



National Audit Office

OVERVIEW

Ministry of Justice

Departmental Overview 2022-23

We are the UK's independent public spending watchdog

February 2024

About this overview

This guide has been produced to support the Justice Committee in its examination of the Ministry of Justice's (MoJ's) spending and performance. It summarises the key information and insights that can be gained from our examinations of the MoJ and related bodies in the sector in England and Wales, and the MoJ's Annual Report and Accounts. The MoJ spent over £13 billion last year to oversee elements of the justice system: The MoJ administers courts and tribunals in partnership with the independent judiciary, prisons, probation services and a range of services to help victims of crime, children, vulnerable people and those seeking access to justice.

The guide includes:

- how the MoJ is structured and where it spends its money;
- how the MoJ manages its people;
- the MoJ's major projects and programmes;
- key developments within the MoJ and justice sector over the past year; and
- risks for the MoJ to manage going forward.

How we have prepared this guide

The information in this guide draws on the findings and recommendations from our financial audit and value for money programme of work, and from publicly available sources, including the annual report and accounts of the Department and its bodies.

We have cited these sources throughout the guide to enable readers to seek further information if required.

Where analysis has been taken directly from our value-for-money or other reports, details of our audit approach can be found in the Appendix of each report, including the evaluative criteria and the evidence base used.

Other analysis in the guide has been directly drawn from publicly available data and includes the relevant source, as well as any appropriate notes to help the reader understand our analysis.

Other relevant publications

More information about our work on the justice sector in England and Wales, as well as information about our other recent and upcoming reports, can be found on the NAO website.



This report updates our previous overview, *Departmental Overview 2021-22: Ministry of Justice*, published in January 2023.

More information about central government accounting and reporting

You may also be interested in our interactive guide to *Good practice in annual reporting* (February 2023), which sets out good-practice principles for annual reporting and provides illustrative examples taken from public sector organisations who are leading the way in this area.

Departmental Overview 2022-23

Contents

Part One Overview

About the Ministry of Justice	04
How the Ministry of Justice is structured	05

Part Two How the the Ministry of Justice uses its resources

Where the Ministry of Justice spends its money	06
Staffing numbers	09
Staff and pay	10
Annual Civil Service People Survey	11

Part Three Key developments

Legislative changes	12
Major projects and programmes	14
Prosecutions and sentencing	15
Courts and tribunals	16
The prison system	20
The probation system	23
Reducing reoffending	25

Part Four Risks for the Ministry of Justice

Demand and supply in the criminal justice system	26
Delivering major projects and programmes and implementing change	27

About the National Audit Office

The National Audit Office (NAO) scrutinises public spending for Parliament and is independent of government and the civil service. We help Parliament hold government to account and we use our insights to help people who manage and govern public bodies improve public services.

The Comptroller and Auditor General (C&AG), Gareth Davies, is an Officer of the House of Commons and leads the NAO. We audit the financial accounts of departments and other public bodies. We also examine and report on the value for money of how public money has been spent.

In 2022, the NAO's work led to a positive financial impact through reduced costs, improved service delivery, or other benefits to citizens, of £572 million.

If you would like to know more about the NAO's work on MoJ, or are interested in the NAO's work and support for Parliament more widely, please contact:

Parliament@nao.org.uk
020 7798 7665



Part One • Overview

About the Ministry of Justice

The Ministry of Justice (MoJ) is the lead government department responsible for the justice system in England and Wales. With support from 35 agencies and public bodies, the MoJ is responsible for administering:

courts and tribunals, in partnership with the independent judiciary

prisons

probation services

other services to help victims of crime, children, vulnerable people and those seeking access to justice, including legal aid

The Lord Chancellor and Secretary of State for Justice oversees all MoJ business and is supported by one minister of state and four parliamentary under-secretaries.



The Ministry of Justice's objectives

The MoJ is responsible for aspects of justice. It has three priority outcomes:

- 1 To protect the public from serious offenders and improve the safety and security of prisons.
- 2 To reduce reoffending.
- 3 To deliver swift access to justice.

In addition, the MoJ is focused on work to progress the government's commitments on human rights.

Part One • Overview

How the Ministry of Justice is structured

The MoJ delivers its objectives through 35 public bodies covering criminal, civil and family justice systems in England and Wales.

The MoJ bodies

HM Courts & Tribunals Service is responsible for the administration of criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland.

HM Prison and Probation Service carries out sentences given by the courts, in custody and the community, and rehabilitates people in its care through education and employment in England and Wales.

The Youth Justice Board oversees the youth justice system in England and Wales.

The Criminal Injuries Compensation Authority deals with compensation claims from people who have been physically or mentally injured because they were the victim of a violent crime in England, Scotland or Wales.

The Legal Aid Agency funds civil and criminal legal aid and advice in England and Wales.

The Parole Board is an independent body that carries out risk assessments on prisoners to determine whether they can be safely released into the community.

Some bodies operate entirely outside of the criminal justice system, including:

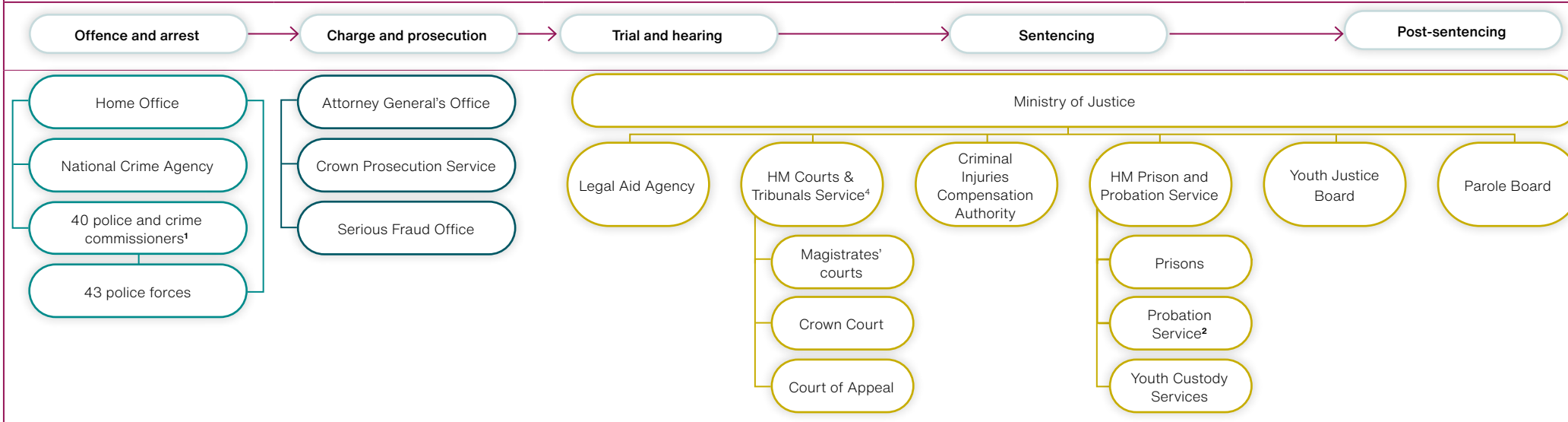
- The Office of the Public Guardian supervises the financial affairs of people who lack the mental capacity for major decisions.
- The Children and Family Court Advisory and Support Service is independent of the courts and represents children in family court cases in England.

Interactive tool

In 2022 the NAO published an interactive tool visualising how the various MoJ bodies interact on a local basis with each other and with police forces. The tool can help raise questions about the efficiency of the criminal justice system by providing geographic context around the interactions between the various bodies. See: [Mapping the Justice landscape – NAO insight](#).

Bodies involved in the criminal justice system

The MoJ works with other government bodies in the criminal justice system³



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

Notes

- 1 In Greater Manchester Police, Greater London and West Yorkshire, the mayor appoints a deputy mayor for policing and crime, who is delegated some of these responsibilities. It is the mayor who is directly elected and accountable to the public.
- 2 Since December 2019 in Wales and June 2021 in England, the Probation Service has been responsible for managing all offenders on a community order or licence following their release from prison in England and Wales.
- 3 The bodies included are not exhaustive.
- 4 The courts also hear cases sent directly by the Driver and Vehicle Licensing Agency, TV Licensing and other authorities.

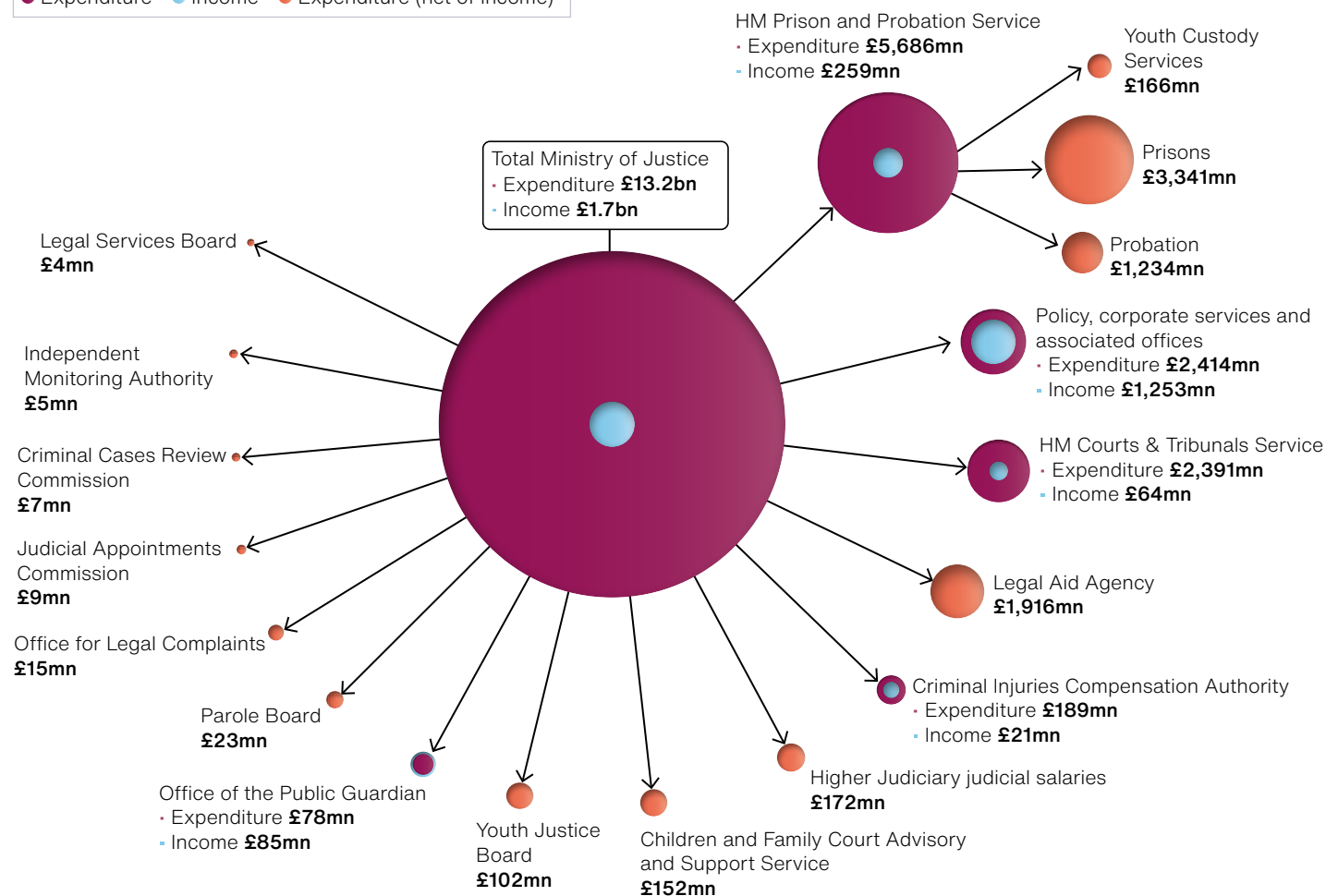
Part Two • How the Ministry of Justice uses its resources

Where the Ministry of Justice spends its money

The Ministry of Justice's (MoJ's) total expenditure in 2022-23 was £13.2 billion. It generated income of £1.7 billion, reducing the overall cost to the taxpayer to £11.5 billion.

