

Departmental Overview 2019-20

# Ministry of Justice



National Audit Office



6 January 2021

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

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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 2019, the NAO's work led to a positive financial impact through reduced costs, improved service delivery, or other benefits to citizens, of £1.1 billion.

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# About the Department

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.

The Ministry set out its vision, priorities and planned outcomes in its 2019–2022 Single Departmental Plan

## VISION

A justice system that builds a better society, supports a growing economy and protects the public

## STRATEGIC PRIORITIES

Improve the way that people are supported in their interactions with the justice system.

Protect and uphold the rule of law.

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.

Modernise the procedures and infrastructure of our courts and tribunals.

Lead an effective and coordinated criminal justice system.

Provide decent, secure accommodation for offenders, and reduce levels of violence and self-harm.

Reduce the use of prison and increase the use of community and alternative sentences.

Build confidence and trust in an effective probation system.

Work with our partners across government to address the causes of reoffending while offenders are in custody and in the community.



## SYSTEM OUTCOMES

### Access to justice

People are able to access justice in a way that best meets their needs.

### A flourishing legal services sector

The legal services sector flourishes and continues to contribute to the UK's economy.

### A transparent and efficient court system

The courts system is efficient and cases are resolved in a timely way.

### Decent and safe prisons

Prisons are decent, safe and productive places to live and work.

### Public protection

The public are protected from harm caused by offenders.

### Reduced reoffending

Life-chances for offenders are improved and rates of reoffending are reduced.

# How the Ministry of Justice is structured

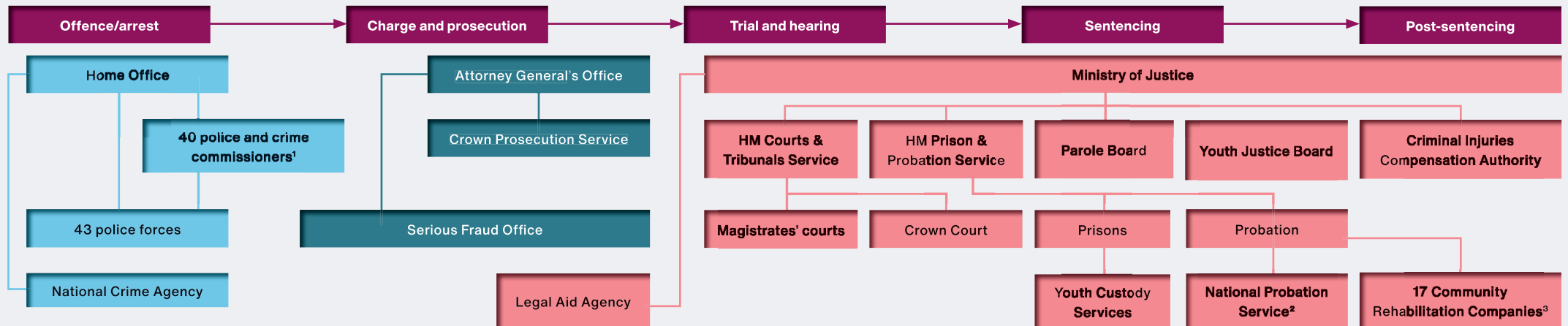
The Ministry of Justice delivers its objectives through a number of public bodies covering criminal, civil and family justice systems in England and Wales.

**For example:**

- 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 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 making decisions.
  - The Children and Family Court Advisory and Support Service is independent of the courts and represents children in family court cases in England.

**Bodies involved in the criminal justice system**

In the criminal justice system, the Ministry of Justice works with a number of other government bodies



