



DEBATE PACK

Number CDP 2018/0162, 29 June 2018

Estimates day: Ministry of Justice spending

Summary

There will be a debate on Monday 2nd July in the Commons Chamber on the spending of the Ministry of Justice (MoJ). This follows the publication of the 2018-19 Main Estimate on 19 April 2018. The subject for this debate was selected by the Backbench Business Committee as part of the new process for choosing subjects of Estimates Day debates that was instigated following the publication of the 2017-18 Supplementary Estimates in February 2018.

The application to the Committee was made by Robert Neill MP. This debate pack mainly covers two sections of the MoJ's remit which were highlighted by Mr Neill MP in his application for the debate:

- **Prisons and probation** (HM Prisons and Probation Service)
- **Courts** (HM Courts and Tribunals Service)

It also contains a section on **legal aid** (the Legal Aid Agency).

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

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Core department spending

1.1 Overview

The Ministry of Justice (MoJ) has submitted its proposed budget for 2018-19 in its Main Estimate. Planned spending, within Departmental Expenditure Limits (DEL), is split between Resource DEL, which covers most types of day-to-day spending and includes staff costs and goods and services; and Capital DEL, which covers most investment spending and research and development. In the Main Estimate 2018-19, the MoJ has proposed a Resource DEL budget of £6,923 million (6.9 billion), which constitutes 2% of total departmental Resource DEL across government. It has proposed a Capital DEL of £532 million, around 1% of total departmental Capital DEL.

The MoJ is usually around the 12th largest government department in terms of its Total DEL on an annual basis.¹ The MoJ's budget from central government reduced each year between 2010/11 and 2016/17. **The MoJ's Total DEL in 2016/17 was 29% lower in real terms than in 2010/11.**²

In addition, MoJ has proposed a budget for Annually Managed Expenditure (AME) of £261 million. This spending, which is deemed more difficult to control and forecast, mainly changes due to fluctuations in pensions provisions and anticipated impairments. Therefore, it is not included in the analysis of the following sections. Total Managed Expenditure (i.e. DEL and AME combined), was 26% lower in real terms in 2016-17 than in 2010-11.

The spending outlined is on a net basis. The MoJ receives income from a combination of fees (for example for courts processing divorce or probate claims), fines, and recoveries from other government departments. The MoJ 2016-17 Annual Report states that *"our reliance on income has increased significantly since 2010, with income making up 13% of our budget in 2010-11 and c. 21% (c. £2bn) in 2017-18."*³

The NAO has a [short guide](#) to the structure of the Ministry of Justice.

1.2 Outturn to 2016/17

HM Treasury's [Public Expenditure Statistical Analyses](#) (PESA) tables contain details of spending by the Ministry of Justice (MoJ), split by Resource and Capital DEL, up to 2016-17. This is the latest year for which outturn data is available.

¹ See annual [HMT Public Expenditure Statistical Analyses \(PESA\)](#) Table 1.10 Total DEL excludes depreciation from the Resource DEL budget. Resource DEL figures used in this paper include depreciation, unless otherwise stated, and should not be directly added to Capital DEL.

² Ibid.

³ MoJ [Annual Report and Accounts 2016-17](#) page 11

Box 1: 2015 Spending Review

The 2015 Spending Review planned a £600 million reduction in Resource DEL between 2015-16 and 2019-20, with the administration budget to be halved.

This reduction was considered possible because of planned capital investment in prisons and courts, which was intended to drive efficiency savings:

- £1,300 million investment to transform the prison estate to better support rehabilitation, including 9 new prisons; and
- £700 million investment in the courts and tribunal system, including fully digitising the courts.

In real terms, the MoJ's resource DEL was 26% lower and its capital DEL was 38% lower in 2016/17 than in 2010/11. The tables below show the year-on-year change in DEL., indicating that resource DEL has reduced in real terms in 11 of the last 12 years.

MINISTRY OF JUSTICE RESOURCE DEL: OUT-TURN				
Financial year	Cash £ million	Real £ million at 2017-18 prices	Annual real terms change	
			£ million	%
2004-05	8,068	10,385		
2005-06	8,199	10,285	-100	-1%
2006-07	8,225	10,005	-281	-3%
2007-08	8,898	10,561	556	6%
2008-09	9,039	10,456	-105	-1%
2009-10	9,097	10,373	-84	-1%
2010-11	9,078	10,165	-207	-2%
2011-12	9,027	9,965	-201	-2%
2012-13	8,870	9,592	-373	-4%
2013-14	8,110	8,623	-969	-10%
2014-15	7,728	8,099	-524	-6%
2015-16	7,347	7,649	-451	-6%
2016-17	7,339	7,476	-173	-2%

MINISTRY OF JUSTICE CAPITAL DEL: OUT-TURN				
Financial year	Cash £ million	Real £ million at 2017-18 prices	Annual real terms change	
			£ million	%
2004-05	606	780		
2005-06	510	640	-140	-18%
2006-07	539	656	16	2%
2007-08	755	896	240	37%
2008-09	899	1,040	144	16%
2009-10	848	967	-73	-7%
2010-11	530	593	-373	-39%
2011-12	343	379	-215	-36%
2012-13	280	303	-76	-20%
2013-14	274	291	-11	-4%
2014-15	295	309	18	6%
2015-16	266	277	-32	-10%
2016-17	364	371	94	34%

Source: HM Treasury, *PESA 2010 to 2017, table 1*; HM Treasury, *GDP Deflators March 2018*.

Notes: Resource Department expenditure limit (DEL) including depreciation. PESA 2017 contains data to 2012-13. Prior years data may not be on compiled on a consistent basis.

1.3 Main Estimate 2018/19 and plans

The latest information on MoJ spending is contained in the Main Estimate 2018-19. The Main Estimates show the initial budgets which the government is seeking for each government department, split between Resource and Capital DEL, and give details of the programme areas where funds are to be spent.

The MoJ Main Estimate 2018-19 seeks Resource DEL of £6,923 million, 11% lower than last year's budget of £7,753 million. The planned changes largely relate to:

- An increase in anticipated income, due to changes in fees charged, such as for probate;
- Planned reductions in budget as part of Spending Review 2015; and
- Reductions in budget for the Legal Aid Agency (-£42 million) and Criminal Injuries Compensation Agency (-£26 million), which are due to additional funding these received in the Supplementary Estimates 2017-18 in response to increased demand.

Resource DEL was also higher in 2017-18 than planned at the beginning of the financial year, due to changes made in its Supplementary Estimate (the department's proposed final budget for the year, presented to the House in February). The MoJ agreed a switch of £235 million from Capital DEL to Resource DEL, despite such switches being against HM Treasury guidance, thus increasing the RDEL budget for last year compared to original plans.

Capital DEL in 2018-19 is planned to increase from £425 million last year to £532 million, an increase of 25% in nominal terms. This increase is due to expected capital expenditure on prison and court reform programmes as part of the Spending Review 2015 settlement – although last year's budget was also reduced by the switch to Resource DEL.

However, recent trends in the Supplementary Estimates suggest that these budgets may be amended in February. For the last three years MOJ's Supplementary Estimates have contained increases in Resource DEL, of £427 million in 2015-16, £297 million in 2016-17 and £580 million in 2017-18. Conversely, the MoJ has reduced planned Capital DEL, by £49 million in 2015-16, £196 million in 2016-17 and £317 million in 2017-18.

Delays to the prison and court reform programmes appear to have driven these Capital DEL reductions, and the department is currently reviewing the profile of its capital expenditure with HM Treasury. As these modernisation programmes were intended to drive the significant efficiency savings expected of the MOJ in reducing its Resource DEL budget and spending on administration, some of these savings have not been achieved.

On current plans both Resource DEL and Capital DEL are to decrease significantly in real terms in 2019-20. These plans still reflect the capital profile and efficiency savings expected in the Spending Review. The

actual change which occurs will depend upon any changes to these profiles agreed with HM Treasury or any additional funding subsequently allocated, whether all funds allocated are spent (i.e. the degree of any underspends), and inflation rates.

Box 2: Ministry of Justice Main Estimates: further information

Further information on MoJ's 2018-19 Main Estimate is available from:

- The House of Commons Scrutiny Unit's [Ministry of Justice](#) briefing. This includes a range of charts analysing the MoJ Estimates; there is a separate [overview](#) of all the departmental Main Estimates.
- The House of Commons Library's [Main Estimates: Government spending plans for 2018-19](#) research briefing. This briefing discusses Parliament's approval of the Government's spending plans and summarises plans for 2018/19. See Annex A, page 35 in particular.
- The MoJ's [Estimate Memorandum](#), which explains the proposed budgets in greater detail.
- The formal documentation of the [Central Government Main Supply Estimates 2018-19](#).

MINISTRY OF JUSTICE RESOURCE DEL: PLANS

	Cash £ million	Real £ million at 2017-18 prices	Annual real terms change £ million	%
2017-18	7753	7753	277	4%
2018-19	6923	6819	-933	-2%
2019-20	6573	6374	-445	-7%

Source: MoJ, *Annual Report 2016-17*; HM Treasury, *Main Estimates 2018-19*; HM Treasury, *GDP Deflators March 2018*

Notes: Resource DEL including depreciation.

MINISTRY OF JUSTICE CAPITAL DEL: PLANS

	Cash £ million	Real £ million at 2017-18 prices	Annual real terms change £ million	%
2017-18	425	425	54	-35%
2018-19	532	524	99	23%
2019-20	417	405	-120	-23%

Source: MoJ, *Annual Report 2016-17*; HM Treasury, *Main Estimates 2018-19*; HM Treasury, *GDP Deflators March 2018*

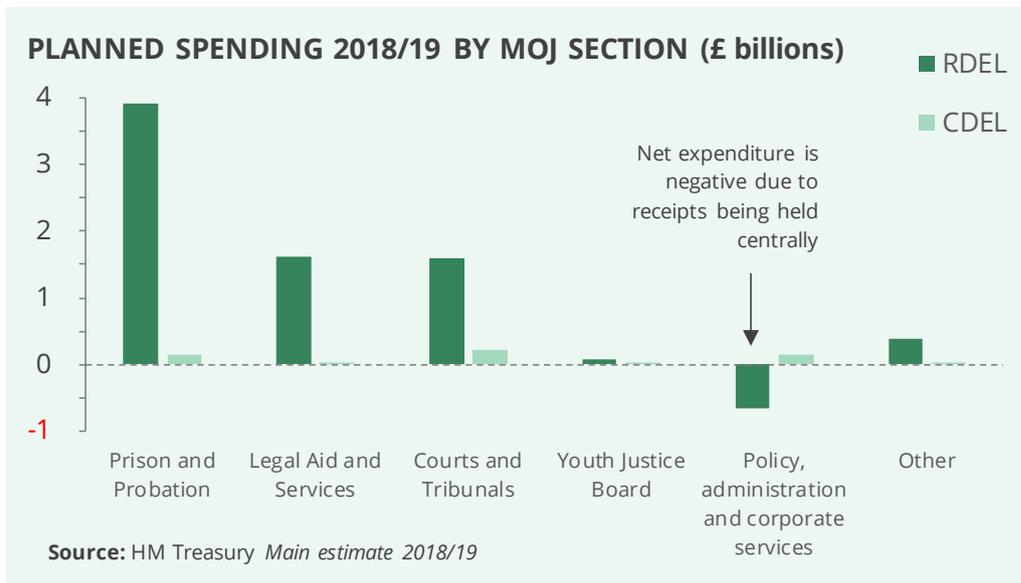
1.4 Spending within the MoJ

Around 95% of MoJ DEL spending is in Resource DEL (including spending on depreciation) compared to 5% in Capital DEL.