Ministry of Justice spending 2022-23

● Expenditure ● Income ● Expenditure (net of income)



HM Prison and Probation Service's net day-to-day expenditure accounts for 47% of the MoJ's net day-to-day expenditure, with HM Courts & Tribunals Service being the second largest area. The next largest area of net expenditure is Legal Aid Agency, followed by Policy, corporate services and associated offices expenditure, which is spending by the MoJ on its core functions, including staff, rent, rates and utilities. This core function receives income from a combination of fees (for example, for courts processing divorce or probate claims), fines and recoveries from other government departments.

Notes

- 1 Figures include resource and capital spending in Departmental Expenditure Limits (DEL), which is the government budget that is allocated to and spent by government departments. Total Annually Managed Expenditure (AME) for the MoJ was £108 million and is not included in the figure. AME is more difficult to predict, manage or forecast, so is not subject to multi-year spending limits set in Spending Reviews.
- 2 Gov Facility Services Limited (GFSL) provides facility maintenance services to prisons across the South of England. We have excluded GFSL from the diagram as the net impact on group expenditure is nil (DEL and AME).
- 3 The Office for Legal Complaints and Legal Services Board are levy-funded. Levies are surrendered to the consolidated fund.
- 4 The individual accounts of each organisation will not reconcile to the figures shown here due to adjustments made in consolidating the MoJ group accounts.
- 5 Figures may not sum due to rounding.

Part Two • How the Ministry of Justice uses its resources

Where the Ministry of Justice spends its money *continued*

Financial management

The MoJ's spending against its day-to-day spending (Resource Departmental Expenditure Limit, or RDEL) was £10,100 million, £146 million (1.4%) below the £10,246 million that Parliament allocated to it in total. For capital spending (Capital Departmental Expenditure Limit, or CDEL), the MoJ spent £1,360 million, £98 million (6.7%) below its allocated budget of £1,458 million.¹

The MoJ's resource and capital Annually Managed Expenditure (AME) expenditure was £108 million, £548 million (83.5%) below its budget of £656 million. The AME budgets are spent on projects that are demanded, unpredictable or not easily controlled by departments.

Spending patterns

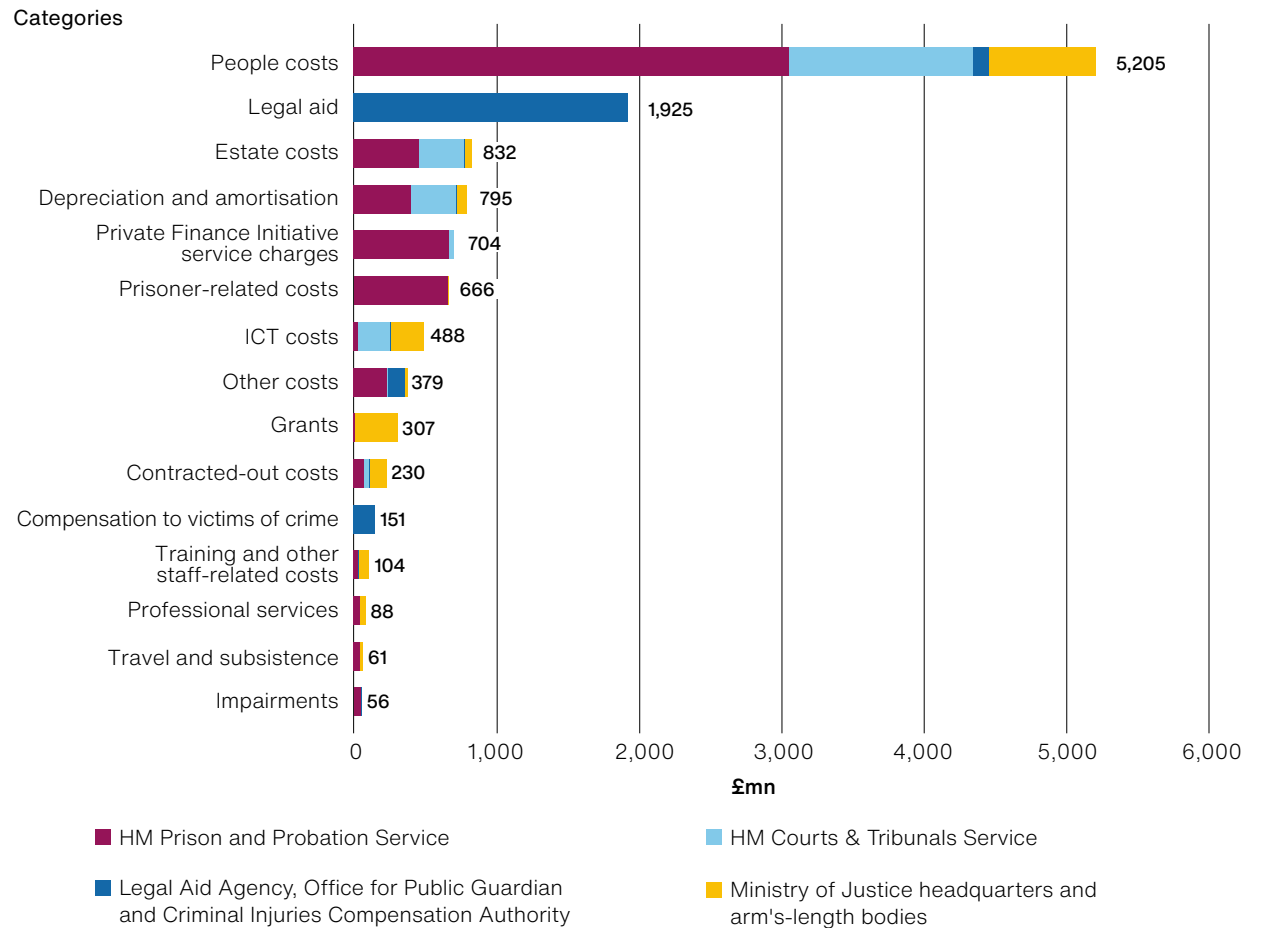
The largest area of the MoJ's expenditure is related to people costs (£5,205 million, or 43% of total costs). People costs include wages and salaries, social security costs, pension costs, early departure costs and the net cost of secondments.

Note

¹ Revenue spending is day-to-day spending on an organisation's objectives or administration. Capital spending is spending on investments and infrastructure such as buildings.

How the Ministry of Justice (MoJ) group spent its money in 2022-23

The largest area of the MoJ's spend related to people costs (43%)



Notes

¹ Costs are grouped between: HM Prison and Probation Service; HM Courts & Tribunals Service; Legal Aid Agency, Office of the Public Guardian and Criminal Injuries Compensation Authority and Ministry of Justice headquarters and arm's-length bodies.
² Numbers are rounded to the nearest million.
³ People costs include wages and salaries, social security costs, early departure costs and the net cost of secondments.

Part Two • How the Ministry of Justice uses its resources

Where the Ministry of Justice spends its money *continued*

Audit findings

The Comptroller and Auditor General (C&AG) issued unqualified true and fair, and regularity audit opinions on the MoJ group accounts and on subsidiary accounts for 2022-23. The C&AG issued an extended audit report, which identified key audit matters including pension liabilities, property valuations and group provisions.

The MoJ recognised seven losses of more than £300,000, totalling £6.6 million (compared with six losses worth £15.8 million in 2021-22). There were also 13 special payments over £300,000 made in 2022-23 (compared with eight in 2021-22).

Future spending plans

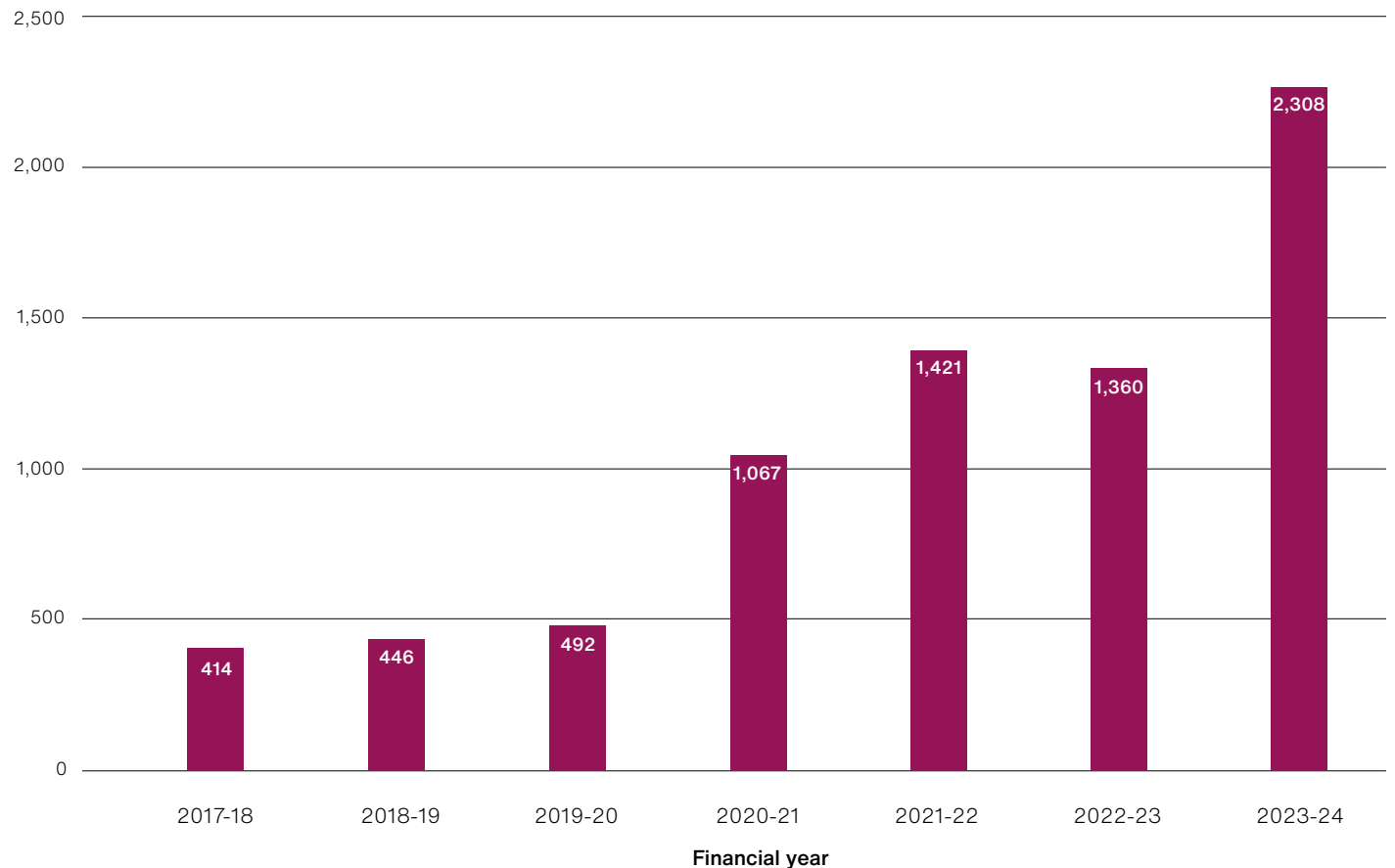
For 2023-24, the MoJ's total day-to-day spending budget (RDEL) is £10,879 million, an increase of 7.7% compared with its spending in 2022-23. This increase largely reflects additional funding secured by the MoJ in the 2021 Spending Review. For example, it secured funding to respond to increased demand in prison and probation services and to improve services for victims.

