

UK Justice Policy Review

Volume 4

6 May 2013 to 5 May 2014

by Richard Garside and Matt Ford

THE HADLEY TRUST

**CENTRE FOR CRIME
AND JUSTICE STUDIES**

Justice Policy Review

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About the authors

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Establishing contemporary criminal justice trends in the UK

This is the fourth volume in the *UK Justice Policy Review* series from the Centre for Crime and Justice Studies. *UK Justice Policy Review* (hereafter UKJPR) explores key criminal justice developments since the formation of the coalition government in May 2010. It is a series of annual publications providing concise, critical analysis of emerging policy developments and brings this together with robust data about criminal justice for a particular year.

This fourth volume covers the period from 6 May 2013 to 5 May 2014.

About the *Justice Policy Review* series

UK Justice Policy Review has two main aims. The first is to track notable political and policy debate, major initiatives and interventions and legislative changes over the period of coalition government.

Each volume focuses on the key criminal justice institutions of policing, the courts and access to justice and prison and probation, as well as on the significance of changes in the allied welfare system and other relevant areas of social policy. The second aim of the series 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 taken forward 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, will prove useful to policy makers, practitioners, researchers and anyone else with an interest in the criminal justice system in the UK. As the series progresses over time, we hope it enables independent tracking of key criminal justice developments in the UK 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
- The numbers of people subject to particular 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 such data suffers from a variety of limitations (as we highlight in the text), it offers important glimpses to the way funds are

allocated centrally and on changing trends in the provision of public services in this spending area.

A full set of data and notes for the charts and tables which are presented in each volume of UKJPR are made available in Excel format, with the original sources that these figures are based on also made accessible whenever possible. This material can be accessed on the Centre for Crime and Justice Studies' website: www.crimeandjustice.org.uk. The reader can therefore analyse the original data, in addition to viewing it in the form presented in UKJPR.

This volume

This fourth volume in the series documents ongoing developments in the fourth year of coalition government. The public spending cuts continued to be implemented across policy areas, not least in the criminal justice system. Some commentators linked the reductions in prison service staffing and offender management budgets to deteriorating prison conditions, in what became known as the 'prison crisis'. The Ministry of Justice's own data showed a sharp rise in self-inflicted deaths in 2013/14, as well as increases in self-harm and assaults. The Chief Inspector of Prisons' annual report crystallised the view that government policy was largely to blame, attributing the decline in safety to 'the conjunction of resource, population and policy pressures'. Justice Secretary Chris Grayling repeatedly denied that prisons were in crisis, or that government policies were responsible for the upturn in harmful incidents. The special focus in the *Key data* section (pages 20-21) examines some of the government data on safety in prisons in the UK, putting recent trends in a longer term perspective.

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

The references relating to all the articles in the *Key developments* section can be found on page 33 of this volume.

Future editions in the series

As well as this *Review*, a report, *The coalition years: Criminal justice in the United Kingdom 2010 to 2015*, that considers the justice field under the coalition in its whole period of governance (from May 2010 to late 2014), was published in March 2015. Future volumes will update many of the figures presented in this and earlier volumes with the most recent data available, as well as feature figures pertinent to the year in question. The fifth volume will reflect on the period 6 May 2014 to 5 May 2015, leading up to the General Election in May 2015.

Context and overview

The coalition government ended the year under review – May 2013 to May 2014 – nearly £200 million better off than it had been at the start of the year. This followed repayments by G4S and Serco, after the two firms were found to have overcharged the Ministry of Justice for tagging convicted lawbreakers being supervised in the community. The overcharging fiasco damaged the already tarnished reputations of the two companies. In November 2013, the G4S Chief Executive had admitted to MPs on the House of Commons Public Accounts Committee that his company found it difficult to ‘tell the difference between right and wrong’. And while ministers were glad to have achieved a face-saving settlement, the repercussions of this embarrassing saga, in the form of delays in the reletting of the electronic monitoring contract, were great. The competition, launched in early 2012, was not finally completed until the summer of 2014, during the final year of the coalition’s period in office. Put differently, it took fully half of the coalition’s period in office – two and a half years – to let the electronic monitoring contract.

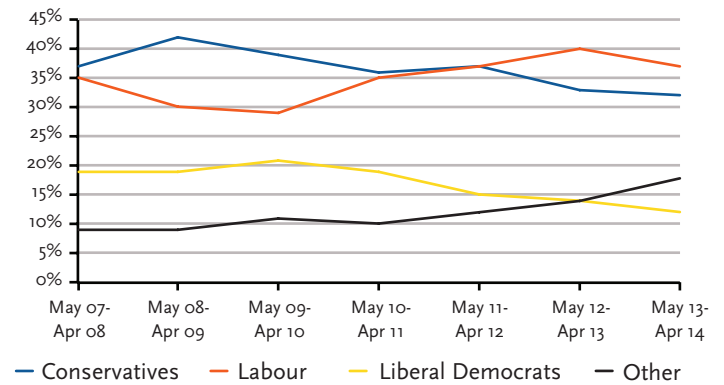
The protracted process of reletting this contract was symptomatic of the challenges the coalition government faced in implementing its ambitious plans to extend privatisation and contracting across criminal justice. The nine prison market-testing, covered in UKJPR2, was due to be completed by late 2012. It was not until late 2013 that the final results of the market-testing were finally announced. Of the nine prisons subject to market testing, eight were under public sector management. One – HMP The Wolds – was managed by G4S. The final tally, in November 2013, was one prison – HMP Northumberland – under private sector control (Sodexo) and eight prisons under the public sector. This included HMP The Wolds, the contract for which G4S lost. It seems unlikely that this result was quite what the Justice Secretary Chris Grayling had in mind when he told the House of Commons Justice Committee that he would not privatise prisons where bids were unrealistic (see UKJPR3).

During its third year, the coalition government had a major rethink of its plan to implement probation contracting via the 35 Probation Trusts (see UKJPR3). The revised plan – *Transforming Rehabilitation* – proposed to scrap Probation Trusts, with commissioning responsibility shifting to the Ministry of Justice. Routine probation activity would be delivered through 21 Community Rehabilitation Companies, run by successful bidders following competitive tender. The controversy these new proposals stirred up, and the stuttering process of implementation, during the coalition’s fourth year, are covered in the prison and probation section of this edition of UKJPR.

During its fourth year the coalition also faced major opposition from the legal profession over its plans to compete criminal legal aid. The *Transforming Legal Aid* consultation published in April

2013, had proposed that a limited number of criminal legal aid contracts would be offered to a relatively small number of firms and consortia, awarded on the basis of price. The winners would have the exclusive right to deliver publicly funded criminal legal aid in a given geographical area. During the course of its fourth year, and faced with concerted legal opposition, the government narrowed proposals for price competitive tendering to apply only to defence work in relation to clients who did not choose their own representative: so called ‘duty provider work’. The twists and turns of what was a very dynamic and unpredictable period are covered in the courts and legal aid section of this edition.

Figure 1: Voting intentions, May 2007 to April 2014



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

The coalition’s dual strategy of reorganising police governance structures while displacing traditional police power bases continued during its fourth year in office. The National Crime Agency, an emergent body with potentially far-reaching powers, became operational in October 2013. The newly-elected Police and Crime Commissioners gained enhanced powers to commission local services under provisions in the *Anti-Social Behaviour, Crime and Policing Act*, which became law in March 2014. These developments posed a threat to the Association of Chief Police Officers, which faced a searching review of its own, under the chairmanship of General Sir Nick Parker. The Police Federation likewise faced a review, which questioned many of the ways in which it conducted its affairs. It was during the coalition’s fourth year that these historically powerful police lobbying bodies were much weakened.

In Scotland analogous developments were unfolding, though in markedly different ways and with contrasting results. Police Scotland, the single national force whose creation and first year of operation is covered in this edition of UKJPR, had faced a difficult beginning. It had mounted controversial operations that, critics argued, were more suited to the seamier neighbourhoods of Glasgow than the leafy lanes of Edinburgh. The Scottish Police

Authority, the new body established to oversee the operations of Police Scotland, was criticised for failing in its duty. Scotland's traditionally powerful, and Labour-dominated, local authorities saw the establishment of Police Scotland as a power grab by the SNP administration in Edinburgh.

Probation work, which since 2006 had been coordinated by eight regional Community Justice Authorities (CJA), also faced review during this fourth year. Under proposals published in April 2014 the Scottish government set out plans to dissolve the CJAs into the 32 Community Planning Partnerships, the multi-agency bodies coordinating the planning and delivery of public services at a local authority level. A new national body, accountable to the Scottish Government – Community Justice Improvement Scotland – would take the lead in embedding national standards. Opinion was divided on whether these plans represented a genuine move to greater localism in probation delivery, or greater central oversight by a resurgent Scottish state.

In December 2013 the Scottish Prison Service (SPS) organisational review – Unlocking Potential – highlighted a different set of tensions between local delivery and central oversight. Strengthening its linkages with local delivery, the review stated, was an important priority for the SPS. As the most centralised of all Scotland's criminal justice institutions, it continued to struggle with the implications of this localist perspective in practice.

On criminal legal aid the Scottish Government reached stalemate with the legal profession. The Scottish Legal Aid Board had consulted on proposals for the contracting of criminal legal aid in the summer and autumn of 2013, delivering its report to the government in October 2013. Following this, and in the face of concerted opposition from the legal profession, the process hit the buffers. Provisions for solicitors to collect their client's contributions to the costs of their defence, which became law in March 2013, likewise ran into the sand following the threat of a lawyers' boycott of the collection regime.

In Northern Ireland, developments during this fourth year were characterised by a complex interplay of forward-looking reforms and an ongoing confrontation with the historic legacy of conflict. In June 2013 the Justice Minister, David Ford, said in the speech to the Police Federation that it was for communities and politicians to resolve outstanding disputes, rather than expect the police to 'fill the void' created by the failure to agree. His remarks were occasioned by a series of street conflicts over parade routes and flag flying that had spread across Northern Ireland during late 2012 and into 2013. During the rest of 2013, talks between the main political parties, facilitated by the American diplomats Richard Haass and Meghan O'Sullivan, were ongoing. They broke down without agreement in late 2013.

A specific area of contention remained the investigation of deaths related to the civil conflict. A July 2013 report by the Inspectorate of Constabulary of its review of the Historical Enquiries Team (HET) – a special unit within the Police Service of Northern Ireland (PSNI) tasked with re-examining deaths attributable to the conflict – identified a catalogue of failures. The report forced the PSNI to shake up the HET's senior management. The ongoing controversy hastened the early retirement of the PSNI's Chief Constable, Matt Baggott, in the summer of 2014.

An estate review of the Northern Ireland Prison Service, published in February 2014, set out a long-term vision to move the prison service away from its historic role in warehousing those engaged in political violence to a more conventional, correctional model. On probation, the May 2013 *Strategic Framework for Reducing Offending* sought to connect up the discrete programmes of reform in prisons, community supervision and youth justice, among others. On legal aid, the *Legal Aid and Coroners' Courts Bill*, introduced into the Northern Ireland Assembly in March 2014, included powers to strengthen the Department of Justice's control over the allocation of publicly-funded legal aid. The arms-length Legal Services Commission was to be abolished, with the administration of civil and criminal legal aid being handled by an agency within the Department of Justice.

These, and many other key developments are covered in more detail in the relevant sections of this review. On a UK-wide level, the coalition government's political and economic fortunes showed signs of recovery.

On the economic front, the March 2014 *Economic and fiscal outlook* from the Office for Budget Responsibility (OBR) concluded that the economy had grown faster over 2013 than it had previously forecast, with GDP up by 1.8 per cent on the previous year. It revised up its growth forecasts for 2014 and 2015 to 2.7 and 2.3 respectively. It also forecast that the public finances would move into surplus in 2018-2019, the budget deficit having fallen by 11.2 per cent of GDP since 2009-2010. More than 80 per cent of this reduction, the OBR noted, would be due to lower public spending. This would 'take government consumption of goods and services – a rough proxy for day-to-day spending on public services and administration – to its smallest share of national income at least since 1948' (OBR, 2014).

On the political front, the decisive lead Labour took during 2012-2013 appeared to fall back. The rise of the United Kingdom Independence Party (UKIP) continued. UKIP was the big winner in local council and European parliament elections in May 2014, as the year under review came to a close.

Policing

In May 2014, five different police governance and oversight arrangements applied to the 45 territorial police forces across the four UK regions. In Northern Ireland, the Police Service of Northern Ireland (PSNI) was overseen by the Northern Ireland Policing Board, comprising ten politicians – members of the Northern Ireland Assembly – and nine independents appointed by David Ford, the Northern Ireland Justice Minister. That this recent set of arrangements – only fully in place since April 2010 with the devolution of justice matters to the Northern Ireland Assembly – is also one of the longest-standing in the UK, says much about the speed of change in policing since the UK General Election in May 2010.

Since November 2012, directly elected Police and Crime Commissioners (PCCs) in England and Wales had been responsible for 41 of the 43 police forces across these two regions. Alongside them, the Metropolitan Police had been the responsibility of the Mayor of London, via the Mayor's Office for Policing and Crime, since January 2012. Finally, the longest standing arrangement by far applied to the UK's smallest force territorially: the City of London Police, overseen by the Court of Common Council of the City of London Corporation, under legislation dating back to 1839.

In Scotland, the newest set of arrangements – Police Scotland – were little over a year old in May 2014. Overseen by the Scottish Police Authority, a body appointed by and accountable to the Scottish Justice Secretary, Police Scotland was formed from the merger of the eight regional Scottish police forces, and the Scottish Crime and Drug Enforcement Agency. This was one of 'the largest and most complex reforms of the Scottish public sector since devolution and the most significant change in policing since 1967 (Audit Scotland, 2013). Police Scotland is second only to London's Metropolitan Police Service in terms of budget and staffing. By territory it is easily the largest. Covering some 30,000 square miles, the reach of Police Scotland extends to nearly one third of the entire UK landmass.

This section explores key policing developments across the different regions of the UK, drawing out their distinctiveness, along with their commonalities.

Scotland

In late October 2013, Police Scotland's new Chief Constable, Sir Stephen House, told members of the Justice Sub-Committee on Policing that he had, 'not come into office with a view to...making everywhere like Glasgow' (The Scottish Parliament, 2013). Sir Stephen was facing questions over the so-called 'sauna saga', a controversial series of raids by Police Scotland on Edinburgh saunas a few months earlier. Police Scotland's aggressive Glasgow-style tactics, critics claimed, had undermined a pragmatic local approach to regulating prostitution.

Sir Stephen was the former Chief Constable of Strathclyde Police

and, as the Committee's Convenor Christine Grahame MSP pointed out, many had raised concerns that the new force would become 'Strathclyde policing writ large'. The 'sauna saga' was the most 'dramatic example of the fears that local policing was being overridden by a national attitude that came from the top'. The tension between localism and centralisation, explored in UKJPR2 and 3 in relation to policing across England and Wales, also characterises policing developments in Scotland, albeit in a different form.

