

# Delivering Justice, Rights and Democracy

## DCA Strategy 2004-09





## Foreword by the Secretary of State

When our department, the Department for Constitutional Affairs, was established we concentrated what

we're trying to do into three words: justice, rights, democracy. In one way, big concepts; but in another, quite simple: the foundations of a decent, fair and civilised society – the kind of society in which we all want to live.

So our job is to uphold the rule of law and to ensure that our system of justice delivers for everyone. To protect and promote the rights we all have, coupled with the responsibilities which go along with them. And to see that our politics and our democratic systems, our structures and our institutions work in the best way possible in the 21st century.

These are not abstract ideas, removed from the reality of everyday lives. Far from it: DCA is a mainstream department, delivering mainstream policies in mainstream areas of all our lives. So we manage the courts that tackle

crime and anti-social behaviour, which blight so many – especially those in areas which are already most disadvantaged. We offer the means for people to resolve disputes and seek redress – including some of the most heart-searchingly difficult issues people face, about their own family lives. And we work to improve the ways in which people are able to engage with politics – so that what people want to see happen for us all does so.

Crime is of course the most pressing. Though crime is falling, the need to tackle crime is always there. In our case, for this department, that means putting the needs of the law-abiding citizen first. People have to have confidence that the justice system will help deal with crime and anti-social behaviour – real problems which can so limit and damage all our lives, all our families and all our communities. We have to put victims, witnesses and jurors at the heart of what we do. We have to make sure that cases are considered fairly and promptly. We have to see that legal aid is available to those most in need, and that we are seeing value for the money we spend in doing so. We have to ensure that when penalties are handed out, they are observed. So fines must be paid. Court orders must be obeyed. When the courts decide, they decide.

Where people are in dispute, the courts must be there to help disputes to be resolved – resolved fairly, and resolved as quickly as possible. That means respecting and upholding our rights, and ensuring and underlining our responsibilities. It means especially protecting the rights of the most vulnerable. Children, victims of domestic violence and the mentally incapable need support, and need advice which is easy to access and responsive to their needs. Understanding rights and responsibilities is vital, including the right to information and the responsibilities which flow from it.

A healthy democracy is vital to a free and fair society – the kind of society we all want to live in, and we all want our children to live in. Our democratic procedures and systems of voting need to be constantly looked at, to ensure they meet people’s changing needs. Public confidence in electoral systems is essential, but so too is public engagement. We will maintain and develop our programme of constitutional reform, including reform of the House of Lords, and our continuing work to establish an independent system for judicial appointments – vital for maintaining the essential independence of the judiciary – and to prepare for a new Supreme Court for the United Kingdom. We want

to ensure that the market for legal services works and works well for those who need to use it.

All this is a big agenda, a lot of work for us all. The programme of work, of improvement, of reform which this Strategy sets out is at once a programme of continuity, and a programme of progress. I have no doubt that what it sets out is challenging. I have no doubt that what it sets out is important. But I have no doubt too that everyone across the DCA will rise to the challenges it sets. I look forward to continuing to work with you all in trying to achieve them – for those we are all here to serve.



**Lord Falconer of Thoroton**  
Secretary of State for Constitutional Affairs  
and Lord Chancellor  
December 2004

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## The Department for Constitutional Affairs

We are the Government Department responsible for upholding **justice, rights** and **democracy**. Our role is to:

- drive forward the reform and improvement of the legal and justice system in England and Wales;
- uphold the rule of law; and
- reform and safeguard the constitution so that they serve the public effectively.

We are responsible for the administration of the courts and tribunals in England and Wales, and for the overall management of legal aid (through sponsorship of the Legal Services Commission). Our annual budget for 2004/05 is £3.4bn of which approximately £1bn is spent on the courts and £2bn on legal aid. We currently employ 14,410 people,\* which will rise to 26,500 on 1 April 2005 with the creation of HM Courts Service.

Our courts support the independent judiciary, comprising 2,450 judges. We also oversee the work of the 42 Magistrates' Courts Committees, which support 28,700 magistrates across England and Wales.

Three sister departments – the Northern Ireland Courts Service, HM Land Registry, and the National Archives – report directly to the Secretary of State for Constitutional Affairs. Also associated with DCA are a number of organisations such as the Public Guardianship Office, the Office of the Official Solicitor and Public Trustee, the Law Commission, the Office of the Legal Services Ombudsman, the Magistrates' Courts Service Inspectorate, and the Judicial Studies Board.

From April 2006 we will be responsible for the new tribunals service, which will bring together the administration of all the major tribunals across government.

The administrative functions of the **Scotland Office** and the **Wales Office** transferred to DCA in June 2003. Responsibilities for the maintenance of the relationship between Westminster and the devolved administrations in Edinburgh and Cardiff remain with the Secretary of State for Scotland and the Secretary of State for Wales, respectively.

\*Full-time equivalents

## 1 Introduction

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**1.1** The Department for Constitutional Affairs (DCA) is the Government department responsible for upholding justice, rights and democracy. The Department was created in June 2003, with responsibilities largely taken from the former Lord Chancellor's Department (LCD). But DCA is a very different organisation from the old LCD. We work from the simple rule that we exist to serve the public – not the providers. We focus on dealing with the priorities of law-abiding people, including crime and anti-social behaviour, asylum and immigration appeals, and civil and family justice.

**1.2** The DCA faces some fundamental challenges over the next five years and beyond if we are to serve the public more effectively. This Strategy focuses on:

- the vision of how the DCA should develop over the next five to ten years; and
- the specific outcomes we are looking to achieve in each of our priority areas in this period if we are to meet those challenges, building on what has already been achieved and drawing on the energy and commitment of DCA staff.

To complement the full Strategy set out here, we have also published an *Overview* which sets the Strategy in the context of DCA's achievements since June 2003. The *Overview* and other information about DCA can be found at [www.dca.gov.uk](http://www.dca.gov.uk)

## Our vision

**1.3** This is the first strategy for the DCA. It takes forward the vision set out in Lord Falconer's *Manifesto for a new Department*. It also reflects the need to work in partnership with the independent judiciary and with other parts of Government.

**1.4** Our work so far tells us that our approach to reform needs to be built around four key themes. We will:

- develop policies that **empower citizens and communities**, protecting them from crime and anti-social behaviour, helping them to manage their problems more effectively, safeguarding their rights, and connecting them more closely to the democratic system;
- make better use of **education, information and advice** and alternative dispute resolution so that people can resolve their disputes and problems as quickly, effectively and proportionately as possible, away from formal court and tribunal hearings when this is more appropriate;
- **change radically the way we deliver services**, so that the courts, tribunals, advice and legal services, and constitutional arrangements are modern and a better match to the needs of users and the taxpayer; and
- **re-shape the DCA organisation and infrastructure** and the way we work, so that they are structured around meeting the needs of the public and work well with the rest of government.

## Our analysis

**1.5** We have analysed the capacity of the justice system – both those services provided directly by DCA and its agencies and also the wider advice and legal services market – to meet the needs of the public, now and in the future. We have also considered how best to focus our constitutional programme reform on renewing the relationship between citizens and the state.

**1.6** Over the past few years, the major criminal justice departments along with the courts, the police, probation and prison services have worked closer than ever before to gain a better understanding of the challenges facing the criminal justice system, and to put the law-abiding citizen at the centre of it. By creating a more joined-up system there is now a clearer shared agenda for tackling the effects and causes of crime and anti-social behaviour. This was set out in *Cutting Crime, Delivering Justice: A Strategic Plan for Delivering*

*Criminal Justice* published in July.<sup>1</sup> It was also reflected in the establishment of the Office for Criminal Justice Reform as a cross-departmental team reporting to the Home Office, DCA and the Attorney General. This experience and common analysis has informed the way we have developed our Strategy for how the courts and legal aid in particular will help bring more offences to justice and improve public confidence in the criminal justice system.

**1.7** In relation to civil and family justice, we have for the first time talked directly to users and potential users of our services to find out what they think. We have quoted them directly in later parts of this Strategy,<sup>2</sup> and their comments and criticisms have informed its development. We have looked in depth at consumers' needs in the fields of relationship breakdown, domestic violence, debt, and community justice, as well as their perceptions and experiences of the wider civil justice system. We will build on this first programme of work over the next two years, developing and expanding the Strategy as our understanding of the needs of the public grows and we look in more depth at further areas of the justice and constitutional systems. We believe that the themes we have identified will be sustained and reinforced by our ongoing programme of research.

**1.8** We have looked at how our external environment is likely to change and how that will place new demands on our capability to deliver high quality services to the public in the future. We have reached four main conclusions:

- (a) overall **demand for the services for which DCA is responsible will generally remain high** and is set to increase in some key areas – notably in bringing offences to justice;
- (b) levels of **public confidence in government, the state and the justice system are not as high as we would like**. This has significant implications for people's sense of security and their fear of crime, their perceptions of asylum and immigration, and their engagement with democratic processes;

- (c) current **services must focus better on the needs of the public and communities** in both the criminal and civil spheres. Many current service delivery processes and much of our infrastructure are no longer fit for purpose. Some may not be financially sustainable in the longer term; and
- (d) **DCA needs to change** significantly in order to meet these challenges, in terms of its capability, culture and skills.

## Our priorities

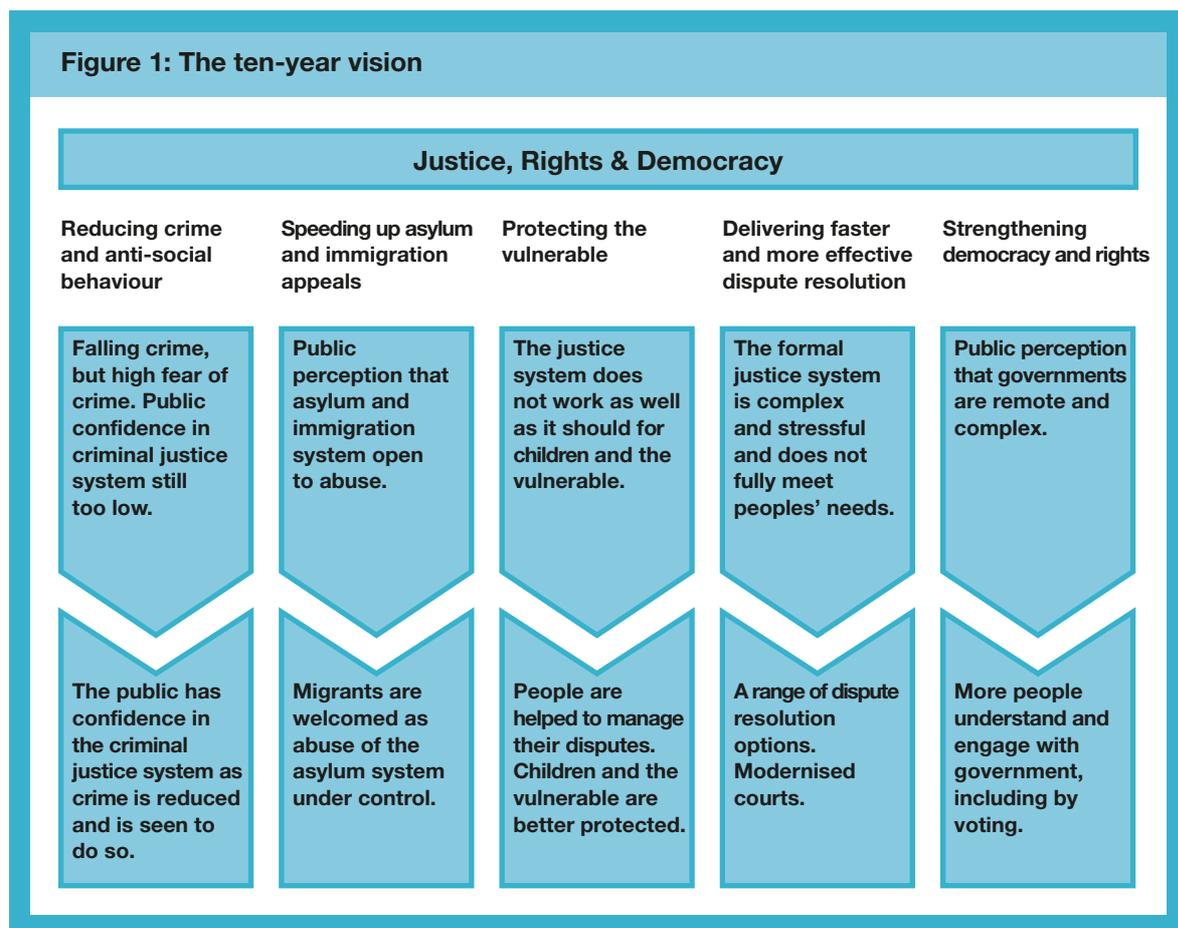
**1.9** In order to generate most benefit to the public, we must make the best use of our available resources. This means that we must focus our attention on our key priorities – those areas where we believe improvements will have the biggest impact on the public. Four of these relate to the justice system; the other one to the Constitution:

- **reducing crime and anti-social behaviour** by improving the delivery of the criminal justice system;
- **speeding up the asylum and immigration appeals system** as part of delivering a fair, effective and efficient overall migration process;
- **protecting the vulnerable**, especially children at risk;
- **enabling people to resolve their problems better by promoting and delivering faster, effective** and proportionate dispute resolution; and
- **strengthening democracy and rights**, to renew the relationship between citizens and the state.

<sup>1</sup> Cm 6288

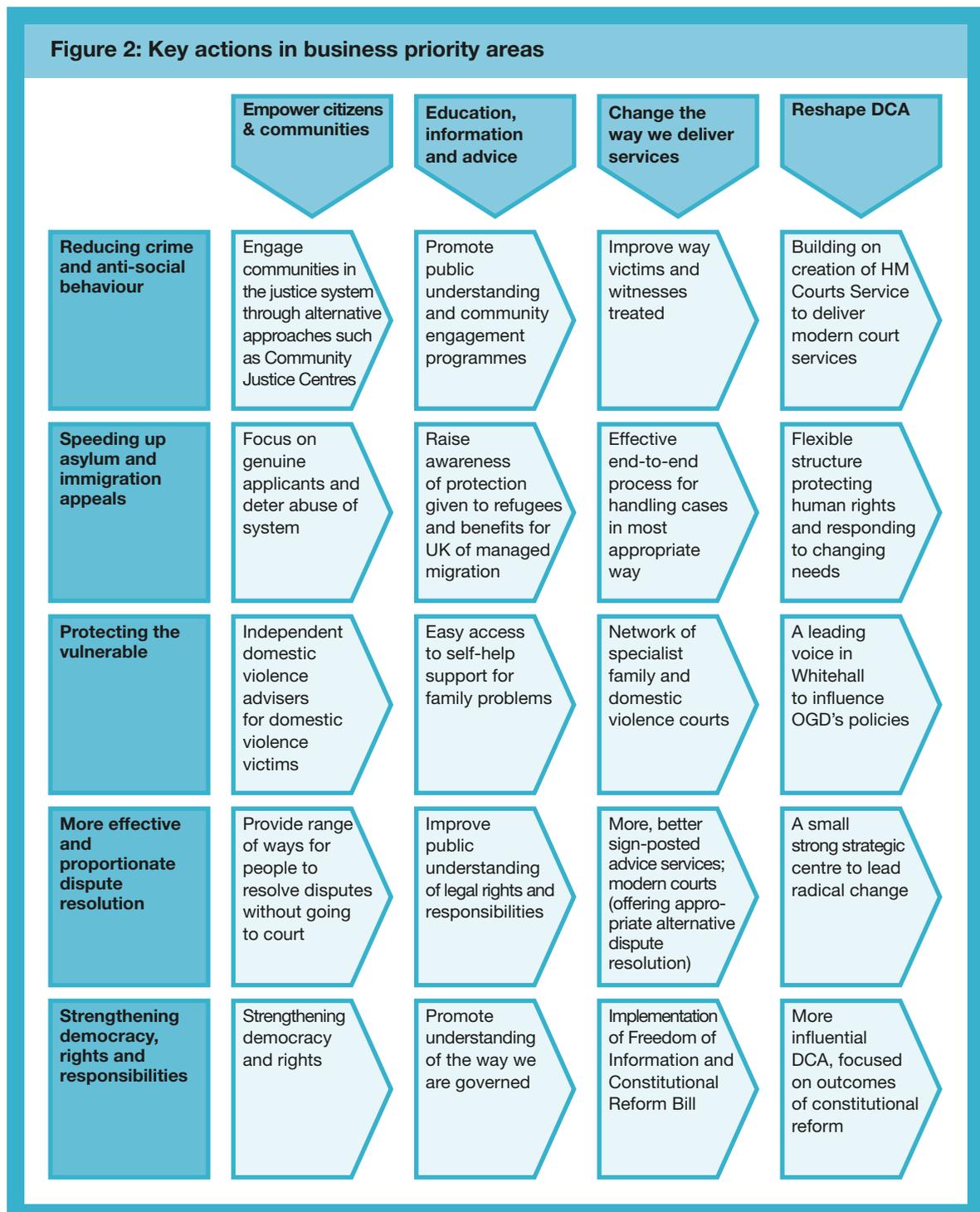
<sup>2</sup> These quotes from members of the public are reported directly from our Consumer Strategy work, and included for illustrative purposes. They do not necessarily represent the views of the DCA

1.10 Figure 1 set out the ten-year vision in each of these areas. In the following sections of the Strategy we explain how we will work towards this vision over the next five years.



## Our Strategy

1.11 The Strategy informs the key actions that we will take in each of our business priority areas to achieve better outcomes for the public we serve. These are summarised in figure 2 below.



**Delivering criminal justice: future approach**

**1.12** Figure 3 illustrates our new approach to criminal justice. The way the courts and legal aid deliver criminal justice will be focused on reducing crime and anti-social behaviour to make law-abiding people safer and more secure. Our shared approach with others in the criminal justice system is to prevent crime from happening, to bring more offences to justice, to meet the needs of victims, witnesses and jurors, and to turn offenders away from crime. The system must be fair – making judgements based on the facts, treating the defendant fairly, acquitting the innocent, and ensuring the guilty are punished and wherever possible rehabilitated to reduce re-offending.

**1.13** The courts will be more respected as they adopt an increasing range of sanctions such as anti-social behaviour orders, fines,

community penalties and these are obeyed and enforced. The courts will also be more effective in dealing with the greater volume of cases as we bring more offences to justice. This will be helped by dealing with offences in the appropriate way (including greater use of fixed-penalty notices) and ensuring that when a case does come to court it is managed effectively with all parties prepared so that justice can be delivered swiftly and fairly. More modern practice will ensure legal aid is used efficiently and gives greater value for money.

**1.14** Finally, we will be working more and more with judges and magistrates to make the courts connected to the concerns and priorities of their communities. This approach will include the use of specialist courts and developing the Community Justice Centre approach that will be piloted in North Liverpool.



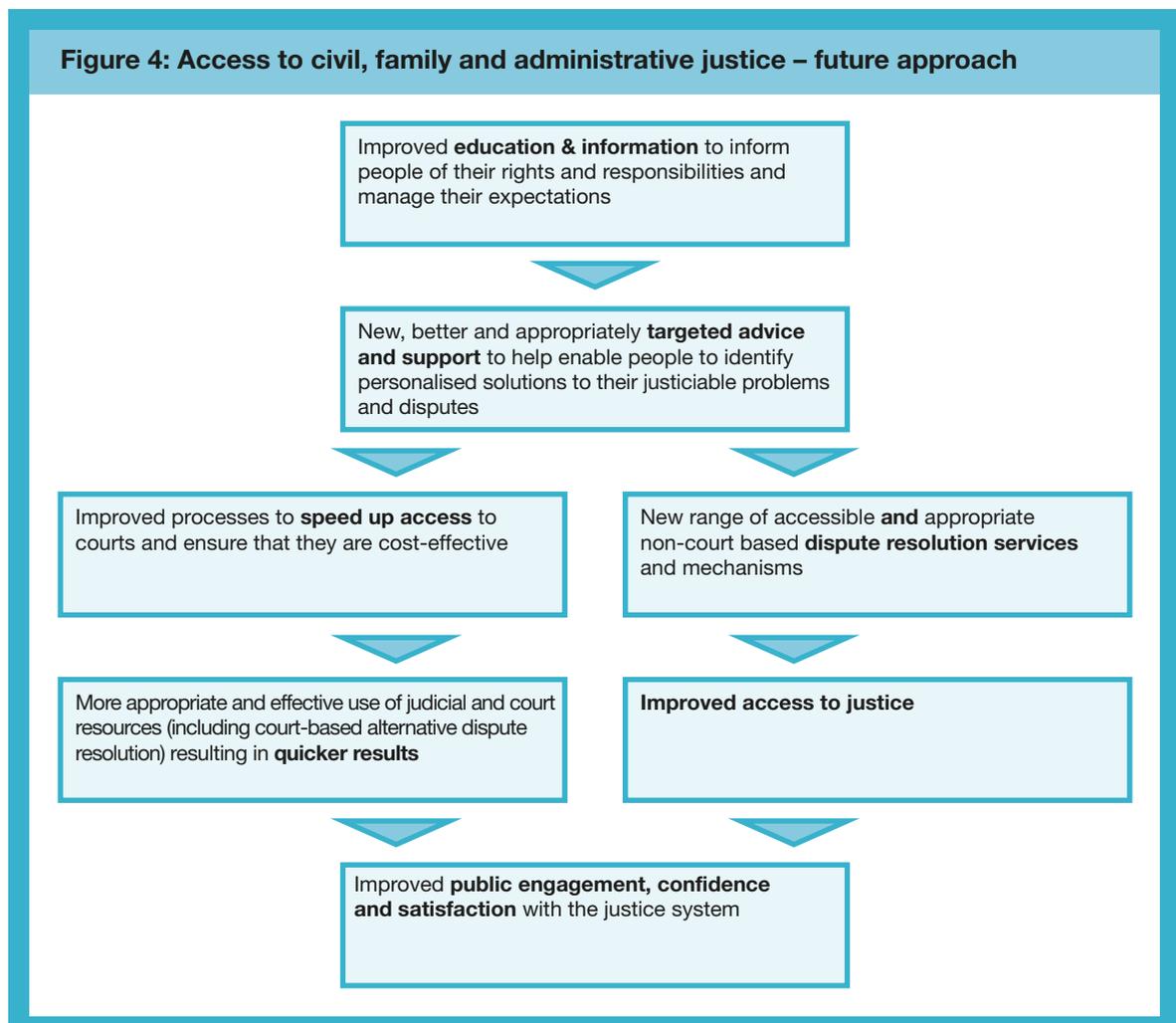
### Access to civil, family and administrative justice: future approach

**1.15** The reforms we plan will involve changing the way civil, family and administrative justice system is organised in order to help widen access to justice for the public whilst also improving the service they receive. Figure 4 provides a high-level overview of how we envisage the justice process in England and Wales will look in five years time. Key to this model is the need to ensure that disputes are resolved through the mechanism best suited to the individual dispute:

- for some cases this will still be a court or tribunal. Where they do provide the most appropriate solution, we will focus on making sure their infrastructure and processes allow

the best use to be made of the available judicial resources and experience, whilst also ensuring that the service is appropriately priced. We will ensure that these cases get to court or tribunal quickly and are handled well once they are there;

- for other cases, the system will help people to manage their own disputes whilst providing wider access to appropriate non-court based solutions and incentives to encourage people to use them. These solutions will deliver better and faster outcomes in appropriate cases and enable people who may be intimidated by the prospect of undertaking formal court action to engage with the justice system.