The MoJ's capital spending decreased slightly in 2022-23 compared with 2021-22, largely due to planning permission delays and pressure on suppliers. Annual capital spending from 2020-21 onwards has been over £1,000 million per year, significantly higher than annual capital spending between 2017-18 and 2019-20. Recent higher capital spending reflects the MoJ's commitment to build 20,000 additional prison places. The MoJ's capital budget has increased by 70% for 2023-24 (£2,308 million) compared to its outturn in 2022-23 (£1,360 million).

The Ministry of Justice's (MoJ's) capital expenditure and future capital budget from 2017-18 to 2023-24

The MoJ's capital expenditure has more than tripled since 2019 and its capital budget for 2023-24 is £948 million higher than its expenditure in 2022-23, a 70% increase.

Capital expenditure and future budget £mn



Source: National Audit Office analysis of Ministry of Justice Annual Report and Accounts 2017-18 to 2022-23 and of the government's spending plans.

Part Two • How the Ministry of Justice uses its resources

Staffing numbers

The MoJ group has the largest number of staff in the civil service. Most of these staff work in prison and probation services, or in the courts.

Civil Service numbers

On 31 March 2023, the MoJ group had the largest headcount of any department in the civil service (18% of the total civil service); the Department for Work & Pensions had had the largest headcount in recent years. The number of staff within the group increased by 5.7% compared to 31 March 2022, following significant recruitment in prisons and probation.

MoJ group staffing

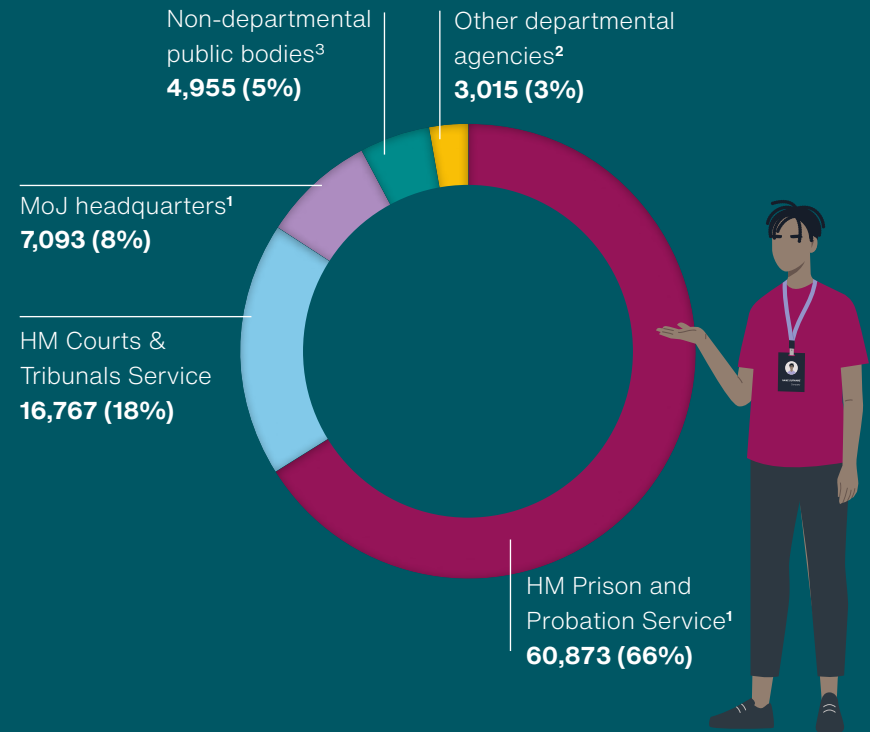
Within the MoJ group, HM Prison and Probation Service (HMPPS) employed the largest number of staff in 2022-2023, employing an average of 60,873 full-time equivalent staff (66% of the MoJ's workforce on a full-time equivalent basis).

Note

1 Includes special advisers and ministers.

Average number of full-time equivalent staff employed by the MoJ group, 2022-23

HM Prison and Probation Service employed the largest number of staff (66% out of a total of 92,703 full-time equivalent) in the MoJ group



Notes

- 1 HM Prison and Probation Service and MoJ headquarter figures include staff engaged in capital projects (MoJ headquarters — 271 staff; HMPPS — 199 staff).
- 2 Other departmental agency figures include staff from the Legal Aid Agency, Office of the Public Guardian, and Criminal Injuries Compensation Authority.
- 3 Non-departmental bodies figures include staff from Children and Family Court Advisory and Support Service (CAFCASS), Criminal Cases Review Commission, and others.

Source: National Audit Office analysis of Ministry of Justice Annual Report and Accounts 2022-2023

Part Two • How the Ministry of Justice uses its resources

Staff and pay

The MoJ has sought to increase the diversity of its workforce and the representation of disabled and ethnic minorities has increased in the past five years. The pay gap between the highest paid directors and average pay has also reduced.

Changes in the MoJ's workforce composition

The proportion of women in the MoJ's workforce has increased from 53% in 2018 to 58% in 2023.¹ The proportion of women in senior civil service grades increased from 48% to 52% over the same time period.

There is a higher proportion of those with a declared disability in the MoJ's workforce compared with 2018. The proportion of declared disabled civil servants increased from 9% in 2018 to 17% in 2023.

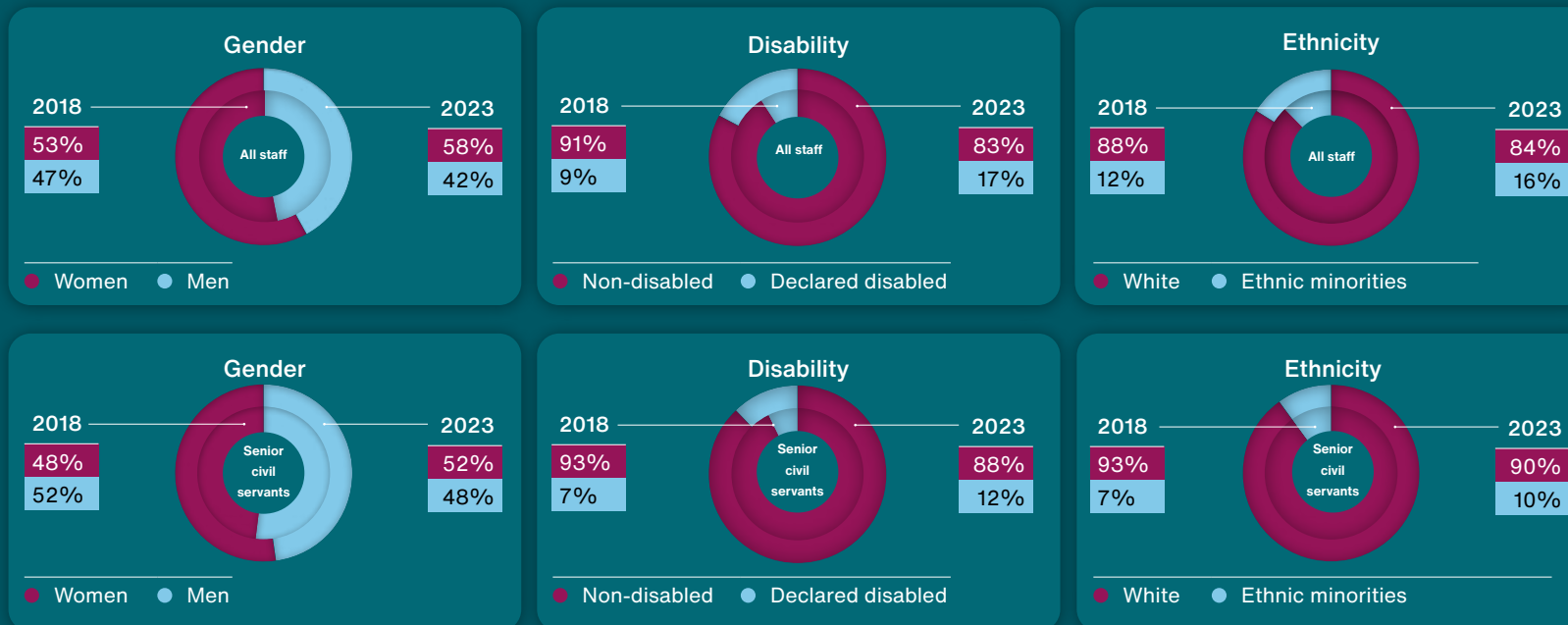
There is also a higher proportion of ethnic minority staff in the MoJ's workforce compared with 2018. The proportion of ethnic minority senior civil servants increased from 7% in 2018 to 10% in 2023.

Note

¹ Dates as at 31 March each year.

Workforce composition in the Ministry of Justice (MoJ) group in 2018 and 2023

Representation of female, disabled and ethnic minorities in the MoJ group increased in the past five years, although slightly more slowly at a senior level.



Notes

- Dates as of 31 March each year.
- Figures for ethnicity and disability are based on disclosure rates.
- The disclosure rate for disability for senior civil servants was 59% in 2018. This is below the MoJ's threshold of 60% for reporting, so should be considered as indicative only.

Source: National Audit Office analysis of the Ministry of Justice's Annual Report and Accounts 2017-18, and 2022-23

In 2022-23, the highest paid director was paid six times the average pay within the MoJ group, down from 7.4 times in 2021-22. The reduced gap between the two was driven by both a decrease in the highest paid director's overall remuneration (which did not include a bonus in this year) and an increase in the median remuneration. The pay multiple varies across the MoJ's arms-length bodies.

Pay multiples² in the Ministry of Justice (MoJ) group

The highest paid director was paid six times the average pay within the MoJ group

Organisation	Ratio	Band of highest paid director's total remuneration	Median total remuneration
MoJ group ¹	6.0:1	£185,000 to £190,000	£31,265
HM Courts & Tribunals Service	5.6:1	£135,000 to £140,000	£24,554
HM Prison and Probation Service	5.9:1	£185,000 to £190,000	£32,049
Legal Aid Agency	5.1:1	£130,000 to £135,000	£25,827

Notes




- The MoJ group values are a representative calculation including the pay multiples of MoJ headquarters, HM Prison and Probation Service, HM Courts & Tribunals Service, Legal Aid Agency, Office of the Public Guardian and Criminal Injuries Compensation Authority.
- Pay multiples are calculated from the mid-point of the band of the highest paid director.

Sources: Annual Reports and Accounts 2022-23 of the Ministry of Justice, HM Courts & Tribunals Service, HM Prison and Probation Service, and Legal Aid Agency

Part Two • How the Ministry of Justice uses its resources

Annual Civil Service People Survey

The annual Civil Service People Survey looks at civil servants' attitudes to, and experience of, working in government departments. The results of the most recent survey were published in March 2023. The table below shows the results for the Ministry of Justice (MoJ) group.

	Result in 2022 (%)	Result in 2021 (%)	Change (percentage points)	Civil service median in 2022 (%)
 Employee engagement index	60	60	0	65
 My work	74	73	+1	79
 Organisational objective and purpose	81	78	+3	83
 My manager	71	67	+4	78
 My team	78	77	+1	84
 Learning and development	52	50	+2	55
 Inclusion and fair treatment	75	73	+2	81
 Resources and workload	69	68	+1	74
 Pay and benefits	25	28	-3	28
 Leadership and managing change	46	46	0	54

The results for the MoJ and its arm's-length bodies (the group) improved or remained stable for all areas except for pay and benefits, which decreased slightly.

Organisational objective and purpose and My team were the highest scoring themes, which is consistent across the civil service.

Pay and benefits, and Leadership and managing change were the lowest scoring.

Despite improved scores for most areas, all of the group's scores remain below the civil service median.