Around half of MoJ spending is on HM Prisons and Probation (HMPPS), and around a fifth each on HM Courts and Tribunals (HMCTS) and Legal Aid and Services. The remainder is on agencies such as the Youth Justice Board and Criminal Injuries Compensation Authority. Central MoJ, or "policy, admin and corporate services",

includes receipts from MoJ fees, such as for probate, and thus shows negative Resource DEL expenditure.

Trends in spending on HMPPS, HMCTS and the Legal Aid Agency can be found in the following sections.



2. HM Prisons and Probation Service

Her Majesty's Prison and Probation Service (HMPPS) is an arm's length body within the MoJ responsible for the prison estate and probation services. It replaced the National Offender Management Service (NOMS) on 1 April 2017.

There are 104 public sector prisons and 14 privately-managed prisons.

The probation service is split into two components: the National Probation Service (NPS) which is part of the public sector and deals with high-risk offenders and Community Rehabilitation Companies (CRCs) which are run by private contractors and deal with medium- and low-risk offenders. There are 21 CRCs run by 8 different providers or partnerships.⁴

2.1 HMPPS expenditure

The Main Estimate 2018-19 proposes an HMPPS Resource DEL budget of £3,920 million, and a Capital DEL budget of £153 million.

MoJ's resource spending on prisons and probation has been increasing in cash terms since 2014-15. However, when adjusted for inflation there were small cuts to spending in 2016-17 and 2017-18.

These figures include the additional funding of £500 million for 'prison safety and wider reforms to the justice system' announced in the [2016 Autumn Statement](#), to 'enable the recruitment of 2,500 extra prison officers'. It was suggested this would be split across three years, with £110 million in 2017-18, £220 million in 2018-19 and the remaining £170 million in 2019-20.

In four of the last six years there have also been small real reductions to the prisons and probation capital budget.

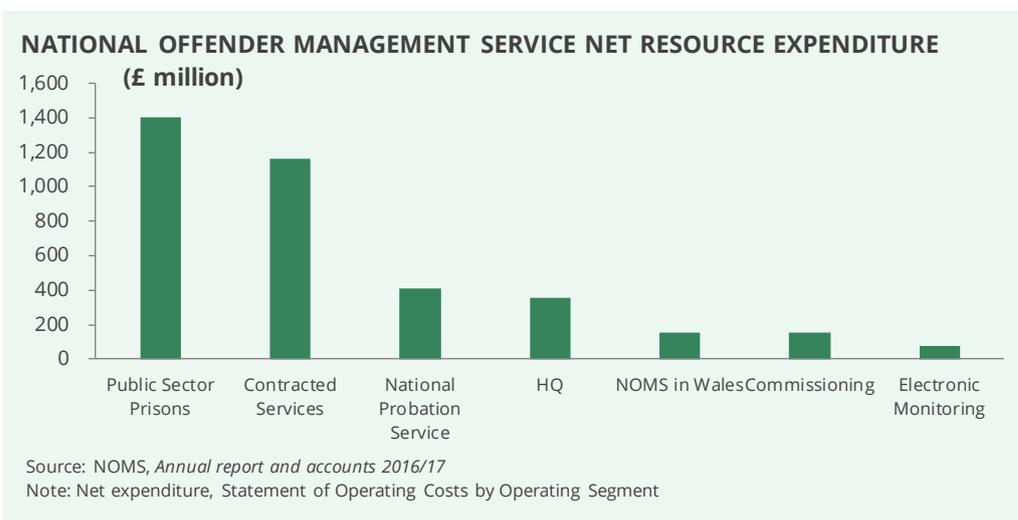
⁴ See page 33 of the NAO's [Guide to the Ministry of Justice](#).

HMPPS DEPARTMENT EXPENDITURE LIMIT (DEL) AND PLANS					
Financial year	Cash £ million	Real £ million at 2017-18 prices	Annual real terms change £ million	Annual real terms change %	
Resource DEL					
2012-13	3,679	3,979			
2013-14	3,581	3,808	-171	-4%	
2014-15	3,480	3,647	-160	-4%	
2015-16	3,660	3,811	163	4%	
2016-17	3,723	3,792	-18	0%	
2017/18 (e)	3,765	3,765	-27	-1%	
2018/19 (p)	3,920	3,862	96	3%	
Capital DEL					
2012-13	27	29			
2013-14	27	29	-1	-2%	
2014-15	24	26	-3	-10%	
2015-16	12	12	-14	-53%	
2016-17	72	73	61	502%	
2017/18 (e)	66	66	-7	-9%	
2018/19 (p)	153	151	85	127%	

Source: MoJ, *Annual Report 2016-17*; HM Treasury, *Main Estimates 2018-19*; HM Treasury, *GDP Deflators March 2018*
Notes: Resource Department expenditure limit (DEL) including depreciation.
(e) indicates estimate, (p) indicates planned expenditure.

Links to sources: MoJ, [Annual Report 2016-17](#); HMT, [Main Estimates 2018-19](#); HMT, [GDP Deflators March 2018](#)

Within Resource DEL, HMPPS spending is largely focused on public sector prisons; in 2016-17 this accounted for £1,404 million (38% of total net expenditure). A further £1,164 million (31%) of spending was on contracted services. This constitutes a range of contracts and third-party providers, such as privately managed prisons, prisoner escort and custody services, prison facilities management and Community Rehabilitation Companies. The National Probation Service (for England) accounted for £414 million (11%) of spending, and central functions or 'HQ', such as finance and human resources, accounted for another £357 million (10%).



Link to source: [Annual Report and Account 2016-17](#)

2.2 Prison costs

Costs per place and costs per prisoner by individual prison (including by establishment) are published in the Ministry of Justice's [Prison and Probation Performance Statistics](#) collection.

The table below shows the average cost per prisoner (using direct resource expenditure) per prison function type and the change between 2014/15 and 2016/17. The total average cost per-prisoner was around **£22,900 in 2016/17**, a decrease of 5.4% from the 2015/16 figure of £24,200.

CHANGE IN ANNUAL COST OF IMPRISONMENT						
Cost per prisoner for one year, by prison category, 2016-17	2014-15				Average prison population	
	2014-15	2015-16	2016-17	% Change	2016/17	
All prisoners	£24,700	£24,200	£22,900	-5%	84,750	
By category of prison:						
Male category B Trainer	£25,200	£25,000	£26,000	4%	6,320	
Male category C Trainer	£19,600	£18,800	£19,100	2%	32,070	
Male dispersal	£41,100	£40,100	£40,900	2%	3,090	
Female closed	£24,600	£25,400	£28,700	13%	840	
Female local	£33,700	£34,600	£35,000	1%	2,580	
Female open	£30,400	£33,200	£33,600	1%	200	
Male closed YOI (ages 18-21)	£31,500	£34,600	£31,900	-8%	2,310	
Male YOI young people (ages 15-17)	£60,100	£61,500	£63,100	3%	530	
Male local	£21,300	£21,600	£22,500	4%	31,860	
Male open	£16,700	£17,700	£17,300	-2%	4,960	

Source: HM Prison & Probation Service *Annual Report and Accounts 2016-17*

Notes: a) Establishments are categorised in these tables by their main role as at the end of each year. Establishments that have more than one role have been placed in the category that represents the primary function. Private and public prisons are included. The unit costs are not directly comparable because of different methods of financing and of scope.

b) Average population is the average (mean) of the 12-month end prison populations for the year.

c) Population numbers are rounded to nearest 10, costs are rounded to nearest £100.

2.3 Probation costs

In 2016-17, the MoJ spent £414 million on the NPS and £410 million on contracts for CRCs, adding up to a total spend of £824 million. Note that this may not reflect the total cost of the probation system since it may not include a) administrative and staffing costs associated with the contracting process, and b) overhead costs for the running of any relevant infrastructure.

The table below shows this information for 2016 and 2017.

COST OF THE PROBATION SYSTEM		
England and Wales, by probation service provider type		
	2016	2017
National Probation Service (NPS)		
Net total resource expenditure	£292 million	£414 million
Offenders supervised	101,648	105,922
Cost per offender	£2,869	£3,905
Community Rehabilitation Companies (CRC)		
Net total resource expenditure	£529 million	£410 million
Offenders supervised	165,498	158,727
Cost per offender	£3,195	£2,584
Total MoJ net direct expenditure		
	£820 million	£824 million
Offenders supervised	267,146	264,649
Cost per offender	£3,071	£3,113

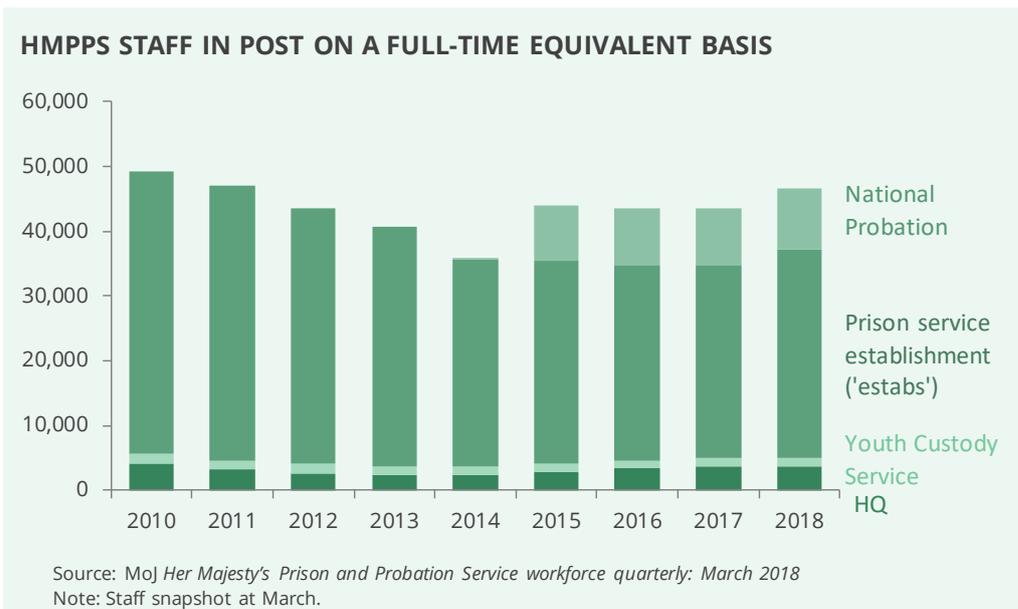
Source: MoJ *Offender Management Statistics quarterly: October to December 2017*: Table 4.10; MoJ *Her Majesty's Prison and Probation Service workforce quarterly: March 2018*; NOMS (HMPPS) *Annual report and accounts 2016/17*, Appendix tables 2b and 4b.

Notes: Staff snapshot of FTE staff in post at March; total net expenditure for year ending March. The cost of CRCs is the total net expenditure of the MoJ on CRC contracted services and may exclude administrative costs associated with the contracting procedure.

Links to sources: [Offender Management Statistics](#), [HMPPS Workforce](#), [NOMS Annual accounts](#)

2.4 HMPPS staffing

The quarterly [HMPPS workforce statistics](#) (formerly NOMS workforce statistics) bulletin monitors changes to staffing figures and the composition of prison staff over time. It covers all civil service employees (public sector) of the prison and probation services in England and Wales. The graph below shows all HMPPS staff (FTE equivalent) over time.



At 31 March 2018, the total workforce was 46,535 full time equivalent (FTE) staff in post, of whom 9,465 FTE (20.3% of all HMPPS staff) were employed in the National Probation Service. This is an increase 644 (7.3%) against the previous year.

