

# Ministry of Justice

## Main Estimate 2020-21: Estimates Memorandum

### 1 Overview

#### 1.1 Objectives

At the time of publication of this document the Ministry of Justice (MoJ), like other departments, does not plan to publish a Single Departmental Plan for 2020-21 due to the timing of the general election and ongoing COVID-19 response. MoJ's objectives in 2020-21 are expected to remain as set out in its 2019-20 Single Departmental Plan, with the exception that the 'Support delivery of Brexit' objective is discontinued.

In the context of the current situation, the department's highest priority will be the delivery of crucial frontline services throughout the COVID-19 pandemic, as agreed across government. Alongside this, the department will need to continue to actively prioritise its remaining resources to deliver essential support for the operational response, and progress the agreed priorities set out in the government's justice agenda.

The objectives are as follows:

Objectives (system outcomes):

1. Ensure access to justice in a way that best meets people's needs;
2. Support a flourishing legal services sector;
3. Provide a transparent and efficient court system;
4. Ensure that prisons are decent, safe and productive places to live and work;
5. Protect the public from harm caused by offenders; and
6. Reduce rates of reoffending and improve life chances for offenders.

The department's spending is designed to support its objectives and the functional support services that support them. Detail of how expenditure contributes to objectives is provided at Section 3.1.

#### 1.2 Spending controls

Departmental spending is managed according to spending control totals, for which Parliament's approval is sought.

The spending control totals that Parliament votes are:

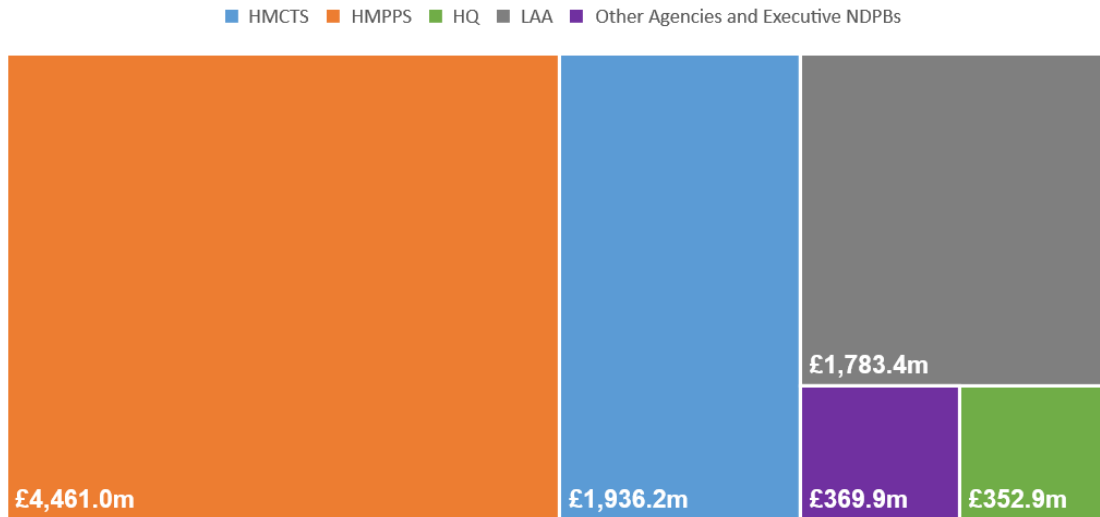
- Resource Departmental Expenditure Limit (Resource DEL): the cost of running the department and delivering its programmes;
- Capital Departmental Expenditure Limit (Capital DEL): investment in infrastructure, including net expenditure on capital assets; and
- Resource Annually Managed Expenditure (Resource AME): less predictable day to day spending, which for MoJ mainly comprises impairments of assets to represent true and fair value and movements in provisions.

Parliament also votes a Net Cash Requirement designed to cover the cash and other working capital movements to support the spending control totals.

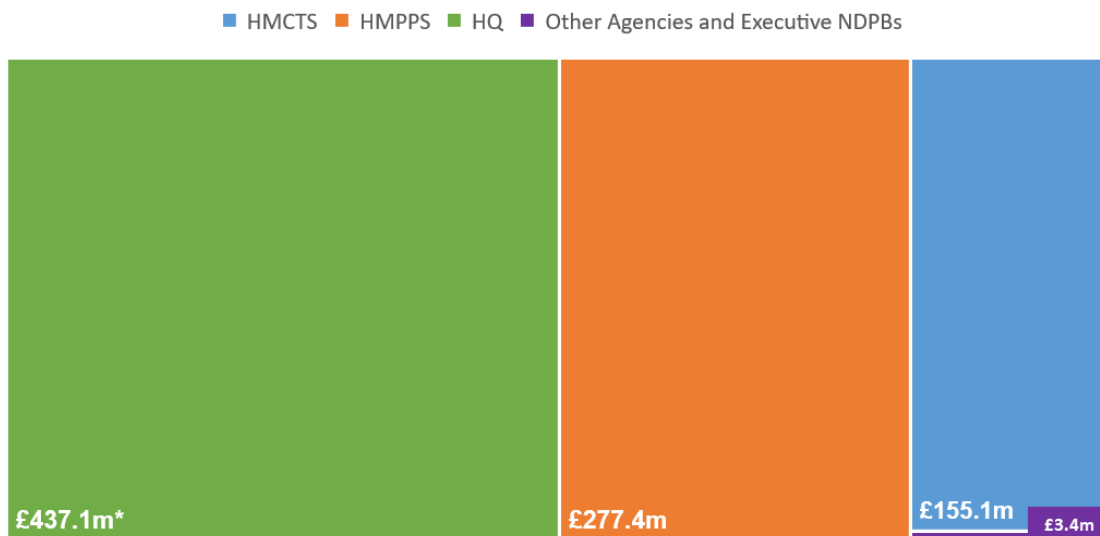
### 1.3 Main areas of spending

The department's spending totals in the Main Estimate for 2020-21, allocated to each spending body, are presented in the charts which follow.

**Resource DEL: Total budget £8.9 billion, 2020-21**



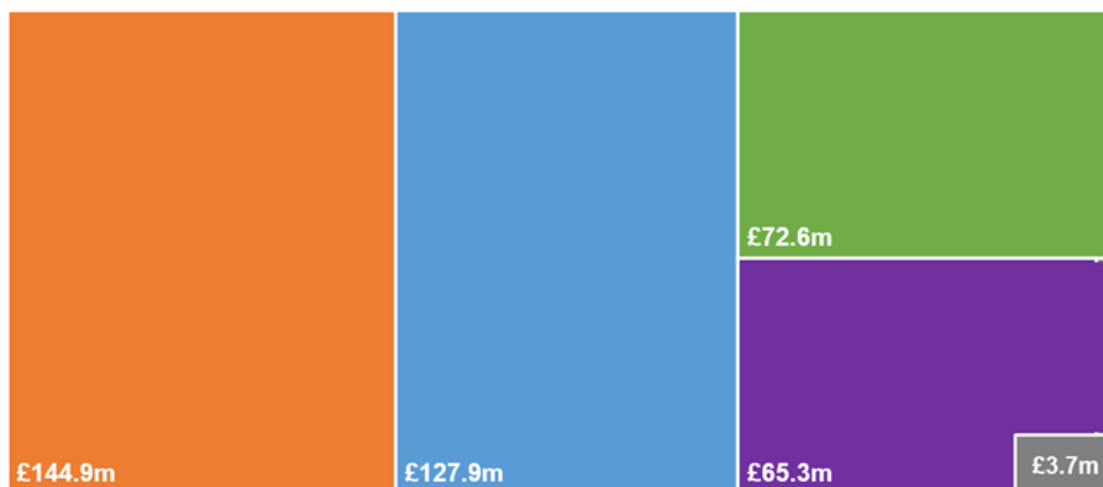
**Capital DEL: Total budget £0.9 billion, 2020-21**



\*HQ Capital DEL funding includes prison build and prison maintenance.