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

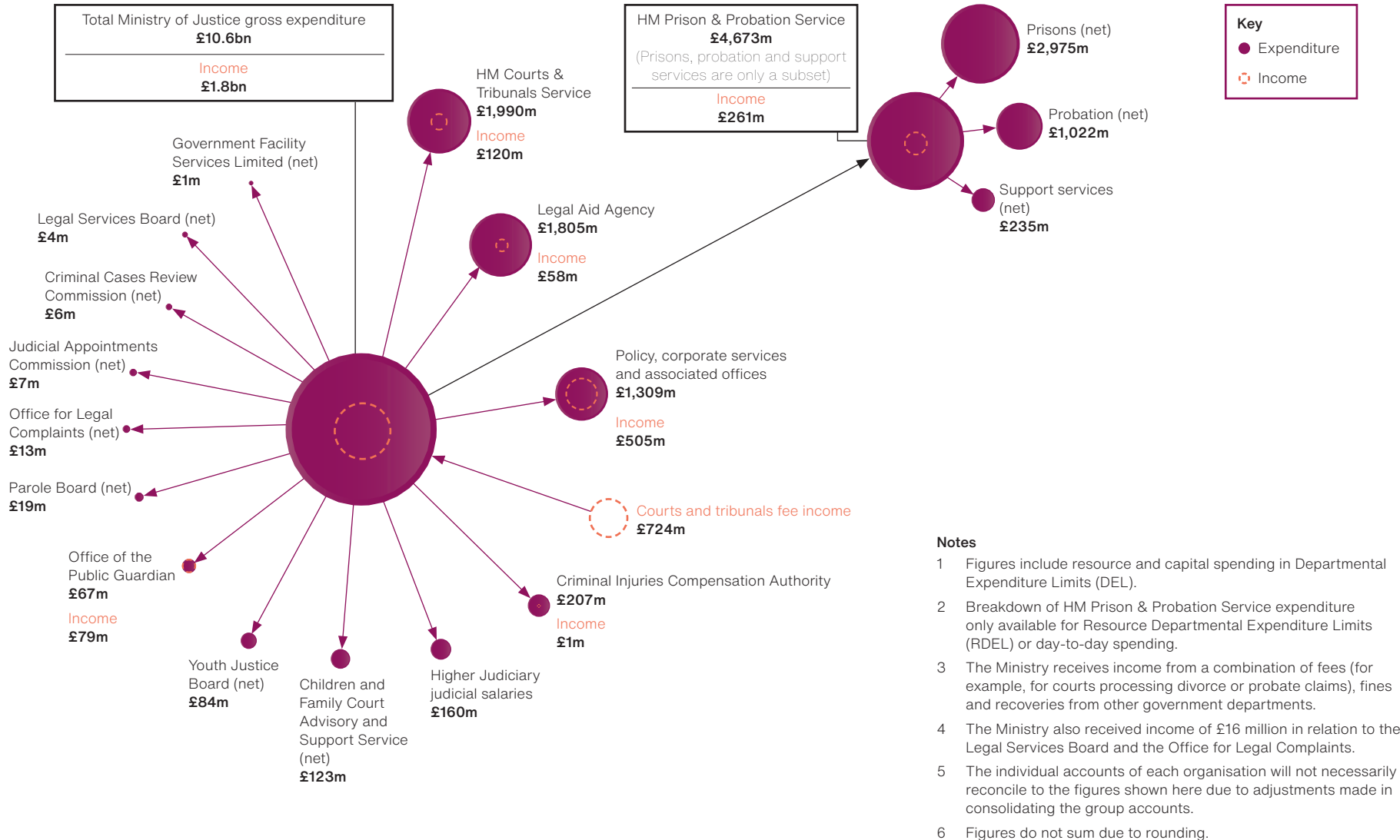
**Notes**

- 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 From June 2021, the National Probation Service will be responsible for managing all offenders on a community order or licence following their release from prison in England and Wales.
- 3 Includes three Community Rehabilitation Companies that operate as divisions of Kent, Surrey and Sussex Community Rehabilitation Company.
- 4 The bodies included are not exhaustive.

# How the Ministry of Justice spends its money

The Ministry of Justice's (the Ministry's) total expenditure in 2019-20 was £10.6 billion. It generated income of £1.8 billion, reducing the overall cost to the taxpayer to £8.9 billion.

Ministry of Justice spending 2019-20



# Financial management

## The Ministry of Justice's (the Ministry's) performance against Spending Review targets

The Ministry did not meet either of the targets set in the 2015 Spending Review.

1

**Target:** Overall **savings of 15%**, including efficiencies in the prisons and courts system

In 2019, HM Treasury increased the Ministry's funding allocation for 2019-20, initially set in the 2015 Spending Review, from **£6 billion to £8 billion**.

Against this higher amount, the Ministry **spent a further £0.3 billion in 2019-20** – some £1.3 billion more than it spent in 2015-16 – due in part to unanticipated increases in demand for services.

### Note

1 These figures are net of depreciation.

2

**Target:** **Spending 50% less** on 'back office' administrative functions

The Ministry **reduced its administrative spending by 27%** between 2015-16 and 2019-20, achieving **just over half of its target**.

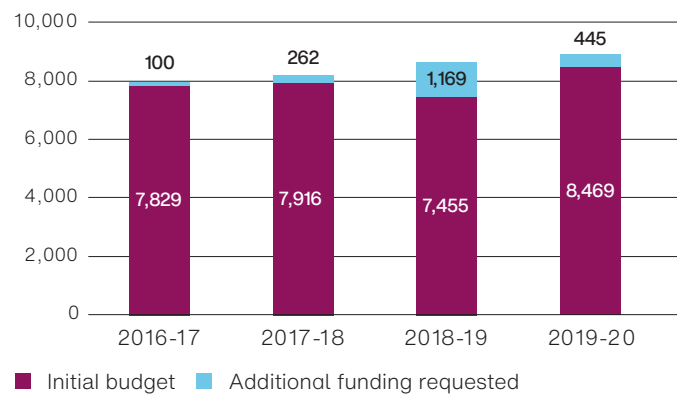
## Budget management

The Ministry's spending in 2019-20 was far closer to its initial budget allocation compared to 2018-19, although it still requested £445 million of additional funding within the year. This included an additional £122 million relating to delays to the reform of probate fees.

Initial budget and additional funding requested within the year, 2016-17 to 2019-20

**The Ministry requested an additional £445 million within 2019-20, less than half the amount it requested in 2018-19**

Funding (£m)



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

## Investment for the future

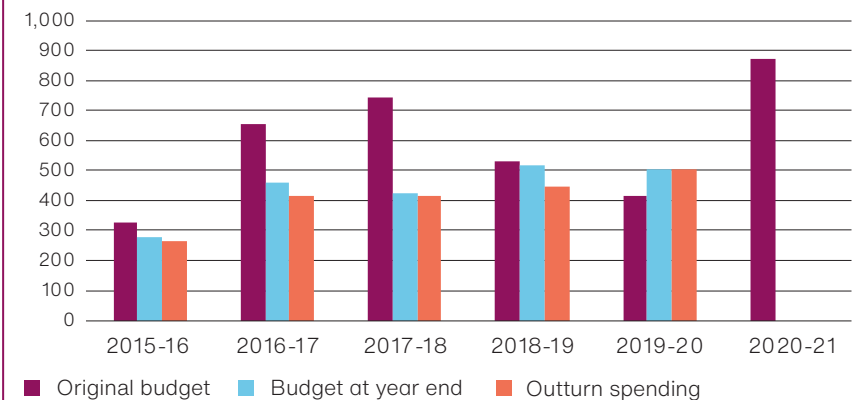
The Ministry agrees changes to its budget for capital spending, such as building work, with HM Treasury. Each year from 2015-16 to 2018-19, the Ministry transferred funding from its capital allocation to manage resource spending pressures on day-to-day activities.

During 2019-20, the Ministry secured additional capital funding from HM Treasury worth £87 million, equivalent to a 21% increase to the amount agreed at the start of the year. The Ministry is set to spend 75% more on capital in 2020-21 than 2019-20, primarily to help fund prison building.

Capital spending compared to budgets

**The Ministry secured further capital funding in 2019-20, reversing the trend from previous years when it transferred capital funding to manage resource spending pressures**

Capital expenditure (£m)



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

# Staff and pay

Compared with 2015, more women are now represented within senior civil service grades in the Ministry of Justice. However, despite the proportion of the workforce reporting as Black, Asian and Minority Ethnic (BAME) increasing from 11% to 14%, the proportion within senior civil service grades has remained at 6%. In contrast, 22% of people in prison or on probation are BAME.