In terms of centralisation, the establishment of Police Scotland is 'the first time since devolution that local authority services have transferred to central government' (Audit Scotland, 2013). Scottish ministers set the 'Strategic Police Priorities' and appoint members of the Scottish Police Authority (SPA). The SPA agrees the delivery of the Scottish Government's Strategic Police Priorities with Police Scotland, manages the now consolidated police funding streams, and exercises oversight of the force (Scottish Police Authority, 2013).

In terms of localism, the legislation creating Police Scotland – the *Police and Fire Reform (Scotland) Act 2012* – places a requirement on the force to agree local policing priorities and objectives with local authorities: the so-called 'formal relationship' between Police Scotland and Scotland's 32 local authorities (The Scottish Government, 2012).

The 'formal relationship' in particular has the potential to embed local oversight and accountability. However, local authority representatives who responded to a Convention of Scottish Local Authorities (COSLA) survey in December 2013 expressed 'unease' at what they perceived as 'a "collision" between national and local priorities'. They also felt they had 'lost meaningful local control and that there is an increasing centralisation agenda at play' (Convention of Scottish Local Authorities, 2014).

A 'formal relationship' is not the same thing as official oversight. Responsibility for the latter rests with the SPA, not local authorities, an arrangement that itself has been questioned by the Scottish Parliament Public Audit Committee, among others. It noted that the SPA did not appear to have access to the information it needed to properly discharge its oversight function (The Scottish Parliament, 2014a).

As Police Scotland marked their first anniversary in April 2014, the promise of locally determined policing priorities was in doubt. The robustness of the national, formal oversight arrangements were also under scrutiny. Police Scotland, reported *Scotland on Sunday* in March 2014, faced an 'accountability crisis' (Peterkin, 2014).

Beyond the specifics of policing, questions over Police Scotland connected with a wider debate over the appropriate balance of power and responsibility between an apparently centralising Scottish Government and local democratic institutions. An interim report referred to the '50 year trend in the structures of governance in Scotland that suggests centralisation as the default position', where 'even decentralising initiatives take place within structures

and arrangements that deny local democracy constitutional rights, financial independence and the right to make autonomous choices' (Commission on Strengthening Local Democracy, 2014).

Northern Ireland

In late April 2014, the arrest and questioning of the Sinn Féin President Gerry Adams, on suspicion of involvement in the 1972 murder of Jean McConville, was the single most high-profile police-related development in Northern Ireland during the year under review. It was one of a number of developments that highlighted the ongoing impact of the civil conflict on current policy.

Between 1968 and 1998, more than 3,200 people are estimated to have lost their lives in the Northern Ireland civil conflict (HM Inspectorate of Constabulary, 2013). Following a series of rulings by the European Court of Human Rights, which found that the UK government had failed properly to investigate deaths in which there had been state involvement, the PSNI set up the Historical Enquiries Team (HET). Its objectives were: to assist in bringing resolution to families of victims of the conflict, to re-examine all deaths attributable to the conflict and to do so in a way that commands the confidence of the wider community.

Doubts over the impartiality of the HET, noted in UKJPR2, led in 2012 to an investigation by the Inspectorate of Constabulary. The report identified a catalogue of poor systems, procedural breaches, legal errors in investigations and incompetence (HM Inspectorate of Constabulary, 2013). Particularly damaging was the finding that the HET had treated deaths caused by soldiers differently from deaths caused by paramilitaries, on the basis that soldiers were 'deployed...in an official and lawful capacity'. The Inspectorate described this as a 'substantial legal error' and stated:

It concerns us greatly that such an important organisation in Northern Ireland should adopt an approach to such a key area of its work based upon a view of the law that, even if it were ever correct, was manifestly and provably not correct by the time such policy came to be drafted.

Following the report's publication, the Northern Ireland Policing Board announced it had no confidence in the leadership of the HET and told the Chief Constable, Matt Baggott, to review management arrangements (Northern Ireland Policing Board, 2013a). In September it announced the appointment of a new HET leadership team (Northern Ireland Policing Board, 2013b).

As the year drew to a close, the Police Ombudsman for Northern Ireland initiated legal action against the PSNI for failing to cooperate with his investigations into deaths during the conflict (Police Ombudsman for Northern Ireland, 2014). It also marked the departure of Baggott, who brought his planned retirement in August 2014 forward to the end of June (Young, 2014).

England and Wales

In May 2014, a report on PCCs offered a somewhat lukewarm assessment, stating that 'many will consider the concept of police and crime commissioners to be on probation' (House of Commons, 2014a). The Committee also reported the view of one PCC, regarding the poor turn-out at the November 2012 elections, as 'little short of calamitous'. It also referred to 'a number of adverse media stories' concerning the activities of PCCs, and noted the pitifully low levels of support for PCCs among the police rank and file. The future of PCCs, the most high-profile policing innovation under the coalition government, remained in doubt.

The Home Secretary, Theresa May, explained in a speech to the Police Federation annual conference, that the PCC reforms had been part of a package of measures in part aimed at tackling the power of the Association of Chief Police Officers (ACPO):

If we hadn't introduced police and crime commissioners and established the College of Policing, we wouldn't have been able to break the unaccountable ACPO monopoly at the head of policing in this country. (May, 2014)

These remarks, building on similar comments May had made the previous October (May, 2013), made clear what had been apparent from the start: the coalition's police reform agenda mixed high principle with a heavy dose of pragmatic power play.

The question of the role and future of PCCs also featured in the report from the Independent Police Commission. The report identified six challenges facing the police in England and Wales:

1. The retreat to a 'discredited model of reactive policing' in the face of budget cuts and the emphasis on the police as 'crime fighters'
2. The 'failed experiment' of PCCs
3. The decline in police morale following the 'damaging stand-off' over the reform of police pay and conditions
4. A 'litany of police organisational failures, malpractice and scandal'
5. A 'dysfunctional' 43 force structure no longer fit for purpose
6. The poor state of police equipment and inefficiencies in procurement

The government, it argued, had 'made the wrong calls in areas where it has acted – police purpose and governance – while failing to address key issues where reform is urgently required, such as police standards, misconduct, and structures.'

Using the Police Scotland reforms as a model, the report argued that the time had come to review the 43 force structure in England and Wales, replacing it with 'either a much smaller number of larger, strategic forces or a new national police force (or two national police forces, one for England and one for Wales)'. Police and Crime Commissioners, it also argued, had been an 'experiment...riddled with failings'. It advocated their replacement with a governance arrangement more akin to the Scottish model (Independent Police Commission, 2013).

The courts and access to justice

The governments in Westminster and Edinburgh and the legal professions in England, Wales and Scotland, were engaged in a series of disputes over the future of criminal legal aid during the year under review. In contrast to the general picture of divergence in criminal justice developments across the jurisdictions, the issues at stake in relation to legal aid were notable for their similarity.

England and Wales

In April 2014, the Conservative MP Nigel Evans, faced a reported legal bill of £130,000 following his acquittal on sex offence charges. Under a change of rules introduced by the coalition, with the *Legal Aid, Sentencing and Punishment of Offenders Act 2012*, he could only recover costs equivalent to legal aid rates. Evans, who had hired an expensive legal team, was left rueing his previous support for legal aid cuts. 'It's only when you go through these sorts of trauma that you see the first-hand consequences of that', he told ITV News (Morris, 2014).

Year four was the coalition's legal aid *annus horribilis*: a year in which the political logic of austerity and cuts collided with a number of its real world consequences; pitching the government into a major dispute with a formidable alliance of barristers, solicitors and members of the judiciary.

The context for the dispute stretched back some years. Successive governments had reduced legal aid fees payable to defence lawyers in real terms. A study estimated that these had declined by 37 per cent between 2007 and 2013 (Bar Council, 2013). At the same time, a decline in the number of criminal prosecutions and a general simplification of court processes had reduced the available work. As a result, Sir Bill Jeffrey pointed out in his 2014 review, more and more criminal advocates were chasing less and less work (Jeffrey, 2014).

Into this mix was thrown the policy aim, which the coalition government shared with the previous Labour administration, of encouraging the multiplicity of small legal aid providers to merge into larger operating units to deliver long-term savings through greater economies of scale. Putting legal aid contracts out to price competitive tendering was the coalition's chosen mechanism for achieving this.

UKJPR3 covered the early stages of the controversy and this section picks up the story, looking in particular at the fate of the four most contentious proposals:

1. The removal of the right of defendants to choose their own legal aid-funded representative
2. The procurement of legal aid through the use of price competitive tendering
3. The reduction of fees paid to legal aid defence lawyers in most cases
4. The reduction of fees paid to legal aid defence lawyers in so-called 'Very High Cost Cases' (VHCCs)

During the course of this year, the Ministry of Justice either dropped these proposals or had to modify them significantly.

On the removal of a defendant's right to choose, the Ministry of Justice signalled an early retreat. In June 2013, the then President of the Law Society, Lucy Scott-Moncrieff, told MPs on the Justice Committee that the proposal was probably 'unlawful' (House of Commons, 2013a). In July, Chris Grayling wrote to the Committee to inform them that he was withdrawing it. He also signalled a rethink on the question of price competitive tendering. The Ministry of Justice was looking at proposals from the Law Society to base legal aid procurement on 'quality and capacity criteria' rather than price he wrote, referring to the Law Society's alternative proposal, published in early July (The Law Society, 2013).

Having conceded client choice, the case for keeping price competitive tendering was much weakened. The rationale for the former, as Grayling explained, 'was to give greater certainty of case volume for providers'. With client choice reinstated, the case for awarding contracts on the basis of price competitive tendering was moot. As Grayling said to the Justice Committee in July, 'you cannot both provide a guarantee of a slice of the work and provide choice' (House of Commons, 2013a).

In September, the Ministry of Justice published its response to *Transforming Legal Aid: Next Steps*, and proposed a modified model for legal aid procurement, with price competitive tendering reserved for defence work in relation to clients who did not choose their own representative: so called 'duty provider work'. Phased reductions in legal aid fees to criminal defence lawyers of 8.75 per cent in early 2014, followed by a further 8.75 per cent reduction in 2015 were announced. In the case of VHCCs, proposed fee reductions from early 2014 amounted to a 30 per cent cut (Ministry of Justice, 2013a).

There followed a further consultation on how the modified model for legal aid procurement, and the proposed reductions in legal aid fees, would operate in practice. The broad direction of travel in relation to both was unchanged when the government published what it considered to be its final proposals in late February 2014 (Ministry of Justice, 2014a).

On 6 January, 2014 barristers and solicitors mounted a half-day protest. Four days before, the Ministry of Justice had issued a statistical release – *Barrister fee income from public sources 2012/13* – which included claims that publicly funded barristers earn £84,000 a year on average (Ministry of Justice, 2014b). This figure was much disputed, and the Ministry of Justice was subsequently criticised by the UK Statistics Authority following 'a number of reports about the nature, quality, timing and use of these statistics' (UK Statistics Authority, 2014).

A second round of protests in early March 2014 was accompanied by criminal barristers beginning a boycott of the 'returns' system: a goodwill arrangement in which barristers cover for double-booked colleagues at court hearings. Within a few weeks, the Ministry of

Justice agreed to postpone the planned cuts to barristers' legal aid fees until the summer of 2015, in return for an end to the boycott and further planned protests (Ministry of Justice, 2014c). The Criminal Bar Association (CBA), claiming a partial victory, controversially agreed.

Despite this deal being reached between the CBA and Ministry of Justice, by May, no barrister had chosen to work to the reduced VHCC fees, a situation which threatened to collapse a multi-million pound criminal fraud prosecution. The government announced 'emergency measures', including increasing the number of lawyers working for the Public Defender Service in place of those in private practice who refused to take on new work at reduced legal aid rates (Jack of Kent, 2014). Critics argued this move would increase, rather than reduce, costs; summed up by a headline in *The Daily Telegraph*, 'Why is Chris Grayling trying to nationalise the criminal bar at a higher cost to the taxpayer?' (McCartney, 2014).

Scotland

Of the many developments in Scotland during the year, three stand out of particular importance:

1. Proposals to remove the requirement for two independent pieces of evidence to support key facts in a prosecution: the so-called 'corroboration' rule
2. Plans for further court mergers and closures
3. Attempts to change the processing of legal aid claims and plans to introduce a contracting arrangement for criminal legal aid

On the first, the review of Scottish criminal law and practice recommended the abolition of the requirement for corroboration in criminal prosecutions (Lord Carloway, 2011). The Scottish Government included a provision to abolish it in the *Criminal Justice (Scotland) Bill*, introduced in June 2013. The proposal was supported by a number of groups, including those working with victims of domestic and sexual abuse, who felt the change would improve the likelihood of alleged perpetrators being prosecuted. It was controversial among many who considered the law on corroboration an important safeguard of which Scotland should be proud.

In February 2014, a report concluded that, 'the case has not been made for abolishing the general requirement for corroboration'. It called for the provisions to be removed from the Bill (The Scottish Parliament, 2014b). There followed what Justice Secretary Kenny MacAskill described as a 'tempestuous and rowdy' debate in the Scottish Parliament (The Law Society of Scotland, 2014). MacAskill's speech was later criticised by his SNP colleague Christine Grahame MSP. Grahame said he had 'very seriously misjudged' the issue (Riley-Smith, 2014). By April, MacAskill had to eat humble pie, shelving his plans until after a review by the former High Court Judge, Lord Bonomy, had reported in 2015.

In April, the Scottish Courts Service published its proposals to close ten sheriff courts, 16 Justice of the Peace Courts and move towards 16 specialist jury centres over a decade (Scottish Court

Service, 2013). The programme of closures began in November 2013 and was scheduled for completion in January 2015.

Like his counterpart in England and Wales, Kenny MacAskill also faced a major dispute with the legal profession over proposed changes to legal aid. As in England and Wales, two of the key points of conflict related to proposals to contract legal aid, and changes to the way in which lawyers received payment for legal aid work.

On contracting, the Scottish Government proposed that clearly defined contractual arrangements with legal aid providers would improve consistency of service, and allow for better planning. It could also 'deliver substantial savings of in excess of £3 million by 2014-2015 and would encourage firms to create efficient business models to deliver services and ensure that the market operates efficiently' (The Scottish Government, 2011). An 'indicative timetable' published by the Scottish Legal Aid Board in May 2013 proposed consultation and planning for the new system during 2013 and 2014 respectively, with the new contracts going live during 2015.

As in England and Wales, the proposals proved controversial. The President of the Law Society of Scotland, Bruce Beveridge, told the Society's annual conference that 'a robust case for such a significant change to our legal aid system has yet to be made'. In December 2013, the Scottish Government confirmed that its consultation document on the introduction of contracting had been delayed. At time of writing a revised timetable has not been forthcoming.