### Reforming the Constitution: future approach

**1.16** Our work to reform the Constitution and renew the relationship between citizens and state will focus on the following three core values:

- enhancing the **credibility and effectiveness** of our public institutions;
- strengthening our **democracy and public engagement** with decision-making; and
- strengthening and upholding people's **fundamental rights and rights to information**.

## Delivering the Strategy

**1.17** The *Manifesto for a new Department* and this Strategy are a radical shift in what the DCA does. We have also begun to enhance significantly our understanding of what people really need and expect from their justice and constitutional systems. But we have much more to do if we are to deliver the *Manifesto* commitment to put the public at the heart of everything the DCA does.

**1.18** The Strategy will not be implemented overnight and its delivery must be carefully planned, tested for robustness and aligned with the delivery of our immediate priorities. It is matched to the resources available following the 2004 Spending Review, and is deliverable within the skills and capability available to the DCA. By 2008, we will have delivered our current programme plus a new reform and delivery programme led by this Strategy. Achieving all of this by the end of the 2004 Spending Review period, will get us to the position where we have begun to deliver some key elements of the Strategy, tested others for robustness, created efficiency savings, and built a Department which is capable of realising the full Strategy over the 2006 Spending Review period.

**1.19** We recognise that factors beyond our control are likely to have an impact on our progress in delivering the vision. But the clear goals set out in this Strategy, together with robust planning and delivery and careful management of risks, will help ensure that our direction of travel remains consistent.

### Managing diversity

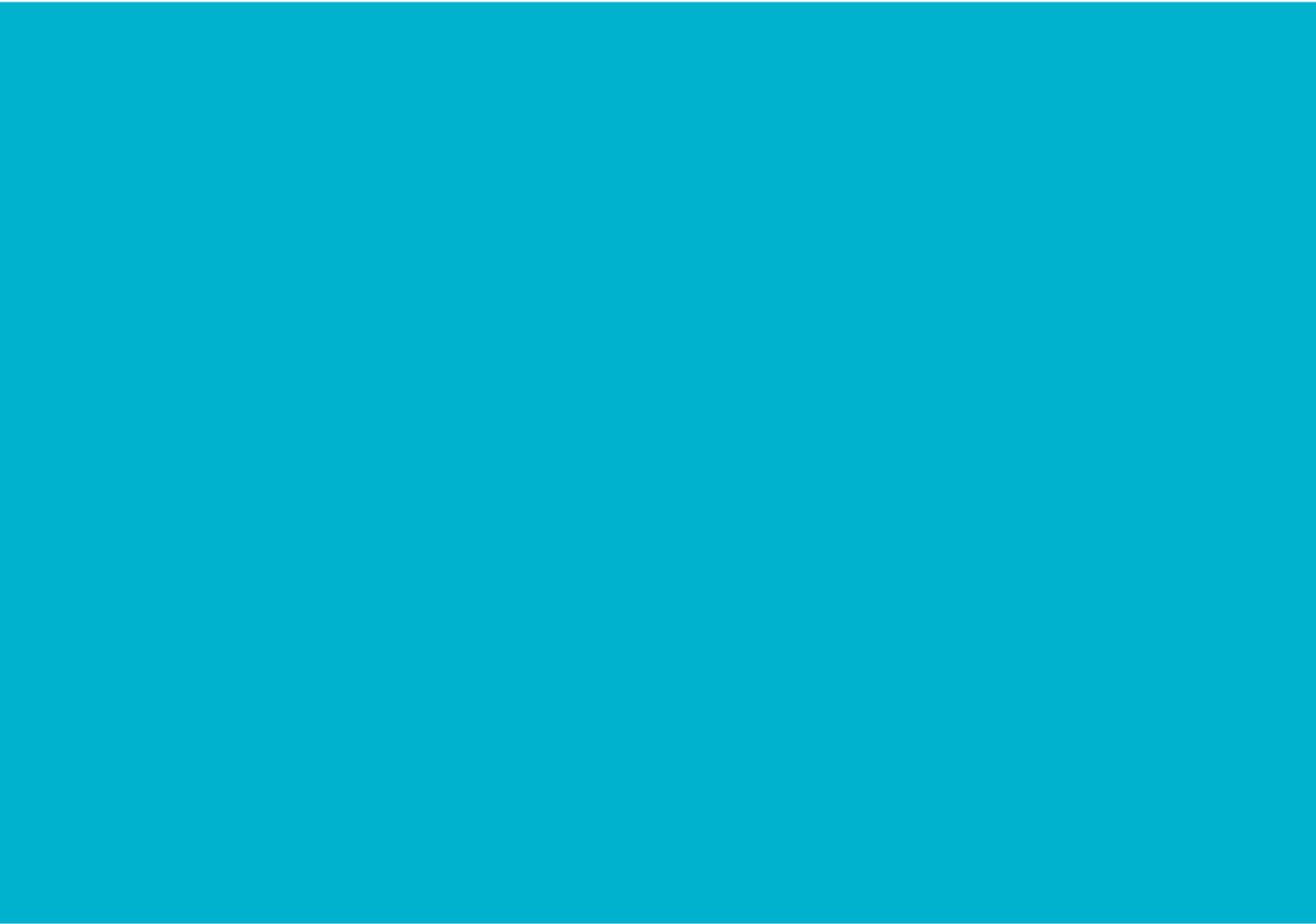
**1.20** We will during this period seek to become the best exponent of managing diversity across Government. The DCA must reflect contemporary society and meet people's legitimate expectations of fair and equal treatment. We are committed to an ambitious diversity programme to underpin this aim. This will ensure (for example) that the DCA has a far better understanding of (and is able to respond to) the needs and attitudes of black and minority ethnic as well as disabled people. We will:

- change the way the Department goes about developing and delivering new policies and services to reflect our understanding of societal diversity. Internally, we will create conditions and provide support so that each person, regardless of ethnicity, gender, age, sexual orientation, caring responsibilities or disability is given the opportunity to maximise their potential, to develop as a professional and to flourish as a leader;
- continue to seek to build on the progress we have made to ensure that our workforce reflects the diversity of the communities we serve, and will set diversity targets at all levels of the new organisation to provide a robust baseline by which we can measure our future progress; and
- work to widen our appeal as an employer, attracting applicants from all sections of society, and particularly from groups currently under-represented in our workforce.

## The detailed Strategy

**1.21** The subsequent sections of this Strategy are structured as follows:

- **Section 2: Analysis** – current profile of DCA performance and resource constraints and our assessment of the external ‘drivers’ that will shape our environment and demand for our services over the next five years;
- **Section 3: Approach to reform** – develops the key elements of our Strategy in response to the analysis performed in Section 2;
- **Section 4: Business priorities** – explains the 5-10 year vision for each of our five priority areas (crime and anti-social behaviour; asylum and immigration; protecting the vulnerable; reforming civil, family and administrative justice through proportionate dispute resolution; and democracy and rights). It also identifies the outcomes that we want to deliver over the next five years and the main initiatives that we will implement in order to do so;
- **Section 5: Risks and uncertainties** – analyses the external risk factors that could have an impact on our ability to deliver the Strategy; and
- **Annexes A, B & C** – contain supplementary information on DCA and our new Public Service Agreement, and summarise the main, system-wide, structural reforms that we are already putting in place or will be examining in greater depth over the next five years.



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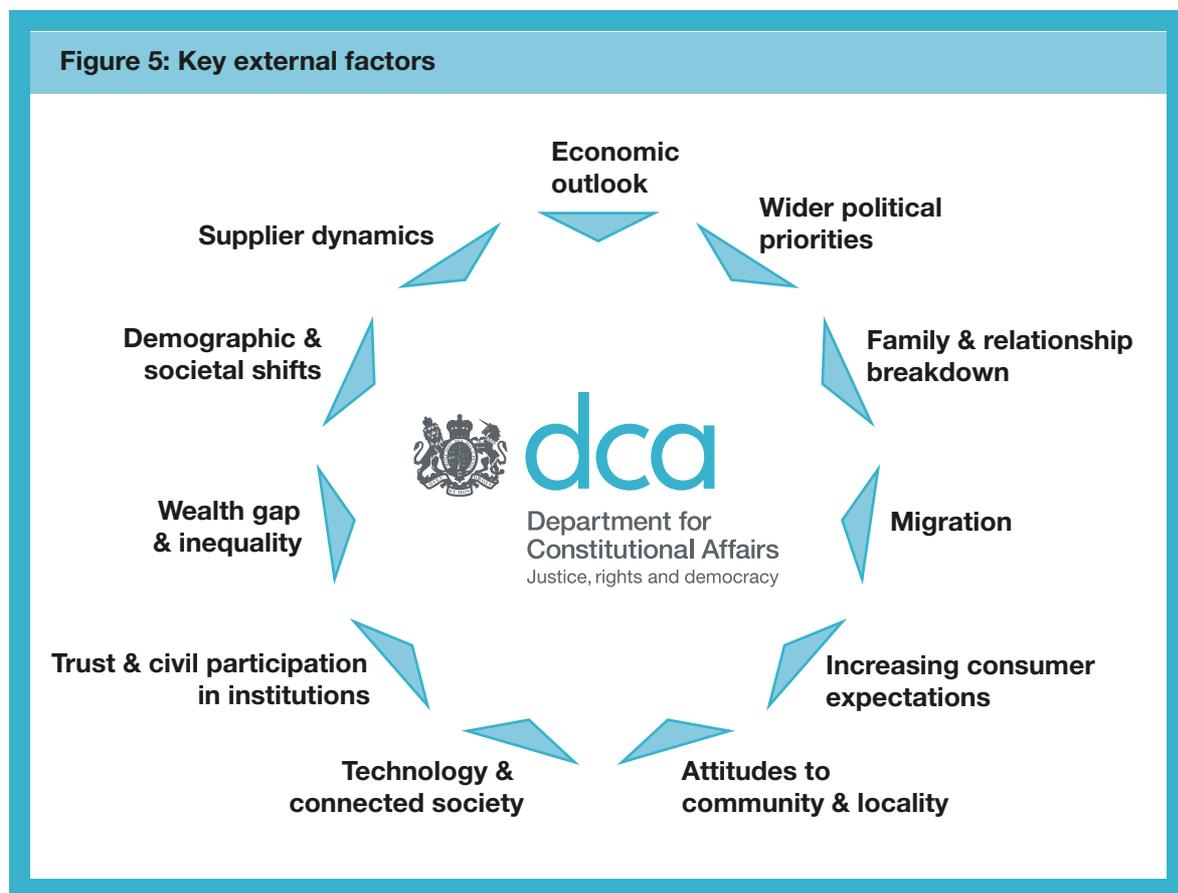
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We have analysed in detail the challenges we face as a Department over the next five years and beyond. This includes the external factors that drive future demand for DCA services and the ‘supply side’ constraints that influence how we respond to changing needs. Based on the analysis summarised in the rest of this section, we have drawn the following conclusions that underpin our Strategy:

- overall demand for the services for which DCA is responsible will remain high and is set to increase in some key areas – notably in bringing offences to justice;
- levels of public trust in government, the state and the criminal justice system are not as high as we would like. This has significant implications for people’s sense of security, their fear of crime, and their engagement with democratic processes;
- current services must focus better on the needs of the public and communities in both the civil and criminal spheres. Many current service delivery processes and much of our infrastructure are no longer fit for purpose. Some may not be financially sustainable in the longer term; and
- the DCA needs to change significantly in order to meet these challenges, in terms of its capacity, culture and skills.

## The external environment

2.1 The external factors that we have identified as the key drivers of the DCA's future business are shown in figure 5. We present below our conclusions on how the most important of these external factors may influence the Department's activities over the next five years.



**Public confidence in the system**

**2.2 The Department faces a significant challenge in tackling peoples negative perceptions of crime levels and the effectiveness of the criminal justice system in England and Wales.** While crime in England and Wales has fallen by 30% since 1997, approximately 65% of the public surveyed in 2003 believed that crime had been increasing.<sup>3</sup>

**2.3** The decline in the public’s confidence in the criminal justice system has been stemmed, although it is still too low. The proportion of the public who believed that the criminal justice system was effective in bringing people to justice fell from 46% in 2001 to 39% in 2003.<sup>4</sup> In the past year there has been a welcome rise to 42%, though this is still too low. Much of this reflects public concern at current levels of anti-social behaviour and a perception that violent crime is on the increase.

**Bringing offences to justice**

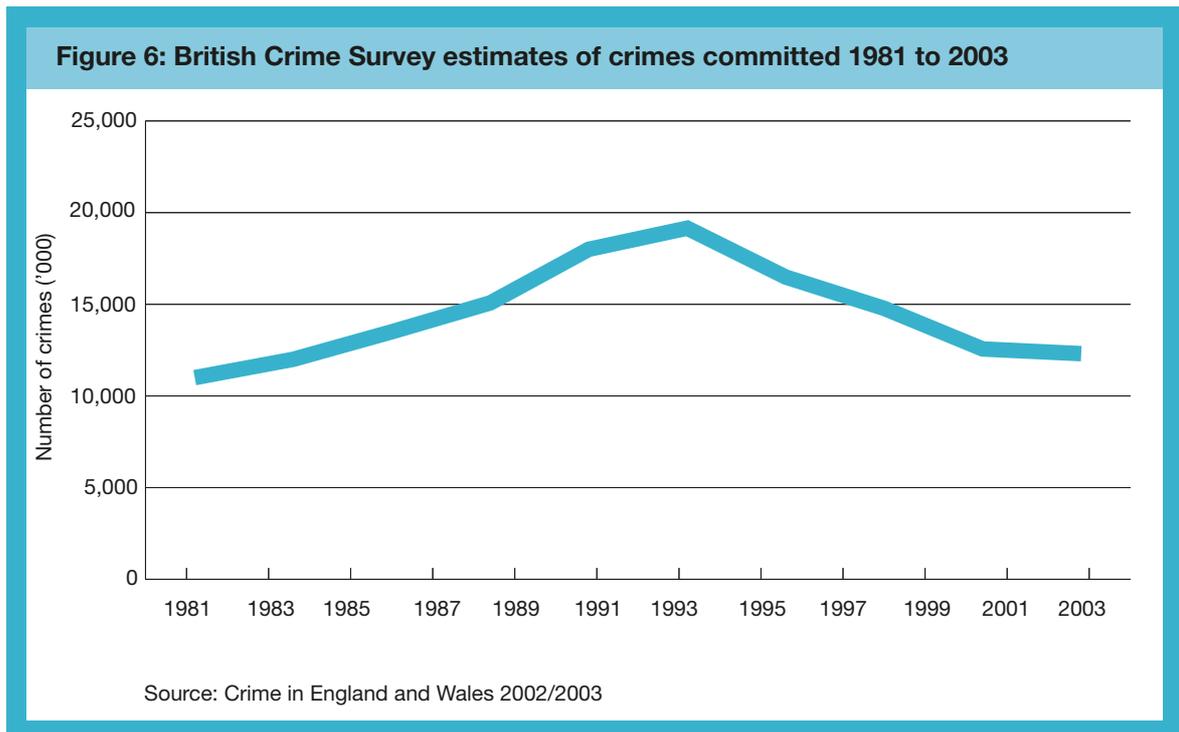
**2.4 Achieving the Government’s commitment to bring more offences to justice will mean additional pressures on the Court system and legal aid resources, even though crime is forecast to fall further.**

**2.5** The Home Office forecasts that expected reduction in the growth rate for consumption and increase in the numbers of young males will be factors tending to push up the crime rate. Nevertheless, various crime reduction initiatives are forecast to achieve a 20% reduction in crime over the next five years, in spite of these upward pressures.

**2.6** Together with our criminal justice partners, we are committed to bringing 1.25m offences to justice in 2007/08 (target 1 of our new Public Service Agreement). This will bring extra demand on both the courts and the Criminal Defence Service, but 50,000 of these offences are to be brought to justice with fixed penalty notices. We are well on track to deliver and have improved performance by 9% since the 2001/02 baseline.

**Victims and witnesses**

**2.7** The chance of becoming a witness is now at its lowest for twenty years, as a result of the major reduction in crime achieved over the past few years. Nevertheless, at least 22,000 cases had to be discontinued in 2002-03 because of prosecution witnesses being unable or unwilling to attend court. The current experience of



<sup>3</sup> Crime in England and Wales 2003/2004, Home Office July 2004

<sup>4</sup> Crime in England and Wales 2002/2003

witnesses passing through the criminal justice system can be confusing and intimidating. It can leave people feeling detached from the service and/or uninformed about what their role in the process will be. For example, 47% of victim witnesses were not kept informed at all about the progress of their case; 53% of defence witnesses were in a similar position.<sup>5</sup> Moreover only half of magistrates' courts have separate waiting facilities for prosecution witnesses. We set out in Section 4 the improvements we intend to make for victims and witnesses.

### Consumer perceptions of the system

**2.8 The public are unlikely to embrace the civil justice system fully whilst they perceive it to be difficult to use.**

**2.9** Research carried out by the Legal Services Research Centre found that one in five adults experiencing a civil law problem take no action to solve it; and around one million problems go unsolved each year, often because people do not understand their basic rights or know how to seek help.<sup>6</sup>

**2.10** DCA's Consumer Strategy research also shows agreement amongst consumers with the following statements:

*"The cost of going to law is expensive and not affordable for the average person"*

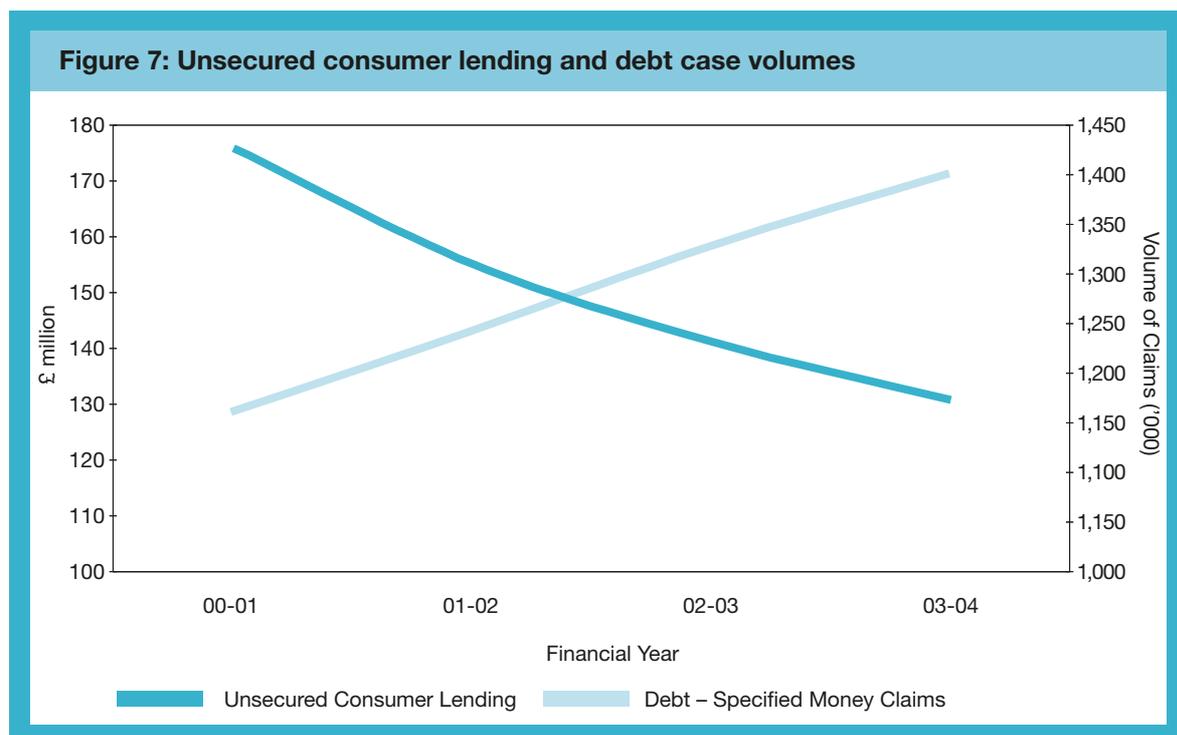
*"Legal procedures are slow and take forever"*

*"Getting involved in legal issues and disputes is "very stressful" <sup>7</sup>*

Even if these perceptions are not always accurate, there is still a challenge for DCA in terms of promoting better education and understanding about legal rights and responsibilities and the legal system. But for a wide range of problems, people's perceptions of the difficulty in resolving them also tended to be higher amongst those who had actually experienced the problem.

### Debt cases

**2.11 The numbers of debt cases brought to court in England and Wales are likely to continue falling, subject to there being no unexpected shocks to the economy.**



<sup>5</sup> *Witness Satisfaction: findings from the Witness Satisfaction Survey 2002*, Home Office

<sup>6</sup> *Causes of Action: Civil Law and Social Justice*, Legal Services Research Centre, 2004

<sup>7</sup> 2,016 respondents ranked their agreement or disagreement with the statements with 1 = 'strongly disagree' and 5 = 'strongly agree.' The mean responses to the three statements were 4.1, 4.1 and 4.0 respectively

**2.12** Although the level of consumer credit has increased dramatically over the last decade, the number of debt cases brought to court has fallen in recent years – see figure 7. This has been driven by the relative affordability of credit and creditors’ increasing propensity to resolve smaller debt claims directly with their customers without recourse to the courts. These trends are likely to continue in spite of the rising level of consumer credit, barring any unexpected shocks to the economy.