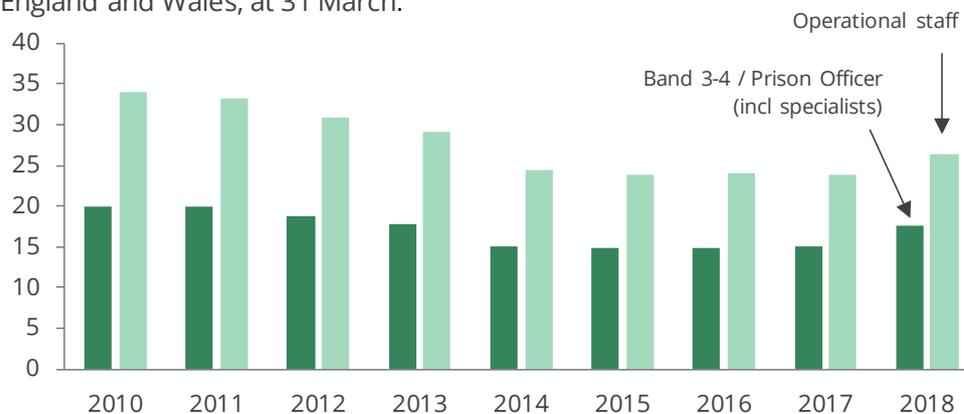
Prison staff

Prison officers mostly work at band 3 and band 4 dependant on whether they have a particular specialism. The latest release shows that the number of HMPPS staff at band 3-4, including specialists, at the end of March 2018 was 17,686 Full time Equivalent (FTE). There were 26,423 operational staff in total.

The chart below shows both staff at band 3-4 and the operational total levels in each year since March 2010. Levels have fallen since March 2010, with figures at March 2010 at 19,908 and 33,962 for Bands 3-4 and operational total respectively. They have remained steady since 2014 in both categories until the most recent quarter which show a net change of 2,600 in the previous 12 months.

PRISON STAFF NUMBERS (000s)

England and Wales, at 31 March.



Source: Her Majesty's Prison and Probation Service, *workforce quarterly: March 2018*; HMPPS staff in post, by grade (full time equivalent)

The NAO notes that,

“Excluding changes in staff numbers as a result of earlier organisational changes, the number of staff employed by NOMS/HMPPS has decreased by 22% since March 2010, although there is a plan to recruit an additional 2,500 front-line prison staff by the end of 2018.”⁵

They also state that,

“In March 2017, 92% of prisons and young offender institutions were under-staffed, by a total of 2,429 full-time staff.”

Probation staff

At 31 March 2018, there were 3,405 FTE band 4 probation officers in post in the National Probation Service (NPS). This figure represents a decrease of 189 (5.2%) compared to 31 March 2017 but an increase of 36 (1.1%) since 31 December 2017. In contrast, there were 2,357 FTE band 3 probation services officers, an increase of 663 (39.2%) FTE probation service officers since 31 March 2017 and 196 (9.1%) FTE since 31 December 2017.

The number of staff employed by CRCs is not publicly available.

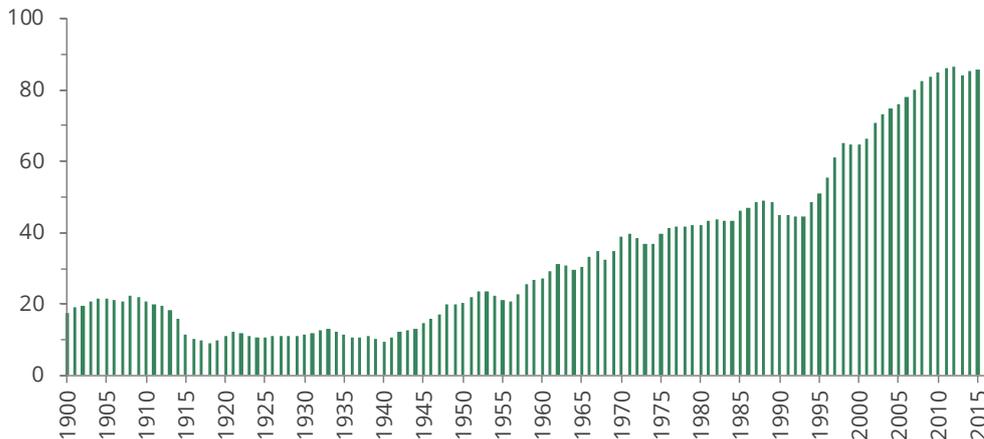
⁵ NAO [A short guide to the Ministry of Justice](#) (October 2017)

2.5 Prison statistics: population

The average annual prison population has increased from just over 17,400 in 1900 to around 85,700 in 2017 (a five-fold increase). As at 31 May 2018, the **total prison population was 83,430**.

AVERAGE TOTAL PRISON POPULATION

England and Wales, 1900-2017 (000s)



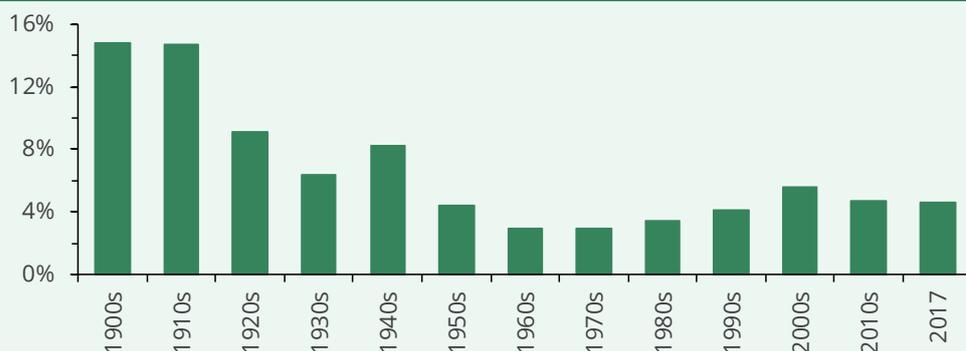
Source: MoJ *Offender Management Statistics Quarterly*, various years

Since 2010, the average prison population has remained relatively stable. The rise in the prison population over the last months of 2011 can be, at least partially, explained by the remanding and sentencing of individuals following the riots in England in August 2011.⁶

In 2017 there were **179 prisoners to every 100,000** people in the population. The percentage of females in the prison population was 17% in 1900 and 5% in 2017.

FEMALES AS A PROPORTION OF THE PRISON POPULATION

Decade averages



Source: MoJ, *Offender Management Statistics Quarterly* October-December 2013, 24 April 2014; MoJ, *Offender Management Statistics Quarterly*, various years

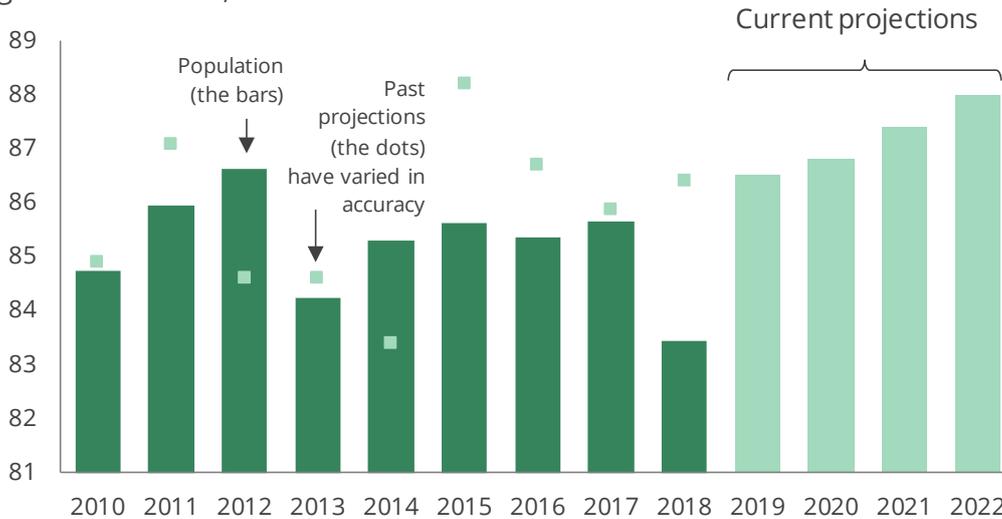
Notes: 2010's is the average of the years 2010-2017. 2017 figure is for the single year 12 month average

The latest prison **population projections** were released in August 2017 and are shown below.

⁶ See MoJ *Statistical bulletin on the public disorder of 6th-9th August 2011*, 13 September 2012.

CURRENT PROJECTIONS ARE OF A STABLE PRISON POPULATION

England and Wales, 000s



Source: Ministry of Justice *Prison population projections, various editions.*
 Notes: 2010-2017 figure is monthly average for the calendar year. 2018 figure is at end of May.
 Projections taken from the projections made in the previous year under a 'no change to sentencing rate' scenario. Projections for 2010-2021 are for June and for March for 2022.

They forecast that the prison population will remain stable relative to its long-term variation and is projected to rise to 88,000 by March 2018. The projections include a rise in prisoners serving a determinate sentence and on remand and a fall in those serving indeterminate sentences (Imprisonment for the Public Protection (IPP)). It may be noted that the true prison population at the start of June 2018 (83,400 prisoners) is 3,000 lower than the projection.

The **age distribution** of the current prison population is fairly symmetrical but has been ageing over time. Since 2002 the proportion of offenders under the age of 21 has gone from 16% to 6% of the prison population.

The proportion of prisoners aged over 50 has increased from 7% in 2002 to 16% in March 2018.

The current projections estimate that by June 2021 there will be nearly 15,000 prisoners over the age of 50, making up 17% of the prison population and including over 2,000 prisoners over the age of 70.

AGE PROFILE OF PRISONERS, MARCH 2018

England & Wales		
Age	Number	Percentage
15-17	645	1%
18-20	4,243	5%
21-24	9,834	12%
25-29	14,902	18%
30-39	25,218	30%
40-49	14,862	18%
50-59	8,616	10%
60+	4,943	6%
Total	83,263	100%

Source: MoJ, *Offender Management Statistics Quarterly*

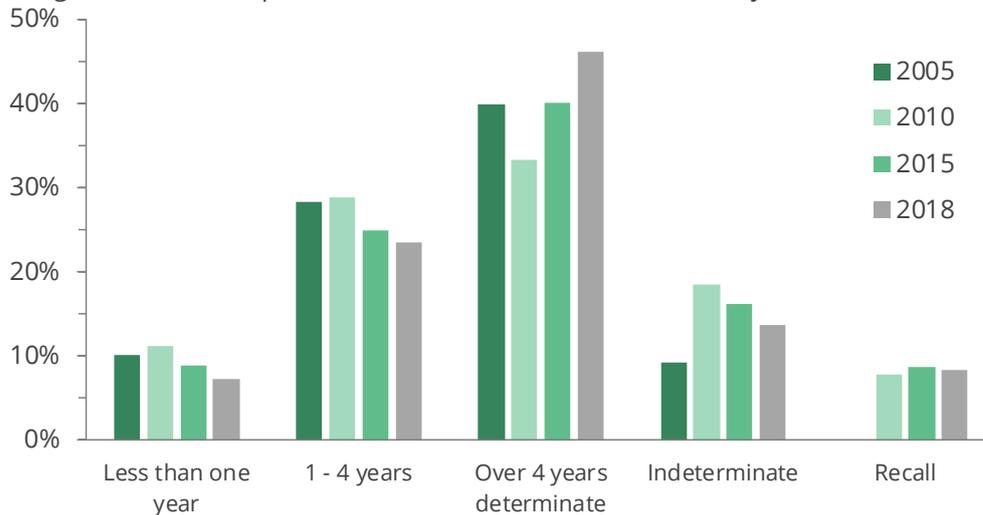
Prisoners in custody for Violence against the person (VATP) offences accounted for the highest proportion of prisoners at the end of March 2018 (25%). Sexual, theft and drug offences each accounted for approximately 15% of the reason offenders were in prison.

