

UK Justice Policy Review

Volume 5

6 May 2014 to 5 May 2015

by Richard Garside and Matt Ford

THE HADLEY TRUST

**CENTRE FOR CRIME
AND JUSTICE STUDIES**

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About the authors

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List of figures	4
------------------------	---

Introduction

Assessing contemporary criminal justice trends in the United Kingdom	5
--	---

Key developments

Context and overview	6-7
Policing	8-9
The courts and access to justice	10-11
Prisons and probation	12-13
The party manifesto pledges	14-15

The year in...

The year in view: Timeline 6 May 2014 to 5 May 2015	16-17
The year in numbers	18-19

Key data

Special focus: demand on the police	20-21
Expenditure	22-23
Staffing and outsourcing	24-25
Criminal justice populations	26-27
Welfare and wider social circumstances	28-29

Summing up

6 May 2014 to 5 May 2015	30
--------------------------	----

References for <i>Key Developments</i> sections	31
--	----

All the data for figures in this *Review* is accessible via links in the online version of the report, available from the Centre for Crime and Justice Studies' website: www.crimeandjustice.org.uk/uk-justice-policy-review

Context and overview	6-7	Criminal justice populations	26-27
Figure 1: Voting intentions, May 2008 to April 2015		Figure 15: UK police recorded crime, 2005/06-2014/15	
Special focus: demand on the police	20-21	Figure 16: No. of people convicted of an offence by courts and no. subject to an out-of-court disposal in the UK	
Figure 2: Increasing crime complexity		Figure 17: No. of people sentenced to a court ordered fine in the UK	
Figure 3: Non-crime demand in England and Wales		Figure 18: UK community-based sentence population	
Figure 4: Non-crime demand in Scotland		Figure 19: UK prison population and projected prison population	
Figure 5: Non-crime demand in Northern Ireland			
Expenditure	22-23	Welfare and wider social circumstances	28-29
Figure 6: UK public order and safety expenditure		Figure 20: Department for Work and Pensions DEL, AME and TME in real terms	
Figure 7: England and Wales central government criminal justice expenditure		Figure 21: Individuals falling below 60% of median income	
Figure 8: Scotland central government criminal justice expenditure		Figure 22: UK income inequality	
Figure 9: Northern Ireland central government criminal justice expenditure		Figure 23: Children in relative poverty, and projected child poverty	
Staffing and outsourcing	24-25		
Figure 10: UK police officer numbers			
Figure 11: UK prison service staffing			
Figure 12: UK probation service staffing			
Figure 13: National Offender Management Service spend on selected contracted-out services			
Figure 14: Suppliers of contracted-out operations of prisons and detention centres, contracted-out escorts and contracted-out electronic monitoring			

Assessing contemporary criminal justice trends in the United Kingdom

This is the fifth volume in the *UK Justice Policy Review* series (UKJPR) covering the period from May 2014 to the May 2015 General Election. Since the 2010 General Election, UKJPR has covered key criminal justice developments across the United Kingdom's three criminal jurisdictions of England and Wales, Scotland, and Northern Ireland. The annual reports offer concise, critical analysis of criminal justice policy developments, combining them with the key data on criminal justice, for a given year.

About UK Justice Policy Review

UKJPR has two main aims. The first is to track notable political and policy debate, major initiatives and interventions and legislative changes over a given year. Each volume focuses on the key criminal justice institutions of policing, the courts and access to justice and prisons and probation. This edition also carries a special feature on the 2015 General Election manifesto pledges. The second aim is to provide reliable, accessible data, exploring trends across the UK in areas such as criminal justice spending, staffing, the population subject to criminal justice sanctions and developments in related social justice areas. These two aims are reflected in the main sections: Key developments and Key data.

In meeting these aims we hope this series, with its up-to-date analysis and robust data about the criminal justice system, proves useful to policy makers, practitioners, researchers and anyone else with an interest in the criminal justice system in the UK. Over time, it has enabled independent tracking of key criminal justice developments in a comprehensive and accessible way.

Openly accessible data

As well as being a source of high-quality information and analysis about criminal justice, the UKJPR series provides an accessible way to find year-on-year data about key criminal justice trends. To our knowledge, UKJPR is the only publication where one can find UK-wide information about:

- Criminal justice spending (both past expenditure and planned future spending)
- Staffing and resourcing across the main criminal justice agencies
- The numbers of people subject to the various criminal justice sanctions

It is also unique, to our knowledge, in that it analyses the sheer mass of raw 'transparency data' released by the Ministry of Justice on spending in the justice system in England and Wales. Although these data suffer from a variety of limitations (as we highlight in the text), they offer important glimpses into the allocation of funds and the changing trends in the resourcing of public services.

In relation to the presentation of some of the data, readers should note that, like in previous years, many charts in the data section

have a right as well as a left hand side axis in order to be able to illustrate the three separate jurisdictions and the total UK figures.

A full set of the data presented in each volume of UKJPR are available to download from the Centre for Crime and Justice Studies website.

This volume

This volume documents the main developments in the final year of coalition government, along with developments in Scotland and Northern Ireland.

In England and Wales, the frenetic pace of change slowed down in relation to police reform, but speeded up in relation to the probation service, as the coalition geared up for what was expected to be a tight General Election battle. In Scotland, controversy dogged the new national force, Police Scotland, particularly over armed police and the use of stop and search powers. Criminal justice developments in Northern Ireland were overly determined by political deadlock in the Executive, and a financial crisis that was both its cause and result. Across all three jurisdictions, the row between the politicians and the legal profession heated up.

In January 2015, the College of Policing, compelled to adapt the police service in the context of cuts to budgets and officer numbers, published its first ever analysis of the full spectrum of demand on the police in England and Wales. The Special focus section discusses some of the findings of this analysis, and brings together equivalent data for Scotland and Northern Ireland. Increasing crime complexity in the form of surging reported sexual violence is evident in all three jurisdictions, including huge rises in reported sexual offences against children in the wake of the revelations about Jimmy Savile. Crime-related activity, however, only accounts for a small proportion of the police workload. A large and increasing amount of police time is spent dealing with vulnerable people, particularly domestic abuse victims and people with mental health problems.

Looking ahead

The Centre has now produced five UKJPR reports, covering the period May 2010 to 2015. In addition, a single volume review of criminal justice developments across the UK between 2010 and 2015 – *The coalition years* – was published in March 2015.

We will be producing at least five more UKJPR annual reports, covering the period May 2015 to May 2020. The new reports, starting with UKJPR 6, will offer enhanced coverage of criminal justice developments across the UK. There will also be more cross-cutting analysis of issues such as youth justice, mental health and drugs.

These plans reflect the Centre's ongoing commitment to scrutinise criminal justice developments, explain their determinants and assess their significance.

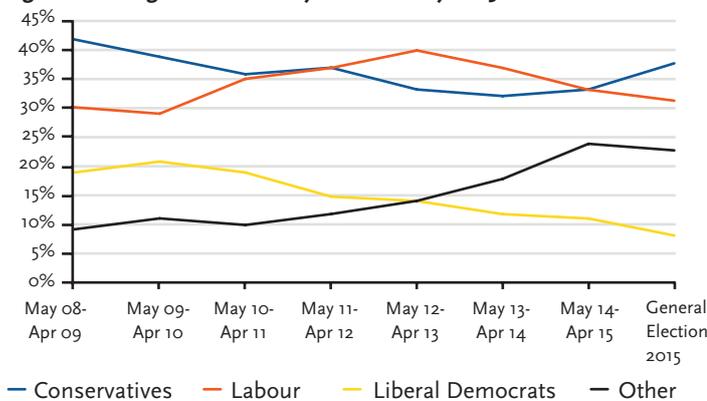
Context and overview

The 12 months leading up to the May 2015 General Election combined affairs of high drama with moments of low farce.

The momentous events surrounding the independence referendum in September 2014 dominated politics in Scotland. Political deadlock over the implementation of Universal Credit, combined with ongoing disagreement over how to deal with the past, tipped the Northern Ireland Executive into political and financial crisis. In England and Wales the Justice Secretary, Chris Grayling, faced a series of humiliating legal defeats. His decision to restrict prisoners’ access to books was described by a judge as ‘absurd’ and ‘strange’ (van der Luit Drummond, 2014). His attempt to put duty provider criminal legal aid work out to competitive tender was ruled as ‘so unfair as to amount to illegality’ by the judge in another adjudication (Bowcott, 2014).

As the General Election approached, Labour’s popularity in the polls, falling since early 2013, fell further. The Conservatives, still behind in the polls, continued to gain ground on Labour. Their coalition partners, the Liberal Democrats, saw no end to their falling support. The General Election was going to be tight, and difficult to call.

Figure 1: Voting intentions May 2008 to May 2015



Source: Original calculations based on *The Guardian*/ICM poll

The May 2015 General Election, which returned a majority Conservative government for the first time in close to 25 years, marked the end of the UK’s first coalition government since the Second World War. In the sections that follow, the main policy developments for the year running up to this result are considered. To put these developments in context, in this section we consider the main changes since 2010. The Centre’s review of criminal justice in the UK since 2010 – *The coalition years* – assesses in more detail the shifting policy developments across the UK under the coalition government (Garside and Ford, 2015).

Austerity policies

The coalition government placed deficit reduction at the heart of its programme. It failed to meet its deficit reduction targets,

though it had had some success in imposing the public spending cuts it claimed were necessary to achieve deficit reduction. Criminal justice policy-making, across the United Kingdom, therefore unfolded against a very different financial background to the years of relative plenty under Labour. What is most striking about the period since 2010 is just how different the responses to austerity have been across the United Kingdom’s three criminal justice jurisdictions of England and Wales, Scotland, and Northern Ireland.

Police

The creation of elected Police and Crime Commissioners (PCCs) in the 41 police forces outside London was the most well-known policing development in England and Wales. The coalition government created PCCs in good part because they fitted in with its vision of the local commissioning of public services. PCCs now form a key part of local policing, both in terms of priority setting and commissioning a range of policing and related services.

The 43 police force structure in England and Wales remained unchanged over the coalition government’s five years. In Scotland, the main development was the merger of the eight regional police forces into a single national force: Police Scotland. In place of an elected Police and Crime Commissioner, Scotland has a Police Authority; its members appointed by the Scottish Justice Secretary. The centralisation of policing in Scotland, something that did not happen in the same way in England and Wales, reflected a shift in power from the Scottish local authorities, responsible for the eight regional Scottish police forces, to the central government in Edinburgh.

Criminal justice has only been a devolved matter in Northern Ireland since 2010. The major structural reforms to policing in Northern Ireland took place in the decade leading up to devolution, with the replacement of the Royal Ulster Constabulary by the Police Service of Northern Ireland in 2001. Since devolution, the priority has been to embed an inclusive and community-based form of policing by consent, in which all parts of the still very divided Northern Ireland society have a stake. As a result incremental change has been the watchword.

Probation

The coalition made two attempts to privatise probation delivery in England and Wales. Its first attempt, when Ken Clarke was Justice Secretary, envisaged a key role for the 35 Probation Trusts to commission probation services at a local level. This was in keeping with its vision of the local commissioning of public services. This approach did not so much as end in failure as never really get started. Its second attempt, initiated by Ken Clarke’s successor as Justice Secretary, Chris Grayling, was successful, at least on its own terms. But it is a very different model. The 21 community

rehabilitation companies deliver probation interventions under central contracts with the Ministry of Justice. Ken Clarke's original vision of a diverse network of local probation marketplaces has been supplanted by a monolithic, centralised market in which a single buyer – the Ministry of Justice – contracts with a small number of providers.

The approach in Scotland has been very different. Probation work in Scotland sits within social service departments, rather than as a separate criminal justice agency, and is coordinated at a regional

Criminal justice policy-making, across the United Kingdom, unfolded against a very different financial background to the years of relative plenty under Labour

level through eight local government-dominated Community Justice Authorities. At the time of the 2015 General Election, plans were ongoing to abolish the Authorities. Their coordination work was to be devolved downwards into the 32 Community Planning Partnerships, which operate at a local authority level in Scotland, coordinating the delivery of a range of public services. Overseeing and guiding this work will be a new statutory national body: Community Justice Scotland.

In contrast to the centralising moves of Police Scotland, we can see here a decentralising move in relation to probation work, albeit with potentially firmer central oversight through Community Justice Scotland.

The Probation Service in Northern Ireland has been largely untouched by the devolution of policing and justice powers to the Northern Ireland Executive in 2010. Indeed its current structure, which dates back to 1982, long pre-dates the Good Friday Agreement and the process that led to the establishment of the Northern Ireland Executive and Assembly. During the period of civil conflict, the Probation Service in Northern Ireland adopted a stance of neutrality, with a strong commitment to community engagement (Carr and Maruna, 2012). Far from being a relic of the dysfunctions of the period of civil conflict, the Northern Ireland Probation Service has remained largely unchanged since devolution, precisely *because* it embodies the values of partnership and non-sectarianism.

Prison

By 2010, in England and Wales the market in private prisons was well-established, though dominated by a handful of multinational companies that had some scope to set monopoly prices. The coalition government sought to achieve a greater diversity of suppliers by encouraging new market entrants, notably through the launch of a new privatisation programme. The programme failed.

The lesson coalition ministers took from this failure was that the prisons marketplace needed restructuring. The new approach – which involved benchmarking public sector prison costs against the lowest costs prevailing in the private prison sector – has introduced new competitive pressures into public sector prisons. In the longer-term these have the potential to create new market opportunities.

The Scottish National Party government rejected prison privatisation. The Scottish Prison Service remains a predominantly public sector operation. The Service commissions from private contractors, including two private prisons and prisoner escort services. But the market mechanisms that now characterise the core operations of the prison service in England and Wales are absent in Scotland.

In Northern Ireland, the political position, and physical conditions, of the prison system has been something of a running sore. Unlike policing, which underwent major reform in the decade leading up to the devolution of policing and justice powers in 2010, the Northern Ireland Prison Service remains largely unreformed.

Legal aid

In contrast to policing, probation, and prisons, criminal legal aid developments across the United Kingdom's three jurisdictions have had a more convergent, rather than a divergent, feel. This has included four steps: to reduce fees to legal representatives; to limit eligibility for legal aid assistance; to require defendants to contribute to the costs of representation; and to introduce price competitive tendering of criminal legal aid.

In all jurisdictions, legal aid was and is delivered largely by self-employed practitioners and legal companies. Cutting payments to external bodies such as solicitors and barristers is generally much easier than the complex reorganisations of public services. This is a key reason why, under the dull compulsion of austerity, similar approaches have been adopted to criminal legal aid reform.

Conclusion

By the time of the 2015 General Election, within each of the three jurisdictions, criminal justice had undergone significant change. This change had not been at the same speed, nor in the same direction. Criminal justice policy across the jurisdictions was generally more divergent than was the case at the 2010 General Election. There never has been a United Kingdom-wide criminal justice system. In the five years to the 2015 General Election, the local distinctiveness of the three jurisdictions became more pronounced, with different responses to the demands of austerity budgets emerging.

Policing

In 2015, the UK policing landscape was much changed. Scotland now had one national police force, rather than eight regional forces. The Police Service of Northern Ireland had established itself as a key part of the post-devolution settlement. Every aspect of policing in England and Wales had been overhauled.

England and Wales

In 2010, the Inspectorate of Constabulary noted that the police were a service 'geared towards growth, not austerity' (HMIC, 2010). As a report pointed out, police expenditure had grown in real terms by nearly 50 per cent between 1999 and 2009 (Mills et al., 2010). 'British policing has been successful on these terms of trade', the Inspectorate argued, 'but these terms cannot be maintained'. The police service needed to 'accelerate its work on value for money rapidly if cuts are not to unduly affect service to the public' (HMIC, 2010).

