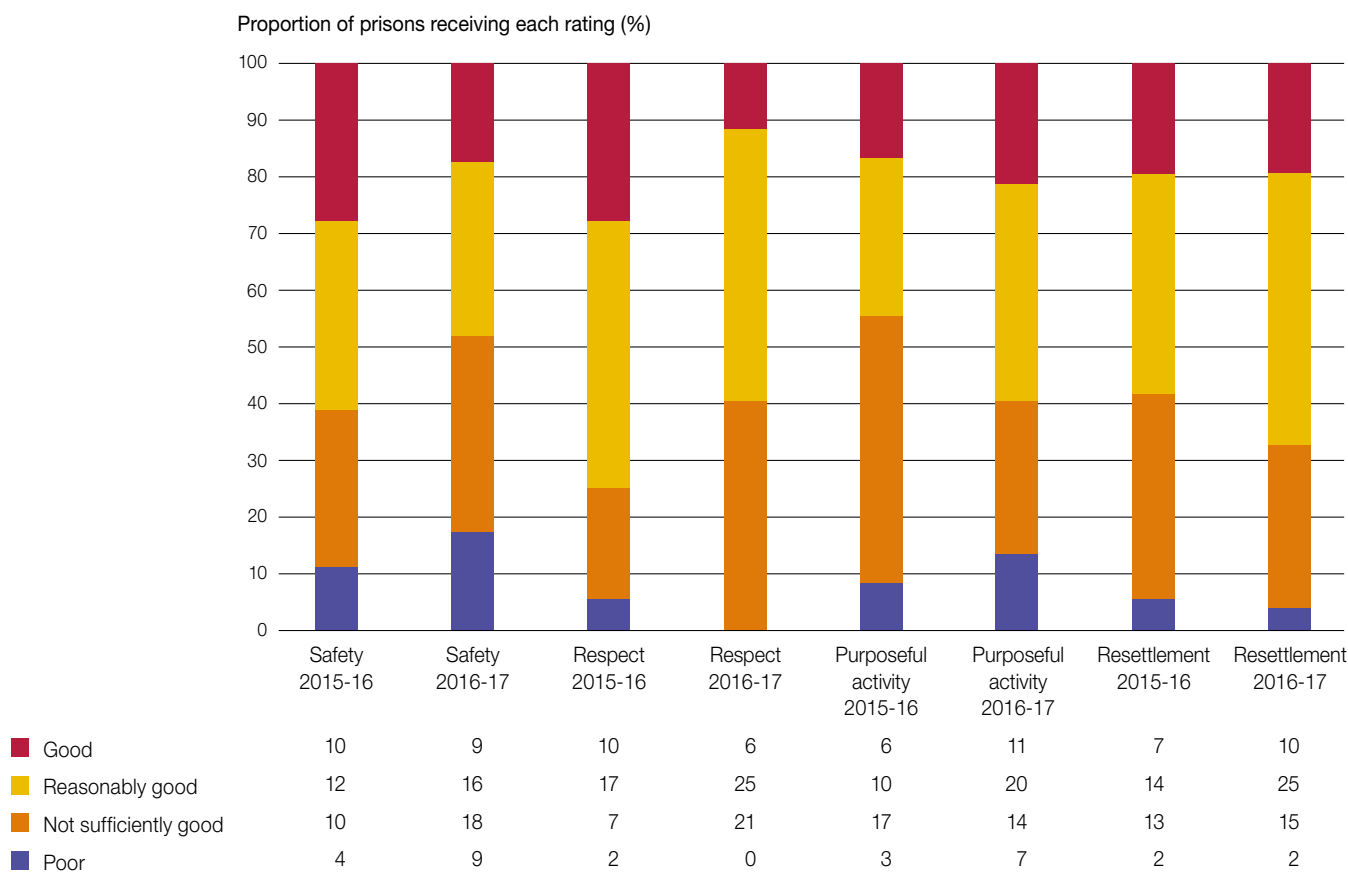
Between 1 April 2016 and 31 March 2017, HM Inspectorate of Prisons inspected 52 prisons. It comes to a judgement on the quality of outcomes for detainees based on four criteria:

- Safety: prisoners, particularly the most vulnerable, are held safely.
- Respect: prisoners are treated with respect for their human dignity.
- Purposeful activity: prisoners are able, and expected, to engage in activity that is likely to benefit them.
- Resettlement: prisoners are prepared for their release back into the community and effectively helped to reduce the likelihood of reoffending.

Each area is scored as either good, reasonably good, not sufficiently good, or poor.

### Prison inspection scores, 2015-16 and 2016-17

Compared with prisons inspected in 2015-16, prisons inspected in 2016-17 generally scored worse for safety and respect, but better for purposeful activity and resettlement



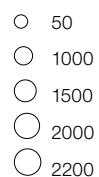
Source: National Audit Office analysis of HM Inspectorate of Prisons data, HM Chief Inspector of Prisons for England and Wales, *Annual Report 2016-17* and HM Chief Inspector of Prisons for England and Wales, *Annual Report 2015-16*



