



National Audit Office

DEPARTMENTAL OVERVIEW 2019

MINISTRY OF JUSTICE

MARCH 2020

MINISTRY OF JUSTICE

This overview summarises the work of the Ministry of Justice including what it does, how much it spends, recent and planned changes, and what to look out for across its main business areas and services.

CONTENTS

page 3

OVERVIEW

- _ About the Ministry of Justice
- _ How the Ministry is structured and its place within the criminal justice system
- _ Where the Ministry spends its money
- _ Major programmes and developments
- _ Exiting the European Union
- _ Managing public money
- _ The Ministry is facing a range of cost pressures

page 10

PART [01]

- _ Services under strain

page 17

PART [03]

- _ What to look out for

page 14

PART [02]

- _ Financial and operational sustainability depends on the successful delivery of reforms

The National Audit Office (NAO) helps Parliament hold government to account for the way it spends public money. It is independent of government and the civil service. The Comptroller and Auditor General (C&AG), Gareth Davies, is an Officer of the House of Commons and leads the NAO. The C&AG certifies the accounts of all government departments and many other public sector bodies. He has statutory authority to examine and report to Parliament on whether government is delivering value for money on behalf of the public, concluding on whether resources have been used efficiently, effectively and with economy. The NAO identifies ways that government can make better use of public money to improve people's lives. It measures this impact annually. In 2018 the NAO's work led to a positive financial impact through reduced costs, improved service delivery, or other benefits to citizens, of £539 million.

If you would like to know more about the NAO's work on the Ministry of Justice, please contact:

Oliver Lodge

Director, Value for Money Audit
✉ oliver.lodge@nao.org.uk
☎ 020 7798 7827

Steven Corbishley

Director, Financial Audit
✉ steven.corbishley@nao.org.uk
☎ 020 7798 7619

If you are interested in the NAO's work and support for Parliament more widely, please contact:

✉ parliament@nao.org.uk
☎ 020 7798 7665



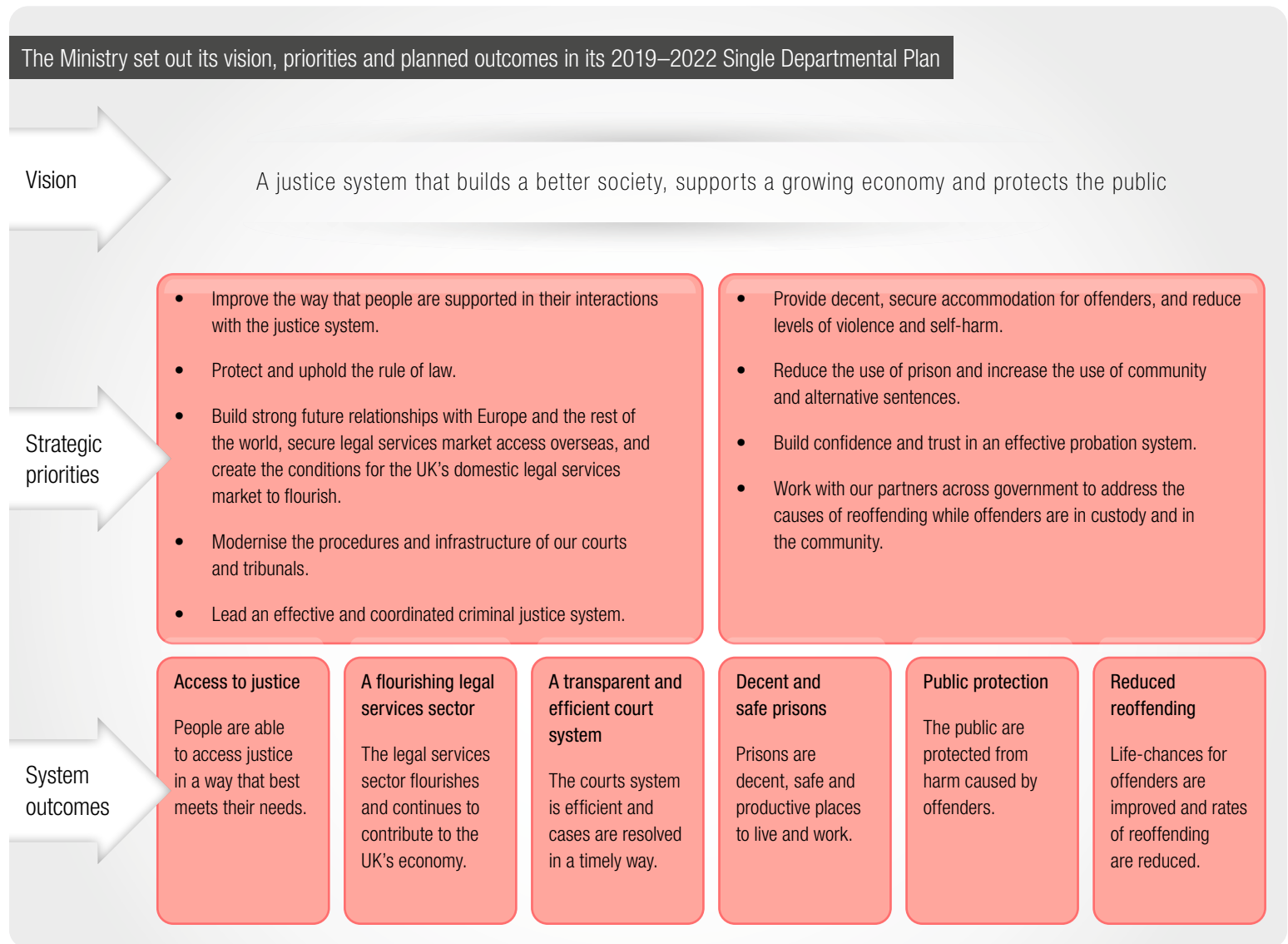
About the Ministry of Justice

The Ministry of Justice (the Ministry) is the lead government department responsible for the justice system in England and Wales.

With support from 39 public bodies, the Ministry is responsible for administering:

- courts and tribunals (in partnership with the independent judiciary);
- prisons;
- probation services; and
- 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 Ministry of Justice business and is supported by two ministers of state and two parliamentary under-secretaries.

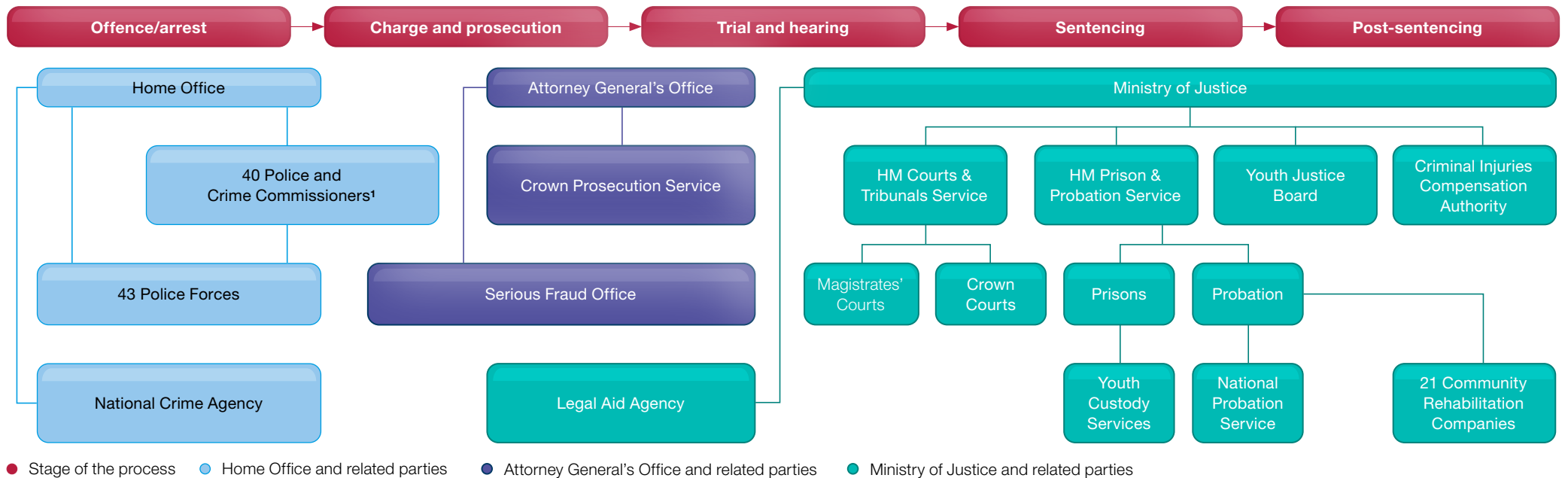


How the Ministry is structured and its place within the criminal justice system

The Ministry delivers its objectives through a number of public bodies covering criminal, civil and family justice systems in England and Wales.