### Compensation Culture

**2.13** The idea that there is a growing ‘compensation culture’ is causing problems for many organisations, such as schools, hospitals, local authorities and community groups. The costs to insurers of personal injury and negligence claims increased by 16%<sup>8</sup> between 2001/02 and 2002/03.<sup>9</sup> However, the total number of accident claims decreased by 9.5% in 2003/04 (having remained relatively static between 2000 and 2003) and is not expected to increase significantly over the next five years. Furthermore, the number of civil claims actually brought to court over the last five years has been declining. This appears to be partly due to the introduction of the Access to Justice reforms to civil procedure introduced in 1999 which aimed at encouraging pre-action settlement, coupled with the growing propensity for insurers to seek to settle claims quickly and out of court.

**2.14** Despite this evidence of declining accident claims, many people believe that compensation is being awarded more readily than before and that people are seeking compensation after every accident, regardless of whether there has been negligence or not. Moreover, some advertising encourages people to seek compensation even if a claim has little merit. The consequences are that organisations feel pressures to cease or curtail normal activities because they fear being sued, there are additional burdens for people handling claims and, critically, it undermines genuine claims.

**2.15** DCA is committed to addressing this issue by clearly opposing the views that where there is an accident, there is always compensation. Our position is that where someone is injured through negligence or wrongdoing of another, the victim should be compensated. The Better Regulation Task Force Report *Better Routes to Redress*, published in May 2004 supported the Government’s view that ‘compensation culture’ is not resulting in increased claims and litigation, but it was nevertheless having damaging effects.

**2.16** The Government response to the report, published in November 2004, sets out how we will tackle practices that help spread misperceptions and false expectations and how we will improve the effectiveness and efficiency of the system for those who have a genuine claim to compensation. We are looking at proper regulation of claims management companies and developing appropriate guidance on issues such as health and safety and on rights of redress. We are working with the insurance sector to promote affordable insurance and to link premiums more closely to risk and we are encouraging organisations to resist bad claims and all sides to reach swift and effective settlement of genuine claims – including promoting better rehabilitation.

### Commercial litigation

**2.17** The high quality and competitiveness of the UK’s commercial legal practices are major contributors to the City of London’s status as one of the world’s leading financial centres. This may be vulnerable to competition as other European and world-wide commercial centres grow in size and confidence. We need to ensure that the high quality of service continues, that appropriate provision is made to service the demand, and that the common law remains the law of choice in commercial contracts.

<sup>8</sup> Datamonitor, 2003. Insurers costs include both damages and legal costs

<sup>9</sup> Compensation Recovery Unit

## Social changes

### 2.18 Social changes are driving a continued increase in the complexity and number of relationship breakdowns, resulting in growing child contact and residence orders.

2.19 Cohabitation is becoming increasingly common and the number of children born outside marriage has also increased sharply. These effects, combined with the fact that cohabiting couples are 4.9 times more likely to separate than married couples,<sup>10</sup> have led to an increase in the total number of residence and contact orders from 33,894 in 1992 to 91,362 in 2002 – see figure 8.

2.20 As these trends are expected to continue over the next five years, it seems reasonable to assume that the number of orders granted by the courts will also continue to rise.<sup>11</sup> The Family Justice reforms we are making are intended to address the pressures on resources available for dealing with such cases under the Children Act 1989 arising from this forecast increase in the number of orders. We also need to address the likely impact on legal aid spending, as the majority of cases coming to court are publicly

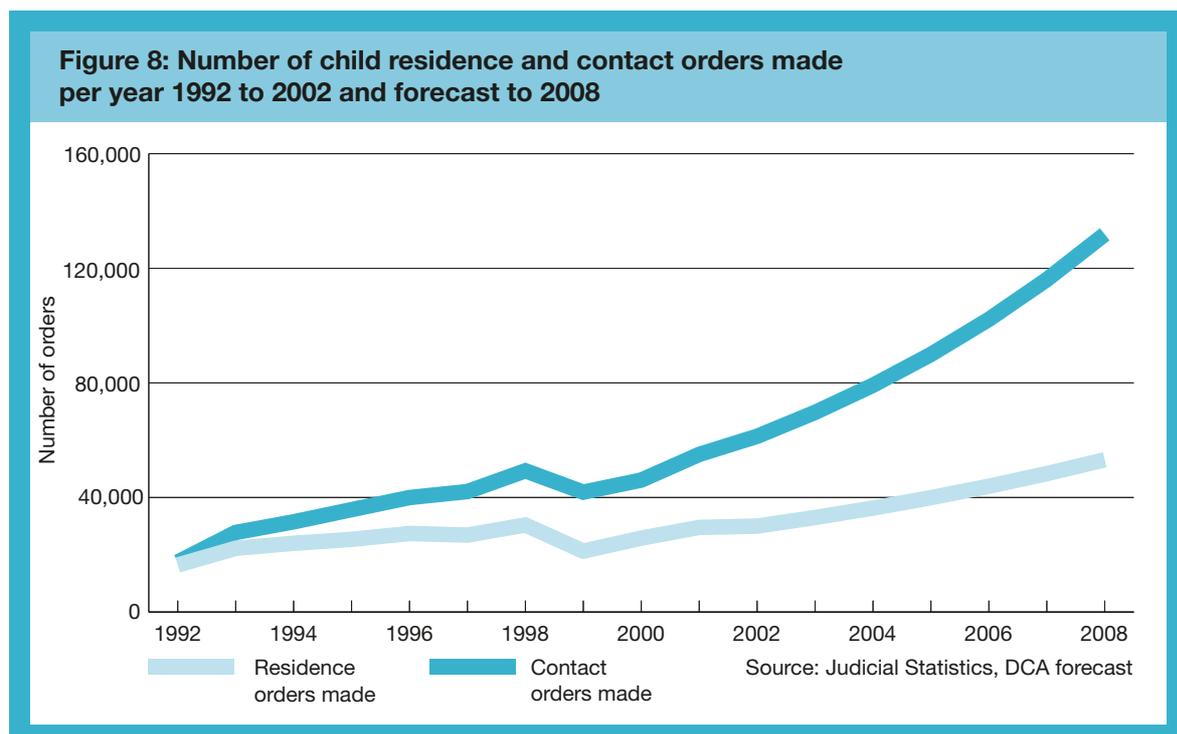
funded and research has suggested that these cases appear to be of greater duration and therefore greater cost (especially where issues of safety are involved).<sup>12</sup>

### Asylum and immigration

2.21 The overall volume of asylum and immigration appeals is forecast to fall over the next five years. However, it will be important to maintain a degree of flexibility in the capacity of the appeals system to handle sudden increases in volume. Similarly, the decline in asylum intake will allow more flexible processes than currently available, which will help to ensure cases are dealt with in the most appropriate and effective way.

2.22 The total number of asylum appeals has fallen and is forecast to continue to fall at a significant rate. However, the system remains vulnerable to sudden peaks in demand resulting from world events.

2.23 The Asylum & Immigration (Treatment of Claimants etc.) Act 2004 streamlines the appeals system, and should lead to either swifter integration of refugees or removal of



<sup>10</sup> Source: British Household Panel Survey, Ermisch 2000

<sup>11</sup> The historical growth rate used in the projection excludes the effect on the unexplained dip in numbers in 1999

<sup>12</sup> Legal Service Commission 2004

failed applicants. This will help contribute to a reduction of costs in the system. The forecast fall in the overall volume of appeals will also contribute to an overall reduction in costs and allow us to make more efficient use of resources, so we have more flexible processes enabling cases to be dealt with in the most appropriate and effective way.

**Consumer expectations**

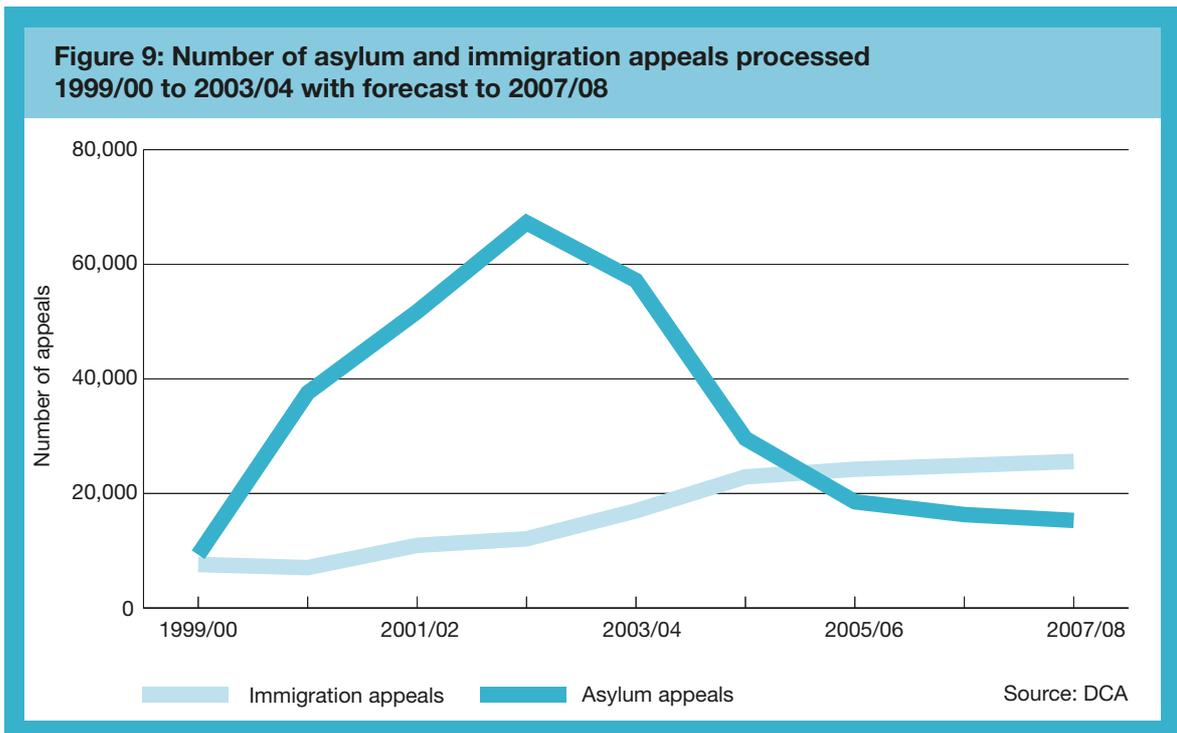
**2.24 Over the last few years the expectations of British consumers have grown increasingly challenging.**

**2.25** For example, the proportion of consumers who expect any complaint that they make in person to be dealt with either “immediately” or on the “same day” has increased from 56% in 2001 to 65% in 2003.<sup>13</sup> Coupled with the fact that consumers in the same survey identified “Government” as the second worst industry for handling complaints effectively (behind utilities), this suggests that the DCA, along with other government departments, is likely to face the challenge of meeting rising consumer expectations for better and more responsive services.

**Engagement in the democratic process**

**2.26 Declining levels of trust.** A growing body of evidence suggests that people have for many years been losing confidence in both politicians and governments of all parties, and disengaging from the traditional democratic process. Those expressing trust in Government “always or most of the time” have fallen from 40% to 25% from 1974 to 2002. Recent research published by the Committee on Standards in Public Life suggests that the public has higher levels of trust in judges and the police than in politicians or civil servants.<sup>14</sup>

**2.27 Falling electoral turnout.** Participation in the formal democratic process has also significantly worsened over the last decade with voter turnout at the general elections falling from 78% in 1992 to 59% in 2001 and membership of political parties apparently in long term decline. There is also evidence that rates of engagement vary between different social groups and sections of the community. However, research also suggests that there is no straightforward connection between levels of trust and democratic engagement.



<sup>13</sup> National Complaints Culture Survey 2003

<sup>14</sup> Survey of public attitudes towards conduct in public life, Committee on Standards in Public Life, September 2004

**2.28** At the same time, however, levels of public engagement with local political issues are increasing, and we are witnessing the continued growth of public participation in ‘single-issue’ interest groups. This suggests that interest and participation in the democratic process are alive and well in at least some sections of the community, although it increasingly appears they are finding expression via alternative channels.

**Conclusions**

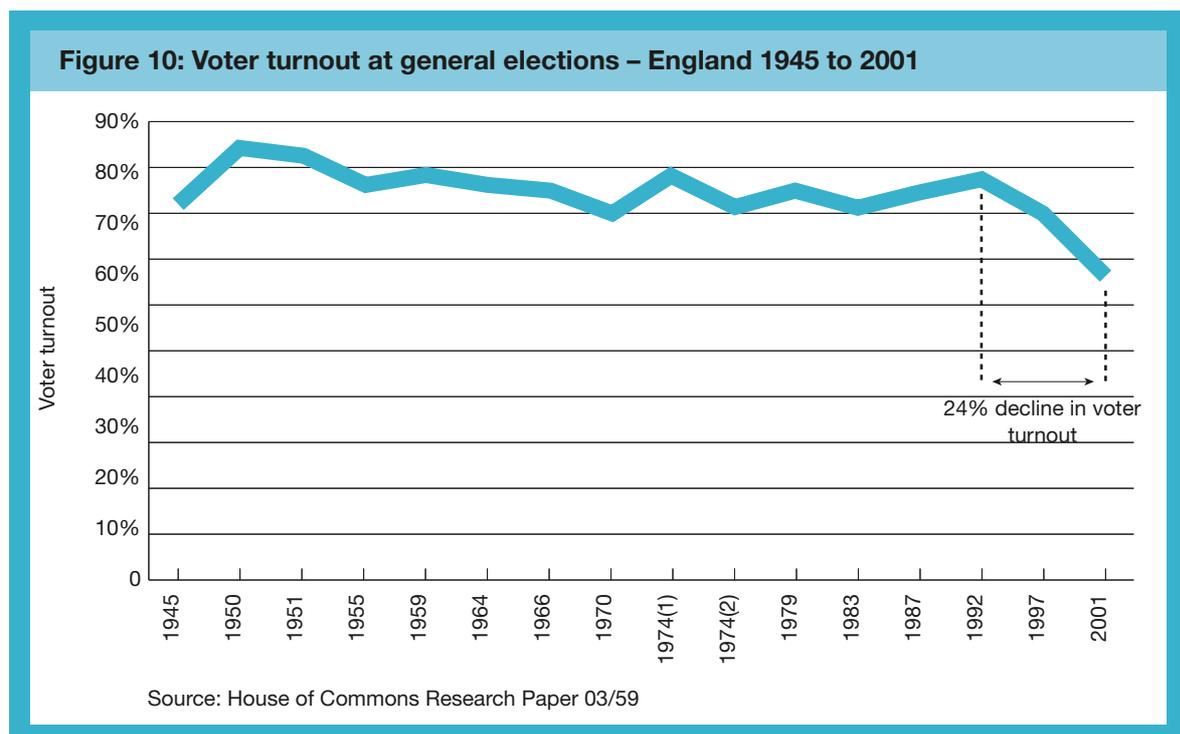
**2.29** Our analysis of the future external environment leads us to draw the following three key conclusions that have a major bearing on our strategic direction:

- **demand for DCA services is likely to remain high overall and in certain areas those services will come under considerable pressure;**

- despite the compelling evidence to suggest that we are not becoming a more litigious society, it is clear that there is a **gap between consumer needs and expectations and the ability of the current system** (one largely based on courts, lawyers etc.) to deliver solutions which meet either demand or quality requirements; and
- **we face a major challenge if we are to help to rebuild public trust** in the justice system and renew the relationship between citizens and the state.

**Meeting changing demand**

**2.30** Our ability to develop and deliver solutions in response to the challenges described above is constrained in several important ways. In very simple terms, based on our current patterns of business these constraints mean that we cannot respond to future demands by simply doing more of the same. However, any decisions on the future infrastructure and operations of the courts and legal aid will need to flow from agreement on the services that the DCA will provide over the next five years.



**2.31** Having said this, the various “supply-side” constraints the DCA faces do suggest a strong case for radical change in the way we do things. Our key conclusions are as follows.

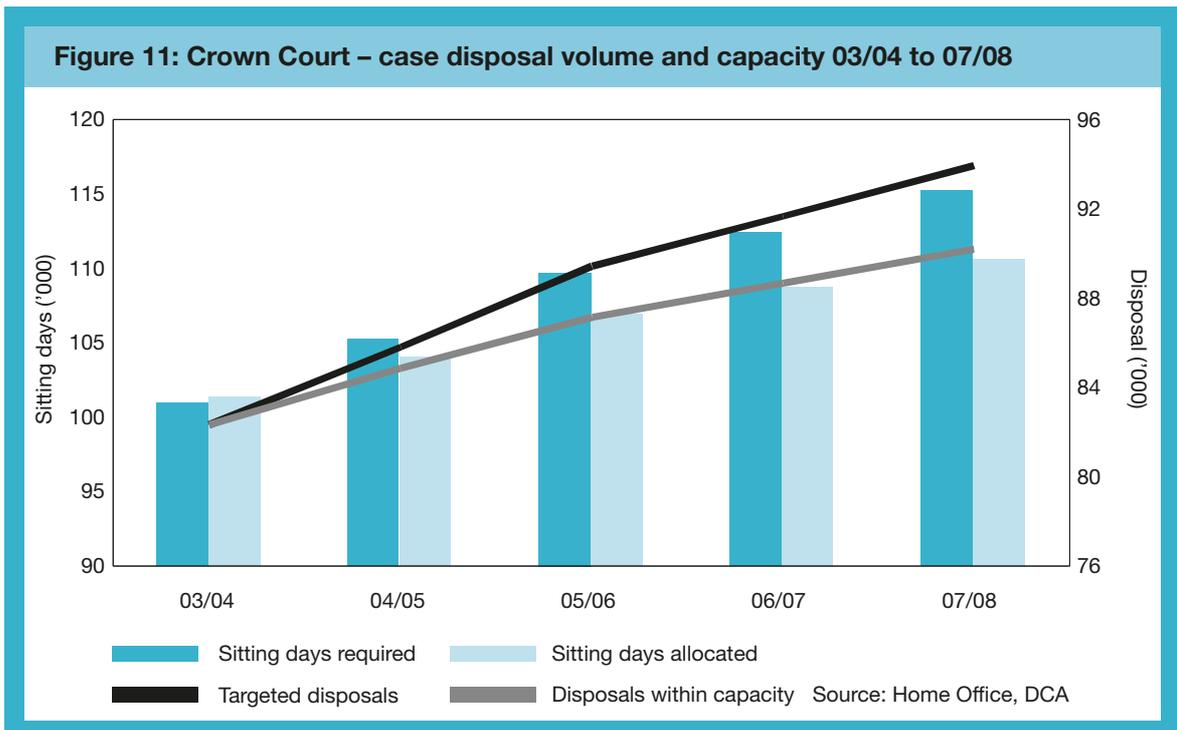
**Crown Court capacity**

**2.32 The Crown Court is close to full capacity in terms of the number of sitting days required to deal with the current volume of criminal cases. A capacity shortfall is likely to arise, which will need to be offset by further measures to increase efficiency and align resources more closely to changing patterns of demand.**

**2.33** Our Public Service Agreement following the 2004 Spending Review requires 1.25m offences to be brought to justice by 2007/08, of which 50,000 are expected to be dealt with by fixed penalty notices. Our analysis (see figure 11) indicates that without major improvements to the efficient operation of the criminal justice system, the Crown Court will experience increasing difficulty in meeting the increase in demand for its services.

**2.34** We are therefore undertaking a number of initiatives with our criminal justice partners to make the criminal justice process more efficient and ensure that Crown Court capacity is used to its best effect. These are outlined more fully later on in this Strategy, but include:

- implementation of the **Criminal Case Management Framework** setting out the roles and responsibilities of all parties to progress criminal cases;
- **supporting witnesses to attend court** to avoid unnecessary adjournments; and
- reforming the Legal Aid system through the **Fundamental Legal Aid Review** to eliminate delay and focus support and resources where they are most needed.



### Magistrates' court capacity

**2.35** Although there is spare capacity in the magistrates' courts, it cannot readily be used to overcome the severe regional pressure points in high crime areas.

**2.36** Nationally, the service has the capacity to dispose of the additional criminal cases that will result from the revised PSA 1 of 1.25m offences. In caseload terms, PSA 1 will require the magistrates' courts to dispose of an additional 297,000 cases in total at an extra cost of £97m over the period to 2007/08.

**2.37** However, utilisation of magistrates' courts varies widely – from 40% to 80%. Utilisation is high in major urban centres such as London, Manchester and Liverpool – those areas most heavily affected by crime. Based on current sitting hour allocations (see figure 12), our analysis indicates that meeting the 1.25m target will result in at least half of the magistrates' courts being over 70% utilised (based on a pro-rata increase of the number of hours used and the current sitting hours available).

### County court capacity

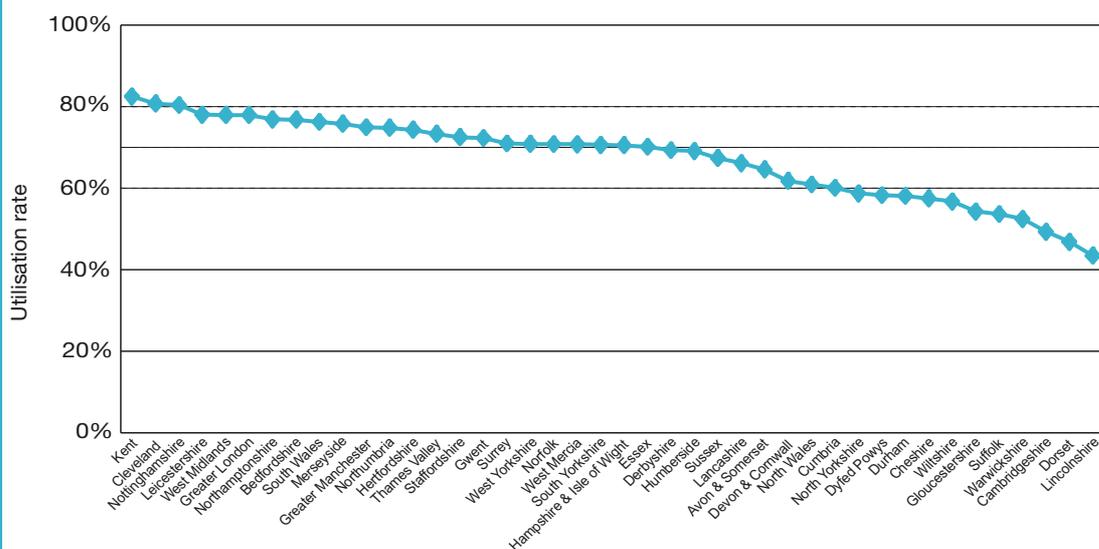
**2.38** County court capacity is not constrained, but priority cases need to reach court for resolution more quickly and many cases would be better dealt with outside court.

**2.39** There is no hard data available to determine county court capacity. However, anecdotal evidence suggests that a lack of capacity is not a major issue. Rather it appears that the key issue is the need to improve the speed of resolution in priority cases.

