

# TRANSFORMATION IN THE MINISTRY OF JUSTICE

*2010 interim evaluation report*



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# About the Institute of Government

The Institute for Government is an independent charity with cross-party and Whitehall governance working to increase government effectiveness. Our funding comes from the Gatsby Charitable Foundation, one of the Sainsbury Family Charitable Trusts.

We work with all the main political parties at Westminster and with senior civil servants in Whitehall, providing evidence-based advice that draws on best practice from around the world.

We undertake research, provide the highest quality development opportunities for senior decision-makers and organise events to invigorate and provide fresh thinking on the issues that really matter to government.

## About the authors

### **Tom Gash** – Fellow, Institute for Government

Tom Gash is a Fellow of the Institute for Government. He joined the Institute in January 2008. Tom previously worked as a consultant in the Boston Consulting Group's organisation and change practice area and as a Senior Policy Adviser on home affairs in the Prime Minister's Strategy Unit. Tom specialises in the areas of crime policy and organisational effectiveness, with a special interest in performance management and organisation design. Outside the Institute, he advises overseas governments on public management and strategy development and is currently conducting private research on crime.

### **Julian McCrae** – Fellow, Institute for Government

Julian McCrae is a Fellow of the Institute for Government, having joined the Institute in July 2009. Prior to that, he was one of the Deputy Directors at the Prime Minister's Strategy Unit, leading its work on public service reform, social mobility and welfare policies. Julian started his career at the Institute for Fiscal Studies, where he spent eight years. His work there included numerous publications on the UK's personal taxation and welfare system. He also led the Institute's research programme on corporate taxation and business investment issues and taught public economics at University College London. Finally, Julian worked at Frontier Economics, one of the UK's leading economic consultancies, where he helped expand the public policy practice.

# Acknowledgements

This report would not have been possible without the support and openness of the Ministry of Justice's (MoJ) leadership team. By inviting the Institute to evaluate the department's work on Transforming Justice, they have provided the opportunity for others to learn from their experiences and have demonstrated their commitment to transparency and learning in government. Special thanks are due to Sir Suma Chakrabarti, MoJ's Permanent Secretary, who gave formal authorisation for the work, and to Jonathan Slater, Peter Thomas, Louise Woodford and the department's internal communications team, all of whom provided the Institute with information and insight on an ongoing basis. We also thank all those who participated in interviews and Institute for Government workshops for their valuable time and sincere engagement with the evaluation and its findings.

The authors would like to thank the following current and former Institute for Government staff for their advice and support in carrying out the evaluation of Transforming Justice: Lord Bichard of Nailsworth, Oliver Buckley, Paul Drinkwater, Rory Geoghegan, Zoe Gruhn, Michael Hallsworth, Sir Ian Magee, Hana Maitland, James Page, Vanessa Quinlan and Nadine Smith.

All views, errors and omissions are, of course, those of the authors.

# Executive summary

In February 2009, Sir Suma Chakrabarti, the Permanent Secretary of the UK's Ministry of Justice (MoJ), decided that the department would embark on major change aimed at achieving a better justice system at less cost to the public.

Transforming Justice, the name given to the portfolio of activities which aimed to meet this goal, was ambitious. The department had been formed just two years previously, results of a recent Capability Review had highlighted major performance challenges and staff were still busy implementing the latest round of expenditure reductions. But leading officials and ministers recognised too that major change was necessary. Although the department's performance was showing signs of improvement, recession and a growing deficit in the public finances meant that still more budget reductions were all but inevitable, and there was simply no way that the department could meet its objectives without radical change in the way that it delivered its services.

To date, Transforming Justice has been characterised by an approach that is more collaborative and flexible than previous change efforts within the department. Jonathan Slater, the Director General charged with developing Transforming Justice, has aimed to build a broad leadership coalition of senior managers, to engage those working nearer to the front line in finding innovative solutions to problems locally, and to leave sufficient flexibility within the plans to react to political and environmental change. The leadership has emphasised the importance of engaging with people outside the department. Even before the programme was officially announced, Sir Suma Chakrabarti invited the Institute for Government to conduct an evaluation of how Transforming Justice was undertaken in 'real-time'. This evaluation, one of the first of its kind in UK government, was intended to provide timely information on how Transforming Justice was progressing and to share the lessons learned from MoJ's pioneering initiative with government leaders in the UK and across the world.

At the time of writing (6 May 2010), Transforming Justice is nearing the end of its 'design phase'. This paper provides an evidence-based account of how the process has progressed so far and of the state of play in the areas that are central to ensuring the transformation delivers on its promise.

