



House of Commons
Justice Committee

Work of the Committee in 2008–09

Second Report of Session 2009–10

Report, together with formal minutes

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The Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

Current membership

Rt Hon Sir Alan Beith MP (*Liberal Democrat, Berwick-upon-Tweed*) (Chairman)
David Heath MP (*Liberal Democrat, Somerton and Frome*)
Rt Hon Douglas Hogg MP (*Conservative, Sleaford and North Hykeham*)
Siân James MP (*Labour, Swansea East*)
Jessica Morden MP (*Labour, Newport East*)
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Andrew Turner MP (*Conservative, Isle of Wight*)
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Dr Alan Whitehead MP (*Labour, Southampton Test*)

Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House.

All publications of the Committee (including press notices) are on the internet at www.parliament.uk/justicecom

Committee staff

The current staff of the Committee are Fergus Reid (Clerk); Dr Sarah Thatcher (Second Clerk); Gemma Buckland (Committee Specialist); Hannah Stewart (Committee Legal Specialist); Ana Ferreira (Senior Committee Assistant); Sonia Draper (Committee Assistant); Henry Ayi-Hyde (Committee Support Assistant); and Jessica Bridges-Palmer (Committee Media Officer).

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1 Introduction

This report

1. This is a review of our work during parliamentary session 2008-09 (3 December 2008 to 12 November 2009). The introduction sets out our main areas of work in general terms, highlighting specific areas of interest. In the second section, our work is described in more detail in relation to the core tasks for departmental committees specified by the Liaison Committee (and the annexes include this information presented in tabular form as well as the details of all our activity and outputs during the session). Remit

2. We are responsible for the scrutiny of the expenditure, administration and policy of the Ministry of Justice¹ as well as the administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and Serious Fraud Office.²

3. The Ministry of Justice describes its responsibilities as falling into four main areas, each with a departmental strategic objective, associated targets and key priorities:

- Democracy, rights and responsibilities

Aiming at: constitutional modernisation, strengthened democracy and the creation of conditions for increased citizen engagement.

- Fair and simple routes to civil and family justice

Aiming at: increased efficiency and effectiveness of the civil, administrative and family justice systems; provision of early advice and support to enable disputes to be resolved out of court or tribunal wherever possible; and an accessible justice system that provides support where it is needed.

- Protecting the public and reducing re-offending

Aiming at: the protection of the public; the reduction of re-offending; increased efficiency and effectiveness of service delivery; and work to counter the risks posed by violent extremist offenders.

- A more effective, transparent and responsive criminal justice system for victims and the public

Aiming at: increased efficiency and effectiveness of the criminal justice system; increased transparency of the criminal justice system so that it inspires confidence

1 The Ministry of Justice was created on 9 May 2007 and comprises the former Department for Constitutional Affairs, together with responsibilities for prisons, probation and sentencing which were formerly within the remit of the Home Office. See Justice Committee, Sixth Report, 2006–07, *The creation of the Ministry of Justice*, HC 466.

2 The consideration of individual cases and appointments in relation to the work of the courts, tribunals, the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and Serious Fraud Office, as well as advice given within government by Law Officers, are explicitly outwith the Committee's terms of reference. S.O. 152 (2) 12 (table).

*in local communities; and a more responsive criminal justice system that has the needs of victims and witnesses at its heart.*³

Overview

4. Our committee was, at the time of writing, just over two years old, with 2008–09 the second full session of its operation. We have continued to consolidate our position as an influential participant in public discourse on matters within our remit and the natural focal point for channelling concerns about the policies and performance of the Ministry of Justice and the authorities, agencies and services within its ambit. In doing so, we have needed to be flexible in our response. On legal aid and parliamentary standards, for instance, the window for effective intervention in the Government’s timetable was narrow and action at high speed was required. With regard to devolution and “justice reinvestment”, at the other end of the scale, it was important to gather evidence on a wide range of issues and we took the time to undertake deeper analysis.

5. In 2008–09, we published reports or evidence under the following broad imperatives:

- *in response to significant political priorities*: on the implications of the Icelandic banking crisis for the Crown Dependencies and the responsibilities of the Ministry of Justice for representing their interests; on the Coroners and Justice Bill, drawing together strands of previous work on the various policy areas affected by this portmanteau bill;⁴ and on constitutional reform and renewal with two reports—the first on the implications of the Parliamentary Standards Bill and a second dealing with wider issues of constitutional reform (in anticipation of further legislation and the conclusions of the Committee on Reform of the House of Commons);⁵
- *on longer-term issues*: the effects of devolution a decade after the establishment of devolved administrations in Scotland, Wales and Northern Ireland; the on-going reform of legal aid, in particular controversial proposals for curbing family legal aid expenditure; the role and performance of the Crown Prosecution Service; and the role of prison officers—and prison itself—and the actual and potential contribution of such officers to the reduction of re-offending via the reform and rehabilitation of offenders;
- *under our remit to monitor the activity and performance of authorities and agencies within the Ministry of Justice’s aegis*: including the Information Commissioner, the Legal Services Board, the Office for Criminal Justice Reform and the Criminal Cases Review Commission; and

3 See the Ministry of Justice’s Departmental Annual Report for 2008–09, Cm 7600

4 The staff of the Justice Committee also assisted in the production of briefing for the evidence-taking phase of the relevant public bill committee.

5 See Constitutional Reform and Governance Bill (introduction and second reading, 19 November 2009 and carried over to 2009–10 session) and House of Commons Reform Committee, First Report, 2008–09, *Rebuilding the House*, HC 1117.

- *in response to the production of draft sentencing guidelines:*⁶ (a) reports on principles for courts in sentencing youths and on the overall role of parliamentary scrutiny in the production of such guidelines; and (b) evidence-taking on the proposed sentencing guideline for fraud (statutory offences).

6. In addition to the work which has resulted in publications in 2008–09, we have also conducted a busy programme of evidence-taking related to on-going inquiries. First, we have held a large number of hearings in our fundamental re-examination of how resources within, and alongside, the criminal justice system might be redistributed in order to provide better value for money as well as improve crime reduction—“justice reinvestment”.⁷ Secondly, we have commenced an inquiry into justice issues in Europe and the impact of the provisions of the Lisbon Treaty on what was previously the inter-governmental justice and home affairs ‘third pillar’. We also took oral evidence from the senior management team of the Ministry of Justice on issues raised by the Ministry’s departmental annual report.

7. A number of informal meetings were also held between the Chairman, and other Committee members, and a range of interlocutors on both inquiry-related matters and other topics within our remit at Westminster and elsewhere. For example, we received an informal briefing from Cabinet Office officials on the nuts and bolts of devolution; and we held meetings with parliamentarians from Kenya, the Isle of Man and the Northern Ireland Assembly to discuss a wide variety of issues.

8. Away from Westminster, we held formal evidence sessions in Edinburgh, Cardiff and Newcastle as part of our devolution inquiry. Elsewhere in the United Kingdom, we have conducted information-gathering visits to:

- Edinburgh, in the course of our inquiry into justice reinvestment;
- HM Prisons Elmley, Standford Hill and Swaleside, within the Sheppey Cluster as part of our inquiry into the role of the prison officer;
- Durham Business School at Durham University for a Freedom of Information Workshop;⁸ and
- the United Kingdom Supreme Court, London.