Notes

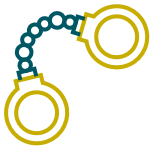
- 1 The Ministry of Justice group response rate was 49%, compared to an overall response rate of 65%.
- 2 The employee engagement index methodology is available in the Cabinet Office's *Technical Guide* to the survey.
- 3 For all other themes, we provide the proportion of respondents giving an 'agree' or 'strongly agree' response to questions on these subjects.

Source: National Audit Office analysis of the annual Civil Service People Survey data

Part Three • Key developments

Legislative changes

A number of recent legislative changes will impact the justice system.



Illegal Migration Act 2023

This Act passed into law on 20 July 2023 and builds on the Nationality and Borders Act 2022, which aimed to change how asylum claims were processed for those who arrive illegally and to create tougher criminal offences to deter illegal entry to the UK. The aims of the Illegal Migration Act are to:

- stop illegal immigration into the UK, such as via small boat crossings;
- speed up the removal of those who arrive illegally to free up capacity;
- prevent the misuse of modern slavery safeguards; and
- create an annual cap on resettling asylum seekers who come from safe and legal routes.

The Act provides powers to remove illegal migrants to either their home country or a safe third country. The Bill also creates a permanent barrier to re-entry, and settlement and citizenship claims for those removed from the United Kingdom.

The Joint Committee on Human Rights undertook pre-legislative scrutiny of the Bill. In June 2023 the Committee raised concerns in its *Legislative Scrutiny: Illegal Migration Bill Report*, concluding that “the Bill would deny the vast majority of refugees access to the UK’s asylum system ... it prohibits the consideration of their protection or human rights claims irrespective of the merits of their cases”.

The Ministry of Justice (MoJ) anticipates that the Act will increase the demand for legally aided immigration services. In September 2023, it set out plans to increase the hourly rate for legal aid fees for immigration work under the Act by 15%, with the aim of boosting market capacity for immigration work.



National Security Act 2023

This Act passed into law on 11 July 2023. It aims to:

- update 20th century legislation related to domestic security;
- introduce new measures to counter state threats; and
- prevent the exploitation of the UK’s civil legal aid and civil damage system by convicted terrorists.

The Act amended the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO 2012) to restrict access to civil legal aid for convicted terrorists. For example, an individual convicted of a terrorist attack after 19 February 2001 will not be eligible for legal aid for up to 30 years (those under the age of 18 will not be eligible for up to 15 years). Courts will also have powers to reduce or withhold the award of civil damages to convicted terrorists (that is, financial remedies in legal proceedings) where these funds may be used for terrorism.

The Joint Committee on Human Rights published its *Legislative Scrutiny* of the Bill on 19 October 2022, with concerns that restrictions on legal aid and civil damages could impede access to basic rights and legal protections.

Part Three • Key developments

Legislative changes continued



Victims and Prisoners Bill 2023

The Victims and Prisoners Bill was re-introduced to Parliament on 8 November, after being carried over from the previous session.

The aims of the Bill are to:

- introduce measures to better serve victims, including placing the principles of the *Victims' Code* into law;
- establish an Independent Advocate to support victims of major incidents;
- strengthen the parole system, for example, by allowing for greater ministerial oversight; and
- restrict marriage in prisons for prisoners under whole life orders.

In November 2023, the government amended the Bill for Commons Report Stage to introduce end dates to the sentences of offenders released from prison on licence while serving Imprisonment for Public Protection (IPP) sentences.¹ This includes reducing the time IPP offenders have to wait before their licence is reviewed by the Parole Board from at least 10 years to three years, and automatically terminating sentences after five years if offenders are not recalled to prison.

Changes will be applied retrospectively, which means the MoJ expects licences will immediately end for around 1,800 people once the legislation comes into force. Around 800 people will become newly eligible for Parole Board consideration by March 2025.

Note

- ¹ Offenders sentenced to an IPP were set a minimum term (tariff) that they must spend in prison. After they have completed their tariff, they can apply to the Parole Board for release. The Parole Board will release an offender only if it is satisfied that it is no longer necessary for the protection of the public for the offender to be confined.

Part Three • Key developments

Major projects and programmes

The MoJ group has the second largest number of projects and programmes in the Government's Major Projects Portfolio (GMPP).

Projects and programmes on the GMPP managed by the MoJ

The whole-life cost of the MoJ group's 27 projects and programmes is £82.5 billion.¹ Of these, 13 are transformation and service delivery projects/programmes, eight are infrastructure and construction projects/programmes, and six are information and communications technology projects.

Transformation and service delivery projects/programmes include: the court reform programme, the electronic monitoring expansion programme and the youth justice reform programme.

Infrastructure and construction projects/programmes are focussed on expanding the number of prison places through building new prisons, refurbishment and expansion of existing places, and rapid deployment cells.

Information and communications technology projects/programmes include: prison technology transformation and the re-procurement of voice and video technology.

Only six of the projects or programmes have a delivery confidence assessment rating of 'green', with 19 rated 'amber' and one 'red'. Main risks to delivery include inflationary pressures to the construction projects, recruitment and procurement difficulties, challenging timetables, and the complex nature of some of the transformation projects/programmes.

Note

¹ Including non-government costs.

Relevant NAO work:

[Framework to review portfolios 2022](#)

[Good practice guidance: Managing the commercial lifecycle](#)

[Evaluating government spending: an audit framework - NAO insight](#)

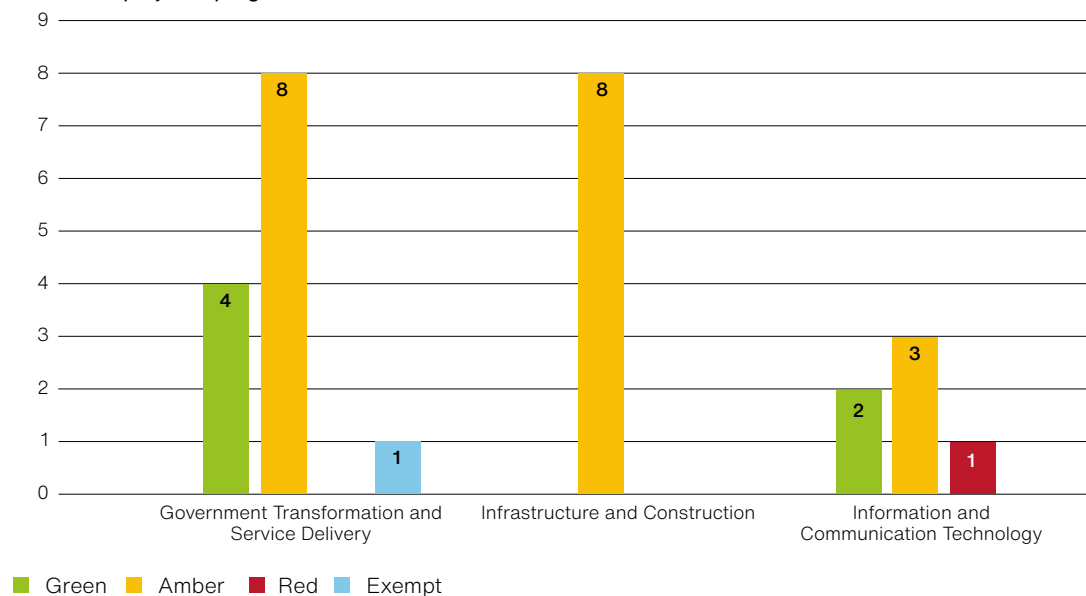
[Lessons learned: Delivering programmes at speed](#)



Delivery confidence assessment for major projects/programmes managed by the Ministry of Justice (MoJ) as at March 2023

Of the MoJ group's 27 projects/programmes, 19 were rated as amber, and one as red

Number of projects/programmes



Notes

- The Infrastructure and Projects Authority's three-tier assessment ratings:
 - Green — Successful delivery of the programme/project to time, cost and quality appears highly likely and there are no major outstanding issues that at this stage appear to threaten delivery.
 - Amber — Successful delivery of the programme/project to time, cost and quality appears feasible but significant issues already exist requiring management attention. These appear resolvable at this stage and, if addressed promptly, should not present a cost/schedule overrun.
 - Red — Successful delivery of the programme/project to time, cost and quality appears to be unachievable. There are major issues which, at this stage, do not appear to be manageable or resolvable. The programme/project may need re-baselining and/or its overall viability re-assessed.
- One project is exempt for disclosure under section 43 of the Freedom of Information Act - Commercial interests.

Source: National Audit Office analysis of data from the Infrastructure and Projects Authority's Annual Report on Major Projects 2022-23, published July 2023.

Part Three • Key developments

Prosecutions and sentencing

The Crown Prosecution Service's (CPS's) live caseload increased by 7% during 2022-23, with more than half of live cases now relating to Crown Courts.

The CPS is part of the Attorney General's Office, not the Ministry of Justice group, but we include it given its key role in the justice system. The live caseloads level at the end of March 2023 was one third higher than before COVID-19 and 7% higher than at the same point in 2022.

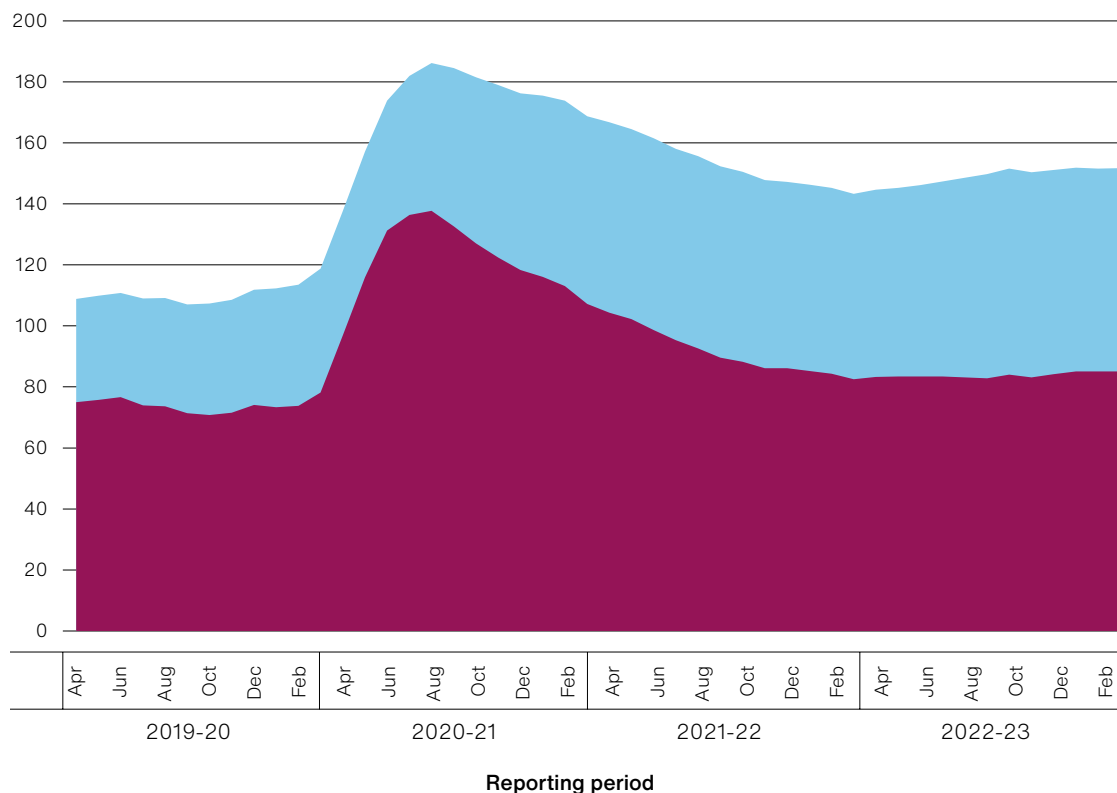
During 2022-23, the number of cases finalised was 6% less than the previous 12 months and was about 10% lower than before COVID-19. Unlike the large increase during COVID-19, which was driven by live caseloads in the Magistrates' Court, more than half of the backlog is now comprised of Crown Court cases.