## Resource AME: Total budget £0.4 billion, 2020-21

■ HMCTS ■ HMPPS ■ HQ ■ LAA ■ Other Agencies and Executive NDPBs



The spending totals for Other Agencies and Executive NDPBs are shown in the table below.

	Resource DEL £m	Capital DEL £m	Resource AME £m
Criminal Injuries Compensation Authority	134.5	1.1	50.0
Office of the Public Guardian	-14.5	0.1	0.3
Youth Justice Board	86.9	0.6	0.1
Parole Board	21.1	0.6	0.1
Legal Services Board	-	-	-
Office of Legal Complaints	-0.2	0.3	-
Judicial Appointments Commission	7.7	-	-
Cafcass	127.7	-	14.5
Criminal Cases Review Commission	6.4	0.7	0.3
Gov Facility Services Limited	0.3	-	-
<b>Totals</b>	<b>369.9</b>	<b>3.4</b>	<b>65.3</b>

### 1.4 Comparison of spending totals sought

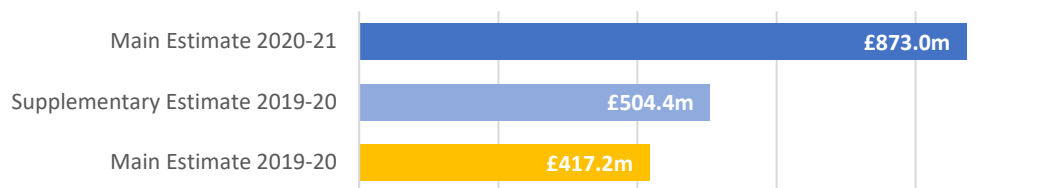
The table and charts below show how the totals sought for MoJ compare with the Main and Supplementary Estimates 2019-20.

Amounts sought in Main Estimate 2020-21		Difference to final budget (Supplementary Estimate) 2019-20			Difference to original budget (Main Estimate) 2019-20	
	£m	£m	%	£m	%	
Control Budget						
Resource DEL	8,903.4	494.0	+5.9%	851.0	+10.6%	
Capital DEL	873.0	368.6	+73.1%	455.8	+109.2%	
Resource AME	414.4	-292.6	-41.4%	-84.0	-16.9%	

### Resource DEL: total budget



### Capital DEL: total budget



### Resource AME: total budget



## 1.5 Key drivers of spending changes since last year

Further details of the following changes in spending are provided at section 2.1.

At the Main Estimate, Resource DEL has increased by £494.0m (6%) and Capital DEL has increased by £368.6m (73%) compared to last year's final budget.

The Main Estimate represents the 2019 Spending Round settlement, adjusted for some further funding changes announced at the 2020 Budget and a small number of funding transfers from other government departments.

### Funding agreed with HM Treasury at Spending Round 2019

At Spending Round 2019, the Chancellor announced funding for MoJ in 2020-21 of £8,142m Fiscal Resource DEL and £620m Capital DEL, which included funding for the following significant new investments:

- Funding to begin delivery of the government's £2.5bn commitment to create an additional 10,000 prison places, which forms an important part of the government's wider work to reduce crime;
- £100m to increase security in prisons through the introduction of more airport-style security scanners, mobile phone detection and prevention technology, and anti-corruption and intelligence operations;

- Support to respond to the increased demand from the 20,000 additional police officers; and
- Additional funding for crucial probation reforms that will help reduce reoffending and improve post-custody supervision.

### Funding agreed with HM Treasury at Budget 2020

Following Spending Round 2019, additional funding of £148m Resource DEL and £103m Capital DEL was announced in the 2020 Budget, as described in section 1.9.

### Other funding changes

In addition to the above, the Main Estimate includes non-fiscal Resource DEL of £607m, to cover depreciation, and various small budget cover transfers to/from other government departments netting to £17m Resource DEL.

£150m Capital DEL has also been provided in the Main Estimate to support new prison builds, as agreed at Budget 2018.

£100m allocated to additional prison security funding at Spending Round 2019 was reduced to £90m, as £10m had been brought forward into 2019-20 at the Supplementary Estimate.

### Resource AME

Resource AME funding at Main Estimate has reduced by 41% compared to the 2019-20 Supplementary Estimate. In MoJ, AME mostly relates to increases in provisions and impairments to property values. These are by their nature volatile and the figures used in the Estimates reflect the best assessment of their valuation at the time.

Increases in provisions and property impairments made in the 2019-20 Supplementary Estimate have not been included in the Main Estimate and values will be reviewed during the financial year and reflected in the 2020-21 Supplementary Estimate.

## 1.6 New policies and programmes; and other ambit changes

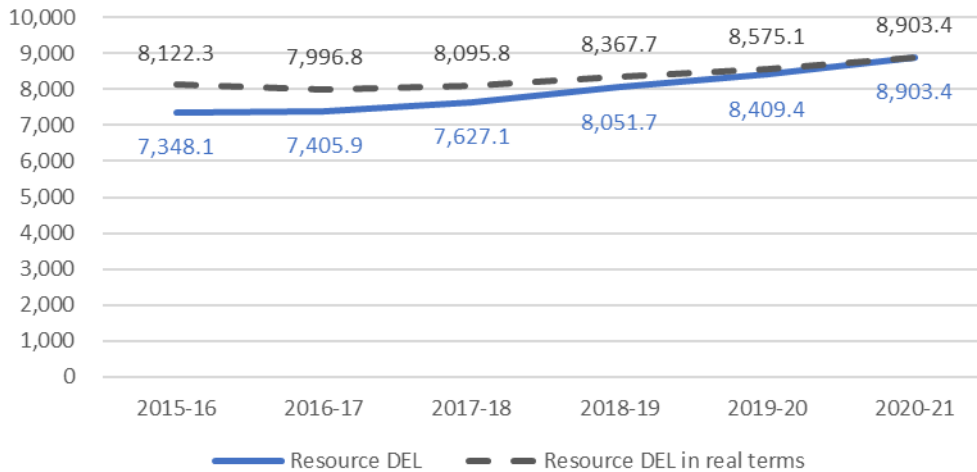
A new arm's length body, the Independent Monitoring Authority for the Citizens' Rights Agreements (IMA), was established in January 2020 and is expected to be operational by 31 December 2020, the end of the EU Exit Implementation Period. The IMA will monitor the UK's implementation and application of the citizens' rights parts of the EU Withdrawal Agreement and ensure that citizens are able to enjoy these rights.