9. Outside the UK the Chairman visited:

- Stockholm, for a conference of chairpersons of parliamentary committees on justice and home affairs issues;⁹ and
- Brussels, for a joint parliamentary meeting on “Building a Citizen’s Europe”.¹⁰

6 This is a responsibility inherited from the Home Affairs Committee following the establishment of the Ministry of Justice. Under Section 120 (6) of the Coroners and Justice Act 2009, the Justice Committee is now a statutory consultee in the sentencing guidelines process.

7 See Justice Committee, First Report, 2009–10, *Cutting crime: the case for justice reinvestment*, HC 94–I

8 Travel in a representative capacity

9 *Ibid.*

10 Travel in a representative capacity

Working practices

Other committees

10. The Committee has continued to liaise with other committees where comity of interest exists; for instance with the Welsh, and Scottish, Affairs Committees on devolution, with the Home Affairs Committee on criminal justice issues, with the Joint Committee on Human Rights on a range of issues such as those raised by the Coroners and Justice Bill and the Parliamentary Standards Bill and with the Communities and Local Government Committee on electoral administration.

The departments

11. There is regular liaison between Ministry of Justice staff and the staff of the Committee, and the department's responsiveness to requests, both formal and informal, for information and assistance has been satisfactory. Within an already restricted timetable, we particularly welcomed the deferring of certain clauses of the Parliamentary Standards Bill in Committee of the Whole House which ensured the key provisions affecting privilege were taken on the second day by which time we had produced our report on the relevant implications of the bill.¹¹

12. However, we wish to record our dissatisfaction with the timeliness of replies to our reports from the Attorney General's Office. We reported on certain provisions within the draft Constitutional Renewal Bill in June 2008¹² but did not receive a substantive response until July 2009, more than 12 months later.¹³ We recognise that some Government responses to select committee reports are sensibly deferred if they relate to major initiatives or proposals which are being finalised within a reasonable timeframe.¹⁴ However, in this instance we see no case for delaying a substantive response for over a year.

13. As an isolated incident this might not have drawn comment but our concerns have been exacerbated by another delay; this time in the Attorney General's response to our report on the work of the Crown Prosecution Service, published in August 2009,¹⁵ to which a reply was not received until 6 January 2010.¹⁶ Moreover, in the intervening period the Attorney General asked us to hold a pre-appointment hearing for a new HM Chief Inspector of the CPS, a task we are prevented from undertaking as effectively as we would wish without the Government's response to our report in this area.¹⁷ The absence of a Government response also reduces the value of debate on a report in the Chamber or

11 See Justice Committee, Seventh Report, 2008–09, *Constitutional reform and renewal: Parliamentary Standards Bill*, HC 791

12 Justice Committee, Fourth Report, 2007–08, *Draft Constitutional Renewal Bill (provisions relating to the Attorney General)*, HC 698

13 See *The Government's response to the Justice Committee Report on the Draft Constitutional Renewal Bill (provisions relating to the Attorney General)* July 2009, Cm 7689

14 See, for example, Justice Committee, First Special Report, 2009–10, *Family legal aid reform: further Government response to the Committee's Eighth Report of Session 2008–09*, HC 161

15 Justice Committee, Ninth Report, 2008–09, *Crown Prosecution Service: gatekeeper of the criminal justice system*, HC 186

16 See Justice Committee, Second Special Report, 2009–10, *Crown Prosecution Service: etc.: Government response to the Committee's Ninth Report of Session 2008–09*, HC 123

17 See Justice Committee: HC 698 (2007–08); HC 186 (2008–09), Ev 64; and Cm 7689, p 1

Westminster Hall and makes it more difficult to secure time on the floor of the House to follow-up these important issues. **The Attorney General should bear in mind that, by long-standing convention, government departments have agreed that replies to select committee reports should be made within two months of publication.**¹⁸ The performance of the Attorney General's Office in replying to our reports has been poor and has hindered our work.

E-consultation

14. We augmented formal evidence gathering in our inquiry into the case for “justice reinvestment” by means of an online consultation and the results of that exercise will be published with our report.¹⁹ Partly, as a result of an emphasis in contributions to this e-consultation on the positive influence of individual prison officers, we decided to inquire into the role of the prison officer in the rehabilitation of offenders and the potential for related reductions in re-offending. Once again, we decided to conduct an e-consultation to support this inquiry.

15. In addition to the normal call for evidence, we publicised our e-consultation on the role of the prison officer by writing to all prisons in England and Wales and contacting prison independent monitoring boards via their national council. A link to the e-consultation was also placed on the Prison Service website and we were grateful for the cooperation of the Service. In order to engage current prisoners, who do not have access to the internet, and other potential respondents with prison experience who may be harder to reach, the inquiry was written up in the prison community's newspaper, *Inside Time*, and we contacted a wide range of organisations who represent, or assist, current and former prisoners and their families.

16. As a result of these efforts we were able to make contact with, and take formal oral evidence from, a number of former offenders which shed valuable light on the potential for reform and rehabilitation inside prison and after release.

17. The Government announced its intention to abandon its plans to build three 2,500-place ‘Titan’ prisons shortly before the end of the e-consultation on the role of the prison officer. As a result, we extended the period of consultation adding three new questions on the implications of this announcement. By the time the e-consultation website was closed, it had received nearly 18,000 hits and had 357 registered users.²⁰

18 *The law, privileges, proceedings and usage of Parliament* (‘Erskine May’), 23rd edition, McKay (ed.), p 778.

19 Justice Committee, First Report, 2009–10, *Cutting crime: the case for justice reinvestment*, HC 94–I, Annex 2

20 See Justice Committee, Twelfth Report, 2008–09, *Role of the prison officer*, HC 361

2 Inquiries and core tasks

Activity

18. The Justice Committee published the following substantive reports in 2008–09:
- Crown Dependencies: evidence taken (19 December);
 - Coroners and Justice Bill (23 January);
 - The work of the Information Commissioner: appointment of a new Commissioner (9 February);
 - Devolution: a decade on (24 May);
 - Constitutional reform and renewal: Parliamentary Standards Bill (1 July);
 - Sentencing guidelines and Parliament: building a bridge (2 July);
 - Family legal aid reform (15 July);
 - Constitutional reform and renewal (29 July);
 - The Crown Prosecution Service: gatekeeper of the criminal justice system (6 August);
 - Draft sentencing guideline: overarching principles—sentencing youths (13 August); and
 - Role of the prison officer (3 November).
19. The Committee also published a number of Government replies to its reports:
- Coroners and Justice Bill: Government response to the Committee’s Second Report of Session 2008–09 (6 March);
 - Crown Dependencies: evidence taken: Government response to the Committee’s First Report of Session 2008–09 (9 March);
 - Appointment of the Chair of the Office for Legal Complaints: Government response to the Committee’s Seventh Report of Session 2007–08 (13 March);
 - The work of the Information Commissioner: appointment of a new Commissioner: Government response to the Committee’s Third Report of Session 2008–09 (24 April);
 - Family legal aid reform: Government response to the Committee’s Eighth Report of Session 2008–09 (16 October); and
 - Parliamentary Standards Bill and Constitutional reform and renewal: Government responses to the Committee’s Seventh and Eleventh Reports of Session 2008–09 (16 October).