As at the end of March 2018 **the most frequent length of sentence being served was a determinate⁷ sentence of over 4 years.**

Around 46% of the sentenced population were serving this length of sentence.

PRISON POPULATION BY SENTENCE LENGTH

England and Wales, prisoners sentenced to immediate custody



Sources: MoJ, *Offender Management Caseload Statistics 2010 Tables*, 25 April 2013; MoJ, *Offender Management Statistics Quarterly*, various years **Notes:** Data at September each year in 2010, 2015 and at March 2018. Data at June in 2005. Prior to 2010 offenders recalled to prison were included in the relevant service length band. Since 2010 recalls have been recorded separately. Does not include fine defaulters or cases where the sentence length was not recorded.

At the end of March 2018 there were just over **9,300 foreign nationals within the prison population** (11% of the total). Foreign nationals came from 162 different countries, with Europe (mainly EU) being the most frequent region of origin.

The Appendix contains a breakdown of foreign prisoners by region and a list of the most prevalent nationalities of foreign prisoners.

⁷ A 'determinate' prison sentence is for a fixed length of time. An 'indeterminate' prison sentence doesn't have a fixed length.

2.6 Prison statistics: safety

In the 12 months to December 2017 there were just under **29,500 prisoner assault incidents**⁸ within prisons. This was a 13% increase compared to December 2016 and a 44% increase from December 2015.



Of the assaults, 28,200 (96% of the total) occurred in male establishments.

The rising number of assaults should be viewed within the context of the rising number of prisoners within the prison system. In the twelve months ending December 2007 there were 190 assaults per 1,000 prisoners. By December 2017 this rate had increased to nearly **344 per 1,000 prisoners**.

In the year to December 2017, there were **8,429 assaults on prison staff**, 864 of which were classed as 'serious'. Assaults on prison staff more than doubled between 2007 and 2017. There was a rise of 23% from year ending June 2016.

Assaults on prison staff per 1,000 prisoners has more than doubled from 43 in 2007 to 98 in 2017. In the twelve months since December 2016 assaults on staff have increased by 23%.

PRISONER ASSAULTS ON STAFF		
Year	Assaults on staff per 1,000 prisoners	% change on 2007
2007	41	-
2008	39	-5%
2009	37	-10%
2010	34	-17%
2011	36	-12%
2012	34	-17%
2013	39	-5%
2014	43	5%
2015	58	41%
2016	80	95%
2017	98	139%

Source: MoJ, Safety in Custody Quarterly: update to December 2017

⁸ This is the total 'assault incidents', it includes prisoner on prisoner assaults and prisoner assaults on staff. Figure also include incidents at NOMS operated Immigration Removal Centres.

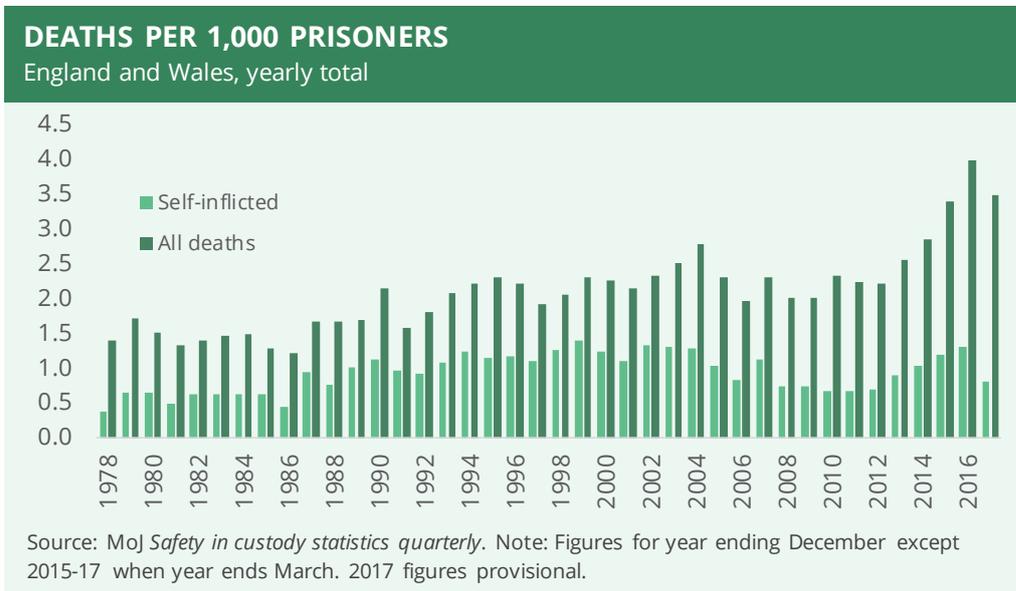
In the 12 months to December 2017 there were over **44,600 self-harm incidents**. This was an increase of 94% compared to 2007 and an increase of 11% compared to 2016.

Self-harm incidents rose by 11% in 2017.

The 44,600 self-harm incidents in year ending December 2017 were committed by 11,600 individuals,⁹ around 3.8 self-harm incidents per self-harming individual.¹⁰

Of the self-harm incidents in 2017, around 81% occurred in male establishments.

In the year ending March 2018, there were **299 deaths of prisoners in custody**, a 13% decrease on the previous year. Around 56% of the deaths were through natural causes, 23% were self-inflicted, 21% were classed as other (including those awaiting further information on the cause of death) and less than 2% were the result of homicide.



In the year ending March 2018, there were 69 self-inflicted deaths in custody (although 56 deaths still awaited further information as to cause of death). In the year ending March 2017 there were 115 deaths in custody or 0.8 per 1,000 prisoners.

For comparison, the suicide rate in the general male population is approximately 0.16 per 1,000 (although the prison rate is for both sexes, the large majority of prisoners are male).

The level of drug misuse in prisons is measured by the Random Mandatory Drug Testing programme (RMDT). The aim of RMDT is to test a random sample of 5% or 10% of prisoners each month (depending on prison capacity) and to monitor and deter drug-misuse.¹¹

In 2016/17 there were **5,113 positive results recorded in drug tests (9.3% of the tests administered).**

⁹ Numbers of individuals should be treated as approximate, as the details of prisoners are not always recorded against each self-harm incident.

¹⁰ MoJ, *Safety in Custody quarterly: update to June 2017*, 26 October 2017

¹¹ MoJ, *Annual NOMS Digest 2016 to 2017*, 28 July 2017

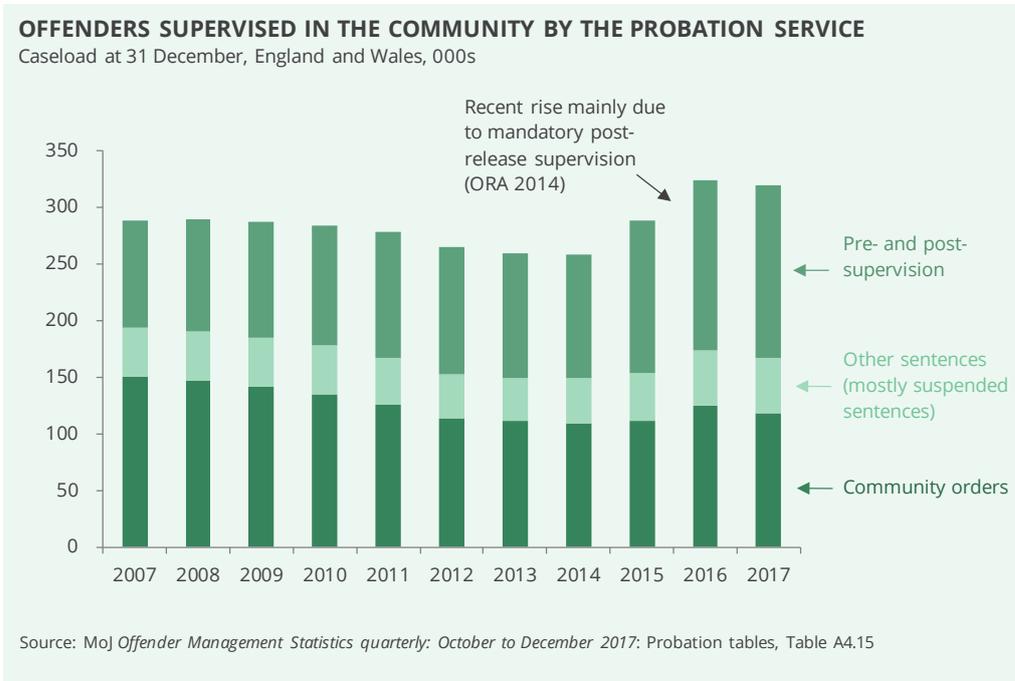
2.7 Probation statistics

The individuals supervised in the community by the NPS and CRC are divided into three broad categories: 1) those under pre- and post-custody supervision, 2) those on other sentences (mostly suspended sentences), and 3) those with community orders. The **total number of offenders on probation was 264,649** at the end of 2017.

264,649 offenders supervised in the community in 2017.

This was a 1% decrease in the total probation caseload (court orders and pre and post-release supervision) compared with one year earlier and an increase of 9% compared to December 2007. The annual caseload had been falling from 2007 onwards but rose again in 2015 due to the introduction of mandatory post-release supervision brought in by the Offender Rehabilitation Act (ORA) 2014.

The caseload was 9% higher in 2017 than in 2007.



CRCs take 82% of the **caseload** for court orders, likely because offenders issued with court orders are not deemed to be a high risk to the community. By contrast, the NPS is responsible for the larger share of the pre- and post-custody supervision caseload (57%).

ALL OFFENDERS SUPERVISED IN THE COMMUNITY (ON PROBATION)			
England and Wales, as at 31 December 2017, by reason for supervision			
	Total	NPS	CRC
All court orders	118,176	18%	82%
All pre- and post-release supervision	152,639	57%	43%
Total supervision	264,649	40%	60%

Source: Ministry of Justice *Offender Management Statistics quarterly: October to December 2017: Table 4.10*
Notes: Each person is counted only once for each type of supervision started by the end of each quarter. Each person is counted only once in each total or sub-total even if they started several types of supervision by the end of each quarter.

The primary indicator of the probation service's performance is the re-offending rate. The NAO estimates the annual cost of reoffending to society in England and Wales as being between £7.4 billion and £10.7 billion (a conservative estimate).¹²

The NAO also notes that no re-offending rates are available for the full cohort of offenders being supervised by the probation. This is because the statistics only report on the cohort subject to the payment-by-results monitoring. The re-offending rates, which are provisional for July 2016 onwards) for the NPS and CRCs are shown in the tables below.

RE-OFFENDING RATES FOR OFFENDERS SUPERVISED IN THE COMMUNITY BY CRCs					
CRC name	Number of offenders in the measurable cohort	Number of reoffenders	Number of reoffences	Proportion of offenders who reoffend	Average number of reoffences per reoffender
Oct - Dec 2015	28,122	12,348	57,254	44%	4.64
Jan-Mar 2016	27,595	11,870	55,038	43%	4.64
Apr-Jun 2016	26,905	11,617	55,588	43%	4.79
July-Sep 2016 (p)	25,732	11,050	52,774	43%	4.78
Oct-Dec 2016 (p)	24,920	10,553	50,255	42%	4.76
Jan-Mar 2017 (p)	26,943	10,290	45,990	38%	4.47

Source: MoJ *Final Proven Reoffending Statistics for the Community Rehabilitation Companies and National Probation Service. April to June 2016.*
Notes: CRC = Community Rehabilitation Companies, which manage low and medium risk offenders; The figures here include only those offenders within the probation service's payment-by-results monitoring cohort.