The progress so far is significant:

- There is a sense of urgency in the department about the need for change, with the leadership unanimously recognising the case for transformation. This has been maintained, and indeed strengthened, with an emphasis on achieving 'better for less' increasing throughout the design phase.
- A cohesive leadership coalition has formed comprising influential senior staff from across the department's previously disparate business groups. Action is also being galvanised at a local level. Staff across MoJ and its agencies are volunteering to get involved in change efforts and working with local partners to develop innovative ways of tackling criminal justice issues.
- Ten programmes have been set up to develop detailed change plans and policy options for ministers – and all of these programmes have now either completed their outline business cases or are in the process of finalising them. These early plans offer some promising ideas, which, if implemented, could improve justice outcomes and provide significant savings. Two programmes are already being implemented.

A number of factors appear to underpin this progress, including:

- Having a dedicated and accountable Transforming Justice lead at board level, a move that signalled the initiative's priority and enabled engagement with all levels of the organisation.
- Empowering change advocates from across the department's business groups to drive change.
- Allocating responsibilities to individuals within this change coalition.

Leaders are also aware of the major challenges for the future, the most important of which is the need to strengthen coordination of the department's change activities. Work is already underway in this area, much of it focused on ensuring that the interdependencies within the Transforming Justice portfolio have been considered and a clear overarching strategy can emerge from the work to date. And there is a wider challenge too – that of ensuring that Transforming Justice is coordinated with other cross-Moj programmes that are focused on more traditional methods of spending control. Given that savings generated through the 'better for less' Transforming Justice programmes may not be sufficient to meet likely budget reductions, closer connections are clearly vital. Senior leaders have again put in place plans to ensure that these connections are made, introducing a single governance structure for all major change programmes in the department.

Transforming Justice also presents challenges that are less within the direct control of civil servants. Where Transforming Justice deals with policy issues, decisions will be taken by ministers. To date, change plans have therefore aimed to include sufficient flexibility to ensure that Transforming Justice can adapt to the objectives of any future political administration. But the post-election period remains a major test. Will there be sufficient ownership of change initiatives to ensure that they are implemented? Will there be sufficient clarity behind Transforming Justice's flexible portfolio to allow the department to apply changes as soon as political decisions are made? And will Transforming Justice retain its ambitious focus on transformational change as the portfolio becomes more closely tied to efficiency-focused change programmes?

These are just some of the questions that MoJ's leaders face in their ongoing efforts to transform the justice system. The journey will no doubt be a long and difficult one, with many changes along the way, but the ambition shown by this department and their experience of attempting major change will undoubtedly provide useful lessons for government leaders facing similar challenges across the world.

# 1. Introduction

## Purpose of this report

This report provides an evidence-based account of the Ministry of Justice's (MoJ) ongoing attempt to transform the department and the wider justice system. It chronicles the steps that MoJ has taken as it tries to dramatically improve its performance and applies a new Institute for Government evaluation methodology to assess progress to date. The report also highlights the key areas for focus suggested by the evaluation.

The report aims to:

- Provide public sector leaders with a detailed description of one possible way of attempting major departmental and system change in government. The methods used for Transforming Justice include both more traditional and more novel approaches to delivering transformation and are particularly relevant to those seeking to improve performance in a time of fiscal consolidation.
- Allow practitioners, advisers and researchers to reach tentative conclusions about the advantages and disadvantages of the approaches used to date.
- Enable those involved in the Transforming Justice initiative to reflect on and refine their approach to improving MoJ's performance.
- Demonstrate how a new interactive evaluation methodology produced by the Institute for Government works in practice.

As the transformation process remains in its early stages, this interim report does not seek to provide a final assessment of the success of MoJ's transformation. In addition, some caveats are required for the findings to date. First, because this evaluation is the first of its kind in UK government, this report is unable to compare the speed and degree of MoJ's progress with that of similar organisations that have attempted transformation in the past.<sup>1</sup> Second, at this stage, the evaluation's primary focus has been on observing the transformation process unfold, evaluating its impact on staff and stakeholder views, identifying changes to the department's spending priorities and assessing departmental outputs, such as delivery plans. This means that, as yet, this interim evaluation provides limited information on the end results of transformation in terms of improved services to the public.

## Structure of this report

The remainder of this report is divided into five main sections:

- A **context** section, which provides background information on the department and information about the political, economic and social environment in which Transforming Justice has developed.
- An **overview of Transforming Justice**, which describes MoJ's overall approach to driving transformational change.