20. In addition the Committee launched inquiries into, and/or took evidence on, the following subjects:

- the allocation of resources across the criminal justice system (justice reinvestment) (3 evidence sessions);
- the Legal Services Board (1 session);
- the work of the Office for Criminal Justice Reform (1 session);
- the work of the Criminal Cases Review Commission (1 session);
- the Ministry of Justice’s departmental annual report (1 session);
- justice issues in Europe (2 sessions); and
- the Fraud (Statutory Offences) Sentencing Guideline (1 session).

21. A full record of our activity is set out in the Sessional Return extract annexed to this report.

Performance against core tasks

22. In 2002 the Liaison Committee established a list of core tasks to guide the work of departmentally-related select committees and we give examples below of how our work in 2007-08 reflected these objectives. A more comprehensive summary in tabular form is annexed to this report.

Examination of Government and European Commission policy proposals (objective A)

Core Task 1: Scrutiny of policy proposals from the Government and the European Commission.

Inquests without juries, data-sharing within Government and developing sentencing guidelines

23. The Coroners and Justice Bill was a collection of provisions on a wide range of topics, many of which we, and before us the Constitutional Affairs Committee, had inquired into and reported upon. We updated this work to assist the House with its consideration of the Coroners and Justice Bill as it seemed unlikely that proceedings in the Chamber, or even public bill committee, would have the time or capacity to look in great detail at every corner of this disparate collection of legislative provisions.

24. We have enduring concerns about key areas of the bill which are not addressed by the Act in its final form—that there should be a clear and consistent funding system for the coroners’ service; that Parliament should take over responsibility for the resourcing of the Information Commissioner; and about the production of sentencing guidelines. However, we welcomed three changes to the Government’s proposals which accorded with our conclusions and recommendations.

25. First, specific proposals for inquests without juries to be held, upon certification by Ministers, were dropped (although we note that provisions pointing to use of the Inquiries Act 2005, potentially to the same end, remain in Schedule 1).²¹ Secondly, provisions for Ministers to grant data-sharing powers—under which personal information collected by one department or agency for one purpose could be transmitted to another department or agency for use for another purpose—have been shelved pending re-examination of safeguards. Data-sharing between government agencies has the potential to improve public services, and the powers and responsibilities involved urgently need to be clarified, but the process envisaged in the bill appeared to us to be very broad brush and without appropriate safeguards. Sufficient powers and guarantees of capacity for the Information Commissioner are required to provide for the effective regulation of this new activity. Finally, we welcome the fact that the Justice Committee is now named on the face of the Act as a consultee in the production of sentencing guidelines.

Legal aid

26. Legal aid is a long-term subject of inquiry for this Committee and its predecessor. Our predecessors published a report in 2007 on the implementation of recommendations arising from Lord Carter of Coles’s review of legal aid, published in 2006.²² We have remained engaged with the issue of legal aid since that time and this enabled us to react quickly when the need arose in the 2008–09 Session. As part of the broader strategy for legal aid reform set out by Lord Carter, the Legal Services Commission published in December 2008 a consultation document on family legal aid funding.²³ New arrangements for funding representation, advocacy and expert evidence in public and private family law cases were proposed.

27. Both the substance of the Legal Services Commission’s proposals and the timetable for consultation met with a storm of protest from the judiciary, the legal profession, guardians, social workers, and the Ministry of Justice’s own advisory body on the family justice system, the Family Justice Council.²⁴ In response to representations made to us, we held an informal meeting in March 2009 with family law practitioners and then wrote to Lord Bach, the Minister responsible for legal aid, about the issues raised. We also wrote to Rt Hon Beverley Hughes MP, then Minister for Children at the Department for Children, Schools and Families (DCSF), about the interaction of legal aid funding and the performance of the Children and Family Court Advisory and Support Service (Cafcass) and CAFCASS Cymru. The responses we received from Ministers did not satisfy us that sufficient attention was being paid to the issues we raised, so we took oral evidence on 16 June 2009 from the former President of the Family Division, Baroness Butler-Sloss, family law practitioners and the Legal Services Commission. That evidence, together with the subsequent written evidence we received, persuaded us that there was cause for serious

21 We note the view of the Joint Committee on Human Rights that—under the terms of Schedule 1 to the Act—a coroner may refuse to suspend an inquest in favour of an inquiry under the Inquiries Act 2005 if he reasonably believes that the inquiry will not comply with Article 2 of the ECHR [European Convention on Human Rights].

22 Lord Carter’s Review of Legal Aid Procurement (July 2006), *Legal aid – a market-based approach to reform*, available at <http://www.legalaidprocurementreview.gov.uk/publications.htm>; and Constitutional Affairs Committee, *Implementation of the Carter review of legal aid*, Third Report, Session 2006–07, HC 223

23 Legal Services Commission (December 2008), *Family Legal Aid Funding From 2010: A Consultation*, available at <https://consult.legalservices.gov.uk/inovem/consult.ti/FamilyFees2008/listdocuments>

24 Justice Committee, Eighth Report, 2008–09, *Family legal aid reform*, HC 714

concern about the future of family legal aid provision and we reported to the House as soon as possible.²⁵

28. As a result of the issues we raised, the Government deferred decisions on the proposals while further analysis was undertaken by the Legal Services Commission (LSC), crucially, in closer cooperation with the professions. The Government has now announced a revised scheme which includes greater graduation of fees for family advocacy reflecting the varying complexity of family law cases. In addition, the Government has dropped its proposal to cease allowing the funding of independent social work and guardianship via legal aid when other provision fails.²⁶

29. In a similar vein, we were preparing to hold a further short inquiry into another Government initiative in its legal aid reform programme; the piloting of “best value tendering” (BVT) in the procurement of criminal defence services. We received an unprecedented number of representations from solicitors and others expressing concern about the proposals and, in particular, the planned phasing-in of changes before the pilot study had been concluded. Prior to our commencing work, the Government announced: “the LSC has listened carefully to concerns raised by those responding to the consultation and has been persuaded that there is a strong case for delaying the wider implementation of BVT until at least 2013 to enable a full evaluation of the impact in the two pilot areas”.²⁷ We await the report of the pilot studies.

30. In our report we made a number of broader criticisms of the Legal Services Commission’s conduct of the legal reform programme, in particular its approach to consultation and relations with the legal professions as well as the extent to which its proposals were predicated on changes in the market for legal services, made possible by the Legal Services Act 2007, but which had not yet occurred.

31. On family law specifically, the Ministry of Justice has announced the formation of a National Family Justice Board (NFJB)—including the DCSF, the LSC, Cafcass and CAFCASS Cymru in its membership—co-chaired by three ministers representing DCSF, Ministry of Justice and the Welsh Assembly Government. This ministerial board is responsible for taking “a strategic view of whole system reform across the family justice system”.²⁸ We look forward to receiving reports on the work of this new body.