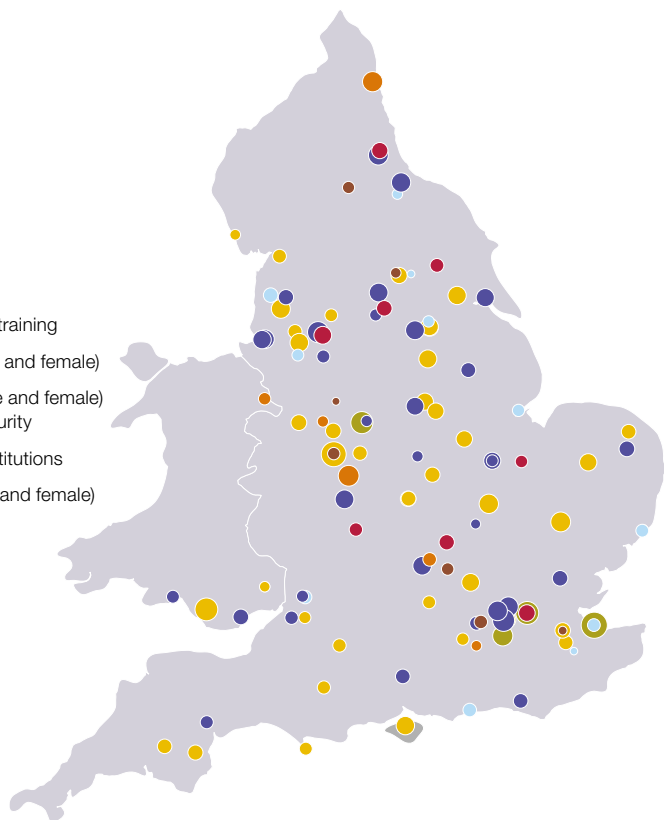
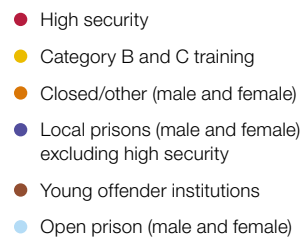
## In your area *continued*

Map of prisons in England and Wales, showing size and prison type, as at June 2017

Number of prisoners



Prison type



Source: National Audit Office analysis of Ministry of Justice data

The following prisons have been merged in this figure:

- 1 Downview (closed/other, population 310) and Highdown (local, population 1,014)
- 2 Isis (category B and C, population 624) and Thameside (local, population 1,124)
- 3 Stanford Hill (open, population 460) and Swaleside (category B and C, population 1,046)
- 4 Dovegate (category B and C, population 1,040) and Sudbury (open, population 574)

## Recent and planned developments



### HM Prison and Probation Service (HMPPS) replaced the National Offender Management Service (NOMS) in April 2017

From 1 April 2017, NOMS ceased to exist and its functions were split between the Ministry of Justice and HMPPS. HMPPS retained responsibility for the operational management of prisons, while responsibility for commissioning and policy has moved into the Ministry.

At the same time, a new Youth Custody Service (YCS) was established within HMPPS with responsibility for all aspects of work with young people.



### Funding and staffing

Between 2009-10 and 2016-17:

- funding from the Ministry to NOMS (now HMPPS) reduced by 13%;
- NOMS reduced the number of operational staff in public prisons by 30% to manage within its reduced budget; and
- the prison population remained broadly stable at between 83,852 and 87,080.

HMPPS reported that as at 31 March 2017, 92% of prisons and young offender institutions were under-staffed, by an average of 7%, or about one in every 14 posts. The prison with the largest shortfall was HMP Young Offender Institution Feltham, which was 20% understaffed, or about one in every five posts. The NAO reported on [Mental health in prisons](#) in June 2017 and found that when prisons are short-staffed governors may run restricted regimes where prisoners spend more of the day in their cells, making it more challenging for prisoners to access mental health services.



### Tackling extremism

Extremism in prisons is a growing risk. In April 2016, the Ministry announced the creation of a directorate for Security, Order and Counter-Terrorism with responsibility for monitoring and dealing with extremism in prisons and probation services.



### Changes proposed in the Prisons and Courts Reform Bill 2017

In February 2017, the then government introduced a bill on prison and courts reform, which added rehabilitation into the statutory purpose of prisons, changed the role of prison governors and increased the remit of HM Inspectorate of Prisons.

The bill fell with the dissolution of Parliament in May 2017. It has been replaced by the Courts Reform Bill, which does not include prison reform. It is not yet clear whether the previously planned changes will now be implemented.

## What are the things to look out for?

### Prison estate transformation programme

More than one-quarter of the current prison estate was built before 1900 and many prisons are not fit for purpose. The Ministry established the Prison estate transformation programme to reconfigure the custodial estate, including the construction of new prisons and smaller house-block units within existing prisons. In November 2015, the government committed £1.3 billion to building nine new prisons and closing some Victorian prisons (creating 10,000 spaces). HMP Berwyn, which has a capacity of 2,106, opened in February 2017. This is one of a number of [major programmes](#) that the Ministry is planning, and which put its programme management capability under significant pressure.

### Staff recruitment and retention

Excluding changes in staff numbers as a result of earlier organisational changes, the number of staff employed by NOMS/HMPPS has decreased by 22% since March 2010, although there is a plan to recruit an additional 2,500 front-line prison staff by the end of 2018. HMPPS' 2016-17 accounts received a qualified audit opinion because of pay increases that breached HM Treasury limits without prior approval. In March 2017, 92% of prisons and young offender institutions were under-staffed, by a total of 2,429 full-time staff.

Since March 2017, HMPPS has recruited 353 full-time members of prison staff. HMPPS is in the process of benchmarking and recalculating its staffing position.

### Prison safety and security

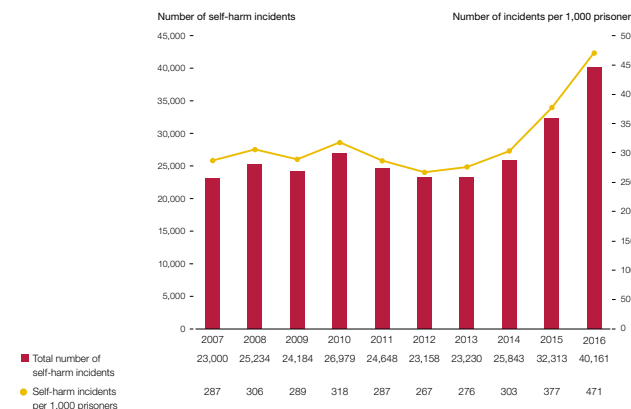
Prison safety has declined since 2012. There were 7,159 assaults on staff in the 12 months to March 2017 (a rate of 84 per 1,000 prisoners), an increase of 32% from the previous year. This rate is the highest on record. The Ministry attributed it to long-term shifts in the nature of the prison population and the use of psychoactive substances.