- A **methodology** section, which provides an overview of the Institute for Government's interactive evaluation methodology and details of how it was applied to Transforming Justice (Gash and McCrae, forthcoming). This methodology draws heavily on Kotter's '8-steps' model of transformational change, which describes the key steps that any organisation must take to achieve successful transformation (Kotter 1996).
- A **findings** section, which contains three sections examining how MoJ has approached transformation and with what results. Each of these sections looks at one of Kotter's '8-steps' towards transformation and describes how and with what effect the MoJ team have sought to make progress. As Transforming Justice remains in its early stages, only the first three steps towards transformation are examined in detail in this report:
  1. Establishing a sense of urgency for Transforming Justice.
  2. Forming the guiding coalition that will lead change in the department and across the justice system.
  3. Creating a vision and strategy that will deliver results.

In addition, a short overview is provided of the main actions that MoJ has taken in preparation for later stages of transformation.

- A section drawing out the **conclusions** of the evaluation to date, and the next steps for MoJ's transformation programme and the Institute's evaluation work.

## 2. The context for Transforming Justice

The MoJ was created in May 2007 in order to bring together the various parts of government with responsibility for justice issues. The department took on responsibility for prisons and probation from the Home Office, which was felt to be “one department trying to straddle too many areas” (Johnson 2009), and responsibility for courts, tribunals, legal aid and constitutional issues from the Department for Constitutional Affairs. MoJ is now one of the UK’s largest and most complex departments, which works to deliver the government’s strategic objectives for justice for the spending period 2008–11:

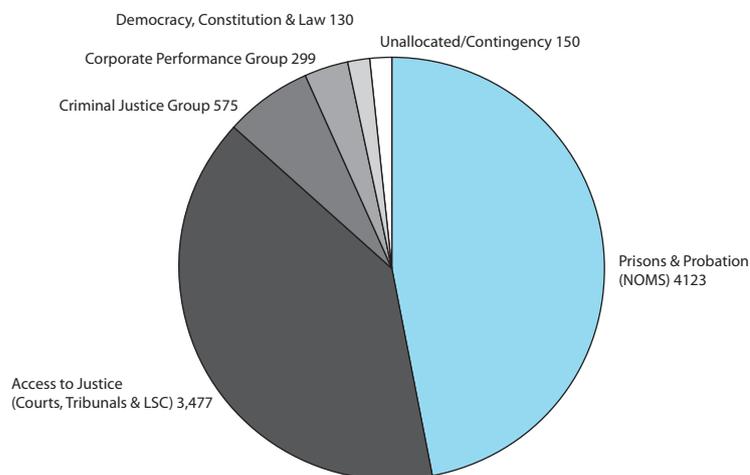
1. Strengthening democracy, rights and responsibilities.
2. Delivering fair and simple routes to civil and family justice.
3. Protecting the public and reducing re offending.
4. Creating a more effective, transparent and responsive criminal justice system for victims and the public.

MoJ is comprised of five main business groups:

1. *The National Offender Management Service (NOMS)*, which is responsible for the UK’s prison and probation services.
2. *Access to Justice*, which oversees the courts and tribunals services in England and Wales and is responsible for the legal aid system, which is administered by the Legal Services Commission (LSC).
3. *Criminal Justice Group (CJG)*, which is responsible for youth justice and criminal justice policy.
4. *Democracy, Constitution and Law Group (DCL)*, which coordinates the department’s responsibilities for constitutional, information, international and legal matters. DCL is responsible for the oversight of the majority of the 50-plus MoJ-sponsored organisations that operate with a degree of independence from government, such as the Parole Board and the Law Commission.<sup>2</sup>
5. *Corporate Performance Group*, which leads on departmental strategy and corporate services, such as IT, Finance and Human Resources, across the Ministry.

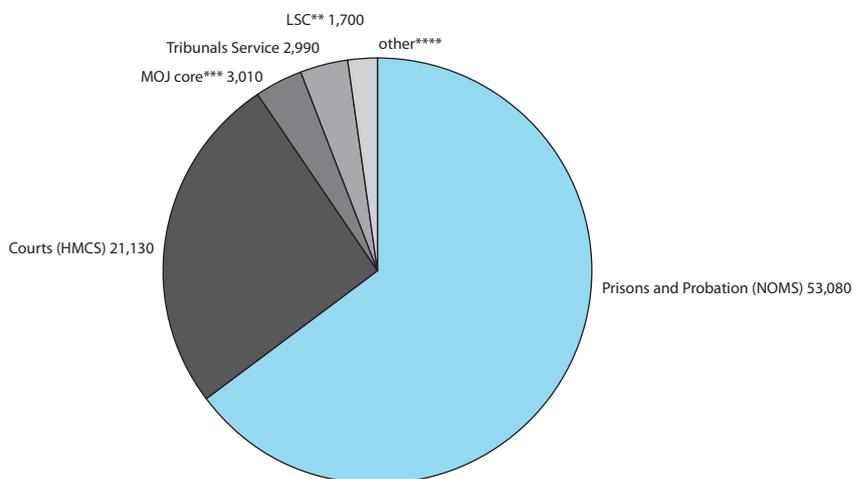
In 2009/10, MoJ’s budget was just over £10bn, with a capital budget of nearly £800m, and MoJ had direct or indirect responsibility for over 80,000 staff (see Figures 1 and 2).

