



Ministry of  
**JUSTICE**

2007-2008

# Departmental Annual Report



This document (Cm 7397) is part of a series of three documents that make up the Departmental Report of the Ministry of Justice 2007/08. The other two documents are the 2007/08 Departmental Report of the Scotland Office (Cm 7403) and the 2007/08 Annual Report of the Wales Office (Cm 7404). It is part of a series of departmental reports which, along with the Main Estimates, the document Public Expenditure: Statistical Analyses 2008, and the Supply Estimates 2008/09: Supplementary Budgetary Information, present the Government's outturn and planned expenditure for 2007/08 and 2008/09.



# Ministry of Justice Departmental Report 2007/08

The Government's Expenditure Plans  
for 2005-08

Presented to Parliament  
by the Lord Chancellor and Secretary of State for Justice  
by Command of Her Majesty

May 2008

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# Ministry of Justice Departmental Report 2007/08

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# Foreword



*Lord Chancellor and Secretary  
of State for Justice*



*Permanent Secretary*

It is a pleasure to introduce the first annual report for the Ministry of Justice.

The Ministry of Justice was created on 9 May 2007, bringing responsibility for the justice system under the leadership of one department. Our work is wide ranging, from supporting a vigorous democracy to ensuring the efficient and effective delivery of justice; from guaranteeing rights and promoting responsibilities to helping protect the public and reducing re-offending.

This has been an incredibly busy first year. The Department has achieved a great deal in a large range of areas. In addition to delivering important and vital public services we have also seen:

- the launch of the Governance of Britain agenda and the publication of a Constitutional Renewal Bill and White Paper
- the publication of Lord Carter's report 'Securing the Future: Proposals for the efficient and sustainable use of custody in England and Wales'
- the passage of the Criminal Justice and Immigration Act
- the launch of the Office of the Public Guardian
- the agreement of the Her Majesty's Courts Service partnership model
- the Tribunals, Courts and Enforcement Act, the Legal Services Reform Act, Offender Management Act and Forced Marriages Act all receiving Royal Assent.

Shortly after the creation of the Ministry of Justice, an in-depth review was commissioned to ensure the Department's structure created the right conditions to deliver its wide agenda. The review reported at the end of January and implementation of changes to the structure started on 1 April.

The major changes are in the National Offender Management Service (NOMS), where HM Prison Service and the Probation Service are being brought together under a new headquarters and regional structure so as to improve the focus on frontline delivery and to improve efficiency.

The new structure will enable the Department to concentrate on its key priorities. Streamlining leadership across the whole of the Department will ensure a more considered approach to issues of justice and constitutional reform and provide a clearer focus on efficiency through the removal of duplication and overlapping responsibilities.

Through all of the activity of the last year, we hope and believe that the Ministry of Justice has consistently delivered for the public it serves. This is testament to the hard work and dedication of its staff and we are grateful for all their efforts.

We have every confidence that the Ministry of Justice will be able to build on the solid foundation of its first year to go from strength to strength in its second.



**Rt. Hon Jack Straw MP**  
Lord Chancellor and  
Secretary of State for Justice



**Sir Suma Chakrabarti KCB**  
Permanent Secretary  
Ministry of Justice

# Executive summary

## Introduction

Our purpose is to work for a democratic and just society.

Underpinning that purpose is the need to strengthen the relationship between government and the citizen – at national level as we begin a journey towards a new constitutional settlement and locally when people need to use or come into contact with our services. It is about protecting the public and reducing re-offending so that people feel more confident about their security and about justice. It is about listening to and addressing the needs of all citizens, but particularly the vulnerable in our society.

As part of this we will improve value for money in delivering services to the public, improve efficiency and drive out unnecessary cost, focusing resources as much as possible on the frontline services which connect directly with the public.

The Ministry of Justice came into being on 9 May 2007. It brought together the responsibilities of the Department for Constitutional Affairs (DCA), the National Offender Management Service (NOMS) and the Office of Criminal Justice Reform (OCJR). The Department has a

wide-ranging remit, with major delivery responsibilities for prisons and probation, the courts and tribunals, legal aid and more, as well as important policy responsibilities, ranging from constitutional reform and devolution, democracy and human rights, to the justice system.