Workforce in the Ministry of Justice (comparison between 2015 and 2020)



**Note**

1 Data as at 31 March each year.

Sources: Ministry of Justice annual and diversity reports and judiciary diversity statistics

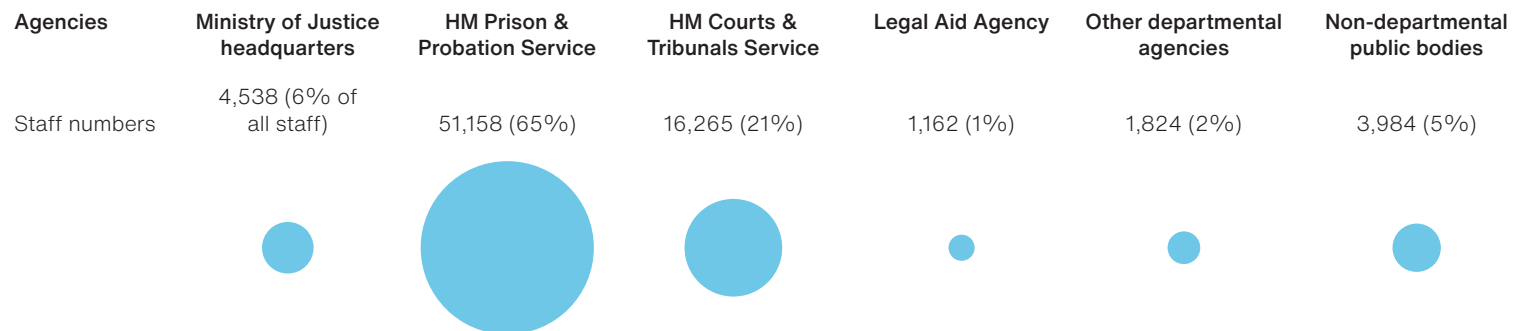


# Staff and pay *continued*

Across 2019-20, the Ministry employed an average of 78,931 full-time equivalent staff, an increase of 2% since 2018-19 and 11% since 2017-18. Staff at HM Prison & Probation Service make up nearly two-thirds (65%) of the Ministry's workforce. This proportion is unchanged from 2017-18 and 2018-19.

The highest paid director is paid 7.6 times the average pay within the Ministry of Justice group. This pay multiple varies across the Ministry's bodies.

## Staff breakdown 2019-20 (full-time equivalent)



## Total remuneration 2019-20

	Ministry of Justice Group	HM Courts & Tribunals Service	HM Prison & Probation Service	Legal Aid Agency
Highest paid director (£000)	190-195	145-150	160-165	110-115
Difference between highest pay and median pay	7.6x	6.9x	6.1x	5.0x
Median average (£)	25,196	21,237	26,697	22,567

### Note

1 Pay multiples are calculated from the mid-point of the band of the highest paid director.

Sources: Staff breakdown: Ministry of Justice, *Annual report and accounts 2019-20*; Pay and remuneration: Ministry of Justice, HM Courts & Tribunals Service, HM Prison & Probation Service and Legal Aid Agency annual reports 2019-20





# Annual Civil Service People Survey

The annual Civil Service People Survey looks at civil servants' attitudes to, and experience of, working in government departments.

Staff satisfaction and engagement at the Ministry of Justice and its bodies improved in 2019 for all areas in which staff were surveyed. Satisfaction with learning and development, pay and benefits and leadership and managing change showed the largest improvement since 2018, although scores still lag behind the rest of the civil service.

Dissatisfaction with pay and benefits was driven by particularly low scores among staff within the Criminal Injuries Compensation Authority, HM Courts & Tribunal Service and the Office of the Public Guardian. For leadership and managing change, staff were least satisfied at the National Probation Service, HM Prison Service and HM Courts & Tribunals Service.

Theme	Result in 2019 (%)	Result in 2018 (%)	Change (Percentage points)	Civil service average in 2019 (%)	Variance from civil service average (%)
 Employee engagement index	59	57	▲ 2	63	▼ -4
 My work	73	72	▲ 1	77	▼ -4
 Organisational objective and purpose	78	77	▲ 1	83	▼ -5
 My manager	66	65	▲ 1	71	▼ -5
 My team	78	77	▲ 1	82	▼ -4
 Learning and development	51	48	▲ 3	55	▼ -4
 Inclusion and fair treatment	74	72	▲ 2	79	▼ -5
 Resources and workload	70	68	▲ 2	74	▼ -4
 Pay and benefits	25	22	▲ 3	34	▼ -9
 Leadership and managing change	42	39	▲ 3	49	▼ -7

▲ Increase  
▼ Decrease  
● No change

## Note

1 The 2019 survey was carried out during October and November 2019.

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

# The UK's exit from the European Union

On 31 January 2020 the United Kingdom left the European Union and, under the terms of the Withdrawal Agreement between the UK and the EU, entered a transition period during which existing rules continued to apply. New rules on trade, travel and business between the UK and the EU came into place on 1 January 2021.

## The Ministry of Justice (the Ministry) set out its main priorities for EU Exit in June 2019 in its Single Departmental Plan:

- 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 set out in its 2019-20 annual report, the Ministry's main programmes of work focus on:

- ensuring courts are ready for potential increases in demand brought into the system as a result of the end of the transition period on 31 December 2020, especially in immigration and asylum and commercial cases;
- supporting the engagement and negotiation process between the UK and the EU; and
- ensuring that negotiations to maintain, improve and grow access to the UK legal services market are appropriately resourced.

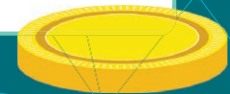
The Ministry has set up the Independent Monitoring Authority (IMA) to protect the rights of EU citizens living in the UK whilst the UK withdraws from the EU. It will be operational from 31 December 2020. The IMA's initial set-up and annual running costs are estimated at £145 million over 10 years.

## Spending

Our report in March 2020 on the cost of EU Exit preparations found that between June 2016 and January 2020 the Ministry had spent £39 million on EU Exit preparations.

The majority of the budget was allocated in 2019-20, with the Ministry receiving £34.7 million from HM Treasury to spend on preparations for EU Exit.

In 2019-20, the Ministry deployed over 150 staff across government to support preparations for leaving the EU, at a cost of more than £2 million.



# Major programmes and key developments

The Ministry of Justice (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. Our report [\*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.

HMCTS has focused on keeping courts and tribunals running during the COVID-19 pandemic, which has impacted timelines for delivering its reform programme. However, in some areas the response to the pandemic has accelerated progress on the implementation of video technology and digital capabilities.

## Probation programme

In July 2018 the Ministry announced it would terminate its contracts with Community Rehabilitation Companies early due to shortfalls in the quality of probation services. These contracts will end by Summer 2021. Our report [\*Transforming Rehabilitation: Progress review\*](#) (March 2019) set out the background to this decision and made recommendations for the future of the probation system.

HM Prison & Probation Service (HMPPS) set out its plans for a new unified national probation service in June 2019, adding further detail in March 2020. In light of the COVID-19 pandemic, in June 2020 it revised its approach and now plans to bring the management of unpaid work and accredited programmes within the remit of the National Probation Service, rather than contracting these services to delivery partners.

In 2019-20, HMPPS appointed 12 regional probation directors in England and Wales to lead probation services under the new model.