### Mental health among prisoners

The number of suicides has almost doubled since 2012, to 120 cases in 2016. In the 12 months to June 2017 provisional data suggest that there were 97 suicides. Rates of self-harm have also risen significantly in the past five years (see figure). In our report on [Mental health in prisons](#), we reported that government does not know how many people in prison have a mental illness, how much it is spending on mental health in prisons or whether it is achieving its objectives. In February 2017, the then Secretary of State for Justice committed to work on improving mental health in prisons.

Incidents of self-harm in custody in England and Wales, 2007 to 2016

Rates of self-harm have been on the increase since 2012 and are now at a record high



#### Notes

1 Data show the total number of self-harm incidents and self-harm incidents per 1,000 prisoners in each year.

2 Data include incidents at HM Prison and Probation Service-run Immigration Removal Centres.

Source: Ministry of Justice, *Safety in Custody Statistics*, National Statistics, 27 April 2017, available at: [www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-december-2016-2](http://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-december-2016-2)



## Probation Service



How is  
it delivered?



In your area



Recent and planned  
developments



What are the things  
to look out for?

# How is it delivered?

## Delivering probation services

Probation is the means through which offenders are supervised and their rehabilitation is pursued. Probation services exist to: protect the public; reduce reoffending and rehabilitate offenders; carry out the proper punishment of offenders; and ensure offenders are aware of the impact of crime on victims and the public. It may involve specific activities, for example unpaid work, education or training, or treatment for addictions. Offenders will be supervised throughout probation by an offender manager.

Her Majesty’s Prison and Probation Service (HMPPS) operates probation services. HMPPS replaced the National Offender Management Service on 1 April 2017. It is an executive agency of the Ministry of Justice.

Prior to June 2014, probation services were delivered by 35 public sector regional probation trusts. Since then, probation services have been delivered by a public sector National Probation Service (NPS) and 21 Community Rehabilitation Companies (CRCs). CRCs initially operated as companies in public ownership, and then transferred to eight, mainly private sector, providers on 1 February 2015.

The NPS advises courts on sentencing all offenders and manages the 20% of offenders in the community presenting higher risks of serious harm or with prior history of domestic violence and sexual offences. CRCs supervise the 80% of offenders presenting low and medium risk of harm.

## Inspection

HM Inspectorate of Probation inspects both CRCs and the NPS.

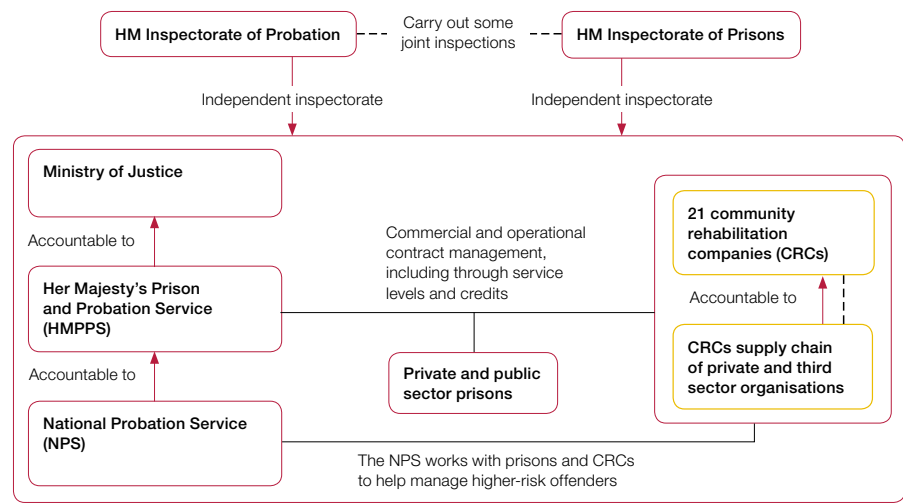
## Service cost

The total cost the NPS in 2016-17 was £414 million (total net resource expenditure).

## Probation staffing

As at 30 June 2017, there were 8,758 FTE staff in the NPS. This included 3,523 probation practitioners. There are no official statistics on the number of staff and probation officers employed by CRCs as they are private companies.