To improve focus on our new core responsibilities, the Department was re-structured around four business groups in April 2008, supported by a corporate performance group which provides services such as finance, IT, human resources support, communications, planning, performance management and research analysis. The four groups, which provide the structure for the bulk of this annual report, are:

- Democracy, Constitution and Law
- Access to Justice
- National Offender Management Service
- Criminal Justice

## Democracy, Constitution and the Law

Our objective is to support a vigorous democracy in which government

strengthens its relationship with citizens and with Parliament. Our new arrangements within the Ministry of Justice will help us to pursue this aim, bringing together leadership of the Government's constitutional reform programme, under *The Governance of Britain* and a focus on how Government makes law, with the aim of improving both the justice system and the way that the state interacts with citizens. Our international work promotes better international law and legal services, standards for data sharing and judicial co-operation.

Over the past year:

- we launched the Green Paper, ***The Governance of Britain***, (July 2007) setting out the Government's vision and proposals for constitutional renewal. The Governance of Britain programme sets out to re-balance the power between Parliament and the Government, clarifying the role of Government, and to invigorate our democracy, giving British people a stronger sense of what it means to be British
- we have held a number of **public consultations** during the year on issues such as parliamentary control of war powers; protests near Parliament, and judicial appointments. We have worked with the House of Commons to develop proposals for an increased parliamentary role in the dissolution and recall of Parliament
- we published a White Paper and draft Bill on **Constitutional Renewal** in March 2008, setting out the Government's proposals following this extensive consultation
- the Justice Secretary led a cross party group on **House of Lords reform**, discussing the detail of how an 80 or 100 per cent elected second chamber might work, following the vote by Members of Parliament in March 2007. The discussions have been constructive. The Government plans to publish a White Paper before the summer recess
- the May 2007 **local government elections** saw a range of new provisions arising from the Electoral Administration Act 2006 to improve access to the electoral system, ensure confidence in the system and to maximise participation in elections. The Act and extra funding for registration has contributed to an increase of 450,000 people on the electoral roll
- we have continued to **encourage and engage young people in the democratic process**. During 2007 the Democracy Minister met 300 young people from youth groups, schools and community groups to hear first hand what young people have to say about the causes of disengagement and how these might be tackled
- we have worked to improve training, guidance and advice on **Human Rights** within central government and the wider public sector and to increase public awareness and understanding of the Human Rights Act itself
- the Department continues to advise other Government departments on handling of complex **Freedom of Information (Fol)** requests. Work is underway with the Information Commissioner's office to provide good practice and guidance on Fol
- work continues on the **new Supreme Court**. This is due to become operational in October 2009, assuming the jurisdiction of the Appellate Committee of the House of Lords and the devolved functions of the Judicial Committee of the Privy Council
- negotiations were successfully concluded in November for a new **Hague Convention on the International Recovery of Child Support** and other forms of family maintenance

- in April 2008, the Minister for Human Rights, Michael Wills MP, led the UK delegation at the United Nations Human Rights Council in Geneva for the new Universal Periodic Review procedure, which aims to promote open dialogue on human rights issues and improved delivery of human rights in practice
- we regularly attend the **EU Justice and Home Affairs Council** and have concluded successful negotiations on Rome I (applicable law in contractual obligations) and the Data Protection Framework Decision, which will set standards where personal data are transferred between EU member states in relation to criminal matters
- we have taken part on **judicial exchanges** with Germany and Israel and have provided assistance to the Romanian Government on the development of judicial administration
- we worked closely with a range of partners to encourage more open and competitive markets for legal services around the world, with a focus in 2007 on India.

## Access to Justice

Our objective is to deliver justice for people which is fair, efficient, timely and as simple as possible. Our new arrangements within the Ministry of Justice will bring together the courts and tribunals, coroners, the Office of the Public Guardian, legal aid and the regulation of legal services. Closer links between the different agencies will encourage sharing of good practice and opportunities for efficiency savings.

A new partnership between the judiciary and HM Courts Service will uphold the independence of the judiciary while improving engagement with local

communities. A new framework document for HMCS was laid before Parliament on 1 April 2008.