32. On legal aid as a whole, the Government has announced a fundamental review of the delivery of legal aid in the following terms:

To review the existing delivery and governance arrangements of the legal aid system, and make recommendations that:

- explore the separation of the CDS [Criminal Defence Service] and CLS [Community Legal Service (civil law)] and options for doing so effectively and efficiently should that be the recommended way forward;

25 *Ibid*, published 15 July 2009

26 Justice Committee, First Special Report, 2009–10, HC 161, appendix: “Rule 9.5 of the Family Proceedings Rules allows a judge to order a child to be made a party to family law proceedings with separate representation”.

27 20 July 2009, Written Ministerial Statement, Official Report, col. 108WS

28 Justice Committee, First Special Report, 2009–10, HC 161

- provide for effective and transparent financial management of both funds and their administration;
- provide for effective ministerial accountability and policy direction in respect of both the CDS and CLS, whilst continuing to ensure that every application to the CLS and CDS funds is decided fairly, within the criteria, at arms length from government; and
- identify appropriate delivery models for both the CDS and CLS and their relationship with the ministry.

In addition, the Ministry of Justice and the LSC are reviewing the current financial and governance frameworks to ensure that where there are any potential opportunities for immediate improvement, these are taken forward without delay.²⁹

33. We look forward to the conclusions and recommendations of Sir Ian Magee who has been asked by the Ministry of Justice to conduct this review with a view to reporting early in 2010.

Parliamentary standards

34. On 23 June 2009, the Lord Chancellor and Secretary of State for Justice, Rt Hon Jack Straw MP, introduced the Parliamentary Standards Bill containing proposals to establish independent regulation of Members' expenses and allowances as well as new means of investigating and sanctioning cases of wrongful claims including new criminal offences. Three days were set aside for all stages of the bill. Mr Straw emphasised that the bill had cross-party consensus and was urgently needed to restore public confidence in Parliament. He said the bill would: create an Independent Parliamentary Standards Authority to set and regulate allowances and expenses payments; set rules to deal with financial interests; put the Members' code of conduct on a statutory footing, create a Commissioner for Parliamentary Investigations and create three offences (false claims, breaches of registration rules and paid advocacy).

35. We were concerned that the bill had constitutional implications that the House might not be able fully to capture, express and consider in only three days' consideration. To this end we requested a memorandum from Dr Malcolm Jack, the Clerk of the House—and from other constitutional experts—on the potential impact of the bill on the 300 year-old separation of the proceedings and processes of Parliament, from those of the Courts.

36. The evidence we received identified risks to the operation of freedom of speech in the House and committee (on behalf of constituents) arising from certain provisions in the bill that were not essential to its core objective. We published the Clerk's memorandum immediately, on Friday 26 June, to inform debate on the bill which took place on the following Monday. This gave rise to widespread media comment and to around 50 references in the second reading debate.³⁰ To follow up, we took oral evidence from the

29 13 October 2009, Written Ministerial Statement, Official Report, col 24WS

30 For example: House of Commons in danger of cutting its own constitutional throat, but the Clerk of the House is trying to stop them, *The Times*, 29 June 2009; Top official blasts plans for clean-up, *Yorkshire Post*, 26 June 2009; Expenses watchdog 'a threat to MPs' free speech', *The Guardian*, 27 June 2009; PM clean up fears, *The Sun*, 27 June 2009; Commons plans draw criticism, *Financial Times*, 27 June 2009.

Clerk, and other senior officials, on Tuesday 30 June and agreed a report that same evening for production overnight and publication the next day, on 1 July, to inform debate on the relevant provisions.³¹

37. In the event, changes to the bill, in the Commons and Lords, meant that the Parliamentary Standards Act 2009 emerged with far less potential for the entanglement of proceedings of the Commons and the Courts than when it was introduced.

38. We note the Leader of the House's statement of the Government's position on bringing forward further legislation to amend this Act now that the Committee on Standards in Public Life has published its findings in this matter.^{32,33} We will consider the constitutional implications of these in due course.

Core Task 2: Scrutiny of emerging policy, or where existing policy is deficient

Crown dependencies

39. At the beginning of 2008–09 we published a short report, together with oral and written evidence, on how the Ministry of Justice had performed in representing the interests of the Crown Dependencies within the UK Government in relation to the Government's response to the Icelandic banking crisis (which had distinct impacts in the Isle of Man, Jersey and Guernsey).³⁴ We gathered and published this evidence as a matter of urgency given the seriousness and far-reaching effects of this crisis, particularly for depositors in Crown Dependency-based subsidiaries of Icelandic banks (which included a substantial number of UK residents, organisations and expatriates). We also had an informal meeting with a delegation from Tynwald, the Isle of Man legislature, led by its President, the Hon Noel Cringle MLC. As a result of the oral evidence we took from Lord Bach, Parliamentary Under Secretary of State at the Ministry of Justice, we identified the need for clarification of the relationship between the UK and the Crown Dependencies and we are pursuing this matter in a further inquiry.

Constitutional reform

40. Our inquiry into constitutional change reflected a public appetite for wider parliamentary and constitutional reform which came to a head in the summer of 2009, partly because of the Members' expenses and allowances issue and its effect on perceptions of Parliament.

41. Our report dealt with wider-ranging issues of constitutional importance.³⁵ We noted the range of reforms introduced over the last decade and the unfinished nature of much of

31 Justice Committee, Seventh Report, 2008–09, *Constitutional reform and renewal: Parliamentary Standards Bill*, HC 791

32 10 December 2009, Written Ministerial Statement, Official Report, col 34WS (Parliamentary Standards (Legislative Proposals))

33 See Twelfth Report from the Committee on Standards in Public Life, *MPs' expenses and allowances Supporting Parliament, safeguarding the taxpayer*, Cm 7724, November 2009

34 Justice Committee, First Report, 2008–09, *Crown Dependencies: evidence taken*, HC 67

35 Justice Committee, Eleventh Report, 2008–09, *Constitutional reform and renewal*, HC 923

this work. For example, the devolution of power to assemblies in Scotland, Wales and Northern Ireland, without further reform of governance in England; the expulsion of most hereditary peers without further reform of the House of Lords; shifting policies on regional governance; the abandoned Constitutional Renewal Bill; and the rushed reforms on parliamentary standards. Our report highlighted the risks associated with the unintended consequences of piecemeal constitutional reform in the absence of an overall strategy. We welcomed the Government's responsiveness to the public mood, but considered that appropriate mechanisms were needed to guard against the swift introduction of inadequately considered constitutional "solutions" which only succeeded in bringing further problems.

Devolution

42. An example of our longer-term investigations can be found in our report on devolution.³⁶ The purpose of this substantial inquiry was to consider the impact of devolution on the United Kingdom and the development of devolution policy since 1999. We noted that responsibility for overseeing the operation of devolved government was divided between Government departments and recommended the appointment of a lead department for devolution strategy in order to address this lack of clarity and the need for a common approach across Whitehall. We also considered the question of England's status post-devolution and the various solutions available to address problems with England's governance. We reviewed the Barnett formula, which governs UK funding for expenditure by the devolved administrations in Scotland, Wales and Northern Ireland and which we found to be in urgent need of reform.