Since the Supplementary Estimate Memorandum 2019-20 there have also been some minor drafting changes to the ambit for clarification purposes.

## 1.7 Spending trends

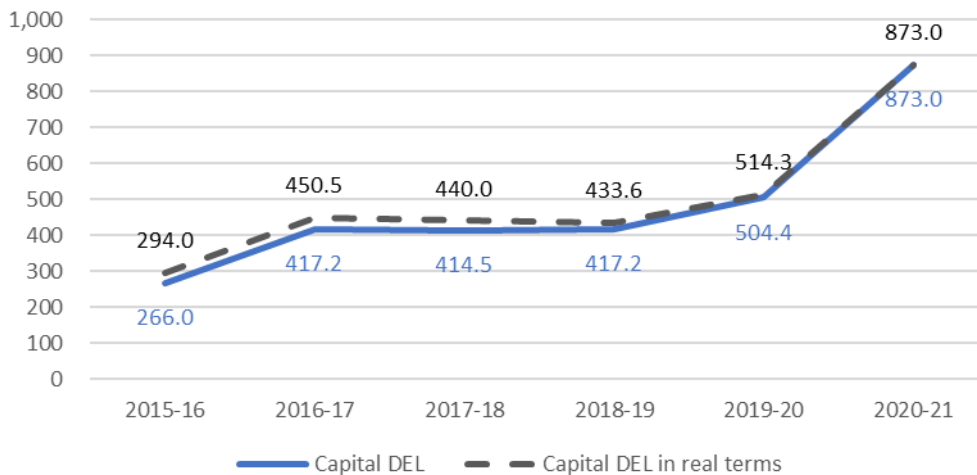
The charts below show overall spending trends covering the last five years and planned spend in the 2020-21 Main Estimate. All figures described as 'real terms' are quoted at 2020-21 prices.

Resource DEL trend 2015-16 to 2020-21 £m



In real terms, Resource DEL is 10% higher in 2020-21 than it was in 2015-16. This is largely as a result of increased spend on prisons, including additional prison officers and additional safety, decency and security measures, and increased demand in family law. This increased spend has been partly mitigated by efficiencies delivered by MoJ's functional services.

Capital DEL trend 2015-16 to 2020-21 £m



In real terms, Capital DEL is 197% higher in 2020-21 than it was in 2015-16. The increase is largely driven by investment in court reform, new prison builds in response to projected growth in capacity requirements and prison estate maintenance to meet health and safety regulations and keep cells in use.

## 1.8 Administration costs and efficiency plans

Admin DEL funding is 9.4% higher compared to last year's final budget. This increase is driven by assumptions at Spending Round 2019 that have subsequently changed, meaning that the full-year requirement is now expected to be lower than presented in the Main Estimate. This position will be closely monitored in-year and any appropriate adjustments will be discussed with HM Treasury at the Supplementary Estimate.

Spending total: Amounts sought this year (Main Estimate 2020-21)		Changes from final budget last year (Supplementary Estimate 2019-20)		Changes from original budget last year (Main Estimate 2019-20)	
Control total	£m	£m	%	£m	%
Resource DEL Admin	466.0	40.1	+9.4%	48.0	+11.5%

In real terms, Admin DEL is 15% lower in 2020-21 than it was in 2015-16 and the proportion of Admin DEL to total Resource DEL budget has decreased from 7% to 6%. Savings in administration budgets have been achieved by a comprehensive restructuring of back office functions, including a move to a functional leadership model, smarter working practices maximising use of technology, and moving staff from central London locations.

## 1.9 Funding: Spending Review and Budgets

The levels of DEL funding for the department are based on plans published in the 2019 Spending Round for the MoJ, summarised in section 1.5. Since that time, the government has made a number of changes to 2020-21 spending plans, including announcements of some additional funding in the 2020 Budget. Details of these funding changes are set out in the Table at Annex B.

Notable among the changes announced in the 2020 Budget are:

### Resource DEL:

- £69m to strengthen community sentences in England and Wales;
- £56m to tackle prison maintenance issues;
- £15m to boost the support available to victims;
- £5m to begin a trial of domestic abuse courts in England and Wales; and
- £3m to launch a Royal Commission on the Criminal Justice process in England and Wales.

### Capital DEL:

- £100m to tackle prison maintenance issues; and
- £3m to strengthen community sentences in England and Wales.

## 1.10 Other funding announcements

There have been no other spending announcements since the 2019-20 Supplementary Estimate Memorandum that affect spending in 2020-21.

## 2. Spending detail

### 2.1 Explanations of changes in spending

#### Resource DEL

The table below shows how the department's 2020-21 Main Estimate Resource DEL spending plans compare with last year.

Estimate Subheads	System Outcome	This year (Main Estimate 2020-21)	Lat year (Supplementary Estimate 2019-20)	Change from last year	
		£m	£m	£m	%
A,C,D,E,F,G,H	Access to justice	1,819.8	1,791.6	28.2	2%
A,J,K	A flourishing legal services sector	16.4	13.9	2.4	18%
A,C,I	A transparent and efficient court system	1,275.3	1,172.6	102.7	9%
A,B	Decent and safe prisons	2,991.9	2,816.3	175.6	6%
A,B,L	Public protection	1,123.8	1,062.6	61.1	6%
B,M	Reduced reoffending	416.5	412.6	3.8	1%
A,B,N	Functional support	1,259.9	1,139.7	120.2	11%
	<b>Totals</b>	<b>8,903.4</b>	<b>8,409.4</b>	<b>494.0</b>	<b>6%</b>

Changes that are more than 10% and more than £10m are explained below. Further detail of spending within these totals is given in the Table at Annex A.

### Functional support

The 2020-21 amount includes:

- Funding held centrally at the start of the year and funding for change projects that will be allocated through the year under MoJ's change management processes; and
- Additional funding for HQ services, including HMPPS change management and operational training, MoJ shared services and information services.

### Capital DEL

The table below shows how the department's 2020-21 Main Estimate Capital DEL spending plans compare with last year.

Estimate Subheads	System Outcome	This year (Main Estimate 2020-21)	Lat year (Supplementary Estimate 2019-20)	Change from last year	
		£m	£m	£m	%
A,C,D,E,F,G,H	Access to justice	1.9	1.2	0.7	58%
A,J,K	A flourishing legal services sector	0.3	0.4	-0.2	-36%
A,C,I	A transparent and efficient court system	155.6	157.0	-1.4	-1%
A,B	Decent and safe prisons	234.8	179.7	55.1	31%
A,B,L	Public protection	40.0	8.1	31.9	392%
B,M	Reduced reoffending	4.6	4.3	0.4	8%
A,B,N	Functional support	435.7	153.7	282.1	184%
	<b>Totals</b>	<b>873.0</b>	<b>504.4</b>	<b>368.6</b>	<b>73%</b>

Changes that are more than 10% and more than £10m are explained below. Further detail of spending within these totals is given in the Table at Annex A.

### Decent and safe prisons

The 2020-21 funding includes additional investment in prison security, measures to tackle radicalisation in prisons and increased spend to deliver 10,000 additional prison places.