The Inspectorate noted in *State of Policing*, that police forces had made substantial cuts: some £2.53 billion over the spending review period; nearly 20 per cent of overall expenditure (HMIC, 2014). Forces had survived austerity, in good part with workforce reductions, rather than the efficiency savings the Inspectorate had called for in 2010. In the future, ongoing austerity should be 'a spur to continued innovation, reform and collaboration'.

The austerity agenda highlighted problems with the police funding formula, as shown by a National Audit Office report (NAO, 2015). Some police forces relied heavily on funding from central government: up to 85 per cent in some cases. Central government funding accounted for less than half the force budget in other cases. This, combined with an 'insufficient understanding of the demand for services', meant the impact of austerity had been uneven, and its implementation poorly managed.

Austerity economics had thus prompted a debate within policing circles about what the police were for, how they should be organised and funded. 'Demand is changing,' said Sara Thornton, incoming chair of the new National Police Chiefs' Council, in April, 2015. Complex investigations, new challenges like cybercrime, and budget cuts required the service 'to prioritise carefully and change the way we police' (NPCC, 2015).

An advisory group convened by the Inspectorate called for more effective collaboration with other public services (HMIC, 2015). It also proposed the cross-force coordination of specialist policing functions such as serious organised crime, child abuse and cybercrime. And it called for reform of the police funding formula.

The Home Affairs Committee likewise called for greater collaboration between forces and the emergency services in its review of the 'new architecture of policing' (HAC, 2015). The National Crime Agency also needed to up its performance to justify its half billion pound annual budget, the Committee argued. The College of Policing still needed to prove its worth and required a firmer financial foundation. But it cautioned against talk of further

reorganisations or restructurings. It was time to allow the 'pieces of the policing puzzle to settle... so that they might achieve the aim of making policing more effective'.

One of the 'final jigsaw pieces' in the new policing landscape, the Committee noted, was the replacement, from April 2015, of the Association of Chief Police Officers with the new National Police Chiefs' Council. The Committee believed this development brought much needed clarity: between the national coordination of policing (the job of the new Chiefs' Council) and the development of policies and good practice (the responsibility of the College of Policing). But how big a change was it? Sir Hugh Orde, the outgoing chairman of the Association, told the Committee that the new Council 'would be delivering exactly the same operational requirement' as the Association. Meanwhile, the Police Federation 'thought the Council seemed "pretty much like ACPO under a new name"'. As for the College, its policy-making function would rest with its Professional Committees, which was dominated by senior police officers.

The name plates on the door may have changed, but the Chief Constables remained the key players in the coordination of policing and the development of policies and good practice.

Scotland

Police Scotland's emerging 'accountability crisis', noted in UKJPR 4, crystallised during the year under review around the deployment of armed officers. It was the single biggest controversy Police Scotland faced in its first two years, hastening the early departure from their posts, in the summer of 2015, of both the Chair of the Scottish Police Authority, Vic Emery, and the Chief Constable, Stephen House.

On becoming operational in April 2013, a 'Standing Authority' authorised Police Scotland firearms officers to carry sidearms while on duty while engaged in routine police activity. As a subsequent review by the Inspectorate of Constabulary in Scotland noted, this move attracted 'no political concerns' during the first year of Police Scotland operations (HMICS, 2014). The Scottish Police Authority later acknowledged its lack of interest in the policy until it became controversial in the summer of 2014 (SPA, 2015).

In October 2014, Police Scotland announced a partial climb down. Armed officers would no longer be deployed on most routine matters (Police Scotland, 2014). The Scottish Police Authority, having publicly supported the existing policy as recently as September 2014, was left playing catch-up. Its response, welcoming the change of policy, was only published several days later (SPA, 2014a).

Who should make such potentially controversial policing decisions, and how? It was an operational matter for the Chief Constable alone, the then Justice Secretary told the Scottish Parliament in August 2014 (MacAskill, 2014). Others disagreed. 'Changes to police policies and practices that increase the presence of lethal weapons on Scotland's streets should only

happen with appropriate governance, scrutiny and meaningful dialogue with the public', the Scottish Human Rights Council stated in October 2014 (SHRC, 2014).

The Scottish Policy Authority concluded that a 'rigid definition of what is an operational matter and what is not' was unhelpful (SPA, 2015). Drawing on the Northern Ireland experience, it called for operational *responsibility* rather than operational *independence*. The Chief Constable 'should remain free from political interference', but should remain 'fully accountable'. A new agreement between the Authority and Police Scotland, in February 2015, placed a responsibility on Police Scotland 'to engage in advance with the SPA on any policy or approach that is likely to raise significant public interest' (SPA and Police Scotland, 2015).

Police Scotland also faced criticism over non-statutory stop and searches which, in theory at least, required the consent of the person being searched. A review noted that more than two thirds of stop and searches in the nine months to December 2013 had been conducted under non-statutory powers (SPA, 2014b). 'It was not evident', the review stated, 'that those searched... are aware of their right to decline'. The review found marked disparities between force areas over the use of stop and search. Young people were also disproportionately searched under non-statutory powers, including 223 children under the age of ten.

Police Scotland announced in June 2014 an end to non-statutory searches of children under 12. Yet a BBC investigation the following February found evidence that the searches were continuing (Ellison, 2015). The force was also found wanting on its data collection. The Inspectorate stated in March 2015 that it did 'not have confidence in the quality of the published stop and search data' (HMICS, 2015). An Advisory Group on Stop and Search recommended that non-statutory stop and search powers should be abolished (AGSS, 2015).

Northern Ireland

Our review of Northern Ireland policing picks up where UKJPR 4 left off, with the announcement by the Police Ombudsman for Northern Ireland in June 2014 of legal action against the Police Service of Northern Ireland. During 2012 and much of 2013 the Ombudsman had suspended its work reviewing deaths during the civil conflict, over concerns about its political independence (see UKJPR 2). It recommended investigations in 2013 and signed a Memorandum of Understanding with the Police Service over the sharing of sensitive information late that year. The perceived ongoing failure of the Police Service to live up to the Memorandum lay behind the threatened legal action. The standoff was resolved in July 2014. A review concluded that the Ombudsman's Office had resolved its past problems (CJINI, 2014).

At the heart of this apparently minor turf war was an ongoing tension between past and present: how Northern Ireland society might respond meaningfully to its troubled past, while building a

present less scarred by civil conflict.

In a notable speech, the newly appointed Chief Constable, George Hamilton emphasised the Police Service's commitment to 'responding to Northern Ireland's troubled past... because dealing with the past is essential to a safe, confident and peaceful future' (PSNI, 2014a). This commitment was called into question in the same month by the austerity-informed announcement to close the Historical Enquiries Team, to be replaced by a 'much smaller Legacy Investigations Branch' (PSNI, 2014b). The following day, the Ombudsman's Office likewise announced cost-cutting reductions to its historical investigations workforce (PONI, 2014).

Austerity economics aside, these announcements reflected an emerging view that criminal investigation and prosecution was not the best way of resolving past wrongs. As George Hamilton put it in his September 2014 speech, 'Are the processes of current criminal law really capable of healing the hurt, establishing truth and answering questions regarding the conflict?'. Alongside this important policy question sat a rather more practical one: was it possible to police Northern Ireland's past while simultaneously policing its present and planning for the future?

These developments unfolded against the background of a growing political and financial crisis in the Northern Ireland Executive (see UKJPR 4; Garside and Ford, 2015). The 'Stormont House Agreement' mapped a route out of this deadlock (NIO, 2014). It also went some way to resolving the question of legacy investigations. A new Historical Investigations Unit, outwith the control of the Police Service, was to be established. The timetable for implementation, however, was vague. An initial summary of the legislative measures required to enact the Agreement was not published until September 2015 (NIO, 2015).

It required the intervention of the UK government, through the Stormont House Agreement, to achieve this re-specification of the tasks of Northern Ireland policing. In other respects, however, criminal justice devolution in Northern Ireland – by now in its fifth year – was leading to distinctive, local arrangements. As the Justice Minister, David Ford, told a Centre for Crime and Justice Studies conference in March 2015, different approaches to criminal justice across the UK was 'the point of devolution' (Ford, 2015).

Symptomatic of this was the agreement Ford negotiated with the Home Secretary over the operations of the National Crime Agency in Northern Ireland. The Agency's power to task and command other police forces (see UKJPR 2) undermined the governance and accountability arrangements for policing in Northern Ireland, he argued. There was 'no prospect of a Westminster body telling the PSNI what to do, or trampling on its ground, or being unaccountable' (Ford, 2015). An agreement placed an obligation on the Agency to gain the consent of the Chief Constable and the Northern Ireland Policing Board in relation to its operations. It also gave oversight power to the Police Ombudsman in relation to complaints and other matters concerning Agency officers' actions in Northern Ireland (NCA, 2015).

The courts and access to justice

Disputes between ministers and the legal professions over legal aid was a dominant theme across the three United Kingdom jurisdictions during the year under review. There was also a renewed interest in driving efficiencies through the court process through streamlined processes and technological investment.

England and Wales

In his *Review of Efficiency in Criminal Proceedings*, published in January 2015, Sir Brian Leveson, one of the most senior judges in England and Wales, referred to ‘an irreducible minimum of funding... below which the criminal justice system cannot operate’ (Leveson, 2015). In the case of the courts, what was the nature of this irreducible minimum? Was it reflected in a certain annual expenditure; a given number of courts or staff? Or was its quantification more intangible?

By the coalition’s fifth year, the court system across England and Wales was certainly much reduced. Some 146 courts had been closed since 2010. This included close to one third – nearly 100 – Magistrates’ courts. Adjusted for inflation, annual expenditure by HM Courts and Tribunals Service had fallen by nearly half, from more than £1.5 billion in 2010-11 to £863 million in 2014-15 (Simson Caird, 2015).

‘No satisfactory means of funding the provision of our system of justice has yet been found’, the Lord Chief Justice stated in his 2015 annual report. But the cumulative effect of the cuts was a system of justice that had ‘become unaffordable to most’. The ‘key issue in 2015’ was much needed investment in improved ICT, upgraded court buildings and streamlined court procedures (Thomas, 2016).

A programme of investment in the ICT and the court estate had been announced by the Ministry of Justice in March 2014 (MoJ, 2014a). Around the same time, Sir Brian Leveson, one of the most senior judges in England and Wales, was asked by the Lord Chief Justice to come up with proposals to streamline proceedings in the criminal courts, resulting in the *Review* mentioned above.

Leveson’s *Review* the following January identified a system facing ‘transformation exhaustion’. Legislative overdrive in the 20 years leading up to the 2010 General Election had added more than 4,000 criminal offences to the statute book. *Halsbury’s Statutes*, the authoritative source on criminal laws in force in England and Wales, devoted a volume of 1,249 pages to laws created in the 637 years between 1351 and 1988. A further four volumes and a supplement totalling 5,121 pages, noted Leveson, were needed to cover laws created in the 24 years between 1989 and 2013. Alongside this, the court system was ‘crowded with plans for future development’. But these plans were largely for bolt-on additions to ‘a system initially designed for the 19th century’. This had contributed to time-consuming delays and inefficiencies.

Leveson’s recommendations covered the sweep of criminal

procedure, from evidence gathering and charging decisions to pre-trial preparation and the trial itself. Efficiency was important, he argued, but it needed to be ‘consistent with the interests of justice’. To be realised, it also required investment in time-saving ICT and coordination across the different agencies. Criminal justice was not a single system, he argued, but rather a collection of different agencies with often competing priorities: ‘The only way of improving the end to end operation is to bring the different participants in these systems together to debate and agree on initiatives to improve the whole’.

Rather than being a precise budgetary figure, or a particular number of courts, Leveson’s ‘irreducible minimum’ was dynamic, dependant on a range of prevailing and countervailing factors, including levels of investment in ICT, the degree of simplification of particular processes, and interrelationships with other criminal justice agencies.

While Leveson’s *Review* was unfolding, the crisis over legal aid cuts, covered in previous editions of UKJPR, was ongoing. Ministers claimed the cuts were necessary and reasonable. Criminal barristers and solicitors argued they would not have the resources properly to represent defendants. Leveson finessed the argument by asking a different question: what kind of efficiencies would be needed in order to justify reductions in legal aid expenditure? It was an ingenious move, but Leveson himself acknowledged that the scope of his *Review* did not allow for any costing of his proposals to be undertaken. This was a point picked up on by the Bar Council, which argued that the lack of financial detail meant the *Review* could not be used to justify cuts to legal aid (Bar Council, 2015).

The coalition’s agenda on criminal legal aid was not just about cuts. It also wanted to reduce the number of legal aid providers, arguing savings would come through greater economies of scale and a simplification of administration (see Garside and Ford, 2015). In February 2014, the Ministry of Justice published proposals for price competitive tendering for defence work in relation to clients who did not choose their own representative: so called ‘duty provider work’ (MoJ, 2014b). The contracts would be offered to a relatively small number of firms and consortia – 525 – awarded on the basis of price. The winners would have the exclusive right to deliver criminal legal aid in a given geographical area. With some 1,400 firms providing duty provider work at the end of 2014, there would be many losers. These plans were successfully challenged in the High Court in September 2014, described by the judge in the ruling as ‘so unfair as to result in illegality’ (JEW, 2014). A further consultation was followed by fresh proposals, published in November 2014, for 527 duty provider work contracts, with the new contracts going live in October 2015. Following a further legal challenge, the government scored a victory, with the Court of Appeal ruling in March 2015 that the process was, this time round, legal (JEW, 2015).

Scotland

Technological change as ‘a driving force for the development of policy in all areas of life’ was a key theme in the Scottish Court Service *Evidence and Procedure Review*, published in March 2015 (SCS, 2015). In a speech in 2013 the review chair, Lord Carloway, had argued that the Scottish justice system was ‘geared to the values and conditions of the Victorian age’. Communication, he noted, ‘was by way of the postal service; and latterly by telegraph... There was no guaranteed accurate way of recording what a witness might say other than by the quill pen of the judge at the trial or, after 1926, the shorthand writer’. In the age of the internet this made no sense. What was required was ‘not mere tinkering with a Victorian system’, but rather ‘clear sky thinking on how best to prove or disprove fact efficiently and in the interests of justice in the modern age’ (Sutherland, 2013).

The *Review* recommended a new approach to evidence-giving by children and vulnerable witnesses. Primary legislation would be required to allow the routine use of audio and video witness statements. In addition, there was a need for active and robust case management, supported by shared IT systems among the different criminal justice partner agencies, to reduce trial delay and improve efficiency.

The review of post-corroboration safeguards under Lord Bonyon, published in April 2015 likewise emphasised the importance of technological innovation in the court process, particularly in relation to the recording of suspect interviews. Set up in February 2014 by the then Scottish Justice Secretary Kenny MacAskill, the Bonyon review had been tasked with identifying safeguards and changes to law and practice that should be introduced following the planned abolition of the requirement for corroboration in criminal prosecutions (see UKJPR 4). The final report proposed a raft of changes that Lord Bonyon felt ‘would enhance our criminal justice system, with or without the corroboration requirement’ (Bonyon, 2015). These included the requirement that all formal police interviews be recorded; the development of codes of practice around suspect identification and interviews, and greater powers for judges to halt prosecutions if the evidence did not warrant a safe conviction. The review also recommended that the corroboration requirement should be retained in cases of hearsay and confession evidence. The complexity of the Bonyon recommendations, and the lack of consensus in the Scottish parliament over the need to abolish the corroboration requirement at all, forced the Scottish government into retreat. On the day of the report’s publication the Scottish Justice Secretary, Michael Matheson, told the Scottish parliament that the government would focus on seeking consensus on a range of reforms. While it still believed ‘that there is a case to be made for the abolition of the corroboration requirement... we will now consider whether to proceed with it, as part of a wider package, in the next session of Parliament’ (Matheson, 2015).