**2.40** Although civil cases involving such matters as debt, personal injury and negligence are not expected to grow over the Strategy period, those concerning family breakdown almost certainly will. Our proposed Family Justice reforms are designed to tackle the expected increase so that the burden on the county courts and legal aid is manageable.

**2.41** Our consumer research shows that many people would prefer to resolve their civil disputes through non-court processes. We therefore intend to explore new ways in which proportionate dispute resolution could be

**Figure 12: Magistrates' courts utilisation rates, 2003/04**



Note: Utilisation is measured as hours sat over total hours available to magistrates and other users  
 Source: Magistrates' Courts Business Returns Annual Report 2003/04

made available within the wider civil justice system. However, this will have to be carefully planned and managed. We will need to ensure that cost efficiencies from process re-engineering and management of the estate offset any resulting reduction in fee income as fewer cases come to court.

### Standards of service provision in all courts need to be improved

**2.42** There will remain a proportion of cases that need to be dealt with through the formal court process. These cases need to get there as quickly as possible and, once there, need to be dealt with to a high standard. Achieving this will mean modernising supporting systems, and in particular current IT systems. Modernisation will also enable further business transformation of the way courts process their work, especially routine, back office business. The establishment of Her Majesty's Courts Service will help us to drive improvement by providing the basis for a strategic approach to provision of court services and the use of our estate.

### Legal aid pressures

**2.43 Pressures on legal aid will continue throughout the Strategy period, mirroring the pressures on the courts.**

**2.44** Legal aid represents approximately 51% of DCA's spending. It is essential that legal aid continues to support the operation of the criminal courts, to protect the rights of defendants and others in legal processes affecting their fundamental rights, and to help the vulnerable. However, without measures to achieve effective control of costs, the legal aid budget is likely to come under substantial pressure over the Spending Review period for a number of reasons including the forecast numbers of criminal cases (driven by our PSA1 target) and the likely increase in child contact and residence orders.

**2.45** To meet this considerable challenge we need to be imaginative in maintaining services to the public and meeting the reasonable expectations of suppliers, while successfully managing our budget in the interests of taxpayers:

- in the short term, the DCA and the Legal Services Commission are bringing forward a number of proposals to target legal aid better and to purchase legal services in new ways. For example, the Legal Services Commission has already issued a consultation document *A New Focus for Legal Aid*, which sets out a number of proposals for better targeting of legal aid. The Criminal Defence Bill will re-introduce means-testing for criminal cases to ensure that those found guilty of offences and who can afford to pay for their defence do so; and
- in the longer term, we believe that radical reform of Legal Aid is necessary and we are therefore conducting a Fundamental Legal Aid Review due to report in early 2005 – see Annex C.

### Access to legal services

**2.46 Legal services are patchy in terms of meeting consumer requirements.**

**2.47** There were just under 93,000 practising solicitors in March 2004 (of whom nearly 2,200 were solicitor advocates). In December 2003 there were nearly 14,000 practising barristers (11,250 of whom were in independent private practice). Legal activities had a turnover of 18.1 billion in 2002, increasing by almost 60% in real terms since 1995.<sup>15</sup> Total fee income from all sources grew by approximately 83% between 1990 and 2000. UK legal exports in 2003 totalled £1.9 billion.

**2.48** According to the Legal Services Ombudsman there has been an increase in the number of complaints made against solicitors.<sup>16</sup> Furthermore, recent work undertaken by the Consumer Strategy Team reported that consumers' awareness of the legal system was poor and they felt it to be too expensive, complex, slow and stressful.<sup>17</sup>

*"You just feel with solicitors that this is their cue for £175 thank you very much."*

*"I really think that I would have benefited tremendously by having someone at the end of the phone who isn't being paid by me."*

<sup>15</sup> Annual Business Enquiry, Office for National Statistics

<sup>16</sup> Summary of the 12th Annual Report of the Legal Services Ombudsman

<sup>17</sup> DCA Consumer Strategy Review: Consumer Experience Survey and Relationship Breakdown project

**2.49** Existing research has also identified that consumers are disadvantaged when seeking legal services by poor price transparency and lack of knowledge relating to the quality of the services provided. This ‘consumer ignorance’ prevents them from challenging suppliers’ fees and the quality of service they receive.<sup>18</sup>

**2.50** As for publicly funded firms, the picture is varied. Our evidence is that we broadly pay around the right amount to secure services. But there is evidence of particular problems in certain sectors, for example:

- a Legal Service Commission survey of contracted firms has found that it is becoming increasingly difficult to recruit lawyers to undertake criminal defence work and that geographical gaps are emerging in some categories of civil law such as housing; and
- a survey of the Bar showed that on occasions it could be difficult to find family barristers.

Particular problems are being tackled. For example, we recently raised rates for some housing legal aid, the Legal Services Commission is funding trainee solicitors, and we have restored some reductions in family fees for barristers. Success in maintaining a legal aid service will depend on striking a balance between controlling costs and providing sufficiently attractive remuneration.

### Innovation and competition

**2.51 The existing regulatory framework for legal services in England and Wales militates against innovation and competition.**

**2.52** The current regulatory regime aims to correct the market failure associated with consumers low level of knowledge, but in fact hinders competition and has limited success in protecting consumer interests. Key issues include:

- complex and possibly inadequate regulatory structures;
- a lack of competition and alternative business structures; and
- poor control of quality and supplier performance.

**2.53** We have undertaken a consultation process, which examined opportunities to increase competition and de-regulate the legal services market in England and Wales in order to improve consumer access to services, quality, outcomes, and reduce costs. As part of this process we have agreed to open up the probate market to new service providers and seek to open the legal services market to new business entities. Sir David Clementi is leading a wide-ranging review of the legal services market to consider the most appropriate framework to promote competition, innovation and the consumer interest, due to deliver recommendations by 31 December 2004. See Annex C for further details of the Clementi Review.

### Conclusion

**2.54** Our supply side analysis leads to three overarching conclusions:

- reform of legal aid is needed to target resources to deliver the right outcomes for the right people and to place the budget on a sustainable long-term footing;
- major structural change to the ways in which we deliver services is likely to be required if we are to make the step change in performance that we want; and
- legal services are failing to meet consumers’ needs in several respects, for a number of reasons including fee rates, lack of information and lack of competition in some areas. Addressing these problems will need to be a priority for DCA going forward.

### 3 Approach to Reform

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Our strategy for meeting the challenges outlined in the previous section has four key components. We will:

- develop policies that empower citizens and communities, protecting them from crime and anti-social behaviour, helping them to manage their problems more effectively, safeguarding their rights and connecting them more closely to the democratic system;
- make better use of education, information and advice and alternative dispute resolution so that people can resolve their disputes and problems as quickly, effectively and proportionately as possible, away from formal court and tribunal hearings when this is more appropriate;
- change radically the way we deliver services, so that the courts, tribunals, advice and legal services, and constitutional arrangements are modern and a better match to the needs of users and the taxpayer; and
- re-shape the DCA organisation and infrastructure and the way we work, so that they are structured around meeting the needs of the public and work well with the rest of government.

This section looks at the practical implementation of each of these in turn.

## Policies that empower citizens and communities

*“I think the legal system isn’t very consumer friendly. In a day when the customer matters, when the customer is important you feel like you are stepping back into the dark ages with them.”*

**3.1** Over the period of the Strategy, we will develop and begin to implement a series of radical new policies and services. The common thread running through these policies is a fundamental shift from a focus on providers to a focus on the people that consume our services – the public. We will be seeking to put the public first.

**3.2** DCA works to improve the public’s confidence in the justice system by making sure it is efficient and understands the problems of the communities that it serves. We work to ensure that the justice system serves everyone irrespective of their background or personal circumstances.

**3.3** The table below provides some illustrations of our new approach in each of our five priority areas. Details of these and other policies and programmes are provided in Section 4.

Priorities	Action
<b>Reducing crime and anti-social behaviour</b>	<ul style="list-style-type: none"> <li>• Work with partners to refocus the criminal justice system on outcomes, particularly crime reduction with <b>victim, witness, offender and community satisfaction as key indicators of performance.</b></li> <li>• A strategy for evaluating alternative approaches within the criminal justice system, including <b>community justice centres, drug courts, tackling anti-social behaviour</b>, diversions, restorative justice, and a new approach on funding advice to defendants.</li> <li>• We will continue to give a high priority to <b>fine enforcement</b> and enforcement of court orders generally.</li> </ul>
<b>Speeding up asylum and immigration appeals</b>	<ul style="list-style-type: none"> <li>• A single tier Asylum and Immigration Tribunal to streamline the appeals process and ensure high-quality judicial decision-making that is <b>fair, fast and effective.</b> We will deal with asylum appeals significantly quicker than we do at present.</li> <li>• Move to a <b>more flexible</b> appeal system with speed of process tailored to type of case.</li> <li>• Asylum legal aid better targeted for those with genuine needs and merit.</li> </ul>

Priorities	Action
<b>Protecting the vulnerable</b>	<ul style="list-style-type: none"> <li>• A network of <b>specialist family courts</b>, combining magistrates' and county courts and enabling magistrates and the professional judiciary to work together to provide the most timely and proportionate responses to the most vulnerable.</li> <li>• Establishment of the new <b>Court of Protection</b> as a court of record and the appointment of the <b>Public Guardian</b> to safe-guard the rights and supervise decisions made for people who do not have the mental capacity to make their own decisions.</li> <li>• An increase in video links so that evidence can be taken over video in 100% of Crown Courts and 75% of magistrates' courts.</li> <li>• A <b>transformed family justice</b> system, moving from a fact-finding and adversarial system to a problem-solving system dealing only with those cases which need the attention of the court.</li> <li>• <b>Reform of Legal Aid</b> to develop a new level of family service that will act as a driver to settlement-led practice, and create real disincentives to litigate.</li> </ul>
<b>Delivering more effective and proportionate dispute resolution</b>	<ul style="list-style-type: none"> <li>• A <b>new civil and administrative justice landscape</b>. Better educated citizens, with access to early information, advice and assistance through the Community Legal Service and a range of dispute resolution options, resulting in reduced demand for litigation, courts and tribunals.</li> <li>• More effective use of <b>enforcement methods</b>, based on better information, minimising the demand for bailiffs to seize goods.</li> </ul>
<b>Strengthening democracy and rights</b>	<ul style="list-style-type: none"> <li>• Encouraging public services to respect people's human rights.</li> <li>• Ensuring people can effectively exercise their information rights.</li> <li>• Strengthening people's engagement with the democratic process.</li> <li>• Developing public understanding of the way we are governed.</li> </ul>

## Providing education, information and advice

**3.4** Our vision is to develop an **Education, Information and Advice strategy** that will enable people to understand their rights and responsibilities so that they are:

- better equipped to manage their problems earlier and more effectively, leading to the prevention of problems and to problems being resolved before they reach court; and
- better informed about the way we are governed.

This vision is core to our approaches to more effective dispute resolution and renewing the relationship between citizens and the state.

*“There is loads and loads of information out there about how to get out of debt but trying to find it by the time you need it it's too late and then you are just stumbling along in the dark trying to find the information you need to carry on.”*

Education, Information and Advice Strategy	
<b>Underlying principles</b>	<ul style="list-style-type: none"> <li>• A coherent, co-ordinated, consistent and professional approach across the DCA.</li> <li>• An approach that focuses on clearly defined consumer groups.</li> <li>• Consolidation of budgets behind effective deliverers such as the Citizens Advice Bureaux, Relate or the Citizenship Foundation, rather than DCA direct provision.</li> <li>• Provision of sign-posted “portals” and directories including development of <i>Community Legal Services Direct</i> as national brand for telephone advice, sign-posting and information leaflets.</li> <li>• Development of models of consumer behaviour, by key consumer group, and a range of indicators to measure performance.</li> <li>• Effective co-operation with other Government departments on shared problems.</li> </ul>
<b>Priority channels</b>	<ul style="list-style-type: none"> <li>• The education systems in England and Wales.</li> <li>• Front-line sources of “first contact”, for example GPs and schools as well as Citizens Advice etc.</li> <li>• <i>Community Legal Services Direct</i>.</li> <li>• The general media, via popular programming.</li> <li>• Limited web products, via sign-posted “portals” and directories.</li> </ul>

**3.5** The development of the Education, Information and Advice strategy, part of the Consumer Strategy Review, is at a relatively early stage and requires a good deal of further work. Its objectives will include:

- understanding consumers and their needs by adopting clearly defined groupings of consumers;
- providing consumers with simple, understandable and easily accessed information and advice via a limited number of well sign-posted “portals”;
- providing education, information and advice that enables consumers to manage their problems and resolve their disputes earlier and more effectively, as an integral part of managing demand; and
- creating the channels through which the DCA will manage these consumer relationships more effectively, working closely with other Government departments and agencies.

The principles underlying the strategy are set out in the table above, along with the priority channels on which it will focus.

## Changing radically the way we deliver services

*“We are all individual cases – we cannot keep generalising as a lot of powers that be do”*

**3.6** Realising our radical vision will require more than incremental change. We need to transform major parts of the legal and constitutional systems. The way in which we deliver policies and services will be based on the following key principles:

- creating services based around people’s problems and community needs, rather than expecting people to fit around service structures;
- making better use of expensive building assets by combining different types of courts in single buildings, and by establishing specialist centres to deal with specific problems (e.g. family disputes);

- ensuring that all our services are underpinned by effective, modern systems, and that we use this capability to deliver them as efficiently as possible;
- using new technology where that makes life easier for people (e.g. in legal transactions and in voting); and
- adopting levers that encourage the behaviour and performance that we require from providers (e.g. using alternative pricing and regulatory structures).

**3.7** We have already started to put in place some of the **building blocks for this major system-wide transformation** (see table over the page).

## Re-shaping the DCA organisation and infrastructure

**3.8** Our Strategy is ambitious and delivering it will be difficult. We will need to continue with the change agenda we began as the old Lord Chancellor's Department. This has focused on:

- **becoming an effective delivery organisation**, particularly for our Public Service Agreement targets;
- **developing a consumer-centred approach**, together with a comprehensive supporting evidence base, to everything that we do, building on the customer services skills that our front-line staff already have. In particular this now needs to focus on developing a creative capacity in product and service innovation;
- **being an efficient organisation** with sound financial, performance management and programme and project management systems, supported by staff with the right skills and experience;
- **ensuring that we manage performance effectively across all of our delivery channels, and that our people (particularly those at the top of our organisation) have the skills and experience to do this**. We will, as part of this, implement the Professional Skills in Government initiative announced by the Cabinet Secretary in October 2004;

- **reflecting the diversity of the communities we serve** by ensuring that we understand the diverse needs of all people, and that this understanding is reflected in the policies and services we develop and deliver;
- **ensuring that we work effectively across organisational boundaries**. In particular, we will:
  - work with colleagues in the other criminal justice agencies to deliver the Government's overall strategy for criminal justice; and
  - reshape the Department to enable us to deliver improved services to Ministers and the public.

**3.9** We will continue with this change agenda over the coming year and will also, in the context of the **Gershon Efficiency Review**, concentrate on:

- **building a small, strong, strategic corporate centre**;
- **improving the effectiveness and efficiency of our internal support services** (HR, IT and Finance), bringing together the separate functions that currently exist across the DCA family; and
- **improving the efficiency with which we procure and manage all our contracts**, including the planned re-tendering of our major IT and corporate services contracts in 2006/07.

Action	Purpose and example
<b>Her Majesty's Courts Service</b>	<ul style="list-style-type: none"> <li>• Bringing together the magistrates courts, the County and Crown Courts, the High Court, and the Court of Appeal in England and Wales.</li> <li>• This will enable more effective delivery of a range of court services, supported by modern systems and delivered through a rationalised and modernised courts estate.</li> </ul>
<b>New constitutional framework for administration of justice</b>	<ul style="list-style-type: none"> <li>• A new UK Supreme Court independent of the legislature.</li> <li>• Reform of the office of Lord Chancellor.</li> <li>• A Judicial Appointments Commission for England and Wales which will demonstrate that judges are appointed solely on the basis of merit.</li> </ul>
<b>Freedom of Information</b>	<ul style="list-style-type: none"> <li>• Leading on implementing the new statutory right of access across around 100,000 public bodies, and balancing that right with the need to deliver effective governance.</li> </ul>
<b>Speeding up asylum and immigration appeals</b>	<ul style="list-style-type: none"> <li>• Ever more effective and joined-up working with the Home Office to ensure a properly integrated system that will achieve our shared asylum and immigration objectives.</li> </ul>
<b>Consumer research</b>	<ul style="list-style-type: none"> <li>• Helping us to gain insight into the needs of our consumers.</li> <li>• We will continue to use these insights to change the DCA into an organisation that places its consumers' needs at the very heart of what it does.</li> </ul>
<b>IT modernisation programme</b>	<ul style="list-style-type: none"> <li>• Rolling out new infrastructure to all our Crown Court centres, our major county courts and the magistrates' courts; and introducing the <i>Xhibit</i> system to enable real-time access over the Internet to up-to-date information on the progress of Crown Court trials.</li> <li>• Our aim is to build on this first programme, developing modern business systems to support the work of the courts.</li> </ul>
<b>Information, advice and access to the justice system</b>	<ul style="list-style-type: none"> <li>• Facilitating the creation of accessible and easy to use resources for information, advice and access to the justice system that will allow users to begin to manage and take control of their issues and problems in the most appropriate manner.</li> </ul>
<b>New unified tribunals service</b>	<ul style="list-style-type: none"> <li>• Focusing on resolving disputes, not just processing cases.</li> <li>• Seeking, where possible, to improve the quality of the original decisions in Government before any serious dispute arises.</li> </ul>
<b>Fundamental Review of Legal Aid</b>	<ul style="list-style-type: none"> <li>• Identifying what needs to change in the delivery of publicly funded legal services to ensure that we deliver fair access to justice more effectively in the interests of users and taxpayers.</li> </ul>
<b>Clementi review</b>	<ul style="list-style-type: none"> <li>• Reviewing the regulatory framework for legal services in England and Wales to identify what sort of regulatory framework will best promote competition, innovation and consumer interest in an efficient, effective and independent legal sector.</li> </ul>

## 4 Business Priority Areas

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More effective and proportionate dispute resolution	55
Strengthening democracy and rights	62

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This section explains the 5-10 year vision for each of our five priority areas (crime and anti-social behaviour; asylum and immigration; protecting the vulnerable; reforming civil, family and administrative justice through more effective and proportionate dispute resolution; and strengthening democracy and rights). It also identifies the outcomes that we want to deliver over the next five years and the main initiatives that we will implement in order to do so.

## Reducing crime and anti-social behaviour

### Vision and future outcomes

**4.1** The Government’s vision for criminal justice was set out in *Cutting Crime, Delivering Justice: A Strategic Plan for Criminal Justice 2004-2008*, published in July.<sup>19</sup> By 2008:

- the public will have confidence that the Criminal Justice system is effective and it serves all communities fairly;
- victims and witnesses will receive a consistent high standard of service from all criminal justice agencies;
- we will bring more offences to justice through a more modern and efficient justice process;
- rigorous enforcement will revolutionise compliance with sentences and orders of the Court; and
- criminal justice will be a joined-up, modern and well-run service, and an excellent place to work for people from all backgrounds.

**4.2** The DCA has a crucial role to play in helping to deliver this vision, by working through the courts to ensure the effective and efficient delivery of justice, building on the progress already made. The table below sets out the current position against each of the statements set out in the criminal justice system vision, and the future outcomes we wish to see.

*“I’ve been to Crown Court as a witness for accidental death through driving. It was a lot of shuffling and just seemed like a long process. Everything is a long process. That’s why you don’t see immediate reactions to things that you’re seeing.”*

*“Putting people in jail doesn’t deter them from crime and that costs vast amounts of money. The amount of people who re-offend is really high. There’s got to be some way of saving money rather than putting people in jail.”*

*“A lot of people think that whereas the legal system should work for you, it’s kind of a minefield to be got through. Most people don’t feel comfortable with it.”*

Current position	Future outcomes
<i>The public will have confidence that the criminal justice system is effective and it serves all communities fairly</i>	
<ul style="list-style-type: none"> <li>• Public confidence in the effectiveness of the Criminal Justice system is starting to improve (by 3 percentage points in the last twelve months). But it is still too low.</li> <li>• There is inconsistent engagement with, and understanding of, the needs of local communities.</li> </ul>	<ul style="list-style-type: none"> <li>• The public is confident that the courts are effective and serve all communities fairly.</li> <li>• Courts engage with the local community, responding effectively to their concerns, and community confidence is improved.</li> </ul>
<i>Victims and witnesses will receive a consistent high standard of service across the criminal justice system</i>	
<ul style="list-style-type: none"> <li>• Victims and witnesses are often not kept informed about their case, given short notice of the need to attend court, kept waiting to give evidence or turn up to find their case has been rescheduled, and not given adequate protection from intimidation.</li> </ul>	<ul style="list-style-type: none"> <li>• The experience of victims and witnesses going to court is improved.</li> <li>• Victims and witnesses with specific needs, including vulnerable and intimidated witnesses and victims of domestic violence, are supported through the court process.</li> </ul>

Current position	Future outcomes
<i>Victims and witnesses will receive a consistent high standard of service across the criminal justice system (continued)</i>	
<ul style="list-style-type: none"> <li>Although some progress has been made (e.g. 90% of Crown Court buildings now have separate waiting facilities for prosecution and defence witnesses) there is more work to be done to provide witness facilities in the magistrates' courts.</li> </ul>	
<i>We will bring more offences to justice through more modern and efficient processes</i>	
<ul style="list-style-type: none"> <li>The number of offences brought to justice increased by 7% between March 2002 and March 2004. But too many cases still fall out of the system and the perpetrators of these crimes go unpunished.</li> <li>Too many trials still do not take place on the day scheduled. This wastes money and demoralises witnesses. Considerable progress has been made in eradicating the problem – in the Crown Court the proportion of trials that do not go ahead on the scheduled day has been cut by a quarter – but there is much scope for further improvement.</li> </ul>	<ul style="list-style-type: none"> <li>The criminal courts are used only in cases where this is necessary. Cases which can be dealt with as effectively outside the full court process, for example, through extending the use of fixed penalty notices and conditional cautions, are diverted from court.</li> <li>Where cases do need to come to trial, they arrive at court ready to proceed, reducing the numbers of wasted trial hearings.</li> <li>A reformed legal aid system will eliminate time wasting and delay and direct support to where it is needed.</li> </ul>
<i>Rigorous enforcement will revolutionise compliance with sentences and orders of the court</i>	
<ul style="list-style-type: none"> <li>Defendants and offenders too often fail to comply with the decisions and penalties of the court first time. For example, whilst DCA has improved the enforcement of fines significantly in the past 18 months, 20% of fines remain unpaid, undermining the authority of court rulings and confidence in the system.</li> </ul>	<ul style="list-style-type: none"> <li>First time compliance is the primary objective. But where this does not take place, decisions of the court are enforced, the police notified of warrants issued immediately, fines paid promptly, community punishments completed, and criminal assets recovered.</li> </ul>
<i>Criminal justice will be a joined-up, modern and well-run service, and an excellent place to work for people from all backgrounds</i>	
<ul style="list-style-type: none"> <li>The delivery of justice is sometimes at the expense of excellent customer service. The courts do not always pay sufficient attention to how users are treated.</li> <li>The establishment of multi-agency local criminal justice boards, and the creation of the Office for Criminal Justice Reform, a trilateral centre for the criminal justice system, have begun to improve partnership working across the system.</li> <li>Although IT across the criminal justice system is improving, we are starting from a very low base. Basic processes in courts, such as listing of cases for trial, are still paper-based.</li> </ul>	<ul style="list-style-type: none"> <li>Consistent service standards are met across all courts in England and Wales.</li> <li>Courts play their full part in local criminal justice boards, which are well established bodies, resourced and empowered to deliver.</li> <li>Court staff have access to modern technology, compatible IT infrastructure and case management systems.</li> </ul>

### Measuring success: PSA targets

**4.3** Our Public Service Agreement targets for the SR2004 period are:

- to improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25 million by 2007-08; and
- to reassure the public, reducing the fear of crime and anti-social behaviour, and building confidence in the criminal justice system without compromising fairness.