## Public protection

The 2020-21 funding includes increased investment to deliver probation reform.

## Functional support

The 2020-21 amount includes additional funding held centrally to tackle critical maintenance issues in prisons (an additional £100m) and to build new prison places.

## Resource AME

The following table shows how the department's 2020-21 Main Estimate Resource AME spending plans compare with last year.

Estimate Subheads	System Outcome	This year (Main Estimate 2020-21)	Lat year (Supplementary Estimate 2019-20)	Change from last year	
		£m	£m	£m	%
Q,S,T,U,W,V, X	Access to justice	71.3	132.5	-61.2	-46%
Q,Y	A flourishing legal services sector	0.0	0.0	-0.0	-57%
Q,S	A transparent and efficient court system	127.9	127.1	0.8	1%
Q,R	Decent and safe prisons	145.0	145.0	-	0%
Q,R,Z	Public protection	0.1	0.1	0.0	30%
R,AA	Reduced reoffending	0.1	-	0.1	-
Q,R	Functional Support	70.0	302.3	-232.2	-77%
	<b>Totals</b>	<b>414.4</b>	<b>707.0</b>	<b>-292.6</b>	<b>-41%</b>

Changes that are more than 10% and more than £10m are explained below.

### Access to justice

The 2019-20 amount included a one-off provision for a change to the accounting treatment of contracting schemes in the Legal Aid Fund.

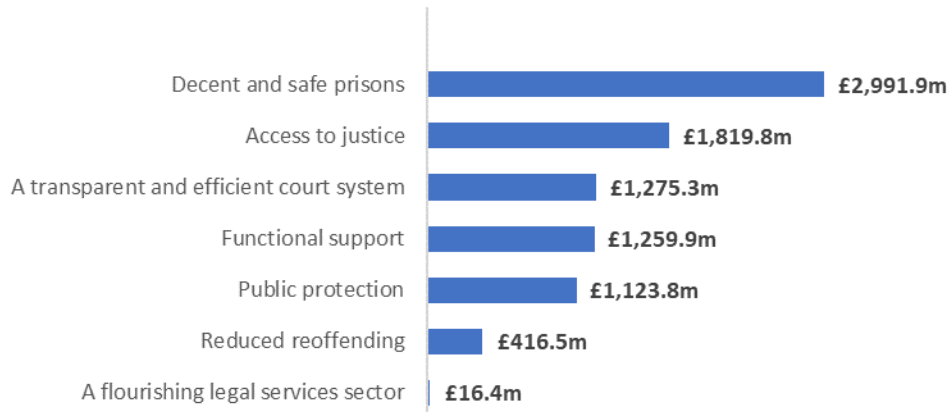
### Functional support

The 2019-20 Supplementary Estimate included Resource AME funding for a number of provisions that have not been included in the Main Estimate and which will be calculated later in the year and considered at the 2020-21 Supplementary Estimate. These include provisions to cover the impact of a change in discount rates, movements in provision for our compensation funds and impairments.

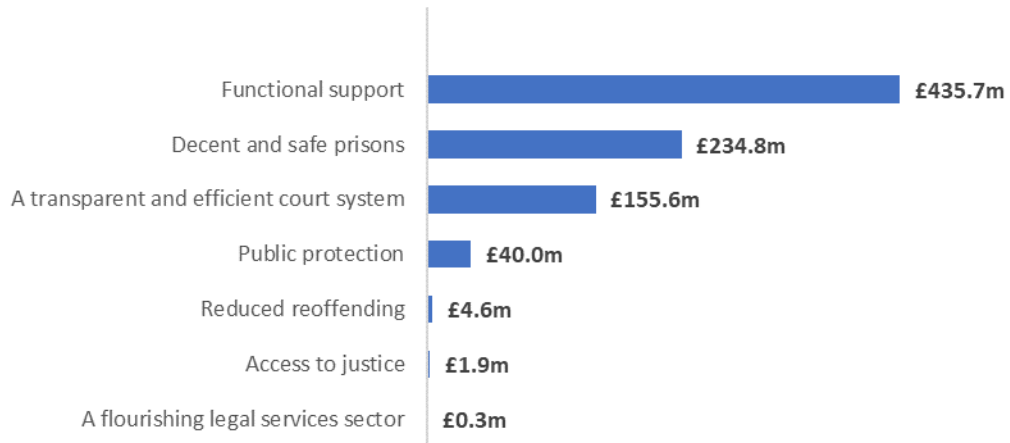
## Main Estimate totals

The department's spending totals for 2020-21, allocated to its objectives (system outcomes) and functional support services are presented in the charts below.

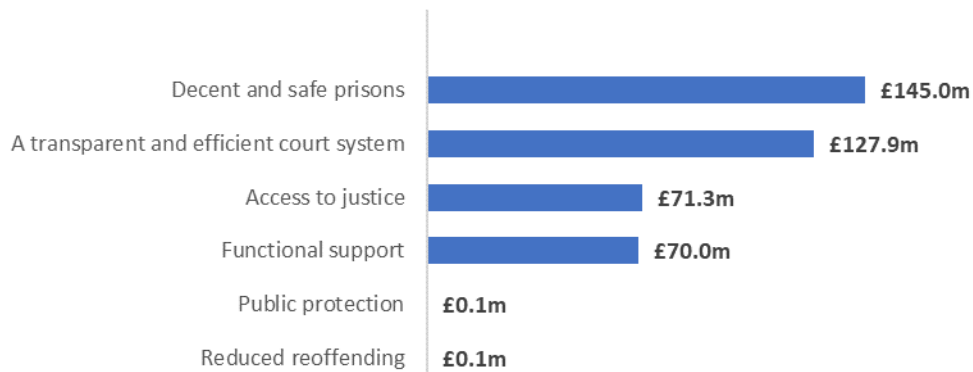
### Resource DEL by Objective



### Capital DEL by Objective



### Resource AME by Objective



## 2.2 Restructuring

There have been no machinery of government changes, restructuring of Estimates subheads or changes to recording of similar spending since the department's Supplementary Estimate Memorandum 2019-20.

## 2.3 Ringfenced budgets

Within the totals, the following amounts are ringfenced. Savings in ringfenced budgets may not be used to fund pressures on other budgets.

### Resource DEL

Ringfenced budgets: Amounts sought this year (Main Estimate 2020-21)		Changes from final budget last year (Supplementary Estimate 2019-20)		Changes from original budget last year (Main Estimate 2019-20)	
	£m	£m	%	£m	%
Depreciation	606.8	3.6	+0.6%	3.6	+0.6%
EU Exit	30.5	-4.2	-12.1%	30.5	-
Prison security	46.0	36.0	+360.0%	46.0	-

### Capital DEL

Ringfenced budgets: Amounts sought this year (Main Estimate 2020-21)		Changes from final budget last year (Supplementary Estimate 2019-20)		Changes from original budget last year (Main Estimate 2019-20)	
	£m	£m	%	£m	%
Prison security	44.0	44.0	-	44.0	-
Delivery of 10,000 prison places	141.0	141.0	-	141.0	-

## 2.4 Changes to contingent liabilities

The following contingent liabilities have changed since the publication of the department's Supplementary Estimate Memorandum 2019-20. No new contingent liabilities have been recognised since the 2019-20 Supplementary Estimate Memorandum. Unless otherwise stated, the amount of each contingent liability cannot be determined with sufficient reliability or to quantify it would jeopardise the outcome of legal cases.