The Bonyon review also recommended that the requirement for suspects to contribute towards the costs of legal advice while in a police station should be abolished. This call was supported by the Law Society for Scotland, in its own recommendations for reform of criminal and civil legal assistance, published in May 2015 (LSS, 2015). But there remained ‘serious problems’ in the way police station advice was funded, the Society argued, as well as with legal assistance payments more generally.

The problem, according to the Society, was that legal assistance payment rates had ‘remained static for more than 20 years’. That solicitors still undertook legal assistance work did not mean that they would continue to do so in the long-term at the current rates. In language reminiscent of Sir Brian Leveson’s ‘irreducible minimum of funding’, the Society argued that there was ‘an unavoidable cost’ to legal representation that should be borne in the interests of justice. In contrast to Leveson, the Society argued for an overall increase in legal assistance funding, predicated on greater efficiencies in other parts of the justice system. Solicitors, the argument appeared to be, could play an important role in driving savings across the system. But they wanted to be paid for doing so.

Northern Ireland

A simmering row over legal aid between the Department of Justice and the legal profession boiled over during year under review. A long hot summer of lawyers’ boycotts and legal action followed, rolling on into the autumn of 2015 and beyond into 2016. The Northern Ireland legal aid system, the Justice Minister David Ford argued, was ‘among the most expensive in the world’. Ongoing cuts, the Lord Chief Justice Sir Declan Morgan argued, placed access to justice in doubt (Kilpatrick, 2015). In support of his argument, Mr Ford could point to comparative legal aid expenditure across the UK jurisdictions. Criminal legal aid representation in 2013/2014 cost £13.40 per head of population in England and Wales and £17.42 in Scotland. In Northern Ireland it was £28.41. The gap between the legal aid budget and actual expenditure had also grown since 2009/2010. In 2014/2015 the budget was £74.7m. Actual expenditure was £111.4m (Stutt, 2015, table 8.8).

Mr Ford announced a review of legal aid and related matters in June 2014, with the aim of it reporting by the end of the year (NIE, 2014). A consultation on the main questions the review would consider was published in September 2014 (DoJ NI, 2014). The review itself overran and was not published until late 2015. In the meantime, a revised payment scheme for legal aid in Crown Court cases came into force in May 2015. This set the stage for the subsequent boycotts and legal action during the rest of 2015 and into 2016.

Prisons and probation

The Ministry of Justice engaged in an increasingly frantic dash to sell-off the probation service during the 12 months leading up to the 2015 General Election. But with the ink still drying on the final contracts, the sell-off already had a whiff of a pyrrhic victory. A different approach to probation reform was unfolding in Scotland at the same time. In Northern Ireland, the challenge of reforming a prison system built to contain the civil conflict had only just begun.

England and Wales

In June 2014, the 35 Probation Trusts, which delivered probation services across England and Wales under the direction of the National Offender Management Service, ceased to exist. Under the coalition's 'Transforming Rehabilitation' programme, the Trusts were replaced by a new public sector organisation, the National Probation Service, and 21 regional Community Rehabilitation Companies. The National Probation Service would be responsible for court reports, the supervision of so-called 'high-risk' clients, and the allocation of cases to the Community Rehabilitation Companies. The Companies, which were to be privatised, would be responsible for the supervision of so-called 'low-' and 'medium-risk' clients. Staff previously employed by the Probation Trusts were allocated either to the National Probation Service or one of the Community Rehabilitation Companies. These far-reaching structural changes were, as the Probation Inspectorate noted, but 'first step in a complex series of changes designed to open up the probation market to new providers' (HMIP, 2015a). This was itself part of a broader commitment, on the part of the coalition government, to the application of market processes to public service delivery (see Garside and Ford, 2015). Contracts to run the Companies were awarded to private sector-dominated consortia in December 2014. They took over the running of the Companies in February 2015.

The Transforming Rehabilitation programme was, the House of Commons Public Accounts Committee stated in December 2014, 'a litmus test for better management of high risk and complex contracts' (PAC, 2014). Yet concerns were emerging even before the contracts were signed. In September 2014, *The Guardian* revealed that a so-called 'poison pill' clause in the Community Rehabilitation Company contracts would guarantee bidders their expected profits over the life of the contract, even if a future government sought to change policy (Travis, 2014). The chair of the Public Accounts Committee, Margaret Hodge, described the clause as 'unacceptable'. A series of reports by the Probation Inspectorate on the Transforming Rehabilitation implementation programme, from December 2014 onwards raised repeated concerns about the pace of change, additional workloads, the fragmentation of service delivery and failures of basic processes (HMIP, 2014; 2015a; 2015b; 2016).

The impact of the reforms on voluntary sector organisations, key partners of the Probation Trusts, was also raising concerns. Charities would be the 'front seat' of the Transforming Rehabilitation changes, the Ministry of Justice claimed (MoJ, 2014d). Many had their doubts. In April 2015, the drug and alcohol misuse charity, Addaction, withdrew from 'Purple Futures', a consortium running Community Rehabilitation Companies in five areas. It judged the payment being offered for its work was insufficient (Plummer, 2015). The following month, voluntary sector representatives told the think tank, New Philanthropy Capital, that the Transforming Rehabilitation bidding process had been 'rushed' and 'very chaotic and confused'. The opportunity to have 'a probation system led by established criminal justice organisations has largely been eschewed in favour by private companies with limited direct experience or track record', the think tank concluded (Noble, 2015). According to a survey conducted in May 2015, number of voluntary organisations were said to be 'in a state of limbo', unsure whether they would be offered work by the Community Rehabilitation Companies (TrackTR, 2015).

Probation staff too were feeling the effects. In March 2015, Sodexo justice services, responsible for six Community Rehabilitation Companies, announced plans to cut 700 posts, more than 30 percent of the total staff complement. In place of regular staff contact, those under supervision would be required to 'report' to ATM-style electronic kiosks (Travis, 2015). In May 2015, *The Independent on Sunday* reported that the different parts of the probation service were facing a 'staffing crisis'. Over 1,200 staff were expected to leave the service during 2015. Less experienced staff were being asked to handle complex cases involving sexual and domestic violence, the paper claimed (Fearn, 2015).

The process of competing for Transforming Rehabilitation contracts had raised questions about the appropriate use of charitable assets. As the New Philanthropy Capital report had pointed out, the 'substantial amounts of charity resources' expended on what had been a 'fruitless process' could have been 'invested in frontline services to improve peoples' lives' (Noble, 2015). In August 2014, representatives of charitable trusts that had bought into the Peterborough prison 'Social Impact Bond' – known as Peterborough One – also raised concerns. Writing in the *Financial Times*, they argued that the Transforming Rehabilitation risked a squandering of their investment. Peterborough One had 'set the bar for other services' and the government would do well to emulate it (O'Kelly and others, 2014). Regardless of the merits, or otherwise, of the Peterborough One scheme, the Ministry of Justice had already announced that it was to be discontinued, as part of that ground clearing exercise to prepare the way for Transforming Rehabilitation (MoJ, 2014e).

Concerns over the impact of cost-cutting on regime quality were also raised by the House of Commons Justice Committee, in

its March 2015 prison planning and policies report (JC, 2015). Following a failed attempt to privatise nine prisons a few years earlier, the Ministry of Justice had taken a different approach to cost cutting in the prison estate. The core prison functions would remain in the public sector, their costs 'benchmarked' against the private sector (see also Garside and Ford, 2015). The Justice Committee acknowledged that benchmarking might prove an effective way of 'reducing expenditure more rapidly than would be possible through prison-by-prison competition'. But it was concerned about the impact on regimes. Since benchmarking, it pointed out, prison standards and safety had deteriorated across the estate, with an increase in assaults and self-inflicted deaths. The Committee 'considered it improbable that there is no link between estate reconfiguration, benchmarking, and changes in operational policy... and the shift in safety across the prison estate'.

The Committee also questioned plans to replace older, smaller, prisons with much larger newer ones. It favoured the building of 'smaller, more specialised, establishments' close to population centres from which prisoners would likely come. By contrast, the new larger prisons, such as Wrexham in North Wales, were being built where land was cheapest, regardless of whether the prison was needed in that location. As the Welsh Affairs Committee noted, in its report on prisons in Wales, it was unclear whether Wrexham prison was 'for Wales' or merely 'in Wales' (WAC, 2015). The Justice Committee also questioned the savings supposedly generated by replacing old with new prisons. In the case of Wrexham, the Justice Committee noted, the £17 million projected annual savings 'are dependent on the closure of an equivalent 2,100 inefficient prison places' (JC, 2015). Given the ongoing rise in the prison population, this struck the Committee as unlikely.

Scotland

UKJPR 4 covered the Scottish Government's proposals to reorganise the delivery of probation work. In December 2014 the Government published its final proposals, offering a mix of devolved local delivery and centralised national coordination (SG, 2014). The delivery and local planning functions of the eight regional Criminal Justice Authorities would devolve downwards into the 32 Community Planning Partnerships. The role of strategic leadership, quality assurance, national commissioning and oversight would concentrate upwards in the form of a new national body, Community Justice Scotland, accountable to the Scottish Government. These proposals sat within the broader vision for Community Planning Partnerships set out, in June 2014, in the *Community Empowerment (Scotland) Bill*. This legislation, which became law in July 2015, codified the distinction between the role of central government in setting national outcomes for Scotland and the local Partnerships in planning and delivering local services, guided by the national outcomes.

In January 2015, the Scottish Justice Secretary Michael Matheson signalled a shift on women's imprisonment. The planned construction of a new 300-place women's prison – HMP Inverclyde – would not be going ahead. 'It does not fit with my vision of how a modern and progressive country should be addressing female offending', he said (Scottish Government, 2015a). Under new plans unveiled in June 2015, Mr Matheson announced the construction of a much smaller national prison, of just 80 places, alongside five smaller 20 place community-based regional custodial units (Scottish Government, 2015b). This was the kind of approach the House of Commons Justice Committee had called for in England and Wales. While the coalition government was planning for prison growth in England and Wales, the Scottish Government was planning for reduction, at least in relation to the women's estate.

Northern Ireland

Ambitious plans for a shake-up of community sentencing, including emulating Scotland by introducing a statutory presumption against short prison sentences, had foundered on the rocks of political deadlock (see Garside and Ford, 2015). Provisions to encourage the greater use of community sentences, originally intended for inclusion in the *Justice Bill*, were not included when the Bill was published in June 2014. In the absence of a clear legislative option the Department of Justice was left exploring approaches more commonly found in the England and Wales jurisdiction: raising awareness of community sentences among the judiciary, and promoting public confidence in them as a 'tough' alternative to custody.

As for prisons, they remained the most stubbornly unreformed of the Northern Ireland criminal justice institutions. The outline business case to rebuild Magilligan prison was submitted in August 2014, but the Justice Minister David Ford acknowledged in September that there was no clear agreement on financing the plans (Ford, 2014). The rebuild, were it to go ahead, could take several years, he added. Meanwhile, a 'stocktake' review of regime arrangements for republican paramilitary prisoners in Maghaberry prison, published in November 2014, called for a relaxation of regime restrictions. This included a rethink on searches, greater privacy for family visits and a greater commitment to take forward agreed action points from prisoner fora. The prisoners reportedly expressed a willingness to giving the review 'a fair wind' (Young, 2014). But in May 2015, in a statement on the Irish Republican Prisoners Welfare Association website, they accused the prison of engaging in 'repressive measures', including lock-downs, riot squads and sleep deprivation (IRPWA, 2015). Five years on from devolution of justice powers, and more than 15 years on from the Good Friday Agreement, the work of creating a prison system for the society Northern Ireland aspired to be, rather than the society it had been, had in crucial respects only just begun.

The party manifesto pledges

Although criminal justice has been less of a salient topic among the public in recent times, the manifestos of the 2015 General Election contenders still offered substantial criminal justice programmes. Here we look at the criminal justice pledges of the three biggest parties, by number of candidates, standing in the election: the Conservatives, Labour and the Liberal Democrats. These three parties alone offered around 100 policies between them. They are organised in the table opposite according to the themes of the policy sections in *UK Justice Policy Review*.

Many Conservative and Liberal Democrat pledges were underpinned by the key driver of criminal justice policy under their joint administration: cutting public spending. Both committed to promoting partnership working between the police and other agencies to improve efficiency. Labour, eager to exploit cuts to police numbers for political gain, whilst conscious to account for spending commitments in the face of a perceived lack of fiscal credibility, made a similar pledge with a view to protecting 10,000 officers. Plans to abolish Police and Crime Commissioners would provide additional savings.

Efficiency concerns underlay Tory proposals to expand police-led prosecutions to 'speed up justice'. Plans to replace old, 'inefficient' prisons with new larger ones were reiterated in their manifesto, as was the intention to continue with the marketization of the criminal justice system through the expansion of payment-by-results.

The Liberal Democrats, in tune with their election rhetoric of ensuring 'those with the broadest shoulders' bore more of the cuts, pledged to make company directors take out insurance against prosecution for fraud, and to permit the use of restrained assets to pay legal costs, hoping this would reduce pressure on the legal aid budget. Further cost-cutting would come from promoting alternative buildings for Magistrates'. Hopes of cutting spending through the use of technology lay behind a Tory commitment to roll out GPS tagging equipment to monitor convicted law-breakers in the community. Many of the Conservative proposals centred on technology were intended to intensify punishment and control in the criminal justice system. For instance, in prisons, the introduction of body scanners and greater use of mobile phone blocking technology; and in the community, new alcohol monitoring tags to enforce sobriety orders. Other punitive measures included attaching conditions to police cautions, and a new semi-custodial sentence for 'short, sharp spells' in prison. Labour similarly proposed to replace low level cautions with payback orders.

The Liberal Democrat criminal justice programme was explicitly concerned with reducing the high prison population. With this in mind, they committed to: reserving prison only for the most serious offences; a presumption against short custodial sentences; promoting local resolution schemes; reducing the use of pre-trial remand, introducing drug and alcohol courts, providing experts in police stations to identify drug and mental health problems; and,

partial drug decriminalisation. Viewing the high prison population as 'a sign of failure to rehabilitate', they offered a whole range of measures to tackle 'reoffending' and the 'causes of crime'.

All three manifestos set out reforms aimed at improving transparency and accountability in the criminal justice system, but these mainly involved tinkering with the current arrangements. On the policing side, Labour's promises included replacing the Independent Police Complaints Commission with a new Police Standards Authority and increased professionalisation of the police force. The Tories pledged to overhaul the police complaints system and to legislate for changes in stop and search if it didn't become more targeted. Commitments to improve diversity in police recruitment featured in both the Conservative and Labour manifestos. The Liberal Democrats focused on promoting evidence in police work, and matched Labour on getting rid of Police and Crime Commissioners, to be replaced by Police Boards made up of local councillors.

Both Labour and the Liberal Democrats proposed to introduce new measures to assess prisons according to their success in reducing 'reoffending'. As in policing, Labour proposed a new system of Chartered prison officers, and signalled a move to confront staff corruption. Against the background of Chris Grayling's perceived political interference in the work of the Chief Inspector of Prisons. They also adopted the default position that the public sector should run all detention facilities, but with the proviso that there may be strong reasons to the contrary in specific cases.

In the wake of growing public concern for endemic sexual and physical violence against women and girls, separate programmes addressing the issue featured in each manifesto. The Tories gave a vague child protection pledge to continue reforming the way the police work with other agencies to protect vulnerable children. Labour provided a more specific raft of safeguarding measures, including preventing adults contacting or communicating with children if there was evidence of abuse, and strengthening the vetting and barring regime.