These are joint criminal justice system targets, shared with the Home Office and Crown Prosecution Service.

### What we intend to achieve

**4.4** Considerable progress has already been made in improving performance across the criminal justice system in recent years, and the results are impressive. Crime has fallen dramatically, more offences are being brought to justice and, after a period of decline, public confidence is beginning to improve. DCA has played a major part in delivering these achievements. For example, the most up to date information shows:

- reducing ineffective trials in the Crown Court is significantly ahead of planned performance (17.1% for the quarter June to August 2004), and improvements continue to be made in magistrates' courts performance (25.6% for the quarter June to August 2004); and
- the fine enforcement rate for the quarter July to September 2004 was on target at 78%.

**4.5** But we have much more to do. By 2008/09, DCA, with its criminal justice partners, will:

#### *Public Confidence*

- help to deliver improved criminal justice performance and consistently high quality customer service standards;
- involve local communities in the determination of local priorities for the criminal justice system;

- implement a range of alternative interventions better targeted on the needs of victims, the offender and the local community, in particular through the establishment of specialist courts;

#### *Victims and witnesses*

- ensure victims and witnesses receive a consistently high quality of service, and in particular, that their experience of going to court is improved;
- meet the particular needs of vulnerable and intimidated witnesses and victims of domestic violence;

#### *Offences brought to justice*

- ensure court time and resources are focused only on the cases which need to be there, while those which can be dealt with as effectively outside it do not come to court;
- maximise the efficiency of the court process by encouraging defendants to plead guilty as early as possible, minimising the number of trials which do not take place on the scheduled days, supporting witnesses to give best evidence, and targeting legal aid where it is needed;

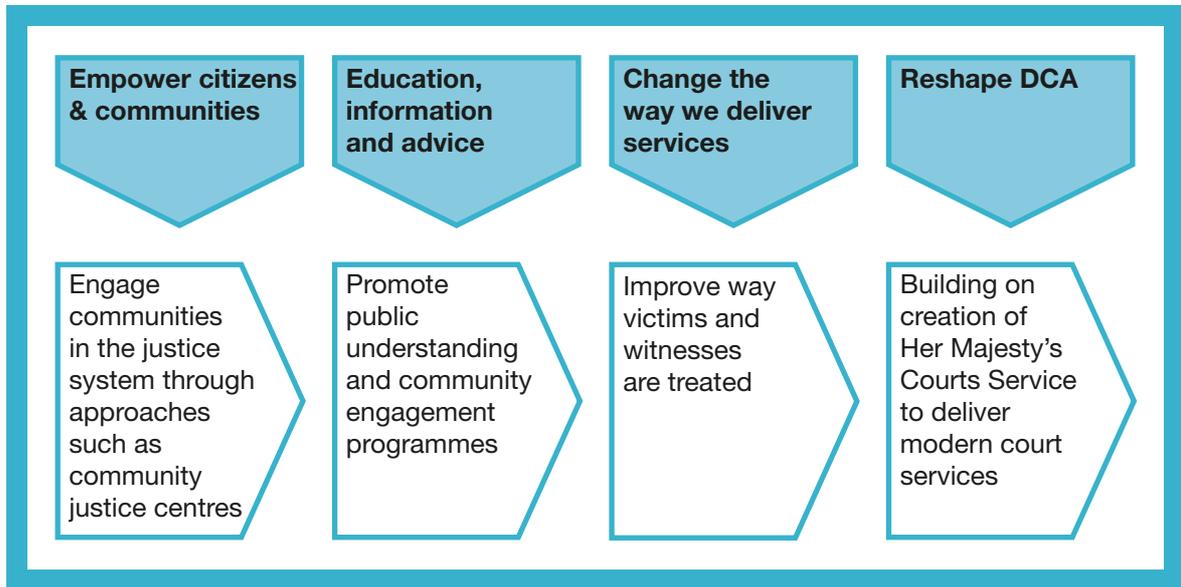
#### *Enforcement*

- improve defendant attendance and ensure the swift execution of warrants;
- increase the percentage of fines collected;
- bring community penalty breaches to court more quickly;
- recover more assets;

#### *Joined-up justice system*

- contribute to empowered local criminal justice boards, bringing together all agencies and matching community priorities; and
- ensure criminal justice staff working within courts have access to modern technology, and compatible IT infrastructure.

**4.6** The graphic below shows how our approach to crime fits with our overall approach to reform in DCA.



### Making the transition

**4.7** We need to take the following key steps on the way to our vision:

*The public will have confidence that the criminal justice system is effective and it serves all communities fairly*

**4.8** There are two specific strands to improving public confidence in the performance of the courts, and the criminal justice system as a whole:

- first, to **deliver a step change in service performance** by ensuring that justice is delivered efficiently and effectively, and to **improve customer service standards** further. Our plans to improve the delivery of justice and help bring more offences to justice are described below; and
- second, to **engage local communities** so that they understand the criminal justice system, recognise the improvements, and are involved in tailoring services to meet local needs. As part of this, we are developing a strategy for **specialist court hearings**.

**4.9** There is evidence from abroad that more specialist problem-solving courts may improve the way the criminal justice system deals with particular problems specific to types of offender and are better placed to respond to local community concerns. We are trialling specialist courts dealing with drugs, anti-social behaviour and domestic violence, as well as pioneering

community engagement through the community justice centres described below.

**4.10** Drug dependency is often the major factor in driving offending behaviour, and evidence shows that close review of drug treatment by sentencers plays a significant role in successful rehabilitation. We will use the outcomes of the current pilots in Bristol and the Wirral and overseas evidence to develop a strategy for **drugs courts**, with the aim of setting up the first full drugs court in 2005 and extending these to all areas where there is a need by 2008.

**4.11** We have created the **Anti-Social Behaviour Response Court** as a means of tackling anti-social behaviour. This court is designed to deal with behaviour which the police, in conjunction with the local authority and community groups, have identified as being anti-social and having a significant impact on the quality of life of the local community. Key features include:

- close liaison with local stakeholders, including the police, the Crown Prosecution Service and the local authority;
- special training for magistrates and judges;
- information about the impact that the behaviour is having on the community;
- awareness of options for dealing with offenders (including the anti-social behaviour order); and
- publicity in the local media about what is being done to tackle anti-social behaviour.

We are introducing anti-social behaviour response courts in all areas where they are needed and half of Home Office ‘Action Areas’ by the end of December 2004.

**4.12** Evaluation of specialist domestic violence courts has shown that there are significant benefits to be gained, for the courts as well as for the victims of domestic violence. In particular, domestic violence courts ensure that the hearings in these cases actually take place, enhance the effectiveness of court and support services for victims, make advocacy and information sharing much easier, improve victim participation and satisfaction, and increase public confidence in the criminal justice system. There are already 7 specialist **domestic violence courts** in England and Wales. While these specialist courts do not operate uniformly, they work within a multi-agency framework designed with the specific needs of domestic violence victims in mind. We plan to extend the approach to other areas.

#### Community Justice Centres

These will help identify the potential for mainstreaming problem-solving and community engagement approaches, and any needs for future changes to legislation. They are multi-purpose community buildings, bringing services and facilities together and within easy access of local people. Evaluation will also test the impact on public confidence and the satisfaction of victims and witnesses. This approach will engage local people in the criminal justice system, working on their behalf to prevent or put right the results of anti-social activities that disrupt the comfort of community life. Collaboration between agencies and the community will tackle offenders’ underlying problems, fit punishment around local priorities and maximise the potential for diverting offenders from the court process.

**4.13** As well as having specialist courts targeted at specific patterns of offending, we believe that communities should be able to see courts responding to the problems in their local area. This is why we are pioneering the **Community Justice Centre** approach in Liverpool (see box above). The principles

identified in this pilot will be applied elsewhere where the need has been established.

**4.14** We also aim to **improve the public’s perception and confidence in magistrates’ courts** to ensure that they are:

- perceived to be good at what they do – the efficient delivery of local justice while providing the best possible experience for victims and witnesses;
- respected by the public and their decisions obeyed; and
- seen to be connected to the community in a way that allows them to be responsive to the communities concerns on issues such as anti-social behaviour.

We are working with magistrates and those who work with magistrates to gather their ideas on the obstacles they face and how best to tackle them.

**4.15** We shall look at the experience of **jurors**, with the aim of ensuring that it is fully consistent with the importance of their contribution to the delivery of justice.

**4.16** It is vital that all the communities we serve believe that **the courts treat them fairly**. People from black and minority ethnic communities have grounds for believing that this may not be the case. Such people are more likely to spend time in custody, starting with bail. In the Youth Justice system, of all bail decisions taken on 10-17 year olds during 2002-03, 12% of black offenders were remanded in custody, as compared with 8% of white offenders. The Government is currently re-running the 1992 Hood study of sentencing, with results expected in August 2006. This will tell us whether there is still evidence of unjustified disproportionality and help the Government and judiciary take steps to eradicate it.

*Victims and Witnesses will receive a consistent high standard of service from all criminal justice agencies*

**4.17** Every victim or witness of crime needs to know they will be supported and protected through the process of helping to bring an offence to justice. This is simply not the case at the moment. Improvements need to be made across the piece, and the minimum service standards required of every criminal justice agency will be enshrined in a statutory Victims' Code of Practice to be made under the Domestic Violence, Crime and Victims Act 2004.

**4.18** Seven priorities have been identified for targeting activity across the criminal justice system (see box below). Meeting these will require us to raise our game considerably in terms of the way we treat victims and witnesses. To make sure that we understand what we need to do to improve, we are carrying out a study into the needs of victims and witnesses in the courts which will be completed in early 2005. We will then implement a programme of improvements. In addition, the action we are taking to cut the number of trials which do not take place on the intended day will also reduce unnecessary waiting for witnesses and help to improve their experience.

#### **Seven criminal justice system priorities for victims and witnesses**

- Victims and witnesses are given information about services and about their case.
- Victims and witnesses receive a consistently high quality service from criminal justice system staff.
- Victims and witnesses who require emotional or practical help are offered the relevant services.
- Victims' views are sought and used throughout the criminal justice process.
- The needs of vulnerable and intimidated witnesses are identified and met. Intimidation is tackled.
- The experience of victims and witnesses going to court is improved.
- The needs of victims of domestic violence are met and repeat victimisation is tackled.

**4.19** We will also seek to implement our programme of court building improvements:

- providing separate waiting facilities in all Crown Courts and 90% of magistrates' courts by 2008; and
- have 75% of magistrates' courthouses equipped with video conferencing links by 2006.

**4.20** We will also take action **to increase the satisfaction of vulnerable and intimidated witnesses** with measures taken to help them give evidence. In particular, we are implementing the extra support measures provided for in the Youth Justice and Criminal Evidence Act 1999, which will make it easier for vulnerable and intimidated witnesses to give evidence.

*We will bring more offences to justice through a more modern and efficient justice process*

**4.21** The courts have a key role to play in bringing more offences to justice in partnership with the independent judiciary, and can do much to improve the efficiency of the court process. First, we plan to **divert cases away from the courts** if they can be dealt with satisfactorily in other ways. Extending the fixed penalty notice scheme to a wider range of minor offences will facilitate their effective punishment without the expense of bringing them to court. This will take place by March 2005. We are also piloting the use of conditional cautioning powers. If successful, this will also be implemented across England and Wales. Both these measures will enable the courts to focus on getting the right result from every serious case.

**4.22** Second, we will **improve the efficiency of the criminal justice process** in order to bring more offences to justice. We will:

- maximise use of court time to get the most out of our resources;
- improve the efficiency of the **magistrates' courts' guilty plea process** to free up time and money better spent on raising the quality of the criminal justice system.

- make **further reductions in the number of ineffective trials**. The proportion of trials that do not go ahead on the scheduled day has already been reduced by a quarter in the Crown Court in the past year, but we are aiming higher. Through the Effective Trial Management Programme, we will reduce the rate of ineffective trials in the Crown Court to 14% (as against performance for the quarter ending August 2004 of 17%) and the Magistrates' Court rate to 19%, as compared with current performance of 26% (for the quarter ending August 2004);
- work with local criminal justice partners in every area to **implement changes based on the Criminal Case Management Framework** by December 2005. The Framework (of which the Effective Trial Management Programme is a key component) sets out the roles and responsibilities of all parties to progress criminal cases, including the role of the judge in managing the length of the trial;
- **support witnesses to attend court**. The courts have a key role to play in improving witness participation by providing separate, secure areas for witnesses and making use of the special measures provisions in the Youth Justice and Criminal Evidence Act 1999; and
- **reform the legal aid system**. The Fundamental Legal Aid Review, which will report to Ministers in early 2005, will propose measures to place legal aid on a sustainable footing in the long term and better target resources to deliver the right outcomes for the right people. Its focus will include:
  - changes to underlying processes across the criminal justice system, which could reduce the amount of legal aided work required to protect defendants' fundamental rights; and
  - developing the long-term vision for procurement of legal aided services to deliver a sustainable supplier base as part of the criminal justice system, which delivers the outcomes we need.

*Rigorous enforcement will revolutionise compliance with sentences and orders of the court*

**4.23** Ensuring that the courts' decisions and orders are carried out swiftly and effectively is a key test of the effectiveness of the criminal justice system and in maintaining public confidence. The DCA's role in driving up performance is crucial. Together with our partners, we are developing a cross-system national enforcement framework to ensure that there is a cadre of professional enforcement staff working across organisational boundaries, with the skills, powers and information they need to tackle defaulters effectively.

**4.24** We are working to raise performance across the range of enforcement processes. This will ensure a joined-up approach to delivering effective enforcement, upholding the authority of the courts and sending a clear message to offenders that disregarding orders of the court will not be tolerated:

- From 2005-6, the courts will notify the police of all **Failure to Attend warrants** issued within one working day so that the police can execute them more swiftly;
- We are putting in place a range of measures to increase the national payment rate for **finer** beyond the current 78% for 2004-5. These include increased powers for front-line enforcement staff, sharper accountability for enforcement action within each Magistrates' Courts Committee, and new financial incentives for enforcement teams and the Court Service as a whole. A second campaign to collect unpaid fines, *Operation Payback 2*, is also planned;
- An end-to-end process review of **community penalty** breaches is underway, to reduce the overall time taken from breach to court; and
- New targets for **asset recovery** will be set for Local Criminal Justice Boards, to ensure each criminal justice agency plays its full part in increasing the value of assets recovered.

*Criminal justice is a joined-up modern and well-run service and an excellent place to work for people from all backgrounds*

**4.25 DCA plays a proactive role in the overall criminal justice partnership** and is fully represented on the National Criminal Justice Board and, at area level, on local criminal justice boards. We are also working closely with the Office for Criminal Justice Reform, the new cross-departmental team set up in July 2004 to support all the criminal justice agencies in working together to provide an improved service for the public.

**4.26** We will need to exploit technology to the full to achieve a joined-up, modern and well-run service. By 2008, a £2 billion investment in IT across the criminal justice system will have

transformed IT infrastructure and systems, enabling criminal justice professionals to have access to the information they need and automating key processes currently based on paper. **New technology in the courtroom** will reduce delay and make a real difference to the experience of court users. Annex C summarises the key improvements.

**4.27** The establishment of Her Majesty's Courts Service will bring significant benefits, introducing consistent standards of service and goals across England and Wales, and providing services more flexibly. Moreover, delivering on our commitment to greater diversity will contribute to the wider criminal justice vision.

#### Milestones for reducing crime and anti-social behaviour

04/05	05/06	06/07	07/08	Post 08
<b>Public Confidence</b>				
Launch Liverpool CJC pilot	Liverpool pilot fully operational	Evaluate Liverpool pilot	Agree strategy for roll-out and performance management of community justice models, on basis of pilot evidence	Roll-out of drugs courts to all areas where there is a need complete
Develop strategy for testing other CJC models	Establish first full drugs court	Initial business case prepared	Full roll-out of drugs courts	
Pilot and evaluate strategy for drugs courts	Pilot models of community engagement. Roll-out as and when proved to be effective	Set up challenge fund to support new approaches	Evaluate public education strategy (incl. Judges & Schools)	
Roll-out of anti-social behaviour courts to all areas where they are needed and 50% of Home Office "Action Areas".	Public education strategy in place	Roll-out further drugs courts		
Develop community engagement strategy for DCA as part of CJS strategy		Evaluate models and prepare business case		
		OCJR Race Unit report on unjustified disproportionality in sentencing announced and action identified		

04/05	05/06	06/07	07/08	Post 08
<b>Victims &amp; Witnesses</b>				
Identify programme of court building improvements	Start court building improvement programme	75% of magistrates' courthouses equipped with video conferencing links	All Crown Courts and 90% of magistrates' courts will have separate waiting facilities by the end of 2008	
Carry out study of victim and witness needs	Implement work programme identified for victims and witnesses		Seven national priorities met	
<b>Bringing offences to justice</b>				
Identify high volume areas in which money and time can be saved in guilty plea cases in magistrates' courts	HMCS initiates consultation and roll-out of plans to improve the efficiency of the magistrates' courts' guilty plea process	Roll-out completed	1.25 million crimes brought to justice	Ineffective trial rate 19% in magistrates' courts and 14% in the Crown Court
Launch of CCMF	All areas implementation of changes under Effective Trial Management Programme (ETMP)	ETMP 2nd phase of delivery – ensuring changes embedded into local practice and benefits realised		
Extension of fixed penalty notice Scheme				
Completion of Fundamental Legal Aid Review	Witness care units rolled out across all CJS areas			

04/05	05/06	06/07	07/08	Post 08
<b>Enforcement</b>				
Fine enforcement: business redesign, Courts Act pilots, draft Courts & Tribunals Bill  Enhanced powers for Enforcement Teams  Improved cross agency data sharing to trace defaulters (e.g. access to Police National Computer and Equifax credit reference agency)  Multi-agency community penalty breach warrant process introduced  Evaluation of fast-track breach warrant process  Wider use of direct access to listings and dedicated breach courts as of 1 Jan 05	Pilots evaluated & roll-out agreed  New enforcement framework: phased roll-out commences  Decisions made on call centre feasibility  Confiscation targets set	Any necessary Bill related pilots commenced  Civil and criminal enforcement aligned  Confiscation centres of excellence established  Magistrates' courts receive centralised attachment payment system	Payment rate sustained at 85%  Fixed penalty notice collection centralised  Regional accounting implemented	
<b>Joined up working</b>				
Agree approach on unified customer standards across all courts	Implement HMCS	Complete roll-out of <i>Xhibit</i> , <i>LINK</i> & <i>LIBRA</i>		

## Asylum and Immigration

### Vision and future outcomes

**4.28** The Government’s vision is that **migration is managed to benefit the UK while preventing abuse of the immigration laws or the asylum system.**

**4.29** The DCA plays a key role in supporting an effective immigration system by providing a fast, fair and efficient appeals process. In the longer term the DCA can contribute to ensuring that legal migrants and refugees are integrated into British society, whilst respecting people’s differences.

*“According to a Populus poll for the Times in February 2003, nine out of ten voters believe that the number of asylum seekers in Britain is a serious problem... However, 78% think ‘It is right that Britain should continue to let people seeking asylum if their claim is genuine’.”*

*“Migration is a complex and politically sensitive area but public understanding of the issues is not benefited by the limited objective information currently available.”<sup>20</sup>*

Current position	Future outcomes
<ul style="list-style-type: none"> <li>• Despite significant improvements there remain potential delays in the appeals system. This allows people to play the system and avoid any removal action that is necessary.</li> </ul>	<ul style="list-style-type: none"> <li>• A streamlined appellate structure providing a fair, fast and efficient service. The Asylum &amp; Immigration Tribunal providing high-quality decisions quicker than present, subject to oversight by the higher courts. Faster processing deters unfounded applications and helps removal.</li> </ul>
<ul style="list-style-type: none"> <li>• Increasingly flexible approach as shown by introduction of fast track for single male asylum applicants and non-suspensive appeals for clearly unfounded cases. However, most cases still dealt with in the same way with little differentiation.</li> </ul>	<ul style="list-style-type: none"> <li>• A flexible system that provides different tracks for different types of cases, which builds on the success of non-suspensive appeals and the fast track. Cases are processed through the appropriate track for the case.</li> </ul>
<ul style="list-style-type: none"> <li>• The quality of decision making throughout the system is seen as an issue and the cause of problems in the end-to-end system.</li> </ul>	<ul style="list-style-type: none"> <li>• Parties to appeals have confidence in the outcome.</li> <li>• Closer working with Home Office on end-to-end quality, including learning lessons from allowed appeals to enhance the quality of initial decisions.</li> </ul>
<ul style="list-style-type: none"> <li>• The public sees asylum as a serious problem. They believe there is a high level of abuse, and immigration controls are ineffective.</li> </ul>	<ul style="list-style-type: none"> <li>• Abuse seen as under control so a managed migration programme can be taken forward. Managed migration is seen to benefit the UK.</li> </ul>
<ul style="list-style-type: none"> <li>• Joint programme established between DCA and Home Office, and a number of examples of effective cross cutting work. But some parts of asylum and immigration system are viewed in isolation of each other and the system is not seen as a coherent end-to-end system that works effectively together.</li> </ul>	<ul style="list-style-type: none"> <li>• Genuine end-to-end asylum and immigration system that successfully brings together the activities of the Home Office and DCA so that cases are moved as quickly as possible to either integration into the community or removal from the UK.</li> </ul>
<ul style="list-style-type: none"> <li>• Legal advice seen as poor quality and open to abuse.</li> </ul>	<ul style="list-style-type: none"> <li>• Asylum seekers have necessary and proportionate professional support to make their case (legal and other expertise).</li> </ul>

**Measuring success**

**4.30** Our joint Public Service Agreement target with the Home Office for the 2002 Spending Review period is to focus the asylum system on those genuinely fleeing persecution by taking speedy, high quality decisions and reducing significantly unfounded asylum claims including by:

- (a) fast turnaround of manifestly unfounded cases;
- (b) ensuring by 2004 that 75% of substantive asylum applications are decided within 2 months, and that 65% (including final appeal) are determined within 6 months; and
- (c) enforcing the immigration laws more effectively by removing a greater proportion of failed asylum-seekers.