43. We took oral evidence from a wide variety of witnesses over an extended period between November 2007 and July 2008. These evidence sessions took place not only in Westminster, but also in Edinburgh, Cardiff and Newcastle, an initiative which we considered important given the subject matter of our investigations and the need to engage more directly with the interests of the constituent parts of the United Kingdom. Our Cardiff evidence session was conducted bilingually in both English and Welsh.

Prison officers

44. We also conducted a substantial inquiry into the role of the prison officer. This was, in part, inspired by a perception of the challenges facing criminal justice practitioners in working in a rapidly changing and increasingly complex system and by evidence that prison officers, being in daily contact with those in custody, have considerable influence over prisoners' rates of recidivism.³⁷ We also considered the inquiry to be timely in the light of Government proposals to change working practices amongst prison staff as part of the Workforce Modernisation programme as well as the controversy over the prison capacity-building programme, including whether or not to go ahead with Titan prisons.

45. Our evidence in this inquiry suggested that the positive impact of prison officers on re-offending could often be substantial but, there were significant obstacles within the system

36 Justice Committee, Fifth Report, 2008–09, *Devolution: a decade on*, HC 529-I and HC 529-II

37 Justice Committee, First Report, 2009–10, *Cutting crime: the case for justice reinvestment*, HC 94-I

to maximising this contribution. We found the prison system to be under various pressures, including over-crowding, staff shortages, and a high incidence of prisoners with unaddressed drug, alcohol and mental health problems. Prison officers often have too little time or opportunity to build the constructive relationships with prisoners that can lead to positive rehabilitative results; and can also help to head off incidents that threaten security before they get out of hand.

46. We expressed concern about the inconsistent quality of training and the potential de-skilling of the workforce, reducing the prison officer's role to that of warder or 'turnkey'. We were concerned that some current policies were likely to exacerbate this problem. We identified the need to nurture the sense of vocation which, motivates many prison officers in their choice of work. We concluded that a reduction in the ratio of officers to prisoners in pursuit of economic savings was likely to halt, or even reverse, progress on re-offending rates over the longer term. This would create more victims, amplify the fear of crime and increase the wider social and financial burdens of criminality. Overall, we found that the role of the prison officer hinged upon the purpose of prison which was itself unclear. The objectives of the Prison Service should be realigned, alongside those of the criminal justice system as a whole, to reflect a new priority to reduce offending and—particularly in the case of prison—re-offending.

Crown Prosecution Service

47. Another major inquiry looked at the role and performance of the Crown Prosecution Service. We took a substantial amount of written and oral evidence from a wide range of witnesses, including academics, police representatives, the Office for Criminal Justice Reform, legal practitioners, charities active in the field of criminal justice, the Revenue and Customs Prosecutions Office, the Health and Safety Executive, Her Majesty's Crown Prosecution Service Inspectorate, the Crown Prosecution Service itself and the Attorney General. This was a comprehensive report which considered the importance of the Crown Prosecution Service to the criminal justice system, what its role should be, and whether there were alternatives to the present structure of prosecution services in England and Wales.

48. We considered the CPS to be pivotal in the criminal justice system as gatekeeper of a system involving huge public expenditure. Yet the role had only developed incrementally over time, in response to specific challenges, rather than with clear expectations, direction or vision. The Service seemed to have grown by occupying space, and performing functions, formerly the province of the police on one side and the courts on the other. For example, taking on charging decisions and issuing conditional cautions. Worryingly, we found also that the prosecutor's role in relation to victims seemed to be generally misunderstood. The prosecutor is not able to be an advocate for the victim in the way that the defence counsel is for the defendant, yet Government proclamations that the prosecutor is the champion of victims' rights may give this impression. Much of the prosecutor's work by its nature serves the needs of victims, and it should strive for a better service to victims, but there needs to be a better understanding of what it is possible for the prosecutor to be and to do in relation to victims. The prosecutor's role needs to have a proactively defined strategic place in the criminal justice system reflecting a clear overall priority to reduce offending and, particularly, re-offending.

Core Task 3: Scrutiny of draft bills

49. All the draft bills published this session by the Ministry of Justice were referred to *ad hoc* joint committees by the Leader of the House, without regard to the principle that departmental select committees in the Commons should have first choice on undertaking the pre-legislative scrutiny role in respect of draft bills within their remits.

Core Task 4: Scrutiny of policy documents or other decisions

50. We have formal responsibility for the scrutiny of draft sentencing guidelines on behalf of the House of Commons (inherited from the Home Affairs Committee on establishment of the Ministry of Justice). The Coroners and Justice Act 2009 has established new arrangements, including a statutory responsibility for the new Sentencing Council for England and Wales to consult the Justice Committee, or its equivalent, on draft sentencing guidelines. In this Session, under the former arrangements, we took written and oral evidence on the draft Fraud (Statutory Offences) sentencing guideline. In this case, we provided comments on the draft guidelines in the form of a letter (also published on our website). However, we report to the House on draft guidelines which we believe raise major issues. This was the case with the draft sentencing guideline, “Overarching principles – sentencing youths”, which for the first time set out for youth courts the basis on which they should sentence offenders under the age of 18. Accordingly, we reported our evidence and conclusions to the House, noting key areas in relation to youth justice, such as the use of remand and provisions for offenders aged 18–24, which were deserving of further scrutiny.³⁸

51. In the light of the new Sentencing Council for England and Wales—bringing together the Sentencing Advisory Panel and the Sentencing Guidelines Council—proposed in the Coroners and Justice Bill, we published a more general report on Parliament’s role in the scrutiny of sentencing guidelines. Our experience in this field, and our desire to find a balance between democratic scrutiny and judicial independence, led us to recommend that more attention should be paid to the extent to which sentencing guidelines take into account the costs and the effectiveness of the different sentencing options available (or that need to be available) contribute to reducing crime and re-offending rates and public confidence in the criminal justice system overall. We consider these to be important principles in our own evaluation of individual sentencing guidelines. We argued that the body responsible for sentencing guidelines ought to deploy an evidence-based approach to identify ‘what works’ in making sentences more effective in terms of reducing re-offending and to build the outcomes of that work into sentencing guidelines policy.

38 Justice Committee, Tenth Report, 2008–09, *Draft sentencing guideline: overarching principles—sentencing youths*, HC 497

Examination of departmental expenditure and administration (objectives B and C)

Core Tasks 5, 6 and 7: Scrutiny of the department's expenditure plans, public service agreements and associated targets and those of its executive agencies, NDPBs, regulators and other associated public bodies

52. In October 2009, we examined the Permanent Secretary and Accounting Officer of the Ministry of Justice—alongside other members of the management board—on the department's performance against objectives and targets, as well as the work of its associated public bodies, as set out in the Ministry's departmental annual report.