### Update on contingent liabilities reported in the 2019-20 Supplementary Estimate Memorandum

Liability	Value at Main Estimate 2020-21	Value at Supplementary Estimate 2019-20
HMCTS: Schemes to refund court fees which were charged in error, or incorrectly set.	£5.9m	£5.9m

Liability	Value at Main Estimate 2020-21	Value at Supplementary Estimate 2019-20
Employment Tribunal refunds: In July 2017, the UK Supreme Court handed down a judgment that quashed the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013/1893. HMCTS is making refunds of fees paid under the order to those who paid them.	£14.8m	£15.2m
HMCTS is involved in a number of legal cases dealing with ex gratia, compensation and other claims.	£1.3m	£1.3m
In November 2017 a review of other fees for courts and tribunal proceedings identified that in some cases fees had been incorrectly charged and in other cases fees had inadvertently been set above cost without the legal authority to do so. In July 2018 a Written Ministerial Statement announced that a refund scheme would be established to reimburse people the amounts they had been over-charged.	£1.0m	£1.7m
<p>Fee-paid judicial office holders' claims: Following the judgment of the Court of Justice of the European Union in December 2018, it has been determined that additional pension benefits are payable to eligible fee-paid judges in respect of service incurred prior to the date (April 2000) that the Part-Time Worker Directive should have been transposed into domestic law.</p> <p>The department is currently involved in litigation activity as a defendant, which has resulted in significant liabilities now being recognised in relation to judicial pensions and therefore no significant contingent liability remains.</p>	No longer a contingent liability	Unquantifiable
Employment Tribunals: The department is currently defending a number of Employment Tribunal claims.	Unquantifiable	Unquantifiable
Other European Court of Human Rights claims: The department is currently engaged in several cases at the European Court of Human Rights, some of which may involve possible financial liabilities and others which are unquantifiable.	Unquantifiable	Unquantifiable
Headquarters legal claims: There are several outstanding legal claims against the department's headquarters, some of which involve possible financial liabilities. These legal claims include Judicial Reviews challenging refusal to pay compensation for miscarriages of justice and legal aid funding.	Unquantifiable	Unquantifiable
Data Protection Act: There are claims against the department for alleged failure to comply with the Data Protection Act. These cases are ongoing.	Unquantifiable	Unquantifiable

Liability	Value at Main Estimate 2020-21	Value at Supplementary Estimate 2019-20
<p>The Lord Chancellor's discount rate: In deriving an award value for pre-tariff cases CICA applies a discount rate on expected future care costs and loss of earnings. The rate applied to these cases is -0.25%, being the Lord Chancellor's discount rate. Given that the value of provision for the remaining pre-tariff cases is high, there is an outstanding risk that until all pre-tariff cases are resolved, changes in the Lord Chancellor's discount rate may have material financial impacts to CICA.</p>	Unquantifiable	Unquantifiable
<p>The 'same roof rule': The 'same roof rule' (formerly paragraph 19 of the Criminal Injuries Compensation Scheme 2012) prevented an award being made to applicants injured before 1 October 1979 by an assailant with whom they were living as a member of the same family. In July 2018, the Court of Appeal found that the same roof rule had unfairly denied compensation to a claimant. The government chose not to appeal this judgment to the Supreme Court and announced in September 2018 that the rule would be abolished.</p> <p>A statutory instrument to remove the rule came into force on 13 June 2019, enabling fresh applications from people who were previously refused, or who had never applied, because of the rule. This increased the compensation payable under the amended Criminal Injuries Compensation Scheme 2012. CICA, CICA has assessed that the additional liability has now mostly been settled and therefore no significant contingent liability remains.</p>	No longer a contingent liability	Unquantifiable
<p>Incidents incurred but not yet received (IBNYR): CICA has an unquantifiable contingent liability in respect of individuals who have been victims of violent crime but have not yet applied to CICA. This depends on an application being submitted which meets the criteria set out in the relevant Criminal Injuries Compensation Scheme in force at the date of the application. CICA therefore recognises that a contingent liability exists for IBNYR. It is not practicable to estimate the financial effect of IBNYR because it is not possible to establish the total number of eligible criminal injuries or other relevant factors, such as the likelihood of an application being made.</p>	Unquantifiable	Unquantifiable
<p>HMPs: Claims against HMPs by staff, prisoners and third parties, where the likelihood of a liability arising is deemed possible but not likely.</p>	£115.5m	£116.0m

### 3. Priorities and performance

#### 3.1 How spending relates to objectives

The following table shows how expenditure against each subhead contributes to the department's objectives (system outcomes) and functional support services.

Estimates subhead:		System Outcome					Functional support services
		Access to justice	A flourishing legal services sector	A transparent and efficient court system	Decent and safe prisons	Public protection	
<b>DEL:</b>							
A	Policy, Corporate Services and Associated Offices	x	x	x	x	x	x
B	HM Prison and Probation Service				x	x	x
C	HM Courts and Tribunals Service	x		x			
D	Legal Aid Agency	x					
E	Criminal Injuries Compensation Authority	x					
F	Office of The Public Guardian	x					
G	Children and Family Court Advisory and Support Service	x					
H	Criminal Cases Review Commission (net)	x					
I	Judicial Appointments Commission (net)			x			
J	Legal Services Board		x				
K	Office for Legal Complaints		x				
L	Parole Board (net)					x	
M	Youth Justice Board (net)						x
N	Gov Facility Services Limited (net)						x
<b>AME:</b>							
Q	Policy, Corporate Services and Associated Offices				x		
R	HM Prison and Probation Service			x			
S	HM Courts and Tribunals Service	x					x
T	Legal Aid Agency	x					
U	Criminal Injuries Compensation Authority	x					
V	Office of the Public Guardian	x					
W	Children and Family Court Advisory and Support Service	x					
X	Criminal Cases Review Commission (net)	x					
Y	Office for Legal Complaints		x				
Z	Parole Board (net)					x	
AA	Youth Justice Board (net)						x

#### 3.2 Measures of performance against each priority

The indicators that the department uses to measure performance for each objective (system outcome) are expected to be the same as those used in its 2019-20 Single Department Plan. These are listed below.

System outcomes:

1. Ensure access to justice in a way that best meets people's needs:
  - Family court timeliness;

- First Tier Tribunal (Immigration and Asylum Chamber) timeliness;
  - Social Security and Child Support Tribunal timeliness; and
  - Employment Tribunal timeliness (single cases).
2. Support a flourishing legal services sector:
    - No measures specified.
  3. Provide a transparent and efficient court system:
    - Work in hand in the criminal courts.
  4. Ensure that prisons are decent, safe and productive places to live and work:
    - Assaults on prisoners by prisoners;
    - Assaults on staff by prisoners; and
    - Self-inflicted deaths in prison custody.
  5. Protect the public from harm caused by offenders:
    - Escapes from prison and prison escorts; and
    - Serious further offences.
  6. Reduce rates of reoffending and improve life chances for offenders:
    - Adult reoffending;
    - Youth reoffending; and
    - Prison population.