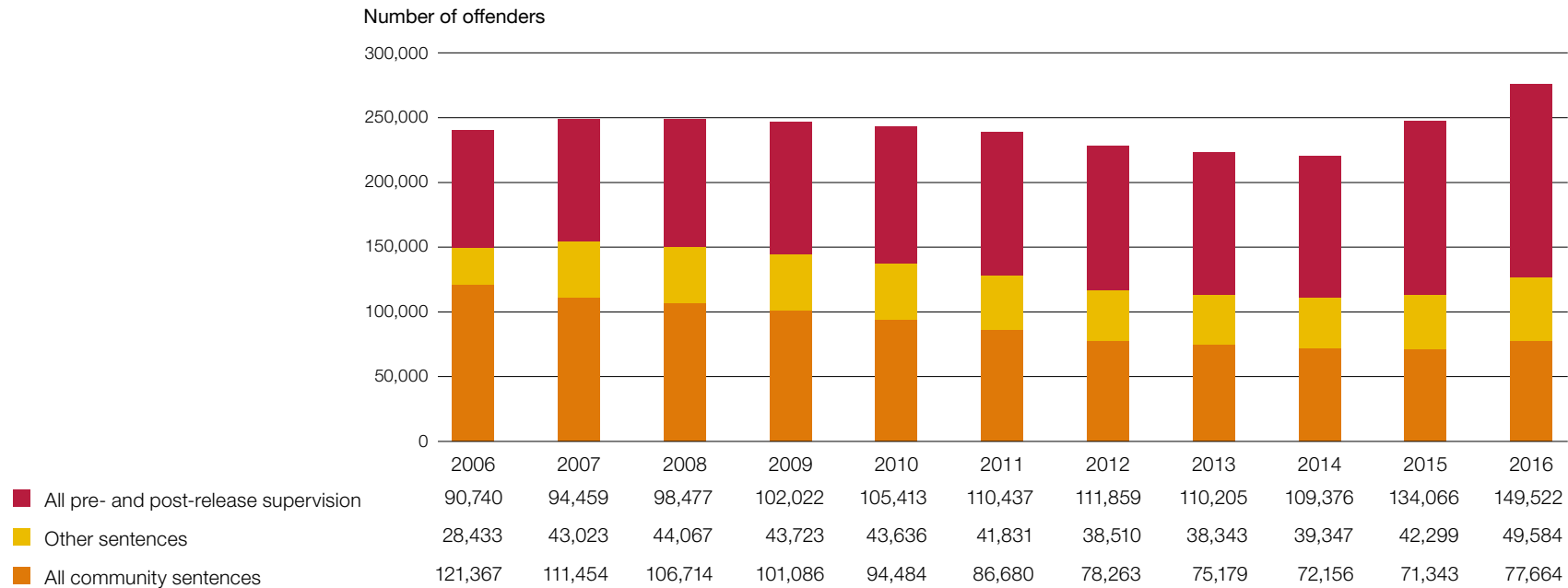
Roles and responsibilities within the probation system



Source: National Audit Office, *Transforming Rehabilitation*, April 2016.

## How is it delivered? *continued*

Number of offenders being supervised by probation services, 2006 to 2016



### Note

- 1 There has been a significant increase in the number of people on post-release probation supervision, since the Transforming Rehabilitation reforms introduced probation services for people on shorter sentences. See [recent and planned developments](#) for more information.

Source: National Audit Office analysis of Ministry of Justice and HM Prison and Probation Service data, *Offender Management Statistics Quarterly: January to March 2017*, July 2017





## In your area

### Who delivers probation services locally?

Probation services are delivered by 21 Community Rehabilitation Companies (CRCs) and by local National Probation Service (NPS) teams, organised into seven regions.

### How many offenders are being supervised?

Across England and Wales, there were 268,062 offenders on probation as at 31 March 2017, 7% more than a year earlier.

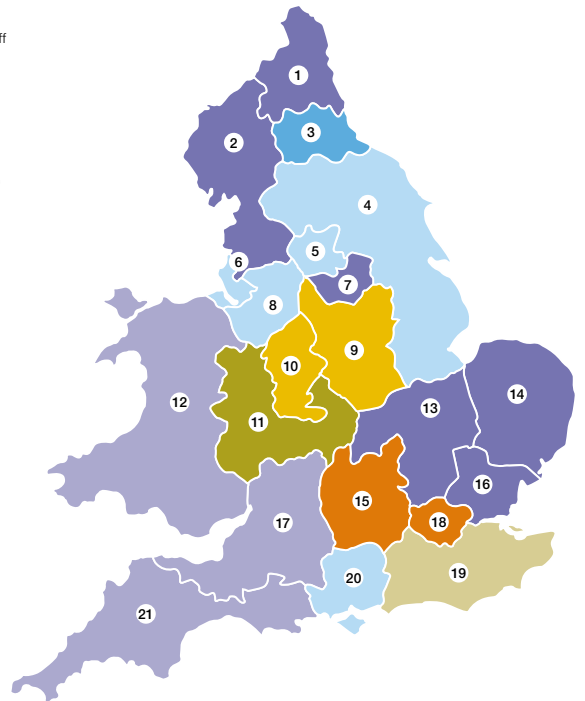
### Quality of services

HM Inspectorate of Probation is responsible for assessing the quality of work of both CRCs and the NPS and how well they work together. Its inspection reports conclude on the quality of local work around protecting the public, reduce reoffending, and ensuring those on probation abide by the sentence.

HM Inspectorate of Probation has carried out Quality and Impact inspections of services in South Yorkshire, Suffolk, Northamptonshire, Gwent, Greater Manchester, Staffordshire and Stoke, North London, Kent, Derbyshire, York and North Yorkshire, and Durham. Inspection reports are available [here](#).

#### Owners of the 21 CRCs

- Sodexo with Nacro
- Working Links (company)
- ARCC consortia with probation staff
- Purple Futures, an Interserve-led partnership
- MTCnovo – MTC, Amey and others
- Reducing Reoffending Partnership – Ingeus UK and St. Giles Trust
- PeoplePlus (previously EOS Works)
- Seetec

- 
- |   |   |   |
|---|---|---|
| 1 Northumbria   | 12 Wales  | 17 Bristol, Gloucestershire, Somerset and Wiltshire |
| 2 Cumbria and Lancashire                                  | 13 Bedfordshire, Northamptonshire, Cambridgeshire and Hertfordshire | 18 London   |
| 3 Durham Tees Valley                                      | 14 Norfolk and Suffolk  | 19 Kent, Surrey and Sussex                          |
| 4 Humberside, Lincolnshire and North Yorkshire            | 15 Thames Valley  | 20 Hampshire and Isle of Wight                      |
| 5 West Yorkshire  | 16 Essex  | 21 Dorset, Devon and Cornwall                       |
| 6 Merseyside  |   |   |
| 7 South Yorkshire   |   |   |
| 8 Cheshire and Greater Manchester                         |   |   |
| 9 Derbyshire, Leicestershire, Nottinghamshire and Rutland |   |   |
| 10 Staffordshire and West Midlands                        |   |   |
| 11 Warwickshire and West Mercia                           |   |   |

#### Note

<sup>1</sup> Working Links is jointly owned by public, private and voluntary sector shareholders.