53. During the 2008–09 session, we also took evidence from a range of the Ministry of Justice's associated public bodies and regulators as part of our inquiries, including the outgoing and incoming Information Commissioners; the Crown Prosecution Service; Her Majesty's Crown Prosecution Service Inspectorate; the Legal Services Board; the Office for Criminal Justice Reform; and the Criminal Cases Review Commission.

Core Task 8: Scrutiny of major appointments made by the department

54. The Information Commissioner is one of the posts proposed by the Government as being suitable for pre-appointment scrutiny.³⁹ On 13 January 2009, the Ministry of Justice announced that Mr Christopher Graham, then Director-General of the Advertising Standards Authority, was the Government's preferred candidate for the post of Information Commissioner and invited us to report on his suitability.⁴⁰

55. To maximise the value of such a session, we took preparatory evidence from the outgoing Commissioner, Mr Richard Thomas, followed by the pre-appointment hearing with Mr Graham. The session was a useful one focusing on the likely key challenges in the short and medium term for the champion of freedom of information and guardian of data protection. In our report, we endorsed the appointment of Mr Graham and made some recommendations about the role and responsibilities of the Information Commissioner and the arrangements under-pinning his institutional support.⁴¹

56. We intend to follow the same process with two further important pre-appointment proceedings planned in 2010 in respect of (a) HM Chief Inspector of the Crown Prosecution Service⁴² and (b) HM Chief Inspector of Prisons.

Core Task 9: Scrutiny of the implementation of legislation and major policy initiatives

57. See above for reference to our scrutiny of:

39 Liaison Committee, First Special Report, 2007–08, *Pre-appointment hearings by select committees: Government response*, HC 594, Annex A

40 Press Notice, Ministry of Justice, 13 January 2009

41 Justice Committee, Third Report, 2008–09, *The work of the Information Commissioner: appointment of a new Commissioner*, HC 46

42 See evidence taken before the Justice Committee, 8 December 2009, from the current Chief Inspector of the CPS, HC 57–i

- implementation of the legislation establishing the devolved administrations in Scotland, Wales and Northern Ireland (devolution); and
- implementation of the Carter reform programme for legal aid (family legal aid).

58. In addition, we took evidence from the Legal Services Board on progress with the implementation of the Legal Services Act 2007, with particular reference to the new arrangements for the regulation of the legal professions and progress with establishing the right conditions for alternative business structures for the provision of legal advice and representation (which we regard as an important precursor to the effective reform of legal aid provision as currently envisaged by the Government).

Assisting the House in debate and decision (objective D)

Core Task 10: production of reports for debate

59. In Session 2008–09, our work was specifically ‘tagged’ as relevant to debate on the floor of the House or debated in Westminster Hall on the following occasions:

- Coroners and Justice Bill (second reading on 26 January 2009 and report and third reading on 23–24 March 2009) (*Coroners and Justice Bill*, Second Report of Session 2008–09, HC 185);
- Political Parties and Elections Bill (consideration and third reading on 2 March 2009) (*Party funding*, First Report from the Constitutional Affairs Committee, Session 2006–07, HC 163; and the Government’s response, Cm 7123);
- Parliamentary Standards Bill (second reading and in committee on 29–30 June 2009) (written evidence received on constitutional reform and renewal, HC 791–i);
- Parliamentary Standards Bill (in committee, report and third reading on 1 July 2009) (*Constitutional reform and renewal: Parliamentary Standards Bill*, Seventh Report of Session 2008–09, HC 791); and
- Constitutional Reform and Governance Bill (second reading on 20 October 2009) (*Constitutional reform and renewal*, Eleventh Report of Session 2008–09, HC 923; and the Government’s response, HC 1017).
- sentencing and penal policy on 5 February 2009 (debate in Westminster Hall) (*Towards effective sentencing*, Fifth Report of Session 2007–08, HC 184; and the Government’s response, Cm 7476).

60. This list demonstrates that we continue to consider one of our prime responsibilities to be ensuring that the work of the Committee contributes to the wider work of the House in holding the Government to account. Perhaps the most significant example of this was our expedited work on the Parliamentary Standards Bill⁴³ which sought to make available to the House important evidence gathered on the constitutional implications of the bill to an extremely tight deadline.

43 Since passed as the Parliamentary Standards Act 2009

61. As a further example, the main purpose of our report on the Coroners and Justice Bill was to assist the House in its consideration of the bill by updating and highlighting a wide range of pertinent conclusions and recommendations previously made by us and our predecessor, the Constitutional Affairs Committee.

3 Conclusion: impact

62. It is not always easy to distinguish the impact of the activity of a select committee in any particular area of work. Select committees often act as a focal point for gathering concerns which are being put to Government from other quarters of the public policy community; and on which the Government may well itself be reflecting or examining other evidence. However, as examples of where we perceive ourselves to have successfully added value, or weight, to the consideration of issues of concern—with an identifiable outcome emerging in 2008-09—we would point to:

- the dropping of the specific provisions within the Coroners and Justice Bill on secret coroners inquests without juries and the deferral, pending re-examination of safeguards, of broad data-sharing powers within Government;
- the abandonment of proposals to build three 2,500 place Titan prisons as part of the prison capacity programme;
- the revision of proposals to reform family legal aid (a) to increase recognition of the varying complexity of family law cases and (b) to preserve the ability of legal aid funding to provide vulnerable children with separate representation (when deemed necessary by a judge) in circumstances when the official service cannot do so;
- the deferral of the full introduction of best value tendering in criminal defence legal aid until after the results of the relevant pilot schemes have been analysed and lessons learned;
- the various changes to the Parliamentary Standards Bill to protect freedom of speech in the Commons and the separation of legislature and courts; and
- statutory provisions aimed at establishing greater openness and transparency with respect to the administration of justice conducted by the Family Court—balanced with the need to preserve the privacy of vulnerable children and families—contained in the Children, Schools and Families Bill introduced on 19 November 2009 which our predecessor committee first recommended in March 2005.⁴⁴

63. Overall, we attach great value to a theme emerging through our work on criminal justice issues around which significant cross-party consensus has gathered within the committee. This is that there is an urgent need for a new strategic aim for the whole criminal justice system, and each of its constituent parts, which is a focus on the prevention of offending and the reduction of re-offending and that resources should be allocated, and performance measured, within the overall system against contributions to that goal. Our First Report of 2009-10, which rests on a great deal of evidence-gathering and analysis undertaken in both 2007-08 and 2008-09, explains and expresses this theme in detail.⁴⁵

44 Constitutional Affairs Committee, Fourth Report, 2004–05, *Family justice: the operation of the family courts*, HC 116. The Government reply recognised: "a growing consensus that the family courts lack transparency (Cm 6507, March 2005) Our predecessor committee followed up the issues in its Sixth Report of 2005–06, *Family justice: the operation of the family courts revisited*, HC 1086. A Ministerial statement on 16 December 2008 announced the Government's decision to legislate and the Children, Schools and Families Bill (2009–10, No. 8), fulfils that commitment.