## Programmes to create new prison places

In 2016, the Ministry planned to replace 10,000 old prison places with new fit-for-purpose accommodation by 2020 at an expected cost of £1.3 billion. Our report [\*Improving the prison estate\*](#) (February 2020) found that HMPPS had not provided enough places, in the right type of prisons and at the right time, to meet demand.

In August 2019, the government announced a new programme of up to £2.5 billion that will 'fund modern and efficient prisons' and build a further 10,000 new prison places by 'the mid-2020s', in addition to those expected under the superseded programme. The 2020 Spending Review in November 2020 increased this investment to more than £4 billion to deliver 18,000 modern prison places.

- Four new prisons will provide 6,500 of these places, the first next to HMP Full Sutton in East Yorkshire.
- A new category C resettlement prison in Northamptonshire – Five Wells – will hold 1,680 prisoners and is due to open in early 2022.
- In October 2020, the Ministry announced plans to expand four further prisons, creating 938 prison places.

# Major programmes and key developments *continued*

## Annual project ratings

As at September 2019, nine of the Ministry's 11 projects on the Government's Major Project Portfolio (GMPP) were considered to be at risk

Project name	2012	2013	2014	2015	2016	2017	2018	2019
HM Courts & Tribunals Service Reform		Amber/Red	Amber/Red	Amber/Red	Amber/Red	Amber/Red	Amber/Red	Amber/Red
Electronic Monitoring	Amber	Amber/Red	Amber	Red	Amber/Red	Amber/Red	Amber/Green	Amber/Red
HM Courts & Tribunals Service Facilities Management Reprocurement Project							Amber/Red	Amber
Glen Parva New Build Prison								Amber
Wellingborough New Build Prison								Amber
Prison Technology Transformation Programme								Amber/Red
Prison Education Programme							Amber/Green	Green
Prisoner Escort and Custody Services Generation 4							Amber/Red	Amber/Green
Probation Programme							Amber/Red	Amber/Red
Youth Justice Reform Programme							Amber	Amber/Red
Ministry of Justice Future Facilities Management					Amber	Amber	Amber/Red	Amber/Red

Green Amber/Green Amber Amber/Red Red

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).

### Note

1 Ratings as at September each year. Since September 2019, some programmes may have ended, some may have started and some ratings may have changed.

Source: Infrastructure and Projects Authority, *Annual report, 2019-20*

# The Ministry of Justice's spending on COVID-19

Our COVID-19 cost tracker brings together data from across the UK government. It provides estimates of the cost of measures announced in response to the COVID-19 pandemic and how much the government has spent on these measures so far.

	Estimated costs <sup>1</sup>	Spending to date
<b>Funding boost for remote victim services (sexual violence helplines)</b> Supports changes to the national service during COVID-19 for the support of victims of rape and sexual abuse.	Less than £1 million	Less than £1 million (as at 18 August 2020)
<b>Rape support centres</b> Additional support for victims of rape and sexual abuse. <sup>2</sup>	£5 million	£3 million (as at 3 September 2020)
<b>Domestic abuse and sexual violence community-based services</b> Funding to cope with additional demand during the COVID-19 pandemic. <sup>2</sup>	£20 million	£20 million (as at 3 September 2020)
<b>Finding legal options for women survivors</b> Funding for free legal support for victims of domestic abuse applying for an emergency protective order from the courts. <sup>2</sup>	Less than £1 million	Data not available
<b>Specialist legal advice services</b> Support to charities providing legal advice during COVID-19. <sup>2</sup>	£5 million	£5 million (as at 3 September 2020)
<b>Legal support for litigants in person</b> Funding for organisations working with litigants in person, to provide specialist guidance and advice to people navigating the justice system during COVID-19.	Less than £1 million	Less than £1 million (as at 17 August 2020)
<b>Audio and visual systems for courts</b> Increased use of video and audio systems to conduct hearings remotely.	£37 million	£8 million (as at 31 July 2020)
<b>Nightingale courts</b> Temporary courts to tackle the backlog of cases caused by the impact of COVID-19 on the justice system.	£10 million	Less than £1 million (as at 31 July 2020)
<b>Court safety</b> Maintaining a safe court environment through additional cleaning, personal protective equipment and hand sanitiser.	£30 million	£9 million (as at 31 July 2020)
<b>Offenders and ex-offenders affected by COVID-19</b> Funding for voluntary organisations supporting the sector's work during COVID-19, or adapting delivery of services to people in prison, leaving prison, under license in the community, or serving a community sentence.	Less than £1 million	Less than £1 million (as at 14 August 2020)
<b>Prisons and probation</b> Provision of extra prison accommodation to enable COVID-19 containment, staff overtime payments, personal protective equipment, additional tagging capacity and new delivery models.	Data not available	£123 million (as at 31 July 2020)

## Notes

- 1 Estimated costs are the amount of funding announced since the outbreak of COVID-19.
- 2 Part of a wider package of £200 million support for UK charities and international organisations.

Part One

# The courts and tribunals system

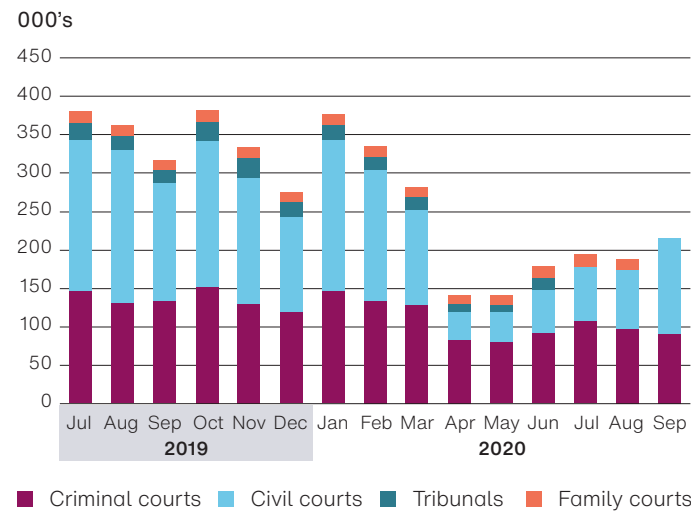
COVID-19 has reduced the number of cases that courts are able to deal with and exacerbated an already growing backlog.

Significant increases in cases each year since 2016-17 have meant that the amount of outstanding work has increased. The Ministry of Justice recruited 233 new judges in 2019-20 and planned to increase the number of hearings available in 2020-21. However, due to COVID-19, HM Courts & Tribunals Service (HMCTS) expects outstanding work to increase across almost all jurisdictions in the short-term.

HM Crown Prosecution Service Inspectorate reported in June 2020 that some estimates show that it would take 10 years to clear the criminal case backlog at pre-COVID-19 rates of hearings.