Prosecutions and convictions by the CPS decreased by 6% during 2022-23 compared to 2021-22 and remain significantly lower than the pre-COVID-19 baseline.

Crown Prosecution Service's (CPS's) live caseload

The CPS's caseload had been decreasing from a peak in August 2020 but increased by 7% during 2022-23

Prosecution live caseload ('000s)



■ Prosecution live caseload – Magistrates' court ■ Prosecution live caseload – Crown Court

Note

1 The live caseload is the number of unfinalised prosecution proceedings by defendant.

Source: National Audit Office analysis of Crown Prosecution Service published data

Part Three • Key developments

Courts and tribunals

MoJ is seeking to improve the efficiency and effectiveness of its courts and tribunals.



Legal aid funding

Legal aid is publicly funded legal advice or representation in court for people when the government assesses they cannot afford to pay for it themselves. This includes support for people accused or convicted of a crime (criminal legal aid), as well as those involved in civil legal matters (civil legal aid), for example, family law cases involving children being taken into care. The Legal Aid Agency (LAA) administers legal aid and advice in England and Wales. In 2022-23, total legal aid expenditure was £1,856 million (including £873 million of criminal legal aid).¹

Following long-standing concerns about the lack of funding for criminal legal aid, Lord Bellamy's Independent Review (the Bellamy review) was published in November 2021.² In July 2022, the government published an *interim response* confirming a 15% fee increase for most fee schemes from September 2022, excluding the current court case backlog. Barristers were engaged in strike action from 27 June 2022 regarding fee rates but ended the strike in October 2022 in response to the government's announcement of additional funding. In November 2022 the government published its *full response*, setting out plans for longer-term systemic change.

In January 2023, the MoJ announced the launch of a review into the the civil legal aid system. The review includes an economic analysis of the structure of the civil legal aid market but, unlike the Bellamy review will not propose options on specific individual fees.

In June 2023, the High Court granted a judicial review brought by the Law Society against the government over criminal legal aid funding. It argues that the 15% fee uplift recommended by the Bellamy review has not been implemented for criminal defence solicitors.

The National Audit Office plans to publish a value for money review on legal aid in early 2024.

Notes

- 1 Figures are based on published legal aid statistics.
- 2 Lord Bellamy was appointed Parliamentary Under-Secretary of State in the Ministry of Justice in June 2022.



Court Reform Programme

The HM Courts & Tribunals Service (HMCTS) reform programme was established in 2016 and aimed to modernise the justice system. HMCTS's vision for reform is to move away from paper-based systems to user-friendly digital services, increasing efficiency and improving access to justice.

Our February 2023 report, *Progress on the courts and tribunal reform programme*, assessed HMCTS's progress in implementing the programme prior to its planned completion in December 2023. It found the following:

- HMCTS has continued to roll out changes to services within an increasingly difficult operational environment created by the COVID-19 pandemic. It has made more services available online and begun introducing new digital systems, including a digital case management system called, common platform, to criminal courts. Common platform is designed to allow legal professionals, including solicitors and the judiciary involved in a case, secure access to case information in one place.
- Following repeated delays, HMCTS's priority has been on delivering its reforms at pace rather than embedding sustainable change. Some services are not working as efficiently as expected and HMCTS has a limited understanding of whether reformed services are delivering the intended efficiencies. Of most concern is the implementation of common platform, which is having a detrimental impact on courts.

Following our report, HMCTS announced a further extension to its timetable and now aims to complete most projects by March 2024, and the common platform project in March 2025. It will deliver less than previously promised, with work on some services paused altogether and expected savings at least £310 million lower than the £2.3 billion forecast in 2019.

Part Three • Key developments

Courts and tribunals continued

HMCTS is running a recovery programme for criminal, civil and family courts and tribunals with an overall objective to return the backlog to sustainable levels. But, despite these efforts, backlogs increased during 2022-23, particularly in the Crown Court.



Criminal court trends

There was a 7% increase in the number of individuals dealt with through the criminal justice system in 2022, but this number was still 11% lower than pre-pandemic levels.

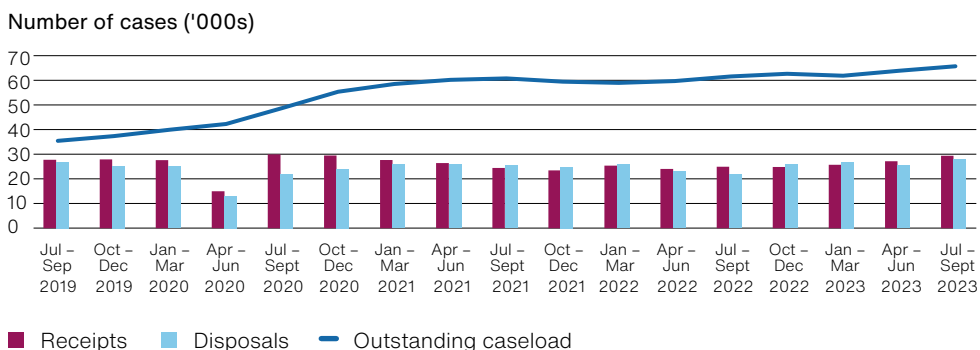
Backlogs in the Crown Court have increased during 2022-23 and continued to rise to their highest level since records began. The Crown Court backlog was already increasing before the COVID-19 pandemic, and the recent rise continues this trend. The pandemic and, to a lesser extent, the recent bar strike are also associated with a large increase in the backlog. In Magistrates' courts, backlogs reduced after the pandemic until the end of 2022, but the number of cases started rising again in recent months.

The average age of outstanding cases in the Crown Court also remained high. Between April and June 2023 more than a quarter (28%) of outstanding cases had been open for a year or more. This was a similar level to the same time period in 2022, and up from 19% in 2021.

The Crown Court

In 2022-23, the backlog of cases at the Crown Court began increasing again following a small reduction in 2021-22. Between July and September 2023, the backlog stood on average at 64,723 cases, 86% higher than between July and September 2019, before the COVID-19 pandemic. As at September 2023, it was at its highest level on record.

Caseload in the Crown Court, July 2019 to September 2023



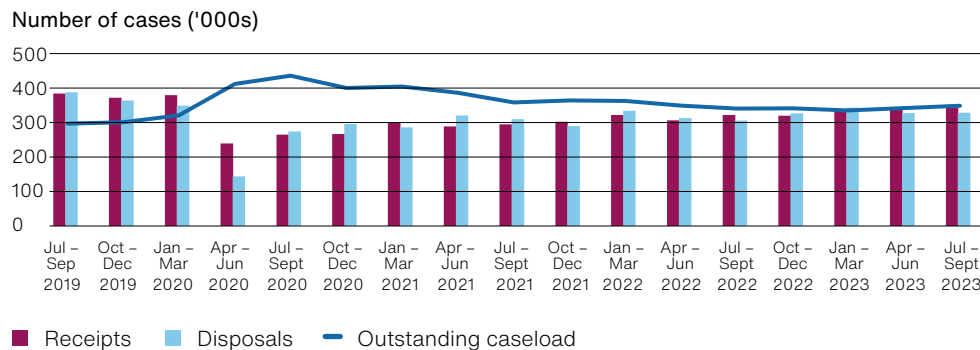
- Notes**
- The National Audit Office has defined the backlog as all cases waiting to be heard or completed. The Ministry of Justice and HM Courts & Tribunals Service refer to this as the outstanding caseload. We recognise there are limitations to our definition, as described in our report on *Reducing the backlog in Criminal Courts*, October 2021.
 - A case is counted as a receipt when a file is created and entered onto the respective court's administrative system. At the Crown Court, this includes cases sent direct from Magistrates' courts and cases transferred in.
 - A case is counted as a disposal when all offences on a case have an outcome. At the Crown Court, this also includes cases that are transferred out, e.g. disposal recorded against the court which transfers the case.

Source: National Audit Office analysis of HM Courts & Tribunals Service management information; more recent figures are provisional.

Magistrates' courts

The backlog of cases relating to crimes at Magistrates' courts reduced during 2022-23 but has risen again since. For the three months between July and September 2023, the backlog stood on average at 351,242 cases, 17% higher than that for the same period before the COVID-19 pandemic.

Caseload in Magistrates' courts, July 2019 to September 2023



- Notes**
- The National Audit Office has defined the backlog as all cases waiting to be heard or completed. The Ministry of Justice and HM Courts & Tribunals Service refer to this as the outstanding caseload. We recognise there are limitations to our definition, as described in our report on *Reducing the backlog in Criminal Courts*, October 2021.
 - A case is counted as a receipt when a file is created and entered onto the respective court's administrative system.
 - A case is counted as a disposal when all offences on a case have an outcome.
 - These data relate to crime cases in Magistrates' court, not civil law cases or enforcement.

Source: National Audit Office analysis of HM Courts & Tribunals Service management information; more recent figures are provisional.

Part Three • Key developments

Courts and tribunals continued

The MoJ's response to the Crown Court backlog

Following additional spending during the pandemic, the 2021 Spending Review provided the MoJ with an additional £644 million a year by 2024-25 to expand capacity across the criminal justice system, including meeting increased demand from the recruitment of 20,000 extra police officers. It also provided an additional £477 million across the Spending Review period for the criminal justice system to help reduce backlogs.

In December 2021, the MoJ set out plans to reduce the Crown Court backlog to 53,000 cases by March 2025. In February 2023, the MoJ announced that it was keeping 24 'nightingale' temporary courts open to further boost capacity, and equipped more courts with video-conferencing hardware. The government has also committed £220 million for essential modernisation and repair work over the two years to March 2025 to minimise disruption caused by old buildings. This means that annual investment will increase to £120 million by March 2025. However, in March 2023, it reversed the extended sentencing powers given to Magistrates' courts in 2022, which had been intended to free up sitting days for Crown Courts. The MoJ reported that the Crown Court heard cases for more than 98,500 days in 2021-22, rising from 82,000 in 2019-20. In 2022-23, this increased to 100,000 days, with 10,000 sitting days in March 2023 alone, the highest month since July 2015. In August 2023, the Secretary of State announced that Crown Courts would work at maximum capacity for the third straight year. However, the amount of time spent per sitting day hearing cases has been lower, at 2.8 hours per sitting day in 2022, compared to 3.6, 3.5 and 3.5 hours in 2017, 2018 and 2019, respectively.

To help reduce the backlog, the MoJ planned to hire 1,000 new judges in 2022-23, although the Judicial Appointments Commission has had difficulty in filling recent recruitment rounds. In April 2022, it raised the statutory mandatory retirement age from 70 to 75 for judicial office holders and introduced a new pension scheme for judges. In May 2023, it announced plans to expand eligibility criteria for recorders and judges of the Upper Tribunal, making 4,500 more lawyers eligible to apply.¹ By doing this, it aimed to boost capacity and expand the diversity of the judiciary. The Lord Chief Justice reported that, between October 2022 and July 2023, 743 salaried and fee-paid judges and members were appointed. But the number of full-time equivalent fee-paid judges only increased by 15 during 2022-23, and the headcount of salaried judges declined by 13.

Note

¹ Recorders and judges of the Upper Tribunal hear complex civil, family, crime and tribunal cases.

Part Three • Key developments

Courts and tribunals continued

The timeliness of many family and civil court cases has worsened.

Family court cases

Family courts deal with legal disputes connected with family matters, including children and the breakdown of relationships.