Over the past year:

- **the Community Justice initiative**, strengthening relations between the justice system and the people it serves, has developed further. There are now 13 community justice projects across England and Wales. The first two, the community justice centre in North Liverpool and the Salford community justice initiative, celebrated their second anniversaries in autumn 2007
- successful evaluation of **pilot drugs courts** in Leeds and West London has supported extension for up to four more sites - these will become operational from October 2008
- following an encouraging review of **specialist domestic violence courts**, such systems are to be rolled out to a further 34 sites, taking the total to 98
- £3m was committed towards **Independent Domestic Violence Advisor services** and guidance has been improved, including the making of an award-winning DVD, *You Don't Have to Live in Fear*
- the **Forced Marriages Act** received Royal Assent in July 2007. The Act will protect victims of forced marriages and prevent future marriages taking place
- following successful pilots in 2006/07, we extended the **Criminal Justice Simple Speedy Summary (CJSSS)** approach in magistrates' courts, and set up a best practice model in the Crown Court. Victims, witnesses, defendants and the public generally will see justice dispensed more quickly and efficiently

- in order to reduce unnecessary delay in **public law cases involving children**, we revised statutory guidance for local authorities on preparing care applications for court and developed a Public Law Outline (PLO), replacing the existing Protocol for Judicial Case Management in Public Law Children Act cases
- the introduction of the **Small Claims Mediation service at county courts** has provided an alternative to people having their claim heard at court. Small claims mediators settled 2,097 cases, saving more than 2,300 judicial sitting hours between March 2007 and February 2008. A satisfaction rate of over 98 per cent was recorded after a survey of over 200 participants in mediation. We have now expanded the service nationally
- we have continued to work with the Legal Services Commission and the profession to ensure a future in which legal advice is of the highest quality, practitioners are able to earn a reasonable income and better value for money is secured from what is one of the most generous **legal aid** systems in the world
- **Community Legal Advice (CLA)** delivered 74,858 telephone-based acts of assistance between April 2007 and February 2008, more than trebling the acts of assistance since 2004/05. The first CLA centre opened in April 2007 providing free face-to-face legal advice in areas such as debt, employment, community care and welfare benefits. New centres are due to open in spring 2008 and contracts were awarded for an extra 67,000 cases to help people facing problems such as domestic violence, housing and debt
- During the past year, a range of new fixed and graduated remuneration schemes has been introduced across civil, family, criminal and asylum and immigration legal aid work. This allowed the additional funding of £16m for clients facing problems such as domestic violence, housing and debt
- the Legal Services Commission has also just introduced a new panel of providers to carry out work on **Very High Cost Criminal Cases (VHCCs)**. The Department is now working closely with the LSC, the Bar and the Law Society on the design of the second VHCC panel, aiming to design a scheme that will encourage greater efficiency
- in early April 2008, the MoJ, the Legal Services Commission and the Law Society announced that they have reached agreement on the best way forward following the Court of Appeal's judgement on the LSC's **Unified Contract for legal aid suppliers**. This agreement will ensure a period of certainty and stability for providers, and the LSC and MoJ will be working with the Law Society and others on the likely content of future contracts
- work is now in progress on the next stages of the legal aid programme. These are to prepare the way for **best value tendering** of Criminal legal aid services from 2009, subject to consultation and implement the 'Civil Road Map' published in April 2008 following the agreement with the Law Society
- in October 2007, the statutory role of **Public Guardian**, the Office of the Public Guardian, the Independent Mental Capacity Advocate service and the new Court of Protection became fully operational in England and Wales
- **claims management regulation** was fully implemented in April 2007 and 1,600 businesses have been authorised

to provide services. An impact study in August 2007 concluded that the regulatory regime has had a significant impact in reducing malpractice in compensation claims

- **reforms to the tribunals system**, brought in by the Tribunals, Courts and Enforcement Act 2007 will help to deliver speedy and accessible justice for tribunal users, through greater flexibility and deployment of resources across tribunals.

### National Offender Management Service (NOMS)

Our objective is to protect the public and to reduce re-offending, as well as ensuring that the sentence of the court is carried out effectively. We do this by ensuring that violent and dangerous offenders remain in prison as long as they remain dangerous and by breaking the cycle of re-offending through increased use of effective community penalties and rehabilitation. An increasingly joined-up approach to dealing with individual offenders and greater involvement of the private and third sector through commissioning will result in more effective and better value for money services.

NOMS was created in 2004 and has brought a greater degree of coherence to offender management. Our new arrangements within the Ministry of Justice build on that success, bringing NOMS and the Prison Service together within a restructured agency.

Over the past year:

- the downward trend in **prisoner escapes** has continued, with further improvements in security procedures. There have been no escapes of Category A prisoners since the establishment of the High Security Estate in 1996

- following **Lord Carter's Review of Prisons**, published in December 2007, the Justice Secretary announced the Government would ensure there are an additional 10,500 prison places by 2014, including up to three large "Titan" prisons, housing around 2500 prisoners each. This increase in capacity will provide an opportunity for the Government to close places in old, inefficient prisons, giving an overall net increase of up to 15,000 places by 2014. The overall capacity programme is anticipated to bring net capacity of the prison estate to around 96,000 places by 2014.