**Figure 1: MoJ budget by business group, £m\***



\* Near cash budget for 2009/10; Near Cash reflects resource DEL budget less non-cash charges (such as depreciation, impairment, cost of capital, new provisions etc) including accruals; excludes capital allocations. Source: MOJ 2009a

**Figure 2: MoJ staff by organisation, 2009**



\*\* Legal Services Commission

\*\*\* Core departmental staff, excluding agencies and NDPBs

\*\*\*\* There are a number of smaller organisations sponsored by MoJ for which staff numbers are not shown

Source: ONS 2009

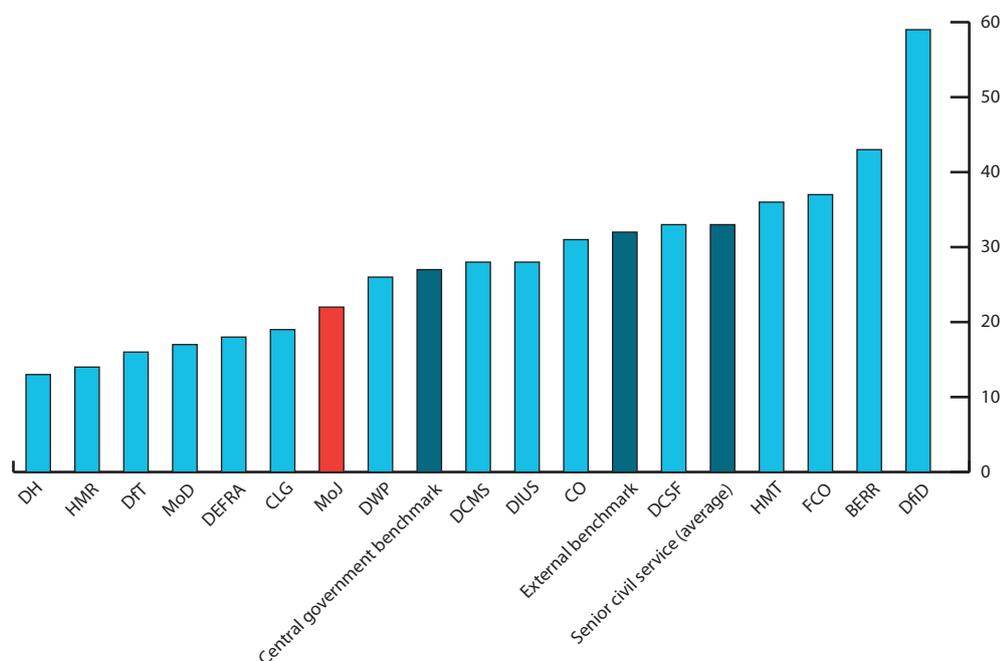
MoJ's size and the functions it performs mean that it attracts a particularly high degree of media scrutiny. Media campaigns frequently demand that ministers take action in response to individual parole violations or court sentencing decisions, while prison escapes, though rare of late, have in the past led for calls for the responsible Secretary of State to resign. MoJ's role in electoral reform and the regulation of Parliament have also become topics of media focus. From May 2009, The Telegraph newspaper ran a succession of stories revealing widespread cross-party abuse of the parliamentary expenses regime, causing a national crisis of political legitimacy, which MoJ was called upon to help resolve.<sup>3</sup>

Between 2007 and 2009, a number of further developments provided impetus for change in MoJ, including:

1. *Ongoing performance challenges:* MoJ was performing well against its Departmental Strategic Objectives, showing some or strong progress against three out of four DSOs (MOJ 2010). The department had also met its overall expenditure and efficiency targets for 2008 and 2009 (HMT 2008; MOJ 2009c). However, the 2008 MoJ Capability Review revealed a number of key capability gaps in the department, as MoJ received the lowest ratings for 'Strategy' and 'Delivery' capability of all the UK government departments assessed (CO 2008).<sup>4</sup> In November 2008, the department also received the lowest rating to date in the *Procurement Capability Reviews* carried out by the Office for Government Commerce (OGC 2008). In addition, the department faced a number of pressing policy challenges, with re-offending rates in England and Wales being high compared to other OECD nations, legal aid more expensive and citizens comparatively less engaged in democratic processes (PMSU 2007). Civil service surveys also showed that just 22% of MoJ staff believed that the department managed change well, below the central government benchmark; see Figure 3 (CO 2009).