RE-OFFENDING RATES FOR OFFENDERS SUPERVISED IN THE COMMUNITY BY NPS					
NPS division	Number of offenders	Number of reoffenders	Number of reoffences	Proportion of offenders who reoffend (%)	Average number of reoffences per reoffender
Oct-Dec 2015	8,648	3,242	12,860	37%	3.97
Jan-Mar 2016	8,456	3,175	12,816	38%	4.04
Apr-Jun 2016	8,524	3,165	13,608	37%	4.30
July-Sep 2016 (p)	8,613	3,240	13,942	38%	4.30
Oct-Dec 2016 (p)	8,532	3,058	13,128	36%	4.29
Jan-Mar 2017 (p)	8,707	2,837	11,571	33%	4.08

Source: MoJ *Final Proven Reoffending Statistics for the Community Rehabilitation Companies and National Probation Service. April to June 2016.*
Notes: NPS = National Probation Service, which manages the most high-risk offenders; The figures here include only those offenders within the probation service's payment-by-results monitoring cohort.

The Ministry of Justice reports on other performance indicators in its [Community Performance Quarterly Management Information release](#).

¹² See page 35 of the NAO's [Guide to the Ministry of Justice](#).

3. HM Courts and Tribunals Service

HM Courts and Tribunals Service (HMCTS) is an executive agency of the MoJ. It is responsible for the administration of criminal, civil and family courts and tribunals in England and Wales.

3.1 HMCTS expenditure

HMCTS spending on Resource DEL has largely been falling since 2012-13, apart from in two years. However, for one of these years the increase represented an accounting change within the MoJ which re-allocated fee income from HMCTS to the central department. This effectively changed the presentation of spending from net expenditure to gross expenditure, and given the inconsistency of this comparison it is not clear if the increase in expenditure represents an effective real increase or not.

HMCTS DEPARTMENT EXPENDITURE LIMIT (DEL) AND PLANS					
Financial year	Cash £ million	Real £ million at 2017-18 prices	Annual real terms change		
			£ million		%
Resource DEL					
2012-13	1,203	1,301			
2013-14	1,028	1,093	-208		-16%
2014-15	944	989	-104		-9%
2015-16	833	868	-122		-12%
2016-17	1,565	1,594	727		84%
2017/18 (e)	1,694	1,694	100		6%
2018/19 (p)	1,582	1,559	-136		-8%
Capital DEL					
2012-13	50	54			
2013-14	0	0	-54		-100%
2014-15	0	0	0		0%
2015-16	16	17	17		0%
2016-17	131	133	117		708%
2017/18 (e)	163	163	30		22%
2018/19 (p)	227	224	60		37%

Source: MoJ, *Annual Report 2016-17*; HM Treasury, *Main Estimates 2018-19*; HM Treasury, *GDP Deflators March 2018*

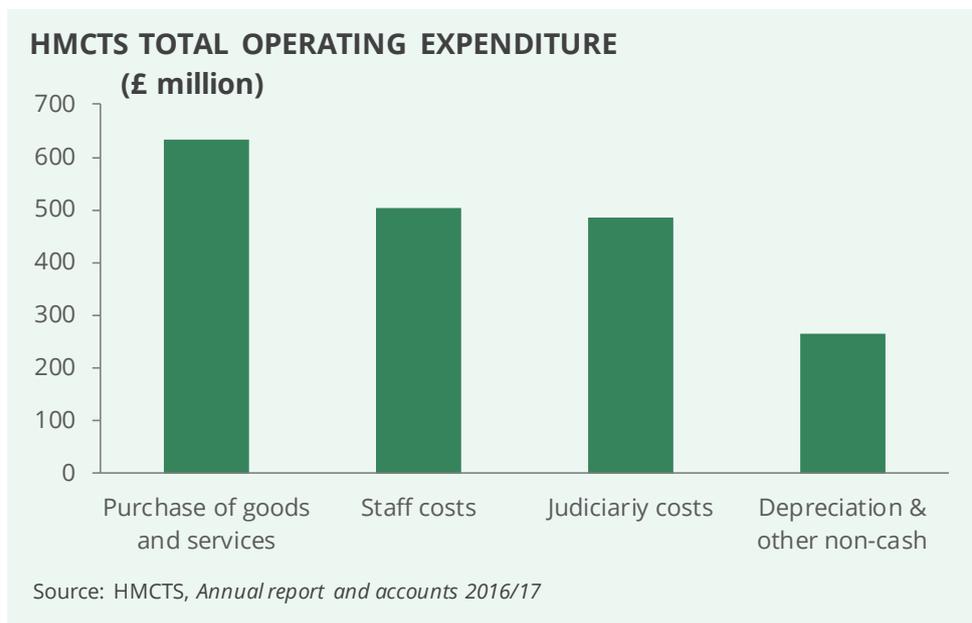
Notes: Resource DEL including depreciation. Increase in Resource DEL in 2016-17 is due to a reclassification of fee income which was no longer held by HMCTS, increasing net expenditure (but not gross expenditure).

(e) indicates estimate, (p) indicates planned expenditure.

Capital expenditure by the department has been increasing since 2014-15, with a significant jump in 2016-17. This is likely because in 2016 HMCTS set up a portfolio of change programmes to introduce new technology and working practices to reform and upgrade the justice system. The NAO has recently published an analysis of the [‘Early progress in transforming courts and tribunals’](#). By March 2023, HMCTS expects to employ 5,000 fewer full-time equivalent staff, reduce the number of cases held in physical courtrooms by 2.4 million cases per

year and reduce annual spending by £265 million. However, the NAO analysis suggests that this is a 'daunting challenge'; HMCTS estimates there will be a funding shortfall of £61 million in future years, assuming that HM Treasury agrees that all previous years' underspends can be carried forward. Without this agreement, the funding gap could be £177 million.

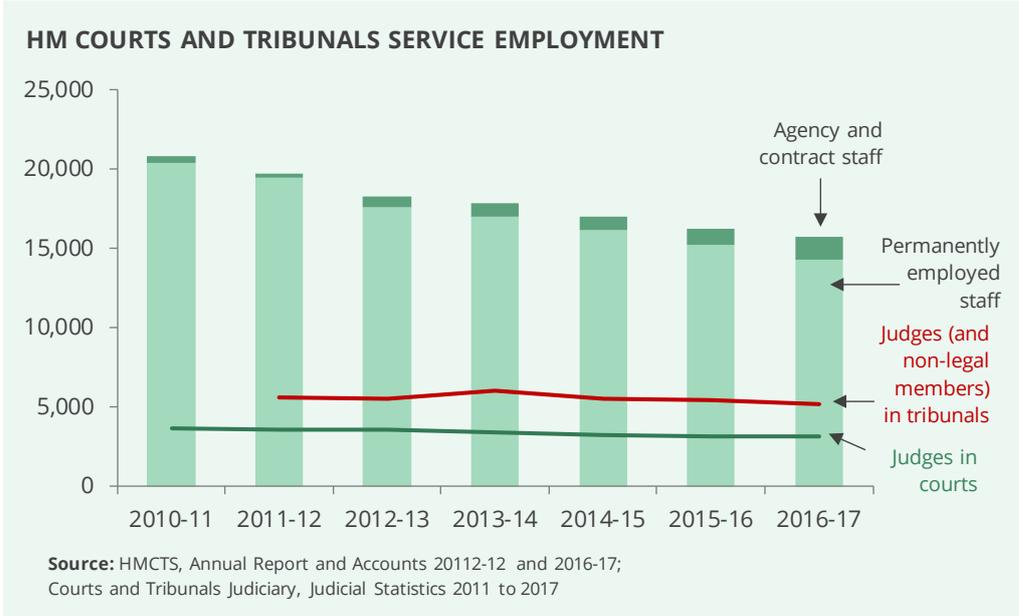
In 2016-17, HMCTS spent 27% of total operating expenditure on staff, and a further 26% on the judiciary. The majority of HMCTS spending was on purchases of goods and services, accounting for 34% of expenditure. Within this, accommodation, maintenance and utilities accounts for 13% of total operating expenditure, IT services for 7%, and juror costs for 2%.



3.2 Courts staffing

HMCTS staff numbers have fallen substantially since 2010-11. In 2016-17, the number of permanently employed staff had fallen to 14,269, 30% lower than in 2010-11. However, within the same period the number of agency and contract staff increased from 385 to 1,480, an increase of over 280%. In 2010-11 agency and contract staff represented 2% of total staff; in 2016-17 they represented 9%.

Employment of judges in both Courts and Tribunals has been falling over the period too. In 2011-12 there were 3,575 judges in Courts, and 5,661 judges in Tribunals. By 2016-17 these had declined to 3,314 judges in Courts and 5,236 judges in Tribunals, decreases of 12% and 8% respectively.



3.3 Courts statistics

HM Courts and Tribunals Service (HMCTS) is responsible for all courts and tribunals in England and Wales with the exception of the Supreme Court and non-devolved tribunals in Scotland. In 2016, HMCTS handled over 4.1 million criminal, civil, family, and tribunal cases.¹³

The MoJ publishes quarterly statistics on the caseload of courts and tribunals. In 2016, Magistrates Courts received 1.53 million cases, which is 4% lower than in the previous year but 31% higher than in 2012 (the first data point in the series).¹⁴ One hundred and seventeen cases were referred to or started in the Crown Court in 2016, which is 10% lower than in 2015 and 12% lower than in 2012.

ANNUAL CASELOAD OF CRIMINAL COURTS						
England and Wales, 000s						
Year	Magistrates			Crown		
	Receipts	Disposals	Outstanding	Receipts	Disposals	Outstanding
2012	1,170	1,180	308	133	138	40
2013	1,537	1,556	289	140	130	49
2014	1,607	1,571	326	138	132	55
2015	1,592	1,594	327	130	134	51
2016	1,529	1,566	291	117	126	42
% change						
2015 to 2016	-4%	-2%	-11%	-10%	-6%	-17%

Source: MoJ *Criminal court statistics quarterly: January to March 2017: Tables M1 and C1*

Notes: a) Outstanding Cases is a snapshot of live cases on the system, where the case receipt is after October 2007. The count of outstanding cases can be influenced by the transferring of a case, change to offences or where cases or offences are subsequently entered in error. It is not a calculation based on receipts and disposals.

b) A case is counted as disposed when all offences on a case have a final outcome.

c) Receipts at the Crown Court include cases sent direct from magistrates' courts, bench warrants executed (trial and sentence only) and cases transferred in, less cases transferred out.

d) Cases may be received in the Magistrates and Crown courts in the same year so court caseloads should not be summed.

County courts received 2.0 million claims in 2017 – a 14% increase on the previous year and a 47% increase since 2012.¹⁵

Family courts received 255,000 cases in 2017 which is roughly that same as the previous year but 4% lower than in 2012.

Tribunals received 484,000 cases in 2017, which is 5% more than in the previous year by 45% lower than in 2012. The change in the tribunals caseload is explained overleaf.

¹³ HMCTS [Annual Report and Accounts 2016/17](#), p.10

¹⁴ MoJ [Criminal court statistics quarterly: January to March 2017](#) (latest)

¹⁵ MoJ [Civil Justice statistics quarterly: January to March 2018](#) (latest)

Looking at a slightly longer time series, cases received by tribunals on a quarterly basis was 48% lower in Q4 2017 than in Q4 2010.