Activity: Between April and June 2023 there were 59,400 new cases entering family courts (excluding adoption cases), a decrease of 14% on the same period in 2022.¹ This was due to a 30% decrease in divorce applications, following a surge in applications the previous year when new legislation came into effect in April 2022. There were also small decreases in Children Act (both public and private law) and domestic violence cases. Financial remedy cases increased by 22% (from 8,800 to 10,700).^{2,3}

Timeliness: The rollout of a new case management system in family courts created data quality issues, which means it is not possible to look at timeliness trends for all types of family court cases. Available data suggest that timeliness has not improved for several case types. The time taken for cases to first disposal increased for:⁴

- conditional orders for divorce and annulment cases, which took 38 weeks on average between April to June 2023, two weeks more than the same period in 2022. For new divorce cases, this reflects a 20-week wait between application and the conditional order, required under the new legislation introduced last year;⁵ and
- private law cases, which took 32 weeks on average, two weeks more than the same period in 2022.⁶

The average time taken for adoption and financial remedy cases decreased. Data on domestic violence and public law cases were missing due to data issues.

Notes

- 1 Excluding cases under the Adoption Act as data are not available for 2023.
- 2 Financial remedy is a type of court proceeding that addresses a couple's finances as part of a divorce or dissolution of a civil partnership.
- 3 *Ministry of Justice, Family Court Statistics Quarterly: April to June 2023 – September 2023*
- 4 Disposals within a case include orders granted by the court, as well as other decisions, such as if an order is refused or an application is withdrawn. As there can be multiple disposals within a case, timeliness is calculated to the first of these.
- 5 A conditional order is a document that says that the court does not see any reason why a couple cannot divorce.
- 6 Private law cases are court cases between two or more private individuals who are trying to resolve a dispute. This is generally where parents have split up and there is a disagreement about who the children should live with and have contact with.

Civil court cases

Civil justice captures a wide range of issues, where people, businesses or other organisations are trying to resolve their disputes with each other, or ensure that they have their rights respected. Civil courts cover a very wide range of issues – from simple claims of damaged goods or recovery of debts, to large claims between multi-national companies.

Activity: Following a significant decrease after the outbreak of COVID-19, the number of civil justice claims recovered towards pre-pandemic levels in the second half of 2020, and then remained relatively stable. During April to June 2023, there were 419,000 county court claims, representing an increase of 12% from the same period (375,000) in 2022, but this is still 10% below pre-pandemic levels. The majority of claims, 352,000 out of 419,000, were money claims (where the claim at court is for a fixed amount of money), up 17% from the same period last year.

Timeliness: In April to June 2023, it took an average of 52.3 weeks between a small claim being issued and the claim going to trial, one week longer than the same period in 2022. For fast/multi-track claims, it took on average 78.2 weeks to reach a trial, 2.8 weeks longer than in April to June 2022.

Part Three • Key developments

The prison system

The number of people in prison in England and Wales increased by 8% over the 12 months to September 2023 and the MoJ expects it to increase further in the next few years. In addition, the remand prison population was 16,196 as at September 2023, its highest level for at least 50 years.

Prison population

The MoJ has projected that the prison population will increase to 94,400 prisoners by March 2025, and to between 93,100 and 106,300 by March 2027, because of the impact of additional police recruitment, changes in sentencing policy to keep the most serious offenders in prison for longer, and the impact of court recovery plans.

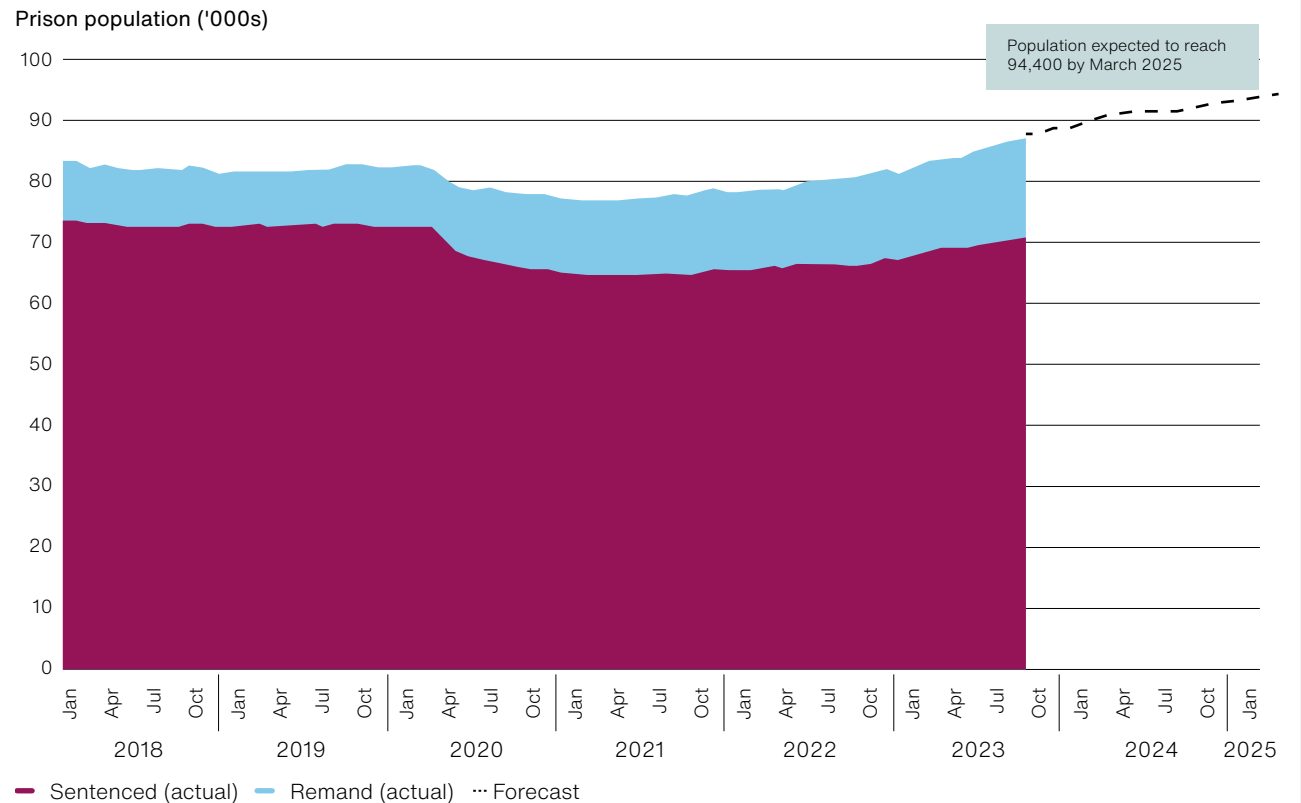
As at 30 September 2023, the prison estate was operating very close to full capacity (99%), with 87,576 people in prison across England and Wales, 6,300 (8%) more than the previous year and about 4,600 higher than immediately before the COVID-19 pandemic.

Of those in prison, 16,196 were held on remand (a 12% increase since the previous year), the highest number in at least 50 years. This reflects the impact of continued court backlogs following the pandemic and also the impact of the autumn 2022 strike action by the Criminal Bar Association. The Justice Committee is concerned that the increased remand population is placing increasing pressure on an already stretched prison system.

At the end of September 2023, 96% of those in prison were adults aged 21 and over, and 96% were male. Of those prisoners whose ethnicity was known, 27% were from an ethnic minority or mixed background. Foreign nationals accounted for 12% of the total prison population.

The MoJ is currently building additional prison places as part of its prison expansion programme, but it has also adopted short-term measures to help manage prison capacity pressures, such as making provision of up to 400 temporary places for prisoners in police cells through Operation Safeguard.

Prison population and projections in England and Wales from January 2018 to March 2025



Notes

- 1 Population figures are as at the end of the month.
- 2 Population projections are based on the Ministry of Justice's central population projection, which is subject to uncertainty.

Source: National Audit Office analysis of prison population and prison population projection data

Part Three • Key developments

The prison system continued

The number of prison places has increased, but the level of crowding in prisons continues to increase.

Prison conditions in England and Wales

As at October 2023, there were 123 prisons in England and Wales, 107 of which are publicly run and 16 are privately run. About a third of the prisons date back to the Victorian era. There is a backlog of maintenance work in prisons. In March 2021, the MoJ estimated this backlog to be around £1 billion. The Chief Inspector of Prisons reported in 2022-23 that overcrowding was a feature at many prisons and living conditions needed major improvement at some sites.

In the year to March 2023, 23% of prisoners were held in crowded conditions, up from 21% in the previous year. Crowding rates were highest in male local prisons (49%).¹ The crowding rate in publicly managed prisons was 22% compared to 28% in privately run ones.

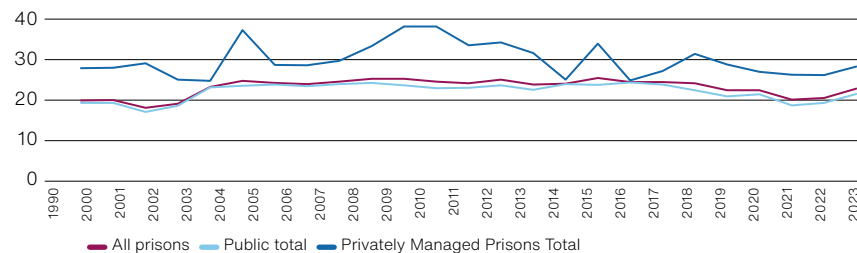
Note

¹ A local prison is a type of prison where a person is detained before trial or directly after conviction.

Percentage of prisoners held in crowded conditions across public and privately managed prisons in England and Wales, 12-months ending March 1999 to 12-months ending March 2023

The percentage of prisoners held in crowded conditions has started to rise over the last two years

Proportion of prisoners held in crowded conditions (%)



Notes

- 1 Crowding is measured as the number of prisoners who, at unlock on the last day of the month, are held in a cell, cubicle or room where the number of occupants exceeds the uncrowded capacity of the cell, cubicle or room.
- 2 The majority of prisoners are held in public prisons. However, the number of prisoners held in private prisons has increased over time, from 7% in 1999 to 19% in 2023.

Source: National Audit Office analysis of HM Prison and Probation Service data

Progress in expanding prison places

In the 2021 Autumn budget, the MoJ was allocated £3.8 billion between 2022-23 and 2024-25 to increase prison capacity by 20,000 additional places by the mid-2020s. The MoJ announced that it expected 18,000 prison places to come from a combination of six new prisons and the expansion of existing ones, and the other 2,000 places to come from temporary accommodation.

HMP Five Wells, operated by G4S, was opened in March 2022. HMP Fosse Way, run by Serco, began accepting prisoners at the end of May 2023. The MoJ's construction of HMP Millsike (Full Sutton) is well underway and the MoJ has secured outline planning permission for a fourth prison, near HMP Gartree in Leicestershire. The government is still seeking planning permission at sites for two more new prisons, after initial planning applications were rejected.

The MoJ reported that, by November 2023, approximately 5,600 of the 20,000 planned new prison places had been delivered, including 3,415 from the two new prisons (HMP Five Wells and HMP Fosse Way). The MoJ had announced in July 2023 that it expected to build 6,400 places by the end of May 2024. In November 2023, it announced that it now expects to build 10,000 by the end of 2025. In addition, it also maintained 680 places at HMP Dartmoor, where the lease has been extended past December 2023. The MoJ has also increased prison capacity through approximately 700 temporary places using modular units, alongside the delivery of rapid deployment cells.

The government has also taken shorter-term measures to boost prison capacity through greater use of double occupancy of cells and delaying non-urgent maintenance work, and through installing rapid deployment cells.

It is also seeking to introduce measures to reduce prison population through:

- a temporary measure to allow some prisoners to be released from prison up to 18 days before their automatic release date;
- suspending shorter sentences of less than 12 months; and
- removing foreign national offenders.