### 3.3 Commentary on steps being taken to address performance issues

Funding in the Main Estimate designed specifically to address performance issues includes £102m Resource DEL and £100m Capital DEL to bolster prison security and to tackle critical maintenance issues in prisons, together with significant investment in probation services to reform the system.

### 3.4 Major projects

This section provides information on the MoJ projects included in the Government Major Projects Portfolio (GMPP) from the Infrastructure and Projects Authority (IPA). The information reflects that contained in the IPA's Annual Report 2018-19, published in July 2019.

#### Public protection

##### Electronic Monitoring

The Electronic Monitoring Programme is set up to implement a new electronic monitoring system and a service for the day-to-day monitoring of subjects wearing the devices.

Project start date (latest approved start date)	10/05/2011
Project end date (latest approved end date)	31/08/2024
Whole Life Cost TOTAL Baseline (including non-government costs)	£580.5m

## Prison Education

The programme is procuring a framework agreement and contracts for the provision of prison education, including standard education, bespoke education, library services, and information advice and guidance to replace the Offender Learning and Skills Service 4 (OLASS4) contract at the point this ceases. The Ministry of Justice has a legal requirement to secure the provision of education and training for prisoners (Apprenticeships, Skills, Children and Learning Act 2009).

Project start date (latest approved start date)	01/04/2017
Project end date (latest approved end date)	30/06/2019
Whole Life Cost TOTAL Baseline (including non-government costs)	£1,223.20m

The programme closed during financial year 2019-20 and has undertaken all final assurance activity.

## Youth Justice Reform Programme

The Youth Justice Reform Programme has two aims: 1. To make youth custody a place of safety, both for children and those who work there; and 2. To improve the life chances of children in custody.

Project start date (latest approved start date)	12/12/2016
Project end date (latest approved end date)	31/12/2022
Whole Life Cost TOTAL Baseline (including non-government costs)	£311.13m

## Decent and safe prisons

### Prison Estate Transformation Programme (PETP)

To transform the prison estate to help prisoners turn their lives around, through the construction of new prisons; and reconfiguring the estate to ultimately hold prisoners in the right conditions which provide safer environments for both staff and those held in custody.

Project start date (latest approved start date)	01/04/2016
Project end date (latest approved end date)	07/05/2026
Whole Life Cost TOTAL Baseline (including non-government costs)	£30,165.85m

The programme closed during financial year 2019-2020, and has now been replaced by its constituent projects, Glen Parva New Prison Build and Wellingborough New Prison Build.

### Prisoner Escort and Custody Services (PECS) Gen. 4

Re-procurement of business-critical PECS contracts which are set to expire on 28 August 2020. PECS contracts enable the Criminal Justice System by providing for the physical movement of prisoners between police stations, courts and prisons, inter-prison transfers and the movement of children and young people between Secure Children's Homes, Secure Training Centres and courts.

Project start date (latest approved start date)	01/04/2017
Project end date (latest approved end date)	31/03/2021
Whole Life Cost TOTAL Baseline (including non-government costs)	£1,622.30m

## Probation Programme

The Probation Programme aims to: 1. Open commercial discussion with the Community Rehabilitation Company (CRC) parent organisations that run probation services, to agree an option for early termination of contracts by mutual agreement in 2020 rather than 2022; 2.

Negotiate amendments to current contracts to secure probation service improvements during an exit period; and 3. Introduce more effective delivery arrangements for probation services.

Project start date (latest approved start date)	01/10/2017
Project end date (latest approved end date)	01/03/2020
Whole Life Cost TOTAL Baseline (including non-government costs)	£1,200m

Since publication of the data the project has been extended and will remain on the GMPP for the 2019-20 Annual Report.

## A transparent and efficient courts system

### HMCTS Facilities management Re-procurement Project (FMRP)

This project will re-procure the expiring Facilities Management contracts which provide services to the HMCTS estate.

Project start date (latest approved start date)	01/03/2017
Project end date (latest approved end date)	31/12/2019
Whole Life Cost TOTAL Baseline (including non-government costs)	£787.20m

Since publication of the data the project has been extended and will remain on the GMPP for the 2019-20 Annual Report.

### HMCTS Reform

The aim of the HMCTS Reform Programme is to modernise the infrastructure and deliver a better and more flexible service to court users and to modernise and transform courts and tribunal services to increase efficiency, improve service quality and reduce the cost to the tax payer.

Project start date (latest approved start date)	05/01/2015
Project end date (latest approved end date)	31/03/2023
Whole Life Cost TOTAL Baseline (including non-government costs)	£1,546.83m

The closure date stated above is a correction to the date published in the Annual Report, which did not reflect an agreed change to the baseline.

## Functional support

### MoJ Future FM

The programme is re-procuring the expiring facilities management contracts which provide services to the shared estates cluster comprised of MoJ HQ, Probation, CPS, DfE and a number of Arm's Length Bodies (ALBs).

Project start date (latest approved start date)	01/07/2016
Project end date (latest approved end date)	01/04/2018
Whole Life Cost TOTAL Baseline (including non-government costs)	£430.20m

The programme closed during financial year 2019-20 and has undertaken all final assurance activity.

Progress reports on Major Projects are available via the link below:

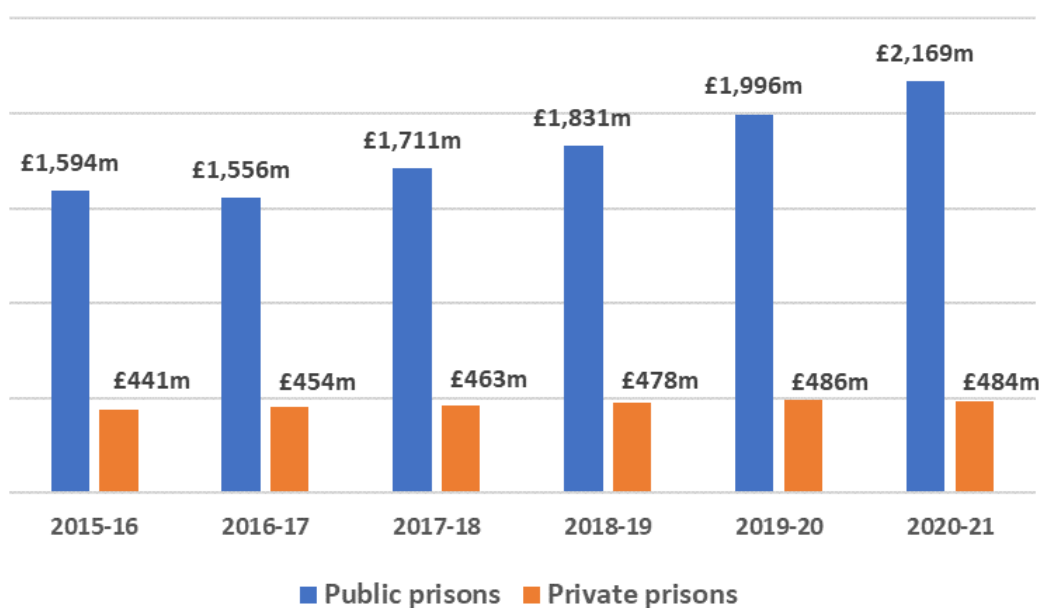
<https://www.gov.uk/government/publications/infrastructure-and-projects-authority-annual-report-2019>