Source: Ministry of Justice announcement of successful bidders, December 2014. Available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/389727/table-of-new-owners-of-crcs.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389727/table-of-new-owners-of-crcs.pdf)



## Recent and planned developments

### Extension of services

Following the introduction of the Offender Rehabilitation Act 2014, offender supervision has been extended to offenders with prison sentences under 12 months. Around 45,000 short-sentence offenders, for whom reoffending rates are relatively high, are now covered by probation services.

### ‘Through the Gate’ services

Since May 2015, in an initiative known as ‘Through the Gate’, probation services must provide offenders with resettlement services while they are still in prison, in anticipation of their release. HMPPS is reorganising the prison estate with the aim of holding offenders closer to home, to provide some continuity in probation before and after release. However, in October 2016 HM Inspector of Probation found that more than two-thirds of offenders released from prison had not received enough help pre-release in relation to accommodation, employment or finances.

### Delivery chains and accountability

Community Rehabilitation Companies (CRCs), which deliver probation services to lower-risk offenders, are owned by different providers, which may be consortia of private and third sector organisations. Our report on [Transforming Rehabilitation](#) found that, although the Ministry put extensive effort into attracting voluntary sector bidders, voluntary sector bidders largely lost out to private sector contractors when bidding to lead CRCs, owing to their more limited resources and appetite for risk.

### Electronic monitoring of offenders

In 2011, the Ministry decided to procure a new kind of ankle tag to monitor those on probation in order to reduce the cost of tagging, and increase sentencing options for courts. The Ministry expected the new tags to reduce monitoring costs by £9 million to £30 million per annum. In July 2017, the NAO reported on the programme, and found that the case for a huge expansion of electronic monitoring using global positioning system technology was unproven, but that the Ministry of Justice pursued an over-ambitious and high-risk strategy anyway. The project is late, and has not delivered the intended benefits. The Ministry has taken action to address many of the issues, but major risks remain. This report follows a 2013 [Memorandum to Parliament](#), which examined the events surrounding the Ministry of Justice’s process in 2013 to retender its electronic monitoring contracts, and its subsequent decision to commission a forensic audit of the contracts to examine potential overbilling by providers. This is the subject of ongoing investigations by the Serious Fraud Office.

### Innovation

One of the aims of the Transforming Rehabilitation programme was to encourage innovation, including finding new ways of turning people’s lives around and reducing reoffending. HM Inspectorate of Probation reported in May 2016 that it has seen little innovation in the way in which service users are progressing through probation. Our report on [Transforming Rehabilitation](#) found that the significantly lower levels of business than the Ministry projected (see section on market sustainability overleaf) will affect some CRCs’ ability to deliver the level of innovation they proposed in their bids. The Ministry is monitoring CRCs to determine what action is necessary to ensure it achieves its objectives (see ‘Market sustainability’ under [What are the things to look out for?](#)).



## What are the things to look out for?



### Market sustainability

In April 2016, we reported on [Transforming Rehabilitation](#), and reported that the number of cases that CRCs were receiving as part of their contracts to deliver probation services were much lower than the Ministry had expected, and that if this translated into reduced income, it would affect the ability of CRCs to invest to transform their businesses. The volume reductions varies significantly between CRCs. In 2015-16 it varied from 6% to 36%. In July 2017, the Ministry varied its contracts with the CRCs to provide potential additional funding totalling up to £278 million over seven years (an increase of 10%), depending on volumes throughout the life of the contract. The increases varied by CRC between 6% and 16% of the original contract values; in cash terms these increases varied between £7 million and £37 million. It is not yet clear whether this will be sufficient to maintain the viability of CRCs, or whether further changes will be required.



### Reoffending rates

A conservative estimate of the annual cost of reoffending to society in England and Wales is between £7.4 billion and £10.7 billion. The reoffending rate for adult offenders between October 2012 and September 2013 was 45.4%, a fall of 7.2% since 2002. The objective of the Ministry's Transforming Rehabilitation programme was to reform the probation landscape, and ultimately reduce costs and reoffending. In our report on [Transforming Rehabilitation](#), we reported that data on performance are currently limited to information on service levels for the completion of probation activities. However, data on reoffending should be available in late 2017.

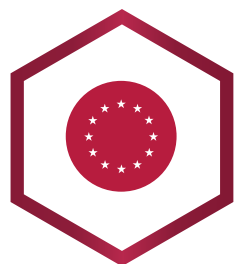


### Payment by results

Payments to CRCs for supervising offenders included a standard fee for service and a payment by results element. The new arrangements are designed to provide opportunities to innovate and develop new systems. The contract has now been modified (see above) to increase the standard fee. There are early signs of adverse behaviours, driven inadvertently by contract provisions. In June 2017, HM Inspectorate of Probation published [An Inspection of Through the Gate Resettlement Services for Prisoners Serving 12 Months or More](#). This reported that the "CRC contracts incentivise the completion of resettlement plans, not the improvement of prisoners' situations... The staff we met in prisons working for 'Through the Gate' were keen and committed, and were clearly very busy writing resettlement plans to meet contractual targets. Many of them, and some of their managers, were unaware that the work they were doing was having little or no impact on the eventual resettlement of prisoners."



## Appendices



Appendix One –  
Exiting the  
European Union



Appendix Two –  
Staff and pay  
2016-17



Appendix Three –  
Staff attitudes and engagement  
in 2016 compared with 2015



Appendix Four –  
Recent NAO reports



Appendix Five –  
Sponsored  
public bodies



## Appendix One – Exiting the European Union

The UK is currently part of an EU-wide policing and justice cooperation system that allows law enforcement and intelligence to be shared, efficient extradition between member states, access to the pan-European prosecution policy, and exchange of criminal records with member states. It is part of the EU Prisoner Transfer Agreement.