Part Three • Key developments

The prison system continued

Prison performance continues to be a concern in 2022-23, particularly rates of violence.

Prison performance

The government's 2021 *Prison Strategy White Paper* sets out a 10-year vision for the prison system, including plans to: improve safety, rehabilitation, education and treatment in prisons, and reduce crime and reoffending.

HM Prison and Probation Service (HMPPS) manages the performance framework against which it assesses all prisons. This framework has varied since 2016-17, but there were 17 performance measures in 2022-23.¹ It rated 75 prisons (63%) as either, good, or outstanding, and 44 prisons (37%) as either 'performance is of concern' or 'performance of serious concern'.²

Staff shortages

Prison staff (band 3 to band 5, on a full-time equivalent basis) had increased by 6.7% by September 2023 compared to the previous year. However, the Chief Inspector of Prisons' 2022-23 Annual Report found that major staff shortfalls were having a devastating effect on the delivery of good outcomes for prisoners, undermining efforts to deliver a purposeful regime, and contributing to the continued restrictions on time out of cell despite the lifting of national regime restrictions in May 2022. He also reported that violence in prison was often linked to a lack of support and activity.

Violence and self-harm

In the 12 months to June 2023, the rate of assaults increased by 9% compared to the previous year. There were also 64,348 self-harm incidents over the same 12-month period. This represented a 16% increase in the rate of self-harm incidents overall; a 3% increase for male prisoners but a considerable 63% increase for females. The Chief Inspector of Prisons also reported that staffing pressures were having a major impact on health services for prisoners and there were continuing delays for prisoners in accessing mental health services.

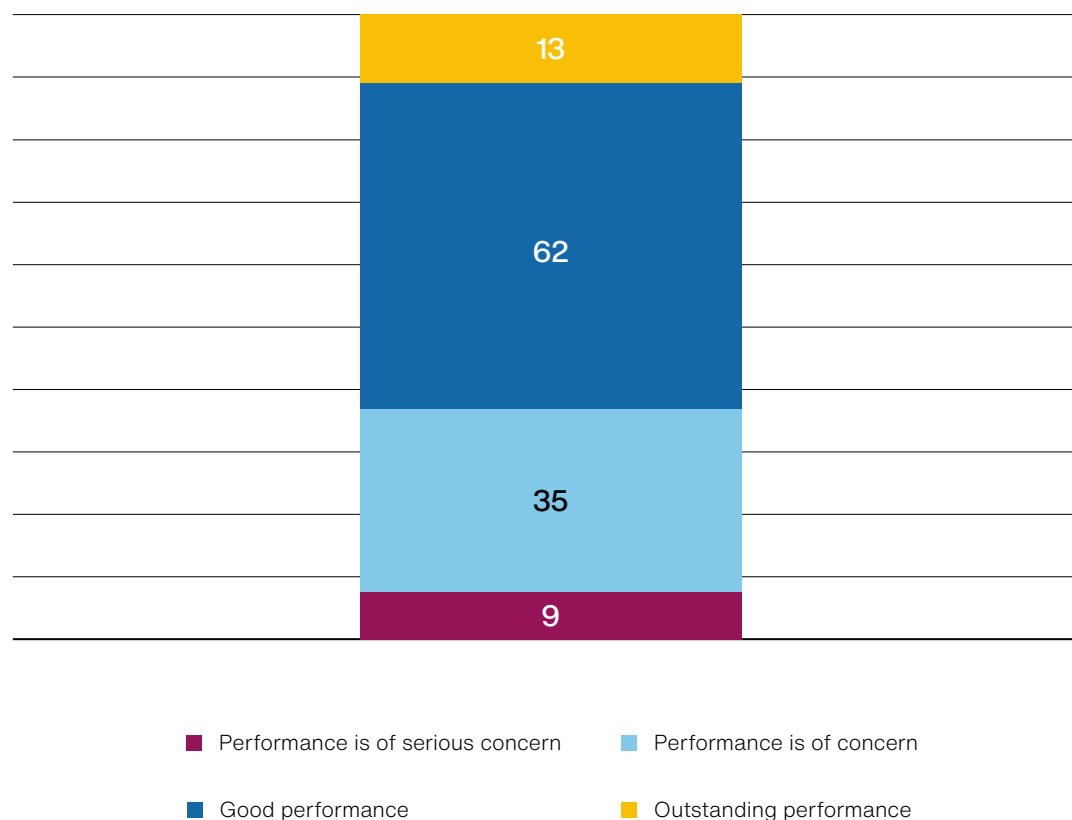
Notes

- 1 Reporting was suspended in 2020-21 and amended in 2021-22 due to COVID-19, meaning comparisons to these years cannot be made.
- 2 In total, it awarded performance ratings to 119 prisons in 2022-23.

Annual prison performance ratings 2022-23

In 2022-23, 44 out of 119 (37%) prisons in England and Wales had a performance rating of concern or serious concern

Number of prisons



Source: *Annual Prison Performance Ratings 2022-23*

Part Three • Key developments

The probation system

The number of people under probation supervision has remained steady in the last year, while the number of people fitted with an electronic device has risen since March 2022.

Trends in probation

At the end of June 2023, the total number of people under the supervision of the Probation Service part of HMPPS was 238,264, 2% lower than at 30 June 2022.¹ The number of offenders on probation remains below pre-pandemic levels.

Electronic monitoring

Electronic monitoring ('tagging') allows the police, courts, probation and immigration services to monitor offenders' locations and compliance with court orders, and act if offenders breach their requirements.

The government's 2022 *Electronic Monitoring Strategy* outlined its plans to expand electronic monitoring for England and Wales. The total number of individuals fitted with an electronic monitoring device as at 31 March 2023 was 17,350, an increase of 13% from 15,394 as at 31 March 2022.

In parallel, HMPPS has been reprocurring its contracts for its normal tagging activities. In October 2023, Serco was awarded a contract worth around £330 million to provide an electronic monitoring service. G4S was appointed the hardware provider, with a contract value of £175 million. The contracts will run to 2030, with an option to extend for up to two further years.

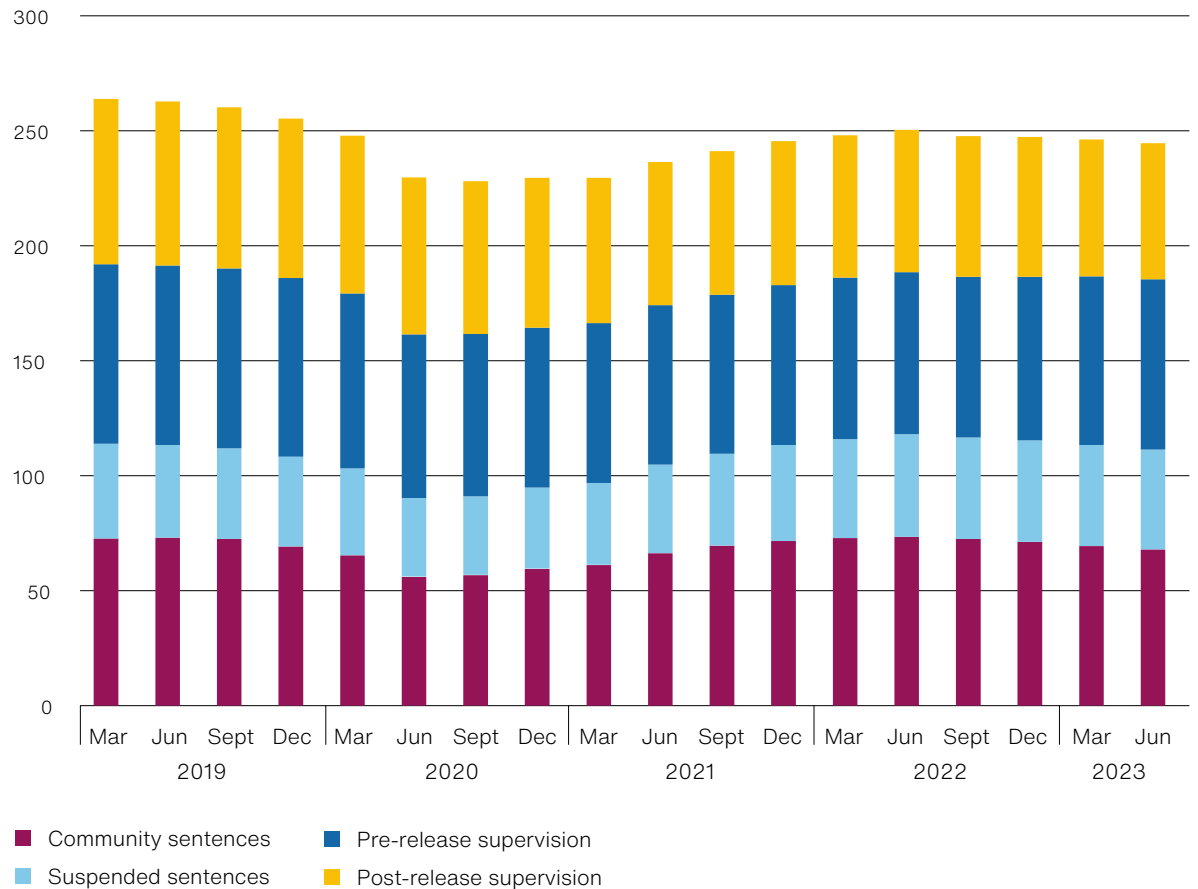
In August 2023, the MoJ updated its *Electronic Monitoring in the Criminal Justice System* strategy. The updated strategy has an increased focus on improving data collection, monitoring the delivery of benefits and creating an evidence base for the impact of tagging on reoffending.

Note

¹ The number of people under Probation Service supervision is based on each person being counted once, even if they are subject to several types of probation supervision. This means that the totals shown in the figure above sum to more than the simple count of those supervised.

Snapshot of number of offenders under probation supervision, by sentence type, as at the last day of each quarter, between end March 2019 and end March 2023

Number of offenders (000s)



Note

¹ Number of offenders shown is as at the end of each quarter (the last day of the month shown).

Source: National Audit Office analysis of Offender Management statistics quarterly, published by HM Prison and Probation Service

Part Three • Key developments

The probation system continued

HM Inspectorate of Probation reported in 2023 that the performance of the unified probation service in England and Wales has been “disappointing”.

Probation performance

The unified Probation Service, with 108 local probation delivery units organised into 11 probation regions in England and one for Wales, is responsible for managing all those on a community sentence or licence following their release from prison. During the COVID-19 pandemic, the MoJ and HMPPS set up Exceptional Delivery Models allowing regional probation directors some autonomy to flex the probation services provided, taking into account both social distancing guidelines and public protection.¹ In January 2022, probation services transitioned on to a prioritisation framework that focused foremost on key public protection responsibilities and gave some flexibility in other probation services.

HMPPS phased in a performance framework, with 16 probation performance measures in place for January 2022 to March 2022. From April 2022, an additional 10 measures were introduced to measure probation performance, increasing the number of performance measure targets to 26. Across the 26 measures, 10 out of 26 probation services were above or equal to their target at the end of 2022-23.