- 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 & Probation Service carries out sentences given by the courts, in custody and the community, and rehabilitates people in its care through education and employment.
- 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 Children and Family Court Advisory and Support Service is a body independent of the courts which represents children in family court cases in England.
- The Office of the Public Guardian is responsible for supervising the financial affairs of people who lack the mental capacity for making decisions.
- 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.

The Ministry of Justice works with a number of other government bodies across the criminal justice system in England and Wales



Notes

1 Greater Manchester Police, Metropolitan Police and the City of London Police do not have Police and Crime Commissioners. In these areas, Mayors and Metro Mayors have authority over the police.

2 A separate *Departmental Overview* is available on the Home Office.

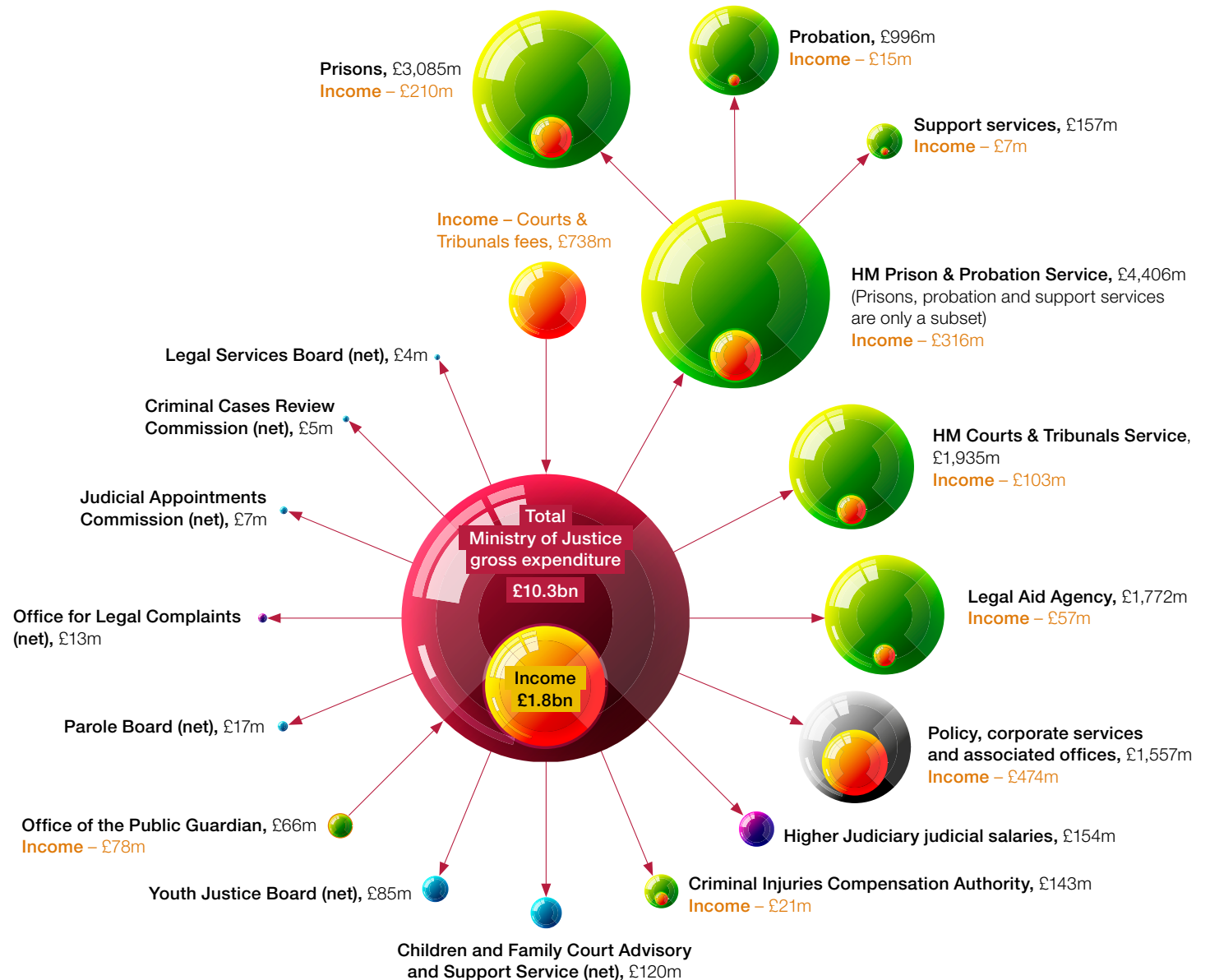
Where the Ministry spends its money

The Ministry of Justice's (the Ministry's) total expenditure in 2018-19 was £10.3 billion. It generated income of £1.8 billion, reducing the overall cost to the taxpayer to £8.4 billion.

- Total Ministry expenditure
- Income
- Central service expenditure
- Public bodies expenditure
- Executive non-departmental public bodies expenditure
- Other expenditure

Notes

- 1 Figures include resource and capital spending in Departmental Expenditure Limits (DEL).
- 2 Figures for the HM Prison & Probation Service breakdown includes only Resource Departmental Expenditure Limits (RDEL) or day-to-day spending.
- 3 The Ministry receives income from a combination of fees (for example, for courts processing divorce or probate claims), fines and recoveries from other government departments.
- 4 The Ministry also receives levy income of £16 million in relation to the Legal Services Board and the Office for Legal Complaints.
- 5 The individual accounts of each organisation will not necessarily reconcile to the figures shown here due to adjustments made in consolidating the group accounts.
- 6 Figures do not add due to rounding.



Major programmes and developments

The Ministry is managing a number of major programmes including:

HM Courts & Tribunals Service (HMCTS) Reform Programme

In 2016, HMCTS set up a £1.2 billion portfolio of change programmes to reform and upgrade the justice system by 2023. Reforms include modernising infrastructure, rationalising the court estate and providing flexible, modern services to the court user. *Transforming courts and tribunals – a progress update* (September 2019) found that HMCTS had made good progress in transforming some services but the scope of the changes had been scaled back and implementation had been delayed (see page 14).