A more dramatic clash developed around the implementation of regulations contained in the *Scottish Civil Justice and Criminal Legal Assistance Act 2013*. The Act stated that defendants with income and/or capital assets above £82 a week would, in some circumstances, be liable to make a contribution to their legal bill (see UKJPR3). The Act made collection of this contribution, in most cases, the responsibility of solicitors rather than the Scottish Legal Aid Board. Prior to the Act, this proposal was described as 'impractical, unworkable and unsustainable' by The Law Society of Scotland. It was 'not appropriate for the Scottish Government to expect the solicitor profession to represent accused persons in cases without proper remuneration' (The Law Society of Scotland, 2012).

These warnings went unheeded. In December 2013, in advance of the planned roll-out of the new arrangements in early 2014, The Law Society of Scotland updated its guidance to solicitors. It advised them not to represent clients who were in arrears in their contributions, unless they planned to do so free of charge (The Law Society of Scotland, 2013b). The guidance was in effect an invitation to boycott a substantial amount of criminal legal aid representation work. In January 2014, the Scottish Government announced that it would delay the implementation of client contributions (Rose, 2014). At time of writing this dispute is still to be resolved.

Prisons and probation

During the year under review, major changes to the structure and operation of the Probation Service in England and Wales were implemented. These changes are the main focus of this section, along with parallel developments in Scotland.

England and Wales

Year four of the coalition government was a period of intense activity in relation to the prison and probation systems. The most significant development related to the radical reconfiguration of the Probation Service in a change programme described by the Public Accounts Committee as ‘highly ambitious’ and ‘very challenging’ (House of Commons, 2014b). While the twists and turns of what was a deeply fraught and highly contentious set of changes are the main focus here, there were also a number of other developments worthy of mention.

The electronic monitoring overcharging scandal, covered in UKJPR3, concluded when Serco repaid £68.5 million in December 2013 (Cabinet Office, 2013), followed by G4S in April 2014, who paid back £108.9 million (Cabinet Office, 2014). Capita took over the G4S and Serco electronic monitoring contracts (Ministry of Justice, 2013b). As the government was resolving that scandal, other problems emerged. In March, British technology company Buddi pulled out of negotiations with the Ministry of Justice, over the development of new satellite tracking technology for those under community supervision. The technology the Ministry of Justice specified, the company’s Chief Executive Sara Murray wrote in an email to staff, was ‘a figment of their imagination’ (Travis, 2014). Murray’s claims were described as ‘inaccurate’ (Ministry of Justice, 2014d). In July 2014, it announced that new satellite tracked tags would start to be introduced ‘by the end of the year’ under a deal with Capita and three other companies (Ministry of Justice, 2014e).

In relation to prisons, the building of a new 2,000 place prison at Wrexham in North Wales was announced in June 2013 as part of the government’s plans for capital investment (HM Treasury, 2013). In striking language, the press release accompanying the announcement emphasised the business opportunities: the prison ‘will bring around £23 million a year to the regional economy’ and create ‘around 1,000 jobs’ (Ministry of Justice, 2013c). In a similar vein, the announcement in June 2014, that construction company Wates would design and build the first of a planned network of ‘secure colleges’ in the youth prison estate, was presented as bringing ‘major benefits to the economy and indeed to the local community in the long-term’ (Ministry of Justice, 2014f).

By the autumn of 2013, details of the proposed prison rationalisation and closures accompanying these building plans were announced. In October, the closure of the two remaining open prisons for women was proposed (Robinson, 2013).

By the end of the period considered here, these plans were on-hold due to legal action. Moves to increase the flexibility with which the young adult prison population could be housed were also announced. *Transforming the Management of Young Adults in Custody* contained plans to end sending 18 to 20 year olds to youth offender institutes and instead proposed incarcerating them within the adult prison estate (Ministry of Justice, 2013d). Following a period of consultation, these plans were not pursued.

The claim that private prisons delivered economic benefit were, however, placed in doubt. A report in December 2013 noted that the National Offender Management Service (NOMS) had exempted privately-run prisons in England and Wales from closure, irrespective of running costs, because it ‘judged that the cost of exiting long-term contracts would be too high and the negotiations required to do so protracted’ (National Audit Office, 2013a). The following May, the Public Accounts Committee noted that two recently opened private prisons – G4S-run Oakwood and Serco-run Thameside – had both been given the lowest performance rating by NOMS, and did ‘not appear to give sufficient priority to meeting offenders’ rehabilitation needs’ (House of Commons, 2014c). In the previous October, Oakwood – regularly held up by ministers as a beacon of cost-effectiveness – had been the subject of a highly critical inspection report. ‘The inexperience of staff was everywhere evident,’ Chief Inspector Nick Hardwick wrote, ‘Too many prisoners felt unsafe’ (HM Chief Inspector of Prisons, 2013).

At the start of the year under review the Probation Service was organised locally, with work being carried out by 35 public bodies: the Probation Trusts. The Trusts, set up a few years earlier as part of a drive towards greater competition within probation services, employed some 18,300 staff and were responsible for a caseload of around 225,000 individuals under supervision. The case for major reform was far from clear. A *Landscape Review* noted that 30 trusts had been rated as good by NOMS, and the remaining five were rated as ‘exceptional’ (National Audit Office, 2014).

The NAO report was published just as wholesale changes to the delivery of probation services in England and Wales were reaching a key milestone. On 1 June 2014, the 35 Probation Trusts ceased to exist, replaced by two distinct and separate bodies. The National Probation Service (NPS), a public body within the Ministry of Justice, was to be responsible for the supervision of so-called ‘high-risk’ individuals, as well as some other technical functions. At a local level, 21 Community Rehabilitation Companies (CRCs) were established, responsible for the majority of probation caseloads: the so-called ‘low-’ and ‘medium-’ risk individuals serving community sentences, as well as those released from prison. Initially in public ownership, the 21 CRCs were to be put out to competitive tender, with the aim of agreeing contracts with the new operators in late 2014.

The rationale for these changes combined a correctional logic (tackling reconviction rates, and extending post-release supervision to prisoners serving less than 12 months in custody) with an ideological preference for market forces and the price mechanism as a means of driving down costs and driving up performance (see Ministry of Justice, 2013e).

In September 2013, the Ministry of Justice formally launched the competition for the 21 CRC contracts, worth an estimated £450 million per year (Ministry of Justice, 2013f). Three months later it announced a list of 30 shortlisted bidders for the CRC contracts, the 'best in the business' according to the press release (Ministry of Justice, 2013g). The bidder list was dominated by multinational companies, including those with little or no track record in criminal justice work.

The Justice Committee had criticised the plans in July 2013 for ignoring the needs of women in the criminal justice system. *Transforming Rehabilitation*, a report stated, had 'clearly been designed to deal with male offenders' (House of Commons, 2013b). In January 2014, the Committee published a detailed and critical assessment (House of Commons, 2014d). Across a range of areas – including programme design and definition of outcome, programme costings, and professional buy-in – the Committee raised significant concerns and questions.

On the establishment of regional CRCs, alongside the national NPS, the Committee noted there would be 'two probation services...in every locality delivering similar services side by side and sometimes via one another'. This risked the 'inefficient use of resources' and confused accountability.

On the payment by results (PbR) mechanism, by which the CRC operators would receive a portion of the total contract value based on their success in tackling 'reoffending', the Committee argued that, 'serious questions marks hang over the design of the PbR mechanism'. The Committee also noted that the Ministry of Justice had been 'less than forthcoming' about the costs of the programme and the anticipated savings. But on the 'limited information' the government supplied, it had concerns over whether 'sufficient funding' was in place to implement the entire programme.

On the bidders, the Committee was 'extremely concerned' at the prospect of it being 'dominated by the very small number of large businesses'. At the other end of the scale, it noted that of around 1,700 voluntary and community organisations working within the prisons and probation field, 'fewer than 400 registered an interest in providing services under the programme; if indicative of the final number this would represent a considerable narrowing of the market'.

The lack of a requirement for staff working in the CRCs to have appropriate professional qualifications was 'a matter of considerable concern' to the Committee. They were also struck by the apparent lack of buy-in from among the existing probation leadership. The Committee had 'heard compelling evidence that

neither Chief Executives nor Trust Boards feel confident that they are ready for the first stage of transition or that their concerns are being listened to'.

Scotland

A report by Audit Scotland in 2012, found that Community Justice Authorities (CJAs) had made 'little impact on reducing reoffending'. With a board composed exclusively of local councillors, who found it difficult to separate their CJA responsibilities from their obligations to their council, CJAs also tended to disburse funds in line with historical patterns, rather than on a strategic basis (Audit Scotland, 2012).

In response, the Scottish Government announced plans to redesign Community Justice arrangements, publishing its preferred model in April 2014 (Scottish Government, 2014). Under the proposal, the eight regional CJAs were to be abolished. In their place, existing multi-agency bodies responsible for planning a range of public services in every local authority area – the Community Planning Partnerships – would be responsible for organising community justice interventions. A new Scotland-wide body, provisionally called Community Justice Improvement Scotland, would take the lead in embedding national standards and report to Scottish ministers. In contrast to the situation in England and Wales, the Scottish Government's proposals attracted significant support from local authorities and others who would be key to their implementation.

Northern Ireland

The Department for Justice published a wide-ranging *Strategic Framework for Reducing Offending* in May 2013 (Department of Justice for Northern Ireland, 2013). As in Scotland, it sought to build on existing structures noting, for instance, that a recent report by Criminal Justice Inspection Northern Ireland, 'found that the Probation Board for Northern Ireland delivers an effective service and achieves very good outcomes'.

The Northern Ireland Prison Service published its estate strategy in February 2014 (Northern Ireland Prison Service, 2014), confirming the proposed changes covered in UKJPR3. Hydebank Wood Young Offenders Institution was to be reconfigured as a 'secure college'. A new facility for women was planned, with options including a therapeutic environment within a shared resource, and a residential unit in the community being considered. Maghaberry prison was to be expanded, with the creation of an additional 360 cell block. Magilligan prison, previously earmarked for closure, was to be redeveloped.

Welfare reform

UKJPR3 drew attention to the emergent tensions and differences concerning Universal Credit across the UK regions. During the year these differences came to the fore. The Welsh Government called for a rethink of the Universal Credit 'black hole'. The Scottish Government pledged to halt roll-out as part of its pitch for an independent Scotland. Legislative deadlock ensued in Northern Ireland.

Meanwhile, in Westminster, the Department for Work and Pensions (DWP) faced stinging criticism of its performance in two Select Committee reports and an embarrassing dissection of its failings in a forensic report by the National Audit Office (NAO). These dramatic developments are the focus of this section.

United Kingdom government

At the start of the coalition's fourth year the Universal Credit 'reset', covered in UKJPR3, drew to a close and the DWP was in the process of developing a revised delivery plan for the troubled programme. Just how troubled it was only became clear later, with the publication in September of the NAO report (National Audit Office, 2013b) and a highly critical report by the Public Accounts Committee two months' later (House of Commons, 2013c).

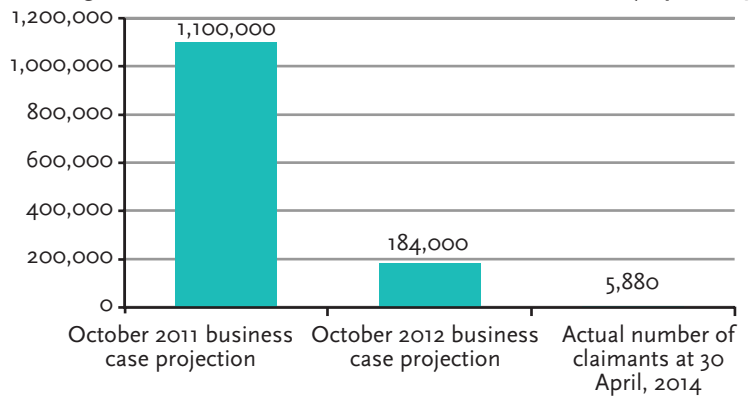
Under the original plans, the NAO report noted, national roll-out of the Universal Credit was due to start in October 2013. A so-called 'agile' programme management approach, in which technical work began before requirements had been fully specified, was preferred over the traditional 'waterfall' approach, which would have required system requirements to be established at the outset. The DWP 'estimated that the... "waterfall" approach... would not have been able to introduce Universal Credit until April 2015'. It 'was unable to explain' to the NAO 'why it... decided to aim for national roll-out from October 2013' under the agile approach.

By the autumn of 2012, the DWP had 'substantially restructured' the programme and by the end of 2012, 'had largely stopped developing systems for national roll-out'. Instead it concentrated on a series of small pilot projects (so-called 'pathfinders'), ostensibly to test elements of the new system. The pathfinders were narrower in scope than originally intended: they dealt with only the simplest claims from single, childless out-of-work claimants. The DWP also decided not to roll-out Universal Credit nationally from October 2013, proposing a further six pathfinder sites, again processing the simplest of claims.

The cumulative effect of these, and other related changes, was to drastically reduce the speed of the Universal Credit roll-out. The DWP's October 2011 business case estimated that the Universal Credit caseload would reach 1.1 million by April 2014. A much reduced figure of 184,000 was proposed in the December 2012 business case. By the time the NAO conducted its review, it noted that the DWP was 'reassessing all milestones past April 2014. It is likely that Universal Credit will not be able to take all new claims and provide the full planned service until at least December 2014'.

Even this estimate appeared optimistic. By April 2014, the actual caseload was fewer than 6,000.

Figure 2: Planned and actual Universal Credit claimants by April 2014



Sources: National Audit Office (2013), Universal Credit: early progress (Oct 2011 and Dec 2012 estimates); Department for Work and Pensions (2014), Universal Credit: experimental official statistics to April 2014 (Actual figure at 30 April, 2014)

The DWP expects Universal Credit claimants to use the service online whenever possible. The radical simplification of the benefits system that Universal Credit, successfully implemented, will deliver is therefore premised on a correspondingly sophisticated IT system to support it. As the Public Accounts Committee report observed, 'when in a steady state Universal Credit is expected to deal with 10 million people in about 7.5 million households, making 1.6 million changes in circumstances each month'. This will require, the Committee noted, a system that is secure, can monitor claimant activities at various stages, and handle any complexities and changes in their circumstances.

The NAO report found that the systems developed to deliver the Universal Credit pathfinders had limited functionality, could not identify fraudulent claims, were not fully secure and did not allow claimants to make changes online. They could therefore not be used for the national roll-out. Indeed the DWP did 'not yet have confirmed plans for its future IT system design'. Some £34 million of IT spending had been written off. The DWP had downgraded its valuation of the remaining IT assets.

In its report, the Public Accounts Committee stated that final write-off 'could be at least £140 million'. The management of the programme has been 'extraordinarily poor' and the Committee remained unconvinced that the DWP had 'robust plans to overcome the problems that have impeded progress'. It called on the DWP to take a long view of the process, revising the pilot programme in a way that would support the national roll-out, rather than distract from it. 'We believe strongly', the MPs stated, 'that meeting any specific timetable from now on is less important than delivering the programme successfully'.