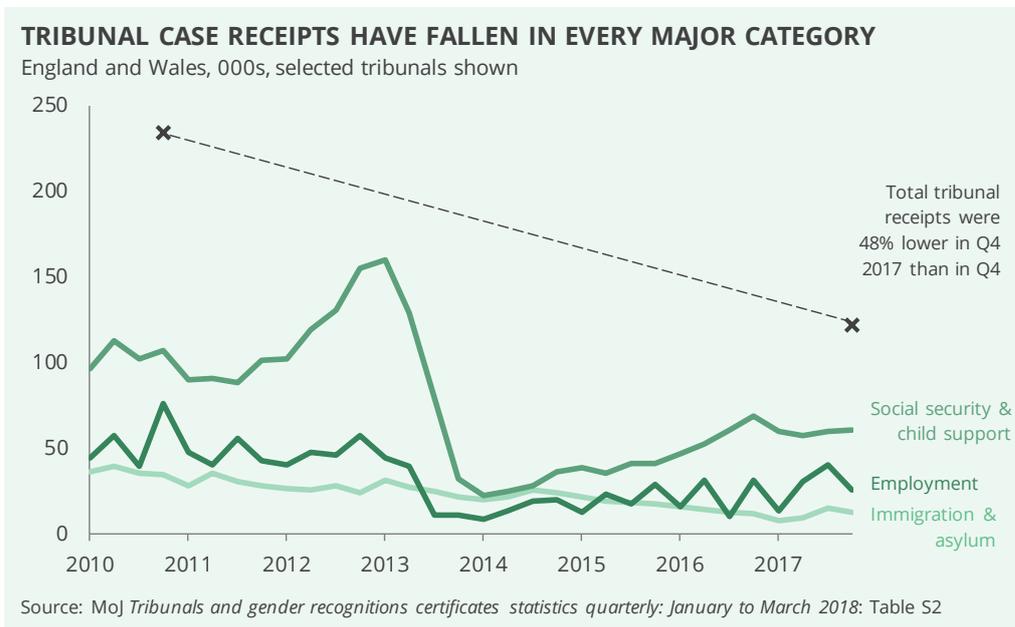
The biggest fall in new cases per quarter has been in employment tribunals (a fall of 51,000 cases). In Q4 2017, the number of employment tribunal cases received was two-thirds (67%) lower than in Q4 2010.

This is mainly attributable to the introduction of fees for employment tribunal applications in July 2013, which caused a drop in receipts. Since the fees were abolished in July 2017, receipts have risen in all but the most recent quarter but are still not close to pre-fees levels.

ANNUAL CASELOAD OF CIVIL COURTS				
England and Wales, 000s				
Year	County	Family	Tribunals	
2012	1,394	266	882	
2013	1,445	266	701	
2014	1,595	242	361	
2015	1,562	245	408	
2016	1,802	256	460	
2017	2,048	255	484	
Change 2016 to 2017				
	14%	-0.3%	5%	

Source: MoJ *Civil Justice statistics quarterly: January to March 2018: Table 1.1* ; *Tribunals and gender recognitions certificates statistics quarterly: January to March 2018: Table S2*.
 Notes: Shows total claims in County court, total cases started in Family court, and overall case receipts in Tribunals.

The House of Commons Library has a [briefing paper on employment tribunal fees](#).



The caseload of social security and child support tribunals went up substantially in 2012 and dipped at the end of 2013. The number of receipts in Q4 2017 (46,000) was 43% lower than in Q4 2010.

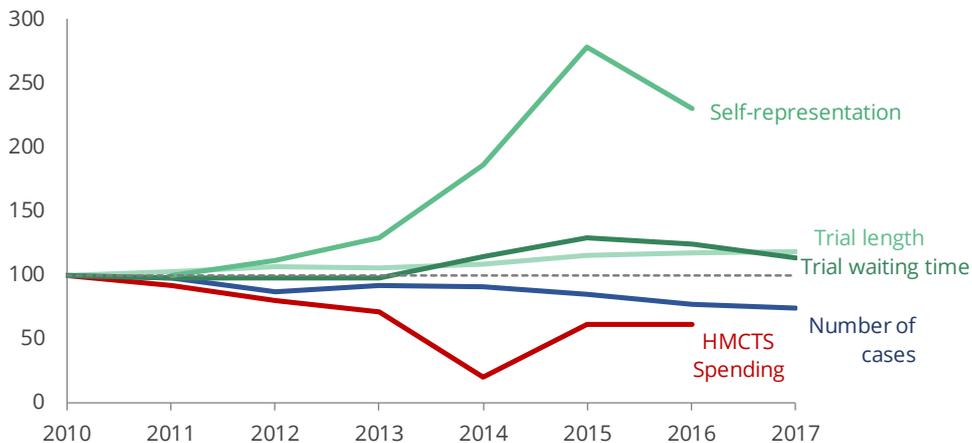
Receipts of cases at immigration and asylum tribunals were at 22,000 in Q4 2017, which is 63% lower than in Q4 2010.

HMCTS publishes [quarterly statistics on indicators of performance](#). The graph below shows that, relative to 2010 (or 2011 in some cases) the annual figure for various indicators has changed over time.

The Institute for Government’s [performance tracker](#) contains more detailed information on changes in these indicators.

CHANGES IN HMCTS PERFORMANCE INDICATORS

Where base year (usually 2010) = 100



Source: HMCTS Annual Reports and Accounts, separate years: Total Comprehensive Expenditure, MoJ Criminal court statistics quarterly: January to March 2017

Trial times went from an average of 157 weeks in 2010 to 185 weeks in 2017.

Waiting times for Crown Court trials went from 13.7 to 15.6 weeks.

Self-representation at first hearing happened in 18% of Crown Court first hearings in 2016, whereas this figure had been only 2% in 2010. Self-representation may occur whether or not the defendant has a solicitor or advocate.

As part of the government’s reform of the justice system, **around 258 courts and tribunals in England and Wales have closed since 2010**.¹⁶ We estimate that around 50% of courts and tribunals have closed although this does not mean that 50% of court buildings have closed. While many court buildings have closed, in other cases one type of court has closed while another continues to operate in the building.

The NAO’s [Early progress in transforming courts and tribunals](#) assesses the current progress of the courts reforms. HMCTS’s response can be found [here](#).

¹⁶ HM Courts & Tribunals Service Response to Written Question 136450, 18 April 2018, and Ministry of Justice Response to Written Question 123668, 19 Jan 2018.

4. Legal Aid Agency

The Legal Aid Agency (LAA) is an executive agency of the MoJ that provides civil and criminal legal aid and advice in England and Wales.

4.1 LAA expenditure

The Main Estimate 2018-19 proposes a LAA Resource DEL budget of £1,628 million, and a Capital DEL budget of £1 million; capital spending by the department is usually under £10 million per year, so is not included in the following analysis.

The LAA has reduced spending in real terms in every year since 2012-13. These reductions were significantly smaller in 2016-17 and 2017-18. However, an additional £42 million in funding was given to the LAA in the Supplementary Estimate 2017-18, in response to increased demand.

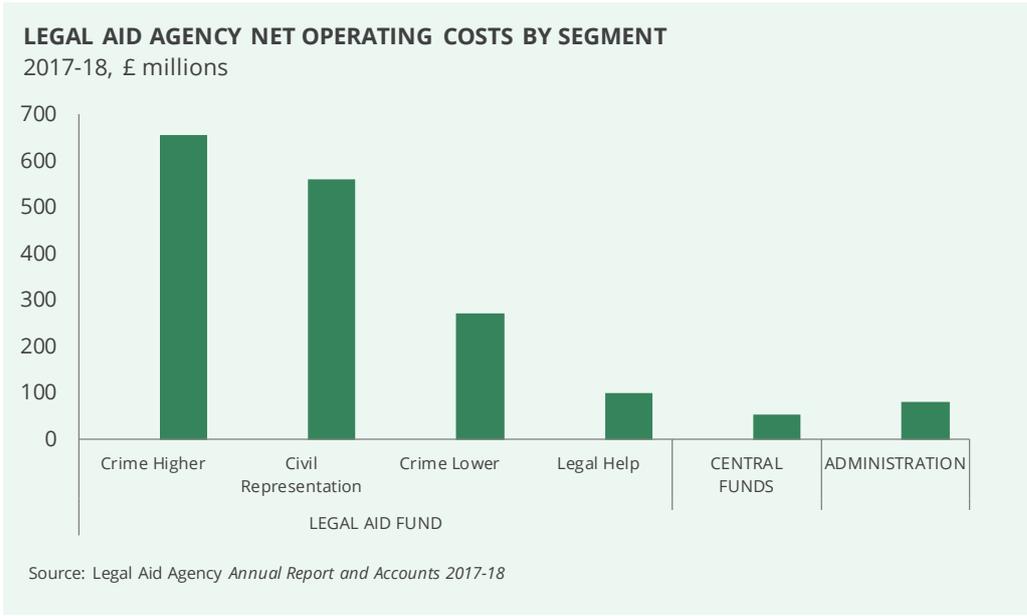
LEGAL AID AGENCY EXPENDITURE LIMIT (DEL) AND PLANS					
Financial year	Cash £ million	Real £ million at		Annual real terms change	
		2017-18 prices	£ million	%	
Resource DEL					
2012-13	2,139	2,313			
2013-14	1,974	2,099	-214		-9%
2014-15	1,740	1,823	-276		-13%
2015-16	1,615	1,681	-143		-8%
2016-17	1,643	1,674	-7		0%
2017/18 (e)	1,671	1,671	-3		0%
2018/19 (p)	1,628	1,604	-67		-4%

Source: MoJ, *Annual Report 2016-17*; HM Treasury, *Main Estimates 2018-19*; HM Treasury, *GDP Deflators March 2018*
Notes: Resource DEL including depreciation. (e) indicates estimate, (p) indicates planned expenditure.

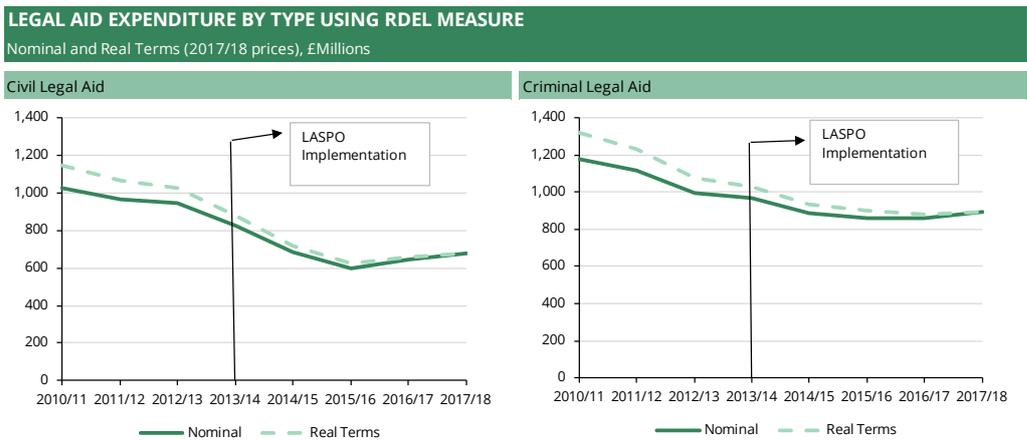
Within the LAA, net operating costs are divided in to three segments; the Legal Aid Fund, Administration, and Central Funds. The latter reflects the spend on orders made to acquitted defendants who have privately funded their legal representation.

The Legal Aid Fund is further divided depending on the severity of the issue:

- Legal Help represents legal aid in relation to advice and support provided for a legal issue;
- Civil Representation relates to legal aid that covers representation by barristers and solicitors in civil cases that could go to court;
- Crime Lower covers legal representation to those accused of criminal offences at police stations and in Magistrates Courts; and
- Crime Higher covers this representation in Crown Courts, Court of Appeal and Supreme Court.