**Figure 3: Staff views on change management capability by department, 2007–09**

Percentage of staff agreeing that “I feel that change is managed well in this department”



Source: Parker et al 2010

2. *New leadership:* The Right Honourable Jack Straw (MP) succeeded Lord Falconer as Secretary of State for Justice in June 2007. Sir Suma Chakrabarti, formerly the Permanent Secretary of the Department for International Development (DfID), took over as MoJ Permanent Secretary in November 2007 (MOJ 2007). Jack Straw had initiated policy change at a wide range of large government departments while, at DfID, Sir Suma Chakrabarti had led a programme of departmental change which was perceived by staff and others to have been highly successful (see Figure 3).
  
3. *A changed external environment:* In 2007, following a 27% real terms increase in spending since 1997, the Treasury’s 2007 Comprehensive Spending Review (CSR 07) committed MoJ to a 5% real terms reduction in its budget, equivalent to 1.7% per annum from 2008/09 to 2010/11 (MOJ 2009a). To meet these reductions and improve value for money, MoJ needed to make £1,007m ‘Value for Money’ savings over CSR 07, a target which was increased to £1,077m in the 2009 pre-budget report.<sup>5</sup> MoJ is ‘on track’ to deliver these savings but further budget reductions are likely in the much anticipated post-election spending review. A recent Institute for Fiscal Studies publication estimated that if political commitments to protect health spending are upheld, other departments would face average real terms budget reductions of 18.3% by 2014, a reduction far in excess of the savings formally committed to by MoJ at this stage (IFS 2010). Such spending reductions could be made still more ambitious if demand for prison and probation services continues to increase. The UK has a 20-year trend of increasing use of community and custodial sentencing and sentences are becoming, on average, longer for comparable offences (PMSU 2007). Currently, the department plans to build nearly 12,000 additional prison places by March 2014 in order to meet likely increases in demand (MOJ 2009a).

### 3. Transforming Justice overview

Sir Suma Chakrabarti appointed Jonathan Slater as Director General of Transformation in March 2009, signalling the start of the scoping phase of MoJ's major change initiative. From March to July 2009, Jonathan Slater established a small 'core team' of around five people who would be heavily involved in coordinating and supporting change efforts, in addition to their day jobs. This group, drawing on the contributions of others, developed a narrative 'case for change' and came to an early view of the priority areas for action. At a workshop on 13 July 2009, early ideas were presented to all MoJ Directors, who provided feedback on proposals. At this workshop, Jonathan Slater announced:

*"Since I got this job I have been having a great time dreaming about the future. But from today that job becomes working with the senior leaders to bring that future about. From the day after the workshop the action needs to start to bring about change."*

As promised, after the workshop, ten provisional Transforming Justice programmes were agreed, three of which were pre-existing programmes (see panel). A Director took lead responsibility for each programme, as Senior Responsible Office (SRO), and dedicated teams and resources were assigned. Programmes were developed on differential time scales, with business plans scheduled for completion between November 2009 and April 2010. A dedicated portfolio office was established to coordinate the activity across programmes and to support the Transforming Justice Committee, which had been established in May 2009.

The programmes were launched to all MoJ staff through the intranet and other channels in November 2009, by which stage the change portfolio had been branded as Transforming Justice. At a local level, specific areas were given freedom to develop their own projects to support Transforming Justice, with the central department providing budgetary support and a range of methodologies to stimulate innovation.<sup>6</sup>

This approach to preparing for long-term change differed from approaches that were being employed in other departments facing similar challenges. Within Whitehall, long-term planning conducted in the pre-election period has generally been conducted more privately: typically, just a handful of policy staff being involved. In MoJ, however, the Justice Secretary, Jack Straw, was willing to authorise MoJ's broader approach to long-term planning and change – and the department's civil service leadership felt that this approach would enable faster progress on existing change initiatives, better preparation for major organisational change in future, and the development of options for longer-term change that had been tested for operational deliverability.

