



Ministry
of Justice

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David Weir
Clerk to the Justice Select Committee
House of Commons
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5 May 2019

Dear David,

'Ministry of Justice' Main Estimate Memorandum 2019-20

I attach the Main Estimate Memorandum for the Ministry of Justice.

This Estimate reflects MoJ's 2019-20 Resource and Capital DEL funding requirement. It includes reserve funding of £1.325bn, approved by the Chief Secretary to the Treasury, to address significant budgetary pressures facing the Ministry. This is an increase of 16% in the Resource DEL budget compared to the Main Estimate 2018-19, and an decrease of 1% compared to the Supplementary Estimate 2018-19.

The Memorandum provides a full explanation of the movements, but if you have any additional queries my Finance team will be happy to help.

Yours ever,
Richard

Richard Heaton

Ministry of Justice

Main Estimate 2019-20: Estimates Memorandum

1 Overview

1.1 Objectives

The Ministry of Justice's (MoJ's) Single Departmental Plan for 2019-20 to be published in May 2019 articulates the Ministry's vision of 'A justice system that builds a better society and supports a growing economy'.

It describes the six System Outcomes that will deliver that vision. These are:

- **Access to Justice:** People are able to access justice in a way that best meets their needs;
- **A flourishing legal services sector:** The legal services sector continues to contribute to the UK's economy;
- **A transparent and efficient court system:** The courts system is efficient and cases are resolved in a timely way;
- **Decent and safe prisons:** Prisons are decent, safe and productive places to live and work;
- **Public protection:** The public are protected from harm caused by offenders; and
- **Reduced reoffending:** Life-chances for offenders are improved and rates of reoffending are reduced.

In addition, **Functional support** captures primarily the costs of running front line IT systems and front line estates spend as well as back office activities which support the delivery of the System Outcomes.

The Permanent Secretary wrote to the Committee in April 2019 explaining how the Ministry has been working to develop a clear understanding of the outcomes MoJ wants to achieve and the activities that will be prioritised to do this. The purpose of the new structure is to develop further a balanced performance framework which measures outcomes, service delivery, user experience, value for money and organisational effectiveness. This is described in detail in the 2019-20 Single Departmental Plan.

MoJ's spending is targeted at achieving these outcomes. Detail of which spending programmes relate to which System Outcome is given at section 3.1.

1.2 Spending controls

MoJ's spending is broken down into several different spending totals, for which Parliament's approval is sought.

The spending totals which Parliament votes are:

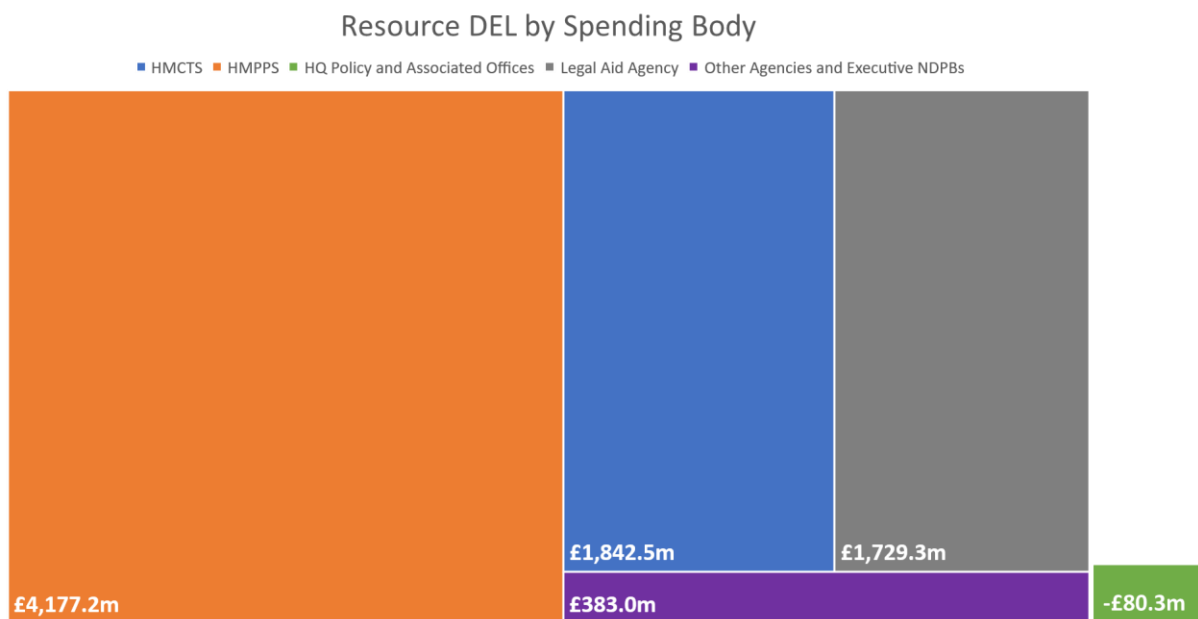
- Resource Departmental Expenditure Limit (**Resource DEL**) - the cost of running the department and delivering its programmes;

- Capital Departmental Expenditure Limit (**Capital DEL**) - investment in infrastructure, including net expenditure on capital assets; and
- Resource Annually Managed Expenditure (**Resource AME**)- in MoJ's case, mainly impairments of assets to represent true and fair value, and movements in provisions.

In addition, Parliament votes a Net Cash Requirement, which is calculated to cover the elements of the above budgets which require MoJ to pay out cash in year. It also covers movements in working capital from year to year.

1.3 Main areas of spending

The graphics below show the main components of MoJ's budget included in the Main Estimate, and the amounts allocated to each spending body.



The amount recorded against HQ Policy and Associated Offices is a net negative value because it includes fee income which is recorded against central budgets. This figure is also disclosed in Subhead A of the Main Estimate. Gross expenditure on this line is £1,226m.