- latest results for adult **re-offending** have shown a 7.4 per cent reduction, comparing 2004 with the predicted rate in 2000. To continue this success we will improve further our work with partners, both within government and through regional and local partnerships. A new Reducing Re-offending strategic plan and Third Sector action plan is being developed
- we are on track to meet the target of 24,630 offenders in 2007/08 completing **offending behaviour programmes** – evidence based interventions which address the needs of offenders and help to reduce crime and anti-social behaviour
- the **Community Payback scheme**, launched in 2005, raises the public awareness of unpaid work done by offenders and provides opportunities for communities to influence the kind of work to be done. In 2007/08, many areas of the country developed projects sponsored by their newly elected mayors. A joint venture between NOMS and DEFRA, called 'Planet Payback', encourages work on conservation projects
- the first six **Probation Trusts** (made possible by the Offender Management

Act 2007) were created in April 2008. Their early operation will be drawn on in deciding the final approach to be taken in establishing the concept of probation trusts

- we are working closely with the Department of Health (DoH) on a range of issues including **prisoners with mental health problems and access for offenders to health and social care services**. The DoH has led a consultation on Improving Health, Supporting Justice, while the Justice Secretary has asked Lord Bradley to undertake a review to examine the extent to which offenders with mental illness or a learning disability could be diverted from prison to other services and what the barriers might be
- **Youth Justice issues** are now the joint responsibility of the Department for Children, Schools and Families (DCSF) and the Ministry of Justice. The Children's Plan, published at the end of 2007, set out our joint priorities. A Youth Crime Action Plan and a green paper on Resettlement – how to ensure continuity of care for young offenders – are due to be published in summer 2008.

From April 2008, The Offender Management Supervisory Board (OMSB), chaired by the Permanent Secretary, provides oversight of the strategic direction, performance and risk management of the NOMS Agency. It also oversees the implementation of the recommendations of Lord Carter's (2007) review of the prison system in England and Wales and their integration with the existing offender management change programme.

## Criminal Justice

The Ministry of Justice shares responsibility for the criminal justice system (CJS) with the Home Office and the Attorney

General's Office. Our shared vision is for a CJS which is effective in bringing offences to justice, engages the public and inspires confidence, puts the needs of victims at its heart and has simple and efficient processes.

The three CJS departments work in partnership, supported by the trilateral Office for Criminal Justice Reform (OCJR) which supports and facilitates partnership at a national level through the National Criminal Justice Board and at a local level through Local Criminal Justice Boards. OCJR is situated with the new Criminal Justice Group in the Ministry of Justice. The Director General of the Criminal Justice Group also oversees development of the criminal justice legislative programme, sets the strategic framework for the management of offenders, and works with the judiciary on sentencing issues.

Over the past year:

- in November 2007, the Government published *Working Together to Cut Crime and Deliver Justice: The Criminal Justice Strategic Plan 2008-11*, which sets out the shared vision
- 1.449 million offences were brought to justice in the year to December 2007 – a 45 per cent increase since 2001/02 and well above the Public Service Agreement (PSA) target level
- a new '**Justice for All**' PSA focuses on tackling serious crime (including the investigation and prosecution of rape) and driving efficiency throughout the CJS
- a **Community Engagement strategy** is being developed making a clear commitment to ensuring that criminal justice services are accessible and accountable to all sections of the community
- in the year to December 2007

**44 per cent** of people were confident that the CJS is effective in bringing offenders to justice and **60 per cent** of victims and witnesses were satisfied with the police and other agencies handling of the incidents.