The House of Commons Work and Pensions Committee struck a similar tone in its report, published in April 2014. It expressed concern at the DWP's twin-track approach to IT: further investment in pathfinder infrastructure while developing separately the systems that would support the national roll-out. The former

struck the Committee as wasteful. The latter was proceeding at ‘a snail’s pace’. It therefore asked the DWP to consider ‘whether it would not be more effective, and represent better value for public money, to focus solely on the end-state solution and abandon the twin-track approach’.

The Work and Pensions Committee also drew attention to the potential human cost of delay or failure. Under Universal Credit, claimants will receive a single monthly payment rather than the more frequent payments under the existing system. Housing benefit will also be paid to claimants rather than, as currently, direct to landlords. This ‘digital by default’ model would create barriers to some claimants unfamiliar with web-based systems. The DWP had acknowledged that a number of claimants would require advice and support on budgeting and use of IT. The MPs emphasised the importance of getting this right. The Committee was also critical of the apparent lack of progress in the DWP’s discussions with the devolved governments and local authority representatives regarding local support services. ‘Although the public debate about UC in the last six months has been dominated by problems with IT systems’, the report stated, ‘ensuring that vulnerable people are not excluded from, or disadvantaged by, UC should remain a priority for the Government’.

Both Select Committees were sharp in their criticisms. But they were criticisms premised on support for the principle of Universal Credit. The MPs on the Work and Pensions Committee reaffirmed that ‘we continue to support the policy objectives of UC’. The Public Accounts Committee was critical precisely because it considered that Universal Credit was too important to get wrong:

Universal Credit is an important programme with cross-party support...Our recommendations are designed to help get the programme back on track.

Outside parliament, support for Universal Credit was rather more qualified, due in part to the local financial and implementation challenges involved in introducing a complex new system. The administration of housing benefit, for instance, moved from local authorities to the DWP under Universal Credit. Council Tax support, on the other hand, transferred to local authorities. A report by the Communities and Local Government Select Committee, called for the government to work closely with local authorities on implementation and not to underestimate the scale of the challenge involved in getting it right (House of Commons, 2013d).

Universal Credit also became a political issue in the UK regions.

Wales

In May 2013, Huw Lewis, then the Minister for Communities and Tackling Poverty, described the Westminster government’s welfare reforms as a ‘fundamental threat to our communities’ (National Assembly for Wales, 2013). The Westminster government, he said, was ‘dismantling the welfare state’ and had taken a ‘deliberate

decision...to target the weakest and most vulnerable members of our society’. Any improvements to the employment situation in Wales as a result of Universal Credit was likely to be ‘modest’ at best.

The following April, Lewis’ successor, Jeff Cuthbert, called for an end to the Universal Credit pathfinder in Wales. Universal Credit he said, was a confusing ‘black hole’, one in which it was impossible to determine who should receive Welsh, as opposed to English, benefits (Welsh Government, 2014).

Scotland

Debate about Universal Credit in Scotland was inevitably refracted through the prism of the September 2014 independence referendum. In early 2013, the Scottish Government established the Expert Working Group on Welfare to assist in the development of options for welfare policy in an independent Scotland. The White Paper – *Scotland’s Future* – promised that an independent Scotland would discontinue Universal Credit and bring forward ‘reforms to the welfare system that meet Scotland’s needs and reflect our priorities’ (Scottish Government, 2013). The Expert Working Group’s final report, published in June 2014, concurred. The aspiration for a simpler, integrated system was laudable, it stated. In place of Universal Credit it proposed a ‘Social Security Allowance’, which would be similar to Universal Credit but without the inclusion of housing benefit.

Despite the ‘No’ vote, these proposals may become a reality given the likelihood of further devolution of power to the Scottish Government.

Northern Ireland

The most dramatic political developments on Universal Credit unfolded in Northern Ireland, where an effective Sinn Féin veto in the Northern Ireland Assembly brought the passage of the *Welfare Reform Bill* to a juddering halt. By early 2014, and with no resolution in sight, the Northern Ireland Executive started incurring fines to the UK Treasury, initially equivalent to £5 million per month, for failing to implement the required welfare reforms.

At stake were broader principles than the specifics of Universal Credit. As in Wales, many in Northern Ireland felt that their region would be disproportionately hit by a range of welfare changes being pushed through by the Westminster government. An October 2013 report argued that Northern Ireland would be the worst affected region, with an estimated £750 million a year being taken out of the local economy as a cumulative result of the welfare changes (Beatty and Fothergill, 2013).

It was therefore in Northern Ireland, unique in its political settlement in the way that it could frustrate the will of the Westminster parliament, that resistance to the coalition government’s welfare reform agenda was most sharply felt.

The year in view: Timeline, 6 May 2013 to 5 May 2014

6 May 2013

8 May: Queen's speech

Focuses on economic growth and immigration.

9 May: 12 months compulsory supervision for prisoners after release

Chris Grayling announces plans to impose 12 month supervision orders for short term prisoners on release.

22 May: Legal Aid protest

Hundreds of lawyers demonstrate outside parliament over government reforms to legal aid.

24 May: Scottish legal aid reforms

Scottish Government releases indicative timetable for introduction of contracting in legal aid.

1 July: Home Affairs Committee calls for new police code of ethics and integrity

Report follows six month inquiry into leadership and standards.

1 July: Chris Grayling drops plans to remove defendant's right to choose a solicitor

In face of unprecedented opposition from legal profession.

2 July: Theresa May tells parliament police need to scale back use of stop and search

Follows a successful pilot scheme which led to increased detection rates whilst reducing searches on the street.

4 July: Northern Ireland Policing Board says it has no confidence in Historical Enquiries Team

Following a damning report on impartiality by Her Majesty's Inspectorate of Constabulary.

11 July: G4S and Serco investigated by Serious Fraud Office

Chris Grayling asks the Serious Fraud Office to launch a criminal investigation into overcharging in tagging contracts by the two companies.

15 July: Justice Committee claims women are an 'afterthought' in probation reforms

MPs say government's plans ignore the needs of women in the criminal justice system.

4 September: Reorganisation of the prison estate

Chris Grayling announces plans for the closure of Reading, Dorchester, Blundeston and Northallerton prisons and the creation of a new 'super' prison in Wrexham.

5 September: Transforming Legal Aid: next steps

Contains modified model for legal aid procurement with tendering criteria based on quality and capacity as well as price.

5 September: Universal Credit: early progress

National Audit Office report finds the programme 'suffered from weak management, ineffective control and poor governance'.

13 September: Northern Ireland Policing Board announces appointment of new HET leadership team

24 June: Probation privatisation risk register leaked

Warns that plans may cause 'an unacceptable drop in operational performance' triggering 'delivery failures and reputational damage'.

25 June: House of Lords blocks Offender Rehabilitation Bill

Following risk register leak.

27 June: Chief Secretary to the Treasury, Danny Alexander, pledges £100m for new prison in North Wales

Could hold up to 2,000 prisoners. Chris Grayling estimates it will bring £23 million and 1,000 jobs to the regional economy.

28 June: Ministry of Justice publishes Transforming the criminal justice system: a strategy and action plan to reform the criminal justice system

6 August: G4S pulls out of tagging contract competition

After initially refusing to withdraw even while under criminal investigation by the Serious Fraud Office.

20 August: New tagging contracts

Buddi, 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.

3 October: Sheffield Hallam University publishes The impact of welfare reform on Northern Ireland

Suggests NI could be worst affected by reforms.

16 October: Prison Governors warning over instability

President of the Prison Governors Association, Eoin McLennan Murray, warns that a sudden rise in the prison population in England and Wales along with the closure of four prisons threatened the stability of the system.

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.

1 November: Changes to Incentives and Earned Privileges scheme come into force

Controversially includes a ban on books that prisoners are allowed to receive from outside prison.

7 November: Public Accounts Committee publishes highly critical report on Universal Credit

Finds the management of programme 'extraordinarily poor' and doubts whether DWP has adequate plans to overcome problems.

14 November: Programme of Scottish court closures begins

Annan Justice of the Peace Court is the first to be closed.

22 November: Prison privatisations cancelled

Hatfield, Moorland and Lindholme privatisations halted as preferred bidder Serco is under investigation for overcharging.

25 November: Policing for a Better Britain

Report by Independent Police Commission which contains recommendations echoing Scottish structural reforms.

26 November: Scotland's Future: Your guide to an independent Scotland

Published by Scottish Government.

13 January: Public sector will supervise high-risk cases in probation reforms

According to leaked Ministry of Justice guidance on allocation of probation cases.

15 January: Police recorded crime figures lose national statistics status in England and Wales

Due to allegations of intentional distortion.

20 January: Probation privatisation delayed

Chris Grayling puts back the deadline for transferring probation contracts from the public to the private sector by two months to 1 June.

21 January: Northern Ireland begins paying fine to UK treasury

Initially at around £5 million a month for not implementing UK Government's welfare reforms.

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.

7 March: Criminal barristers begin boycott of goodwill arrangement

Where barristers cover for double booked colleagues at court hearings.

12 March: G4S agrees to repay £108.9 million

For overcharging the government in electronic monitoring contracts.

27 March: Ministry of Justice postpones cuts to legal aid fees

Until summer 2015 in return for end to boycott.

27 March: DWP announces termination of Atos work capability assessment contract

31 March: Solicitors and probation staff strike

Criminal defence solicitors strike for two days over cuts to legal aid fees and Napo members walk out in protest against probation reforms.

2 December: All community sentences will contain a punitive element

From December 2013 under Chris Grayling's plans.

3 December: New Probation Institute proposed by Ministry of Justice

6 December: The Law Society of Scotland advises solicitors not to represent clients in arrears unless willing to do so for free

In advance of introduction of contributions in summary criminal cases.

12 December: National Audit Office report notes that NOMS will not close privately run prisons in England and Wales

Due to high cost of cancelling contracts prematurely.

12 December: Ministry of Justice reveals Capita will manage electronic monitoring contracts on interim basis

19 December: Ministry of Justice reveals 30 bidders who passed first stage of rehabilitation contract competition

Dominated by multinationals bidding for contracts worth £450 million per year.

19 December: Serco agrees to repay £68.5 million

For overcharging the Government in electronic monitoring contracts.

6 February: Scottish Parliament's Justice Committee report doubts case for abolishing corroboration

Called for provision to abolish the requirement be removed from the *Criminal Justice (Scotland) Bill*.

6 February: The Harris Review

Chris Grayling announces an inquiry into self-inflicted deaths in custody of 18-24 year olds by the Independent Advisory Panel on Deaths in Custody.

27 February: Transforming Legal Aid – Next Steps: Government Response

Ministry of Justice publishes final proposals for criminal legal aid.

28 February: Building for the Future: Northern Ireland Prison Service Estate Strategy

Hydebank Wood YOI to change to a 'secure college'; Maghaberry to be expanded; and Magilligan to be redeveloped.

9 April: Work and Pensions Committee publishes report on Universal Credit

Highlights huge uncertainty over IT system.

9 April: Scottish Government plans to redesign community justice system

Propose to replace Community Justice Authorities by local Community Planning Partnerships and Scotland-wide Community Justice Improvement Scotland.

14 April: Nigel Evans MP regrets supporting legal aid cuts

Faces £130,000 in legal fees under new rules, he could only recover costs equivalent to legal aid rates.

25 April: Poor performance in new private prisons

Commons Public Accounts Committee finds two new private prisons, Oakwood and Thameside, given lowest performance rating by NOMS.

30 April: Gerry Adams arrested in connection with the murder of Jean McConville in 1972

30 April: Universal Credit caseload stands at 5,580

Compared to initial projections of 1.1 million.

The year in numbers

4%

Proportion of UK's public sector expenditure spent on public order and safety in 2013/14.

Source: Figure 11.

2,581

Drop in the UK prison population between 2012 and 2013.

Source: Figure 24.

£20 billion

Combined Home Office and Ministry of Justice spend in 2013/14.

Source: Figure 12.

52

The number of self-inflicted deaths in prisons in England and Wales in the 12 months to March 2013. In the 12 months to March 2014 this had risen to:

88

Source: Figure 3.

50%

Proportion of Scotland central government justice expenditure spent on Scottish Police Authority.

Source: Figure 13.

168,031

The number of police officers in the UK as of 31 March 2010. By the same date in 2013 the number had fallen to:

150,415

Source: Figure 15.

1.8 million

Number of people convicted by the courts or subject to out-of-court disposal in the UK in 2013.

Source: Figure 21.

20%

Fall in UK prison service staffing over the coalition period.

Source: Figure 16.

131,711

The community-based sentence population in the UK in 2013.

Source: Figure 23.

15

The number of attempted suicides in Scottish prisons, January to July 2014.

Source: Figure 8.

2 million

Increase in the numbers living in absolute poverty in the UK since 2009/10 (calculated after housing costs).

Source: Figure 26.

£1.15 billion

Real terms reduction in the UK's spend on police services in 2013/14 compared to the previous year.

Source: Figure 11.

20%

The proportion of children in the UK living in relative poverty in 2012/13 (calculated before housing costs).

Source: Figure 28.

580

The number of self-harm incidents in prisons in Northern Ireland in 2013/14.

Source: Figure 9.

2,045

The number of assaults in Scottish prisons in 2013/14.

Source: Figure 7.

£2.5 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 2014.

Source: Figure 18.

23,478

The number of self-harm incidents in prisons in England and Wales in the 12 months to March 2014. The year before there were:

22,722

Source: Figure 4.

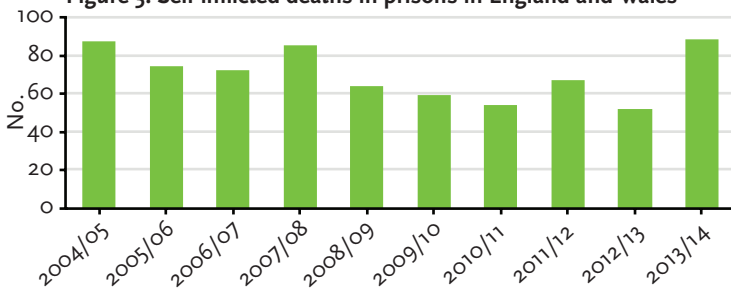
Special focus: harms in prison

2014 saw the spotlight turned on the prison system in England and Wales as concern grew over deteriorating conditions inside. Statistics released by the Ministry of Justice covering the 12 months to March 2014 showed a sharp increase in a range of harmful incidents in prisons compared to the previous year. Many viewed this as a crisis caused by staff and budget cuts, overcrowding, and an increasingly punitive prison regime. The Chief Inspector of Prisons crystallised this view in his Annual Report 2013-14 in which he attributed a significant amount of the blame on ‘the conjunction of resource, population and policy pressures’. The Justice Secretary, Chris Grayling, denied that the decline in prison safety represented a crisis, or that the actions of the coalition government were in any way responsible.