Probation Programme

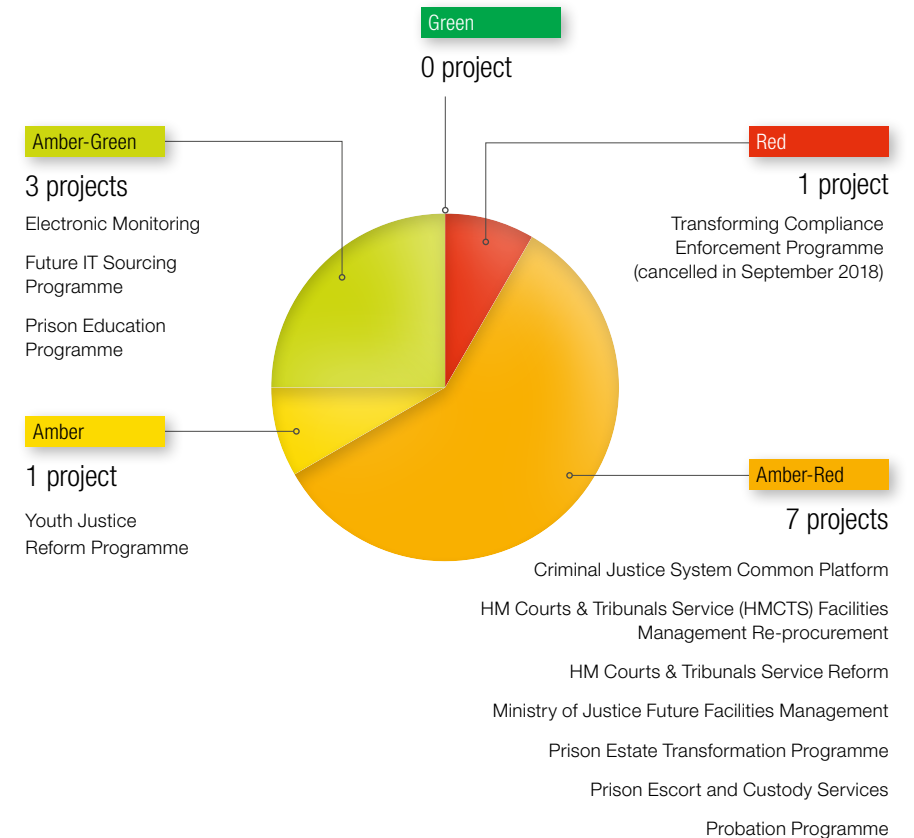
Launched to take forward the structural changes required following the early termination of the Community Rehabilitation Company contracts in 2021. *Transforming Rehabilitation: Progress review* (March 2019) set out the reasons for the termination of these contracts (see page 16).

The Prison Estate Transformation Programme

In 2016, the Ministry planned to replace 10,000 old prison places with new fit-for-purpose accommodation by 2020. The Ministry expected the programme to cost £1.3 billion. *Improving the prison estate* (February 2020) described the progress made by the programme. In August 2019, the government announced a new programme of up to £2.5 billion that will “fund modern and efficient prisons” and create an additional 10,000 new prison places by “the mid-2020s”.

In September 2018, nine of the Ministry’s 12 projects on the Government Major Projects Portfolio (GMPP) were considered to be at risk

The Infrastructure and Projects Authority provides a Delivery Confidence Assessment for all projects on the GMPP. This is an evaluation of each project’s likelihood of achieving its aims and objectives on time and on budget, using a five-point scale: from Green (successful delivery highly likely) to Red (successful delivery of the project appears to be unachievable).



Notes

- 1 In early 2019 HMCTS revised its Reform programme, integrating the crime (Common Platform) programme.
- 2 In August 2019 the Prison Estate Transformation Programme was superseded by a government announcement for 10,000 new prison places.

Source: National Audit Office review of Government Major Projects Portfolio data, published July 2019

Exiting the European Union

The United Kingdom's (UK's) government instructed departments to make the necessary arrangements for European Union (EU) Exit.



The Ministry's main priorities for EU Exit set out in its Single Departmental Plan are to:

- build strong future relationships with Europe and the rest of the world to support access to justice;
- negotiate future arrangements with the EU on civil and criminal judicial cooperation;
- strengthen international arrangements on civil judicial cooperation; and
- build strong future relationships with Europe and the rest of the world, secure legal services market access overseas and create the conditions for the UK's domestic legal services market to flourish.

Workstreams

As of April 2018, the Ministry had nine active workstreams relating to policies affected by leaving the EU.

These covered understanding the impacts of EU Exit on the workload of courts and tribunals, fundamental rights issues related to EU Exit and legal services market access post-EU Exit. They also included the future civil judicial cooperation with the EU to enable clear rules on the handling of cross-border disputes in civil, commercial, insolvency and family law matters.

The Ministry states in its annual report 2018-19, that it has developed delivery plans for a range of negotiated and contingency outcomes and is working closely with other government departments where there are issues with significant cross-cutting interest. For example, it is working with: the Home Office on criminal justice cooperation; the Department for Business, Energy & Industrial Strategy to prepare for negotiations with the EU on the legal services market; and with Department for Exiting the European Union to ensure that the needs and interests of the Crown Dependencies are represented across the UK's negotiating positions.

HM Treasury allocated £34.7 million to the Ministry in 2019-20, to be spent on preparations for EU Exit. Of this sum, £4.7 million was allocated for operational readiness and engagement with the legal services sector.

Managing public money

Spending Review targets

The 2015 Spending Review set the Ministry two targets to meet by 2019-20:

- overall savings of 15%, including efficiencies in the prisons and courts system; and
- spending 50% less on ‘back-office’ administrative functions.

The settlement was based around the Ministry being able to **better manage demand and raise additional revenue** through services for which it charges a fee.

The Ministry’s performance

Due in part to unanticipated increases in demand, the Ministry has been unable to meet its savings targets.

The Spending Review envisaged that the Ministry’s spending would decrease each year from 2016-17 to 2019-20, whereas actual spending has risen each year. In 2018-19, the Ministry spent £1.4 billion more than set out in the Spending Review.

The Ministry’s settlement in the 2019 Spending Round includes a 4.9% increase in real terms to the Ministry’s resource budget from 2019-20 to 2020-21.

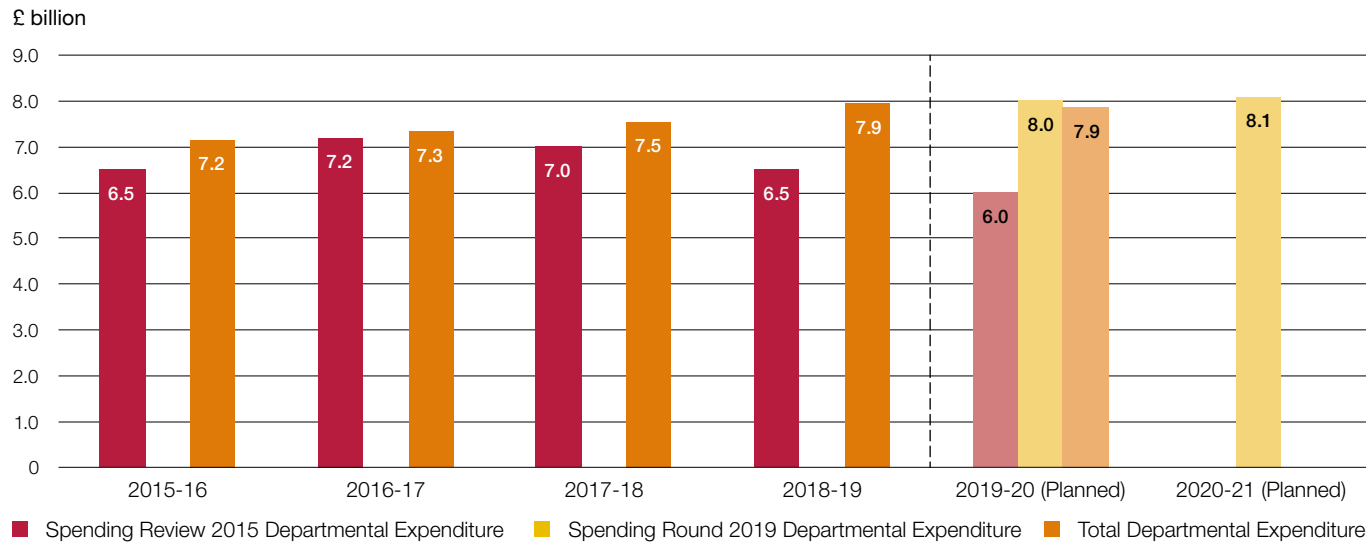
Investment for the future

The 2015 Spending Review settlement included more than £2 billion capital investment in the prison estate and courts system to improve services and generate future savings.