Capital DEL by Spending Body



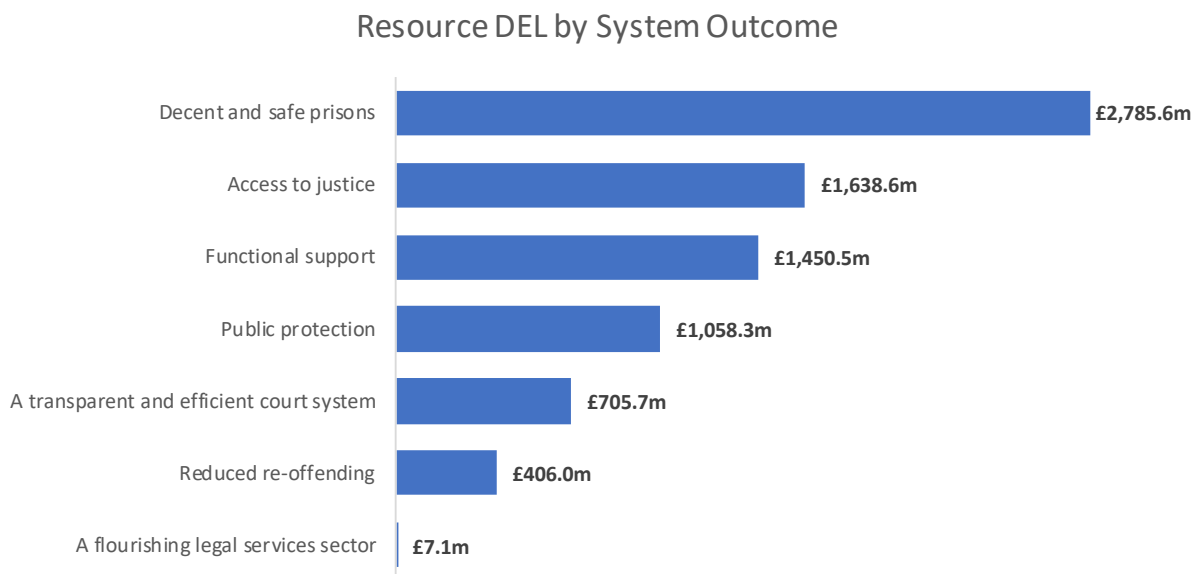
AME by Spending Body



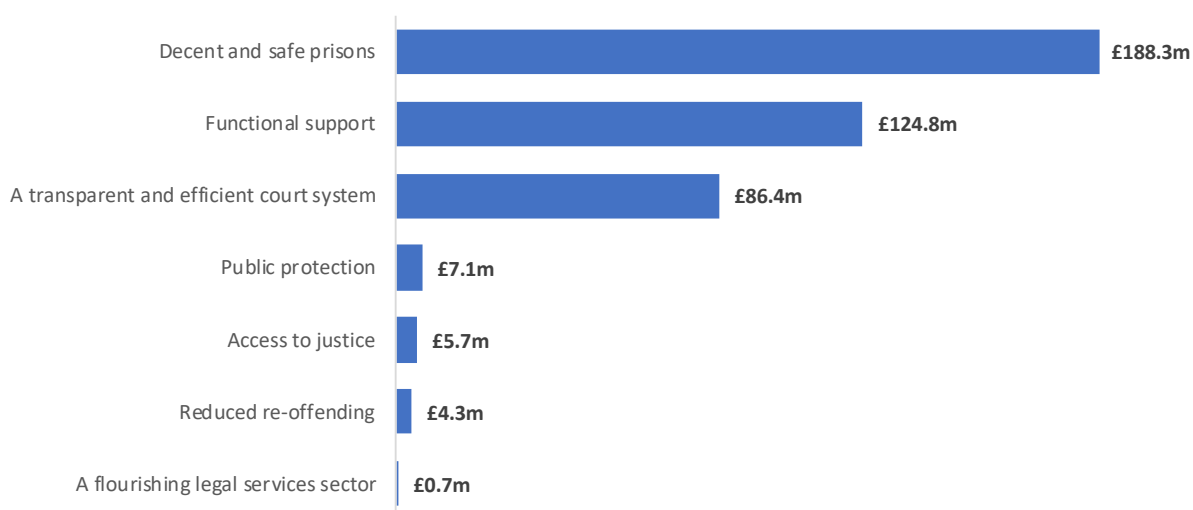
The category of 'Other Agencies and Executive NDPBs' comprises the bodies that are listed in the table below, together with their budgets.

Spending body	Resource DEL	Capital DEL	AME
Criminal Injuries Compensation Authority	£148.8m	£1.7m	£45.0m
Office of the Public Guardian	-£5.6m	£3.7m	£0.3m
Youth Justice Board	£85.6m	£0.6m	£0.0m
Parole Board	£18.5m	£0.0m	£0.0m
Legal Services Board	£0.0m	£0.3m	£0.0m
Office Of Legal Complaints	£0.0m	£0.4m	£0.0m
Judicial Appointments Commission	£7.5m	£0.0m	£0.0m
Cafcass	£122.4m	£0.0m	£10.0m
Criminal Cases Review Commission	£5.9m	£0.3m	£0.3m
Total	£383.0m	£7.0m	£55.5m

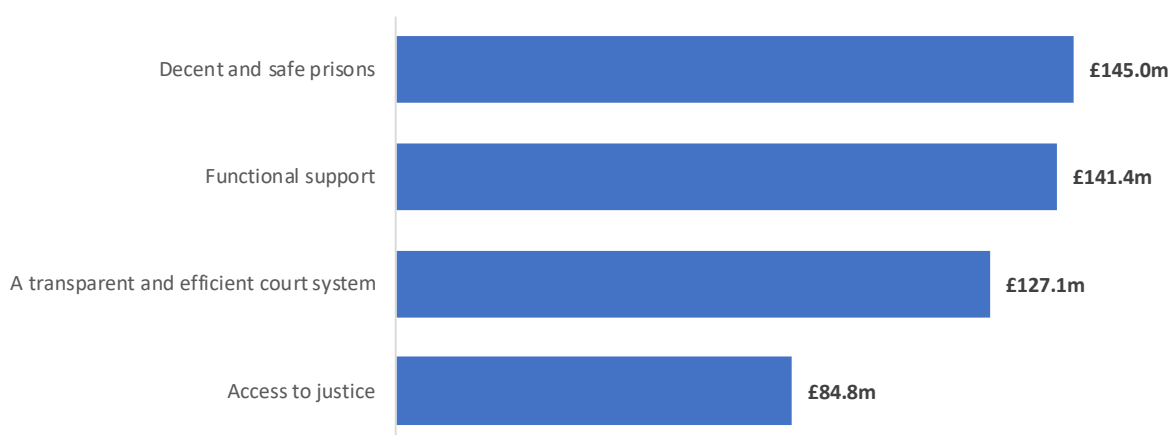
The graphics below shows the amounts allocated to each System Outcome.



Capital DEL by System Outcome



Resource AME by System Outcome

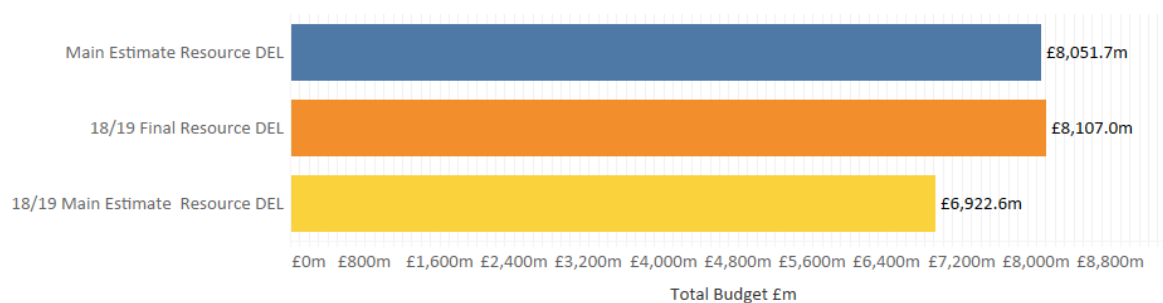


1.4 Comparison of spending totals sought

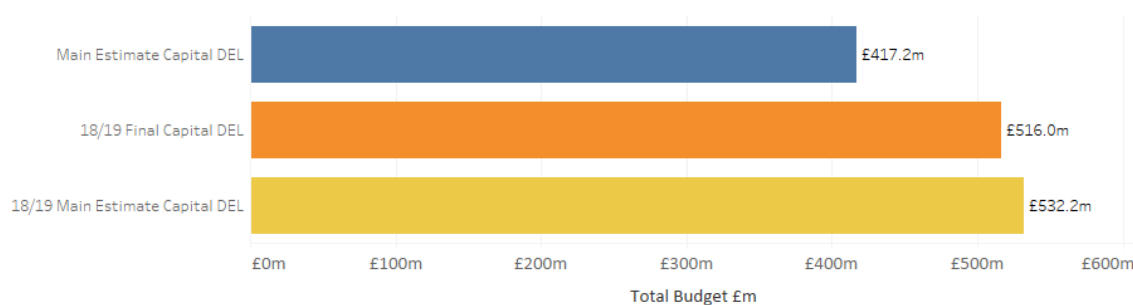
The table and graphics below show how the totals sought for MoJ compare with the Supplementary Estimate 2018-19 and the Main Estimate 2018-19.

Amounts sought in Main Estimate 2019 20 £m	Increase/(Decrease) compared to Supplementary Estimate 2018 19			Increase/(Decrease) compared to Main Estimate 2018 19	
	£m	£m	%	£m	%
Control Budget					
Resource DEL	8,051.7	(55.3)	(1%)	1,129.2	16%
Capital DEL	417.2	(99.3)	(19%)	(114.9)	(22%)
Resource AME	498.4	(164.6)	(25%)	237.4	91%

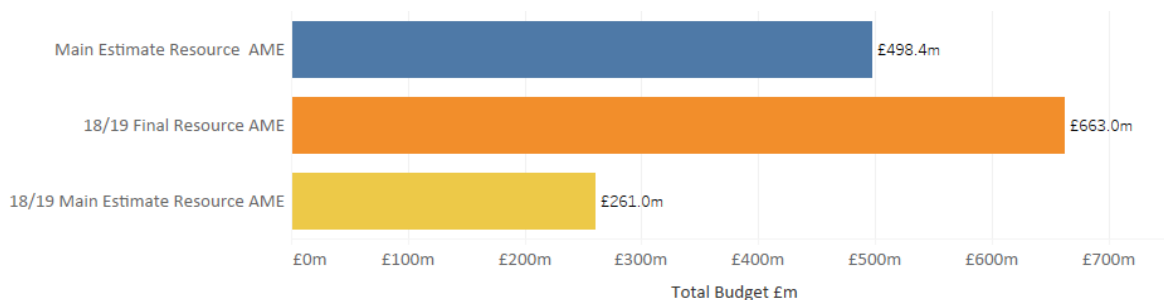
Resource DEL



Capital DEL



Resource AME



Notes

The movements between the Main Estimate 2018-19 and the Supplementary Estimate 2018-19 were reported to the Select Committee in the Supplementary Estimate Memorandum 2018-19, which can be accessed here:

<https://www.parliament.uk/documents/commons-committees/Justice/estimates-memoranda/Ministry-Justice-Estimate-Memorandum-17-19.pdf>

The movement between the Main Estimate 2018-19 and the Supplementary Estimate 2018-19 was mainly due to a Reserve Claim of £1.18bn. This was necessary because some critical assumptions made in MoJ's SR2015 settlement, especially with regard to sources of income and an anticipated reduction in Legal Aid expenditure, did not materialise. There have also been significant operational challenges within the prison service, and the Chief Secretary to the Treasury provided additional funding for court reform. The Supplementary Estimate Memorandum 2018-19 provides a detailed analysis of the Reserve Claim. The Chief Secretary to the Treasury's letter of 2 April 2019 confirmed MoJ's revised budget as shown in the Supplementary Estimate.

Following negotiation, HM Treasury have agreed to provide additional funding for these activities in the Main Estimate 2019-20. Further information is at 1.5 below.

The 2019-20 Resource DEL budget shows a 1% decrease compared to the 2018-19 Supplementary Estimate, and an increase of 16% compared to the 2018-19 Main Estimate.

1.5 Key drivers of spending changes since last year

Resource DEL

The Chief Secretary to the Treasury wrote to the Secretary of State on 2 April with an agreement to provide additional funding from the Reserve of £1.325bn in the Main Estimate 2019-20, which covers areas similarly funded in the 2018-19 Supplementary Estimate. The funding comprises:

- £275m for demand led expenditure of the Legal Aid Fund, Legal Support and the Criminal Injuries Compensation Authority;
- £324m to cover shortfall of fee income, including Probate, and provision of refunds of fees incorrectly charged;
- £229m for operational pressures in prisons, including pay costs, estates maintenance and the maintenance of prison decency;
- £176m for reform and investment in HM Courts and Tribunals Service (HMCTS); and
- £321m for other policy and forecast adjustments.

Other funding

- £30m for EU Exit;
- £123m for increased employer pension contributions following quadrennial pensions revaluations for both the Civil Service Pension Scheme and Judicial Pension Scheme, and including the increase in the SCAPE discount rate announced in the 2018 Budget; and
- A net £0.5m for various small budget cover transfers to/from other government departments.

Resource AME

The Main Estimate represents a 25% reduction compared to the 2018-19 Supplementary Estimate. In MoJ AME largely 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.

Current assessments indicate that the increase required in Judicial Pensions provisions arising from ongoing litigations will be lower than that included in the 2018-19 Supplementary Estimate. Furthermore, increases in provisions made in the Supplementary for prison estates maintenance and facilities management have not been included in the Main Estimate.

Provisions and property impairment values will be further reviewed before the 2019-20 Supplementary Estimate.

Capital DEL

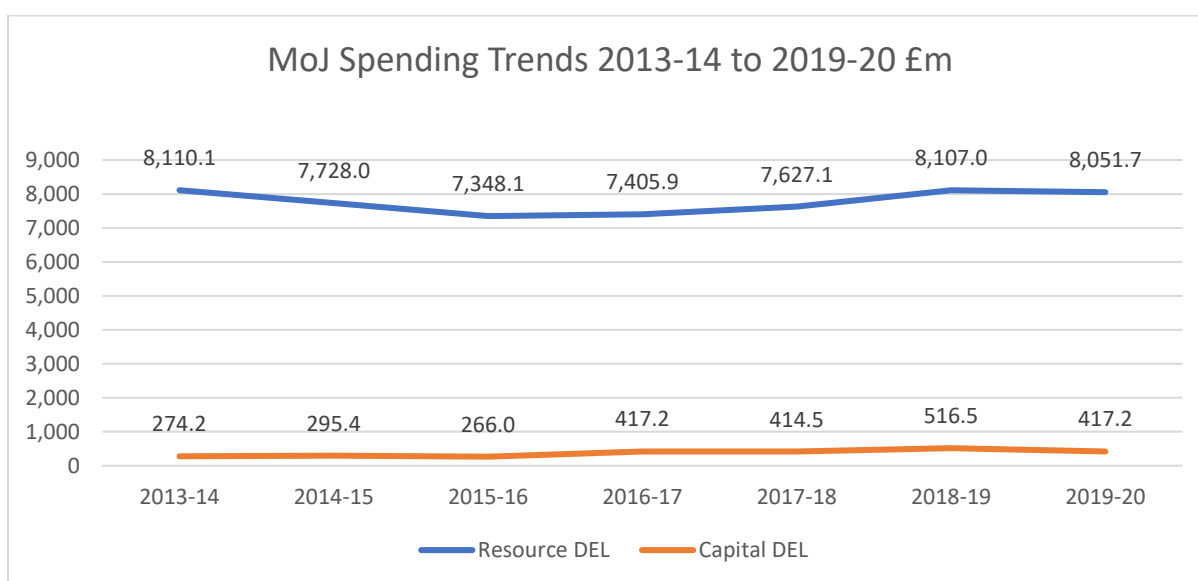
The Main Estimate shows a 19% reduction in Capital DEL compared to the 2018-19 Supplementary Estimate. This is largely attributable to the fact that the Reserve funding in the Supplementary included some one-off items, notably for property disposal contingent risks, which are not included in the Main Estimate. We received £80m of funding in the main estimate to cover the risk of disposals not being progressed but this did not occur therefore we expect the comparison to outturn to be closer to 5%.

1.6 Ambit changes

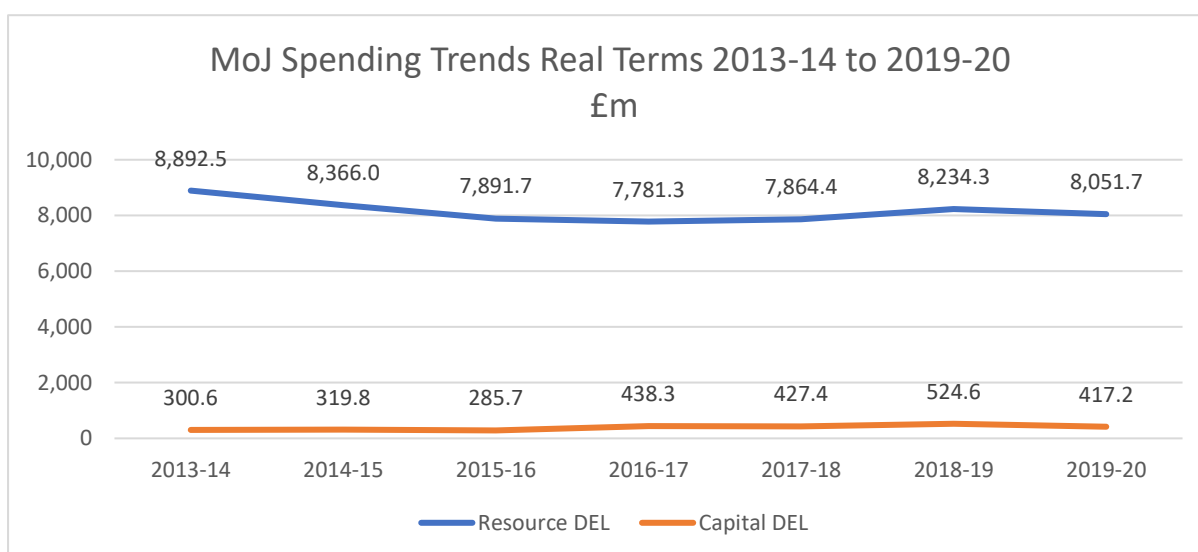
There have been some minor drafting changes. No new services are introduced but reference to claims management regulation has been removed following the transfer of this activity to the Financial Conduct Authority.

1.7 Spending trends

The charts below show overall spending trends for the years 2013-14 to 2017-18, and plans presented in the Supplementary Estimate for 2018-19 and the Main Estimate 2019-20.