## Transforming Justice Programmes at February 2010

### Frontline services

1. Incentivising Local Delivery (PVP): adjusting the incentives of local agencies to reduce re offending
2. Diversion into alternative civil and family justice services (PVP): Developing options for alternative methods of dispute resolution
3. New responses to crime: Developing alternative sentencing options
4. A better CJS for the public (PVP): improving effectiveness and efficiency of case management (from arrest and sentence)

### Back office services

5. Shared services (OEP)\*: Sharing NOMS back office services with courts and other MoJ organisations
6. Estates (OEP)\*: Consolidating the estate in London and the regions
7. New operating model: Developing option for new MoJ operating models (structures accountabilities processes etc. (expanded from initial focus on SCS downsizing in March 2010)

### Enabling transformation

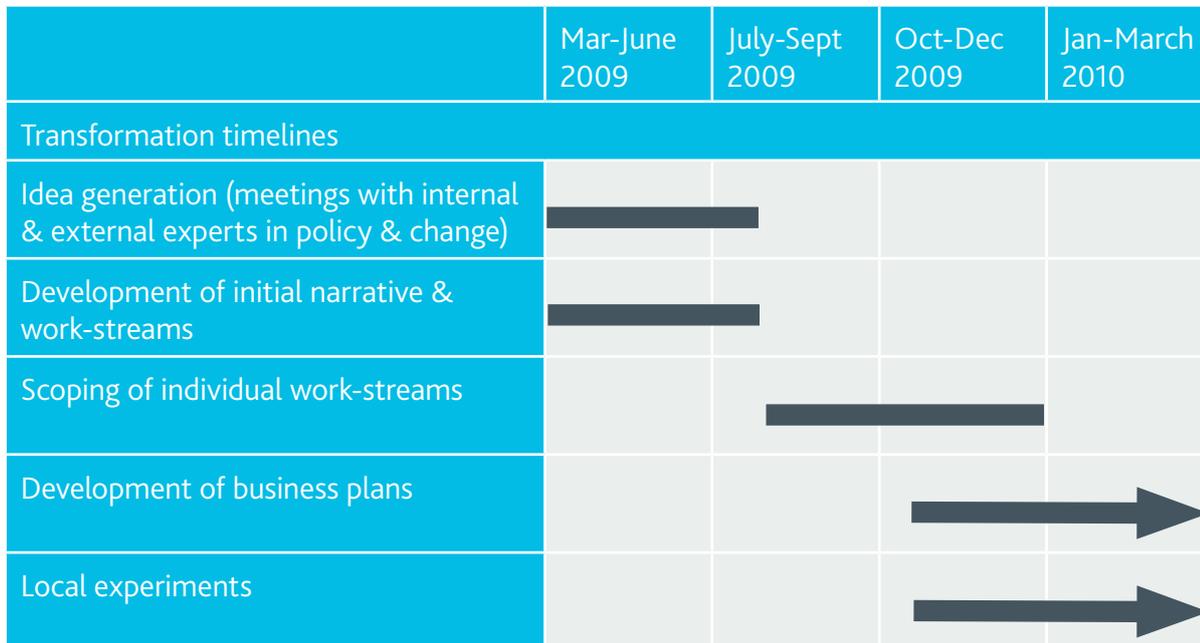
8. Public engagement: Developing options to build public trust and public action to improve justice
9. Management Information: improving data quality and information flows across MoJ organisations\*
10. Engaging our people: building staff engagement across MoJ headquarters and executive agencies

Key: \* denotes a pre-existing programme; (PVP) = aligned to MoJ's work supporting Government's Public Value Programme; (OEP) = aligned to MoJ's work supporting Government's Operational Efficiency Programme

Sources: MoJ Transforming Justice Committee briefing papers

Note: short descriptions are Institute for Government summaries

**Figure 4: Timeline for Transforming Justice**



# 4. Methodology

## Background and objectives

At the same time as appointing Jonathan Slater as DG Transformation, Sir Suma Chakrabarti invited the Institute for Government to evaluate future changes. He, like the Institute, was keen to gather information in 'real-time' on how transformation was progressing. This approach, he felt, would allow MoJ to take early action to resolve emerging issues. In addition, Sir Suma Chakrabarti and the Institute were keen to share the lessons that MoJ learned from its change efforts. Evidence of 'what works' in delivering transformational change remains relatively scarce and available studies are predominantly based on private sector organisations, meaning that leaders of change in government often lack well-evidenced examples of how transformations are best conducted. At a time when fiscal pressures and possible changes in political leadership might lead many departments to reconsider their business models, early lessons on how to deliver major change might prove invaluable for central government departments and the wider public sector.