In response to COVID-19, HMCTS closed some court and tribunal buildings, while physical distancing requirements meant courts that stayed open could not safely have as many hearings as previously. As a result, the number of cases going through the courts fell sharply in April 2020. The civil courts saw the largest drop in cases: from 148,604 cases in April 2019 to 37,432 in April 2020.

Number of cases going through courts, July 2019 to September 2020



**Note**

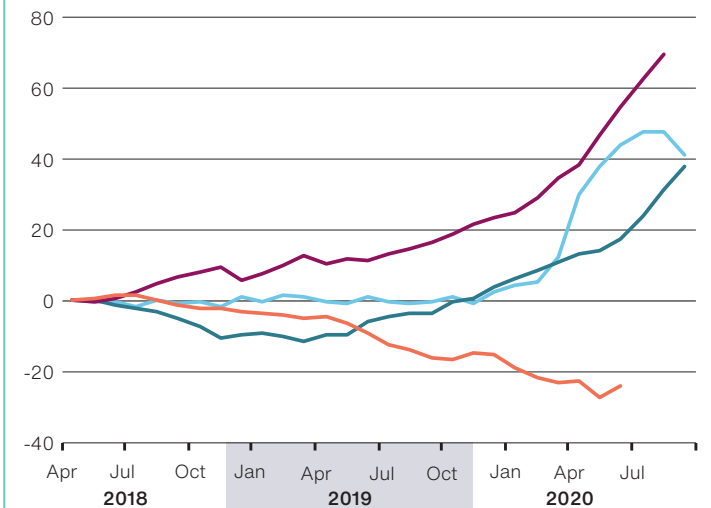
1 Data for tribunals for July, August and September 2020, and for family courts for September 2020, excluded from reported figures due to lags in updating case management information.

Source: HM Courts & Tribunals Service published management information

The backlog of outstanding cases in the courts and tribunals has increased significantly each month since COVID-19: from 595,659 in March 2020 to 704,046 in June 2020.

Backlog in outstanding court and tribunal cases

Change since April 2018 (%)



- Family courts (backlog: 96,280 cases at end of August 2020)
- Criminal – magistrates’ courts (backlog: 426,086 cases at end of September 2020)
- Criminal – Crown Court (backlog: 49,760 cases at end of September 2020)
- Tribunals (backlog: 139,660 cases at end of June 2020)

**Note**

1 Data for tribunals for July, August and September 2020, and for family courts for September 2020, excluded from reported figures due to lags in updating case management information.

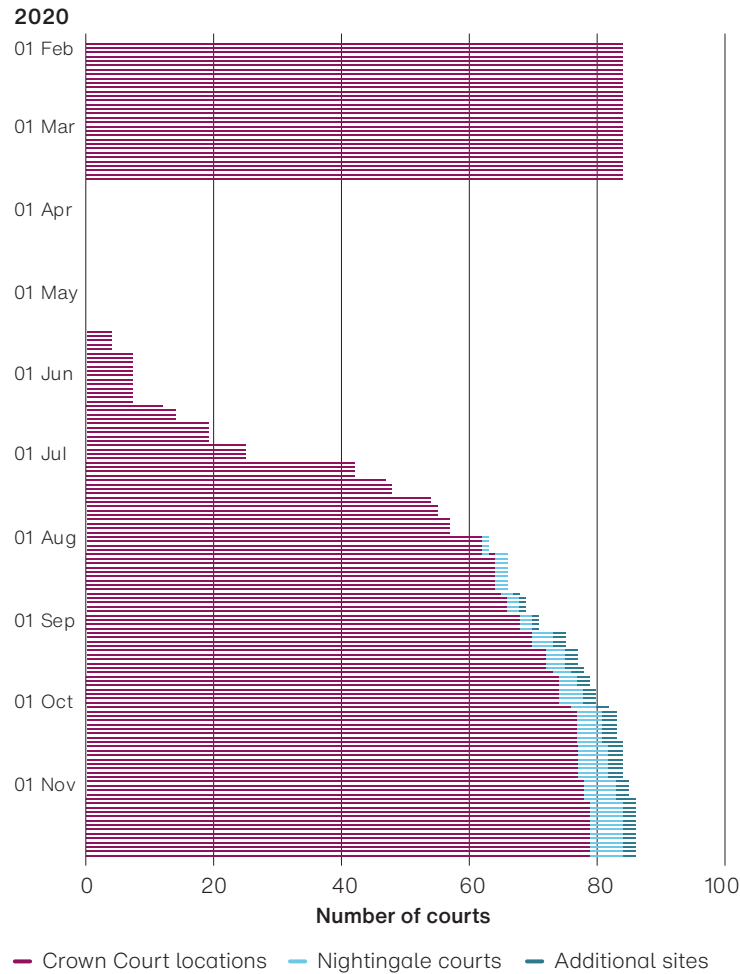
Source: National Audit Office analysis of HM Courts & Tribunals Service published management information

### Response to COVID-19

Of the 341 buildings within the courts and tribunals estate, HM Courts & Tribunals Service (HMCTS) kept 157 buildings open for essential face-to-face hearings, and a further 124 operating remote hearings and cases without hearings only. It rapidly expanded audio and video technology capability, increasing from 550 audio and video hearings a day on 23 March 2020 to 2,700 on 23 April 2020.

All jury trials were suspended on 23 March 2020 for two months. Trials were gradually reintroduced as lockdown eased. By 30 November 2020, all but five Crown Court locations were operating jury trials again.

Courts operating jury trials, February to November 2020



**Note**  
1 Additional sites are other existing court accommodation such as magistrates' courts that have started jury trials.

Source: National Audit Office analysis of HM Courts & Tribunals Service published management information

As part of its recovery programme, HMCTS announced 18 'Nightingale courts' were to assist in managing the backlog of cases. As of 30 November 2020, 17 venues had opened. HMCTS is also piloting extended operating hours in six Crown Courts to hear more cases. In September 2020, the Ministry of Justice announced £80 million funding to support recovery, including Nightingale courts, 1,600 new staff and installation of plexi-glass barriers. This is in addition to £142 million announced in June 2020 to speed up technological improvements and modernise courtrooms.