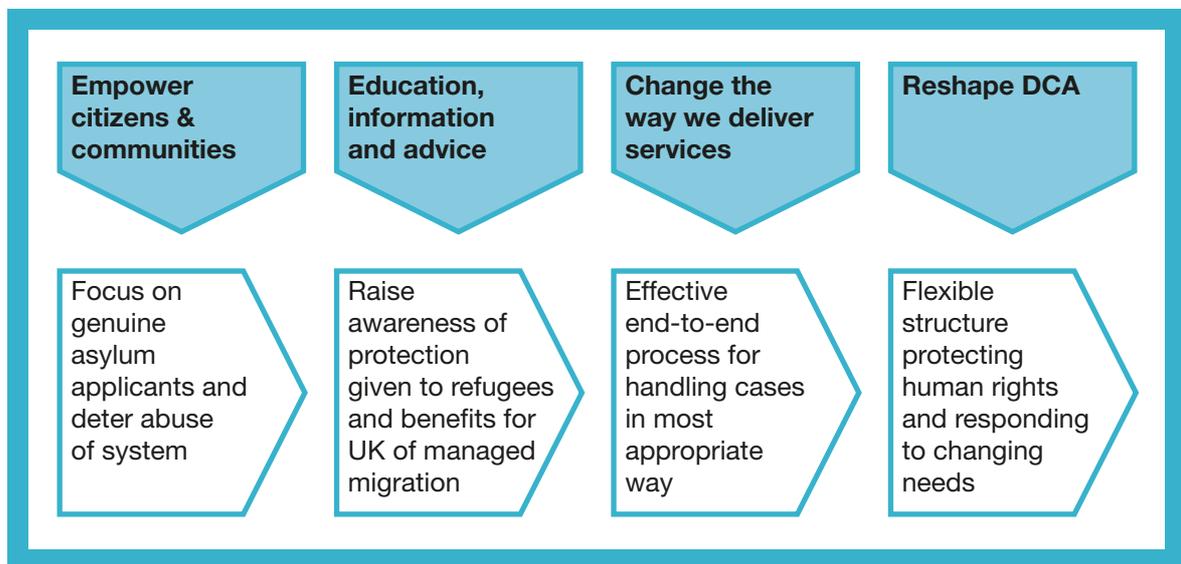
**4.31** The Public Service Agreement target for the 2004 Spending Review period is to reduce unfounded asylum claims as part of a wider strategy for tackling abuse of the immigration

laws and promoting controlled legal migration. Again this is a joint target with the Home Office. This target will have been achieved if the number of unfounded asylum claims in the year 2007/08 is less than in the 2004/05 year. DCA's role in this is outlined below.

**Our future approach**

**4.32** We will operate a fair, fast and efficient appeals process. In the future, our responsibility for Justice, Rights and Democracy will ensure we have an important role to play in: controlling abuse through designing fast and robust processes that deter unfounded applicants; whilst at the same time continuing to provide a fair, just and independent appellate system that is an effective remedy for all those with a genuine case for appealing.

**4.33** The graphic below shows how our approach to asylum fits with our overall DCA reform approach.



### What we want to achieve

**4.34** DCA has a key role in tackling abuse of the asylum system by promoting efficiencies within the system so that faster appeals processing leads to fewer unfounded applications. We must show the public that abuse of the asylum system is under control as a prerequisite to building public confidence in managed migration.

### Making the transition

**4.35** We are building on the success of what has gone before and making further step changes and improvements. We are delivering against our current PSA target and continuing to ratchet up performance. We have already introduced a package of reforms for asylum legal aid. These ensure that the means and merits tests are correctly applied, and improve the quality of advice that is provided by suppliers of publicly funded legal services in these categories of law. This work will be built on further in the SR2004 period.

**4.36** Over the Strategy period we will be undertaking a number of main programmes and initiatives, including:

- joint programme of work on **Managed Migration and continued reform of the asylum process** with the Home Office, through which we shall seek to deliver:
  - **the tipping point target set by the Prime Minister**, whereby the monthly number of removals exceeds the monthly number of unfounded applications by the end of 2005;
  - end-to-end working to achieve whole system goals;
  - system designed to deal with Managed Migration in its entirety;
  - processes tailored to different types of claims; and
  - a system producing quality decisions and viewed as credible.
- With the **Asylum and Immigration (Treatment of Claimants etc.) Act 2004** now law, we shall deliver:
  - the new single tier Asylum and Immigration Tribunal, starting on 4 April 2005, which will provide a fair, faster and more efficient process;
  - the new system of oversight by the higher courts;
  - New legal aid arrangements for the review/reconsideration stage of the new appellate structure so that legal aid is paid retrospectively only where the judge considers that the case had merit;
- better **end-to-end working** with Home Office Immigration and Nationality Directorate on removals/integration.
- failed asylum seekers are returned swiftly to their country of origin (or other appropriate country).
- the right people are allowed to reside in the UK and people who should not be here are removed. A fair, fast and efficient appeals process will help this through swifter determination of appeals.

## Milestones for asylum and immigration

04/05	05/06	06/07	07/08	Post 08
<b>Legislative change</b>				
Asylum & Immigration (Treatment of Claimants, etc.) Act 2004 passed Legal Aid reforms: <ul style="list-style-type: none"> <li>• Financial thresholds for cases passing merits test</li> <li>• Accreditation system for all lawyers and caseworkers doing legally aided asylum and immigration work introduced</li> <li>• Unique client number system introduced</li> </ul> Commence data collection for evaluation of reforms	Implement new single tier Asylum and Immigration Tribunal (AIT) and new system of oversight by higher courts Legal Aid Reforms: <ul style="list-style-type: none"> <li>• ‘No merit, no fee’ arrangements introduced for new system of oversight by higher courts</li> <li>• Accreditation system for all lawyers and caseworkers doing legally aided asylum and immigration work becomes compulsory</li> </ul>	Better end-to-end working with Home Office on removals/integration	Continued efficiency gains Legal Aid Reforms: <ul style="list-style-type: none"> <li>• Review of “No merit no fee” legal aid arrangements published</li> </ul>	Continued efficiency gains
<b>Multi-track cases</b>				
Develop an increased range of decision making routes and expand the capacity for dealing with fast track cases through detained and non-detained routes	Take forward end-to-end decision-making systems informed by applicant’s individual circumstances	Increase number of areas in which co-location (real or virtual) is possible	Increase number of intake cases with processes tailored to circumstances of the case	Maximum possible proportion of cases go to processes with speed tailored to circumstances of case

04/05	05/06	06/07	07/08	Post 08
<b>Quality of decision making</b>				
Embed quality in the design of the AIT and agree quality protocols with Home Office	Further develop and monitor quality of decision-making	Monitor quality and ensure sound arrangements in place for continued improvement	Monitor quality and ensure sound arrangements in place for continued improvement	Monitor quality and ensure sound arrangements in place for continued improvement
<b>Managed migration</b>				
Continue joint working with Home Office, the Foreign Office and UKvisas in managed migration programme	Ensure Joint Home Office/DCA Programme Board focused on right high level outcome	Ensure resources within Single Asylum Fund in place to deliver outcome and support with switching if need be	Refine AIT processes (if needed) to manage a changed case mix	Consolidated delivery
<b>End-to-end process</b>				
Improve end-to-end processes to support more removals and a reduction in the bill for support costs.	Implement the new single tier Asylum and Immigration Tribunal. Agreed method implemented for the most effective way of serving decisions	Consider strategy for greater co-location across the asylum/immigration process	Continue to plan and develop strategy	Plan and deliver further change
<b>Expert input</b>				
Work with judiciary and stakeholders on protocol for expert witnesses before AIT	Monitor protocol and parties' use of, and value gained from, expert involvement	Agree and deliver improved processes for expert input	Monitor impact on quality	Consolidate delivery

## Protecting the vulnerable

### Vision and future outcomes

**4.37** Our role is to widen access to justice so that vulnerable people can exercise their rights and solve their problems, and to ensure that the courts are there to provide necessary protection. Our initial focus is on children, victims of domestic violence and people who lack mental capacity. We shall also be looking at the position of other groups in society.

**4.38** For children specifically, our vision is **to make sure that “every child matters” when children and parents need the protection or support of the justice system – when children are at risk or when parents’ relationships break down and they are unable to agree on children’s futures.**

*“You really have to go out there and look for advice... nothing comes through the door or window you know!”*

*“It’s just a minefield. You’re just not sure where to go for help or information.”*

*“The court case was a tortuous process at every stage.”*

*“I said he could see my daughter when he wanted to, but he doesn’t bother. He’s still violent with me sometimes, but there’s no point in getting an injunction. I’ve been advised against it by my friend, it’s too expensive.”*

*“There’s nothing the police can do about it until it happens. I threatened to the police that I might die, but they couldn’t protect me.”*

Current position	Future outcomes
<ul style="list-style-type: none"> <li>Majority of decisions on whether children should be taken into care take more than 40 weeks, prolonging uncertainty and disrupting children’s stability.</li> </ul>	<ul style="list-style-type: none"> <li>Most cases are heard within a maximum of 40 weeks and many much faster.</li> </ul>
<ul style="list-style-type: none"> <li>Safety issues for children whose parents are breaking up emerge late in the day and fuel conflict and protracted and expensive court proceedings between their parents.</li> </ul>	<ul style="list-style-type: none"> <li>The system identifies risk issues at the earliest possible opportunity and ensures that these cases go to court as quickly as possible and are dealt with by specialist judges.</li> </ul>
<ul style="list-style-type: none"> <li>Parents are dissatisfied with a court-ordered outcome in contact and residence cases and keep returning to court with a negative impact on children.</li> </ul>	<ul style="list-style-type: none"> <li>Fewer families are drawn into the court process. Parents get on-going practical and emotional support to reach agreements on contact, and maintain court orders.</li> <li>Contact orders are supported post order, avoiding need for formal enforcement.</li> <li>Where enforcement is needed, the courts will have a range of their options at their disposal.</li> </ul>
<ul style="list-style-type: none"> <li>The family justice system focuses on formal procedures and processes</li> </ul>	<ul style="list-style-type: none"> <li>Families can get help via internet self-help tool kits; personal advice by telephone; problem solving support from mediators and others; and focused court directions where necessary.</li> <li>Legal aid has been reformed to create new level of family service that will act as driver to settlement-led practice, and create real disincentives to litigate.</li> </ul>

Current position	Future outcomes
<ul style="list-style-type: none"> <li>• Victims of domestic violence do not seek help until late in history of violence and drop out of system.</li> </ul>	<ul style="list-style-type: none"> <li>• Victims of domestic violence receive support that meets their needs and enables them to seek protection earlier, enhancing trust and confidence in systems.</li> </ul>
<ul style="list-style-type: none"> <li>• Same-sex couples have no rights to financial support or inheritance on relationship breakdown or death of one partner.</li> </ul>	<ul style="list-style-type: none"> <li>• If they register their partnership, same sex couples will have the same rights as married opposite sex couples.</li> </ul>
<ul style="list-style-type: none"> <li>• Status and rights of people who lack capacity unclear.</li> <li>• Uncertainty about the law for people who lack capacity and their carers. Law has developed in a piecemeal way resulting in a situation where different rules apply in different circumstances.</li> </ul>	<ul style="list-style-type: none"> <li>• Affirmation in statute that there should be an assumption of capacity unless shown otherwise; that capacity should be assessed only in the context of decision(s) to be taken; and that the best interests of the individual should be at the heart of decision making.</li> <li>• A clear, simple, informal system that will ensure that people can maintain a maximum level of autonomy. People would be able to choose someone who can make decisions for them when they cannot do so themselves. And there will be clear rules on how decisions should be taken, making sure that vulnerable people are not left open to abuse.</li> </ul>

### Measuring success: PSA target

**4.39** Over the period of the next two Spending Reviews, we will measure progress towards our vision against the following Public Service Agreement target:

By 2009/10, **increase the proportion of care cases being completed in the courts within 40 weeks by 10%.**

### Our future approach

*“I would say that fundamentally the problem with the legal system is that it is not personal. There is no allowance for the fact that you are in crisis. If you weren’t in crisis you wouldn’t be going to them for help.”*

**4.40** DCA works with the Department for Education and Skills and other Government departments to make sure that “every child matters” and to meet their goal of children being healthy and staying safe. We recognise

that parents and families are the most important people in children’s lives. When things go wrong parents need help and support that enables them to resolve their family difficulties themselves as much as possible. DCA provides particular support to families in times of crisis, building on the universal support that the Department for Education and Skills makes available to all children and families. Our future approach is to recognise children and parents’ emotional and practical needs, as well as their legal needs in all the information, advice and support we provide. We will restructure information and advice, legal aid, court services and provision by the voluntary sector to support this aim.

**4.41** For children who are most at risk, we will work with the Department for Education and Skills to assist earlier identification, quicker access to the courts and a speedier resolution of their futures: these are children who may need to be taken into care or where there are safety issues when their parents break up.

**4.42** We work in partnership with the judiciary at every level, supporting Designated Family Judges in 52 care centres and a new Family Justice Council which will link with local family court committees. Our proposals for change are developed with them and are implemented to support them in making the best possible decisions about children’s futures.

**4.43** Our strategy for other vulnerable people needing the protection of the courts also rests on better information, advice and personalised support for the most vulnerable, helping them to plan ahead to avoid future difficulties.

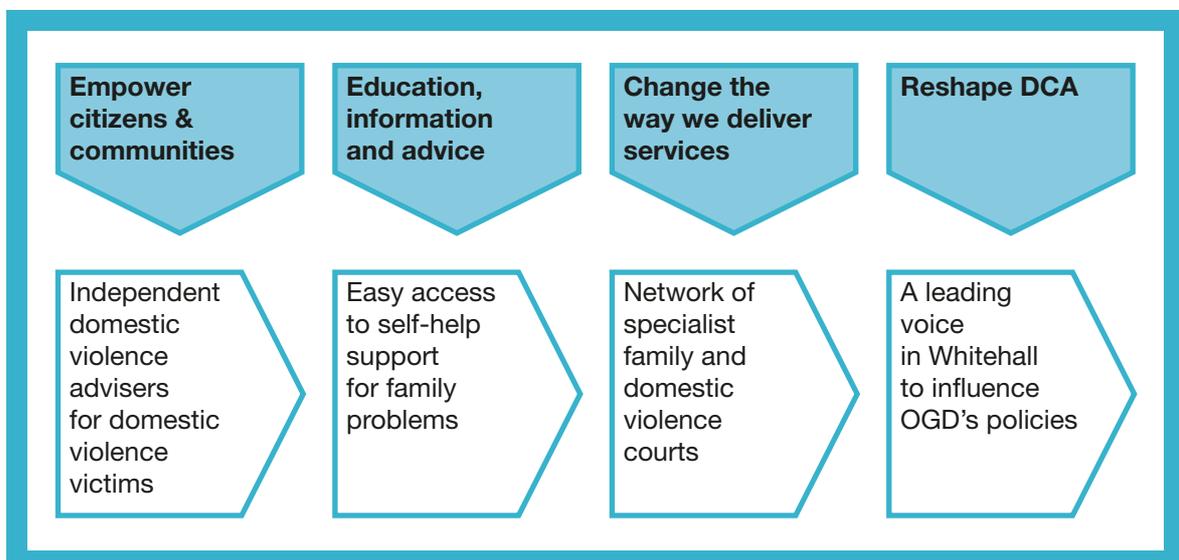
**4.44** The graphic below shows how our approach to protecting the vulnerable fits with our overall DCA reform approach.

**What we want to achieve**

**4.45** By 2008/09 we will:

- **enable people to access all the information, advice and self-help support that they need to tackle this wide range of problems.** This comprehensive and easy to find source of help will be linked to other relevant websites, so that people can find the help they need irrespective of their starting point in looking for it;
- have **transformed the private law family justice system into a problem-solving system** where the emphasis is placed on the resolution of disputes other than by resort to court proceedings;

- have a **network of specialist family courts across England and Wales**, linking magistrates’ courts and county courts with combined Family Courts in a number of major urban centres;
- have **lay magistrates and the professional judiciary working together** to provide the most timely and proportionate responses to the most vulnerable. The courts will have a range of options available to facilitate contact in the most difficult cases, and more effective sanctions to enforce orders;
- have a **multi-disciplinary Family Justice Council linked to local family court committees**, and a single Family Procedure Rule Committee for all three tiers of court;
- on the basis of the pilot evidence have introduced new arrangements **for protection of domestic violence victims, and be developing existing pilots towards a full network of independent domestic violence advice and advocacy services** to enable victims to make best use of the criminal courts and civil remedies available. Specialist domestic violence courts will ensure that these cases receive expert and sympathetic treatment, and effective delivery of support services, and the development of fully integrated court arrangements to cover both criminal and civil procedures will also be in hand; and



- have put in place arrangements to ensure that **disagreements and complaints about decisions involving individuals who lack capacity are resolved effectively through a range of accessible mediation and complaint mechanisms**, with a new **Court of Protection** available for the most serious and complex disputes. People will be aware of the services available to them and their problems will be resolved quickly, fairly and efficiently.

### Making the transition

**4.46** In order to achieve these reforms, we will need to take a series of transitional steps as set out below:

- deliver **year-on-year improvements in the proportion of public law cases heard within 40 weeks** through partnership with the judiciary and joint programme management with the Department for Education and Skills, local authorities and the Children and Family Courts Advisory and Support Service (CAFCASS);
- with the Department for Education and Skills, **introduce independent reviewing officers** under the Adoption and Children Act 2002 (achieved), and the main provisions of the Act in autumn 2005;
- pilot new initiatives from September 2004 onwards, following the Green Paper *Parental Separation: Children's Needs and Parents' Responsibilities* published in July 2004;<sup>21</sup>
- establish a **Family Justice Council** in summer 2004 and a Family Procedure Rule Committee in autumn 2004 (both achieved);
- introduce in January 2005 new forms to **identify safety issues for children** whose parents are breaking up and asking the court to make contact or residence orders;
- develop an **in-court conciliation system for contact and residence disputes**, and implement this across England and Wales;
- the issue of **guidance by the judiciary on the best case management of contact and residence disputes** for use in the High Court and county courts;
- take **new legislative powers to enable post-order management and improve facilitation and enforcement of compliance** in contact and residence disputes;
- pilot a **new level of Family Help funding through the Family Advice and Information Service (FAInS)** from spring 2005. Findings from the pilot will inform new contracting arrangements to be introduced for all suppliers;
- introduce **dissolution arrangements for same sex couples** who register their partnership, giving them the same protection and rights as married opposite sex couples from late 2005;
- secure Parliamentary approval for the **Mental Capacity Bill** in 2004/05, to be implemented by 2007/08. The Bill will provide a new clear statutory framework for making decisions about the health and welfare, financial and property affairs of people who lack mental capacity which will strike the right balance between empowerment, protection and appropriate levels of supervision, under the jurisdiction of the **Court of Protection** (a specialist court of record) and supported by the new **Public Guardian**; and
- pilot and evaluate an integrated **domestic violence court** in 2005. Widen provision of **independent domestic violence advisers**, linked to specialist court sittings.

**Milestones for protecting the vulnerable**

04/05	05/06	06/07	07/08	Post 08
<b>Reducing delay in Public Law cases</b>				
First Protocol cases completed Finch review findings	Improved % of cases dealt with within 40 weeks	Piloting of non-legislative measures to improve performance	Secure agreement to any legislative changes necessary	Implement any necessary legislative changes
<b>Relationship breakdown</b>				
Green Paper published Family resolutions pilot in 3 areas	Parenting patterns on the internet Pilot evaluated New arrangements for identifying safety issues in contact cases Revised fees introduced	Pilot rolled out if justified by evaluation		Outsourced dispute resolution Web presence for information, advice and self-help
<b>Domestic violence</b>				
Royal Assent for Domestic Violence Crime and Victims Act 2004 Publish proposals for independent domestic violence advisers and specialist courts Proposals for pilot integrated court and evaluation	Develop recruitment and training of advisers; pathfinder services running First fully integrated DV court up and running with evaluation in place	Widening use of adviser services and specialist DV courts If first pilot successful, further pilots of integrated DV courts	Further use of adviser services and specialist DV courts Start further roll-out of integrated DV courts	Assess need for further initiatives Continue roll-out of integrated DV courts

04/05	05/06	06/07	07/08	Post 08
<b>Adoption and Children Act</b>				
Rules consultation completed	New adoption legislation in force			
Care Case Independent Reviewing Officers implemented				
<b>Civil Partnerships</b>				
Royal Assent for Bill	Development of Rules, consultation and laying before Parliament	Dissolution arrangements for Civil partners introduced		
<b>Mental Capacity</b>				
Introduce Mental Capacity Bill & accompanying first draft of Code of Practice	Draft Code of Practice consulted upon, subject to Bill receiving Royal Assent	Further consultation; finalisation of plans for implementation	New statutory decision-making framework, including new Court of Protection for complex or highly sensitive decisions	

## More effective and proportionate dispute resolution

### Vision and future outcomes

**4.47** DCA's vision is for people to **have access to the information and the range of services they need to understand their rights and responsibilities, and avoid legal problems where possible, and where not, to resolve their disputes effectively and proportionately.**

*"I haven't heard of any of those debt advice lines. Why aren't they out there, advertising?"*

*"If I'd had the opportunity I'd have kept at it. I just needed somebody to be more flexible and I'd have dealt with the system."*

*"Every case is different, you can't have one size fits all."*

*"Non-priority creditors are aware that legal action may not necessarily recover the debt effectively and will therefore put considerable effort into contacting the debtor to make an arrangement to pay."<sup>22</sup>*

Current position	Future outcomes
<ul style="list-style-type: none"> <li>• Consumers are poorly informed about their rights and responsibilities and are bewildered about where to access information and advice.</li> </ul>	<ul style="list-style-type: none"> <li>• Consumers are well informed about their rights and responsibilities and know where to go for information and advice.</li> </ul>
<ul style="list-style-type: none"> <li>• The system of dispute resolution focuses on reaching a court or tribunal for a successful outcome.</li> </ul>	<ul style="list-style-type: none"> <li>• The system provides a well sign-posted range of options for preventing or resolving disputes, with formal court hearings the last resort; when consumers do need to go to court, they experience fair, speedy and efficient processes.</li> </ul>
<ul style="list-style-type: none"> <li>• The legal system can be expensive, adversarial and stressful for consumers impacting on their confidence and trust in the legal system itself.</li> </ul>	<ul style="list-style-type: none"> <li>• Consumers have confidence in, and trust, the legal system; legal services are expert, accessible, effectively regulated, competitive and affordable.</li> </ul>

### Measuring success: PSA targets

**4.48** Over the next Spending Review period, we will aim to achieve earlier and more proportionate resolution of legal problems and disputes by:

- **increasing advice and assistance to help people resolve their disputes earlier and more effectively;**
- **increasing the opportunities for people involved in court cases to settle their disputes out of court; and**

- **reducing delays in resolving those disputes that need to be decided by the courts.**

Success by March 2008 will be measured by:

- achieving a 5% increase in the proportion of justiciable problems in respect of which people receive suitable advice and assistance;
- reducing by 5% the proportion of disputed claims in the courts that are ultimately resolved by a hearing; and
- increasing by 2% the number of small claims cases that are heard within target time.