The full implications of the UK leaving the European Union (EU) are not yet known, but there are likely to be a range of implications for the Ministry of Justice.

The priorities for the Ministry are likely to include:

- continuing cooperation on criminal justice, alongside the Home Office (see overleaf);
- maintaining access to EU regulations on inter-state commercial law;
- enabling cross-border legal practice rights and opportunities; and
- retaining efficient mechanisms to resolve family law cases involving EU member states and the UK.

One of the Ministry's objectives is to make the most of opportunities presented by exiting the EU to expand the reach of the UK's world-leading legal services.

The Ministry's stated intentions are as follows:

- Ensure that English law and English jurisdiction remain the leading choice for global business. The UK's legal services sector contributes £25.7 billion annually to the economy.
- Maintain access to the EU legal services market.
- Secure agreement on a cross-border framework for commercial, civil and family disputes.
- Establish a British Bill of Rights and reform the European Court of Human Rights.

The Court of Justice of the European Union (CJEU) is the EU's ultimate arbiter on matters of EU law. As a supranational court, it aims to provide both consistent interpretation and enforcement of EU law across all member states and a clear process for dispute resolution when disagreements arise. The CJEU is among the most powerful of supranational courts. The government has indicated that it will bring an end to the jurisdiction of the CJEU in the UK, but continue to honour the international commitments and follow international law.



## Appendix One – Exiting the European Union *continued*

### Five key tools for cooperation in the European Union's policing and criminal justice system



#### Europol

Supports investigations; provides analytical capabilities, processes data and makes links between crimes committed in different countries; gives access to law enforcement intelligence from other EU countries.



#### European Arrest Warrant (EAW)

Provides a basis for swift and cost-efficient extradition between EU member states.



#### Eurojust

Allows UK prosecutors to influence pan-European prosecution policy and practice; initiates Joint Investigation Teams on individual cases; allows requests of any member without the need for bilateral arrangements.



#### The European Criminal Records Information System (ECRIS)

Allows criminal records information to be exchanged between EU member states and requires them to respond to requests within certain timescales.



#### The EU Prisoner Transfer Agreement (EUPTA)

Obliges a country to take back its own nationals who are imprisoned in another member state. Almost all member states have now implemented this.

## Appendix Two – Staff and pay 2016-17

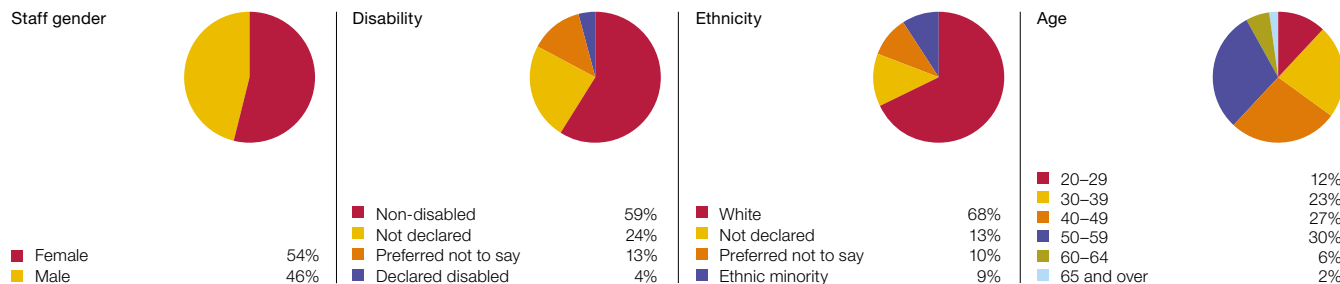
Gender split figures match those of the civil service as a whole.

Of Ministry staff, 4% identified themselves as disabled, compared with 6% across the civil service. The percentage of employees who did not wish to disclose their disability status was higher in the Ministry at 24% than the civil service average of 17%.

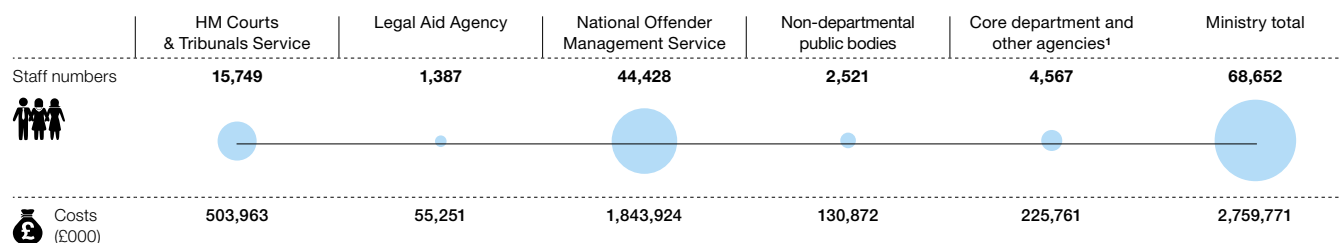
Ethnicity statistics show that the departmental group is in line with civil service averages, although the Office of the Public Guardian and the core department have much higher proportions of ethnic minority staff than the 9% average, at 39% and 17% respectively. The Ministry's Permanent Secretary is the Civil Service Race Champion.

The Ministry spent £15 million on consultants in 2016-17, up from £11 million in 2015-16, owing to change programmes under way.