MoJ's [Legal Aid Statistics](#) show resource DEL expenditure over time, combining Higher and Lower Crime funds together to compare against Civil Legal Aid. This indicates that in recent years the real terms cuts to the Legal Aid Agency have not affected these funds.



Source: MOJ, Legal Aid Statistics, January to March 2018

5. Media

Articles

[Chris Grayling faces fresh pressure after Tory minister admits Carillion's prison maintenance deal was 'completely unsustainable'](#)

Independent, 27 June 2018

[Justice secretary's plan for female prisoners 'underfunded by £15m'](#)

Guardian, 27 June 2018

[Give us your hard figures, LASPO review team urges](#)

The Law Society Gazette, 18 June 2018

[Barristers narrowly call off UK legal aid strike](#)

Financial Times, 12 June 2018

[Crime and punishment: England's tragic failure](#)

The Financial Times, June 7 2018

[MoJ spending huge sums on consultants to help deliver digital courts](#)

Guardian, 2 January 2018

[Law Society takes action over cuts to legal aid fees; Ministry of Justice challenged over reduction to fees paid to defence lawyers for reading criminal evidence](#)

Guardian, January 25 2018

[MoJ reveals massive budget cut as new advice deserts open](#)

The Law Society Gazette, 20 November 2017

[Impact of cuts to legal aid to come under review](#)

Guardian, 31 October 2017

[Here's how we can spend less on prisons and still cut crime](#)

Independent, 10 October 2017

[Cuts to legal aid mean the most vulnerable in society are at risk](#)

The Times, 30 November 2017

Press Releases and Announcements

[Prisons reform speech by the Justice Secretary](#)

Ministry of Justice, 6 March 2018

[Pay boost for public sector prison staff](#)

Ministry of Justice, 12 September 2017

6. Parliamentary Business

Debates

[Prison Officers: Working Conditions](#)

HC Debate, 2 May 2018 cc127-134

[Prison Reform and Safety](#)

HC Debate, 7 December 2017 cc1249-1284

[Legal Aid](#)

HC Debate, 29 November 2017 cc148-174

[Prisons: Overcrowding](#)

HL Debate, 7 September 2017 cc2072-2110

[Prison Safety and Security](#)

HC Debate, 1 December 2016 cc638-658

[Prison Officer Safety](#)

HC Debate, 16 November 2016 cc356-362

[Prison Safety](#)

HC Debate, 15 September 2016 cc436-480

[Courts: Resourcing and Staffing](#)

HL Debate, 14 July 2016 cc390-416

[Prisons and Probation](#)

HC Debate, 27 January 2016 cc333-369

Parliamentary Questions

[Ministry of Justice: Capita: Written question - 155872](#)

Asked by Richard Burgon (Leeds East) 20 June 2018

To ask the Secretary of State for Justice, how much was paid to Capita under agency contracts by his Department in the last two financial years.

Answered by Rory Stewart 25 June 2018

The amount paid to Capita under agency contracts in financial years 2016/17 and 2017/18 is £102,317,539.00 as set out in the department's annual accounts. Staff used under this contract provide specialist skills or support for short term projects for roles where it would not be cost-effective to employ staff on a permanent basis. We are working towards reducing this spend but will continue to use such contracts to improve the delivery of our services and policy and where doing so works out better for the taxpayer.

[Ministry of Justice: Public Expenditure: Written question - 132509](#)

Asked by Richard Burgon (Leeds East) 14 March 2018

To ask the Secretary of State for Justice, pursuant to the Answer of 16 November 2017 to Question Ministry of Justice: Finance, what the projected change of his Department's budget for courts in real terms is in each year to 2020.

Answered by: Lucy Frazer 22 March 2018

The Ministry of Justice's funding from HM Treasury was reported at Spending Review 2015 to fall by 15% between 2015-16 and 2019-20. Taking into account additional resource funding agreed at the Autumn Statement 2016 for prison safety and wider reform, MoJ's funding in real terms will reduce by 11% between 2015-16 and 2019-20. Future years' budget allocations have not yet been confirmed and therefore it is not currently possible to provide a breakdown of this reduction by business area. MoJ will shortly be laying its Main Estimate in Parliament, which will provide further detail on our financial plans for the year 2018-19. The table below shows the annual change in HMCTS's funding from HM Treasury in real terms to 2017/18.

[Ministry of Justice: Public Expenditure:Written question - 132508](#)

Asked by Richard Burgon (Leeds East) 14 March 2018

To ask the Secretary of State for Justice, pursuant to the Answer of 16 November 2017 to Question Ministry of Justice: Finance, what is the projected change of his Department's budget for probation in real terms is in each year to 2020.

Answered by: Rory Stewart 22 March 2018

The Ministry of Justice's funding from HM Treasury was reported at Spending Review 2015 to fall by 15% between 2015/16 and 2019/20. Taking into account additional resource funding agreed at the Autumn Statement 2016 for prison safety and wider reform, MoJ's funding in real terms will reduce by 11% between 2015/16 and 2019/20. MoJ will shortly be laying its Main Estimate in Parliament, which will provide further detail on our financial plans for the year 2018-19.

Budgets are subject to in year movement and organisational restructure. These are not comparable across the long term due to changes in accounting treatments and scope of business which do not provide a consistent basis. Therefore we have used the actual outturn costs for previous years for probation services, and the expenditure includes probation boards/trusts prior to 2014-15 and National Probation Services/CRC's from 2014-15 to 2016-17.

The probation services spend is set out in a summary table below, showing the outturn costs (nominal), the figures adjusted for GDP deflator (real terms). The GDP figures are consistent with the OBR Spring Statement data as at 13 March 2018. The 2017-18 probation figures are taken from the budget for the year as expenditure has not yet been finalised.

[Ministry of Justice: Public Expenditure: Written question - 132507](#)

Asked by Richard Burgon (Leeds East) 14 March 2018

To ask the Secretary of State for Justice, pursuant to the Answer of 16 November 2017 to Question 112641 on Ministry of Justice: Finance, what is the projected change of his Department's budget for prisons in real terms in each year to 2020.

Answered by: Rory Stewart 22 March 2018

The Ministry of Justice's funding from HM Treasury was reported at Spending Review 2015 to fall by 15% between 2015-16 and 2019-20. Taking into account additional resource funding agreed at the Autumn Statement 2016 for prison safety and wider reform, MoJ's funding in real terms will reduce by 11% between 2015-16 and 2019-20. Future years' budget allocations have not yet been confirmed and therefore it is not currently possible to provide a breakdown of this reduction by individual areas. MoJ will shortly be laying its Main Estimate in Parliament, which will provide further detail on our financial plans for the year 2018-19.

Budgets are subject to in year movement and organisational restructure. These are not comparable across the long term due to changes in accounting treatments and scope of business which do not provide a consistent basis. Therefore we have used the direct outturn costs for prisons for previous financial years.

Information on actual direct prison expenditure for previous financial years are published and can be accessed in the Prison and Probation Performance Statistics pages for each financial year on the www.gov.uk website. This is set out in a summary table below, showing the direct published costs (nominal), the figures adjusted for GDP deflator (real terms) and the annual and cumulative percentage changes. The GDP figures are consistent with the OBR Spring Statement data as at 13 March 2018.

The figures from financial years 2010-11 to 2014-15 have been restated following the original publication to enable a more fair comparison between that and the preceding year. The 2017-18 figures are taken from the budget for the year as expenditure has not yet been finalised or published.

[Prisons: Repairs and Maintenance:Written question - 131524](#)

Asked by Ms Marie Rimmer (St Helens South and Whiston) 07 March 2018

To ask the Secretary of State for Justice, with reference to the contracts to outsource facilities management in prisons, awarded in 2014, how much funding was allocated to (a) preventative maintenance and (b) reactive maintenance; and in relation to each of those allocations, what the (i) budgeted spend and (ii) actual spend was; and if he will make a statement.

Answered by: Rory Stewart 12 March 2018

The facilities management contracts awarded in 2014 provide for payments under the following categories:

- Fixed costs – covering planned preventative maintenance, reactive maintenance under £750, plus a range of other services including stores, cleaning, waste disposal, pest control and landscaping;
- Variable costs – covering reactive maintenance over £750, vandalism and minor works commissioned by prisons; and
- Management fees.

The table below provides information on the budgeted and actual expenditure for each of these categories in 2015/16 and 2016/17. Final figures for 2017/18 are not yet available.

We will only transform our prisons into places of rehabilitation if we ensure that we address basic issues such as cleanliness, decent conditions and safety. Our Facilities Management providers, Amey and Gov Facility Services Ltd, play an important role in achieving this.

[Ministry of Justice: Public Expenditure: Written question - 130210](#)

Asked by Alex Sobel (Leeds North West) 27 February 2018

To ask the Secretary of State for Justice, what assessment has he made of the effect of planned reductions in his Department's total budget on (a) reoffending levels and (b) access to justice.

Answered by: Rory Stewart 05 March 2018

The Ministry of Justice's funding from HM Treasury was reported at Spending Review 2015 to fall by 15% between 2015/16 and 2019/20. Taking into account additional resource funding agreed at the Autumn Statement 2016 for prison safety and wider reform, MoJ's funding in real terms will reduce by 11% between 2015/16 and 2019/20.

On (a) reoffending levels, in 2010 the NAO estimated the cost of re-offending is £9-13bn, equivalent to up to £15bn in current prices, and remains stubbornly difficult to reduce. The Government is delivering more with less through reforms to the prison system including an offender employment and education strategy and an offender accommodation strategy.

On (b) access to justice, we are committed to ensuring that the justice system is accessible to our users, and we are investing over £1bn to transform the courts and tribunal system which will include introducing modern technology, online services and digital working.

[Prisons: Expenditure:Written question - 67677](#)

Asked by Christian Matheson (City of Chester) 13 March 2017

To ask the Secretary of State for Justice, what proportion of the prisons budget was spent on prisoners' (a) education, (b) healthcare and (c) rehabilitation in 2015-16.

Answered by: Mr Sam Gyimah 23 March 2017

As part of our prison safety and reform plans, we are giving governors in all prisons more powers and more responsibility. This includes key roles at each stage of the healthcare commissioning cycle, and the ability to decide how to structure their education regime, how it is sequenced and who provides it.

These new responsibilities for prison governors will be accompanied by new accountability, buttressed by a set of performance standards that will hold them to account for the progress prisoners make.

The budget for education and healthcare in 2015-16 was the responsibility of other Government Departments or a devolved function of the Welsh Government.

The Department for Business Innovation and Skills allocated £128.9m for prison education in that year.

The Department for Health allocated spend on offender health in 2015/16 but it is not possible to breakdown how much of this was spent in prisons.

In the case of some Privately Managed Prisons, education and healthcare was delivered by the prison operator and funded as part of the overall contract price. These costs are therefore not all held in the budget overseen by NOMS to deliver services in prisons.

We do not allocate a separate budget for rehabilitation. Offender rehabilitation is an integral part of the prison regime, from offending behaviour programmes to working in prison catering services.

[Probation: Written question - 110306](#)

Asked by Liz Saville Roberts (Dwyfor Meirionnydd) 30 October 2017

To ask the Secretary of State for Justice, what assessment he has made of the operational and financial outcomes of the 2013 probation reforms.

Answered by: Mr Sam Gyimah 07 November 2017

The Transforming Rehabilitation (TR) reforms introduced in 2013/14 were delivered to agreed timescales. In their report published in April 2016, the National Audit Office noted that 'services have been sustained throughout a period of major change, with users reporting that services had stayed the same or improved'.