### Nightingale courts in England and Wales

HM Courts & Tribunals Service has opened 17 Nightingale courts so far



Source: National Audit Office

Part Two

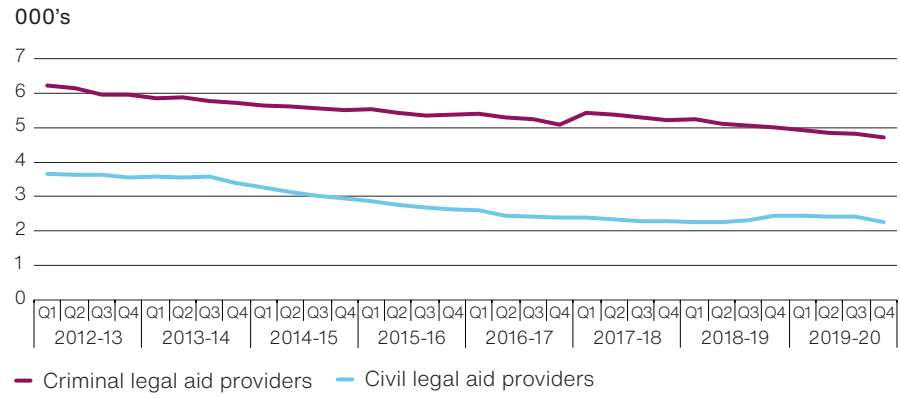
# The legal aid system

## The number of organisations providing legal aid is reducing

In 2019-20 the government spent 25% less on legal aid than in 2012-13. Over this period, the number of providers of civil legal aid services has fallen by more than 30%. The number of organisations providing criminal legal aid has reduced by 20% since 2012-13, with a 6% decrease over the last year. A July 2018 report from the Joint Committee on Human Rights found that reforms to criminal legal aid contracts and significant fee reductions had forced law firms out of the market.

Legal aid providers completing work each quarter, 2012-13 to 2019-20

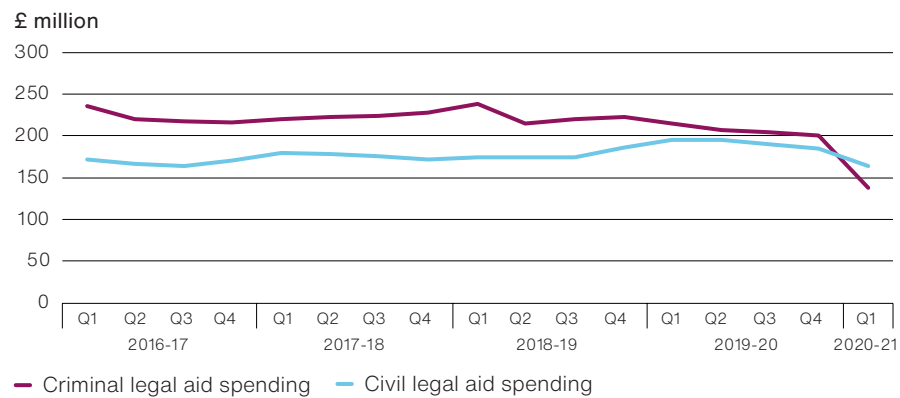
The number of law firms providing legal aid services has steadily fallen over the past eight years



Source: Ministry of Justice quarterly legal aid statistics

Legal aid spending, April 2016 to June 2020

Spending on criminal legal aid has fallen sharply since the COVID-19 pandemic



Source: Ministry of Justice quarterly legal aid statistics

## Reduced demand for legally aided work

The COVID-19 restrictions in courts have reduced the demand for legally aided work as fewer cases are being heard. For instance, between March and September 2020 there were no housing possession cases that required support from legal advisers, compared to typically 2,300 each month. As a result, government spending on legal aid fell from £411 million during the first quarter of 2019-20 to £301 million for the same period in 2020-21.

The Legal Aid Agency announced changes in March 2020 to the support it gives to legal aid providers, including interim payments for costs already incurred, halting pursuit of some outstanding debts, and payments for video and telephone hearings at an equivalent rate to face-to-face hearings.

Following a review of the Criminal Legal Aid Review launched in 2018, the government introduced an accelerated package of measures amending the criminal legal fee schemes to improve cash flows to support legal aid practitioners during COVID-19.

In August 2020, the Justice Secretary announced these new measures would provide additional funding of between £35 million to £51 million a year. The Ministry has announced that the review's next phase will be independently led and will consider all aspects of the criminal legal aid system.



## Part Three

# The prison system

### Prison population

On 4 December 2020, there were 78,804 people held in 117 prisons. This population fell by 4,936 (6%) since March 2020, mainly due to fewer people being sentenced in court. The prison population at the end of June 2020 was the lowest in June for 14 years.

Between April and June 2020, 3,486 people entered the prison system after sentencing, 58% less than the same period in 2019.

In contrast, the number of people held on remand has increased. At the end of September 2020, 12,274 people were held on remand, 28% more than in September 2019. Those waiting for a trial had increased 34%.

### Prison population

The number of people held in prison fell sharply between March and June 2020

Number of people in prison in 2020 (000's)



#### Notes

- 1 Data not available for 10 April and 8 May 2020.
- 2 HM Prison & Probation Service's compartmentalisation strategy has reduced useable operational capacity in prisons.

Source: HM Prison & Probation Service weekly prison statistics

### COVID-19 in prisons

HM Prison & Probation Service (HMPPS) implemented a compartmentalisation strategy in prisons to create different units within prisons to isolate COVID-19 cases, shield vulnerable prisoners and quarantine new prisoners. To help achieve this, HMPPS set out to create 2,000 temporary cells and in April 2020 announced two early release schemes for prisoners:

- A scheme to allow the temporary release of low-risk prisoners within two months of their release date ended in August 2020 and released 262 prisoners, compared to 4,000 that the Ministry of Justice said might be eligible. HMPPS bought 2,000 electronic monitoring tags to prepare for the scheme, costing nearly £4 million.
- HMPPS has expanded the criteria for potential compassionate temporary release to cover prisoners' health conditions, including pregnant women and the clinically extremely vulnerable. As at 30 September 2020, 54 people had been released under this scheme.