Reforms to the prosecutorial side of the criminal justice process included Conservative commitments to give specialist victims training to publicly funded advocates before becoming involved in serious sexual offences cases, and to enable vulnerable victims to give evidence outside court. Labour reforms included widening access to legal aid for domestic violence victims and introducing a Violence Against Women and Girls Bill. The closest any of the manifestos came to a radical change in direction for criminal justice policy was liberalisation of drug laws and recognition for people with mental health or drug problems in contact with the criminal justice system. The return of the first majority Conservative government in nearly 20 years, following the May 2015 General Election, consigned the Labour and Liberal Democrat proposals to history and set the stage for five years of Tory law and order policy.

	Conservatives	Labour	Liberal Democrats	
Policing	<ul style="list-style-type: none"> • Health and community-based places of safety for people suffering mental health crises • Extend use of police led prosecutions • Enable closer working between fire and police services • Develop role of Police and Crime Commissioners • Improve diversity of police recruitment • Overhaul police complaints system • Legislate for changes in police practices if stop and search doesn't become more targeted • Ensure police cautions have conditions attached to punishment • Continue overhauling how police and other agencies work together to protect vulnerable children 	<ul style="list-style-type: none"> • Abolish PCCs, end firearms licence subsidy and promote collaboration between police forces to safeguard 10,000 officers • Introduce Statutory Local Policing Commitments • Give local people role in local policing arrangements • Require all officers to become Chartered Officers • Replace IPCC with new Standards Authority • Improve diversity in police recruitment • Replace cautions with payback orders • Ban unrestricted gun licences for people with history of domestic or sexual violence • Record and store DNA of rape suspects • New powers to prevent contact and communication between adult and child if there is evidence of abuse and strengthen vetting and barring regime • Ban sale of legal highs • Integration between police, health and local authorities in commissioning drug treatment • Extend youth justice model to 18-20s to divert young people identified as at risk of law-breaking 	<ul style="list-style-type: none"> • Strengthen the What Works centre within the College of Policing • Require Her Majesty's Inspectorate of Constabulary to scrutinise use of evidence by local forces in designing policing plans • Replace Police and Crime Commissioners with Police Boards made up of councillors • Encourage collaboration between police forces and other emergency services at local, regional and national level • Support and expand a police recruitment programme for graduates • Explore transferring more responsibilities to National Crime Agency so local police forces focus on local crime and anti-social behaviour • Provide experts in police stations to identify mental health or drug problems • Develop use of crime maps • Adopt Portugal approach to drugs for personal use 	Policing
Prisons and Probation	<ul style="list-style-type: none"> • Close old prisons and build larger ones • Expand payment-by-results • Widespread random drug testing in prison • New body scanners • Greater use of mobile phone blocking technology • Tackle corruption in prison • New technology to monitor convicted law-breakers in the community • Enforce sobriety orders through new alcohol monitoring tags • Explore new technology to expand women with young children serving sentences in the community 	<ul style="list-style-type: none"> • Increase amount of time prisoners spend working and learning • Assess prisons by success in reforming prisoners and reducing reoffending • Raise professional standards of prison officers by introducing Chartered Prison Officers • Tackle prison staff corruption • Embed restorative justice right across youth justice system 	<ul style="list-style-type: none"> • Prison custody only for serious offences • Increase use of non-custodial punishments • Presumption against short-term sentences • Community Justice Panels and other local schemes to stop problems escalating • Extend role of Youth Justice Board to under 21s, and localise related spending and commissioning powers • Create a Women's Justice Board • Improve system of prisoner education • Improve prison governance and accountability • Strengthen independence of Chief Inspectors of Prisons and Probation • Reduce use of pre-trial remand • Public sector as default provider • End imprisonment for possession of drugs for personal use 	Prisons and Probation
The Courts and Access to Justice	<ul style="list-style-type: none"> • Make sobriety orders available to all courts in England and Wales • Introduce a new semi-custodial sentence for short, sharp spells in custody • Extend scope of Unduly Lenient Scheme so wider range of sentences can be challenged • Ensure all publicly funded advocates have specialist victims' training before becoming involved in serious sexual offences cases • Introduce Victims' Law 	<ul style="list-style-type: none"> • Widen access to legal aid for victims of domestic violence • Ban use of community resolutions as a response to domestic violence • Introduce a Violence Against Women and Girls Bill • Introduce Victims' Law 	<ul style="list-style-type: none"> • Provide experts in courts to identify drug / mental health problems and pilot drug and alcohol courts • Assess viability of market in criminal legal aid providers before further cuts • Make company directors responsible for legal costs for fraud prosecutions • Use alternative buildings for Magistrates • Introduce Victims' Law • Create single point of contact for victims • Increase sentences available for hate crimes • Victims' right to review investigation • Victims' right to choose restorative justice • Helpline for victims of domestic violence • Ensure whole criminal justice system updates practice in line with DPPs guidance on sexual consent • Severe penalties for drug manufacturers and dealers 	The Courts and Access to Justice

The year in view: Timeline, 6 May 2014 to 5 May 2015

6 May 2014

8 May: Queen's speech

12 May: Armed police officers on routine patrols in Scotland first reported in the media

Develops into a political crisis over the summer of 2014.

30 May: Scottish Police Authority publishes review into stop and search

Finds that two thirds of stop and searches are non-statutory, but that those being searched are not aware of their right to decline. The review also finds that 223 children under ten had been searched.

31 May: Probation Trusts cease operations

35 Trusts in England and Wales cease to exist at midnight and will be wound up completely shortly afterwards.

31 July: 69 per cent rise in suicides in prisons

Safety in Custody figures released by the Ministry of Justice.

5 September: Access to Justice Review Agenda published

Consultation on the main questions the review of legal aid announced by David Ford in June would consider.

6 September: 'Dealing with the future by dealing with the past' speech

By new Chief Constable of police in Northern Ireland.

11 September: 'Poison pill' clause in contracts to run Community Rehabilitation Companies revealed

The Guardian uncovers clause which guarantees providers' expected profits over the life of the contract, even if a future government sought to change policy.

19 September: High Court quashes the decision to award 525 duty provider work contracts

After finding that Chris Grayling had failed to disclose two key reports during the consultation process.

30 September: Review by Criminal Justice Inspection Northern Ireland finds that the independence of the Office of the Police Ombudsman has been fully restored

The Ombudsman's Office had suspended its work reviewing deaths during the troubles over concerns about its political independence.

30 September: Historical Enquiries Team in Northern Ireland to be replaced by much smaller Legacy Investigations Branch

Decision to cease operations of special unit charged with re-examining deaths in the civil conflict based on public spending cuts.

31 September: Police Ombudsman for Northern Ireland announces cuts to their historical investigations workforce

1 June: National Probation Service and Community Rehabilitation Companies begin operations

New two-tier probation system established to pave way for privatisation of most of service.

16 June: Justice Bill Northern Ireland published

Provisions to encourage greater use of community sentences originally intended for the bill were not included.

17 June: Northern Ireland Justice Minister David Ford announces review of legal aid and related matters

19 June: Police Scotland announces end to non-statutory stop and search on children under 12

5 August: Scottish Justice Secretary makes statement to the Scottish parliament about armed police officers on routine patrols

Kenny MacAskill says such operational decisions are for the Chief Constable of Police Scotland to make alone.

20 August: New tagging contracts

Budi, Capita, Astrium and Telefonica announced as preferred bidders.

28 August: Police called in over another alleged fraud by Serco

City of London Police are asked to investigate a £285 million contract for transporting prisoners to courts across London.

1 October: Police Scotland partially reverses policy of allowing officers to carry fire-arms on routine patrols

Following concerns from local authorities and MSPs specialist armed officers will in future only be deployed to firearms incidents or where there is a threat to life.

7 October: Scottish Police Authority issues statement on change in Police Scotland's policy on armed officers

Despite supporting the policy as recently as September 2014.

21 October: Staff shortages and rising prison population are responsible for the surge in suicides in prisons

According to the annual report of the Chief Inspector of Prisons.

31 October: New Chief Constable of Police Scotland faces questions from Justice Sub-Committee on Policing

Who fear local policing is being overridden by new national police force.

18 November: Report calls for relaxation of regime restrictions for paramilitary prisoners in Maghberry prison

Review carried out by an independent assessment team appointed by Justice Minister David Ford.

27 November: Her Majesty's Inspectorate of Constabulary publishes *State of Policing* report

27 November: Ministry of Justice publishes response to new consultation on legal aid

Proposes 527 duty provider contracts rather than 525.

13 January: 'Our system of justice has become unaffordable to most'

Lord Chief Justice states in his 2015 annual report 2015.

15 January: Scottish Police Authority publishes inquiry into public impact of routine deployment of armed officers

Concludes that a 'rigid definition of what is an operational matter and what is not' is unhelpful and calls for Chief Constable to be free from political interference but fully accountable.

22 January: Justice Committee publishes critical assessment of Transforming Rehabilitation programme

Raises concerns over programme design, definition of outcome, programme costings, transition planning and professional buy-in.

23 January Sir Brian Leveson's *Review of Efficiency in Criminal Proceedings*

Refers to an 'irreducible minimum of funding... below which the criminal justice system cannot operate.

26 January: Plans to build new 300-place women's prison in Scotland cancelled

Scottish Justice Secretary Michael Matheson announces.

4 March: Justice Committee raises concerns over impact of cost-cutting on prison regime quality

Committee's prison planning and policies report links bench-marking of public against private sector costs in prison to declines in safety across the estate.

13 March: *Evidence and Procedure Review* published by the Scottish Court Service

Recommends a new approach to evidence-giving by children and vulnerable witnesses; routine use of audio and video witness statements; and robust case management supported by shared IT systems among different criminal justice agencies.

30 March: Scottish police Inspectorate publishes review of stop and search

States that it does 'not have confidence in the quality of the published stop and search data'.

30 March: Sodexo announces 30 per cent cut to probation staff

Provider of six of the newly privatised Community Rehabilitation Companies to replace probation officers with ATM-style kiosks.

5 December: Contracts to run 21 Community Rehabilitation Companies awarded

Contracts went to a total of eight private sector-dominated consortia.

10 December: Government is over-reliant on G4S and Serco

According to a report by the House of Commons Public Accounts Committee.

15 December: Scottish Government publishes its final proposals on the reorganisation of probation work.

Offer a mix of devolved local delivery and centralised national coordination.

18 December: Chris Grayling signs contracts with new providers of the 21 Community Rehabilitation Companies

18 December: Tom Winsor reappointed as Chief Inspector of Police

23 December: Stormont House Agreement between Northern Ireland's power-sharing government reached

Included plans to establish a new Historical Investigations Unit free from control by the Police Service.

1 February: Private sector-dominated consortia take over the running of the new 21 Rehabilitation Companies

After an interim period of public sector ownership and management.

4 February: BBC investigation finds evidence that stop and searches on children under 12 continue despite ban

356 children searched since announcement that practice would end, 91 per cent of which recovered no items.

8 February: Home Affairs Select Committee report calls for an end to mental health detention in police cells

Follows the high profile detention in a police cell of a 16 year old girl in the middle of a mental health crisis.

18 February: High Court rules that decision to award 527 duty provider contracts is lawful

Decision followed new consultation concluded in November 2014.

24 February: New joint agreement between Scottish Police Authority and Police Scotland

Places a responsibility on Police Scotland to 'engage in advance with the SPA on any policy or approach that is likely to raise significant public interest'.

1 April: National Police Chief's Council established

Replaces Association of Chief Police Officers.

9 April: Scottish Government plans to redesign community justice system

Aim to abolish Community Justice Authorities and establish local Community Planning Partnerships and Scotland-wide Community Justice Improvement Scotland.

21 April: Lord Bonyon's *The Post-corroboration Safeguards Review* is published

22 April: Addaction pulls out of consortium of providers running Community Rehabilitation Companies

Drugs charity withdrew from Purple Futures, claiming the payment being offered for their services was insufficient.

The year in numbers

62%

The increase in reported sexual violence between 2011/12 and 2014/15.

Source: Figure 2.

4.4%

Proportion of UK's public sector expenditure spent on public order and safety in 2014/15.

Source: Figure 6.

396,048

The number of mental health related incidents that 34 out of the 43 police forces in England and Wales responded to in 2014.

Source: Figure 3.

15%

Cut in UK public order and safety expenditure on police services since 2010/11.

Source: Figure 6.

1,010,000

The number of domestic abuse incidents recorded by the police in England and Wales in 2012/13.

Source: Figure 3.

56%

Proportion of UK public order and safety expenditure spent on police services.

Source: Figure 6.

89%

The increase in 'concern for person' incidents recorded by the police in Scotland in 2013/14.

Source: Figure 4.

168,031

The number of police officers in the UK as of 31 March 2010. By the same date in 2015 the number had fallen to:

149,139

Source: Figure 10.

15,205

The number of mental health related incidents the Police Service of Northern Ireland responded to in 2015.

Source: Figure 5.

25%

Fall in UK prison service staffing between 2010 and 2015.

Source: Figure 11.

10%

Fall in UK probation staff between 2010 and 2015.

Source: Figure 12.

94,868

UK prison population in 2014.

Source: Figure 19.

£3.1 billion

Public spending in England and Wales (individual transactions over £25,000) by NOMS on three contracted out services (operations of prisons and detention centres; court/prison escort services; electronic monitoring) between May 2010 and April 2015.

Source: Figure 13.

£175bn

The total amount spent by the Department for Work and Pensions in 2014/15.

Source: Figure 20.

£2.1 billion

Total amount received by G4S, Serco and their subsidiaries for these three contracted-out services between May 2010 and April 2015.

Source: Figure 14.

23%

The proportion of the population in absolute poverty in the UK in 2013/14.

Source: Figure 21.

1.75 million

Number of people convicted by courts or subject to an out-of-court disposal in the UK in 2014.

Source: Figure 16.

8%

The percentage share of total income that the bottom 20 per cent of earners receive. The proportion of total income that the top 20 per cent receive is:

42%

Source: Figure 22.

130,094

UK community-based sentence population in 2014.

Source: Figure 18.

2.3 million

The number of children in poverty in 2013/14.

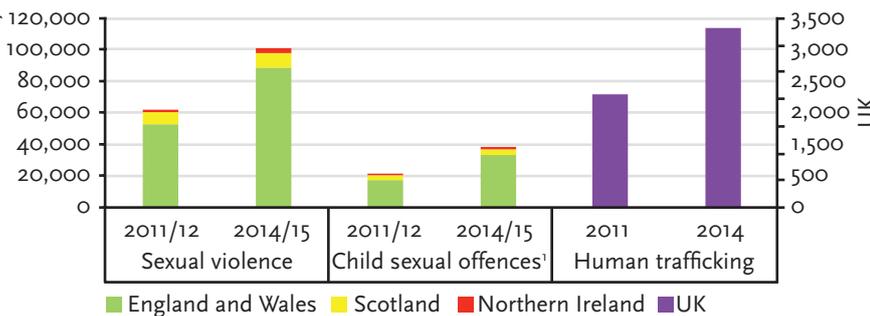
Source: Figure 23.

Special focus: demand on the police

The last decade saw an explosion in police force spending in England and Wales, rising by half between 1999 and 2009 (Mills et al., 2010). A surge in police officer numbers followed, rising from 124,000 in 2000 to 142,000 in 2010 (a 14 per cent rise). The formation of the UK Coalition Government in 2010 signalled an end to these generous spending settlements, with real terms spending by the police falling by 14 per cent over the last Parliament.

No. (England and Wales, Scotland, Northern Ireland)

Figure 2: Increasing crime complexity



¹) Figures for Scotland and Northern Ireland are for 2013/14 because this is the latest available data.

Expenditure is now in line with what it would have been had the spike in spending not occurred (Boyd et al., 2011). Trends in officer numbers mirrored trends in spending, falling back to levels seen in 2000. Despite these fluctuations, police recorded crime, the traditional measure of police demand, suggests workload has fallen by a third since the mid-2000s.