The following chart shows the trend in real terms (2019-20 values).



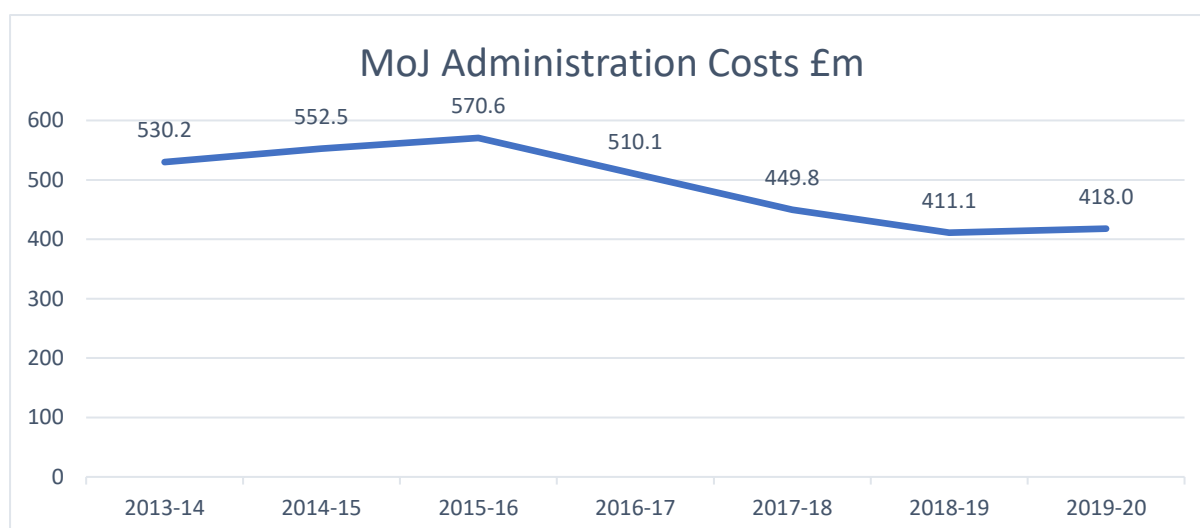
In real terms, MoJ expenditure is 9% lower in 2018-19 than it was in 2013-14 and 2% higher than in 2015-16 (the start of the SR). The increases since the start of the SR are driven by increased expenditure in HM Prison and Probation Service (HMPPS) from the need to respond to operational

challenges, including increased staffing levels; Legal Aid expenditure driven by increased demand in the family courts and case complexity in the criminal courts; and an increase in non-fiscal expenditure.

1.8 Administration costs and efficiency plans

Administration budgets are set to increase by 2% compared to the Supplementary Estimate. This is largely driven by increased funding for EU Exit preparations.

Amounts sought in Main Estimate 2019-20 £m		Increase/(Decrease) compared to Supplementary Estimate 2018-19		Increase/(Decrease) compared to Main Estimate 2018-19	
Control Budget	£m	£m	%	£m	%
Administration Budget	418.00	6.90	2%	25.90	7%



Since 2013-14 the proportion of administration cost to total budget has decreased from 7% to 5%. 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 to Canary Wharf, Croydon and other locations.

1.9 Funding: Spending Review and budgets

The levels of DEL funding for MoJ for 2019-20 are based on plans published in the 2015 Spending Review. Since that time, there have been various changes to arrive at the 2019-20 Main Estimate position. Details of funding changes are set out in the Table at Annex B.

Significant changes are:

- Reserve claims in the 2016-17 Supplementary Estimate for prison safety and policy revisions - £103m and £113m respectively;

- Budget transfer from the Department of Business, Energy and Industrial Strategy in the 2016-17 Supplementary Estimate for education costs in prisons - £130m;
- Capital to Resource switch in Main Estimate 2018-19 - £160m, and
- Reserve claims in the 2018-19 Supplementary Estimate - £1.1bn

Changes implemented in the 2019-20 Main Estimate are detailed at section 1.5.

1.10 Other funding announcements

No other funding announcements were made between the Supplementary Estimate 2018-19 and the Main Estimate 2019-20.

2 Spending detail

2.1 Explanations of changes in spending

Resource DEL

The table below shows how the department's spending plans for Resource DEL shown in the 2019-20 Main Estimate compare with the 2018-19 Supplementary Estimate.

Estimate Subheads	System Outcome	Main Estimate 2019-20	Supplementary Estimate 2018-19	Change from Supplementary Estimate	
A,D,E,F,G,H	Access to justice	£1,638.6m	£1,646.9m	(£8.3m)	-1%
A,J,K,O	A flourishing legal services sector	£7.1m	£11.4m	(£4.3m)	-38%
A,C,I,N	A transparent and efficient court system	£705.7m	£707.4m	(£1.7m)	0%
A,B	Decent and safe prisons	£2,785.6m	£2,640.4m	£145.1m	5%
A,B,L	Public protection	£1,058.3m	£1,017.4m	£40.9m	4%
A,B,M	Reduced re-offending	£406.0m	£370.4m	£35.6m	10%
A,B,C	Functional support ¹	£1,450.5m	£1,713.2m	(£262.8m)	-15%
	Totals	£8,051.7m	£8,107.0m	(£55.3m)	-1%

Differences of more than 10% which are more than £10 million are explained below. Numbers relate to the relevant row in the table above. Further detail of spending within these totals is given in the Table at Annex A.

Note 1

Functional support

The movement is due to the fact that at the 2018-19 Supplementary Estimate elements of the Reserve funding were held against central budgets. These have been allocated to frontline activities in the Main Estimate.

Capital DEL

The table below shows how the department's spending plans for Capital DEL as shown in the 2019-20 Main Estimate compare with the 2018-19 Supplementary Estimate.

Estimate Subheads	System Outcome	Main Estimate 2019-20	Supplementary Estimate 2018-19	Change from Supplementary Estimate	
A,D,E,F,G,H	Access to justice	£5.7m	£4.3m	£1.4m	34%
A,J,K,O	A flourishing legal services sector	£0.7m	£0.4m	£0.3m	97%
A,C,I,N	A transparent and efficient court system ²	£86.4m	£106.3m	(£19.9m)	-19%
A,B	Decent and safe prisons ³	£188.3m	£25.9m	£162.4m	626%
A,B,L	Public protection	£7.1m	£9.5m	(£2.5m)	-26%
A,B,M	Reduced re-offending	£4.3m	£3.1m	£1.2m	39%
A,B,C	Functional support ⁴	£124.8m	£366.6m	(£241.8m)	-66%
	Totals	£417.24m	£516.02m	(£98.8m)	-19%

Differences of more than 10% which are more than £10 million are explained below.

Note 2

A transparent and efficient courts system

The Supplementary Estimate 2018-19 included an element of Reserve funding for enhancements to the courts estate, which is not fully replicated in the Main Estimate.

Note 3

Decent and safe prisons

This reflects the movement of budget to prison estates maintenance to enhance prison safety and security, and to address maintenance backlogs across the estate.

Note 4

Functional support

The movement is largely because at the 2019-20 Supplementary Estimate elements of the Reserve funding were held against central budgets. These have been allocated to front-line activities in the Main Estimate. Furthermore, the amount included in the Supplementary Estimate for property disposal contingent risks referred to at 1.5 above is shown against this line.

Resource AME

The table below shows how the department's spending plans for Resource AME as shown in the 2019-20 Main Estimate compare with the 2018-19 Supplementary Estimate.

Estimate Subheads	System Outcome	Main Estimate 2019-20	Supplementary Estimate 2018-19	Change from Supplementary Estimate	
P,S,T,U,V,W,Z	Access to justice ⁵	£84.8m	£23.2m	£61.6m	265%
P,R	A transparent and efficient court system	£127.1m	£116.5m	£10.6m	9%
P,Q	Decent and safe prisons	£145.0m	£135.0m	£10.0m	7%
P,Q	Public protection ⁶	£0.0m	£52.0m	(£52.0m)	-100%
P,Q,R	Functional support ⁷	£141.4m	£336.2m	(£194.8m)	-58%
	Totals	£498.3m	£663.0m	(£164.6m)	-25%

Differences which are significantly above or below inflation are explained below.

Note 5

Access to justice

The movement relates to increases in provisions for CICA (£35m) and the Legal Aid Agency (£26m).