The Ministry’s budget for capital investment spending for the financial year is agreed annually with HM Treasury. Each year from 2015-16 to 2018-19, the Ministry has (with agreement from HM Treasury) transferred funding from its capital allocation to manage resource spending pressures.

Of the £1.6 billion capital investment planned over the past four years, £0.6 billion has been reallocated in this way, and thus has not been invested as originally intended. In addition, in the Autumn 2016 statement, £160 million was moved from capital to resource covering 2018-19.

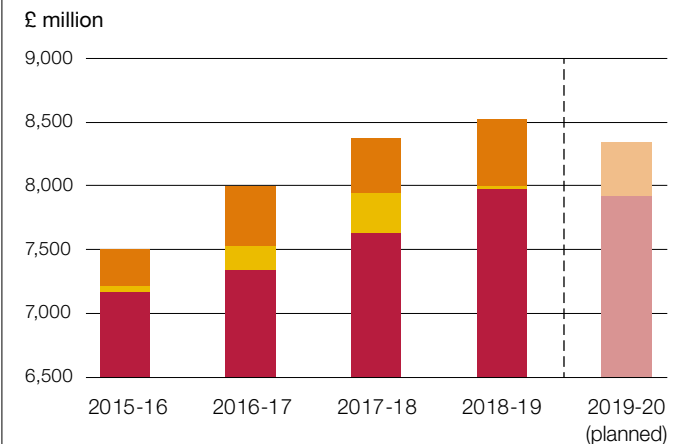
Total Departmental Expenditure compared with the Spending Review estimate



- Notes**
- 1 Total Departmental Expenditure in this figure is defined as expenditure falling under the Ministry of Justice’s (the Ministry’s) departmental expenditure limits (DEL), both relating to Resource (RDEL) and Capital (CDEL).
 - 2 Figures have been adjusted to allow for depreciation to reflect presentation of figures in the Spending Review.
 - 3 The 2019 Spending Round increased the Ministry’s RDEL spending by £2 billion compared with the 2015 Spending Review. CDEL was not revised.

Source: National Audit Office analysis of *Ministry of Justice Annual Report and Accounts 2017-18* and Ministry of Justice’s settlement at the Spending Review 2015

Capital expenditure switched to resource expenditure



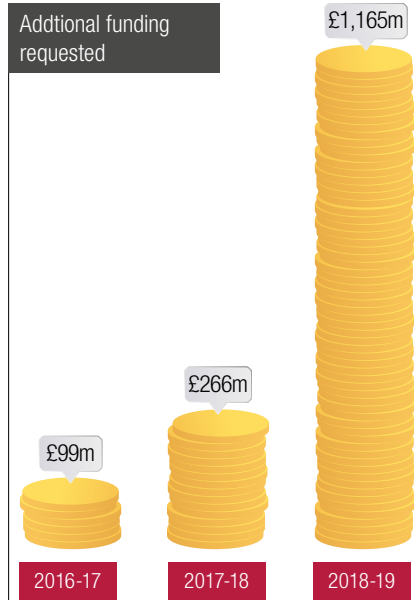
- Resource
- Switched
- Capital

Source: National Audit Office analysis of Ministry of Justice main and supplementary estimates

The Ministry is facing a range of cost pressures

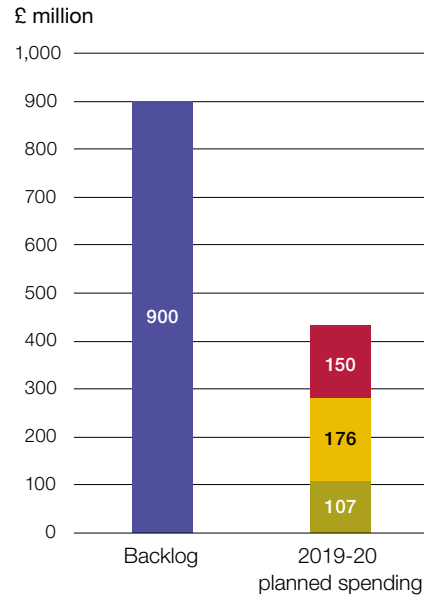
The Ministry has had to request increasingly large amounts of additional funding over the past three years

Due to unforeseen cost pressures, the Ministry has had to request increases on its initial budget allocations from HM Treasury.



Maintenance backlog

The Ministry has calculated that there is a **£900 million** backlog of major works to improve the fabric of its prison estate. The Ministry is planning to spend £433 million on maintenance in 2019-20.



- Additional committed funding
- Facilities management contract spend
- Other spend
- Backlog of major works

Note

¹ In 2018 The Lord Chief Justice's report also suggested that there was a backlog of urgent maintenance work in the courts estate, but did not quantify the cost of the works.

Source: Letter regarding the Ministry of Justice main estimate 2019-20 provided to the Chair, Justice Committee, available at: www.parliament.uk/documents/commons-committees/Justice/020719-Richard-Heaton-MoJ-Main-Estimate%202019-20.pdf, accessed 4 October 2019

Demand for legal aid

The Legal Aid Sentencing and Punishment of Offenders Act 2012 introduced reforms to reduce spending on legal aid by limiting the areas of law for which legal aid is available, and changing eligibility for legal aid support. Between 2010-11 and 2017-18 spend on legal aid had fallen by nearly £1 billion (35%) in real terms to £1.62 billion. The Ministry was successfully challenged through judicial reviews in 2016 and 2017, forcing it to widen the scope of legal aid funding. After a 10-year decline, demand for legal aid increased, resulting in the Ministry requesting an additional **£136 million** funding in 2018-19 to cover the shortfall.



Judicial pensions

The Ministry has been challenged several times over the pension rights of the judiciary. In 2018, two key rulings have resulted in additional financial liabilities of **£531 million** to be met by the Judicial Pension Scheme, and **£66 million** to be met by the Ministry.



Overcharging of fees: loss of future income and unexpected cost of fee refunds

The Ministry's income from fees has reduced since 2017. The Supreme Court found that charging employment tribunal fees was unlawful. There were other fees that were set above the cost of providing the service or incorrectly charged, which have now been reduced.

The Ministry has had to repay these fees. It has made a financial provision of **£165 million** to cover repayments relating to all of these schemes, of which £29 million has been repaid to date.

Due to a delay in introducing new probate fees, the Ministry had to request an additional **£308 million** to fund the shortfall.



Prison pay

In November 2016, as a response to increasing levels of violence and security threats in prisons, the Ministry launched a campaign to recruit an additional 2,500 prison officers.

In July 2019, the Lord Chancellor and Secretary of State for Justice stated that the Ministry had recruited an extra 4,700 prison officers since 2016, and also announced that the 2019 pay rise for prison staff was the highest consolidated increase for more than 10 years.



Services under strain

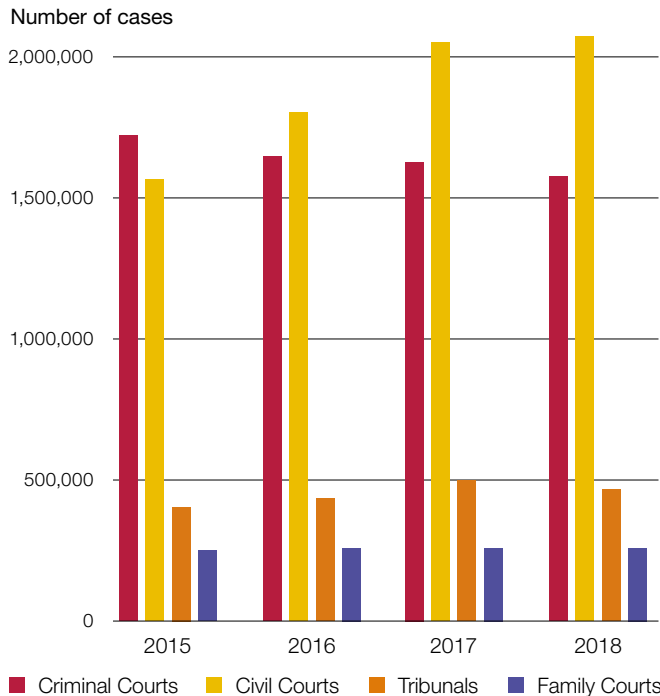
Courts

In 2018, HM Courts & Tribunals Service handled 4.4 million courts and tribunal cases. An increase of 0.4 million (11%) since 2015.