45 First Report, Justice Committee, 2009–10, *Cutting crime: the case for justice reinvestment*, HC 94-I

ANNEX A: Liaison Committee criteria relevant to inquiries

	Government proposals	Examination of deficiencies	Departmental actions	Associated public bodies	Major appointments	Implementation of legislation and major policy issues	Draft legislation	Expenditure	Evidence from Minister	Public Service Agreements
First Report, Crown Dependencies: evidence taken, HC 67		✓	✓			✓			✓	
Second Report, Coroners and Justice Bill, HC 185	✓	✓	✓	✓						✓
Third Report, The work of the Information Commissioner: appointment of a new commissioner, HC 146		✓		✓	✓	✓		✓		
Fifth Report, Devolution: A Decade On, HC 529–I and 529–II ⁴⁶		✓	✓			✓		✓	✓	
Sixth Report, Sentencing Guidelines and Parliament: building a bridge, HC 715	✓	✓		✓		✓				
Seventh Report, Constitutional Reform and Renewal: Parliamentary Standards Bill, HC 791	✓	✓								
Eighth Report, Family Legal Aid Reform, HC 714	✓	✓		✓				✓		✓

46 The Fourth Report was on the work of the Committee in 2007–08, HC 321.

	Government proposals	Examination of deficiencies	Departmental actions	Associated public bodies	Major appointments	Implementation of legislation and major policy issues	Draft legislation	Expenditure	Evidence from Minister	Public Service Agreements
Ninth Report, The Crown Prosecution Service: Gatekeeper of the Criminal Justice System, HC 186		✓	✓	✓		✓			✓	✓
Tenth Report, Draft Sentencing Guideline: overarching principles – sentencing youths, HC 497	✓	✓		✓		✓				
Eleventh Report, Constitutional Reform and Renewal, HC 923	✓	✓	✓			✓			✓	
Twelfth Report, Role of the Prison Officer, HC 361	✓	✓	✓	✓		✓		✓	✓	✓
<i>Evidence sessions</i>										
Justice Reinvestment	✓	✓	✓	✓		✓		✓	✓	✓
Legal Services Board		✓		✓		✓				
The work of the Office for Criminal Justice Reform		✓		✓						
The work of the Criminal Cases Review Commission		✓		✓						
Departmental Annual Report		✓	✓					✓	✓	✓
Justice Issues in Europe		✓	✓			✓				
<i>Specific draft sentencing guidelines</i>										
Fraud (Statutory Offences) Sentencing Guidelines		✓		✓						

ANNEX B: Sessional Return for 2008–09

Justice

For website access click on www.parliament.uk/justicecom.

The Committee was nominated by the House of Commons on 13 July 2005.

Members	Meetings attended
Beith, Sir Alan (Chairman)	32 out of 33
Heath, Mr David	24 out of 33
Hogg, Douglas (added 20.4.09)	6 out of 18
James, Mrs Sian C	9 out of 33
Kawczynski, Daniel (discharged 20.4.09)	0 out of 15
Michael, Alun	32 out of 33
Morden, Jessica	5 out of 33
Morgan, Julie	30 out of 33
Neill, Robert	1 out of 33
Palmer, Dr Nick	17 out of 33
Riordan, Mrs Linda	12 out of 33
Sharma, Mr Virendra	0 out of 33
Turner, Mr Andrew	25 out of 33
Tyrie, Mr Andrew	27 out of 33
Whitehead, Dr Alan	28 out of 33
Overall Attendance:	53.9 %

Total number of meetings:	33
Of which:	
Number of meetings at which oral evidence was taken	25
Number of times oral evidence was taken partly or wholly in private	1
Number of wholly private meetings	8

Other activities

Informal meetings (including meetings with overseas visitors)	3
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Staff

Details of the permanent staff of the Committee during the Session can be found in the Committee's publications.

Specialist Advisers during the Session

Rob Allen.

Witnesses

Oral evidence was given during the Session by the following categories of witnesses:

Number of appearances by:	
Cabinet Ministers	1
Ministers other than Cabinet Ministers	7
Attorney General	1
Members of the House of Lords (of whom 5 were also Ministers)	6

Officers of the House of Commons	1
Number of appearances by officials from, or representatives of:	
HM Crown Prosecution Service Inspectorate	1
HM Inspectorate of Prisons	1
Home Office	1
Ministry of Justice	4
Office for Criminal Justice Reform	2
Prisons and Probation Ombudsman	1
Executive agencies	
National Offender Management Service	3
Number of appearances by representatives of public bodies and non-Ministerial departments comprising:	
Criminal Cases Review Commission	1
Crown Prosecution Service	1
Health and Safety Executive	1
Legal Services Board	1
Legal Services Commission	1
National Audit Office	1
Office of the Information Commissioner	1
Revenue and Customs Prosecution Office	1
Youth Justice Board for England and Wales	1
Appearances by other witnesses:	37

Overseas Visits

Date	Destination	Members	Staff	Purpose	Cost
11-12.10.09	Stockholm ^A	Beith	1	Conference of Chairs of Parliamentary Committees on Justice	£2,126.19

^A Travel in a representative capacity

Visits to European Institutions

Date	Destination	Members	Staff	Purpose	Cost
16-17.11.09	Brussels ^A	Beith	0	Joint Parliamentary Meeting on Building a Citizens' Europe	£240.00 (Estimated outturn)

^A Travel in a representative capacity

UK Visits

Date	Destination	Members	Staff	Purpose	Cost
11-12.12.08	Edinburgh	Beith, Heath, Michael, Morgan, Whitehead	8	Inquiry into Justice Reinvestment	£6,055.59

Date	Destination	Members	Staff	Purpose	Cost
19.3.09	HM Prisons Elmley, Standford Hill and Swaleside, Isle of Sheppey, Kent	Beith, James, Morgan, Riordan, Turner, Whitehead	4	Inquiry into the role of the Prison Officer	£486.00
16.4.09	Durham Business School, Durham University ^A	Beith	0	Freedom of Information Workshop	£82.25
21.7.09	UK Supreme Court, London	Beith, Heath, Morgan, Whitehead	5	Scrutiny of setting up of new UK Supreme Court	Nil

^A Travel in a representative capacity

Reports and Oral and Written Evidence

Title	HC No. (2008–09)	Date of publication	Government reply
First Report: <i>Crown Dependencies: evidence taken</i>	67	19.12.08	Government Response, received 26.2.09: published as Second Special Report Session 2008–09
Second Report: <i>Coroners and Justice Bill</i>	185	23.1.09	Government Response, received 2.3.09: published as First Special Report Session 2008–09
Third Report: <i>The work of the Information Commissioner: appointment of a new Commissioner</i>	146	9.2.09	Government Response, received 5.4.09: published as Fourth Special Report Session 2008–09
Fourth Report: <i>Work of the Committee in 2007–08</i>	321	9.3.09	Not applicable
Fifth Report: <i>Devolution: A Decade On</i>	529-I	24.5.09	Cm 7687, published 15.7.09
Oral and Written Evidence: <i>Devolution: A Decade On</i>	529-II	24.5.09	Not applicable
Sixth Report: <i>Sentencing Guidelines and Parliament: building a bridge</i>	715	2.7.09	Cm 7716, published 15.9.09
Seventh Report: <i>Constitutional Reform and Renewal: Parliamentary Standards Bill</i>	791	1.7.09	Government Response, received 24.9.09: published as Sixth Special Report Session 2008–09
Eighth Report: <i>Family Legal Aid Reform</i>	714	15.7.09	Government Response, received 14.9.09: published as Fifth Special Report Session 2008–09