By the end of October 2020, there had been 28 deaths from COVID-19 among prisoners, compared with Public Health England's worst-case projection of 2,700 COVID-19 deaths. HM Chief Inspector of Prisons concluded in July 2020 that prisons had:

responded swiftly and decisively to keep prisoners, children and detainees safe from COVID-19

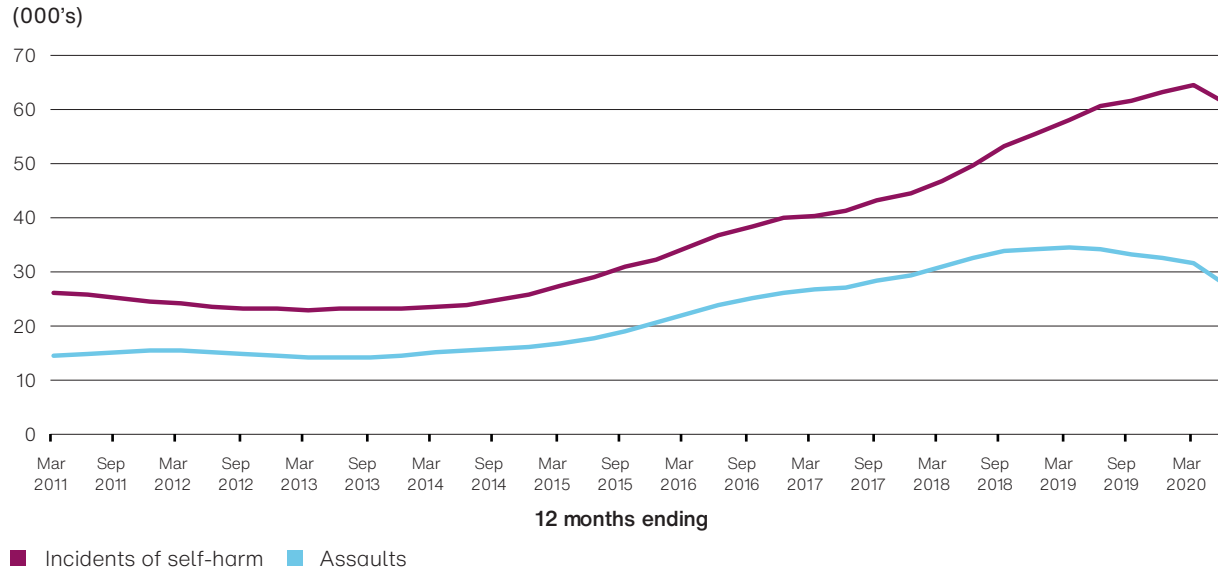
and that the restrictions:

undoubtedly helped to prevent the spread of the virus

### Mental health and wellbeing

Incidents of self-harm in prisons have remained high in 2020 – up to 61,153 incidents in the year to June 2020, a 48% increase in three years, though slightly down since the start of the COVID-19 pandemic. The number of assaults within prisons has been decreasing over the last 18 months.

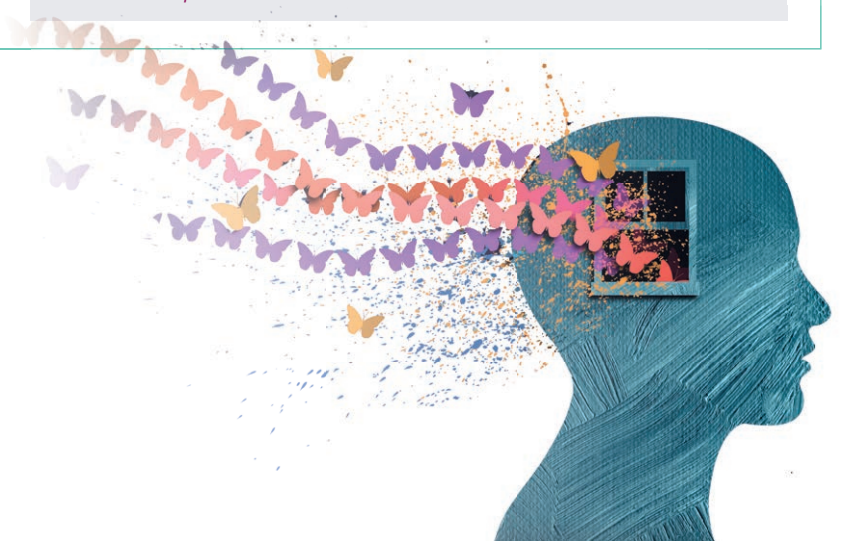
Incidents of self-harm and assaults, March 2011 to June 2020



Source: Ministry of Justice quarterly safety in custody statistics

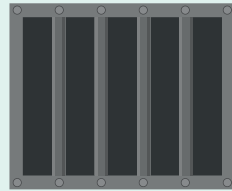
Given the obvious linkage between excessive time locked in cells and mental health issues, self-harm and drug abuse, it was concerning to find that the amount of time for which prisoners were unlocked for time out of cell was often unacceptably poor. We frequently find there is simply not enough being done to try to understand the reasons for self-harm. It is often measured, but not really understood. This must change, and sophisticated analysis is required to understand the issue in different prison settings, particularly in women’s prisons where, for many years, levels of self-harm have been far higher.

*HM Chief Inspector of Prisons for England and Wales  
Annual Report 2019-20*



## Prison maintenance

To effectively manage the risks presented by COVID-19, HM Prison & Probation Service (HMPPS) requires sufficient capacity within prisons to keep prisoners safe. However, our 2020 report *Improving the prison estate* found that HMPPS had not maintained its estate to the necessary standard, which is impacting on available capacity.



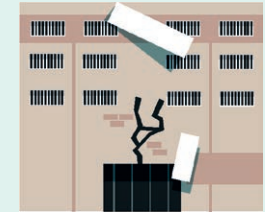
# 1,730

prison cells taken permanently out of use between 2009-10 and 2019-20



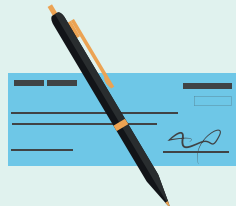
# 500

places a year that HMPPS expects to lose because of the scale of disrepair



# 41%

of prisons need major repair or replacement in the next three years to remain operational, as at January 2019



# £450 million

estimated annual investment needed in the public sector estate over the next 25 years, as at January 2019 (2018-19 prices)



# 63,200

maintenance jobs outstanding in prisons, as at April 2019

The Spending Review 2020 committed £315 million capital funding to improve the condition of the existing prison estate.

## Part Four

# The parole and probation systems

## Response to COVID-19

### Parole

The Parole Board ceased all face-to-face hearings on 23 March 2020 and moved proceedings to telephone and video or facilitated paper reviews. It reported on 8 July 2020 that since the outbreak of COVID-19 it had held 1,594 hearings via video or telephone and had taken 7,603 decisions on prisoner release. At that point, the number of cases waiting for a hearing date had reduced by 46%.

The Parole Board found that, while face-to-face hearings must happen for some prisoners, most remote hearings are fair and effective. The Parole Board planned to increase its number of advanced video rooms from eight in July 2020 to around 25 by the end of the year.