Note 6

Public protection

The Supplementary Estimate included an increase in provisions for prison estates maintenance and facilities management, which is not included in the Main Estimate.

Note 7

Functional support

The Supplementary Estimate included an increase required to Judicial Pensions provisions arising from ongoing litigations. The current assessment of liabilities for 2019-20 indicates a smaller increase this year.

2.2 Restructuring

The Main Estimate reflects the impact of an internal re-organisation which distributed the activities of the former Justice, Analysis and Offender Policy Group to Policy, Communications and Analysis Group and HMPPS. As a result, £30.9m of Resource DEL and £2.6m of Capital DEL will be recorded on Subhead B, for activities previously recorded on Subhead A.

As part of the same re-organisation, HR support for HMPPS has moved into the corporate centre. As a result, £29.3m is recorded on Subhead A for activities previously recorded on Subhead B.

2.3 Ring fenced budgets

Within the totals, the elements shown in the following table are ring fenced i.e. savings in these budgets may not be used to fund pressures on other budgets.

Amounts sought in Main Estimate 2019 20 £m		Increase/(Decrease) compared to Supplementary Estimate 2018 19			Increase/(Decrease) compared to Main Estimate 2018 19	
	£m	£m	%	£m	%	
Control Budget						
Depreciation	603	13.6	2%	13.6	2%	

2.4 Changes to contingent liabilities

The following contingent liabilities have been recognised or have changed since the publication of the MoJ's Annual Report and Accounts for 2017-18.

Liability	Value £m
HM Courts and Tribunals Service (HMCTS): Schemes to refund court fees which were charged in error, or incorrectly set. This is a change in the valuation previously reported.	22

Liability	Value £m
<p>Employment Tribunal Refunds: On July 26, 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 £32.2m in fees paid under the order to those who paid them.</p> <p>In 2017-18 HMCTS refunded £6.6m of fees and accrued for a further £0.5m, including interest. HMCTS has recognised a net carried forward provision of £9.2m in relation to the fees and interest that it expects will be claimed by individuals and organisations who paid fees under the order.</p> <p>HMCTS has not been able to reliably estimate the probability that the remaining fees will be claimed and refunded, and therefore recognises a contingent liability of £16.5m.</p>	16.5
<p>HMCTS is involved in a number of legal cases dealing with ex gratia, compensation and other claims. The estimated cost of settlement for HMCTS is £4.5m.</p>	4.5
<p>Other HMCTS fee refunds: Other fees for courts and tribunals proceedings charged by HMCTS have been reviewed and it has been identified that in some cases fees have been incorrectly charged. These fees will be refunded, and action is being taken to ensure that fees are charged correctly in the future.</p> <p>The current estimate of the value of the refunds likely to be due is £18.4m. HMCTS recognises a refund provision of £16.6m in respect of these incorrectly charged fees. HMCTS is not however able reliably to estimate the value of the fees that will be claimed and refunded, and therefore recognises a contingent liability of £1.8m.</p>	1.8
<p>EU Exit: In 2016 the UK Government announced that it would guarantee a number of EU funded projects after the UK has left the EU. These included the payment of awards where UK organisations successfully bid directly to the European Commission on a competitive basis for EU funding projects while the United Kingdom remains in the EU.</p> <p>The financial settlement has now been signed off by both UK and EU Commission negotiators in a draft Withdrawal Agreement and welcomed by the EU-27 at the March European Council. The guarantee will therefore only be called on in the event that the Withdrawal Agreement is not ratified. As a result, and due to the EU funding provided to UK recipients under the banner of the Rights, Equality and Citizenship Programme 2014-2020, for which departmental responsibility within Whitehall is currently being confirmed, an unquantifiable contingent liability is disclosed.</p>	Unquantifiable

3 Priorities and performance

3.1 How spending relates to objectives

Moj's Single Departmental Plan 2019-20 sets out the department's System Outcomes, and the Strategic Priorities and Guiding Principles supporting them. The table below shows how expenditure against each subhead contributes to MoJ's Outcomes.

System Outcome	Access to justice	A transparent and efficient courts system	A flourishing legal services sector	Decent and safe prisons	Public protection	Reduced reoffending	Functional support
Part A, D, E, F, G and H	x						
Part A, C, I and N		x					
Part A, J, K and O			x				
Part A and Part B				x			
Part A, Part B and L					x		
Part A, Part B and M						x	
Part A, Part B, Part C							x
Part Q, T, U, V, W, X	x						
Part Q, S		x					
Part Q, AA			x				
Part Q and Part R				x			
Part Q, Part R					x	x	
Part Q, Part R, Part S							x

3.2 Measures of performance against each priority

The indicators that the department uses to measure performance for each objective are listed below. These are currently presented under the Strategic Objective framework used in 2018-19. The structure based on System Outcomes will be published in the 2019-20 SDP.

1. A prison and probation service that reforms offenders (Decent and safe prisons, public protection, reduced re-offending)

- Assaults on prisoners by prisoners
- Assaults on staff by prisoners
- Self-inflicted deaths in prison custody
- Number of prison officers in post

- Adult reoffending
- Youth reoffending
- Prison population

2. A modern courts and justice system (A transparent and efficient courts system, access to justice)

- Work in hand in the Criminal Courts
- First Tier Tribunal (Immigration and Asylum Chamber) timeliness
- Social Security and Child Support Tribunal timeliness
- Employment Tribunal timeliness (single cases)
- Family court timeliness

4. A transformed department (functional support)

- Staff engagement
- Staff diversity
- Greenhouse gas emissions

The hyperlink below gives access to the Single Departmental Plan and latest published indicator data:

<https://www.gov.uk/government/publications/ministry-of-justice-single-departmental-plan/ministry-of-justice-single-departmental-plan--2>

3.3 Commentary on steps being taken to address performance issues

This section provides additional information about the steps MoJ is taking to improve its performance against its objectives and priorities. It specifically addresses performance issues raised by the National Audit Office (NAO) or Parliamentary Committees, and also includes measures initiated internally that have impacted positively on performance.

Decent and safe prisons

The Supplementary Estimate Memorandum 2018-19 described a range of initiatives and additional funding focused on making prisons decent and safe places to live and work. Performance pressures remain and statistics show that violence and self-harm continue to be matters of concern.

The section below describes progress since the 2018-19 Supplementary Estimate Memorandum was presented to the Committee.

The prisons being supported by the 10 Prisons Project all have scanners to detect drugs on clothes and mail, and the roll-out of x-ray body scanners at these ten prisons is also under way. The 10 Prisons Project is improving living conditions in these jails by making investments to improve the standards of decency and cleanliness – including new medical treatment rooms, furniture and toilet privacy screens. Funding is also being used for bespoke training programmes and interventions for governors, and for a new ‘Standards Coaching Team’ to support more junior uniformed staff, giving them confidence to challenge disruptive behaviour.

Close working with the independent scrutiny bodies has resulted in the following measures:

- The Justice Select Committee's review of the HM Inspectorate of Prisons (HMIP) Report into Liverpool prison resulted in several recommendations, including that HMIP should be given additional resources to follow up on recommendations, and hold prisons to account when these are not achieved. In response HMIP has been provided with funding of £500k per year to pilot follow-up visits, known as Independent Reviews of Progress (IRPs). IRP visits will be rolled out from April 2019 in up to 15-20 prisons a year and will assess a prison's progress against key recommendations. The Prisons Minister sent his first annual update on progress with recommendations by letter to the JSC Chair in March 2019; and
- On 1 March 2019, a [protocol](#) with the Prisons and Probation Ombudsman (PPO) was published. This was also in response to recommendations from the JSC and sets out the roles and responsibilities of each organisation in relation to each other and the responsibilities of the principal individuals in running, sponsoring and overseeing the office of the PPO. Protocols have previously been published with the Inspectorates of Prison and Probation and a draft protocol with the Independent Monitoring Boards is being prepared for consultation.

HMPPS is committed to responding quickly and effectively to HMIP Urgent Notifications and prison reports and poor inspection outcomes from HMI Probation reports.

In 2018, following ongoing concerns from HMIP on implementation of HMIP recommendations, the Agency gave a commitment to track and report on progress across establishments. An Assurance Framework has been established which regularly monitors and reports on progress on Action Plans. The framework confirms what progress has been made and compiles an estate-wide picture. A framework to monitor progress against HMI Probation recommendations will be in place by September 2019.