Here we examine some of the harms that exist in prisons in the UK. We use selected aspects of data made available by the governments of the separate UK jurisdictions. It is important to note that harms are not distributed evenly across the prison estate; there are differences based on a variety of factors, including gender, age and institution. Where possible we tease out some of this variation.

The Ministry of Justice releases quarterly bulletins, *Safety in custody* statistics, tracking trends in deaths, self-harm and assaults in prisons in England and Wales. **Figures 3-5** show selected data from these bulletins for years ending 31 March since 2004. The long-term trend in self-inflicted deaths is downwards, even as deaths overall have increased in line with an ageing prison population. In 2013/14, however, the number of self-inflicted deaths rose sharply, from 52 to 88, an increase of 69 per cent. Whilst there are cyclical peaks in self-inflicted deaths, the figure for the year ending March 2014 represents the steepest year-on-year rise over the entire ten year period.

Figure 3: Self-inflicted deaths in prisons in England and Wales



We have broken down the data for self-harm by gender because the trends for male and female prisoners differ significantly. Self-harm incidents involving male prisoners have steadily increased over the past ten years, almost doubling in number since 2004/5. Meanwhile the number of self-harm incidents involving female prisoners has roughly halved. There are about three male self-harm incidents for every one female incident, but there are far fewer female prisoners than male prisoners: approximately one female for every 20 males. This means that, although there are now far fewer incidents of female prisoners self-harming in prison than males, the numbers are still hugely disproportionate.

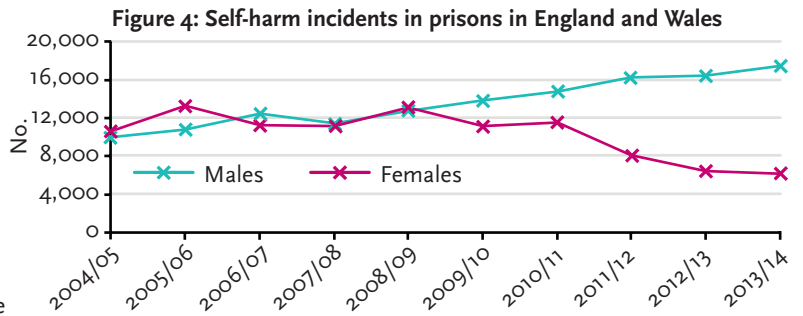


Figure 4: Self-harm incidents in prisons in England and Wales

Assault incidents in prisons rose steadily up to 2008/9 and then began to decrease in 2009/10. The fall was largely due to a reduction in the number of 15 to 20 year olds in prison; a group who are more likely to be involved in assault incidents (Ministry of Justice, 2014). Assaults involving adults aged 21 or over have continued to increase. 2013/14 saw a small rise in the number of assault incidents to about 15,000. These assaults were more violent than the year before, with serious assaults rising abruptly to the highest levels seen in the last ten years.



Figure 5: Assault incidents in prisons in England and Wales

Scotland releases data on deaths in custody when they occur. The cause of death is not recorded until a Fatal Accident Inquiry (FAI) has been completed. Here we have only included data for years where all FAIs have been completed. The data in **figure 6** shows the fluctuations in suicides between 2000/01 and 2010/11. No clear pattern emerges.

Figure 6: Suicides in Scottish prisons

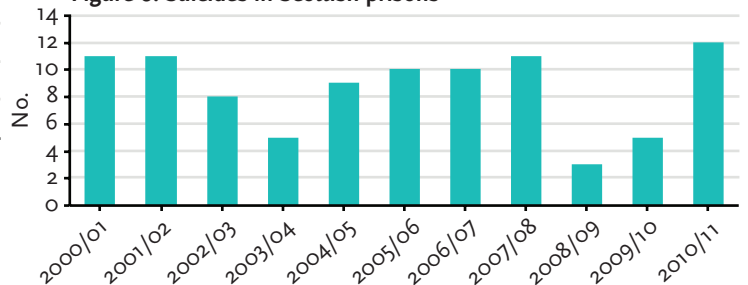
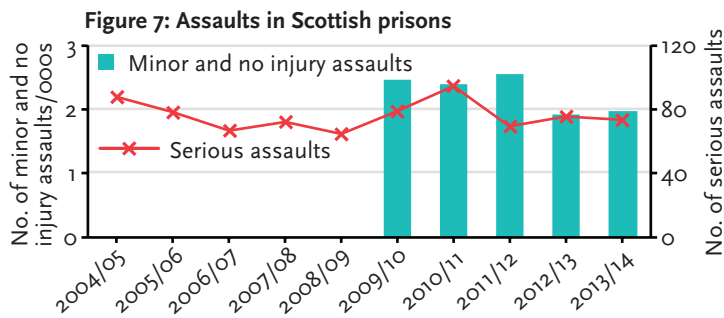
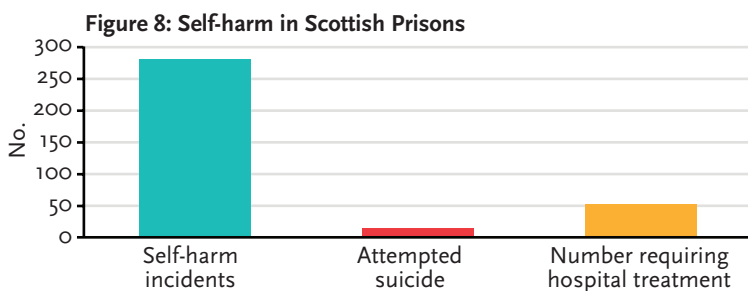


Figure 7 shows the available data on assaults in Scottish prisons taken from the Scottish Prison Service’s annual reports. Until 2009/10 only serious assaults were used as key performance indicators in these reports, but after this minor assaults and assaults with no injury were also included. Serious assaults followed a downward trend until they began to rise in 2009/10. After falling sharply in 2011/12 they have remained at stable levels. Minor assaults with no injury dropped by about 20 per cent in 2012/13 and remained stable the following year.



Self-harm data is collected by the Scottish Prison Service but not routinely published. The Scottish Prison Service informed us that, in November 2013, it discovered that there was no consistent way of recording incidents of self-harm and attempted suicide in Scottish prisons and a new system was put in place. The data in **figure 8**, secured through a Freedom of Information request, covers the period January to July 2014. During this period, there were 280 incidents of self-harm, 15 attempted suicides and 52 people requiring hospital treatment as a result of self-inflicted injuries in Scottish prisons.



The Prisoner Ombudsman for Northern Ireland publishes *Death in Custody* investigation reports on its website. Coroner's Inquests determine the cause of death. Suicide data was provided by the Northern Ireland Prison Service under a Freedom of Information request. The data suggests that there tends to be one suicide a year in prisons in Northern Ireland.

Information on self-harm and assaults is collected by the Northern Ireland Prison Service but is not routinely published. We were informed by the Prison Service that information on the seriousness of assault incidents is not recorded. The Prison Service has only captured information on self-harm in Hydebank since 2006, and in Maghaberry and Magilligan since 2010. Hydebank is the only prison in Northern Ireland containing female prisoners so self-harm data for females from 2006 is complete. Self-harm data for male prisoners before 2010/11 is incomplete.

Figure 9 suggests that the trend in self-harm in prisons in Northern Ireland is upwards for both males and females. We were informed by the Northern Ireland Prison Service that these increases are probably the result of improved recording practices, as part of an overhaul of procedures for responding to self-harm, rather than actual increases in the number of incidents.

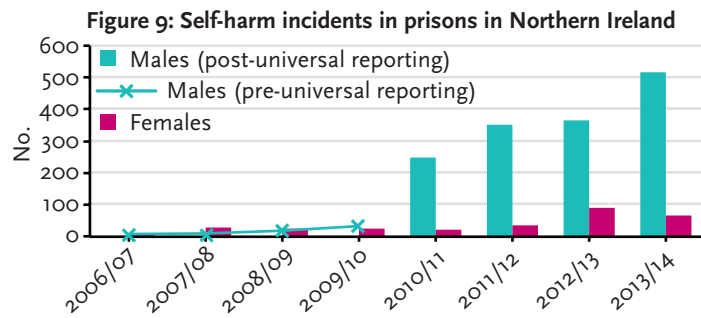


Figure 10 shows that between 2005/06 and 2008/09 there was a constant downwards trend in the number of assault incidents in prisons in Northern Ireland. From 2009/10 assaults have risen rapidly, to three and a half times the number recorded in the low of 2008/9. In evidence given to the Northern Ireland Assembly Committee for Justice in October 2014, Sue McAllister, Director General of the Northern Ireland Prison Service, said that, 'all of our information points to crowding as a major factor in the number of assaults'. Indeed, there has been significant growth in the daily prison population in Northern Ireland over the last decade, with an increase of around a third since 2010 (Department of Justice for Northern Ireland, 2014).



Timely *Safety in custody* bulletins, released by the Ministry of Justice, have drawn widespread attention to declining prison conditions in England and Wales. That these trends have been widely, and even officially, acknowledged as being, at least in part, down to government policies has facilitated better scrutiny of political decisions and assisted in ministerial accountability. A more consistent release of data in Scotland and Northern Ireland would be more desirable than the current *ad hoc* approach, especially given significant improvements in the quality of the information gathered in these jurisdictions in recent years. As the commentary accompanying the Ministry of Justice data points out, it was repeated Freedom of Information requests and parliamentary questions that led to the routine publication of *Safety in custody* bulletins from 2010.

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- Department of Justice for Northern Ireland (2014), *The Northern Ireland prison population 2013*, Belfast: Department of Justice.
- Her Majesty's Inspectorate of Prisons (2014), *Annual Report 2013-14*, London: The Stationery Office.
- Ministry of Justice (2014), *Safety in custody quarterly update to March 2014*, London: Ministry of Justice.

Expenditure

This section outlines real terms criminal justice spending for the five year period ending 2013/14. 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 11** 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 27 June 2014.

The UK spent £30.2 billion on public order and safety in 2013/14; a category described as inclusive of police, courts, prisons, offender programmes and immigration. Over the last five years there has

been an 18 per cent cut in this expenditure. Law courts experienced the greatest squeeze with a 23 per cent decrease in spending since 2009/10. 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 (UKJPR1, 2 and 3).

The trend in central government criminal justice spending since 2010/11 in England and Wales and Northern Ireland is downwards, with an 18, and eight per cent reduction in this type of expenditure respectively (**figures 12 and 14**). Scotland, however, has bucked this trend with a 38 per cent increase in central government criminal justice spending over the same period (**figure 13**).

In England and Wales, over £4.2 billion less was spent by the Home Office and Ministry of Justice in 2013/14 compared to the three years previously (**figure 12**). UK Border Control, HM Courts and Tribunals Services and the Legal Aid Fund have experienced the greatest cuts since 2010/11, declining by 61, 33 and 24 per cent respectively. On 1 April 2013, the UK Border Agency was abolished, with its functions being split among three new Home Office directorates: Border Force, UK Visas and Immigration, and Immigration Enforcement. Most of the supporting functions (consisting of finance, HR, IT and performance monitoring) were absorbed by the Home Office's new corporate centre. The UK Border Agency had planned real terms cuts of £594 million between 2011-12 and 2014-15, but due to these organisational changes it is difficult to work out whether this has been achieved. Indeed, a 2014 National Audit Office report found that the Home Office couldn't explain how these plans had been brought forward, or how they are being monitored.

Figure 11: UK public order and safety expenditure

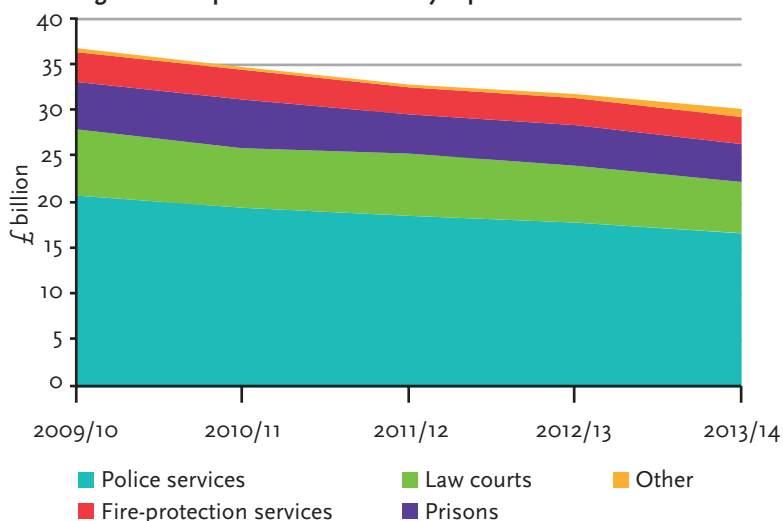
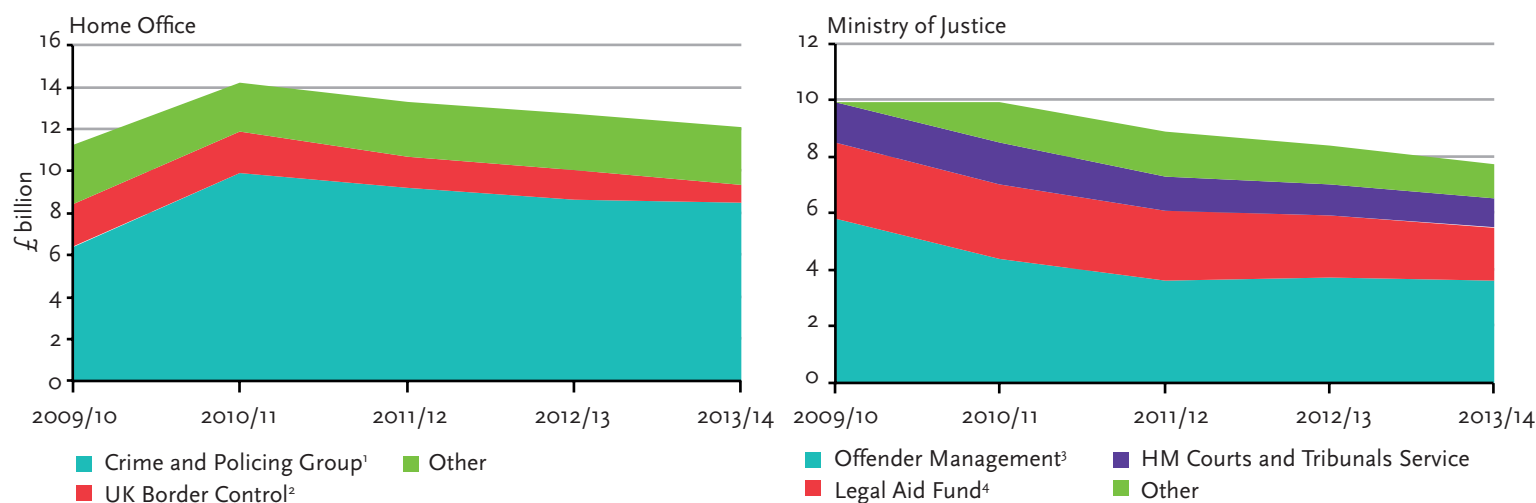
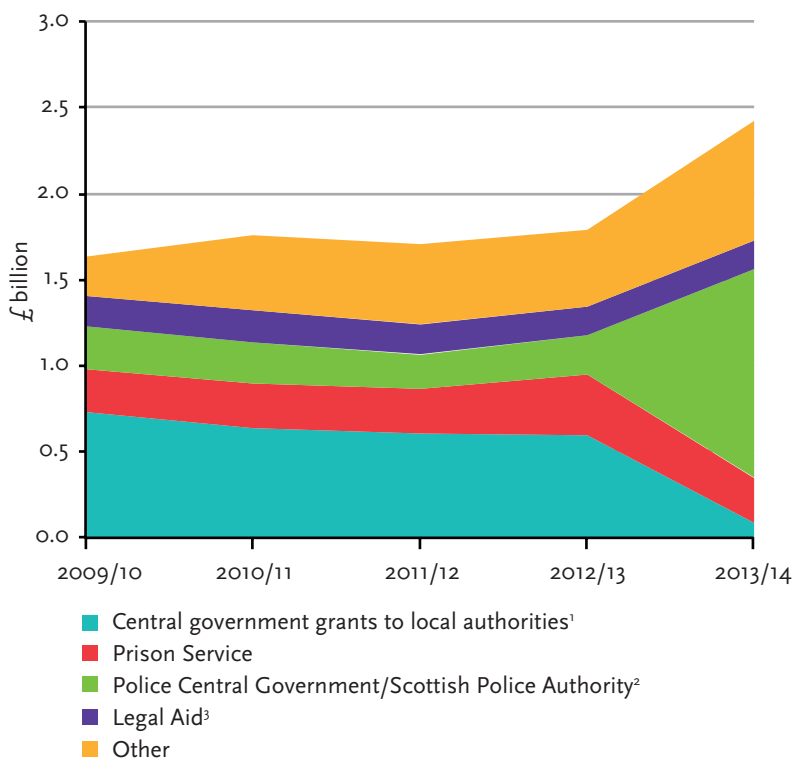