## 4. Other information

### 4.1 Additional specific information required by the Select Committee

#### HMPPS: Split of funding between public and private prisons

£m	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Public prisons	1,594	1,556	1,711	1,831	1,996	2,169
Private prisons	441	454	463	478	486	484
<b>Total</b>	<b>2,035</b>	<b>2,010</b>	<b>2,174</b>	<b>2,309</b>	<b>2,482</b>	<b>2,653</b>



The 2015-16 to 2018-19 figures are the full year outturn recorded in HMPPS's management accounts. The 2019-20 figures are the latest available outturn position, subject to some anticipated further year-end adjustments including in relation to COVID-19 pay costs. The 2020-21 figures reflect HMPPS's best estimate at the start of the year. No funding has yet been agreed beyond 2020-21.

Public prison funding includes all public-sector prisons under the responsibility of the Prisons Directorate, HMPPS in Wales and Youth Custody Service, Prison Group Directors and Public Sector Prisons HQ.

Public prison funding for 2015-16 to 2017-18 is shown net of income of around £30m received from the Youth Justice Board in respect of expenditure by young offender prisons accommodating 15 to 17 year-old young offenders.

Public prisons also include Immigration Removal Centres at Dover, Haslar and The Verne for all years and, from 2019-20, Morton Hall. These are shown net of UK Border Agency income.

The increase in public prisons funding since 2017-18 includes the build-up of Berwyn, which opened in February 2017, and the investment in front line staffing to reduce violence and create a safer environment. The increase also reflects the inclusion of accrued holiday pay

entitlement costs backdated to March 2016, increased pay award costs and additional investment in safe and decent programmes.

### Legal Aid Agency: Expenditure analysed by Administration, Civil, Criminal and Central Funds

Category	2020-21 Main Estimate	2019-20 Supplementary Estimate	2019-20 Main Estimate
	£m	£m	£m
Administration	61.7	67.0	62.6
Criminal Legal Aid	868.2	845.8	849.8
Civil Legal Aid	801.9	777.2	768.9
Central Funds	50.4	47.9	48.0
<b>Total</b>	<b>1,782.2</b>	<b>1,737.9</b>	<b>1,729.3</b>

## 5. Accounting Officer approval

This memorandum has been prepared according to the requirements and guidance set out by the House of Commons Scrutiny Unit, available on the Scrutiny Unit website.

The information in this Estimates Memorandum has been approved by myself as Departmental Accounting Officer.



Sir Richard Heaton KCB  
Principal Accounting Officer  
Permanent Secretary  
Ministry of Justice  
4 May 2020

## Annex A/ Table A

Sub-heads	Description	Programme	Note No.	Resource DEL				Capital DEL			
				Supplementary Estimate 2019-20	Main Estimate 2020-21	Change from 2019-20		Supplementary Estimate 2019-20	Main Estimate 2020-21	Change from 2019-20	
				£m	£m	£m	%	£m	£m	£m	%
A,C,D E,F, G,H	Access to justice	Cafcass		122.3	126.9	4.7	3.8%	-	-	-	-
		Fee income		-712.0	-721.6	-9.6	1.3%	-	-	-	-
		Change		-	2.3	2.3	-	-	0.6	0.6	-
		CICA		150.3	134.5	-15.9	-10.6%	0.9	1.1	0.2	23.6%
		HMCTS		459.7	458.5	-1.2	-0.3%	-	-	-	-
		Legal Aid Fund		1,670.9	1,720.5	49.5	3.0%	-	-	-	-
		Legal Aid Operations		67.0	61.7	-5.3	-7.9%	-	-	-	-
		Office of the Public Guardian		-13.9	-14.5	-0.6	4.1%	0.1	0.1	-	-
		Other ALBs and NDPBs		12.7	9.4	-3.3	-25.9%	0.2	0.1	-0.1	-50.0%
	Policy		34.6	42.0	7.4	21.4%	-	-	-	-	
	<b>Sub total</b>			<b>1,791.6</b>	<b>1,819.8</b>	<b>28.2</b>	<b>1.6%</b>	<b>1.2</b>	<b>1.9</b>	<b>0.7</b>	<b>57.5%</b>
A,J,K	A flourishing legal services sector	ALBs		-0.0	-0.2	-0.2	2491.0%	0.4	0.3	-0.2	-36.0%
		Policy		13.9	16.5	2.6	18.8%	-	-	-	-
		<b>Sub total</b>		<b>13.9</b>	<b>16.4</b>	<b>2.4</b>	<b>17.6%</b>	<b>0.4</b>	<b>0.3</b>	<b>-0.2</b>	<b>-36.0%</b>
A,C,I	A transparent and efficient courts system	ALBs and NDPBs		46.3	51.3	5.0	10.8%	0.8	-	-0.8	-100.0%
		Centrally Managed Budgets		-307.1	-307.6	-0.5	0.2%	-	-	-	-
		Change	1	24.6	56.2	31.7	129.0%	86.9	76.7	-10.2	-11.7%
		HMCTS		1,378.2	1,421.5	43.3	3.1%	69.4	78.9	9.5	13.7%
		Victims and Witnesses Services	2	30.7	53.9	23.2	75.6%	-	-	-	-
	<b>Sub total</b>		<b>1,172.6</b>	<b>1,275.3</b>	<b>102.7</b>	<b>8.8%</b>	<b>157.0</b>	<b>155.6</b>	<b>-1.4</b>	<b>-0.9%</b>	
A,B	Decent and safe prisons	ALBs and NDPBs		11.8	12.3	0.4	3.7%	-	-	-	-
		Change		18.7	21.6	2.9	15.4%	152.1	185.0	32.9	21.7%
		Contracts	3	319.0	394.2	75.2	23.6%	-	-	-	-
		Policy		9.0	7.0	-2.1	-22.8%	-	-	-	-
		Prisons		2,378.3	2,468.5	90.3	3.8%	26.3	49.8	23.5	89.5%
		Safety and Rehabilitation		79.4	88.3	8.9	11.2%	1.3	-	-1.3	-100.0%