Source: HM Courts & Tribunals Service Annual Report and Accounts 2018-19

Although the overall number of cases going through the courts has increased, the number of criminal cases is reducing



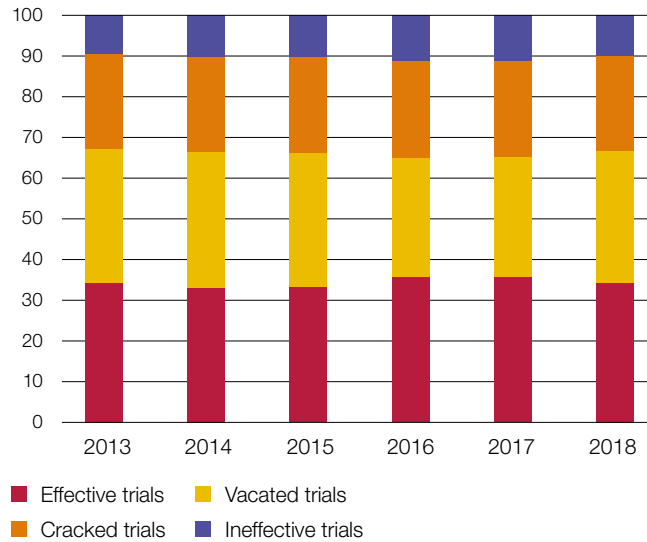
Sources: HM Courts & Tribunal Service (HMCTS) Criminal Courts statistics (quarterly), HMCTS Civil Courts statistics (quarterly), HMCTS Family Court statistics (quarterly), HMCTS Tribunal Statistics (quarterly)

But complexity of cases is increasing

Demand on the Crown Court system will be greater in complex cases that have longer total hearing times. Sexual offences and drug offences, both of which are more complex, increased their case share from 20.4% to 26.7% between 2010 and 2016.

Only a third of cases go ahead as planned in the Crown Court

Percentage of Crown Court trials that were effective, vacated, cracked and ineffective, 2013 to 2018 (%)



Source: National Audit Office analysis of HMCTS criminal court statistics

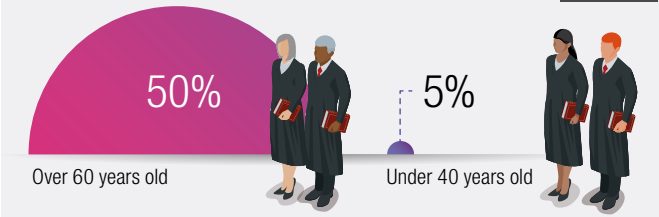
Each year since 2013, approximately two thirds of all trials listed in the Crown Court have not gone ahead as planned, around half of these were due to the case being vacated, which is where it becomes clear in advance that the case is unlikely to go ahead as scheduled, and it is removed from the list. 10% of cases were ineffective and did not go ahead due to a failing of the defence, prosecution or court.

The Ministry is experiencing difficulties maintaining a full complement of judiciary. Since 2014-15, unfilled vacancies have become a regular occurrence at the High Court and there were 14 (out of 110) High Court vacancies as at September 2018.

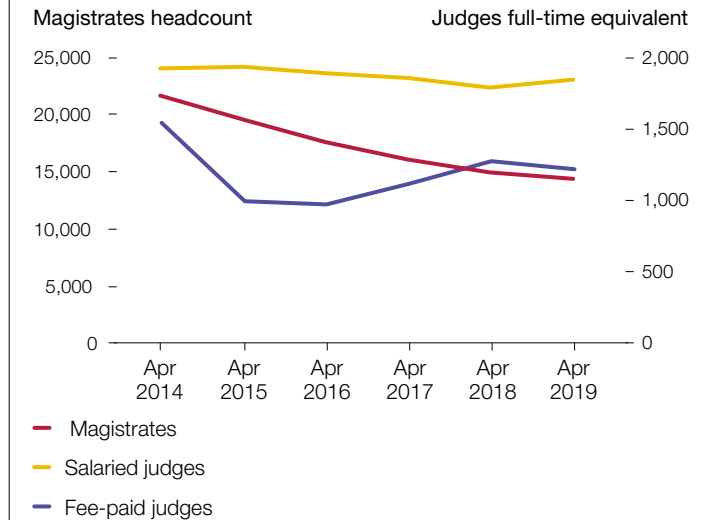


This situation may worsen as judges retire. Half the judiciary are over 60 years of age, whereas only 5% are under 40 years old.

Judges



The number of magistrates and judges has reduced since 2014



Source: Judicial diversity statistics, 2019, Table 3

Services under strain

Prisons

In 2019, 14% of prisons were rated as having performance of serious concern by HM Prison & Probation Service, the highest proportion since ratings began.

Prison performance

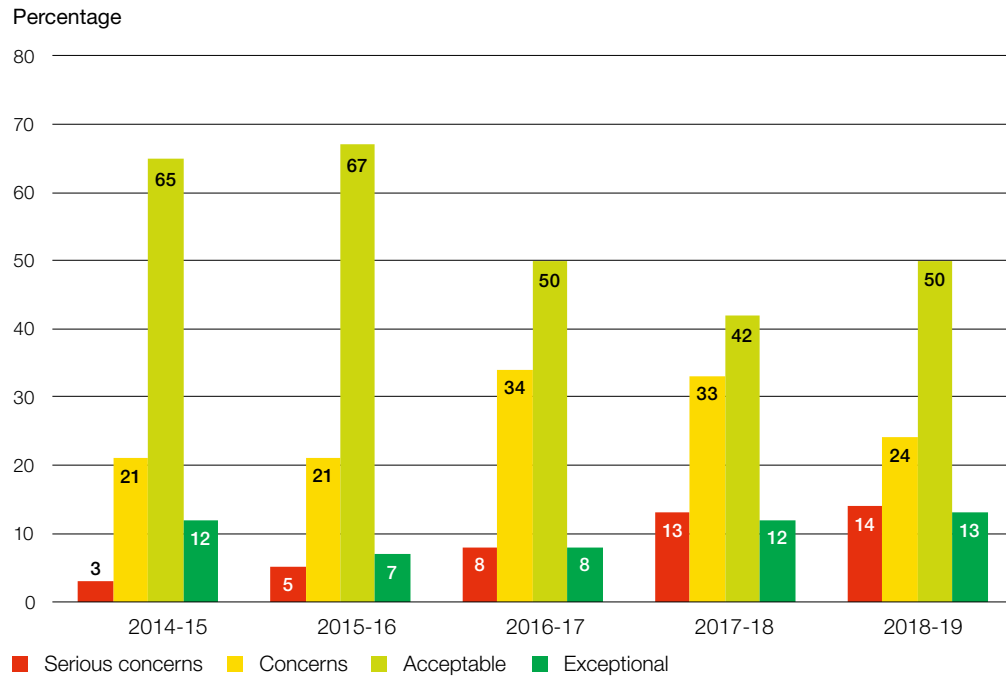
14%

Serious concern

In 2018-19 the Chief Inspector of Prisons issued three urgent notifications, in HMPs Exeter, Bedford and Birmingham, because he had...

“...significant concerns with regard to the treatment and conditions of prisoners”.

Annual prison performance ratings from 2014-15 to 2018-19



Note

1 Direct comparisons cannot be made to performance ratings in previous years as a new prison framework was introduced in 2018-19 to assess prison performance.