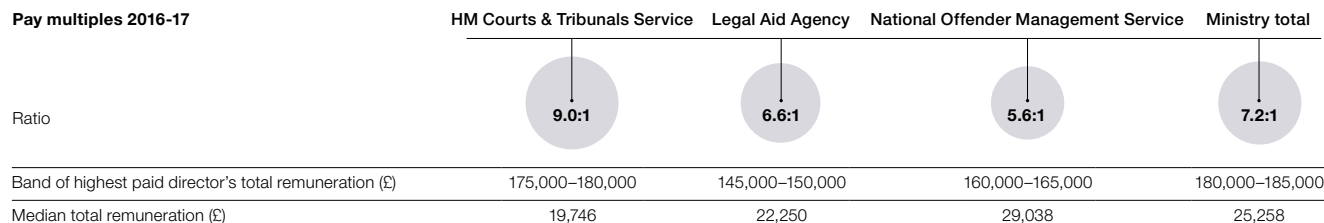
### Workforce in the Ministry of Justice 2016-17



### Staff breakdown 2016-17 (full-time equivalent)



### Pay multiples 2016-17



#### Note

<sup>1</sup> 'Core department and other agencies' staff total includes 126 FTE working on capital projects.

Sources: Ministry of Justice, *Annual Report and Accounts 2016-17*, HM Courts & Tribunals Service, *Annual Report and Accounts 2016-17*, Legal Aid Agency, *Annual Report and Accounts 2016-17*, National Offender Management Service, *Annual Report and Accounts 2016-16*, Office for National Statistics

## Appendix Three – Staff attitudes and engagement in 2016 compared with 2015

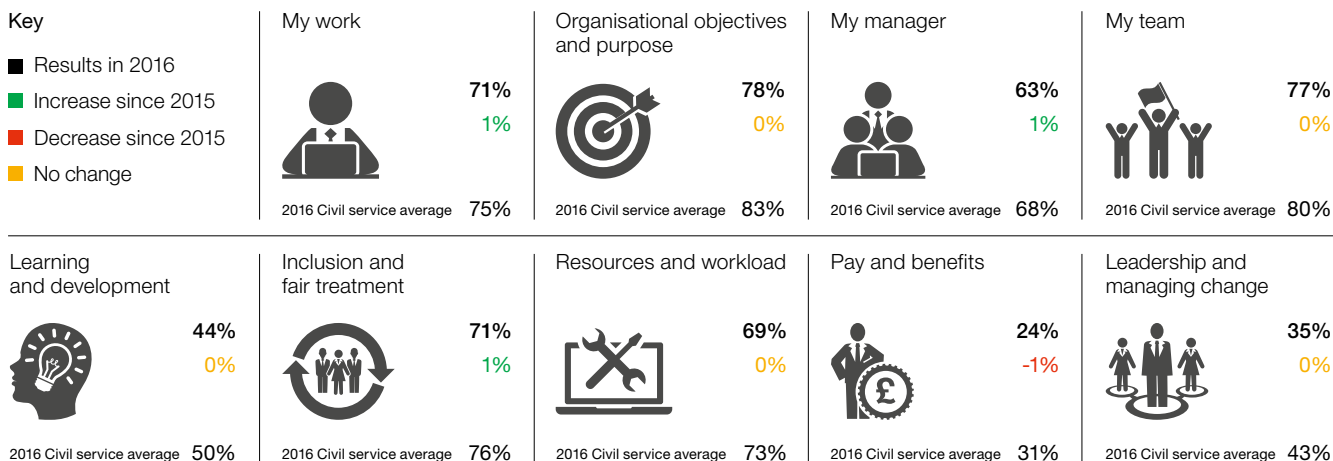
### The Ministry scored below the civil service average for satisfaction in all areas in 2016, including employee engagement

The government has conducted its Civil Service People Survey annually since 2009. The most recent survey results were published in November 2016.

The results above are for the Ministry of Justice including its agencies. The Ministry's scores in 2016 were broadly similar to its 2015 scores, while civil service averages also remained stable. However, the Ministry's scores are lower than civil service averages across all categories.

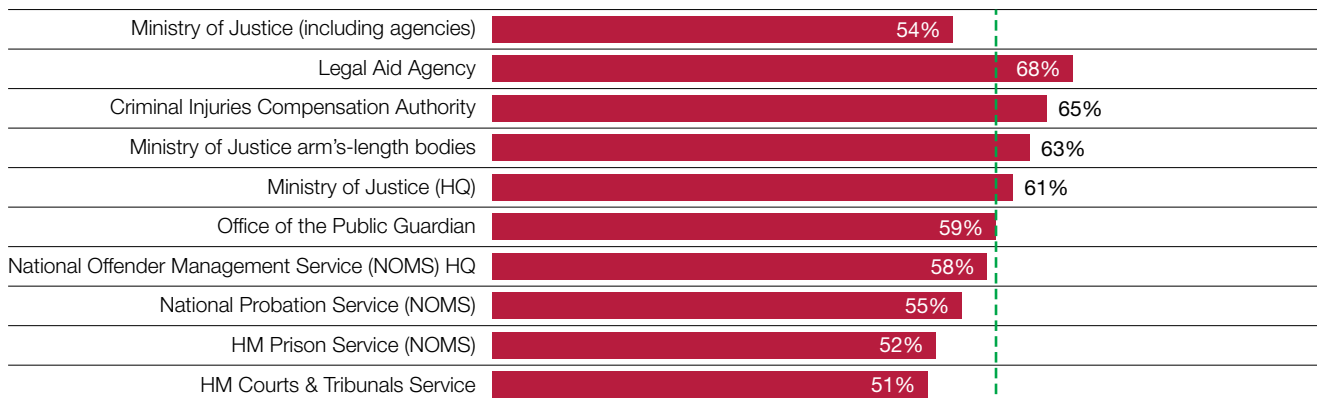
The results show the continuation of a trend for steady improvement in the headline employee engagement index (54%, +1% from 2015, +3% from 2014), which measures employees' commitment to the organisation and its values. Staff survey scores tend to be higher in smaller departments and those employing a large proportion of specialist staff. The Ministry's overall results remain comparable with those of five other large operational delivery departments falling in the middle of that range. The engagement index for the Ministry's two large agencies, HMPPS and HMCTS, at 54% and 51% respectively, were in line with the civil service benchmark for large operations organisations (53%).