- greater public awareness about the CJS has been promoted in a number of ways, including the Justice Awards and more than 100 events across 40 local criminal justice boards during *Inside Justice Week* in November 2007
- **support for victims** has been improved in a number of ways, including Victim Support 'plus' which began full implementation in September 2007 and funding through the Victim's Fund for the specialist support sector (e.g., for victims of sexual violence, homicide and hate crime)
- **the Victims' Advocates Scheme** has been piloted in five Crown Court centres with the aim of improving the support, information and voice available to relatives in murder and manslaughter cases
- new practitioner guidance on support for vulnerable and intimidated witnesses has been issued and a DVD, *Going to Court – A Step by Step Guide to Being a Witness* was launched by HMCS in September 2007. A consultation paper, *Improving the Criminal Trial Process for Young Witnesses*, was published in June 2007. The Government's response is expected in early summer 2008
- a range of initiatives to improve **enforcement of court decisions** has been taken forward, including text messaging individuals who may not respond to traditional methods of enforcement, and the establishment of nine regional confiscation centres in HMCS
- efficiency and process improvements include the **establishment of the Beacon Approach**, working with ten Local Criminal Justice Boards (LCJBs); improving IT systems and performance data; a review of the remand population and streamlining and modernising some criminal procedure rules
- the Government has established a working group to consider the feasibility of a **Sentencing Commission**. This group, under the chairmanship of Lord Justice Gage, will report to the Justice Secretary and Lord Chief Justice in summer 2008.

## Delivering for the Public

The changes to the structures of the Department, described at the beginning of this summary, have been designed to focus the organisation on its key delivery objectives and to ensure that there is clear accountability. On 1 April 2008, the new structure to Director level was implemented with streamlining of responsibilities which enabled a 14 per cent decrease in at this level. Further detailed changes will take place over the next few months.

The summary below sets out some of the financial background against which we will deliver our objectives and some of the initiatives we are pursuing to improve the service we provide to the public:

- the budget for the MoJ over the next three years (2008-11) was agreed in December 2007 at approximately £10bn per annum. It provides extra funding to build and run additional prison places and was supplemented in December as part of the Government's response to Lord Carter of Coles' Review of Prisons.
- our target was to deliver financial

- savings of £292m and 1,473 headcount reductions by March 2008 and relocate 280 posts outside London and the South East by March 2010. Figures to 31 December 2007 showed strong performance with MoJ on track to exceed all 3 targets. Our value for money programme aims to deliver over £1bn of savings by 2010/11. We have focused on improving the efficiency of services we provide and from 2008/09 we will combine this with looking at how resources can be re-balanced to target high value activity by scaling back or stopping lower value activity.
- the MoJ is not a major regulator but we work to ensure that policy development takes account of the principles of better regulation. The Department's first Simplification Plan was published in December 2007. It sets out how net savings of administrative burdens of £70m will be achieved by May 2010. We are working to identify a further £22m. Savings of £15m have already been delivered through changes to legal aid contracts and the current review of the Land Registration Rules. We are also working to reduce administrative burdens on front line staff. A report on progress will be contained in the 2008 Simplification Plan
  - we are committed to improving our performance on **sustainable development** and meeting government targets and mandates and have developed an action plan setting out how we intend to embed sustainability into all our operations
  - a four year pay deal for the 28,000 former DCA staff in the MoJ was implemented in August 2007. The deal is a result of one of the most complex pay and grading reviews undertaken in central government
  - we have set up an **Employee Engagement project** to improve our understanding of employees' experience at work; how that experience motivates them; and how it affects business performance. We are working with the Cabinet Office as a 'pathfinder' on employee engagement and are involving staff throughout the MoJ in defining the values and behaviours of the Department
  - we place great importance on **equality and diversity**. All parts of the MoJ are involved in ensuring equality and diversity is embedded into daily business as well as in policy development. This is important in helping to build the confidence in justice and democracy nationally and locally which is central to our objectives, and to ensure that our staff are sensitive to the needs of the vulnerable and socially excluded
  - building into the joint action plan agreed with the Commission for Race Equality, the Prison Service has a detailed and comprehensive Race Equality Action Plan that sets out all the high-level actions being taking on race equality
  - the first **Capability Review** for the MoJ was conducted during February 2008. The review provided a baseline assessment which the Department will use to measure its progress and assess what further work needs to be done to meet its current and future challenges. It identified four key areas for action.
- These were to:
- clearly communicate a unifying thread which binds together staff in the different parts of the MoJ
  - define clear roles, responsibilities and business models and make them work
  - improve the Department's ability to make prioritisation and resource

allocation decisions on the basis of robust data and evidence

- address the challenge of building capacity across MoJ in an environment of financial constraint.

The review recognised that MoJ had already taken important steps to address these areas and was acting to put in place the new organisational structures, strategies and processes needed to meet its future delivery challenges. Furthermore it added that the Department's Ministers and staff were enthusiastic and committed to introducing the changes and to developing the Department for the future.