<sup>22</sup> From *In too Deep*, CAB Clients experience of debt, May 2003

## Our future approach

**4.49** The traditional approach to civil justice focused first on courts, judges and court procedure, and second on legal aid to pay mainly for litigation lawyers. Our vision of ‘Proportionate Dispute Resolution’ is a radical departure. It looks from the grass roots to assess what people need to avoid legal problems and resolve disputes. And it recognises that the civil justice system is much wider than just judicial decisions in formal court or tribunal hearings, but encompasses a range of information, advice and legal services, and a variety of dispute resolution options (e.g. ombudsman, arbitration and mediation schemes).

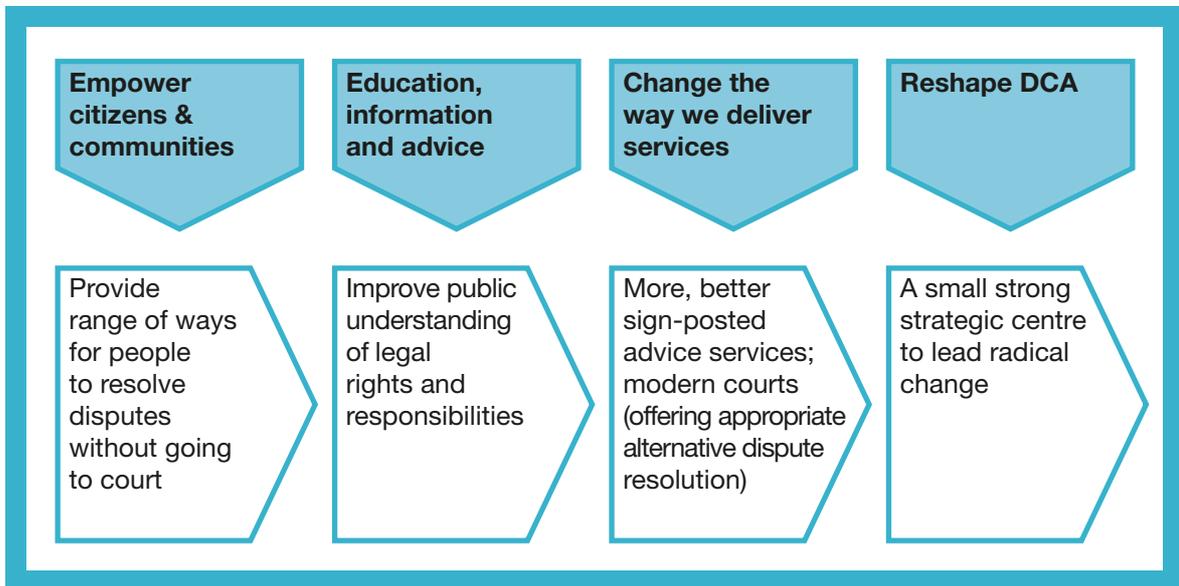
**4.50** For the great majority of legal problems and justiciable disputes, a non-court solution is likely to be more appropriate. Only a minority of disputes reach court now, and many of these probably do not need to be there. But there will always remain those cases where court is necessary and appropriate. And the effective operation of the courts in these cases, resolving hard disputes fairly, developing the law and enforcing outcomes, casts ‘the shadow of the law’ that is vital to the effectiveness of the rest of the system. In these cases people’s needs will continue to be met through a modernised, quick, efficient and cost-effective civil court service.

**4.51** Our future approach will be based around the following principles:

- minimise people’s legal problems by ensuring that **the framework of law defining people’s rights and responsibilities is as fair, simple and clear as possible**, and that state agencies, administering systems like tax and benefits, make better decisions and give clearer explanations;

- as part of our overall approach to Education, Information and Advice, **improve people’s understanding of their rights and responsibilities**, and the information available to them about what they can do and where they can go for help when problems do arise. This will help people to decide how to deal with the problem themselves if they can, and ensure they get the advice and other services they need if they cannot;
- ensure that **people have ready access to early and appropriate advice and assistance when they need it**, so that problems can be solved and potential disputes nipped in the bud long before they escalate into formal legal action. Legal aid is already making progress on this through Legal Help and *CLS Direct*;
- promote the development of **a range of tailored dispute resolution services** (e.g. various forms of mediation, early neutral evaluation, ombudsmen), so that different types of dispute can be resolved fairly, quickly, efficiently and effectively, without recourse to the expense and formality of judicial hearings in a courtroom or tribunal where this is not necessary; and
- working in partnership with the independent judiciary, deliver modern and **cost-effective court and tribunal services**, better targeted on those cases where court is the best option for resolving the dispute or enforcing the outcome.

**4.52** The graphic below shows how our approach to proportional dispute resolution fits with our overall DCA reform approach.



### What we want to achieve

**4.53** By the end of 2008/09, we expect to:

- be **rolling out these new approaches and delivering radical changes to the civil justice landscape** in England and Wales. Ten years from now, better informed citizens, with access to early advice and assistance and a range of dispute resolution options, will mean greatly reduced demand for litigation and courts;
- be moving to a position where **all the administrative work of the civil courts is processed electronically** through centralised back offices;
- be establishing a **leaner network of civil justice centres where larger trials will be heard**. Where there remains a need for hearings at a more local level, this will be provided flexibly, including through a mobile ‘outreach’ approach; and
- have facilitated **improved information that will enable more effective use of enforcement methods**, minimising the demand for bailiffs to seize goods.

**4.54** Many of the actions described for the *Protecting the Vulnerable* business priority will contribute to this vision within the specific contexts of family justice and mental capacity.

### Making the transition

**4.55** The emphasis for the next four to five years will be on fleshing out our strategy, developing the detail of further options and new approaches to meet people’s various needs more effectively, building in particular on the Consumer Strategy work on Debtors and Creditors. These options will need to be developed and tested through research, consultation, pilot studies and evaluation; some may require legislation.

**4.56** The emphasis on pilots and research over the next few years means that the cost of developing this aspect of the Strategy is limited and affordable. In particular, we will be funding a research project on the cost-effectiveness of early advice about debt problems. Evidence that investment in more proportionate interventions such as advice leads to savings downstream on more expensive ones (especially litigation) will help make the case for the up-front investment that will be needed to deliver our vision. In the longer term, we expect additional funding for enhanced information and advice, new forms of dispute resolution, etc. to be more than offset by savings from reduced litigation and rationalised court administration and estate.

**4.57** Specific actions will include:

- working with other government departments to develop more sophisticated targeting of advice, in particular for the hardest to reach (e.g. via supermarkets and agencies such as the Pensions Service or Job Centre Plus);
- as part of the Government's *Over-Indebtedness Strategy*, creating incentives to encourage appropriate behaviour by creditors and debtors, as well as providing a better-targeted and more effective range of options to help rehabilitate the over-indebted;
- reviewing the legal services market (see Annex C) to increase competition and innovation so that it better delivers the services people want, where they want them, and at prices they can afford;
- working with the Civil Justice Council and other stakeholders to develop a more efficient, transparent and equitable régime for determining the costs of litigation;
- improving and better co-ordinating information about alternatives to court action;
- developing a range of court-based alternative dispute resolution options to help people settle their cases without the need for a court hearing;
- reforming the tribunal system into a coherent and flexible dispute resolution system, focussed on better administrative decision-making;
- undertaking a scoping study to consider the case for unifying the High Court and county court jurisdictions to create a single civil court of first instance in England and Wales. This would potentially make the system easier for users to understand and access, and greatly facilitate effective and efficient judicial deployment so that cases were always heard by judges of the right level and expertise;

- identifying ways to make litigation and court procedures more proportionate and thus reduce costs. We will review the current limits for small claims and fast-track cases, as well as exploring other options;
- simplifying conditional fee agreements; and
- improving enforcement so that creditors have a more straight-forward and accessible system, and debtors who genuinely do not have the means to pay are protected from oppressive pursuit of their debts.

**4.58** For the vision to be realised there is a need to address two key issues over the next five years:

- **reform of Legal Aid** to support our objectives for dispute resolution, target resources on the right outcomes for the right people, and place the budget on a sustainable footing for the long term; and
- at present, **many cases incur the expense of court proceedings unnecessarily and our strategy is to divert these cases towards more appropriate and proportionate options.** We recognise that this will mean a significant reduction in the fee income that currently funds most of the cost of the civil courts. So a key enabler for proportionate dispute resolution will be to develop a far better match of income and cost drivers, requiring a better targeted fee structure, a more flexible cost base, and savings and efficiencies achieved, in particular, by centralising back office functions, rationalising the estate, improving court processes and making smarter use of Information and Communications Technology. The consultation on civil court fees in May 2004 was a first step in this direction.

**Milestones for more effective and proportionate dispute resolution**

04/05	05/06	06/07	07/08	Post 08
<b>Education information and advice</b>				
Conduct research to establish link between early advice and later savings in money/time etc.  Develop coherent strategy for promoting knowledge about the law and legal system, as part of the wider DCA Education, Information & Advice strategy		Implement strategy		Review impact of strategy
<b>Debt</b>				
Consultation on options for assisting multiple debtors  Consultation on wider debt strategy: better information to inform lending; encouraging best practice pre-action behaviour; streamlining court process	Begin to pilot debt strategy proposals	Complete and evaluate pilots	Assuming pilots successful, roll-out more widely	
<b>Housing</b>				
Start of Law Commission's fundamental study on housing disputes	Consultation on pre-action protocol for possession actions	Pilot on-site possession hearings	Report of Law Commission study on housing disputes	Implement Law Commission recommendations
<b>Legal services and costs</b>				
Legal Services Complaints Commissioner fully operational  Legal Services Regulatory Review (Clementi) reports	Government response and proposals on legal services regulatory reform  Introduce new simplified conditional fee agreement regime	Possible legislation to establish new legal services regulatory framework, subject to Parliamentary time	New legal services regulatory framework implemented  Review CFA regime	

04/05	05/06	06/07	07/08	Post 08
<b>Legal services and costs (continued)</b>				
Extend fixed success fees to employers' liability accident cases	Fixed success fees in employers' liability disease and public liability  New costs control measures for multi-track cases	Evaluate fixed costs in RTA cases and fixed success fees  Solicitor-own client costs reforms (if carried forward) and indemnity principle		
<b>Dispute Resolution Schemes</b>				
Wide-ranging studies of civil and administrative justice landscape to identify further options  Conduct research on existing in-court mediation pilots	Further pilots as recommended by scoping studies  Roll-out national framework for in-court mediation schemes	Evaluate further pilots	Assuming pilots successful, roll-out more widely	5% fewer court claims resolved by a hearing
<b>Reforming the tribunal system</b>				
Tribunals White Paper published  Publish draft Courts and Tribunals Bill	Start of transitional year for the new Tribunals Service	Main Central Government departments' tribunals start to join new service		Other smaller central government tribunals join service

04/05	05/06	06/07	07/08	Post 08
<b>Civil courts</b>				
<p>Scoping study on unified civil jurisdiction</p> <p>Improving the law and procedures to make the system more efficient and effective, including research on small claims and fast track limits and working with DWP on the employers' liability claims pilot</p>	<p>Consultation and pilots where appropriate, to take forward new initiatives</p>	<p>Implementation of initiatives and on-going development as necessary</p>	<p>Earliest date for implementation of unification</p>	<p>2% more small claim cases dealt with within target time</p>
<b>Enforcement</b>				
<p>Publish draft Courts and Tribunals Bill</p>		<p>Implement tables for setting attachment of earnings orders (AE)</p>	<p>Implement data disclosure orders and AE tracking</p> <p>Begin to roll-out regulation of enforcement agents</p>	<p>Complete roll-out of regulation of enforcement agents</p>

## Strengthening democracy and rights

### Vision and future outcomes

**4.59** DCA's aim is to **strengthen democracy and rights**, renewing the relationship between citizens and the state.

*“Say I wanted to ...do something, like complain about something, I wouldn't know what to do – I think there's very little education about how the system actually works.”*

*“The rights of ordinary people are not respected.”<sup>23</sup>*

Current position	Future outcomes
<i>Ensuring respect for human rights</i>	
<ul style="list-style-type: none"> <li>• Awareness and respect for people's human rights are at a low level.</li> <li>• People feel helpless when faced with government bureaucracy.</li> <li>• People feel that rights are enjoyed more by criminals than by victims.</li> </ul>	<ul style="list-style-type: none"> <li>• A developing culture of respect for people's rights within our public services.</li> <li>• Individuals know what to do and where to get help if they have a problem with public services.</li> <li>• People understand that with rights come responsibilities.</li> </ul>
<i>Ensuring people can effectively exercise their information access rights</i>	
<ul style="list-style-type: none"> <li>• People don't understand why the government takes the decisions it does.</li> <li>• People have concerns about the information government holds on individuals.</li> <li>• People find it difficult to access government information.</li> </ul>	<ul style="list-style-type: none"> <li>• People understand better the reasons for government decisions.</li> <li>• People trust public authorities to look after information about them properly.</li> <li>• People know where to find out what government is doing.</li> </ul>
<i>Strengthening engagement with the democratic process</i>	
<ul style="list-style-type: none"> <li>• Sections of the population find it difficult to get to the polling station to cast their vote.</li> <li>• People believe the way we vote is very old fashioned.</li> <li>• Media reports of fraud allegations in postal ballots.</li> </ul>	<ul style="list-style-type: none"> <li>• Those groups find it easier to vote.</li> <li>• People believe voting has moved with the times, with more choice of methods.</li> <li>• People trust the electoral system to be accurate and not susceptible to fraud.</li> </ul>

**Measuring success**

**4.60** Following the 2004 Spending Review, the DCA’s constitutional work will come under the new Strategy Objective III, which aims to strengthen democracy and rights. A shadow PSA target for the SR04 period is currently being developed.

**Our future approach**

**4.61** The DCA’s constitutional responsibilities have four aspects:

- (a) we have a duty, within the executive, **to safeguard the constitution and to manage its fundamental relationships.** Hence the Department is the prime guardian of the relationships between executive and judiciary; between the Church of England and state; and between the Crown and the state. We also foster the overall devolution settlement across the UK, working closely with the Scotland Office, Wales Office and Northern Ireland Office; manage the UK’s links with the Crown Dependencies; and are responsible for policy on national and European elections;
- (b) we lead on **the reform of the constitution.** The wide-ranging, reform programme is reflected throughout this Strategy;

- (c) we are charged with **explaining the constitution and the way in which it is changing.** We work with others – in government and in the voluntary sector – to explain the way the country is governed and to encourage participation in our democracy; and

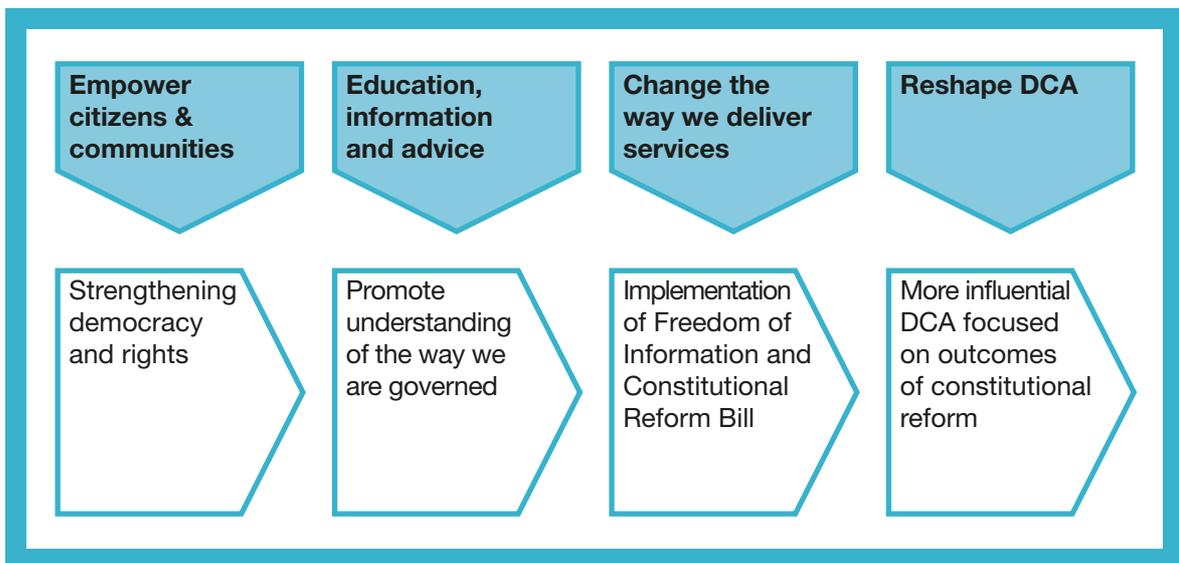
- (d) we are responsible for **promoting respect for people’s human and information rights** within the public services.

**4.62** The graphic below shows how our approach to constitutional reform fits with our overall DCA reform approach.

**What we want to achieve**

**4.63** Our plans for the reform of the constitution have been driven by three core objectives:

- to strengthen and uphold people’s **fundamental rights and rights to information;**
- to strengthen our **democracy and public engagement** with decision-making; and
- to enhance the **credibility and effectiveness** of our public institutions.



**4.64** The pursuit of these objectives has led us to frame a programme of work, which focuses on the relationship between the citizen and the state. Its success will not be measured by whether we have re-ordered the institutions of the state. Rather, it will be assessed by what the public makes of the reforms. Are they understood? Are they seen to be delivering? And, beyond that, has the reform programme brought the people into a closer relationship with our democracy and with public decision-making? Constitutional reform is about the way that we are governed and the values which we, as a society, uphold. Our ambition, over the five years of this Strategy is to demonstrate the relevance of constitutional reform to people across the UK.

### Making the transition

**4.65** By 2008/09 we will complete:

- our current constitutional reform programme (including reform of the office of Lord Chancellor, creation of the Judicial Appointments Commission for England and Wales, and establishment of the UK Supreme Court);
- the implementation of the Freedom of Information Act 2000 (which comes fully into effect in January 2005) so that people will have the right of access to public information; and
- the second stage of House of Lords reform. The aim will be to create a more credible and representative second chamber, ensuring that its role, powers and composition make it effective and add value to the parliamentary process while respecting the supremacy of the House of Commons.

**4.66** In addition, we shall be undertaking the following key programmes and initiatives, aimed at ensuring respect for people's fundamental rights and their greater engagement with democratic processes:

- **ensuring public services respect human rights.** This will be pursued by fostering a non-litigious culture of respect for Human Rights and through the establishment of a new Commission for Equality and Human Rights. We will promote the development and use of Human Rights strategies by local authorities and health authorities, and education about Human Rights within schools and youth group;
- **ensuring people can more effectively exercise their information access rights.** This will be pursued through completing implementation of the Freedom of Information Act 2004, adopting the Data Sharing Guarantee, across government and promulgating a better understanding of the Data Protection system. We will monitor Freedom of Information data and survey data to measure levels of concern about sharing personal data and assess knowledge of information rights and trust in information handling; and
- **strengthening engagement with the democratic process.** We will seek to make voting easier and more secure. Voter registration and turnout will be measured together with perceptions of voter security. If Ministers choose to reform party funding or to lower the voting age, we will take these reforms forward.

**Milestones for strengthening democracy and rights**

04/05	05/06	06/07	07/08	Post 08
<b>Completing current reform programme</b>				
Parliamentary approval for Constitutional Reform Bill	Implementation of Constitutional Reform Act	Implementation of Supreme Court and Judicial Appointments Commission	Implementation of Supreme Court	
<b>Public services respect human rights</b>				
Other Government departments commence strategic Human Rights Act delivery reforms  Agreement to principle of individual petition to Committee on Elimination of Discrimination Against Women	Parliamentary approval for Commission for Equality and Human Rights (CEHR)  Government departments rolling out new training & awareness HR packages and guidance to aid public authorities  Government inspectorates monitoring HR culture in local authorities etc.	Impetus project made available to more schools and youth organisations in UK.  Shadow CEHR establishes strategic plan	CEHR audit on rights and equality	CEHR project to promote rights culture in local authorities

04/05	05/06	06/07	07/08	Post 08
<b>People can effectively exercise their information access rights</b>				
Public sector preparation for Freedom of Information implementation. Review of overall information rights policy framework	Full Freedom of Information implementation Develop new information rights policy framework	Develop new information rights policy framework	Implement new information rights policy framework	Implement new information rights policy framework
<b>People are more engaged with the democratic process</b>				
Public education programme (continuing throughout period) 2004 European elections, including postal ballots Introduction of legislation for EU Constitution referendum Publish Government response to Electoral Commission reports <i>voting for change</i> and <i>delivering democracy</i>	Government responses to Electoral Commission proposals on voting age and party funding	With ODPM develop and pilot arrangements for electronic registration and 'e-voting'	Multi channel elections Bill, if required and Parliamentary time allows Continue reform of registration and 'e-voting' programme (Elections to Scottish Parliament and National Assembly for Wales)	'e-enabled' general election after 2008 Continue reform of registration and 'e-voting' programme European Parliamentary elections 2009

## 5 Risks and Uncertainties

General risks  
Specific risks

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## General risks

**5.1** This Strategy has been prepared on the basis of a range of assumptions about likely future developments. Many of these developments are beyond our control, but nevertheless influence our ability to achieve our goals. The assumptions are based on our analysis of best available data and are set out at a high level in Section 2: Analysis.