## Annex A/ Table A

Sub-heads	Description	Programme	Note No.	Resource DEL				Capital DEL				
				Supplementary Estimate 2019-20	Main Estimate 2020-21	Change from 2019-20		Supplementary Estimate 2019-20	Main Estimate 2020-21	Change from 2019-20		
				£m	£m	£m	%	£m	£m	£m	%	
	<b>Sub total</b>			<b>2,816.3</b>	<b>2,991.9</b>	<b>175.6</b>	<b>6.2%</b>		<b>179.7</b>	<b>234.8</b>	<b>55.1</b>	<b>30.7%</b>
A,B,L	Public Protection	Change		17.4	31.7	14.3	82.1%		-	36.6	36.6	-
		Contracts		6.3	8.1	1.8	28.7%		-	-	-	-
		CRCs		395.1	375.2	-19.8	-5.0%		-	-	-	-
		Electronic Monitoring		86.1	69.2	-16.9	-19.6%		6.0	2.8	-3.2	-53.1%
		National Probation Service	4	525.3	599.5	74.2	14.1%		2.0	-	-2.0	-100.0%
		Other ALBs and NDPBs		7.7	7.9	0.2	2.0%		-	-	-	-
		Parole Board		18.5	21.1	2.6	13.9%		0.1	0.6	0.5	480.5%
		Policy		6.3	11.2	4.9	77.4%		-	-	-	-
	<b>Sub total</b>			<b>1,062.6</b>	<b>1,123.8</b>	<b>61.1</b>	<b>5.8%</b>		<b>8.1</b>	<b>40.0</b>	<b>31.9</b>	<b>391.5%</b>
B,M	Reduced reoffending	Change		1.4	1.6	0.2	16.1%		-	-	-	-
		Contracts		8.0	8.4	0.4	5.1%		-	-	-	-
		Prisons		317.7	319.6	1.9	0.6%		3.7	4.0	0.4	9.6%
		Youth Justice Board		85.6	86.9	1.3	1.5%		0.6	0.6	-	-
		<b>Sub total</b>			<b>412.6</b>	<b>416.5</b>	<b>3.8</b>	<b>0.9%</b>		<b>4.3</b>	<b>4.6</b>	<b>0.4</b>
A,B,N	Functional support	ALBs		-	0.3	0.3	-		-	-	-	-
		Centrally Managed Budgets	5	94.0	115.8	21.7	23.1%		9.7	-55.5	-65.3	-669.6%
		Change	6	39.8	88.8	49.0	123.3%		27.0	279.8	252.8	937.7%
		HQ	7	233.8	267.7	34.0	14.5%		2.5	2.7	0.2	8.1%
		Human Resources		46.2	49.3	3.1	6.7%		-	-	-	-
		MoJ Estates		443.0	446.1	3.2	0.7%		76.0	172.0	96.0	126.3%
		MoJ Technology		282.9	291.8	8.9	3.1%		38.5	36.8	-1.7	-4.3%
		<b>Sub total</b>			<b>1,139.7</b>	<b>1,259.9</b>	<b>120.2</b>	<b>10.5%</b>		<b>153.7</b>	<b>435.7</b>	<b>282.1</b>
	<b>Total voted and non-voted</b>			<b>8,409.4</b>	<b>8,903.4</b>	<b>494.0</b>	<b>5.9%</b>		<b>504.4</b>	<b>873.0</b>	<b>368.6</b>	<b>73.1%</b>

### Explanatory notes of movements since Supplementary Estimate 2019-20

The net overall movement since last year is 5.9% Resource DEL and 73.1% Capital DEL. The key drivers of change are explained in Section 1.5. Significant changes are explained in the notes that follow, whose numbers correspond to the note numbers shown in Table A.

Notes:

1. The increase is the result of income from asset disposals as part of the HMCTS Reform programme that was included in the Supplementary Estimate 2019-20 and which is not repeated in the Main Estimate 2020-21.
2. £23m increase in Victims and Witnesses Services, which includes £15m additional funding agreed at Budget 2020.
3. This increase primarily reflects additional prisons maintenance funding provided at Budget 2020, in addition to increased funding for the Prisoner Escort and Custody Services contract.
4. The increase reflects additional investment in the Probation Reform Programme.
5. This includes funding held centrally, which will be allocated during the year.
6. This primarily reflects funding for change projects which is held centrally at the start of the year and allocated through the year under MoJ's change management processes.
7. The Main Estimate 2020-21 provides some additional funding to HMPPS change management and operational training, MoJ shared services and information services.

## Annex B/ Table B

How DEL funding plans for 2020-21 have altered since Spending Round 2019		Resource DEL	Capital DEL
<b>SR19 funding settlement</b>		<b>£8,142.0m</b>	<b>£620.0m</b>
<b>Other funding adjustments:</b>			
Non-Fiscal Resource DEL agreed with HM Treasury		£606.8m	-
New prison builds		-	£150.0m
<b>Main Estimate 2020-21:</b>			
<b>Additional funding agreed at 2020 Budget:</b>			
Prison maintenance	To tackle prison maintenance issues	£56.0m	£100.0m
Community sentences	To strengthen community sentences in England and Wales	£68.5m	£3.0m
Victims	To improve our offer to victims.	£15.0m	-
Domestic Abuse Courts	To begin a trial of domestic abuse courts in England and Wales	£5.0m	-
Royal Commission	To launch a Royal Commission on the Criminal Justice process in England and Wales	£3.0m	-
Less: prison security drawdown in 2019-20	To improve prison security	-£10.0m	-
<b>Transfer of funds between departments:</b>			
Cabinet Office	Transfer of staff from DExEU	£0.4m	-
Cabinet Office	Crown Office Succession	-£0.01m	-
Cabinet Office	Outsourcing Programme	-£0.8m	-
Cabinet Office	Civil Service Local (cross-departmental team)	-£0.4m	-
Cabinet Office	Costs of Special Advisors	-£0.3m	-
Crown Prosecution Service	Emergency Workers Bill	-£1.3m	-
Department for Business, Energy & Industrial Strategy	Removal of the Swedish Derogation: JIT 299 Payslips regulations	£0.3m	-
Department for Culture, Media and Sport	Data Protection Regulation (JIT 352)	£0.01m	-
Department for Environment, Food and Rural Affairs	Notice Orders for Rogue Waste Management Companies (JIT 259)	£0.02m	-
Department for Environment, Food and Rural Affairs	Control of Trade in Endangered Species Regulations (COTES) (JIT 328)	£0.01m	-
Department for Environment, Food and Rural Affairs	Microbeads	£0.01m	-
Department for International Development	Conflict Stability and Security Fund	£0.6m	-
Department for Transport	400ft flying ban and airport flying restriction for drones (JIT 320)	£0.01m	-
Department for Transport	Registration and leisure competency tests for drone users v3 (JIT 319)	£0.01m	-
Department for Transport	Air Navigation Order - Restriction Zone (JIT 475)	£0.01m	-
Department of Health and Social Care (NHS)	Death in Custody	£0.1m	-
HM Revenue & Customs	Accelerated Payments (tax expansion)	£12.1m	-
HM Revenue & Customs	SB15 transfer for M5513 Illicit Excise Tobacco	£0.01m	-
HM Revenue & Customs	Operational Delivery Profession	-£0.5m	-
HM Treasury	PRIPs regulation; JIT 210 Market in Financial Instruments Directive II (JIT 288)	£0.1m	-
Home Office	Staff from Home Office to MoJ Facilities Management and Estates Functions	£0.5m	-
Home Office	Controlling and Coercive Behaviour	£2.7m	-
Home Office	Estates Cluster staff from Home Office	£3.5m	-
Home Office	Illicit tobacco smuggling	£0.1m	-
Home Office	Pre-charge bail	£4.2m	-
Home Office	Modern Day Slavery	-£4.0m	-
<b>2020-21 Main Estimate totals</b>		<b>£8,903.4m</b>	<b>£873.0m</b>