Figure 12: England and Wales central government criminal justice expenditure



1) 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.
 2) 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.
 3) Offender management includes spend on prison, probation and National Offender Management Service (NOMS).
 4) Legal Aid Fund includes civil and criminal legal aid, Legal Aid Agency administration and central funds.

Figure 13: 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 brought together a range of funding from the justice and local government portfolios.
- 3) Includes civil and criminal legal aid.

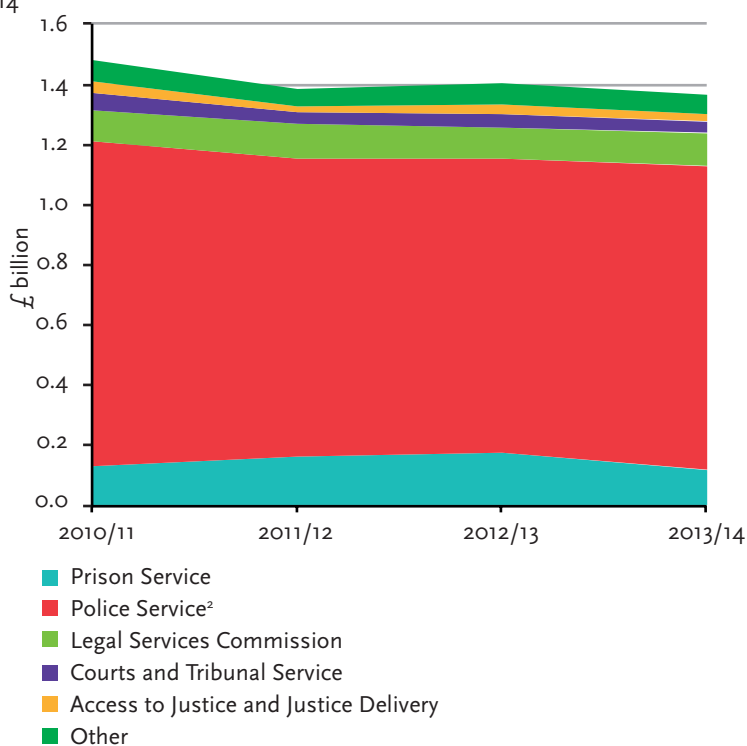
Reducing the cost of legal aid is a key part of attempts to cut justice spending. Ministers have argued that, at around £2 billion, it is one of the most expensive legal aid systems in the world, but this is widely disputed. The year under review saw the implementation of the *Legal Aid, Sentencing and Punishment of Offenders Act 2012* which included provisions for extensive changes to legal aid eligibility. Most cases regarding housing, welfare, medical negligence, employment, debt, immigration or private family law will no longer be routinely funded from the public purse. Legal aid reforms are projected to realise cost savings of £220 million per year by 2018/19 (Ministry of Justice, 2014).

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 13). 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 previous years, the

political implications of such a large programme of centralisation should not be overlooked.

2013/14 saw a slight decrease in Northern Ireland's justice spending compared to the previous year (a three per cent decrease) (figure 14). Prisons experienced the greatest decline in funding in this period. 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 14: Northern Ireland central government criminal justice expenditure¹



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

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Ministry of Justice (2014), *Annual Reports and Accounts 2013-14*, London: The Stationery Office.

National Audit Office (2014), *Reforming the UK border and immigration system*, London: National Audit Office.

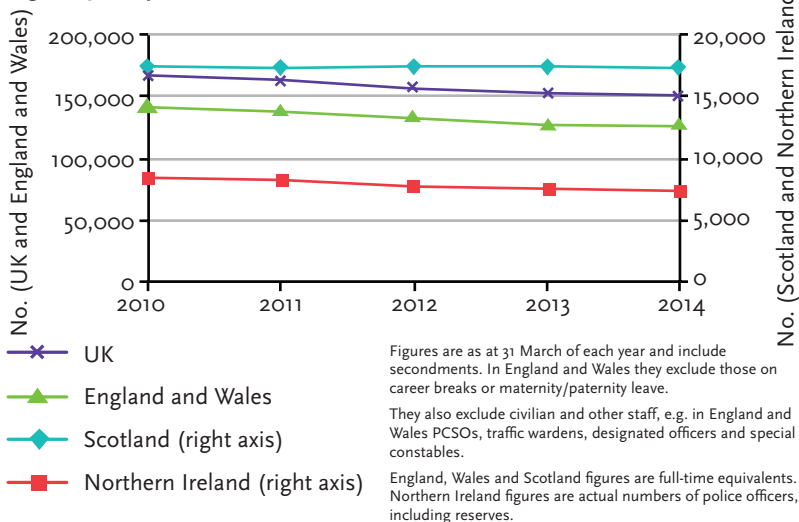
Prison Review Team (2011), *Review of the Northern Ireland Prison Service. Conditions, management and oversight of all prisons*, Belfast: Prison Review Team.

The Scottish Government (2014), *Consolidated Accounts 2013/14*, Edinburgh: Scottish Government.

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 15: UK police officer numbers



In the fourth 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 15) has been falling in the UK since the coalition came to power. Adjusted trend figures show that, since the peak in 2010, police officer levels decreased overall by 10.5 per cent by 31 March 2014. These totals disguise differences between the three jurisdictions. In Scotland, unlike in the rest of the UK, police officer numbers rose, albeit modestly, from 17,263 in 2011 to 17,496 in 2013. This trend has, however, been reversed in the last year, with numbers falling by 252. The overall decline is mostly to be found in England and Wales, where officer numbers dropped by 11.4 per cent, from 142,132 in 2010 to 125,885 in 2014, and in Northern Ireland, which witnessed a 14.2 percentage drop from 8,490 in 2010 to 7,286 in 2014.

Prison staffing in the UK overall fell by 18 per cent between 2010/11 and 2013/14. In England and Wales, staff numbers declined from 49,348 to 39,295 in this period (even taking into account that in the last two years figures include secondments: see figure 16); and in Northern Ireland from 2,348 to 1,929. Against the UK trend, numbers in Scotland rose stably, from 4,178 in 2010/11 to 4,510 in 2013/14, an increase of eight per cent.

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 17) shows numbers decreasing over the coalition period. Whilst there were 20,863 probation staff in the UK overall in 2010, by 2013 the number had shrunk to 18,743, a decline of 10.2 per cent. Reductions in probation staffing precede the coalition government, with numbers falling from a peak of 26,694 in 2006 (see previous volumes of UKJPR for longer term trends). This overall trend also contains the jurisdictional divergences we have observed elsewhere. For example, probation staff numbers in Northern Ireland rose from 385 in 2011 to 407 in 2013. Similarly in Scotland, the number of probation staff increased by 17 per cent, from 1,796 in 2010 to 2,100 in 2013. In contrast, probation staffing levels fell by 14.8 per cent in England and Wales, from 19,067 in 2010 to 16,236 in 2013.

Outsourcing also features in the 'transparency data' items we continue to look at in this Review. 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 JPR1 (operation of prisons and detention centres, court and prison services and electronic monitoring), amounted to £2.5bn overall between May 2010 and April 2014 (see figure 18). Operations 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, 2010-14).

In the first three years of coalition government this spending

Figure 16: UK prison staffing

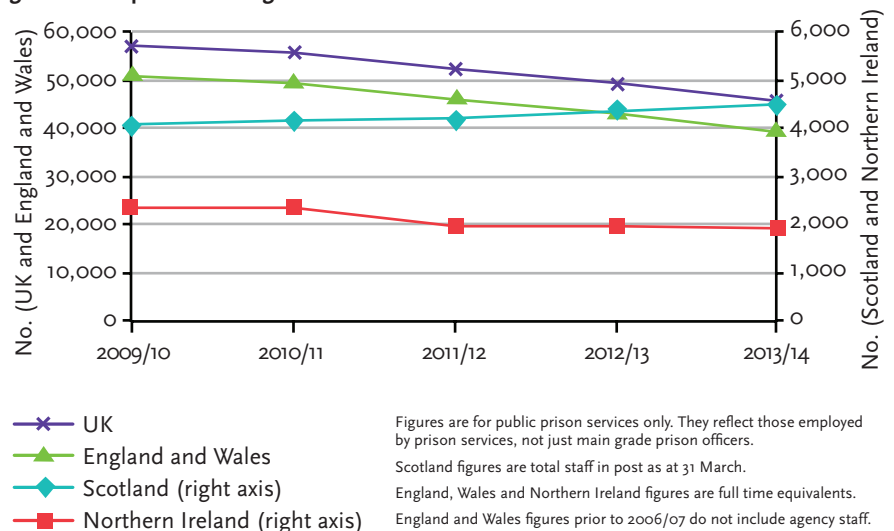
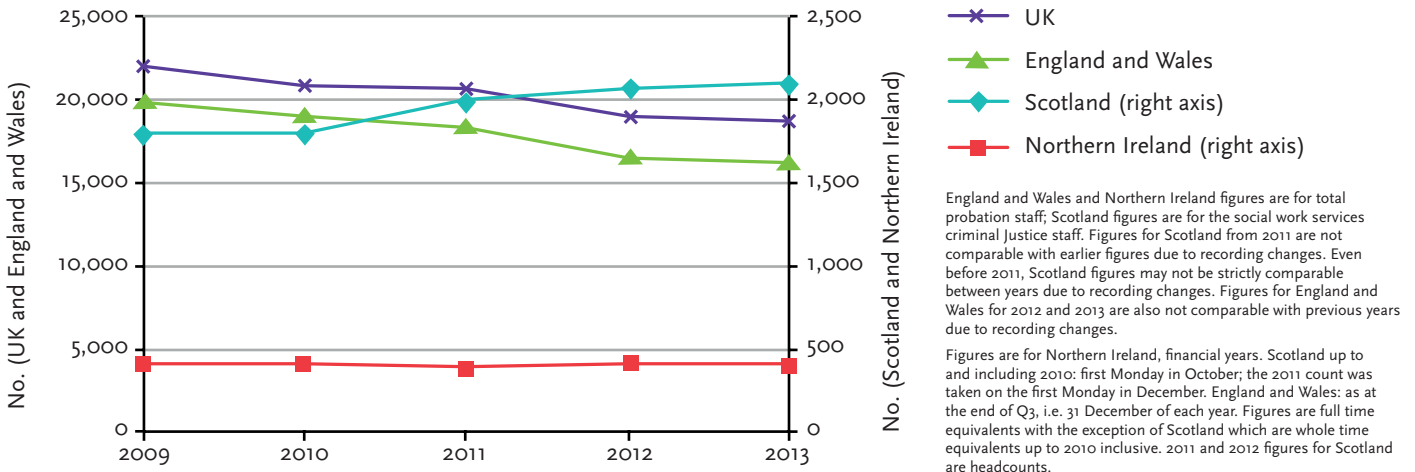
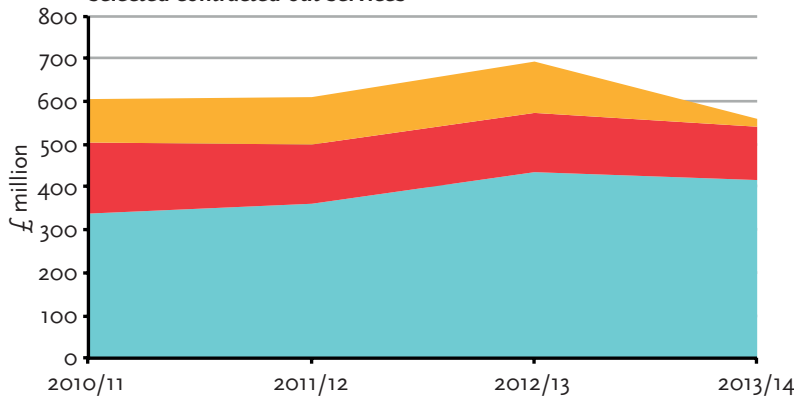


Figure 17: UK probation staffing



increased by 14 per cent, from around £608m to just under £692m (in real terms). In the first year, £336m had been paid to external providers to operate prisons and detention centres. This expenditure increased by 24 per cent to £418m in 2013/14, and peaked at £436m in 2012/13. There was also a 14 per cent increase

Figure 18: National Offender Management Service spend on selected contracted-out services



- Operations of prisons and detention centres
- Court/Prison escort services
- Electronic monitoring

Figures cover individual transactions over £25,000 in England and Wales. Figures cover May 2010 to April 2014 and are adjusted to real terms using GDP deflators as at 27 June 2014.