The police argue that recorded crime figures only give a partial picture of the type and volume of work they carry out, but no comprehensive record of their activities exists. Compelled to understand the nature of demand on the police to adapt the service in the face of spending cuts, the College of Policing published its first ever demand analysis in January 2015. The Police Service of Northern Ireland, also facing budgetary pressures imposed by the UK Government, followed suit in April 2015. Here we explore some of the data on police demand to get a picture of what the police in the separate jurisdictions do.

The police recorded crime figures present two issues when trying to understand the law-breaking activity the police have to deal with. First of all, recorded crime only measures 'notifiable' offences - a set of behaviours defined as crimes - that come to the attention of the police. But the police also come across 'non-notifiable' offences. These tend to be tried in the Magistrates' rather than the Crown Court. In England and Wales there were 1,005,000 convictions from cases brought to Magistrates' courts and 27,000 penalty notices for disorder issued for non-notifiable offences in 2014/15. In Northern Ireland in 2015 there were 31,439 defendants prosecuted in the Magistrates courts by the police or the Public Prosecution Service. In Scotland there were 379,498 offences recorded by the police in 2014/15, representing around 60 per cent of all law-breaking related incidents that came to their attention.

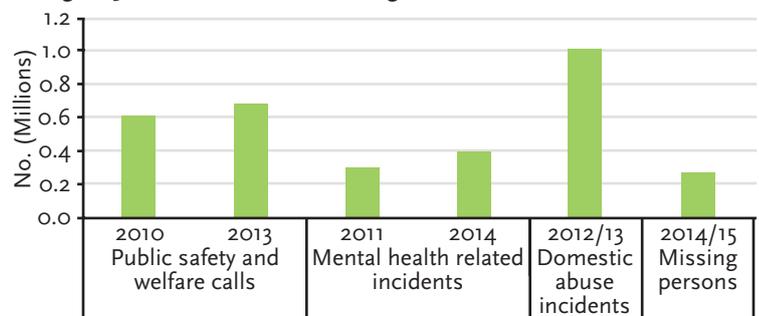
The second problem with the police recorded crime statistics is

that the downward trend in the overall figure hides increases in reporting of more complex crimes. This has been particularly the case with recorded sexual offences, which are traditionally under-reported. Following the revelations in late 2012, of prolific child abuse by Jimmy Saville and the subsequent launch of Operation Yewtree, reported incidents of sexual violence rose sharply. In the UK overall, police recorded sexual offences rose by nearly two thirds between 2011/12 and 2014/15. England and Wales saw the biggest increase, rising by precisely two thirds. Recorded sexual offences in Scotland rose by a third, and in Northern Ireland, by half. Reports of sexual offences against children have risen by four fifths since 2011/12. Recorded sexual offences against children almost doubled in both England and Wales and Northern Ireland over the period. Child sex offences rose by over a fifth in Scotland, and over a third in Northern Ireland. Reports of potential victims of human trafficking across the UK went up by 60 per cent between 2011 and 2014.

Even though there have been huge increases in the reporting of these offences, the figures are still likely to be only the tip of the iceberg. A report by the Children's Commissioner estimated that between April 2012 and March 2014 there were 400,000 to 450,000 victims of child sexual abuse in England alone, with only 50,000 of these known to statutory agencies. Another report estimates that 1.2 million women in England have experienced sexual violence at some point during their lives (Scott, S. et al.,). These figures indicate that there is huge potential demand on the police in the form of complex sexual violence.

As well as reactive, law-breaking related activity, the police are responsible for 'protective' activities, particularly in relation to managing people who have been convicted of violent and sexual offences. For instance, in England and Wales in 2014/15 there were 68,214 convicted law-breakers managed under Multi-Agency Public

Figure 3: Non-crime demand in England and Wales



Public safety and welfare calls refer to only three police forces.

Protection Arrangements (MAPPAs). The majority of these people, 73 per cent, were in the category that the police are responsible for monitoring. There were 3,437 people managed under MAPPAs in Scotland in 2013/14. 2,060 convicted law-breakers were managed under equivalent Public Protection Arrangements in Northern Ireland (PPANI) in 2014/15. These caseloads have increased significantly in recent years.

Figure 4: Non-crime demand in Scotland



Similarly, the police take part in Multi-Agency Risk Assessment Conferences (MARACs), local meetings where relevant agencies share information about the highest risk domestic abuse cases and develop coordinated action plans to try to ensure the safety of all the people involved. In England and Wales there were 78,114 cases seen at these conferences in 2014/15. 8,363 MARACs were held in Northern Ireland between January 2010 and March 2015. MARACs were piloted in an area of Scotland from 2013, and there is currently no national data available.

Most of the incidents the police have to deal with are actually not related to crime. 83 per cent of all calls to the police in England and Wales and 90 per cent of all incidents reported to police in Scotland are related to non-crime incidents. Anti-social behaviour and transport incidents such as road traffic collisions make up a large proportion of this non-crime demand. But data from six police forces in England and Wales suggest the largest number of incidents relate to public safety and concern for people's welfare. Police in Lancashire, West and South Yorkshire alone recorded 686,953 public safety and welfare incidents in 2013. Similarly, in 2013/14 276,859 people related incidents were recorded by Police Scotland, the second largest category after anti-social behaviour. This included 124,653 incidents of assisting members of the public; 33,508 incidents of missing persons; and 82,088 incidents of concern for persons. Equivalent data on public safety and welfare calls is not available for Northern Ireland, but there were 12,278 incidents of missing persons recorded by this police force in 2015.

Reports of domestic abuse incidents also represent a large part of the demand on the police. The figures for the number of domestic abuse incidents recorded by police in the separate UK jurisdictions are: 1,010,000 in England and Wales in 2012/13; 58,976 in Scotland in 2013/14; and 28,287 in Northern Ireland in 2014/15.

Data on the number of incidents that police officers flag as related to mental health suggests that responding to people with mental health problems is a significant aspect of demand placed on police forces. Data from 34 police forces in England and Wales shows that 396,048 incidents recorded by the police in 2014 were flagged as related to mental health problems. In 2015 police in Northern Ireland flagged 15,205 incidents as related to mental health. Due to missing data for nine police forces and inconsistent use of the

mental health flag, these figures are likely to underestimate levels of this type of demand on the police. Research for the Independent Commission on Mental Health and Policing suggests that 15-20 per cent of incidents recorded by the police are related to mental health. This would equate to four million incidents nationally. Officers in the Metropolitan Police Service also estimate that dealing with people with mental health problems takes up at least 20 per cent of their time.

The data suggests not only that these types of demand are a significant aspect of police workload, but also that they have increased significantly in the context of cuts to other public services. These rises are in spite of decreases in crime and non-crime incidents overall. In England and Wales, the data suggests an increase of a third mental health related incidents recorded by the police between 2011 and 2014. In Northern Ireland they rose by three quarters between 2013 and 2015 alone. Similarly, data from Lancashire, West and South Yorkshire police forces show an 11.5 per cent rise in public safety and welfare incidents between 2010 and 2013. In Scotland, incidents of concern for person doubled between 2012/13 and 2013/14.

Figure 5: Non-crime demand in Northern Ireland



The data suggests that a large proportion of police work is concerned with dealing with complex public protection issues and vulnerable people. There is evidence that this is increasingly the case in the context of cuts to health and social services. The question is whether the police are the appropriate service to be dealing with these problems.

For a full list of data sources please see Excel spreadsheets on our website.

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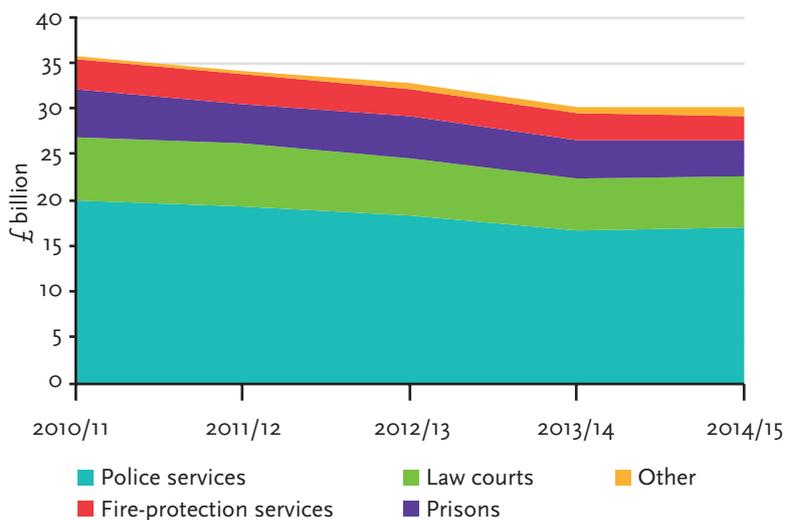
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Expenditure

This section outlines real terms criminal justice spending for the five year period ending 2014/15. The figures for England and Wales focus on central government expenditure. They therefore exclude, for example, local authority generated income which makes a significant contribution to policing. **Figure 6** is compiled from data produced by the Treasury for international comparison and attempts to be inclusive of spending by all government departments. All figures in this section have been adjusted to real terms using GDP deflators as at 30 June 2015.

The UK spent £29.9 billion on public order and safety in 2014/15; a category described as inclusive of police, courts, prisons, offender

Figure 6: UK public order and safety expenditure

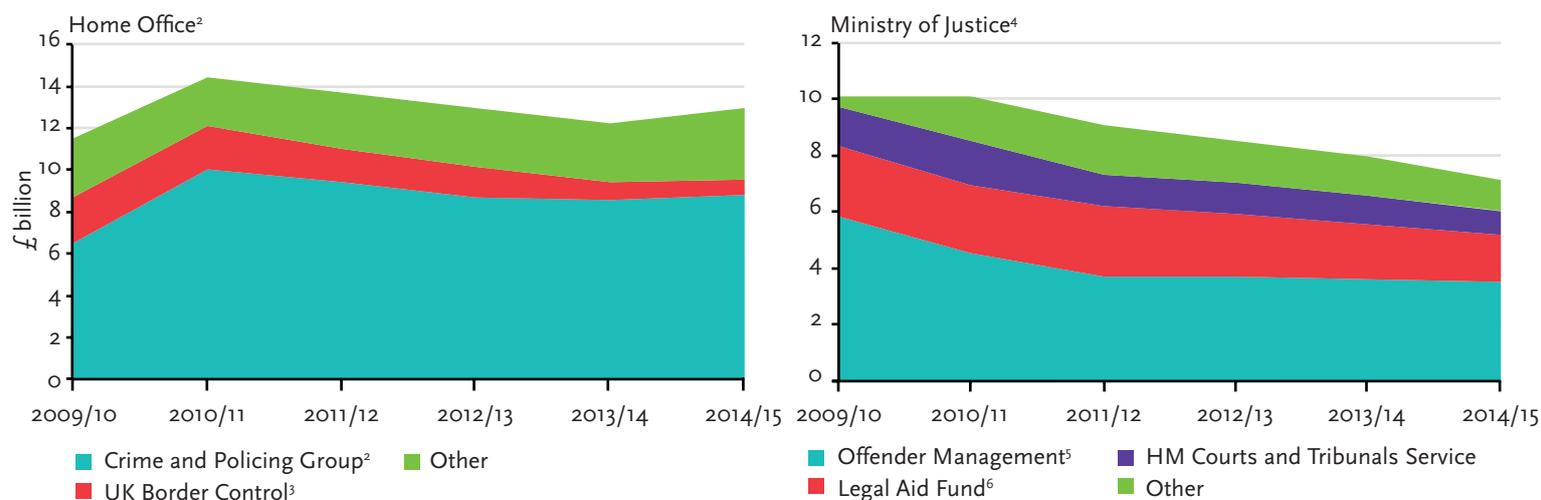


programmes and immigration. Over the last five years there has been a 15 per cent cut in this expenditure. Prisons experienced the greatest squeeze with a 29 per cent decrease in spending since 2010/11. It is interesting to note this trend of decreased public order and safety spending began several years prior to the overall reduction in spending on the public sector in 2011/12 (UKJPR 1, 2 and 3). Expenditure on police services actually increased by two per cent during 2014/15.

The trend in central government criminal justice spending since 2010/11 in England and Wales and Northern Ireland is downwards, with an 18, and 16 per cent reduction in this type of expenditure respectively (**figures 7 and 9**). Scotland, however, has bucked this trend with a 43 per cent increase in central government criminal justice spending over the same period (**figure 8**).

In England and Wales, nearly £4.5 billion less was spent by the Home Office and Ministry of Justice in 2014/15 compared to 2010/11, a cut of 18 per cent over the period (**figure 7**). Reductions in spending have been far greater in the Ministry of Justice than in the Home Office, with cuts of 30 per cent since 2010/11, compared to the Home Office's ten per cent. HM Courts and Tribunals Service faced the biggest cuts, almost halving its spending since 2010/11. This was followed by the Legal Aid Fund, with cuts of around a third, and then Offender Management with falls of around a quarter. Totalling over £3.5 billion, offender management accounts for around 49 per cent of Ministry of Justice spending. Almost all of the cut to this spending area occurred in 2011/12.

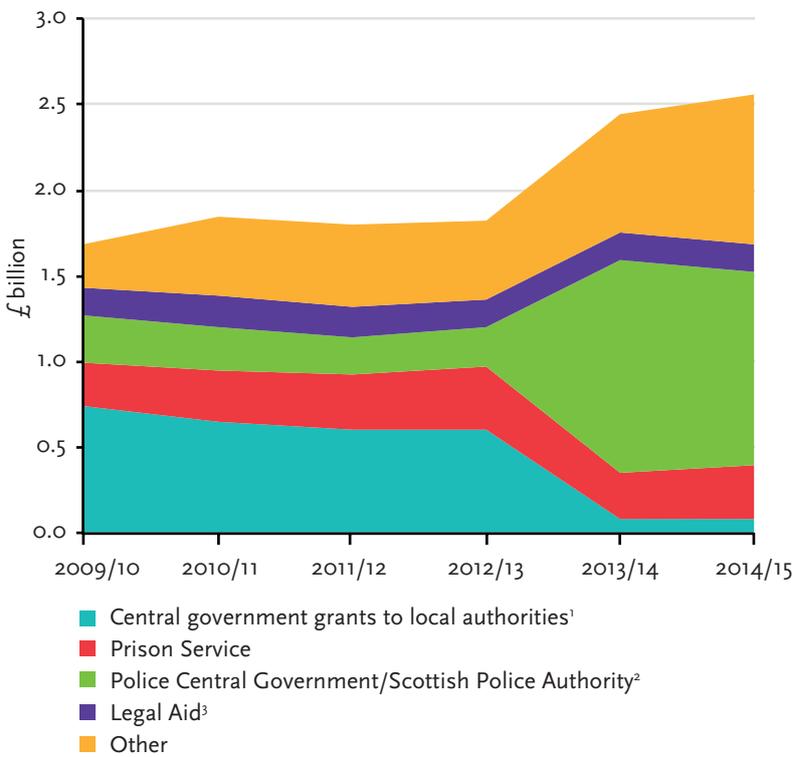
Figure 7: England and Wales central government criminal justice expenditure¹



1) Figures are the total managed expenditure which includes resource, capital and annual managed expenditure. Real terms figures have been adjusted using GDP deflators as at 30 June 2015.
 2) The increase in crime and policing group expenditure in 2010/11 reflects a significant machinery of government change with the transfer of police rates payments to the Home Office from this year.
 3) Between 2012 and 2013 the UK Border Agency was split into three separate Home Office directorates: Border Force; UK Visas and Immigration; and, Immigration Enforcement. Most of the supporting functions have been absorbed into the Home Office's new corporate centre. In previous publications we have referred to this component of Home Office expenditure as UK Border Agency, but due to these changes, here it is called UK Border Control.