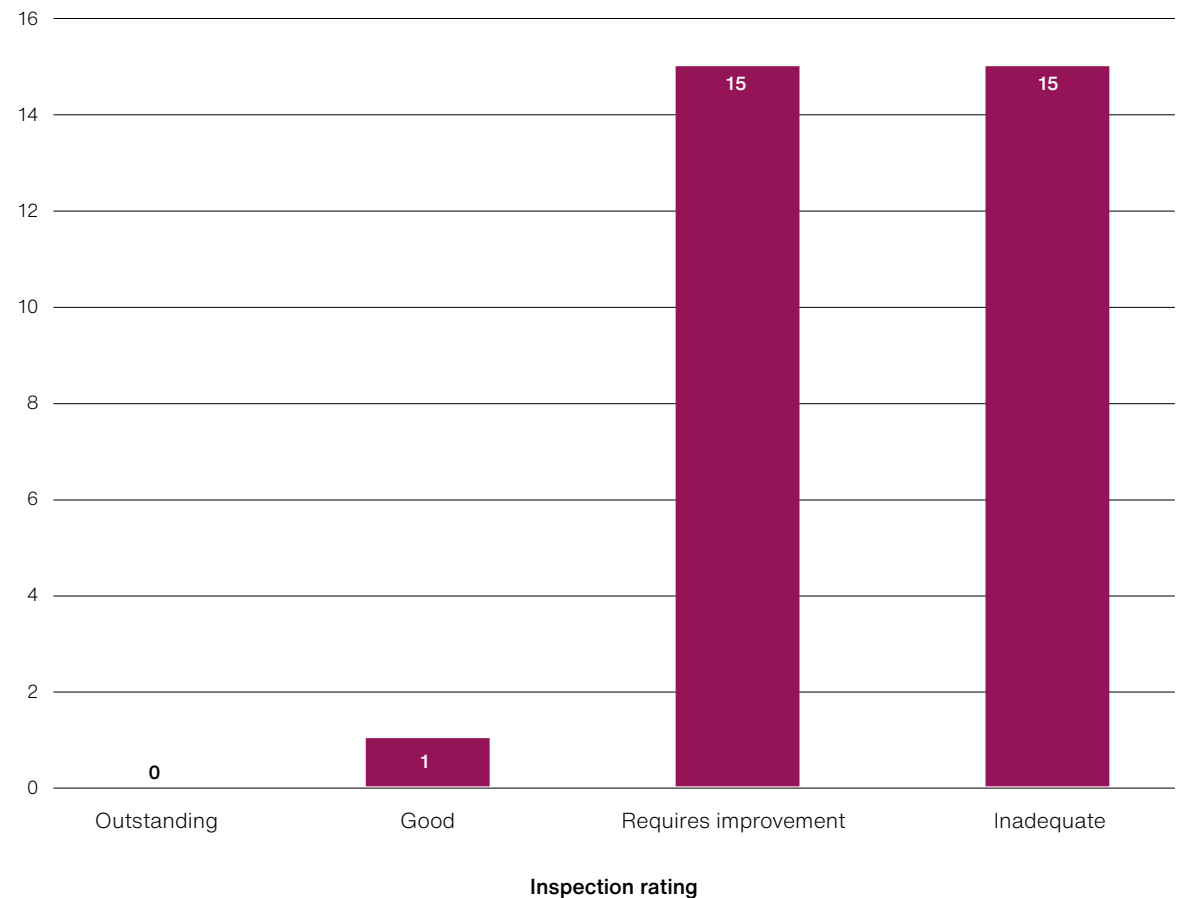
HM Inspectorate of Probation started a new cycle of inspections on the 108 local probation delivery units (PDUs) from Summer 2021. Of the 31 units it rated up to 13 July 2023, only one was rated ‘good’ and the rest were ‘inadequate’ or ‘requires improvement’, with an average score of just five out of 27. It also reported that performance had fallen against all of the 12 questions about the quality of probation practice following the unification of the service.

Note

¹ For regions with a ‘red’ performance rating, they were still subject to senior leader approval.

HM Inspectorate of Probation inspection ratings of 31 local probation delivery units, between 2021 and 13 July 2023

Number of inspections



Source: National Audit Office analysis of HM Inspectorate of Probation Annual Report 2022-2023

Part Three • Key developments

Reducing reoffending

Reducing reoffending is one of the MoJ's three strategic priority outcomes. It focuses on interventions proven to reduce reoffending: a home; a job and access to treatment for substance abuse.

In 2018, the MoJ estimated that reoffending within a 12-month follow-up period has an estimated economic and social cost of £18.1 billion a year (2017-18 prices).

Reoffending rate

The overall proven reoffending rate was 25.4% for the October to December 2021 offender cohort, an increase of 2.3 percentage points from the same quarter in 2020.¹

Reoffenders committed on average of 3.76 reoffences each.

- Men were more likely to reoffend (25.8%) than women (21.0%).
- Juvenile offenders (32.5%) were more likely to reoffend than adults (25.1%).
- Over half of adults released from custodial sentences of less than 12 months reoffended (55.3%). The rate for those with longer sentences was lower (20.9%).

The MoJ noted that this period was affected by the continued delay in the processing of court cases and the Criminal Bar Association strike. Increased numbers of reoffence convictions may fall outside of the one-year follow-up period or six-month waiting period and therefore impact these statistics.

Note

¹ An offender enters the cohort if they were released from custody, received a non-custodial conviction at court or received a caution in a three-month period: October to December 2021. Proven reoffences are measured over a one-year follow-up period and a further six-month waiting period to allow for offences to be proven in court. Information on how proven reoffending data are collected is available here: [Proven reoffending statistics: October to December 2021](#)

Initiatives to reduce reoffending

The 2021 Spending Review announced £550 million over three years to cut reoffending and the [2021 Prisons Strategy White Paper](#) set out further measures.¹

Initiatives include: expanding the number of Approved Premises spaces; providing temporary accommodation for up to 84 nights where a prison leaver subject to probation supervision would be otherwise homeless, and support with moving on to settled accommodation; putting in place employment advisory boards and employment advisors in all resettlement prisons supporting prisoners with getting the skills and information needed to find employment on release. As part of the 10-year cross-government drugs strategy, the MoJ is also rolling out a range of initiatives to get offenders off drugs and into recovery, for example, supporting prisoners to engage with treatment before their release, and recruiting dedicated staff in prison and the community to focus on tackling drugs.

Regional Probation Directors and Prison Group Directors have produced Regional Reducing Reoffending Plans for their regions for the period 2022 to 2025.

Note

¹ Spending Review 2021 allocations may subsequently be revised by subsequent events such as government efficiency reviews.

Progress and performance

In May 2023, we published a report: [Improving resettlement support for prison leavers to reduce reoffending](#). The report looked at the government's effectiveness in resettling prison leavers.

We reported that the available data indicate there had been a decline in the quality of resettlement services in recent years. We found that the government's performance in improving prison leavers' outcomes had been mixed and it could not demonstrate that its new contracts with other organisations on resettlement support were making a positive difference to offenders. While performance on accommodation outcomes had remained stable and employment outcomes had improved, the proportion of prison leavers referred for substance misuse treatment who were engaged in treatment post-release had remained low.

We reported that, while new initiatives were at an early stage, emerging feedback had been positive for some of these.

We concluded prison and probation staff demonstrated strong commitment to resettlement, but that performance had been hampered by staff shortages and high workloads. HMPPS had started to take welcome steps to address unmet need but is also likely to need to respond to higher demand in future, which may involve some difficult prioritisation of resettlement services offered.



Relevant NAO work: [Reducing the harm from illegal drugs](#)

[Cross-government working: lessons learned](#) – NAO insight

Demand and supply in the criminal justice system

There is a growing discrepancy between demand for criminal justice services, primarily created by the police, who make arrests and charging decisions, and the supply of services, primarily provided by HM Courts & Tribunals Service (HMCTS), which administers cases through the courts, and HM Prison and Probation Services (HMPPS), which manages those in custody and supervised in the community.

Demand for services

The projected future demand on the criminal justice system will depend on future trends in reported crime and offences charged. The Ministry of Justice (MoJ) has estimated that demand for services will increase because of policies introduced in recent years. For example:

- Our report, the [Police Uplift Programme](#), found that, if the Home Office's assumptions are correct, the recruitment of 20,000 additional police officers could lead to an additional 729,000 cases entering the criminal justice system over the next 10 years.
- The Police Crime Sentencing and Courts Act in 2022, which introduced tougher sentencing for the worst offenders and ended automatic halfway release for those convicted of certain serious sexual and violent offences, will lead to additional demand for prison space.
- The Illegal Migration Act will mean that those who arrive in the UK illegally will be detained and then promptly removed. The Act is likely to create increased demand for judges, lawyers, and court and legal aid agency staff.

Courts backlog

Live caseloads in the Crown Court increased to 64,907 at the end of September 2023, the highest recorded level. There is some evidence that suggests that increased court waiting time and delays generally result in a higher proportion of defendants pleading not guilty. Cases with not guilty pleas typically take much longer to complete in the courts than cases where a defendant has pleaded guilty, putting further strain on the justice system.

Staff pressures

The Chief Inspector of Prisons highlighted staff shortages in prisons and their devastating impact on prisoner outcomes (see Part Three). Although prison and probation staff in post had increased by 8.2% in September 2023 from the previous year, due to turnover and high numbers of new joiners, the average length of service of HMPPS employees has decreased.

Pay remains a principal concern in staff and contractor recruitment and retention in the sector. There was industry action by criminal barristers and Magistrates' court staff during 2022-23, and court security staff (who are employed by an external contractor) had a four-day walkout in September 2023 that led to the closure of 30 courts. The MoJ accepted all 13 recommendations made by the Prison Service Pay Review Body for 2023-24 with pay awards targeted towards the lowest grade, and "recognised the significant cost of living pressures on staff".

Prison places

In the 2021 Spending Review, the MoJ predicted that it would need 20,000 new prison places by the mid-2020s to meet demand, and support the transition towards a more efficient, safe and environmentally sustainable prison estate. As at July 2023, 5,600 of the additional 20,000 prison places planned have been delivered. However, 23% of prisoners were held in crowded conditions (see Part Three) at the end of June 2023.



Relevant NAO work: [Improving operational delivery in government: A good practice guide for senior leaders](#) – NAO insight

[How to improve operational services](#) – NAO insight

[Managing uncertainty: Questions for decision-makers to ask in an uncertain environment](#) – NAO insight

Part Four • Risks for the Ministry of Justice

Delivering major projects and programmes and implementing change

The MoJ is delivering a significant portfolio of projects against a backdrop of rising inflation and significant technical debt.

Inflationary and supply chain pressures

Inflation continues to outpace the assumptions that underpinned the MoJ's Spending Review 2021 settlement. The government has asked departments to absorb these financial pressures from within their existing budgets. In response, the MoJ states that it is working across the justice system to prioritise resource, improve productivity and focus resources on activity that will have the biggest impact on its outcomes.

The MoJ group has the second largest number of programmes in the Government Major Projects Portfolio (27 in 2022-23). It is also one of the most outsourced government departments, with high volumes of contracts to manage.

Inflationary pressures and continued supply chain risks have impacted on major prison construction projects, as well as the maintenance of the prison and courts estate. The MoJ states that it monitors its critical suppliers and has ensured that contingency plans are in place to manage commercial risks. It also states that it has robust oversight, constructive challenge processes and a core team of project delivery professionals to manage risks to its major projects portfolio.



Relevant NAO work: [Good practice guidance: Managing the commercial lifecycle](#)

[Monitoring and responding to companies in distress: lessons learned](#)

Digital

The MoJ published its digital strategy for 2022 to 2025 in April 2022. The strategy has three themes:

- To become a more flexible organisation – be nimble, using automation where it is right to do so.
- To be driven by data – ensuring the right data are available at the right time for the right people.
- To be led by users – creating a user-centred mindset and truly multidisciplinary team.

The MoJ estimates it has significant technical debt. Technical debt is the estimated value of suboptimal digital systems which are creating inefficiencies or risks, such as security vulnerabilities and the inability to implement change quickly. If left unresolved, technical debt can cause business disruption and greater unforeseen issues in future digital projects.

However, the MoJ acknowledges that its ability to reduce technical debt remains a challenge. It has created a dashboard for its most critical systems to reflect the risks and plans to address them. But resources and capability continue to be an issue, both in maintaining old systems and developing new systems to support business improvements.



Relevant NAO work: [The challenges in implementing digital change](#)

[Use of Agile in large-scale digital change programmes](#)