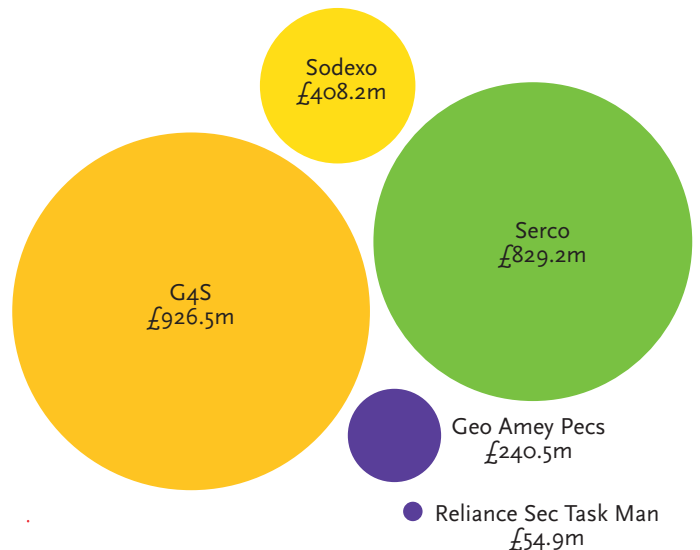
in spending on contracted-out electronic monitoring services, which jumped from £104m in 2010-2011, to just over £119m in 2012/13. Not all spending on contracted-out operations rose, however, with the costs to private companies providing prison escort services falling by 26 per cent, from £167m in 2010/11 to £123m in 2013/14 (See Excel sheets on the website).

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).

The suppliers chosen to deliver the contracted-out services in these three areas are shown in figure 19, which shows the total amounts of individual invoices from each company for the period between May 2010 and April 2014. We can see that Serco and G4S were the largest recipients of the amount spent by NOMS in the three selected areas. Over the four year period, G4S and its subsidiaries received 38 per cent of the total expenditure on these services. Serco and its subsidiaries received 34 per cent of the total. Two companies show on the records as supplying the selected contracted-out services in 2013/14 for the first time: Capita and Sodexo. Capita took over management of electronic monitoring from G4S and Serco in 2014 after overcharging in the tagging contracts was uncovered. Sodexo took over operation of HMP Northumberland in December 2013, although subsidiaries of Sodexo have historically held contracts to manage prisons.

Reference
Ministry of Justice (2010-14), *Spend over £25,000, Phoenix database*, London: Ministry of Justice.

Figure 19: Suppliers of selected contracted-out services to the National Offender Management Service, May 2010-April 2014

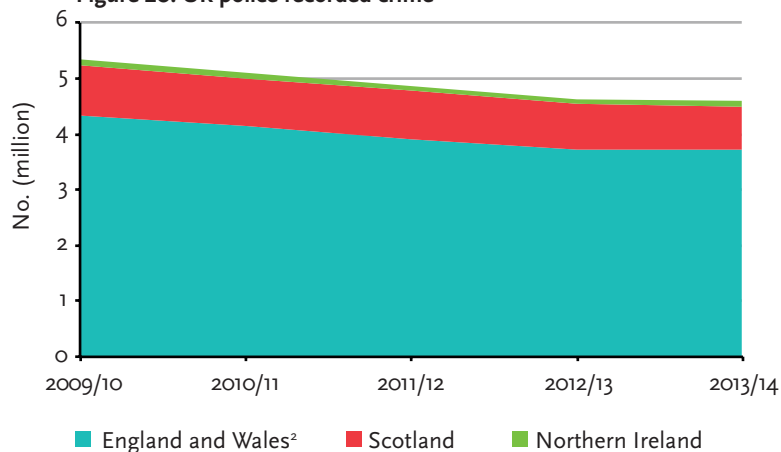


The two other suppliers of these services (Capita and Home Group Ltd) have been omitted because the amounts they received were negligible in comparison to other suppliers. Yearly payments to each company have been adjusted to real terms using GDP deflators as at 27 June 2014 and then summed to give totals for the whole period.

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 the majority of incidents that come to the attention of such a system. **Figure 20** shows that, compared with the previous year, police recorded crime, measured across the UK, fell in 2013/14 by one per cent. Most of this decline is due to a fall of over five per cent in Scotland. This conforms to a longer term trend of declining police recorded crime, a downwards trajectory that the other commonly cited indicators of law-breaking, crime surveys, concur with. This is in keeping with a drop in police recorded crime across many parts of the developed world.

Figure 20: UK police-recorded crime¹

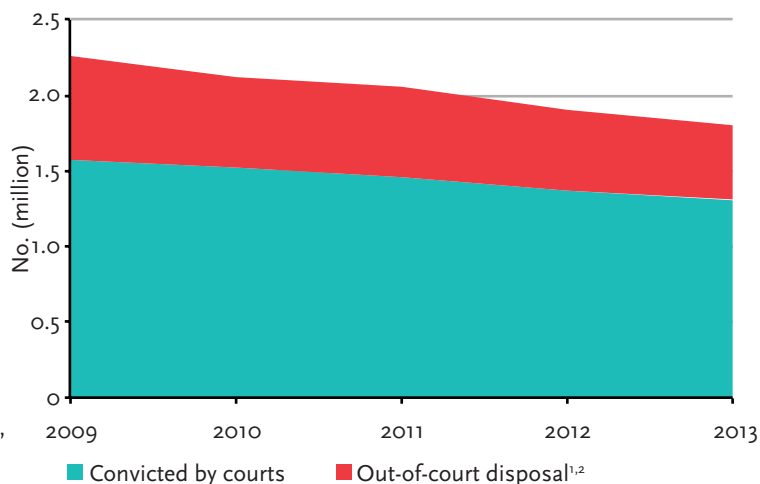


1) Variation in legislation in each of the UK jurisdictions needs to be considered when comparing crime statistics between the different nations. Northern Ireland's recording practices are the same as that of the Home Office for England and Wales. Due to different recording practices, Scotland's figures 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 from 2011/12 refers to year end in June.

Yearly changes to the number of people subject to criminal justice sanctions by courts or by various out-of-court disposals from 2009 are shown in **figure 21**. 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 fallen since 2009 from around 700,000 to fewer than 500,000 in 2013. There is also a decline in the numbers convicted by the courts, from 1.6 million in 2009 to 1.3 million in 2013. Whilst this overall trend holds true for England and Wales, it hides divergent patterns in Scotland and Northern Ireland. For these nations, a decrease in the numbers convicted by courts over the period has

Figure 21: No. of people convicted of an offence by courts and no. subject to an out-of-court disposal in the UK



1) Out-of-court disposals do not include those given for motoring offences.

2) 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.

been accompanied by an increase in people subject to out-of-court disposals.

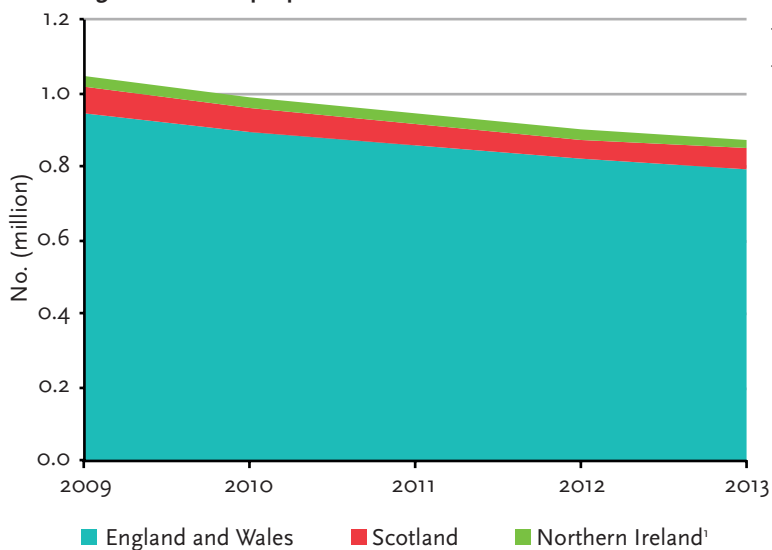
Figures 22-24 show the UK population subject to the three main court imposed disposals: fines, community-based sentences and prison. They indicate the following broad trends:

- Fines remain the most common court imposed sanction, however their number in 2013 (876,067 compared with just over one million in 2009) confirms a decline (part of a long-term falling proportional use of the fine).
- The numbers of people subject to community-based sentences have continued to fall since 2009 (when it exceeded 140,000) in England and Wales, in contrast to Scotland and Northern Ireland where numbers have risen. Across the UK as a whole, the community based sentence population has fallen by around 30,000 since 2009.
- The UK prison population was 93,841 in 2013, a fall of three per cent from 2012. Following successive years of steady annual growth, 2013 is the first year in recent times when prison numbers have decreased. The fall occurred in every UK jurisdiction. 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 24**). A reasonably static UK prison

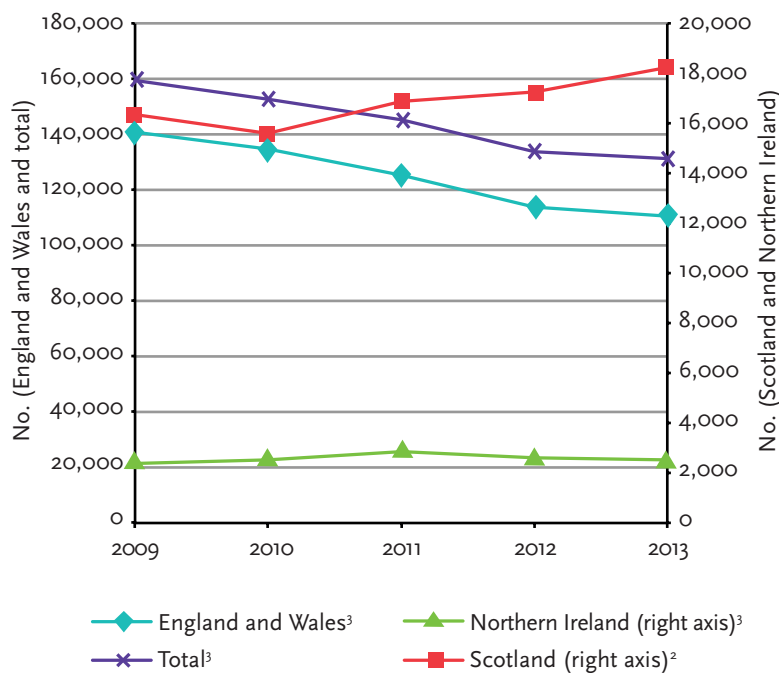
population is a medium projected scenario over the next six years, with an estimated prison population of just over 93,000 by 2019. This compares to a peak prison population of 96,422 in 2012. Under these assumptions the prison population is projected to return to 2009 levels from 2015, but begin to rise again towards the end of the decade.

Figure 22: No. of people sentenced to a court-ordered fine in the UK



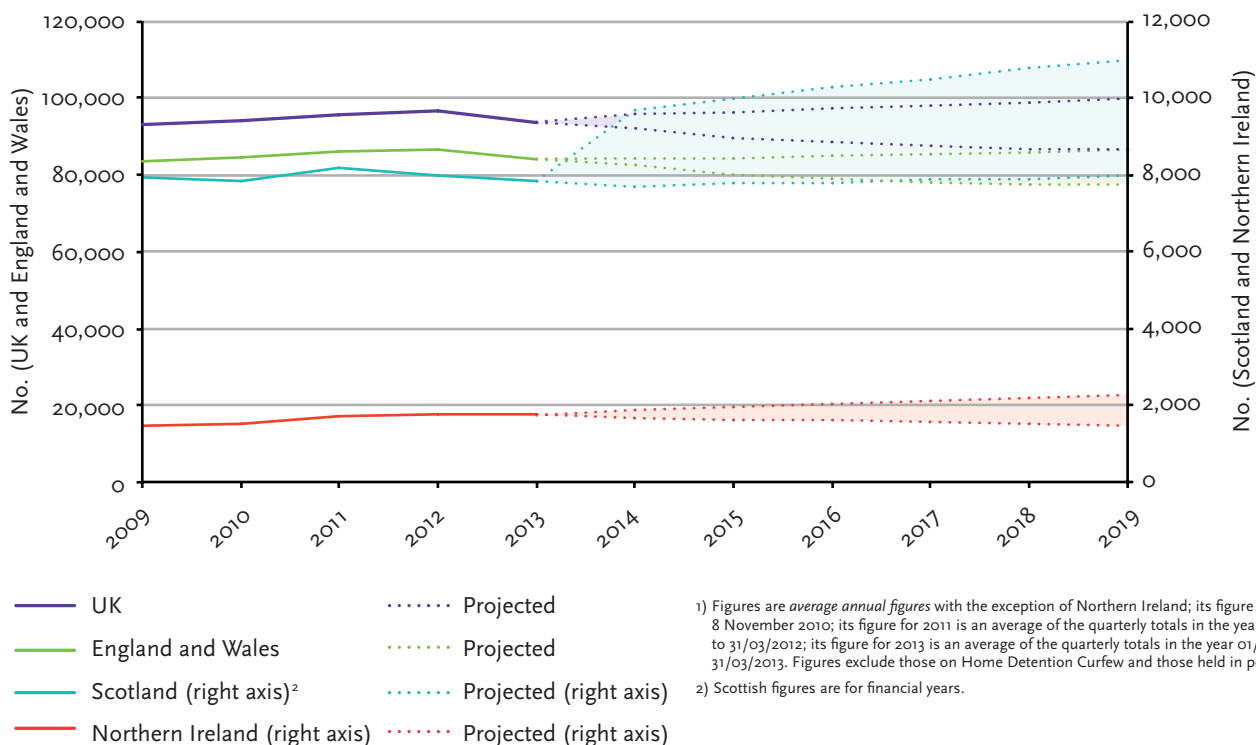
1) Northern Ireland figures are for number of people subject to a court imposed fine from 2007. Prior to this, data are only available on the basis of the number of fines imposed. Figures for Northern Ireland also include recognisance, whereby a sum is forfeited if an act required by law does not take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

Figure 23: Community-based sentence population in the UK¹



1) 'Community-based' refers to a range of sentences to be served in the community which vary 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 24 : Prison population and projected future prison population¹

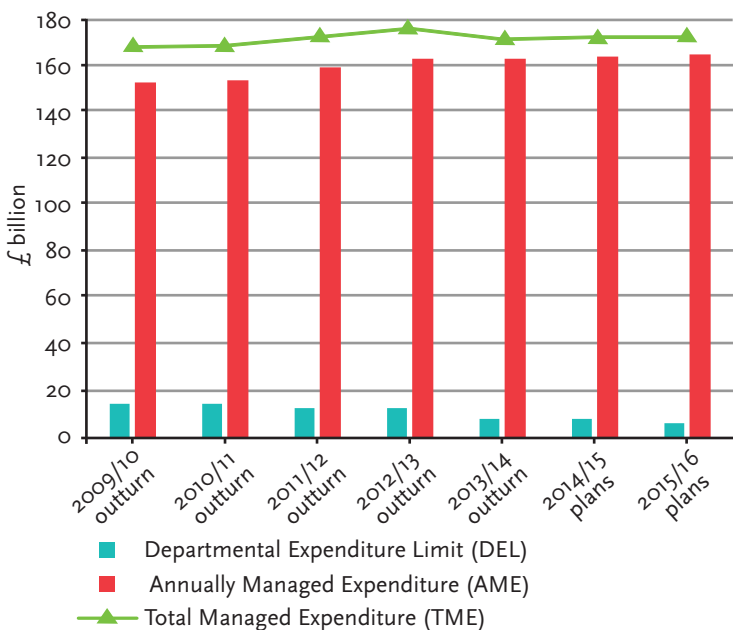


1) Figures are average annual figures with the exception of Northern Ireland; its figure for 2010 is for 8 November 2010; its figure for 2011 is an average of the quarterly totals in the year 01/04/2011 to 31/03/2012; its figure for 2013 is an average of the quarterly totals in the year 01/04/2012 to 31/03/2013. Figures exclude those on Home Detention Curfew and those held in police cells.
 2) Scottish figures are for financial years.