4) Figures for the years 2009-10 to 2013-14 have been restated to include Cafcass which was transferred to the Ministry of Justice on 1 April 2014 from the Department for Education as a result of a Machinery of Government change.
 5) Offender management includes spend on prison, probation and National Offender Management Service (NOMS).
 6) Legal Aid Fund includes civil and criminal legal aid, Legal Aid Agency administration and central funds. The Legal Services Commission, a non-departmental public body, was abolished on 1 April 2013 and replaced by the Legal Aid Agency, a new executive body of the MoJ.

Figure 8: Scotland central government criminal justice expenditure



- 1) Up to 2012-13 includes grants for police, civil protection, fire and district courts. Most of this budget was absorbed by the Scottish Police Authority established in 2013-14.
- 2) The Scottish Police Authority was established in 2013/14 and brought together a range of funding from the justice and local government portfolios.
- 3) Includes civil and criminal legal aid.

After consistent cuts in spending since 2010/11, the Home Office saw a six per cent rise in 2014/15. At nearly £9 billion, the Crime and Policing Group accounts for over two thirds of Home Office Spending. This area of expenditure saw a two per cent increase in 2014/15.

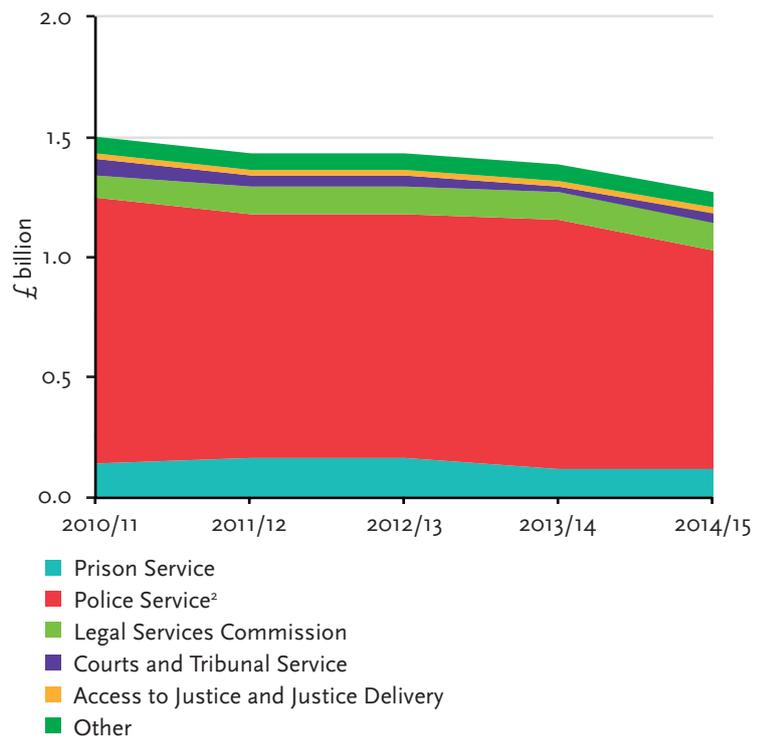
The dramatic upturn in Scottish central government justice expenditure in 2013-14 represents a major machinery of government change, rather than an actual increase in spending (figure 8). The creation of the Scottish Police Authority, and the Scottish Fire and Rescue Service in 2013-14, shifted funding from the local government portfolio and so increased overall justice expenditure (Scottish Government, 2014). Money was also transferred from within the justice portfolio. The Scottish Police Authority incorporated the police grant formerly included in Central Government Grants to Local Authorities, and almost all of Police Central Government funding. Whilst figures for these categories are therefore not comparable with years prior to 2013/14, the political implications of such a large programme of centralisation should not be overlooked.

Now that these new arrangements have existed for two consecutive years, we can see that in 2014/15 Scottish central government spending on policing fell by eight per cent, and total

justice spending increased by around five per cent. Real terms cuts to justice spending in 2014/15 had been planned in draft budgets.

Since the Department of Justice for Northern Ireland was established in 2010, its total expenditure has decreased by 16 per cent (figure 9). The majority of this cut occurred in two stages: in 2011/12 then in 2014/15. The Courts and Tribunals Service and Access to Justice and Delivery experienced the largest declines in expenditure since 2010, with 38 and 28 per cent falls respectively. The prison and police service both experienced cuts of 17 per cent over the five year period. In 2014/15 alone, police spending fell 11 per cent. The 30 per cent rise in Prison Service cost between 2010/11 and 2012/13 reflects a major reform programme following the Prison Review Team report (2011), including a voluntary redundancy scheme to reduce the prison service workforce post the Troubles and a programme of staff training.

Figure 9: Northern Ireland central government criminal justice expenditure¹



- 1) As the Department of Justice for Northern Ireland was established in April 2010, it is possible to establish comparative expenditure data for five years.
- 2) Includes Police Service, Police Pensions, Office of the Police Ombudsman and the Policing Board as well as Policing and Community Safety (termed Safer Communities Directorate from 2011/12). From 2011/12 also includes RUC George Cross Foundation and NI Police Fund.

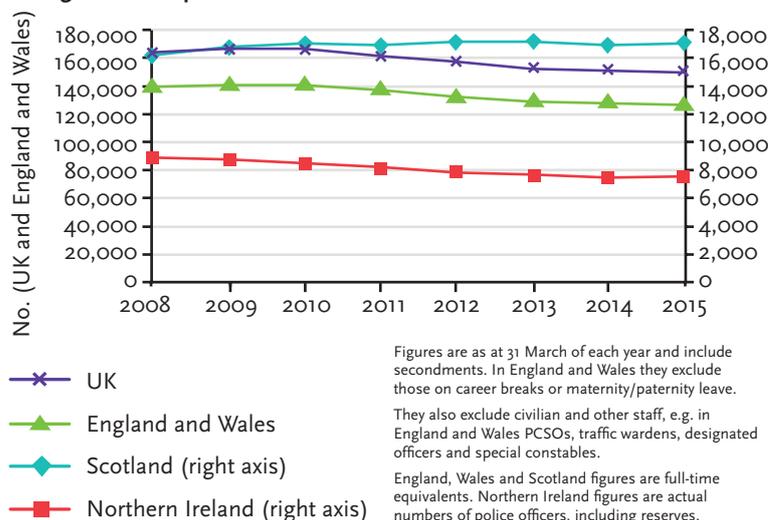
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Staffing and outsourcing

In this section, we continue to examine the numbers of police, prison and probation staff over time, as they reflect changes in criminal justice policy overall as well as in the size and shape of the specific institutions.

Figure 10: UK police officer numbers



In the fifth year of coalition government, we can observe the continuation of the trend of cost reductions impacting on the number of staff in criminal justice services.

The number of police officers (see figure 10) fell in the UK during the coalition's time in office. Adjusted trend figures show that, during the peak in 2010, police officer levels decreased overall by 11 per cent by 31 March 2015. Northern Ireland faced the biggest cuts in officer numbers, declining by around 14 per cent since 2010. They did remain stable over the last two years. England and Wales saw a 12 per cent fall over the same period, shedding around 18,000 officers, although the steepness of the decline reduced over the last two years. This only brought officer numbers back down to levels seen in the early 2000s, before a surge in police spending under the last Labour government caused officer numbers to grow sharply.

Officer levels in Scotland remained relatively constant between 2010 and 2015, hovering between 17,250 and 17,500. They reached this level following a commitment by the Scottish National Party to increase officer numbers by 1,000 after they came to power in 2007.

Prison service staffing in the UK overall fell by a quarter between 2010 and 2015. In England and Wales, staff numbers dropped from 49,230 to 35,350, a decline of almost 30 per cent. The rate of decline slowed in the year to March 2015, as the Ministry of Justice began a recruitment drive in response to dramatic increases in suicides, self-harm and assaults in prisons (see UKJPR 4). The Northern Ireland Prison Service saw similar

falls in staffing levels between 2010 and 2015, from 2,360 to 1,757 (a 26 per cent reduction). Scotland took a different direction to the rest of the UK, with a steady increase in prison service staff, from 4,086 in 2010 to 4,628 in 2015.

When considering data collected in the distinct parts of the UK, it is necessary to bear in mind that compatibility is often problematic: different jurisdictions often have different recording practices, and even within each jurisdiction there are often changes in recording practices over the years. This is particularly an issue with regards to probation staffing data (see source Excel spreadsheet on our website). Bearing in mind these limitations, looking at the official figures (see figure 12) shows numbers decreasing over the coalition period. Whilst there were 20,863 probation staff in the UK overall in 2010, by 2014 the number had shrunk to 19,071, a decline of nine per cent. Reductions in probation staffing preceded the coalition government, with numbers falling from a peak of 26,694 in 2006. This overall trend also contains the jurisdictional divergences we have observed elsewhere. For example, in Scotland, the number of probation staff increased by 14 per cent, from 1,796 in 2010 to 2,050 in 2014. In contrast, probation staffing levels fell by 12.6 per cent in both England and Wales and Northern Ireland over the same period.

Outsourcing also features in the 'transparency data' items we continue to look at in this edition. Released by the Ministry of Justice for spending over £25,000, in accordance with the coalition's commitment to open access to governmental information, this data is available in a 'raw' form that has not been subject to verification processes such as for national statistics.

The NOMS spend in the three areas that we identified in UKJPR 1 (operation of prisons and detention centres, court and prison services and electronic monitoring), amounted to £3.1bn in cash terms between May 2010 and April 2015 (see figure 13). Operations

Figure 11: UK prison service staffing¹

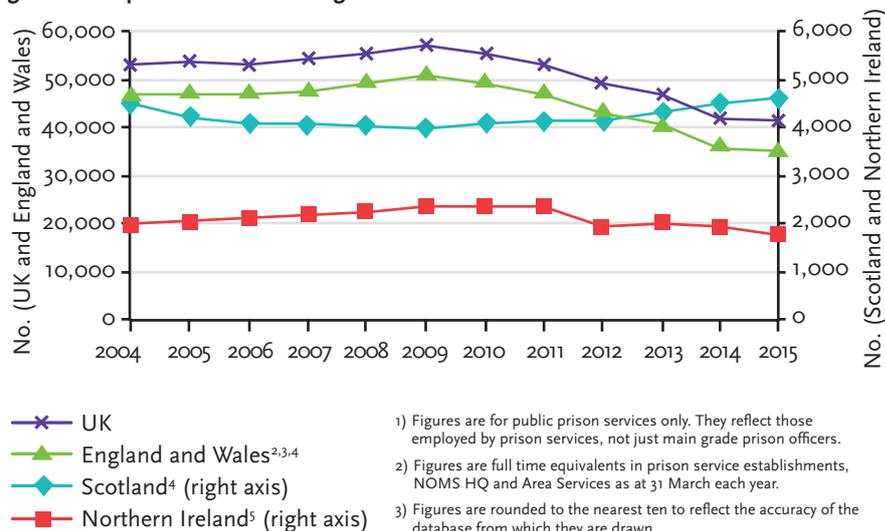
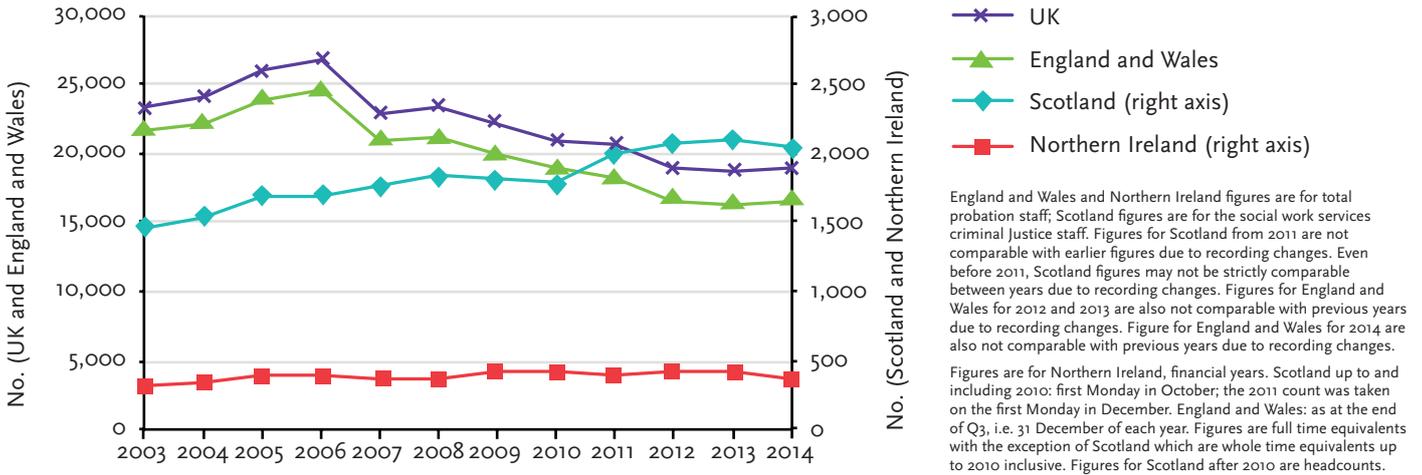
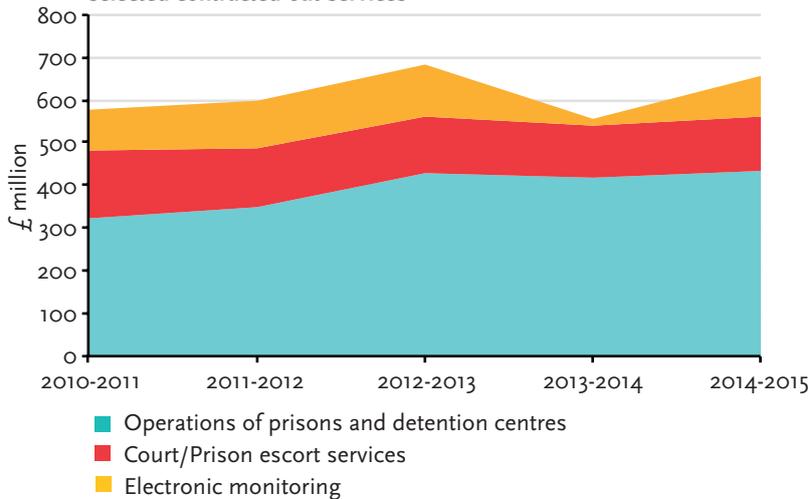


Figure 12: UK probation service staffing



of prisons include establishments like Altcourse (Fazakerley Prison Services), Forest Bank (Agecroft Prison Management), Parc (Bridgend Custodial Services), Dovegate (Moreton Prison Services), Bronzefield (Ashford Prison Services) and Ashfield (Pucklechurch Custodial Services) (Ministry of Justice, 2010-15).

Figure 13: National Offender Management Service spend on selected contracted-out services



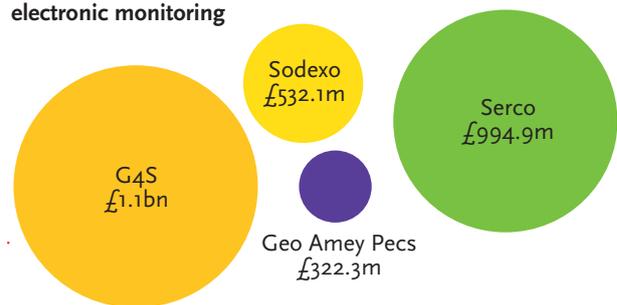
Over the course of the coalition government this spending increased by 14 per cent, from around £578m to just under £657m. In the first year, £320m had been paid to external providers to operate prisons and detention centres. This expenditure increased by 35 per cent to £432m in 2014/15. Spending on electronic monitoring is roughly the same as it was in 2010/11, but rose to a peak of £117m in 2012/13. The huge reduction in spending on electronic monitoring in 2013/14 is due to gaps in the data rather than a real fall in expenditure. These contracts, which were due to expire in April 2013, continued to be managed by G4S and Serco while the investigation into overcharging took place. The NOMS spend data, however, does not record any electronic monitoring payments for most of the financial year 2013/14. Some of G4S's repayment to the Ministry of Justice appears to be included in the April 2014 spend data (see Excel spreadsheets on our website). In June 2014 the Centre for Crime and Justice Studies revealed that

even after G4S and Serco had been banned from running these contracts and were under investigation by the Serious Fraud Office, the Ministry of Justice had continued to pay the two companies millions of pounds for providing electronic monitoring equipment. In July 2015, prisons minister Andrew Selous said in answer to a written question that these payments would continue for at least another year whilst new GPS-enabled tags were developed.