HMPPS regularly reports through its governance structures on the progress that has been made in addressing the recommendations contained in NAO Value for Money reports and subsequent Committee of Public Accounts (PAC) reports. In addition, several full reports by the PAC specifically relate to HMPPS areas of business. Progress against the recommendations included in those reports is published via Treasury Minutes. The section below summarises the latest position.

Reducing re-offending

- **NAO report 'Managing the Prison Estate', published in December 2013**

This report proposed eight recommendations of which recommendation F which advised that the Ministry should conduct more research into what makes a prison high performing, remains outstanding. The report is available here: <https://www.nao.org.uk/report/managing-the-prison-estate>

- **PAC report 'Managing and Removing Foreign National Offenders', published in January 2015**

This report was addressed jointly to the Home Office and the Ministry of Justice. It proposed 6 recommendations of which recommendation 6, that the Home Office needs to assess which schemes work best in removing foreign national offenders early and quickly, remains outstanding. The full report is available here: <https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/inquiries/parliament-2010/managing-removing-foreign-national-offenders/>

- The PAC inquiry was preceded by **NAO report Managing and removing foreign national offenders** published in October 2014, and available here: <https://www.nao.org.uk/report/managing-and-removing-foreign-national-offenders/>

Two of the six NAO recommendations remain outstanding:

- The three departments must ensure that, when developing the FNO action plan, actions and dependencies are aligned to optimise success, and governance structures are streamlined; and
 - Senior leaders within the departments need to encourage and develop a long-term joint working culture on FNOs.
- **PAC Seventeenth Report of Session 2016-17 - Ministry of Justice -Transforming Rehabilitation HC484 published September 2016**
There were eight recommendations in this report, which followed the NAO Report ‘Transforming Rehabilitation’ published in April 2016. The latest Treasury Minute (CP70) published in March 2019 confirmed all eight recommendations have been implemented. The Treasury Minute is accessible here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/790445/CCS0319802104-001_TM_Progress_Report_March_2019_Accessible.pdf/
 - **PAC Eighth Report of Session 2017-19 - Ministry of Justice/ Department of Health and Social Care - Mental health in prisons HC 400, published December 2017**
Of the ten recommendations in this report, which followed the NAO report ‘Mental Health in Prisons’ published in June 2017, five of the recommendations which fell to MoJ had been implemented as at the last Treasury Minute (CP70) and two remain work in progress.

Public protection

- **PAC Fifteenth Report of Session 2017-19 -Ministry of Justice - Offender monitoring tags HC458, published January 2018**
There were six recommendations in this report, which followed the NAO report ‘The new generation electronic monitoring programme’ published in July 2017. Five had been implemented as of the last Treasury Minute (CP70) and one recommendation remains work in progress.
- **PAC Twenty Seventh Report of Session 2017-19 - Ministry of Justice - Government contracts for community rehabilitation companies HC897 published March 2018**
Five of the six recommendations in this report which followed the NAO Report ‘Investigation into changes to Community Rehabilitation Company contracts’ published in December 2017, had been implemented as of Treasury Minute CP70 and one remains as work in progress.

Reduced re-offending

Cross-Government work on reducing reoffending is being developed by the Reducing Reoffending Board. Procurements for Offender Accommodation pilots in HMPs Bristol, Leeds and Pentonville have been launched and contracts were awarded by 30 April 2019.

Further progress has been made in several Youth Justice priorities:

- A bespoke recruitment campaign and process for the Youth Custody Service has been launched, resulting in a 27% increase in Band 3-5 officers compared to the previous year,

and introducing a new youth justice specialist role. Funding has been provided for training to allow every current Prison Officer to transition to this new role;

- A specific disproportionality team has been introduced in response to the Lammy Review, to develop mechanisms to explain or change disproportionate treatment and outcomes for BAME children in the Youth Justice Service;
- A Green Paper on youth sentencing reform, looking at short custodial sentences, will be published in Summer 2019;
- The Remand review is currently under way and will report back to ministers in due course. This is an internal policy review which is aimed at considering the effectiveness of changes to youth remand in 2012-13 in reducing numbers of children remanded to custody, what has driven increases in remands in recent years and the scope to improve the system further;
- A review of pain-inducing techniques in the Use of Force policy framework has been commissioned, as has a new advocacy service in Young Offender Institutions; and
- A departmental response to rises in Youth Serious Violence and County Lines activity is being developed and guidance for front-line service will be published by Summer 2019.

A transparent and efficient courts system

HMCTS has undertaken several actions directed at addressing performance issues, including activity in response to feedback from external agencies. The following section focuses on those areas where HMCTS has acted to address those issues.

The three principal areas where performance issues have been identified are civil money claims, family courts and Employment Tribunals. High-level performance metrics are available from the published statistics accessible via the link included in section 3.2 above, and are in line with the performance metrics included in the HMCTS Annual Report and Accounts.

This section provides more information about improving performance in the areas referred to above:

- The increase in Civil money claim applications continued in 2018 due to the success of Civil Money Claims Online. The increases have been mostly in lower value claims and work continues to ensure the efficiency of the new process;
- The family courts continue to see year-on-year increases in public law although the volume of applications does seem to have stabilised in 2018. Despite this the average time for a care or supervision case to reach a first resolution has fallen steadily since 2011 (50 weeks), and by 2016 almost halved to reach 26 weeks. However, it increased in 2017 to 27 weeks and for July to September 2018 the average was 29 weeks. Family Statistics Quarterly are accessible here:
<https://www.gov.uk/government/collections/family-court-statistics-quarterly/>
- Applications to Employment Tribunals and current cases awaiting resolution continue to increase significantly following the abolition of fees. Recruitment plans are in place to ensure resources are in place to satisfy the increasing demand. Tribunals statistics are available here:
<https://www.gov.uk/government/collections/tribunals-statistics/>

The Public Accounts Committee report 'Transforming courts and tribunals', (HC 976) published in July 2018, which followed the NAO report 'Early Progress in Transforming Courts and Tribunals'

published in May 2018, reported on HMCTS’s ability to successfully deliver its ambitious reform change programme. The PAC report is accessible here:

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/inquiries/parliament-2017/transforming-courts-tribunals-17-19/publications/>

In response HMCTS shared its key milestones for the following six months with the Committee, agreeing the programme is both ambitious and challenging. HMCTS then reported back positively to the Committee against these milestones in January 2019 and shared further milestones up until July 2019, against which it will also report.

There have been no specific Select Committee hearings other than the PAC hearing referred to above.

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 2017-18, published in July 2018.

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

Decent and Safe Prisons

Prison Estate Transformation Programme (PETP)

PETP will change the way the prison population is managed. It will create reception prisons which will service the courts and manage those on remand. The training estate for sentenced prisoners will be improved and expanded so that the supply of places meets demand. For prisoners nearing the end of their sentence or on short custodial sentences there will be enhanced resettlement prisons. PETP will also improve how female offenders are managed through the creation of small community prisons. These changes will be delivered through the reconfiguration of the existing custodial estate and the construction of new prisons and smaller houseblock units within existing prisons.

Project start date (latest approved start date)	04/01/2016
Project end date (latest approved end date)	31/12/2021
Whole Life Cost TOTAL Baseline (including non-government costs)	*

*At the time of publication of the Annual Report the cost had not been fully approved.

A transparent and efficient courts system

CJS Common Platform

The Common Platform Programme aims to deliver a technology platform which supports business transformation across the Criminal Justice system. In 2018 the programme merged into the Crime Programme under the HMCTS Reform Programme/Portfolio and so no longer has a separate business case. While it will still be included in the next publication of the IPA Annual Report, the narrative will explain that it is no longer on the GMPP and is now part of Reform.

Project start date (latest approved start date)	01/11/2012
Project end date (latest approved end date)	29/03/2019
Whole Life Cost TOTAL Baseline (including non-government costs)	£380.96m

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)	31/03/2022
Whole Life Cost TOTAL Baseline (including non-government costs)	£1,647.02m

Transforming Compliance Enforcement Programme (TCEP)

TCEP was initiated in 2015 to address an outdated, underinvested, largely manual service and to increase effectiveness in fine recovery and efficiency.