Welfare and wider social circumstances

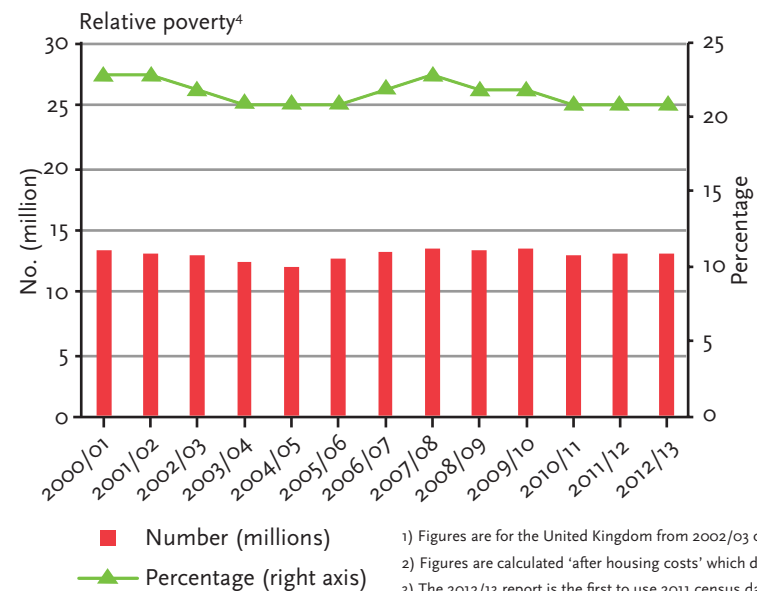
The financial context for the welfare reform programme outlined in this *Review* is made clear in **figure 25**: the most up-to-date figures of the Department for Work and Pensions (DWP) budgets. The Departmental Expenditure Limit (DEL) budget (three year spending limits agreed with the Treasury) accounts for only a small proportion of total expenditure. Most expenditure relates to pensions, social security payments and related income transfers, which cannot be subject to firm multi-year limits. This is managed year on year as Annually Managed Expenditure (AME). Taken

Figure 25: Department for Work and Pensions DEL, AME and TME in real terms^{1,2}



1) Real terms figures are the cash figures adjusted to 2013-4 price levels using GDP deflators. The deflators are calculated from data released by the Office for National Statistics on 27 June 2014. The forecasts are consistent with the Financial Statement and Budget Report 2014.
2) The reduction in DEL expenditure and the resultant drop in TME in 2013-14 represents the localisation of council tax support in April 2013.

Figure 26: Individuals falling below 60% of median income^{1,2,3}

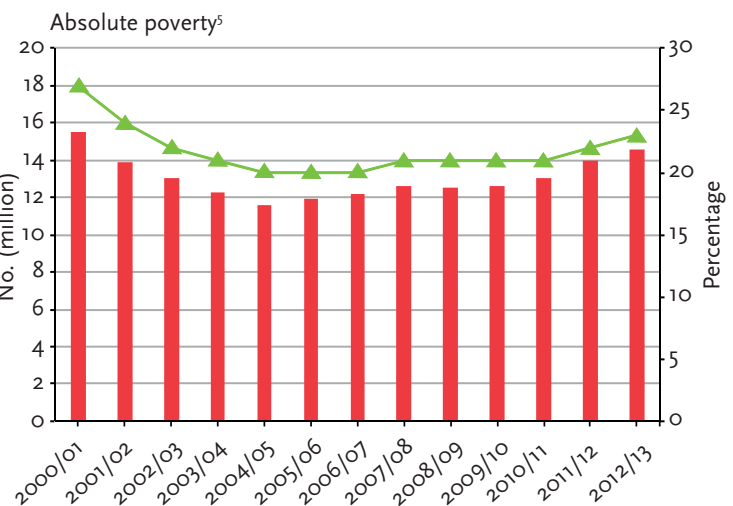


1) Figures are for the United Kingdom from 2002/03 onwards. Estimates for Northern Ireland have been inputted for earlier years.
2) Figures are calculated 'after housing costs' which deducts housing costs from individuals' income. For 'before housing costs' figures see Excel spreadsheet.
3) The 2012/13 report is the first to use 2011 census data to derive grossing factors which are used to weight the survey findings so that they are representative of the UK population as a whole. There have also been minor changes to the grossing methodology. Figures have been revised back to 2002/03 to reflect these changes.

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.

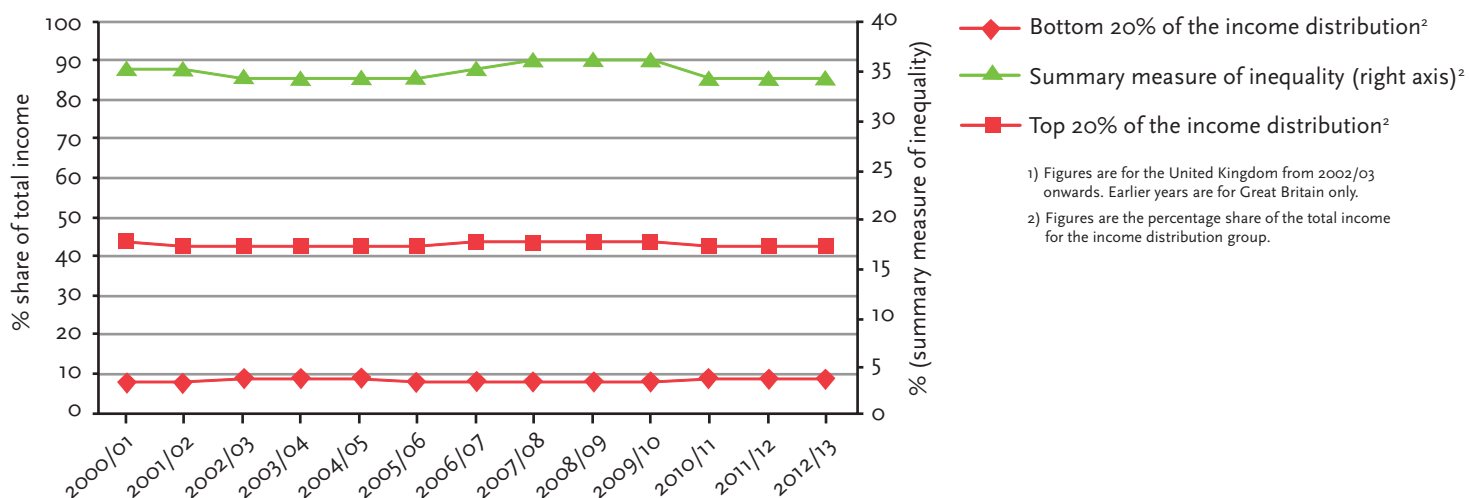
The huge cut in DWP real terms DEL in 2013-14 represents the localisation of council tax support in April 2013. However, as previous editions of UKJPR have shown, the DWP has set ambitious targets to reduce real terms DEL. By contrast, the AME budget is forecast to grow in real terms: from £153 billion in 2009/10 to £165.4 billion in 2015/16; an increase of 8.1 per cent. Nearly all this growth took place between 2010/11 and 2012/13. The DWP curbed real terms growth in AME between 2012/13 and 2013/14, with a slight decrease in this period. Between 2013/14 and 2015/16 the DWP has budgeted for a mere 1.4 per cent upturn in real terms AME. These figures help to explain the current ministerial focus on capping social security payments and withdrawing benefits from certain recipients.

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 26** and **27** must be interpreted in the context of a reduction in personal incomes across the board in recent years. For example, relative poverty saw a steady fall from 2007/8, but when poverty is measured against a fixed measure (see 'Absolute poverty' in **figure 26**), 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. Both measures then saw increases which pre-dated the recession.



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 27: UK income inequality¹



It is equally important to bear this in mind when considering the trends in income inequality shown in **figure 27**. Gini coefficient, the most commonly used measure of inequality, fell in 2010/11 and remained static in 2011/12 and 2012/13. 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).

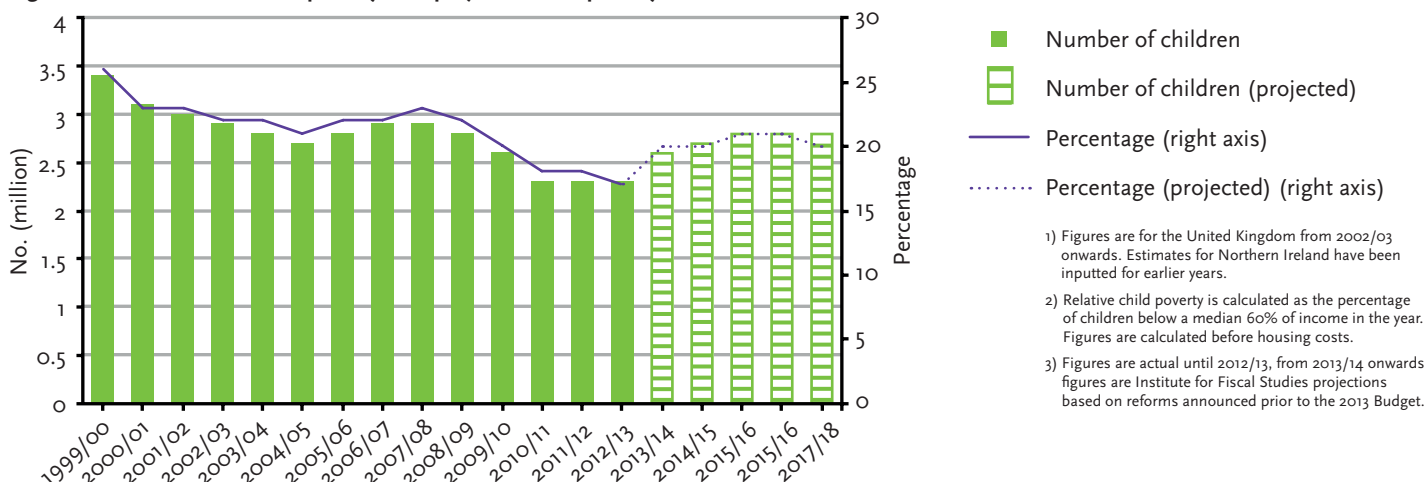
Reducing child poverty is an agenda for which there has been political support across the main parties. The *Children's Act 2010* set out plans to eradicate child poverty in the UK by 2020. **Figure 28** shows one of a number of indicators by which child poverty is assessed. According to the figures 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 the 2020 legally binding target of ten per cent relative child poverty will not only be missed, but child poverty will rise to its highest level since 2001/02, undoing the reductions made from 2001/02 to 2012/13 (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). Whilst very critical of the current relative measure, the coalition has so far failed to come up with a suitable alternative.

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Figure 28: Children in relative poverty, and projected child poverty^{1,2,3}



6 May 2013 to 5 May 2014

This, and earlier, editions of UKJPR have tracked the complex dance of policy-making convergence and divergence across the UK since the formation of the coalition government in May 2010. A Conservative Liberal government in Westminster, exercising control of the national purse-strings, confronted an increasingly confident Scottish National Party government in Edinburgh; a compulsory coalition of parties with profound political differences in Northern Ireland; and a Welsh government seeking greater powers and autonomy.

Of the policy areas covered by UKJPR, welfare reform was the one area over which the UK government exercised largely unqualified power, unfettered by the differing views of the administrations in Edinburgh, Cardiff and Belfast. The Scottish Government made its opposition to Universal Credit a key theme of its independence campaign. The deep divisions among the parties in the Northern Ireland Executive were played out in the deadlock over the implementation of Universal Credit. The Welsh government drew on its opposition to the UK government's welfare reform plans as part of its pitch for greater devolution.

Welfare reform therefore became the major source of contention between London and the devolved administrations during the coalition's fourth year. The lack of devolution on welfare matters allowed the UK government to enforce its will. It did so at the cost of major conflict with, and within, the devolved administrations. Key political figures in Scotland, Wales and Northern Ireland argued that the UK regions and nations were being dragooned into a Westminster-driven agenda harmful to their respective localities.

The devolution of criminal justice powers made for a different set of dynamics. Police and Crime Commissioners in England and Wales, and Police Scotland both marked their first year of operation during the coalition's fourth year. These divergent and distinctive approaches to police reform and governance added greater variety to an already complex set of policing arrangements across the UK. The crisis of historical investigations in Northern Ireland during this year was something of a pivot point for policing and criminal justice more broadly in that jurisdictions, contributing to a further push to resolve the legacy of conflict during the coalition's fifth year.

The stop-go process of probation privatisation in England and Wales reached a form of resolution during this fourth year with the launch of the competition to run the proposed community rehabilitation companies. A very different vision for probation work

in Scotland – the replacement of Community Justice Authorities by Community Planning Partnerships – emerged during the same period. It was also during this year that the traditional approach to prison privatisation in England and Wales – the 'market-testing' of existing institutions – fell out of favour as a means of achieving meaningful savings. In Scotland and Northern Ireland, the fourth year saw the publication of major reviews of the prison service and estate.

Policy divergence across the three criminal justice jurisdictions 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 modestly 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 harms in prison points to some of the possible effects of budget and staffing cuts in the absence of a corresponding reduction in the prison population. Self-inflicted deaths and, in the case of males, self-harm incidents, have risen in recent years, as have assault incidents. Self-harm and assault incidents also grew in Northern Ireland.

These data are sketchy and should be treated with some caution. But they 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.

The alternative, of shrinking the criminal justice footprint in line with reduced budgets, was pursued in some respects: notably in relation to staffing levels. But it was not pursued systematically or strategically. The problems and challenges this created became ever clearer during the coalition's fourth year in office.

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