We closely monitor the performance of both the NPS and CRCs to make sure services are protecting the public, reducing reoffending and delivering the orders of the court. Her Majesty's Inspectorate of Probation has found the work of the NPS to be good in many regions, and recently praised Cumbria CRC for 'prioritising public protection' and their 'quality of assessment and planning'. Despite extending supervision to around 40,000 additional released prisoners each year and introducing new services, overall spend on the probation system has remained broadly stable.

We recognise that probation needs to improve and aspects of service are falling short of our expectations. That is why we conducted an

internal review of the probation system and as a result made changes to CRC contracts to reflect more accurately the fixed costs of delivering services to offenders. This will enable providers to focus on delivery of critical operational services, although payments are still below original forecasts. We continue to keep the operation of the probation system under review and are exploring further improvements that could be made to the delivery of services.

[Prisons: Construction:Written question - 5492](#)

Asked by Richard Burgon (Leeds East) 17 July 2017

To ask the Secretary of State for Justice, with reference to the letter of 30 March 2017 sent by the Permanent Secretary at Ministry of Justice to the Clerk of the Justice Select Committee on Ministry of Justice Supplementary Estimate Memorandum 2016-17, if he will publish the (a) projected capital spending and (b) funding allocated under Spending Review 2015 for the prison building programme.

Answered by: Mr David Lidington 25 July 2017

We are investing £1.3bn to build up to 10,000 new prison places with better education facilities and other rehabilitative services.

The department is in the process of revising its financial plans to take account of changes to planned timescales due to the election, and also to ensure that the overall plans reflect the priorities of the new government. We will share updated financial plans with the Justice Select Committee in the Autumn. No decisions have been made as to whether there is a role for private finance.

7. NAO Reports

[Early progress in transforming courts and tribunals](#)

9 May 2018

Conclusion:

HMCTS faces a daunting challenge in delivering the scale of technological and cultural change necessary to modernise the administration of justice, and achieve the savings required. It has responded to early concerns by extending the timetable and improving its governance and programme management. But there is a long way to go to achieve the planned transformation and overall HMCTS is behind where it expected to be at this stage. Early progress in transforming courts and tribunals Summary 9 20 The scale of the challenge is increasing and the programme is under significant pressure to meet what is still a demanding timetable. There are unresolved funding gaps, and trying to fit savings around spending commitments and demand pressures could undermine services. Government's record of transforming public services suggests the overall benefits of the changes are likely to be smaller than expected and will take longer to achieve. HMCTS has already reduced the scope of the portfolio and scaled back planned benefits. Given the extent of changes planned, there is a very significant risk that, despite the best efforts of HMCTS and other parties, the full ambition of the change portfolio will prove to be undeliverable in the time available. HMCTS will need to be flexible and to adapt its approach if things do not go to plan.

[Short guide to the Ministry of Justice](#)

October 2017

[Transforming Rehabilitation](#)

8 April 2016

Conclusion:

The Ministry has successfully restructured the probation landscape, avoiding major disruptions in service during a difficult transition period. But this is only the beginning. If the Ministry is to stabilise, and improve, the performance of CRCs and the NPS it needs to continue to address operational problems, such as underlying capacity issues, weaknesses in ICT systems and performance data, and improve working relationships between NPS and CRC staff – some of which are unsurprising given the scale of reforms. 19 Ultimately, the success of the Transforming Rehabilitation reforms will depend on the extent to which they create the conditions and incentives to reduce reoffending. While NOMS' oversight of CRCs is robust, significantly lower levels of business than the Ministry projected will affect some CRCs' ability to deliver the level of innovation they proposed in their bids. Furthermore, the NPS is not yet operating as a truly national, sustainable service. Achieving value for money from the new probation system will require resolving these fundamental issues, and ensuring the right incentives for all participants in the system.

8. Further Reading

[Memorandum on Main Estimate 2018-19](#)

Ministry of Justice

[National Offender Management Service Annual Report and Accounts 2016-2017](#), 19 July 2017, HC 198

Justice Committee, [Transforming Rehabilitation](#), Ninth Report of Session 2017–19, 22 June 2018, HC 482

Justice Committee, [Prison reform: Part 1 of the Prisons and Courts Bill](#), Fourteenth Report of Session 2016–17, 28 April 2017, HC 1150

Justice Committee, [Prison reform: governor empowerment and prison performance](#), Twelfth Report of Session 2016–17, 7 April 2017, HC 1123

Justice Committee, [Government Responses to the Committee's Reports of Session 2016–17 on: Prison reform: governor empowerment and prison performance; Prison reform: Part 1 of the Prisons and Courts Bill](#), Second Special Report of Session 2017–19, 23 October 2017, HC 491

[Forecasting Criminal Legal Aid](#)

Oxford Economics, January 2017

Commons Briefing Papers

[Contracting out of probation services SN06894](#), February 22, 2018

This briefing paper charts the implementation of controversial reforms to the probation service. Most offenders are now supervised by Community Rehabilitation Companies, which are primarily led by private companies. A new public sector National Probation Service manages high risk offenders. So what's the verdict so far?

[Employment tribunal fees SN-07081](#), December 18, 2017

This note summarises the background to and operation of the employment tribunal fees system, provides a statistical analysis of its impact, and discusses the legal challenges to the Fees Order culminating in the Supreme Court's judgment that it was unlawful.

[Safety in prisons in England and Wales CBP-7467](#), December 5, 2017

From 2012 there has been a decline in prison safety. The Justice Committee has described a rapid and ongoing deterioration. Chief Inspectors of Prisons, the Prison and Probation Ombudsman and interested organisations have expressed concern. The Government has acknowledged the decline and committed to additional funding to recruit more staff. A white paper, Prison Safety and Reform, was published in November 2016 and included measures to address the use of new psychoactive substances, mobile phones and drones.

[Prison Reform: Recent Developments CBP-8019](#), December 5, 2017

A white paper Prison Safety and Reform was published in November 2016 setting out government proposals. A bill followed but did not complete its passage through Parliament due to the calling of a general election. No prisons legislation was announced in the 2017 Queen's Speech. The Justice Secretary has said work on prison reform will continue.

[Commons Library Analysis: The Prisons and Courts Bill CBP-7907](#), March 16, 2017

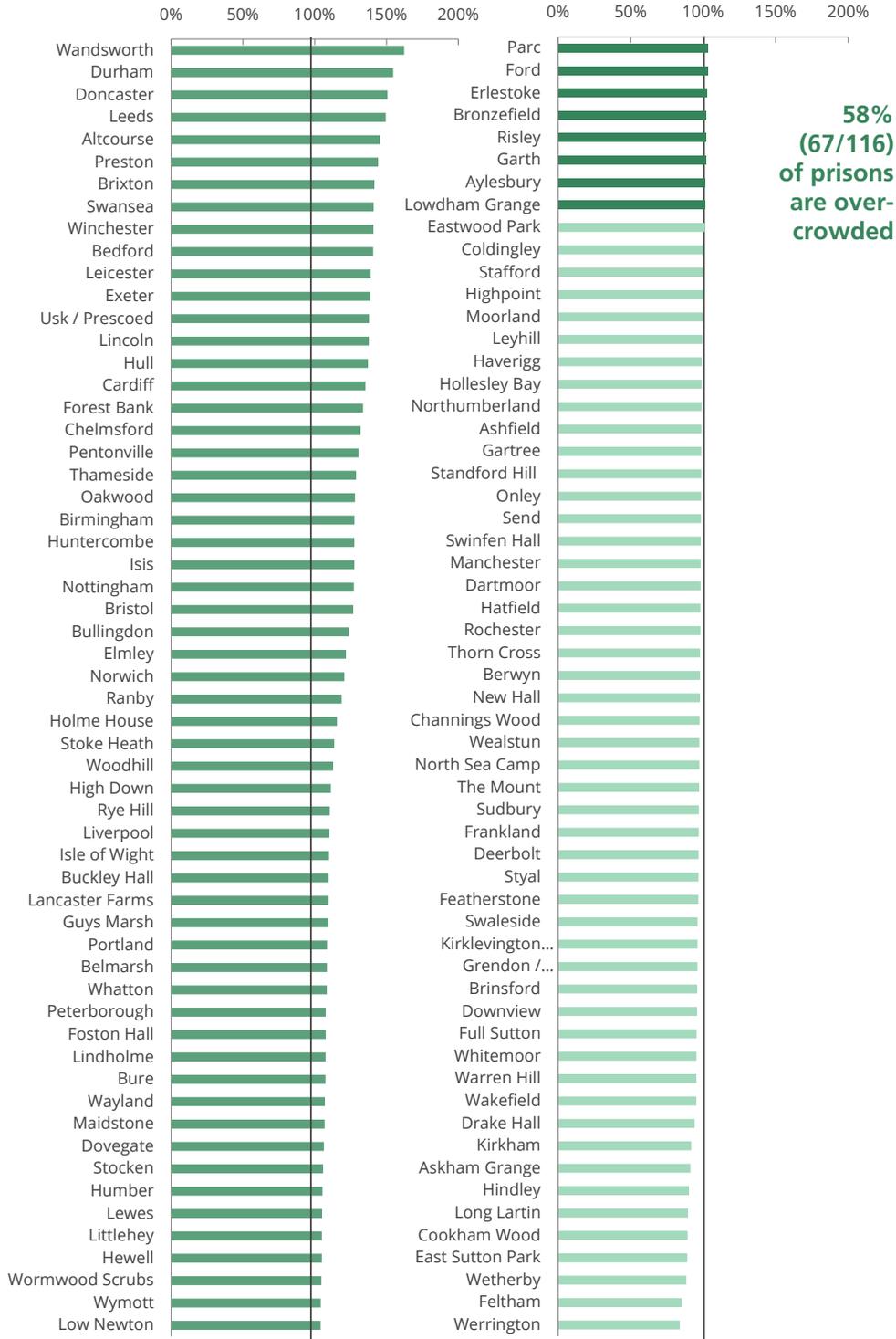
The Prisons and Courts Bill 2016-17 has its second reading on 20 March 2017. This Briefing Paper provides relevant information and analysis, including commentary from other organisations.

[Prisons and Courts Statistics, England and Wales, CBP-7892](#), March 7, 2017

This paper provides background statistics on prisons and courts in England and Wales ahead of the Second Reading of the Prisons and Courts Bill 2016-17. Commons Library Briefing Paper SN04334: Prison Population Statistics (currently being updated) explores prison population data for England and Wales in more depth and includes data for the rest of the UK.

9. Appendix

PRISON POPULATION RELATIVE TO CERTIFIED NORMAL ACCOMMODATION



Source: MoJ Prison population figures: monthly bulletin, May 2018.

NATIONALITY OF PRISONERS		
England and Wales, at 31 March 2018		
	Total	%
British Nationals	73,711	89%
Foreign Nationals	9,318	11%
Nationality not recorded	234	0%
All nationalities	83,263	100%
Africa	1,680	18%
Asia	1,306	14%
Central and South America	145	2%
European (EEA)	4,030	43%
Non-EEA European	976	10%
Middle East	460	5%
North America	65	1%
Oceania	24	0%
West Indies	632	7%
All foreign nationals	9,318	100%

Source: MoJ, *Offender Management Statistics Quarterly, March 2018. Table 1.7*

TOP TEN NATIONALITIES AMONG FOREIGN PRISONERS		
England and Wales, at 31 March 2018		
Nationality	Number	% of foreign national prisoners
Polish	802	9%
Irish	728	8%
Romanian	671	7%
Jamaican	495	5%
Lithuanian	402	4%
Pakistani	353	4%
Somalian	305	3%
Portuguese	276	3%
Nigerian	268	3%
Indian	262	3%
All foreign nationals	9,318	100%

Source: MoJ, *Offender Management Statistics Quarterly, March 2018. Table 1.7*

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