Project start date (latest approved start date)	04/01/2016
Project end date (latest approved end date)	26/04/2019*
Whole Life Cost TOTAL Baseline (including non-government costs)	£123m

*The Transforming Compliance and Enforcement programme is no longer active and is completing the process of programme closure. This is expected to be fully completed in May.

Functional Support

MoJ Future FM

The Future FM programme is the re-procurement of time expired Total Facilities Management contracts, covering the FM requirements of a number of government departments over a five-year period, with a value of circa £288m. The project also includes the reorganisation and improvement of the internal FM operational and contract management (client) unit.

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)	£430.2m

The programme has now closed, with a final assurance of action plans review scheduled for June 2019. Progress reports on Major Projects are available via the link below:

<https://www.gov.uk/government/publications/infrastructure-and-projects-authority-annual-report-2018/>

4. Other information

4.1 Additional specific information required by the Select Committee

HMPPS - Split of funding between public and private prisons

£m	2013 14	2014 15	2015 16	2016 17	2017 18	2018 19
Public Prisons	1,657	1,579	1,594	1,556	1,711	1,831
Private Prisons	410	433	441	454	463	478
Total	2,067	2,012	2,035	2,010	2,174	2,309
Note on source of figures						
2013-14 to 2017-18 reflect the full year outturn position (as per HMPPS management accounts). 2018-19 reflects the full year outturn position.						
Note on comparability of figures						
<p>The above figures include all public-sector prisons against the Prisons Directorate, HMPPS in Wales and Youth Custody Service, plus area or regional-based services and Public-Sector Prisons HQ. They also include outturn and forecast against the Change programmes.</p> <p>The figures for 2013-14 reflect the transfer of HMP Wolds from private to public sector from 1 July 2013 and HMP Northumberland from public to private from 1 December 2013.</p> <p>Ashfield (a private prison) reopened as Male Category C status in July 2013.</p> <p>The position for public prisons from 1 April 2013 is reduced by the transfer of certain ICT budgets (totalling cumulatively circa £53m), that were transferred to NOMS HQ, over the period 2013-14 to 2015-16.</p> <p>Income received from the Youth Justice Board up to 2017-18 in respect of expenditure by Young Offender prisons accommodating 15-17 year-old young offenders has been included, so these budgets are shown net of income.</p> <p>Immigration Removal Centres that have been in place over the years (Dover, Haslar, Morton Hall, Verne) are included under public prisons and shown as net of UKBA income.</p> <p>The net reduction in 2016-17 against Public Sector Prisons is due to costs related to the facilities management contract being held elsewhere.</p> <p>The increase in public prisons from 2017-18 onwards includes the ramp-up in Berwyn, which opened in February 2017, and the investment in front-line staffing to reduce violence and create a safer environment. Some additional costs are also presented in Public Prisons for 2017-18 following organisational changes.</p> <p>The continuing increase in 2018-19 also reflects the inclusion of accrued holiday pay entitlement costs backdated to March 2016, increased pay award costs over and above the budgeted 1% and forecast towards investment in Decent and Safe programmes.</p>						
Note on future years' data						
It is not possible to provide a split of public and private prison spend for future years as this will depend on any changes to prisons' capacity and configuration.						

Legal Aid Agency – Updated breakdown of the LAA expenditure split between Administration, Civil, Criminal and Central Funds expenditure

Resource DEL £m

Category	2019 20 Main Estimate	2018 19 Supplementary Estimate	2018 19 Main Estimate
	£m	£m	£m
Administration	62.6	61.9	63.9
Criminal Legal Aid	849.8	905.2	823.8
Civil Legal Aid	768.9	723.2	689.4
Central Funds	47.9	47.6	47.2
Total	1,729.2	1,737.9	1,624.3

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

9 May 2019

Table A:
Resource DEL

Estimate subhead	System Outcome	Programme or Spending Body	Main Estimate	Supplementary Estimate	Movement	%
A,D,E,G,F,H	Access to justice	Access to Justice Policy	£19.4m	£31.2m	(£11.9m)	-38%
		Civil/Family/ Tribunal Fee Income net of refunds	(£834.0m)	(£767.3m)	(£66.8m)	9%
		Office of Accountant General	£0.2m	(£5.9m)	£6.2m	-104%
		OSPT	£6.5m	£5.5m	£1.0m	18%
		HMCTS Access to Justice	£445.9m	£423.5m	£22.4m	5%
		Legal Aid Agency	£1,729.3m	£1,738.0m	(£8.7m)	-1%
		CICA	£148.8m	£112.4m	£36.4m	32%
		OPG	(£5.6m)	(£16.0m)	£10.3m	-65%
		CAFCASS	£122.4m	£120.2m	£2.2m	2%
		CCRC	£5.9m	£5.3m	£0.6m	11%
Total	Total	£1,638.6m	£1,646.9m	(£8.3m)	-1%	
A,J,K,O	A flourishing legal services sector	International and Rights	£3.6m	£5.8m	(£2.2m)	-38%
		Judicial and Legal Services Policy	£3.5m	£3.6m	(£0.2m)	-5%
		Legal Services Board	£0.0m	£0.0m	£0.0m	0%
		Office of Legal Complaints	£0.0m	£2.0m	(£2.0m)	-15%
Total	Total	£7.1m	£11.4m	(£4.3m)	-38%	
A,C,I,N	A transparent and efficient court system	Fine and Fee Income	(£329.0m)	(£316.5m)	(£12.5m)	4%
		Judicial Appointments and Conduct Ombudsman	£0.4m	£0.4m	£0.0m	5%
		Judicial Offices and Service Awards	£54.2m	£42.7m	£11.5m	27%
		Support for Victims	£31.2m	£35.8m	(£4.5m)	-13%
		The Law Commission	£2.2m	£2.3m	(£0.1m)	-5%
		UK Supreme Court	£6.2m	£6.1m	£0.1m	2%
		HMCTS	£932.9m	£929.7m	£3.2m	0%
		Judicial Appointments Commission	£7.5m	£6.9m	£0.5m	8%
		Total	Total	£705.7m	£707.4m	(£1.7m)
A,B	Decent and safe prisons	Branston	£2.8m	£3.7m	(£0.9m)	-24%
		Monitoring and Supervisory ALBs ^{1.1}	£11.8m	£10.6m	£1.1m	10%
		Prison Reform	£12.7m	£19.4m	(£6.7m)	-34%
		HMPPS Decent and Safe Prisons	£2,758.2m	£2,606.6m	£151.6m	6%
Total	Total	£2,785.6m	£2,640.4m	£145.1m	5%	
A,B,L	Public protection	Monitoring and Supervisory ALBs ^{1.2}	£6.2m	£5.9m	£0.3m	5%
		Office of the Sentencing Council	£1.5m	£1.4m	£0.1m	4%
		Youth Justice and Offender Policy ^{1.3}	£2.3m	£17.5m	(£15.2m)	-87%
		HMPPS Public Protection	£497.2m	£486.7m	£10.5m	2%
		Probation	£532.6m	£489.4m	£43.2m	9%
		Parole Board	£18.5m	£16.5m	£2.1m	12%
		Total	Total	£1,058.3m	£1,017.4m	£40.9m
A,B,M	Reduced re-offending	HMPPS reducing re-offending	£144.5m	£147.0m	(£2.4m)	-2%
		Youth Custody Service	£175.8m	£138.2m	£37.7m	27%
		Youth Justice Board	£85.6m	£85.2m	£0.4m	0%
Total	Total	£406.0m	£370.4m	£35.6m	10%	
A,B,C	Functional Support	Centrally Held Budgets ^{1.4}	(£46.4m)	£104.9m	(£151.3m)	-144%
		Estates	£444.8m	£427.5m	£17.3m	4%
		Finance	£32.5m	£35.4m	(£2.9m)	-8%
		HR ^{1.5}	£44.8m	£97.9m	(£53.1m)	-54%
		Other Functional Support	£160.4m	£158.4m	£2.1m	1%
		Technology ^{1.6}	£284.5m	£370.9m	(£86.4m)	-23%
		Functional Support HMPPS	£66.2m	£53.2m	£13.0m	24%
		Functional Support HMCTS	£138.7m	£137.2m	£1.5m	1%
		HMCTS Estates	£325.0m	£327.8m	(£2.8m)	-1%
		Total	Total	£1,450.5m	£1,713.2m	(£262.8m)
Grand Total		£8,051.7m	£8,107.0m	(£55.4m)	-1%	

Explanatory notes of movements since Supplementary Estimate

The net overall movement in RDEL is 1%.