The Institute's early research quickly showed that achieving the twin goals of facilitating better decision-making for MoJ and sharing the lessons of MoJ's experience would not be easy. First, the absence of a bottom-line equivalent for public sector organisations would complicate measuring changes in performance, particularly given the fact that MoJ lacked high-quality data in this area. Second, linking actions taken in Transforming Justice to changes in performance would be highly challenging, owing to the complex nature of MoJ's delivery organisations and the wide range of factors beyond the department's administrative control. Third, the Institute team would be evaluating a process that it was also influencing through the information that it produced and the ways in which it shared that information with MoJ's leadership. Fourth, it would be difficult to find organisations with which to compare MoJ's performance: the department's role and structure is not directly comparable to justice ministries overseas, where contextual factors also vary, and comparisons with other departments are also problematic. In addition, it quickly became clear that the Institute would have few examples of similar evaluations from which it could draw. Few interactive evaluations have been conducted, still fewer have been documented, and the Institute knows of no published examples that are directly comparable to MoJ's circumstances.<sup>7</sup>

## Analytical framework

In response to this challenge, the Institute for Government developed a new methodology for evaluating major change in the public sector (Gash and McCrae, forthcoming). Because of the challenges of measuring end-results and due to MoJ's need for early and ongoing feedback, this methodology focused heavily on observing the transformation process and its interim outputs.

The Institute designed its evaluation framework by drawing on existing literature on change management, organisational effectiveness and public sector management. The framework combines:

- John Kotter's well-established '8-steps' model, which outlines the key steps that organisations need to move through to achieve transformational change (Kotter 1996).
- McKinsey's '7-S' framework, which provides a diagnostic tool for analysing the capability and performance of an organisation (Peters and Waterman 1982).
- A new Institute for Government frame which highlights key issues for transformation that emerge from operating in the public sector context, drawn from a range of sources.

**Figure 5: Kotter's 8 step model (1996)**

1	Establishing a sense of urgency
2	Forming a powerful guiding coalition
3	Creating a vision and strategy
4	Communicating the vision
5	Empowering others to act on the vision
6	Planning for and creating short-term wins
7	Consolidating improvements and producing more change
8	Institutionalising new approaches

The first, and primary, frame used in the Institute's evaluation methodology comes from Kotter's *Leading Change*, which provided a widely accepted classification of the key stages in any transformation process. This model identifies eight 'steps' through which organisations must pass to achieve transformational change (see Figure 5, Kotter 1996). Kotter recognises that some of the steps towards transformation will be carried out in parallel and, crucially, that the appropriate approaches for each step will vary depending on the organisation's context and starting point. Equally, timescales for transformation may vary. Kotter's framework is widely regarded as providing an excellent overview of the key stages in transformational change and the Institute believed that it would provide a powerful way of clarifying where MoJ was in the transformation process, as well as a reliable means of assessing the transformation processes and related outputs that should be assessed.

Nonetheless, like all high-level frameworks, Kotter's framework has sometimes been criticised for its level of generality. The Institute for Government methodology therefore needed to find a way of identifying in a more granular way those organisational factors that were particularly important for each of Kotter's '8 steps' to transformation. The McKinsey '7-S' framework was selected for this purpose. The framework, which is widely used in management literature, shows the key interrelated factors that support organisational performance (skills, staff, shared values, style, structures, systems, strategy). For each of Kotter's '8 steps', the Institute evaluation team examined the importance of each of these seven factors. For example, when building a sense of urgency, literature suggests that it is critical that an organisation has people capable of assessing the internal and external environment (see Figure 6). Using the McKinsey '7-S' framework as a diagnostic tool for all of Kotter's '8 steps', shows us that:

- Skills and capabilities are vital at all stages of transformation, though exact skills required vary by stage.
- Cultural factors require consideration in early stages but achieving culture change (an area highlighted by Kotter) becomes critical in later stages of transformation.
- Systems are frequently a 'nice to have' in transformation in that they can aid the processes but they do grow in importance over the course of transformation.

**Figure 6: McKinsey's 7-S framework applied to Kotter's first step of 'Establishing a sense of urgency'**

	'7-S' characteristic	Importance	Rationale
Capabilities	Skills	✓✓✓	Important to have people capable of assessing the internal and external environment, drawing conclusions and taking action
	Staff	✓	Ability to bring in staff can help aid this process, as can the ability to remove staff (helping remove complacency)
Culture	Shared values	✓✓	Important to have shared values and goals as enables development of a less-complicated sense of urgency
	Style	✓✓	Important to have style in which organisation looks externally and openly acknowledges challenges and opportunities
Organisation	Structure	✓	Helpful for structure to be simple and connected, with minimal layers of management to aid communication
	Systems	✓	Helps to have systems to provide internal data and market / external environment intelligence
	Strategy	✓	Helpful if strategy exists and involves market intelligence, to provide initial prompt for transformation