Not all spending on contracted-out operations rose, with the costs to private companies providing prison escort services falling by 20 per cent, from £159m in 2010/11 to £127m in 2014/15.

The suppliers chosen to deliver the contracted-out services in these three areas are shown in figure 14, which shows the total amounts of individual invoices from each company for the period between May 2010 and April 2015. We can see that Serco and G4S were the largest recipients of the amount spent by NOMS in the three selected areas, with around two thirds of the total amount split between the two companies. Over the five year period, G4S and its subsidiaries received 35 per cent of the total expenditure on these services. Serco and its subsidiaries received 32 per cent of the total. Four companies appeared in the spend data for the first time in the year under review: Airbus Defence and Space, Astrium, Steatite and Oracle. They received over £4 million between them for their various roles in the new electronic monitoring contracts. The amounts were too small relative to those received by the other companies to include in figure 14.

Figure 14: Suppliers of contracted-out operations of prisons and detention centres, contracted-out escorts and contracted-out electronic monitoring

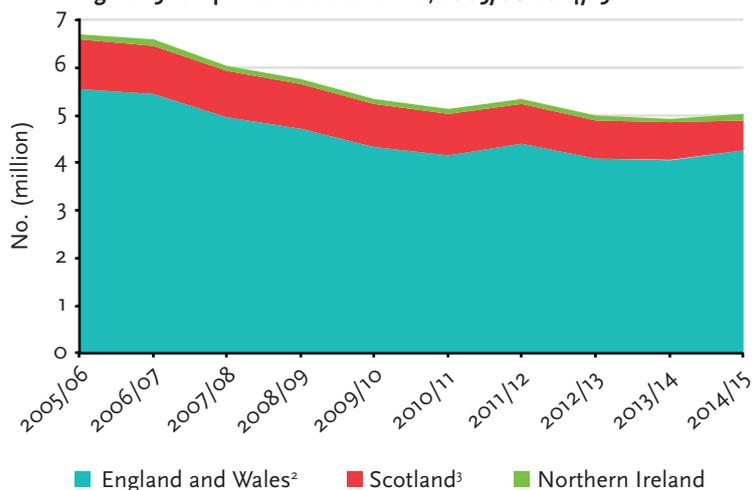


The figures relate to NOMS expenditure in England and Wales for suppliers for contracted-out operations of prisons and detention centres, escort services and electronic monitoring.

Criminal justice populations

The first figure in this section shows police recorded crime: law breaking brought to the attention of the police and recorded as a crime incident. As a measure of 'crime' its limitations have been well rehearsed. It reflects changes in police recording practices and their targeting of particular law-breaking activity, and fails to capture incidents not reported to the police. It does however provide the material on which the criminal justice system works, and offers an insight into a large proportion of incidents that come to the attention of such a system. **Figure 15** shows a rise in police recorded crime in the UK of 1.4 per cent compared to the previous year. The overall trend since 2005/06 has been downwards, with 25 per cent fewer recorded crimes in 2014/15 than ten years earlier. England and Wales, and Northern Ireland saw marginal increases in recorded crime in the year under review, again coming after ten years of decline. In Scotland, 17 per cent fewer crime incidents were recorded in 2014/15 than in the previous year. The general downwards trajectory of recorded crime mirrors trends in the other commonly cited indicators of law-breaking, crime surveys. This is

Figure 15: UK police recorded crime, 2005/06-2014/15¹

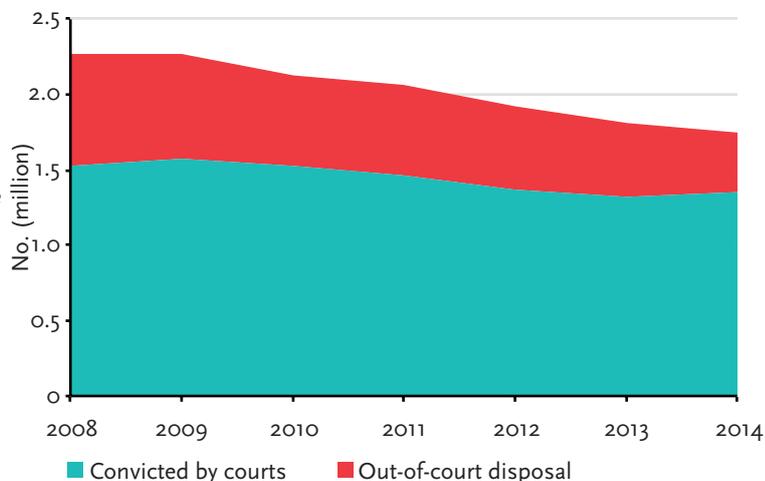


1) Variation in legislation in each of the UK jurisdictions needs to be considered when comparing crime statistics between the different nations. Northern Ireland's recording practices are the same as that of the Home Office for England and Wales. Due to different recording practices, Scotland's figures are not directly comparable to England and Wales and Northern Ireland. Figures are from most up to date sources and may differ from previous publications.
 2) Data for 2013/14 and 2014/15 refer to the year ending in June, and data before then refers to years ending in March.
 3) Not all offence categories are comparable between 2007/08 and 2008/09 and 2012/13 and 2013/14. Care should be taken when comparing data on different sides of these discontinuities.

in keeping with a drop in police recorded crime across many parts of the developed world.

Yearly changes to the number of people subject to criminal justice sanctions by courts or by various out-of-court disposals from 2005 are shown in **figure 16**. In the UK, around two million people a year are convicted of an offence by courts, or subjected to an out-of-court sanction such as a fixed penalty notice. The range and use of out-of-court disposals continues to evolve, with for example Penalty Notices for Disorder introduced in Northern Ireland in 2012. Overall in the UK, the number of out-of-court disposals has halved since 2008 from around 750,000 to fewer than 400,000 in 2014. Court convictions have seen a lesser decline of just over ten

Figure 16: No. of people convicted of an offence by courts and no. subject to an out-of-court disposal in the UK



Out-of-court disposals do not include those given for motoring offences.
 The range of out-of-court disposals available in each jurisdiction varies. For a list of the out-of-court disposals included here see excel spreadsheet of data.
 Scotland figures are for financial years.

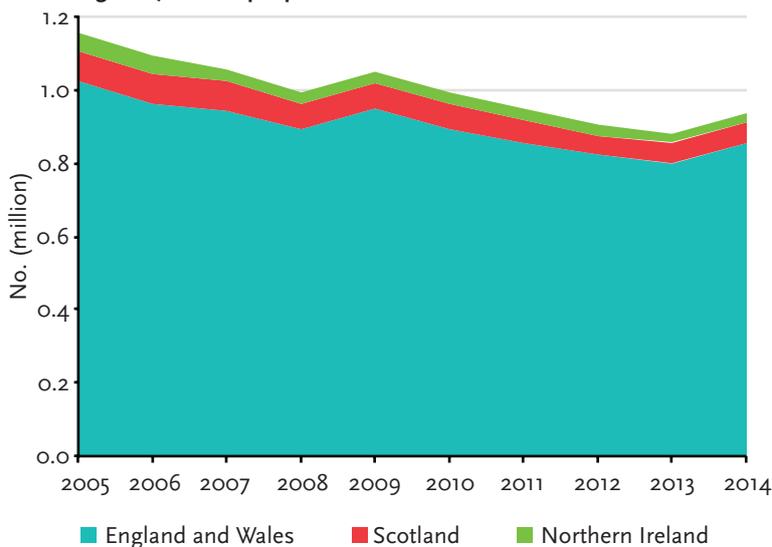
per cent, from 1.53 million in 2008 to 1.36 million in 2014, albeit with a three per cent rise in 2014. Whilst this overall trend holds true for England and Wales, it hides divergent patterns in Scotland and Northern Ireland. For these jurisdictions, notwithstanding a steep drop of 25 per cent in out-of-court disposals in Scotland in 2014, a decrease in the numbers convicted by courts over the period has been accompanied by an increase in people subject to out-of-court disposals.

Figures 17-19 show the UK population subject to the three main court imposed disposals: fines, community-based sentences and prison. They indicate the following broad trends:

- Fines remain the most common court imposed sanction, however their number in 2014 (933,520 compared with 1.2 million in 2005) conforms to a long-term trend of falling proportional use of the fine.
- The numbers of people subject to community-based sentences have continued to fall since 2007 (when it exceeded 150,000) in England and Wales, in contrast to Scotland where numbers have risen. Use of this sanction in Northern Ireland rose by half between 2007 and 2011, an increase which had all but fallen away by 2014. Across the UK as a whole, the community based sentence population has fallen by around 40,000 since 2007.
- The UK prison population was 94,868 in 2014, a fall of 1.7 per cent from the peak in 2012. Following successive years of steady annual growth, 2013 was the first year in recent times when prison numbers fell. Falls occurred in both England and Wales and Northern Ireland. These annual prison numbers are based on a 'snapshot' of the prison population at a specific point of the year. The actual number of people that go through the prison system each year would exceed these figures, particularly given the high proportion of prison sentences of 12 months or less in length.

Government departments in the three UK jurisdictions publish projections of their future prison populations based on a number of assumptions (see figure 19). The UK prison population rising by another 7,000 people is a medium projected scenario over the next six years, with an estimated prison population of just over 101,000 by 2020.

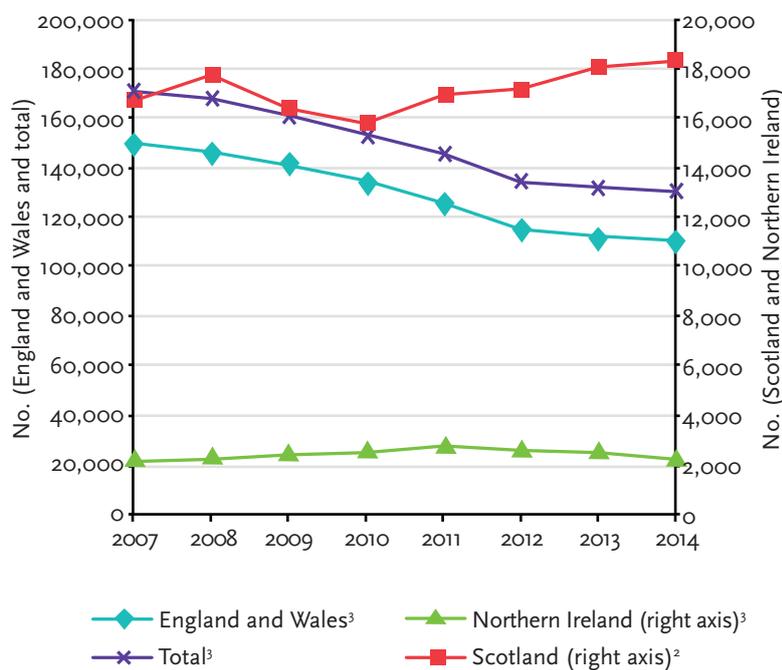
Figure 17: No. of people sentenced to a court ordered fine in the UK



Scotland figures are for financial years.

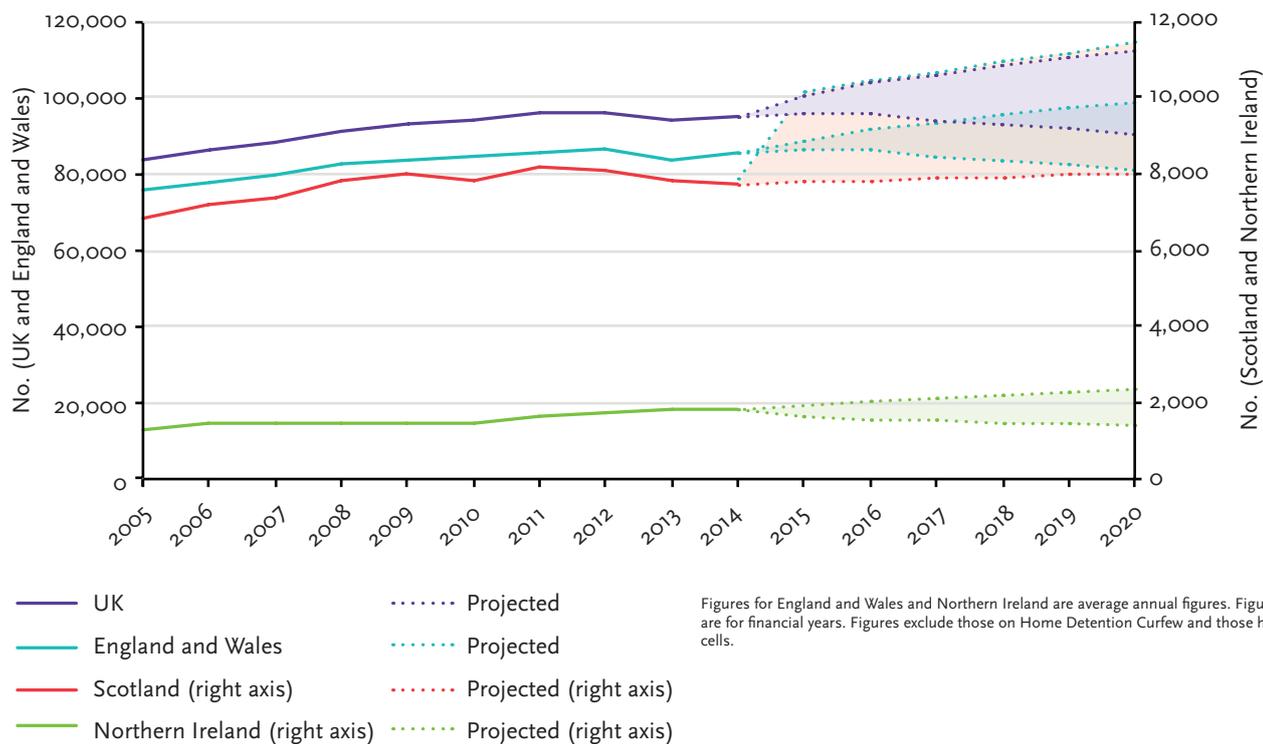
Northern Ireland figures are for number of people subject to a court imposed fine from 2007. Prior to this, data is only available on the basis of the number of fines imposed. Figures for Northern Ireland also include recognisance, whereby a sum is forfeited if an act required by law does not take place.

Figure 18: UK community-based sentence population¹



- 1) 'Community-based' refers to a range of sentences to be served in the community which varies across the UK, and includes suspended and deferred sentences in England and Wales.
- 2) Scotland figures are for the financial years and are for the number of people sentenced to a community-based sentence.
- 3) England and Wales and Northern Ireland figures are for the number of people subject to a community-based sentence at a fixed point in time (31 December each year). The England and Wales figures refer to all people subject to court orders including suspended and deferred sentences.