To a large extent, the movements listed in the table reflect the fact that a proportion of the Reserve funding including in the Supplementary Estimate 2018-19 was recorded against centrally held budgets, under the functional support outcome. This was referred to in the Estimate Memorandum which supported the Supplementary. In the 2019-20 Main Estimate these budgets are recorded against front-line outcomes.

Notes

1.1 These bodies are HM Inspectorate of Prisons, the Prisons and Probation Ombudsman, the Independent Monitoring Board and the National Preventive Mechanism.

1.2 This refers to HM Inspectorate of Probation.

1.3 The reduction on this line largely reflects a transfer to HMPPS of responsibility for the Legal Aid Sentencing and Punishment of Offenders grant to local authorities. This is included in the line below.

1.4 This reflects the movement from centrally held budgets from the functional support outcome referred to above.

1.5 The reduction is partly the result of efficiency gains from the consolidation of HR under the functional leadership agenda, but also reflects that the Supplementary Estimate 2018-19 included funding for early departure costs which is not included in the Main Estimate 2019-20.

1.6 The Supplementary Estimate 2018-19 provided some additional funding in respect of digital and technology which is not entirely reflected in the Main Estimate 2019-20. Furthermore, additional funding for certain digital projects currently held centrally is allocated through the year under MoJ's change management processes.

Capital DEL

Estimate subhead	System Outcomes	Programme or Spending Body	Main Estimate	Supplementary Estimate	Movement	%
A,D,E,F,G,H	Access to justice	Access to Justice Policy	£0.0m	£0.7m	£-0.7m	-100%
		CICA	£1.7m	£0.6m	£1.1m	183%
		OPG	£3.7m	£2.9m	£0.9m	30%
		CCRC	£0.3m	£0.1m	£0.2m	140%
		Total		£5.7m	£4.3m	£1.4m
A,J,K,O	A flourishing legal services sector	Legal Services Board	£0.3m	£0.1m	£0.2m	150%
		Office of Legal Complaints	£0.4m	£0.3m	£0.2m	76%
		Total	£0.7m	£0.4m	£0.3m	97%
A,C,I,N	A transparent and efficient court system	HMCTS ^{1.1}	£86.4m	£106.3m	£-19.9m	-19%
Total			£86.4m	£106.3m	£-19.9m	-19%
A,B	Decent and safe prisons	Branston	£0.6m	£0.6m	£0.0m	0%
		Monitoring and Supervisory ALBs	£0.0m	£0.2m	£-0.2m	-100%
		HMPPS Decent and Safe Prisons ^{1.2}	£187.8m	£25.2m	£162.6m	646%
		Total	£188.3m	£25.9m	£162.4m	626%
A,B,L	Public protection	Youth Justice and Offender Policy	£0.0m	£2.0m	£-2.0m	-100%
		HMPPS Public Protection	£7.0m	£7.3m	£-0.2m	-3%
		Parole Board	£0.0m	£0.3m	£-0.2m	-90%
		Total	£7.1m	£9.5m	£-2.5m	-26%
A,B,M	Reduced re-offending	HMPPS reducing re-offending	£1.7m	£0.5m	£1.2m	267%
		Youth Custody Service	£2.0m	£2.0m	£0.0m	0%
		Youth Justice Board	£0.6m	£0.6m	£0.0m	0%
		Total	£4.3m	£3.1m	£1.2m	39%
A,B,C	Functional Support	Centrally Held Budgets ^{1.3}	(£57.9m)	£99.4m	(£157.3m)	-158%
		Estates	£76.3m	£83.7m	(£7.4m)	-9%
		Finance	£0.0m	£0.0m	£0.0m	
		HR	£2.2m	£1.1m	£1.1m	106%
		Other Functional Support	£1.0m	£1.0m	£0.0m	0%
		Technology ^{1.4}	£44.2m	£77.6m	(£33.5m)	-43%
		Functional Support HMPPS ^{1.3}	£0.3m	£32.8m	(£32.6m)	-99%
		Functional Support HMCTS ^{1.3}	£58.7m	£71.0m	(£12.3m)	-17%
		Total	£124.8m	£366.6m	£-241.8m	-66%
Grand Total			£417.2m	£516.0m	£-98.8m	-19%

Explanatory notes of movements since Supplementary Estimate

The net overall movement in Capital DEL is (19%). This is largely due to the fact the Supplementary included a one-off element of funding for property disposal contingent risks, which is not reflected in the Main Estimate.

As noted above, a proportion of the Reserve funding including in the Supplementary Estimate 2018-19 was recorded against centrally held budgets, under the functional support outcome. The movements listed above therefore demonstrate a reduction in functional support budgets, offset by an increase in the front-line budgets.

Notes

1.1 The Supplementary Estimate 2018-19 included an element of Reserve funding for enhancements to the courts estate, which is not fully replicated in the Main Estimate.

1.2 This reflects the movement of budget to prison estates maintenance for prison safety and security, and to address maintenance backlogs across the estate.

1.3 These movements reflect the reclassification of budgets from centrally managed budgets to front-line activities.

1.4 The movement from last year's final budget is partly due to the fact that additional funding for certain digital projects is released through the year under MoJ's change process.

Table B:

How DEL funding plans for 2019-20 have altered since Spending Review 2015	Resource DEL	Capital DEL
DEL baseline for SR2015 (2015-16)	£6,269.2m	£418.0m
Supplementary Estimate 2015-16		
Information Commissioner - transfer to DCMS	(£2.9m)	(£0.9m)
Policy units attached to ICO - transfer to Cabinet Office	(£0.3m)	
Policy units attached to ICO - transfer to DCMS	(£0.8m)	
Main Estimate 2016-17		
Estates cluster staff from Home Office	£3.8m	
SB15 transfer for M5513 Illicit Excise Tobacco – 2016-17 to 2020-21 funding from HMRC	£7.0m	
Illicit tobacco smuggling Home Office	£0.1m	
Supplementary Estimate 2016-17		
Transfer of education costs in prisons to NOMS from BIS	£130.4m	
Transfer of education costs in prisons to NOMS from BIS	£0.4m	
Reserve Claim Prison safety	£93.0m	
Reserve Claim Policy revisions	£73.0m	
Supplementary Estimate 2017-18		
Transfer to DHCLG - Staff	(£0.0m)	
Home Office to MoJ Facilities Management Function	£0.2m	
Supplementary Estimate 2018-19		
Transfer of Funds -HMRC - Land Fill tax	£0.0m	
Transfer of Funds -DFT - 400ft flying ban and airport flying restriction for drones	£0.0m	
Transfer of Funds - HO - Domestic Abuse fund	£0.5m	
Main Estimate 2019-20		
Transfer of Funds -DEFRA - Notice Orders for Rogue Waste Management Companies	£0.0m	
Transfer of Funds - DEFRA - Control of Trade in Endangered Species Regulations (COTES) - use of civil and criminal offences	£0.0m	
Transfer of Funds - DCMS - GDPR Regulations	£0.0m	
Transfer of Funds - HMT - PRIIP's regulation	£0.1m	
Transfer of Funds -HMT - Market in Financial Instruments Directive II	£0.0m	
Transfer of Funds - HMT Criminal Market Abuse	£0.1m	
Transfer of Funds - CO - Crown Office Succession	(£0.0m)	
Transfer of Funds - BEIS - Payslip Legislation	£0.1m	
Transfer of Funds - CO - CS Local	(£0.4m)	£0.0m
Transfer of Funds - HMRC - Operation Delivery Profession	(£0.5m)	
Transfer of Funds - HO - Modern Day Slavery	(£4.0m)	
Transfer of Funds - DH - Death in Custody	£0.1m	£0.0m
Transfer of Funds - HMRC - Accelerated Payments (Tax Expansion Project)	£5.1m	
Reserve claims		
Main Estimate 2019-20		
Reserve Claim - General	£1,325.0m	
Reserve Claim - Pensions	£122.8m	
Brexit Funding		
Main Estimate 2019-20	£29.9m	£0.1m
Budget Announcements		
Supplementary Estimate 2018-19		
Budget Measures 2018 - Law Commission	£0.1m	
2018-19 Supplementary Estimates DEL totals	£8,051.7m	£417.2m