**5.2** There is always a risk that actual events prove our assumptions incorrect. These risks fall into two main categories: general external risks concerning unexpected developments in normally predictable ‘macro-level’ drivers; and specific risks relating to ‘micro-level’ issues directly relevant to DCA and its partners and stakeholders.

**5.3** The main general risks are:

- an **economic down-turn** that would affect levels of employment, disposable income and consumption. These are likely to have a direct impact on the DCA by increasing levels of housing repossessions and the number of debt problems and possibly levels of crime. Any downturn would also be likely to increase the demand for advice on benefits and housing and see an increase in the numbers of people eligible for legal aid; and
- an increase in the **state of conflict** around the world could increase dramatically the number of asylum applications and associated appeals, particularly in countries with strong links or close geographic proximity to the UK.

## Specific risks

**5.4** There are four categories of specific risks, summarised below.

### Financial risks

**5.5** We do not have the necessary funding to complete our programmes and initiatives because:

- we are unable to contain **demand for legal aid** support or achieve effective control of costs, and this causes spending in this area to increase dramatically;

- **civil fee recovery levels** – a down-turn in civil litigation, particularly in undefended debt, will reduce civil fee income below the target of full cost recovery; or
- there are other competing priorities for limited public funds.

### Legislative risks

**5.6** Proposed **legislation** does not secure Parliamentary approval, for example: the Mental Capacity Bill, Constitutional Reform Bill or Criminal Defence Service Bill.

### Governmental risks

**5.7** The Department is dependent on the **co-operation and alignment** of policy, implementation and delivery from other government departments, agencies and other stakeholder groups. Their inability to support our areas of focus, particularly due to lack of funds and resources, would be detrimental to the delivery of our programmes. DCA front-line services in particular remain vulnerable to the **impacts of other Government departments’ policies**. We must therefore continue to work very closely with our stakeholders to ensure that these risks are managed.

**5.8** Examples of where we are dependent on partners in other organisations include:

- Home Office and Crown Prosecution Service in the criminal justice system;
- the Home Office Immigration and Nationality Directorate in managing asylum and immigration issues;
- the Department for Education and Skills (DfES), Jobcentre Plus, Citizen’s Advice and other agencies are involved in disseminating necessary education and information;
- DfES Local Authority Social Services, the Children and Family Courts Advisory and Support Service, and medical and other experts all contribute to delivery on children’s issues;
- co-operation with NHS, social care deliverers and the Court of Protection to support people with mental incapacity;

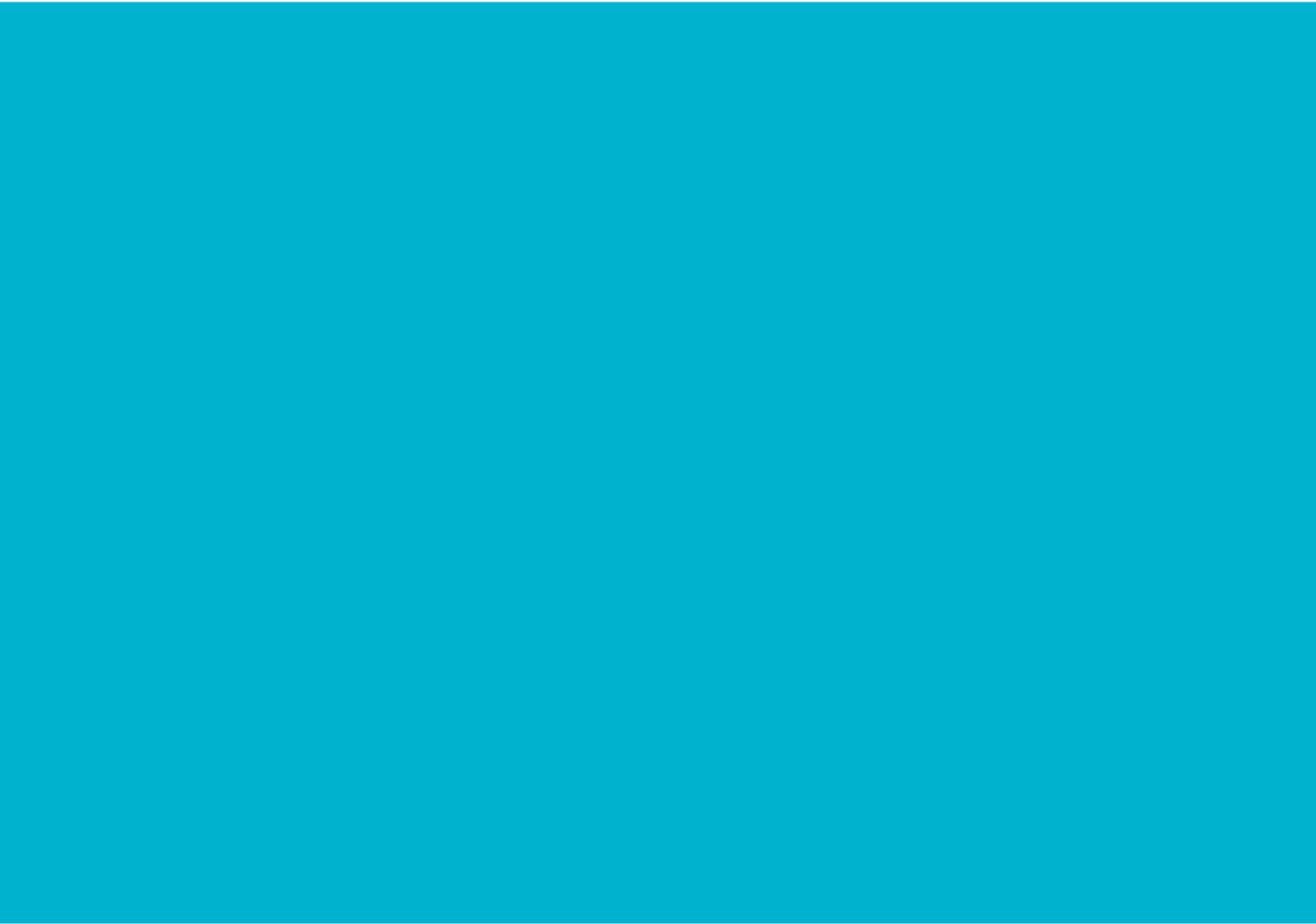
- the Office of the Deputy Prime Minister, the Electoral Commission and returning officers for modernisation of elections and referendums; and
- co-operation with public bodies to develop respect for rights.

### Organisational risks

**5.9** Our Strategy depends on the capacity of DCA and our partners and stakeholders to embrace and deliver radical changes. This category of risks includes the following:

- the degree and nature of **organisational change** we undertake over the next 5 years exceeds our capacity to deliver effectively. Examples include setting up the new Her Majesty's Courts Service, creating a unified tribunals service, setting up an independent Judicial Appointments Commission, and creating a Supreme Court for the United Kingdom;
- new approaches to dispute resolution are unsuccessful because we are unable to overcome the **inflexibility** of existing delivery channels; and
- there being **insufficient solicitors and barristers** prepared to undertake publicly funded work.

**5.10** In addition to the risks identified above, we face operational risks associated with the implementation of our plans. We have not included such risks in this analysis as we have prepared our Strategy on the basis that they will be effectively managed. Our operational risk management procedures involve staff in identifying, assessing and responding to the risks that impact the achievement of their objectives. Risk registers are maintained and reviewed by local management teams across the Department. The most significant risks are included in a corporate risk register which the Corporate Board reviews every quarter.



## **Annex A**

Map of DCA plus related services & organisations

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## **Annex B**

DCA's Public Service Agreement 2005/06 - 2007/08

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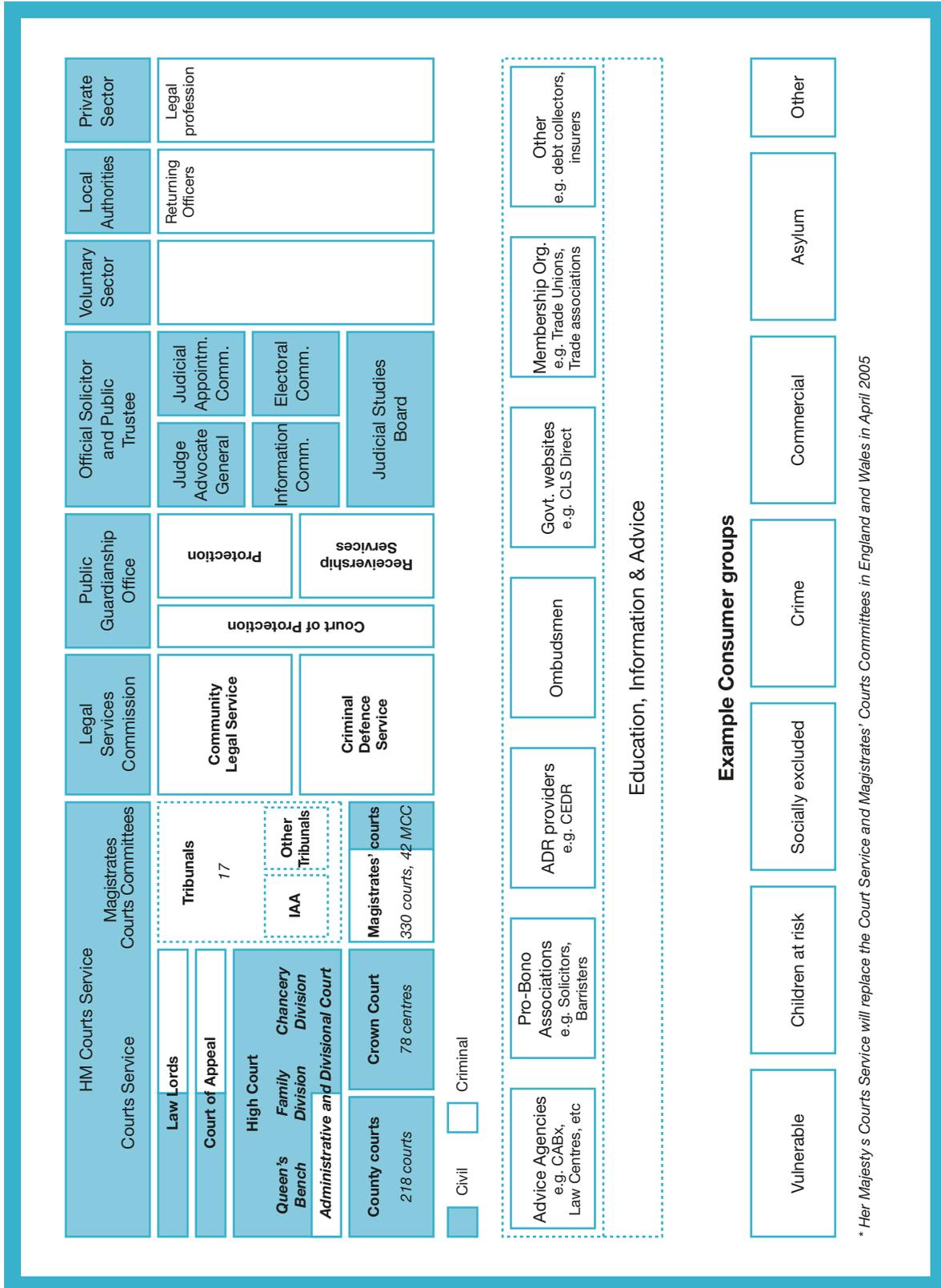
## **Annex C**

Major Change Programmes

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## Annex A: Map of DCA plus related services & organisations



\* Her Majesty's Courts Service will replace the Court Service and Magistrates' Courts Committees in England and Wales in April 2005

## Annex B: DCA's Public Service Agreement 2005/06-07/08

### Aim

Upholding justice, rights and democracy.

### Objectives and Performance Targets

**Objective I:** To provide criminal, civil, family and administrative justice systems that command public respect and confidence.

**1.** Improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25 million by 2007-08. Target contributing to the Criminal Justice System PSA.

**2.** Reassure the public, reducing the fear of crime and anti-social behaviour, and building confidence in the Criminal Justice System without compromising fairness. Target contributing to the Criminal Justice System PSA.

**3.** Reduce unfounded asylum claims as part of a wider strategy to tackle abuse of the immigration laws and promote controlled legal migration. Joint with the Home Office.

**Objective II:** To ensure that the public, especially the socially excluded and vulnerable, have access to excellent services, which enable them to exercise their rights in law and understand, exercise and fulfil their responsibilities.

**4.** By 2009-10, increase the proportion of care cases being completed in the courts within 40 weeks by 10%.

**5.** To achieve earlier and more proportionate resolution of legal problems and disputes by:

- increasing advice and assistance to help people resolve their disputes earlier and more effectively;
- increasing the opportunities for people involved in court cases to settle their disputes out of court; and
- reducing delays in resolving those disputes that need to be decided by the courts.

**Objective III:** To enable the development of democratic institutions of government that command public confidence.

**Objective IV:** To create a modern, efficient and effective department that has the capacity and capability to deliver excellent public services.

### Who is responsible for delivery?

The Secretary of State for Constitutional Affairs is responsible for the delivery of this PSA. Targets 1 and 2 contribute to the Criminal Justice System PSA with delivery responsibility shared with the Home Secretary and the Attorney General. The Secretary of State for Constitutional Affairs and the Home Secretary are jointly responsible for target 3.

The Secretary of State for Constitutional Affairs is also responsible for delivering the Department for Constitutional Affairs agreed efficiency target set out in the Home Office, Constitutional Affairs and Law Officers' Departments chapter of the 2004 Spending Review White Paper.

## Annex C: Major Change Programmes

In section 3 of the Strategy, we summarised some of our major change initiatives. These provide the building blocks for the realisation of our vision. Some further detail is provided in this annex.

### Consumer focus

Our Strategy has been informed by the first steps in a major review of our approach to delivering justice, focused on achieving a step change in understanding consumer needs and demands and how we meet them and providing value for money. This ‘consumer focus’ will produce a sustainable set of policies and services targeted at delivering our PSAs and providing fit-for-purpose services more efficiently and effectively. The Consumer Review Strategy will identify ways in which we can improve consumers’ experiences across the whole delivery chain from education, information and advice to appropriate handling through the courts and if necessary rehabilitation into society.

The initial phase of the Consumer Strategy Review involved both users and potential in evaluating our current service and design and development of our new proposals. It covered four service delivery areas:

- Relationship Breakdown;
- Domestic Violence;
- Creditors and Debtors; and
- Community Justice.

It also included a survey of 2000 people’s experience of, and attitudes to, the civil justice system in England and Wales.

The Consumer Strategy Review has identified a number of areas for reform that we will be taking forward over the next five years, including:

- resolution of contact disputes outside the courts and tribunals in order to promote increased levels of consumer satisfaction;
- improved access to courts for victims of domestic violence, possibly through better education and an increased number of smaller hearing centres; and

- measures to assist people to avoid and resolve debt problems, and ensure that only claims that really need to be there are brought to court.

We are fully committed to ensuring that we creates an environment where everyone receives equal treatment from the justice system. This includes equality of access to justice, and treatment tailored to individual needs. Through our Consumer Strategy Review, we are building strategic insight into black and minority ethnic people we serve. This will ensure that policy teams can devise policies around the needs of individual ethnic minority consumers and that colleagues on the front-line can reshape those services so that they are tailored to the needs of ethnic minority groups.

### Rationalising and modernising infrastructure

The creation of Her Majesty’s Courts Service from April 2005 will enable better use to be made of the Crown, County and magistrates’ courts estates.

The National Property Board, chaired by the Chief Executive Designate of HM Courts Service, has been established to provide an overarching strategy against which future decisions about the location, roles and functions of the physical infrastructure of the court system will be addressed.

An ICT investment programme is now underway in the Crown Court, magistrates’ courts and our major county courts. This begins to address previous under-investment in ICT across the courts and so support modernisation of the justice system.

The programme includes:

- *LINK*, which provides cabling and hardware and a network to 78 Crown Court centres to allow the courts to use the latest technologies;
- developing secure *e-mail*, thus speeding up communications between court staff and other criminal justice agencies;
- *XHIBIT 2*, which enables exchange of case information via mobile phones and pagers and to victims, witnesses and the general public via the Court Service Web site;
- installation of *prison video links*, to enable defendants to give evidence from prison;

- *LIBRA*, which will provide a joined-up ICT system for the magistrates' courts as well as interfaces with the Police and Crown Prosecution Service case management systems;
- installation of modern infrastructure in our major county court centres; and
- development of new on-line services (possession claims on line and interactive court forms) to sit with *MoneyClaim online*.

### Legal aid and the fundamental review

Publicly funded legal services or legal aid are a complex series of policies and operations underpinning the Government's policies on crime, asylum, the family and the vulnerable. Legal aid assists those whose fundamental rights are at issue in the courts (crime or children issues) or tribunals (asylum and mental health) but also ensures that the legal process works efficiently. In other areas (for example housing, debt, welfare) it can help the vulnerable and victimised maintain, or achieve, access to their rights. This benefits the individual and society by preventing worse problems from occurring,

Legal aid is therefore a key enabler for nearly all the policies in this Strategy, and as such is referred to throughout in the context of the specific outcomes the DCA is seeking to achieve. It is also a public service system in its own right, delivered by the Legal Services Commission.

Paragraphs 2.43 to 2.45 of the Strategy examine the systemic challenges to Legal Aid and the reason for the establishment of the **Fundamental Legal Aid Review**, announced in May 2004. The aims of the Review are to:

- propose measures which will place legal aid on a sustainable footing in the long term; and
- target resources better to deliver the right outcomes for the right people.

The Review is due to report its findings and recommendations to Ministers by early 2005. We will then take forward the results to help us to refocus this major element of public expenditure.

The long-term benefits from the Review will include:

- streamlining key underlying criminal justice processes to reduce wasted defence practitioner time, for example securing more early fair disposals and improved handling of the large volumes of evidence in high cost cases, thus freeing up CJS and defence services resources to deliver the Government's objectives on bringing more offenders to justice;
- improved local strategies for the coherent targeting of available resources for both general advice and legal support, involving key local providers which reach those who need help most, delivering real benefits for them and identifying where preventative approaches could best tackle the root causes of people's problems; and
- modern purchasing arrangements across the board which deliver improved quality for clients and value for money, enabling good suppliers to plan sustainable businesses, building on the Legal Services Commission's initiatives to improve purchasing arrangements, including Quality Mark, individual very high cost case contracts, and pilots of 'preferred suppliers' and competitive tendering.

### Review of the legal services market

Part of our work to promote a culture where people are aware of their rights and responsibilities and are able to exercise them freely involves making sure that proportionate legal services are available and accessible.

On 24 July 2003 we announced an independent review of the regulatory framework for legal services led by Sir David Clementi aimed at promoting competition and innovation and improving services for the customer. The review was launched in response to the Government's report entitled *Competition and Regulation in the Legal Services Market*, which stated that the current framework was "outdated, inflexible, over-complex and insufficiently accountable or transparent".

The terms of reference of the Review are to:

- consider what regulatory framework would best promote competition, innovation and the public and consumer interest in an efficient, effective and independent legal sector;

- recommend a framework which will be independent in representing the public and consumer interest, comprehensive, accountable, consistent, flexible, transparent, and no more restrictive or burdensome than is clearly justified; and
- make recommendations by 31 December 2004.

### Legal and constitutional modernisation

DCA is responsible for strengthening people's democratic rights by bringing government closer to the people it serves. Our work is focused on enhancing the credibility and effectiveness of our public institutions and increasing public confidence and engagement with decision-making. The Legal and Constitutional Modernisation Programme is a key pillar of our work in this area following the creation of DCA. It incorporates:

- the new **United Kingdom Supreme Court**, which will create for the first time a distinct constitutional separation between the legislature and judiciary in this country. Initially comprising the twelve members of the Appellate Committee of the House of Lords, the Court will assume the Appellate Committee's jurisdiction and also the devolution jurisdiction of the Judicial Committee of the Privy Council;
- **reform of the office of Lord Chancellor.** So that the functions of the Lord Chancellor as Judge and Minister are separated, the judicial role ended, and the 'head of the judiciary' role passed to the Lord Chief Justice of England and Wales. The Lord Chancellor and the Lord Chief Justice agreed a Concordat in January 2004, setting out how functions directly affecting or explicitly involving the judiciary are to be exercised in future, and where the boundaries lie between the executive and judiciary;
- the establishment of the **Judicial Appointments Commission** for England and Wales to enhance judicial independence and the separation of powers by removing control of the appointments process from the hands of a single Government Minister and placing it in the hands of an independent body. The Commission will have full responsibility for organising and running the appointments process, and for recruiting and selecting candidates to recommend to the Secretary of State for appointment (or for him to recommend to The Queen in the case of more senior appointments);
- the introduction of the **Judicial Appointments and Conduct Ombudsman** for England and Wales, who will also have a role in relation to complaints regarding the conduct of the judiciary. It will remain the case that only The Queen, on an Address from both Houses of Parliament, can remove judges of the High Court and above;
- a **review of the existing Silk system for appointing Queen's Counsel.** A consultation paper issued in July 2003 was aimed at considering whether the QC system is objectively in the interest of the public and whether it commands public confidence. It addressed the issues of whether it should be retained; if it was to be abolished how that should be done; and what might replace it.

As an interim measure, pending the outcomes of the Clementi Review of the legal services market, the Bar Council and Law Society are working together to develop and implement a new QC accreditation system. This revised scheme will address key criticisms made of the previous process, with the Secretary of State retaining responsibility for recommending appointments to Her Majesty. The first appointments are expected in 2005;

- more **diversity in the appointment of Magistrates.** We launched a National Strategy for the Recruitment of Lay Magistrates on 7 October 2003, aiming to recruit up to 3,000 more JPs by 2006. We have almost completed a first national campaign of advertising, and a substantial programme of market research which will inform work with COI, magistrates, employers and others to increase awareness of magistrates and their work, and so help us to recruit magistrates with a wider range of ages and backgrounds; and
- we have recently gone out to consultation on promoting **diversity in the judiciary.** This initiative seeks to understand what barriers exist to certain groups joining the judiciary, whilst maintaining an absolute commitment to the appointment of judges on merit.



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