Figure 19: UK prison population and projected prison population

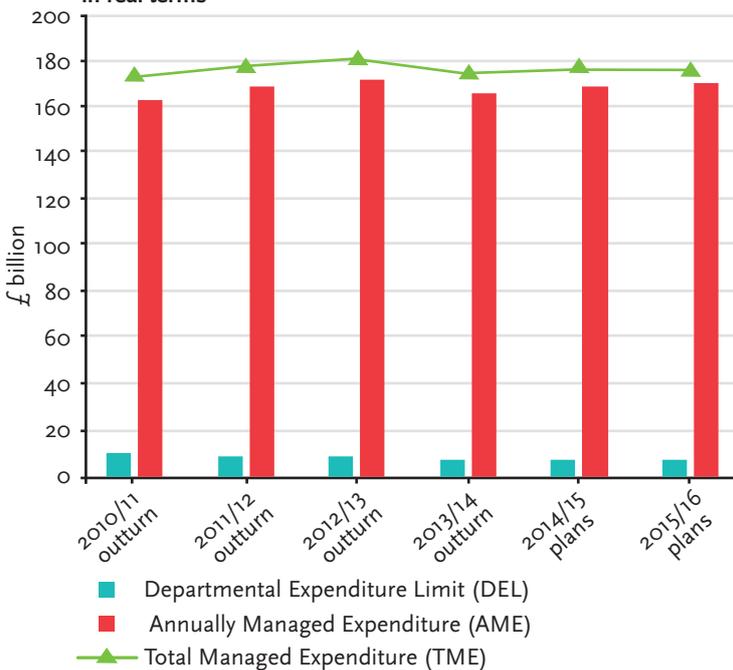


Figures for England and Wales and Northern Ireland are average annual figures. Figures for Scotland are for financial years. Figures exclude those on Home Detention Curfew and those held in police cells.

Welfare and wider social circumstances

The financial context for the welfare reform programme outlined in this Review is made clear in **figure 20**: the most up-to-date figures of the Department for Work and Pensions (DWP) budgets. The Departmental Expenditure Limit (DEL) budget (three year spending limits agreed with the Treasury) accounts for only a small proportion of total expenditure. Most expenditure relates to pensions, social security payments and related income transfers,

Figure 20: Department for Work and Pensions DEL, AME and TME in real terms¹



1) Real terms figures are the cash figures adjusted to 2014-15 price levels using GDP deflators. The deflators are calculated from data released by the Office for National Statistics on 30 June 2015. The forecasts are consistent with the Summer Budget 2015.

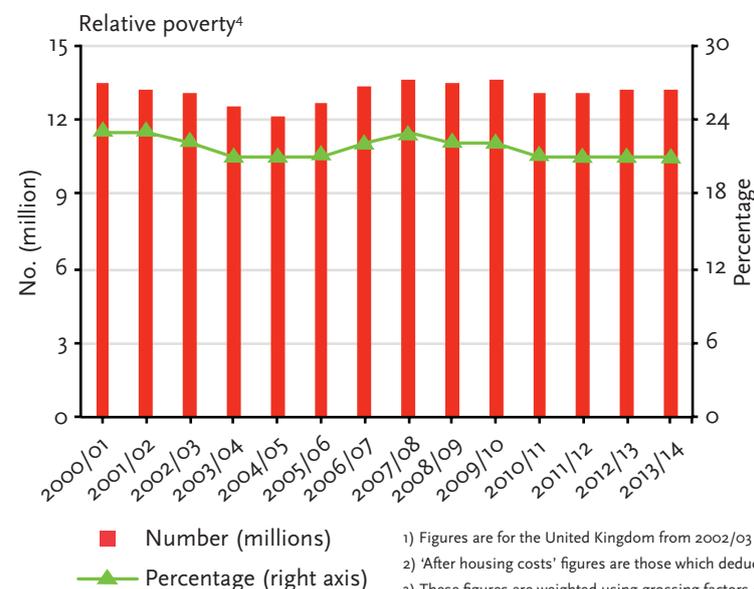
which cannot be subject to firm multi-year limits. This is managed year on year as Annually Managed Expenditure (AME). Taken together, DEL and AME make up the DWP's Total Managed Expenditure (TME). A further breakdown of resource and capital DEL and AME can be found in the datasheet on the UKJPR website.

The DWP has slashed real terms DEL expenditure from around £10.2 billion in 2010/11 to £7.4 billion in 2014/15. This equates to a real terms reduction of over a quarter. The DWP plans to cut this expenditure by a further £800 million in 2015/16. By contrast, the AME budget has grown in real terms: from £161.8 billion in 2010/11 to £167.5 billion in 2014/15; an increase of 3.5 per cent. AME is expected to grow by £1.5 billion to £168.9 billion in 2015/16.

The remaining figures in this section consider changes in poverty and inequality as measured by a number of key indicators. The trends shown in both **figures 21 and 22** must be interpreted in the context of a reduction in personal incomes across the board in recent years. For example, relative fell from 2007/8, but when poverty is measured against a fixed measure (see 'Absolute poverty' in **figure 21**), then the rate has increased since 2006/7. This suggests recent reductions in relative poverty have been achieved, not because of increased real incomes for those in poverty, but rather because a reduction in income for those in poverty has been outpaced by a reduction in income across the whole income distribution (DWP, 2013). It is interesting to note that, after falls in both relative and absolute poverty early in the last decade, poverty levels became static.

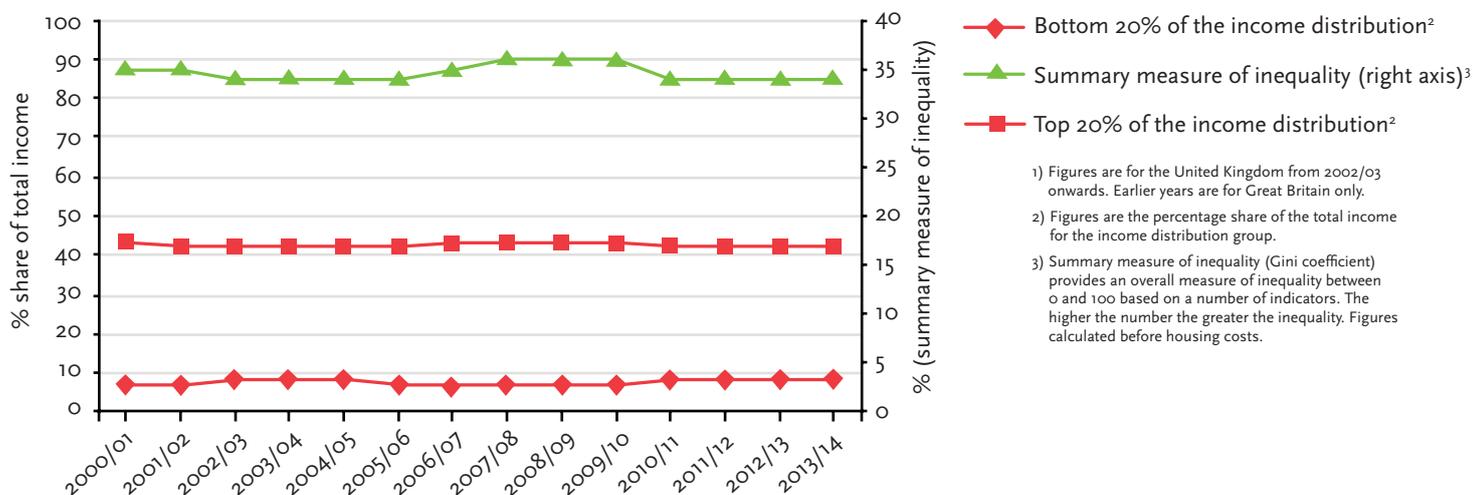
It is equally important to bear this in mind when considering the trends in income inequality shown in **figure 22**. Gini coefficient, the most commonly used measure of inequality, fell in 2010/11 and

Figure 21: Individuals falling below 60% of median income^{1,2,3}



1) Figures are for the United Kingdom from 2002/03 onwards. Earlier years are for Great Britain only.
 2) 'After housing costs' figures are those which deduct housing costs from household income.
 3) These figures are weighted using grossing factors derived from 2011 census data. Figures have been revised back to 2002/03 using these grossing factors.
 4) Relative poverty is defined as those living below 60% of median income as it is defined each year.
 5) Absolute poverty is defined as those living below 60% of median income when median income is held constant (at 2010/11).

Figure 22: UK income inequality¹



has remained static since. However, as this has been achieved in a period when real incomes have fallen across the whole income distribution, this has been judged a temporary reduction, not liable to be sustained. Indeed, as real earnings growth has caught up with inflation, mainly benefiting middle-higher incomes, and benefits and tax credits have been cut, depressing lower incomes, increases in inequality may already be underway (Cribbs et al., 2014).

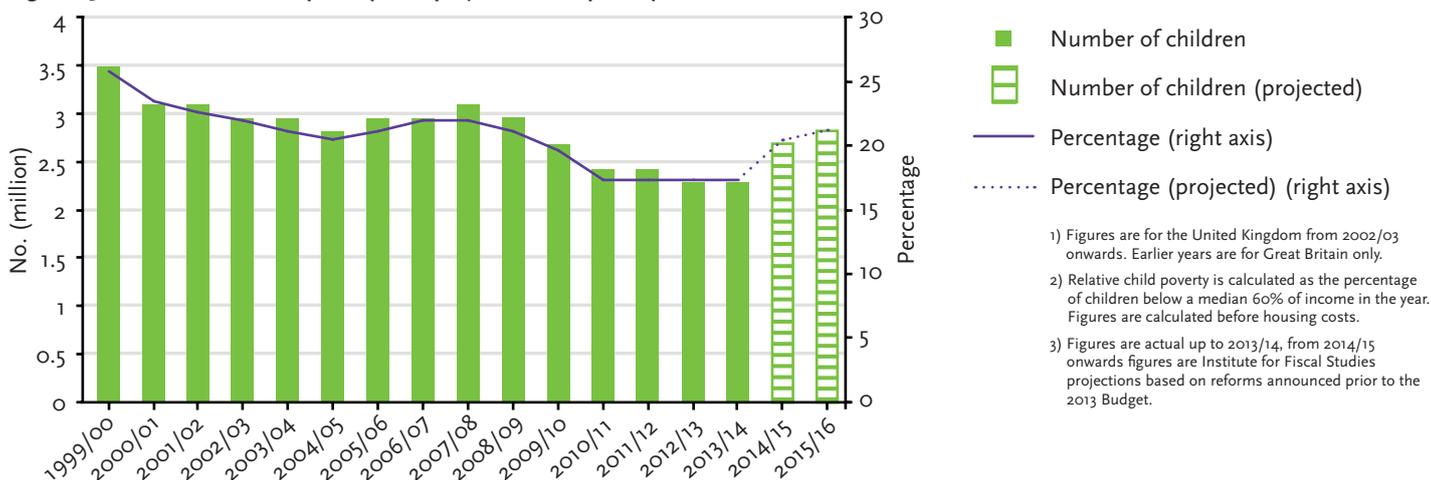
Reducing child poverty is an agenda for which there has been political support across the main parties. *The Children's Act 2010* set out plans to eradicate child poverty in the UK by 2020. **Figure 23** shows one of a number of indicators by which child poverty is assessed. According to the figures shown here, child poverty decreased significantly in the period since 1999/00, with the percentage of children living in poverty falling from 26 to 17 per cent from 1999/00 to 2012/13. However, this decrease was not to the extent hoped for. Interim targets agreed by the former

government to halve child poverty in the period from 1998/99 to 2010/11 were missed. Projections suggest the trend of declining child poverty will not continue. An Institute for Fiscal Studies analysis forecasts that child poverty will rise to 21% in 2015/16 (Browne et al., 2014). Perhaps in an acknowledgement that the 2020 ambitions for child poverty reduction will not be met by the government's current programme, the coalition began a consultation to introduce non-income measures of child poverty (HM Government, 2012).

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Figure 23: Children in relative poverty, and projected child poverty^{1,2,3}



6 May 2014 to 5 May 2015

The developments covered in this volume of UKJPR are testimony to the complex interplay of convergence and divergence that has characterised criminal justice policy-making across the UK for some time. Five years on from the 2010 General Election, the casual observer surveying the landscape of criminal justice will encounter a familiar prospect. The main institutions – the police, prisons and community supervision, the courts and the legal process – appear largely unchanged. On a closer look, there is much evidence of substantial redesign and of significant reengineering. Within each of the three UK jurisdictions, criminal justice underwent significant change. In general this change was not at the same speed nor in the same direction. As was noted in the introduction to UKJPR 5, in the five years between the 2010 and 2015 General Elections, the local distinctiveness of the three jurisdictions became more pronounced in many respects, with a certain convergence over court reform and legal aid a striking counter-tendency.

During the year under review the fractiousness that had characterised policing developments in England and Wales during the coalition government's earlier period in office had subsided into an uneasy truce. A grudging acceptance of the key changes the Home Secretary had sought to implement since the 2010 General Election was matched by a reassertion of the police chief's dominant role in the newly formed National Police Chiefs' Council. In Scotland, major disputes over operational policing, and ongoing doubts about the resilience of police governance, made for a fractious year. The distinctiveness of policing developments in Northern Ireland were brought into sharp relief by the seemingly arcane dispute over the National Crime Agency. In England, Wales and Scotland the Agency had sweeping powers to deputise local forces. In Northern Ireland, it could only operate with the consent of the Chief Constable.

Probation developments in England and Wales reached fever pitch during the year under review, as the Ministry of Justice sought to force through privatisation under the shadow of the looming General Election. Problems emerged before the ink was dry on the contracts, and became ever clearer following the 2015 General Election. In England and Wales' prisons, the rising toll of violence, suicide and self-harm was the clearest sign of the problems that followed from a combining budget cuts with an ongoing commitment to high rates of imprisonment. In Scotland, a different approach began to emerge during the year under a review. Its starting point was a rather old-fashioned question: What kind of society do you want to live in? The answer – one in which fewer women are imprisoned, and in smaller institutions – has the potential to be a beacon for good practice across the UK in the coming years. The glacial speed of progress in reforming Northern Ireland's prison system in crucial respects reflected the compromises of power-sharing. The challenge of reforming the

prison system – an institution so haunted by the ghosts of the past – remained a deeply divisive and conflictual process during this year.

Given the pressures of austerity, it was hardly surprising that across all three jurisdictions, a common interest in driving efficiencies through technological innovation in the court process, and through savings to legal aid, was a common theme. In all three jurisdictions, legal aid was and is delivered largely by self-employed practitioners and legal companies. Cutting payments to external bodies such as these is generally much easier than complex reorganisations of public services. This is a key reason why similar approaches were adopted to criminal legal aid across the UK.

Policy divergence across the three criminal justice jurisdictions over the coalition period was matched by divergence in some of the main data trends, set out in the second half of this edition of UKJPR. Criminal justice spending in England, Wales and Northern Ireland declined, while it grew in Scotland. Police, prison and probation officer numbers likewise fell in these first three jurisdictions. In Scotland, prison and probation officer numbers grew, while police officer numbers remained stable. The numbers under community-based sanction in Scotland grew, while they fell in England, Wales and Northern Ireland. The numbers in prison remained largely unchanged in England, Wales and Scotland, while they grew in Northern Ireland.

These divergences tell a simple, and rather obvious, story: criminal justice spending growth tends towards increasing staff numbers and caseloads, while falls tend towards a reduction in staff numbers and caseloads. Beyond this obvious point, the special focus data on police demand points to evidence that cuts to health and social services are swelling police caseloads as they act as the service of last resort.

The data speak to one of the central dilemmas faced in all three of the UK criminal justice jurisdictions. The criminal justice footprint had grown during the years of relative plenty up to 2010. The coalition government, and the devolved administration, had sought to maintain the size of this footprint, while reducing budgets. This was never going to be anything but very difficult.

Criminal justice agencies across the United Kingdom face a perfect storm of growing demand and shrinking budgets by the time of the next General Election. Rising prison populations, inadequate funding for legal representation and rising demands on police time will be just some of the pressures in the coming years. The era of seeking more for less may well be coming to an end. Governments in London, Edinburgh and Belfast should be setting out a vision for leaner, more focused justice systems, reducing the size and scale of the key criminal justice agencies to reflect shrinking budgets.

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