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

Self-harm incidents and prisoner-on-prisoner assaults were the measures in which prisons performed most poorly overall – HM Prison & Probation Service rated 86% of prisons as having performance of concern or serious concern for these measures.

Rating measures

86%

Concern
Serious concern

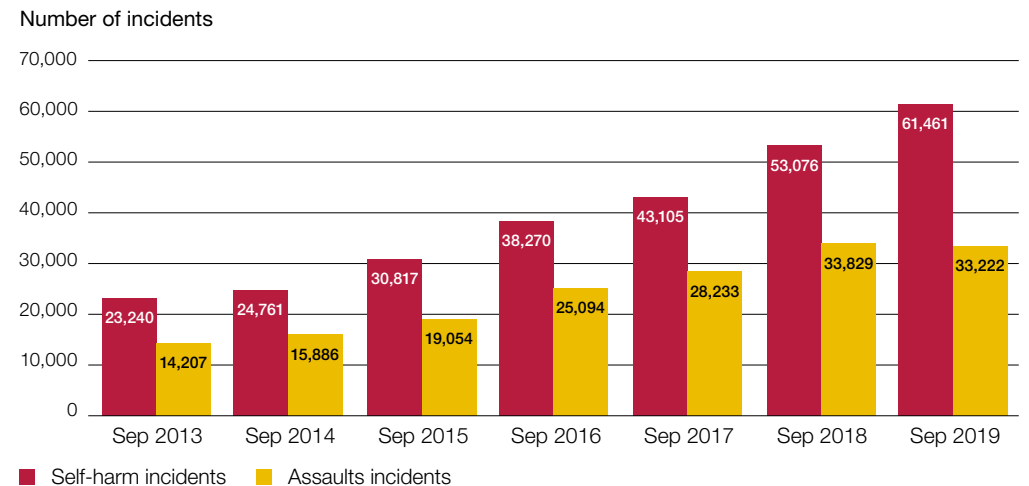
Safety is still a major problem. Levels of violence had increased in more than half the prisons inspected by HM Inspectorate of Prisons in 2018-19. Safety in 22 of the 28 local and training prisons inspected in 2018-19 was considered 'not sufficiently good' or 'poor'.

Safety in local and training prisons

22 of the 28



Incidents of self-harm and assaults in the 12 months ending September, 2013 to 2019



Source: National Audit Office analysis of Safety in Custody statistics, 2013 to 2018

Services under strain

Prisons *continued*

In his 2019 Annual Report, the Chief Inspector of Prisons considered that “staff shortages have been so acute that risks to both prisoners and staff were often severe, and levels of all types of violence had soared”. The Chief Inspector noted that there had been efforts to recruit and train new prison officers, but that many prisons still lacked a fully experienced workforce.

HM Inspectorate of Prisons found many inexperienced officers without the confidence to challenge and motivate prisoners in their care.



Between March 2018 and March 2019, the number of prison officers increased by 7.6% (1,592) from 21,038 to 22,630.



In March 2019, 50% of prison officers had five or more years' experience, compared with 94% in March 2014.



The rate of assaults had fallen by 16%, from 42.9 to 36.1 per 1,000 prisoners between June/August 2018 and April/June 2019

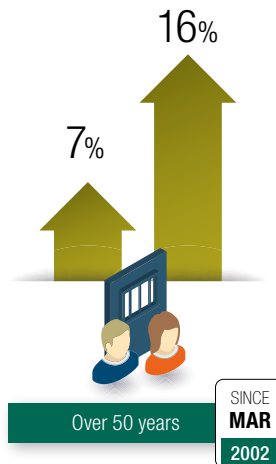


The percentage of positive results from random drug tests had dropped from 26.5% to 13.4% between August 2018 and March 2019.

The proportion of prisoners over 50 years old has increased from 7% to 16% since March 2002. Older prisoners can have additional care needs but a joint report by HM Inspectorate of Prisons and the Care Quality Commission on social care in prisons found:

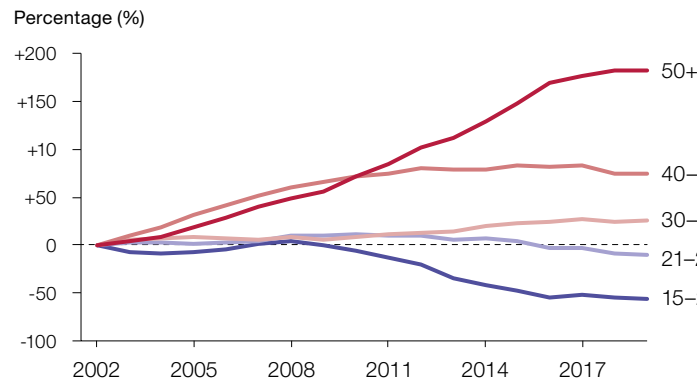
- gaps in the provision of services for older prisoners;
- wide variations across the prison estate; and
- little evidence that prisons were adequately prepared for the continued growth in the elderly prison population.

Age profile of prisoners



Change in prison population by age category since 2002, England and Wales

Prison population aged 50+ rose the most relative to 2002



Source: House of Commons, briefing paper, *UK Prison Population Statistics*, July 2019. Available at: <https://researchbriefings.files.parliament.uk/documents/SN04334/SN04334.pdf>

Age profile of prisoners, March 2019, England and Wales

Age	Number	Percentage
15-17	645	1%
18-20	4,243	5%
21-24	9,834	12%
25-29	14,902	18%
30-39	25,218	30%
40-49	14,862	18%
50-59	8,616	10%
60+	4,943	6%
Total	83,263	

Services under strain

Prisons *continued*

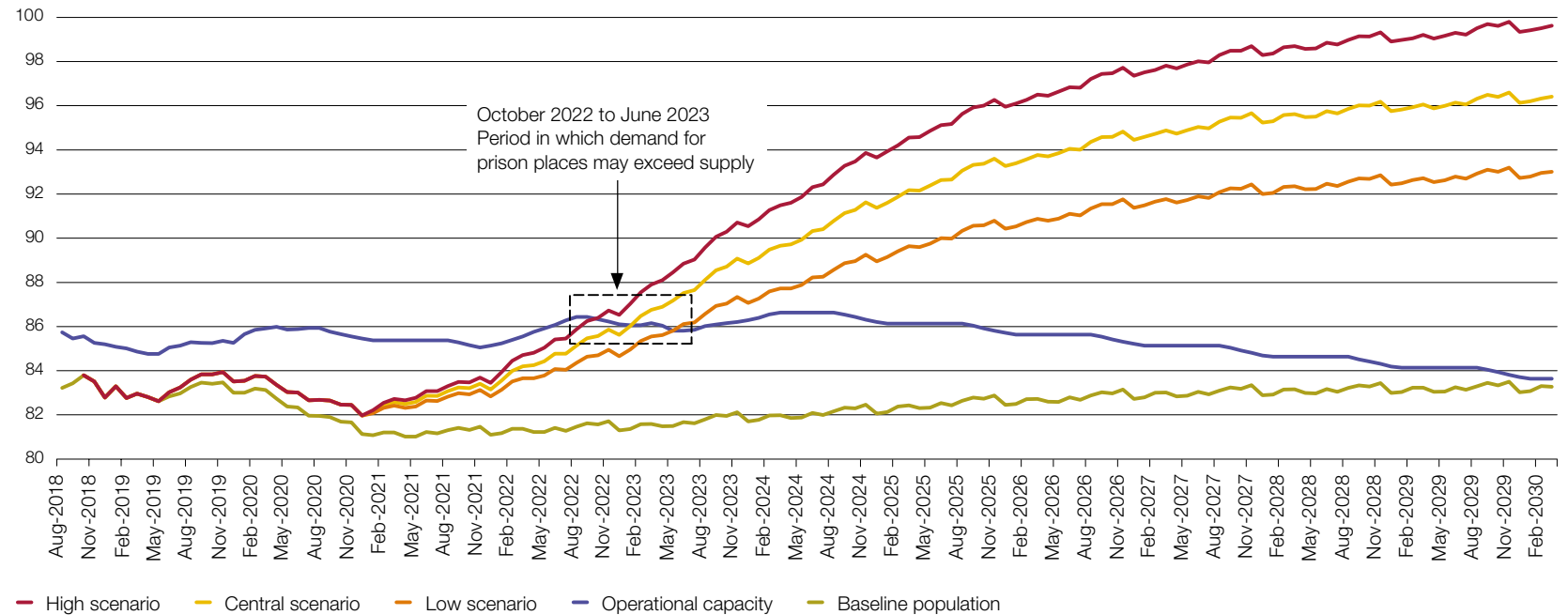
Almost 60% of prison establishments (69 out of 117) were classified as overcrowded in August 2019. These prisons held 8,000 more prisoners than the normal accommodation levels expected.