### Probation

HM Prison & Probation Service (HMPPS) introduced a range of measures to help keep staff and offenders on probation safe:

- Working under new national models and plans that respond flexibly to the different government restrictions.
- Closing some probation offices with staff maintaining contact with offenders remotely by phone, video call and email.
- Doorstep visits to offenders classed as higher risk.

HMPPS published its Probation Roadmap to Recovery in June 2020, which outlined a phased approach to recovery, replacing doorstep visits with face-to-face contact where possible, reopening offices, restarting interventions and scaling up court work to meet increased court activity.

The Chief Inspector of Probation has paid tribute to the speed with which the probation service adapted to the risks presented by the pandemic, although arrangements have meant that some offenders have been unable to complete sentence requirements, such as unpaid work.

## Looking ahead

### Parole

In October 2020, the government announced a 'Root and Branch' review of the Parole Board to address concerns about the transparency of the parole system. The review will be informed by a public consultation and consider: the impact of parole reforms to date; the constitution and status of the Parole Board; public understanding and confidence in the parole system; and openness and transparency. The government expects to complete the review by summer 2021.

### Probation

HM Inspectorate of Probation has raised concerns about funding of probation services:



Probation services must ... be funded to cope with the impact of wider government initiatives. For example, the campaign to recruit 20,000 more police officers will lead to many more people coming before our courts. This will, in turn, increase pressure on the [probation service] to provide information and advice to courts to support sentencing, and to supervise individuals serving community sentences and on release from prison.



*HM Inspectorate of Probation's submission to the Comprehensive Spending Review, September 2020*

### Alongside wider reforms to the probation system there are plans to increase the number of probation officers

The Chief Inspector of Probation has observed "an ongoing and, in some areas, critical shortage of probation officers". In June 2020 there were over 449 vacancies reported across England and Wales in the National Probation Service alone. In July 2020, HMPPS published a probation workforce strategy that committed to have at least 1,000 new probation officers in training by 2021.

## Part Five

# Managing demand pressures on the justice system

The combination of current government initiatives focusing on crime and managing the ongoing impact of COVID-19 will increase demands on an already stretched criminal justice system.

## Police numbers

In 2019, the government committed to recruit 20,000 additional police officers by March 2023. It provided £750 million to support police forces in the first year and set recruitment targets for every force that combined would deliver 6,000 additional officers by March 2021. By September 2020, police forces had recruited 5,824 additional officers, nearly 30% of the way to realising the government's 2023 target.

The Institute for Government and the Chartered Institute of Public Finance and Accountancy have estimated that these additional officers will result in the police charging between 1% and 33% more crimes by 2023-24, depending on trends such as the number of complex and serious crimes and the volume of digital evidence that the police needs to process.

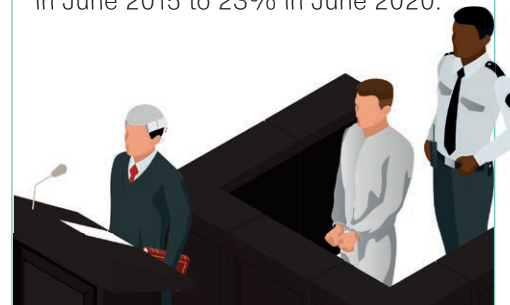


## Reforms to sentencing

From April 2020, the government ended the automatic release of serious offenders halfway through their sentence. Offenders will now spend at least two-thirds of their sentence in prison. The Ministry of Justice (the Ministry) estimates this could result in 2,000 additional prisoners by 2030.

Further proposals for sentencing changes were published in September 2020. The government's white paper *A Smarter Approach to Sentencing* sets out its plans to implement reforms by Autumn 2021 for longer sentences for the most serious offenders. The Ministry estimates that over ten years this could increase prison numbers by a further 530.

These changes come against a backdrop of increasing sentence lengths. The proportion of all prisoners serving a sentence of less than four years reduced from 34% in June 2015 to 23% in June 2020.



## Recovering from COVID-19

At present it is not known how long the justice system will be impacted by COVID-19. HM Crown Prosecution Service Inspectorate has warned that the backlog of cases in the criminal justice system is increasing and cases that do come to court are taking longer than they would under normal circumstances due to the challenges of social distancing. Already, some criminal trials are listed by courts to begin in 2023. Efforts to increase the capacity of the criminal courts (including 'Nightingale courts' and extended operating hours) will place increased pressure on the prison system.

Measures to manage the risk of COVID-19 have reduced the total useable operational capacity within prisons by 4.8% from 84,888 on 6 March 2020 to 80,854 on 4 December 2020, despite the use of temporary cells. As at 4 December 2020, 97.5% of this capacity was being used and more than a fifth of prison cells before the outbreak of COVID-19 were crowded. There is therefore limited capacity within the prison system once the rate of sentencing increases again.

## Part Six

# What to look out for

## 1 The financial consequences of COVID-19

Responding to COVID-19 has created new spending pressures. The Ministry of Justice (the Ministry) has had to fund: financial support for affected services; equipment and technology to implement safe, socially distanced working practices; and additional capacity in courts and prisons. The Ministry will bring in less income in 2020-21 from sources such as court fines and fees as a result of the pandemic. Financial planning has been made more challenging by HM Treasury's decision to conduct a one-year Spending Review.

## 2 Probation reforms

The restructuring of probation services, which is planned to be complete by June 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 manage closely the risks of existing Community Rehabilitation Company providers withdrawing services or failing outright in the run-up to their contracts ending.

## 3 Court reform programme

In light of COVID-19, HM Courts & Tribunals Service is reviewing its reform programme, in particular its property strategy and its plans for using its service centres. It is due to report a revised business case to HM Treasury.

## 4 Secure schools

In 2016, the government announced plans to create secure schools as an education-and health-focused alternative to existing youth custody services, after Charlie Taylor's *Review of the Youth Justice System in England and Wales* called for fundamental changes to youth custody. The first secure school was scheduled to open in autumn 2020 on the site of the former Medway Secure Training Centre in Kent, but has been delayed until 2022. The school is being set up by Oasis, a charitable academy trust.

## 5 Lammy review

David Lammy MP reported in September 2017 on the unequal treatment of, and outcomes for, Black, Asian and Minority Ethnic (BAME) individuals in the criminal justice system. In June 2020, the government reported that it had completed 16 recommendations, rejected two, and 17 were still in progress, of which 11 would be implemented in the next year. Over-representation of BAME people in the criminal justice system persists, particularly in youth justice. BAME offenders now make up 51% of those in youth custody, an increase of 7 percentage points since 2017.

## 6 Royal Commissions

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. The membership and terms of reference of these Commissions have not yet been confirmed.