### Attitudes of staff in 2016 compared with 2015 – Ministry of Justice



### Engagement index 2016

-- Civil service benchmark 2016 (59%)



Sources: Civil Service People Survey 2016 and 2015





## Appendix Four – Recent NAO reports

Title	Publication date	Description
<a href="#"><u>The new generation electronic monitoring programme</u></a>	12 July 2017	This report examines the key reasons that the programme to deliver a new generation electronic monitoring service has not been delivered so far, and whether the Ministry is addressing the remaining risks in its current approach.
<a href="#"><u>Mental health in prisons</u></a>	29 June 2017	This report looks at the provision of mental healthcare in prison and efforts to maintain prisoner well-being. We also considered routes out of prison, including continuity of care into the community and transfer to secure hospital.
<a href="#"><u>Investigation into the Parole Board</u></a>	28 February 2017	This report investigates a backlog of outstanding parole cases, which led to increased delays and costs, and how the Parole Board is addressing these problems.
<a href="#"><u>Departments' oversight of arm's-length bodies: a comparative study</u></a>	5 July 2016	This report compares and contrasts the approaches of four departments, including the Ministry, to oversight of their arm's-length bodies.
<a href="#"><u>Transforming Rehabilitation</u></a>	28 April 2016	This study examines whether the Ministry and the National Offender Management Service are managing Transforming Rehabilitation, and other ongoing reforms to the probation landscape, in a way that will improve the value for money of probation services.
<a href="#"><u>Confiscation orders: progress review</u></a>	11 March 2016	This report reviews the progress that the criminal justice bodies have made in reforming the confiscation orders system since early 2014.
<a href="#"><u>Efficiency in the criminal justice system</u></a>	1 March 2016	This report examines what the opportunities are to improve the efficiency of proceedings in the criminal justice system in England and Wales.
<a href="#"><u>NOMS Annual Report and Accounts 2016-17</u></a>	19 July 2017	NOMS/HMPPS publication. The annual report and accounts of the National Offender Management Service (now HM Prison and Probation Service), which received a qualified audit opinion following a breach of HM Treasury pay limits.

## Appendix Five – Sponsored public bodies

### Links to the website of sponsored bodies/arm's-length bodies, executive agencies and executive non-departmental public bodies

#### Children and Family Court Advisory and Support Service

Non-departmental public body (NDPB) established in April 2001 to safeguard and promote the welfare of children involved in family court proceedings.

[www.cafcass.gov.uk/](http://www.cafcass.gov.uk/)

#### Criminal Cases Review Commission

An independent, executive NDPB that the Ministry sponsors, which reviews possible miscarriages of justice in the criminal courts of England, Wales and Northern Ireland and refers appropriate cases to the appeal courts.

[www.justice.gov.uk/about/criminal-cases-review-commission](http://www.justice.gov.uk/about/criminal-cases-review-commission)

#### Criminal Injuries Compensation Authority

An executive agency that the Ministry sponsors, which deals with compensation claims from people who are victims of violent crimes in England, Scotland or Wales, and have been physically or mentally injured.

[www.gov.uk/government/organisations/criminal-injuries-compensation-authority](http://www.gov.uk/government/organisations/criminal-injuries-compensation-authority)

#### HM Courts & Tribunals Service

Administers the criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland.

[www.gov.uk/government/organisations/hm-courts-and-tribunals-service](http://www.gov.uk/government/organisations/hm-courts-and-tribunals-service)

#### Judicial Appointments Commission

An independent commission that selects candidates for judicial office in courts and tribunals in England and Wales, and for some tribunals whose jurisdiction extends to Scotland or Northern Ireland.

<https://jac.judiciary.gov.uk/>

#### Legal Aid Agency

An executive agency that the Ministry sponsors to provide civil and criminal legal aid and advice in England and Wales.

[www.gov.uk/government/organisations/legal-aid-agency](http://www.gov.uk/government/organisations/legal-aid-agency)

#### Legal Services Board

An independent body that oversees the regulation of lawyers in England and Wales. It ensures that regulation in the legal services sector is carried out in the public interest.

[www.legalservicesboard.org.uk/](http://www.legalservicesboard.org.uk/)

#### Her Majesty's Prison and Probation Service

Manages public sector prisons and oversees probation services in England and Wales. Also manages contracts for private sector prisons and services such as the Prisoner Escort Service and electronic tagging.

[www.gov.uk/government/organisations/her-majestys-prison-and-probation-service](http://www.gov.uk/government/organisations/her-majestys-prison-and-probation-service)

#### Office for Legal Complaints

The Office for Legal Complaints appoints the Legal Ombudsman for England and Wales, which ensures there is an independent ombudsman service to resolve complaints about legal services in England and Wales.

[www.legalservicesboard.org.uk/about\\_us/office\\_for\\_legal\\_complaints/](http://www.legalservicesboard.org.uk/about_us/office_for_legal_complaints/)

#### Office of the Public Guardian

An executive agency that the Ministry sponsors, which protects people in England and Wales who may not have the mental capacity to make certain decisions themselves, such as about their health and finance.

[www.gov.uk/government/organisations/office-of-the-public-guardian](http://www.gov.uk/government/organisations/office-of-the-public-guardian)

#### Parole Board

An independent, executive NDPB that the Ministry sponsors. It carries out risk assessments on prisoners to determine whether they can be safely released into the community.

[www.gov.uk/government/organisations/parole-board](http://www.gov.uk/government/organisations/parole-board)

#### Youth Justice Board

An executive NDPB that the Ministry sponsors, which oversees the youth justice system in England and Wales.

[www.gov.uk/government/organisations/youth-justice-board-for-england-and-wales](http://www.gov.uk/government/organisations/youth-justice-board-for-england-and-wales)