Improving the prison estate (February 2020) reported that the Ministry may need new prison places from between October 2022 and June 2023, based on planned recruitment of 20,000 police officers. In August 2019, it announced plans to build a further 10,000 prison places and has not yet announced a timetable.

The Ministry of Justice's (the Ministry's) modelling of potential future police charging scenarios to understand demand for prison places, against the forecast maximum operational capacity of the estate¹

HM Prison & Probation Service (HMPPS) may need new prison places from between October 2022 and June 2023

Forecast prison population (000)



Notes

- HMPPS's forecast maximum operational capacity assumptions include accommodation coming out of use for planned maintenance projects, its assumptions around the onboarding of new prisons, prison constructions approved by HM Treasury and projected losses of 500 places per year due to deterioration in the estate. It does not reflect new places from the government's recent commitment to create an additional 10,000 prison places.
- HMPPS's forecast maximum operational capacity does not include its operational 'buffer' comprising 1,500 places reserved to absorb short-term increases in the prison population and facilitate maintenance work.
- This figure represents the results of the Ministry's analysis carried out on behalf of HMPPS in September 2019 to inform operational planning. We did not audit the Ministry's analysis.
- The Ministry's model assumes that police recruitment commenced in September 2019 and that new officers would be recruited in annual cohorts over three years: 30% in the first year; 40% in the second year; and 30% in the third year.
- HMPPS's population baseline is what it would expect to occur without the recruitment of an additional 20,000 police officers. This forecast assumes a 50% probability that the prison population will be higher than this level.
- HMPPS modelled a range of scenarios for the impact of police recruitment. These assume low, central and high rates of police charges and with the existing mix of criminal offences brought to charge.

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

Financial and operational sustainability depends on the successful delivery of reforms

Courts

In 2016, HM Courts & Tribunals Service (HMCTS) launched an ambitious portfolio of reforms. It aimed to modernise the justice system, reduce complexity and provide new ways for people to engage by introducing new technology, moving activity out of courtrooms and introducing digital channels for people to access services. The Ministry expects the reform programme to reduce the annual running costs of the courts and tribunals service by £244 million from 2024-25 onwards. Savings will be made by reducing property and staff costs, and increasing judicial efficiency.

Transforming courts and tribunals: progress update (September 2019)



This follow-up report to *Early progress in transforming courts and tribunals* (May 2018) found that, around halfway through its reform programme, HMCTS is still behind schedule and has had to scale back its ambitions and lower its forecast of future savings. The timescale and scope remain ambitious and HMCTS must manage the tension in delivering at pace while not risking damage to services.

HMCTS has remained on track with plans to reduce the size of its estate so far. However, future reductions will be far more challenging as they depend on successfully delivering other reform projects to reduce the demand for physical court space.

Progress with the reforms



People can now access services, such as divorce and probate, through simpler online routes.



Not all planned services have been delivered. HMCTS fully completed 78% of planned milestones for the second stage of reform.



Stakeholders surveyed by HMCTS remained concerned with its transparency and openness.



HMCTS has reduced the scope of the reforms by cancelling two projects and has extended the timetable by a year to 2023.



Expected savings from the reforms have decreased. HMCTS now expects to save £244 million annually from 2024-25, down from £265 million.



Overall portfolio costs have reduced by £58 million following the scope changes. HMCTS is keeping within its allocated budget.

Financial and operational sustainability depends on the successful delivery of reforms

Courts *continued*

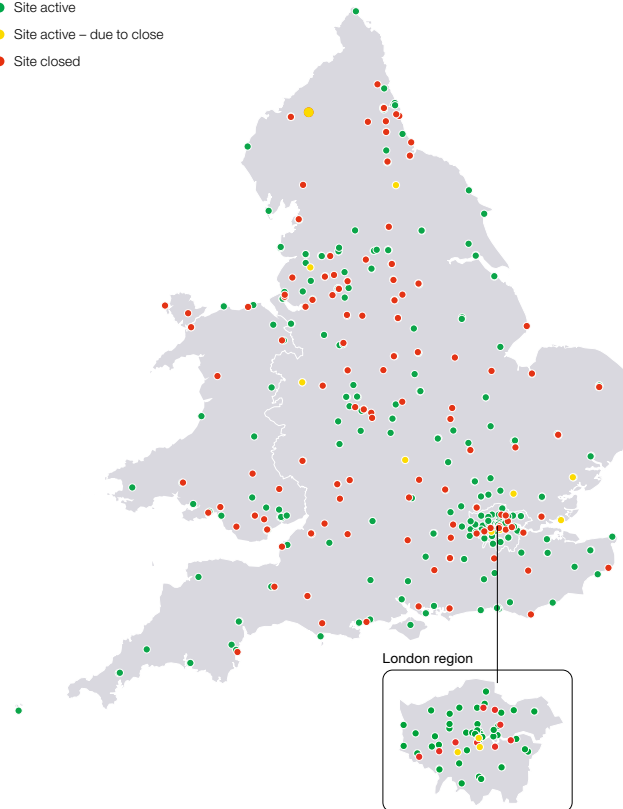
Reforming the court and tribunal estate

HMCTS has closed 127 courts and tribunals in England and Wales since the start of its estates reform in 2015, with reported sales proceeds of £124 million.

The HM Courts & Tribunals Service (HMCTS) estate in England and Wales, as at March 2019

There are currently 341 active courts and tribunals in the estate

- Site active
- Site active – due to close
- Site closed



Notes

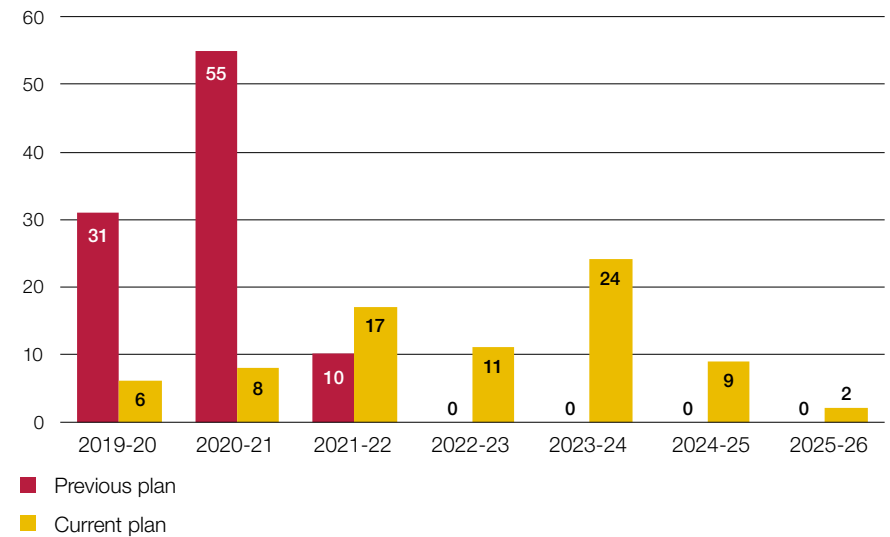
- 1 The map includes all courts and tribunals in the HMCTS estate in the scope of the estates reform programme. It does not include administrative sites such as offices, land held for development or services which only exist online. It includes six sites closed before 2015.
- 2 There are five closed sites and one site, which is active but due to close, which do not have a valid postcode. These six sites are not marked on the map but are included in the totals given.