Title	HC No. (2008–09)	Date of publication	Government reply
Ninth Report: <i>The Crown Prosecution Service: Gatekeeper of the Criminal Justice System</i>	186	6.8.09	Awaited
Tenth Report: <i>Draft Sentencing Guideline: overarching principles-sentencing youths</i>	497	13.8.09	Not applicable
Eleventh Report: <i>Constitutional Reform and Renewal</i>	923	29.7.09	Government Response, received 29.9.09: published as Sixth Special Report Session 2008–09
Twelfth Report: <i>Role of the Prison Officer</i>	361	3.11.09	Awaited
First Special Report: <i>Coroners and Justice Bill: Government Response to the Committee's Second Report of Session 2008–09</i>	322	6.3.09	Not applicable
Second Special Report: <i>Crown Dependencies: evidence taken: Government Response to the Committee's First Report of Session 2008–09</i>	323	9.3.09	Not applicable
Third Special Report: <i>Appointment of the Chair of the Office for Legal Complaints: Government Response to the Committee's Seventh Report of Session 2007–08</i>	342	13.3.09	Not applicable
Fourth Special Report: <i>The work of the Information Commissioner: appointment of a new Commissioner: Government Response to the Committee's Third Report of Session 2008–09</i>	424	24.4.09	Not applicable
Fifth Special Report: <i>Family Legal Aid Reform: Government Response to the Committee's Eighth Report of Session 2008–09</i>	1018	16.10.09	Not applicable
Sixth Special Report: <i>Parliamentary Standards Bill and Constitutional Reform and Renewal: Government Responses to the Committee's Seventh and Eleventh Reports of Session 2008–09</i>	1017	16.10.09	Not applicable
Oral Evidence: <i>Legal Aid Reform</i>	73-i	30.3.09	Not applicable
Oral Evidence: <i>Legal Services Board</i>	284-i	3.4.09	Not applicable
Oral Evidence: <i>The work of the Office for Criminal Justice Reform</i>	313-i	19.7.09	Not applicable

Title	HC No. (2008–09)	Date of publication	Government reply
Oral Evidence: <i>The work of the Criminal Cases Review Commission</i>	343-i	16.6.09	Not applicable
Oral Evidence: <i>Sentencing Guidelines: Fraud (statutory offences)</i>	498-i	22.5.09	Not applicable
Oral Evidence: <i>Ministry of Justice Departmental Annual Report 2007-08</i>	1121-i ^A	27.4.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>Justice Reinvestment</i>	54-i	15.12.08	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>Justice Reinvestment</i>	54-ii	8.1.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>Justice Reinvestment</i>	54-iii	29.1.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>Ministry of Justice Departmental Annual Report 2008–09</i>	1016-i	16.10.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>Justice issues in Europe</i>	1093-i	10.11.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>Justice issues in Europe</i>	1093-ii	13.11.09	Not applicable

^A Oral evidence held in Session 2007–08 (HC number refers to Session 2007-08)

Government replies to Reports for Session 2007–08

Reply to the Committee's Sixth Report: *Public Appointments: Lord-Lieutenants and High Sheriffs*, published as Cm 7503 (18.12.08).

Formal Minutes

The Formal Minutes of the Committee were published electronically after each meeting of the Committee. They are available on the Committee's website at <http://www.parliament.uk/justicecom>.

Divisions

None.

Debates

Committee reports were debated on 1 occasion in Westminster Hall. Committee reports were tagged on the Order Paper as being relevant to debates in the House of Commons or Westminster Hall on 8 occasions. Further details can be found in the Committee's Sessional Report, para 60.

Number of oral evidence sessions for each inquiry during the Session

Inquiry	Number of oral evidence sessions
Constitutional Reform and Renewal	1
Constitutional Reform and Renewal: Parliamentary Standards Bill	1
Crown Dependencies: evidence taken	1
Family Legal Aid Reform	1
Justice issues in Europe	2
Justice Reinvestment ^{A B}	3
Legal Aid Reform	1
Legal Services Board	1
Ministry of Justice Departmental Annual Report 2008–09	1
Sentencing Guidelines: Fraud (statutory offences)	1
Sentencing Guidelines: principles of sentencing for youths	3
The Crown Prosecution Service: Gatekeeper of the Criminal Justice System	5
Role of the Prison Officer	6
The work of the Criminal Cases Review Commission	1
The work of the Information Commissioner: appointment of a new Commissioner	2
The work of the Office for Criminal Justice Reform	1
Total	31^C

^A The Committee did not complete these inquiries in Session 2008–09.

^B The Committee and its Sub-committee took oral evidence on this inquiry in Session 2007–08; figures appear in the Return for that Session (HC 1 (2007–08)).

^C On five occasions the Committee's meeting comprised multiple separate sessions, with four comprising two separate evidence sessions and one comprising three separate evidence sessions.

Formal Minutes

Tuesday 12 January 2010

Members present:

Sir Alan Beith, in the Chair

David Heath
Douglas Hogg
Mrs Siân James
Alun Michael

Julie Morgan
Linda Riordan
Andrew Turner

Draft Report, *Work of the Committee in 2008–09*, proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 63 read and agreed to.

Annexes agreed to.

Resolved, That the Report be the Second Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

[Adjourned till Tuesday 19 January at 4.00 pm]

Reports from the Justice Committee since Session 2008–09

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2009–10

First Report	Cutting crime: the case for justice reinvestment	HC 94
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Session 2008–09

First Report	Crown Dependencies: evidence taken	HC 67 (<i>HC 323</i>)
Second Report	Coroners and Justice Bill	HC 185 (<i>HC 322</i>)
Third Report	The work of the Information Commissioner: appointment of a new Commissioner	HC 146 (<i>HC 424</i>)
Fourth Report	Work of the Committee in 2007–08	HC 321 (<i>n/a</i>)
Fifth Report	Devolution: a decade on	HC 529 (<i>Cm 7687</i>)
Sixth Report	Sentencing guidelines and Parliament: building a bridge	HC 715 (<i>Cm 7716</i>)
Seventh Report	Constitutional reform and renewal: Parliamentary Standards Bill	HC 791 (<i>HC 1017</i>)
Eight Report	Family legal aid reform	HC 714 (<i>HC 1018, and HC 161, Session 2009–10</i>)
Ninth Report	The Crown Prosecution Service: gatekeeper of the criminal justice system	HC 186 (<i>HC 244, Session 2009–10</i>)
Tenth Report	Draft sentencing guideline: overarching principles—sentencing youths	HC 497 (<i>n/a</i>)
Eleventh Report	Constitutional reform and renewal	HC 923 (<i>HC 1017</i>)
Twelfth Report	Role of the prison officer	HC 361 (<i>Cm 7783</i>)