Source: National Audit Office analysis of HM Courts & Tribunals Service's estates data

HMCTS currently forecasts that it will close a further 77 courts and tribunals. It expects these to come later than previously planned due to delays elsewhere in the programme and a lack of evidence of reductions in demand. It has committed to not closing further courts and tribunals until it has this evidence.

HM Courts & Tribunals Service (HMCTS) expects to complete its programme of closures in 2025-26

Number of properties planned to close



Note

- 1 Under the previous plan, HMCTS expected to close 96 further sites between 2019-20 and 2021-22. Its current plan shows an expected 77 closures between 2019-20 and 2025-26.

Source: National Audit Office analysis of HM Courts & Tribunals Service data

Financial and operational sustainability depends on the successful delivery of reforms

Probation and prisons

In 2013, the Ministry launched Transforming Rehabilitation, a major reform of probation services. It dissolved 35 self-governing probation trusts and created 21 Community Rehabilitation Companies (CRCs) and a public sector National Probation Service (NPS).

Transforming Rehabilitation: progress review



Transforming Rehabilitation: progress review (March 2019) reported that the Ministry has not achieved the wider objectives of its reforms. There had been:

- patchy third-sector involvement with CRCs;
- limited innovation and a lack of progress transforming probation services;
- significant increases in the number of people being recalled to prison; and
- ineffective services to support transition from prison to the community.

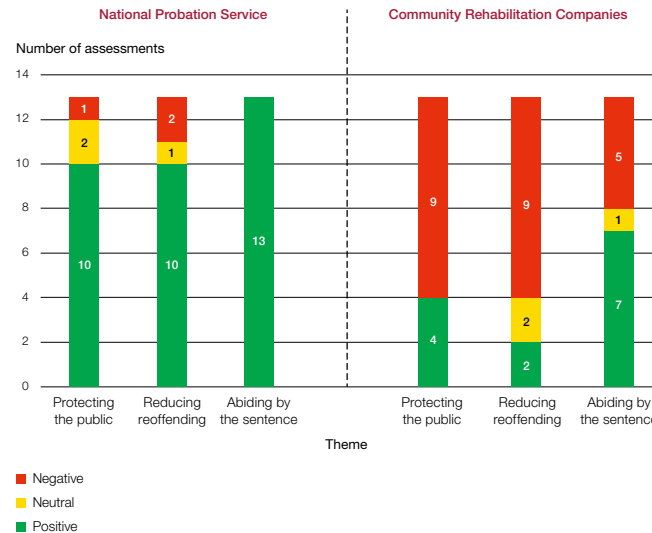
The report concluded that: “the Ministry set itself up to fail in how it approached the Transforming Rehabilitation reforms. Its rushed implementation introduced significant risks that its chosen commercial approach left it badly placed to manage. Although the number of reoffenders has reduced, the average number of reoffences they commit has increased by 22% between 2011 and March 2017. Transforming Rehabilitation has achieved poor value for money for the taxpayer.”

Following Working Links (the parent company to three CRCs) going into administration in February 2019, the Secretary of State directed the Ministry to take on the financial liabilities of its sub-contractors for frontline probation services delivered prior to the administration. Payments will be made in the financial year 2019-20.

The service being delivered was falling short of expectations

HM Inspectorate of Probation’s overall assessment of National Probation Service regions and Community Rehabilitation Companies’ performance, December 2016 to March 2018

The performance of the National Probation Service has been assessed more positively than that of Community Rehabilitation Companies



Source: National Audit Office analysis of HM Inspectorate of Probation reports

JUL 2018 In July 2018, the Ministry announced that it would terminate the contracts with the CRCs 14 months early, in December 2020.

On 16 May 2019, the Ministry announced a new model for probation services in England and Wales. The NPS will be responsible for all offenders on a community sentence or licence. Private and voluntary sector organisations will deliver interventions and rehabilitative services.

The private and voluntary sectors will also have a role in supporting the NPS to identify and deliver wider innovation. The Ministry is currently finalising its proposals and intends to introduce its new model from spring 2021.

16 MAY 2019



The Prison Estates Transformation Programme aimed to create 10,000 new prison places by 2020 to replace old unsuitable accommodation:

Activity

Building new prisons to meet the government’s pledge to create 10,000 new prison places to replace old unsuitable accommodation.

Simplifying and organising the estate to better meet the needs of the prison population.

Progress

The Ministry expects to create 3,566 new prison places by 2023 with new prisons in Wellingborough and Glen Parva and a new block in HMP Stocken.

Sale of the former HMP Holloway site was completed in March 2019 generating proceeds of £81.5 million.

The Ministry has said that the necessary changes to adopt the three new operating models for prisons: reception; training; and resettlement will be complete by 2023.

What to look out for

01 Royal Commission

The Queen's speech in December 2019 included plans to establish a new Royal Commission to 'review and improve the efficiency and effectiveness of the criminal justice process'. The Government also plans a Commission on the relationship between the government, Parliament and the courts.

02 Impact of increasing demand

In recent years, the volume of criminal cases going to court has decreased. However, recent policy announcements such as increasing police numbers by 20,000 over the next three years, strengthening stop and search powers and new sentencing laws to ensure the most serious violent offenders serve longer in custody could increase demand for court time and prison places.

In acknowledgement of this, the government has committed £2.5 billion to provide 10,000 additional prison places by the mid-2020s. Given the limited progress made against the 2016 commitment to deliver 10,000 new-for-old places by 2020, achieving this target presents a significant challenge.

03 Probation reforms

The restructuring of probation services, which is planned to be complete by 2021, will see the National Probation Service taking responsibility for supervising all offenders across 12 new regions. As well as managing the risk of transitioning from the current regional structure to a different one while maintaining a critical service, the Ministry will need to ensure it has sufficient qualified probation officers to work within the new system and that they have the right skills to work through the voluntary and private sectors to deliver interventions. Given the financial pressure faced by the existing Community Rehabilitation Companies, the Ministry will also need to manage closely the risks of these providers withdrawing services or failing outright in the run-up to the termination of their contracts.

04 Court reform

Over the past year, use of online services such as divorce, probate and civil money claims has increased and other services such as appeals against benefit decisions and TV Licence/DVLA prosecutions are being made available online. Alongside this, HMCTS will complete its trials to test video technology that enables remand hearings to be held outside the court.

Future court closures depend on the extent to which HMCTS can reduce demand by moving hearings out of court and improving efficiency. It expects to start consultation on further court closures in 2020.

05 Secure schools

Plans to create secure schools as an education-focused alternative to youth custodial provision for children were announced in 2016 after the Taylor Review called for fundamental changes to the youth custody system. The first secure school is scheduled to open in autumn 2020 on the site of Medway Secure Training Centre in Kent and will be run by an academy trust, Oasis Charitable Trust, which is responsible for 52 academies across England.

06 The Parole Board

The Parole Board was reviewed by the Ministry after the release of John Worboys, and revised rules were introduced on 22 July 2019. These apply to all parole cases referred to the Parole Board on or after that date. These rules introduced a number of changes that aim to improve the parole system, including a new reconsideration mechanism, which allows parties to the case to challenge a parole decision. Members of the public can also now request a summary of any Parole Board decision made on or after 22 May 2018, and victims registered with the Victim Contact Scheme can request a summary of an upcoming decision. The Parole Board is also the subject of an ongoing Tailored Review that will examine the status and function of the Parole Board. The review is due to publish in spring 2020.