Source: Gash and McCrae, forthcoming

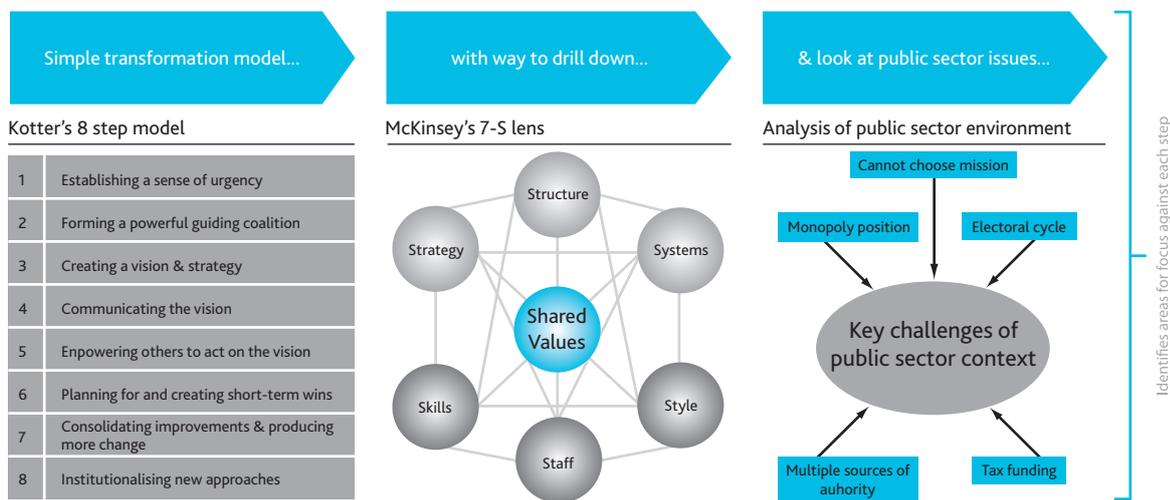
Both the Kotter and McKinsey frameworks were designed primarily with private sector organisations in mind. The Institute therefore needed to pay special attention to ensure that the evaluation concentrated sufficiently on monitoring risks to transformation that related to operating in the public sector context. Drawing on a range of sources (including Moore 1995; Allison 1979; Pollitt and Bouckaert 2004), the Institute identified a number of public sector-specific issues that were worthy of special attention (Gash and McCrae, forthcoming).<sup>8</sup> These issues all relate to fundamental differences between public and private sector organisations and originate in the nature of democratic processes. Differences include the facts that:

1. Public sector organisations **cannot choose their mission** according to what they do best but must perform the functions demanded by the electorate. This contributes to:
  - *Breadth of mission*, with organisations needing to reflect the demands of multiple interests.
  - The *absence of easily measurable performance indicators* owing to breadth of mission and public wants that are difficult to quantify.
2. Public sector organisations often hold a **monopoly** position. This can reduce organisational penalties for underperformance but it also:
  - Further complicates measurement of performance due to the *lack of comparator organisations*.
  - Increases *public scrutiny* of specific organisational decisions, as service beneficiaries cannot turn to alternative providers to meet their needs.
3. There are often **multiple sources of authority** and legitimacy within public sector organisations. Contested decision-making authority means that official departmental leadership does not directly 'control' delivery in a way that a private sector organisation does, and can create barriers for change. Three main areas of disputed legitimacy observed in the UK context are:
  - Democratic vs. expert authority. For example, UK politicians have constitutional authority for policy decisions and civil servants for the implementation of those decisions – but, in practice, dividing lines between 'policy' and 'operations' are blurred (Lodge and Rogers 2006).
  - Competing democratic sources of authority. For example, an organisation that gains its authority from its local democratic mandate may contest the legitimacy of a body that has a national democratic mandate to dictate policy or operational decisions, particularly where the law leaves room for interpretation.
  - Democratic vs. legal authority, due to the special constitutional position of the judiciary and the rule of law.

4. The availability of **tax funding** means that there is a lack of an absolute financial bottom line for government, although this issue applies more to government overall than departmental change. Governments can effectively be 'bailed out' by their electorates.
5. The **electoral cycle** can create artificial pressures on the timeframes for change in public sector bodies.

This frame examining the public sector environment was again mapped against Kotter's '8 steps' to transformation to identify which public sector-specific issues would be particularly relevant at each stage of the transformation journey (see Figure 7).

**Figure 7: Method for identifying areas for focus in the evaluation**



Clearly, a diagnostic methodology of this kind cannot be applied without a thorough understanding of the context and history of the organisation being evaluated, which in turn requires a thorough analysis of the organisation (see Section 5). For example, MoJ's transformation started in the run-up to a general election, which meant that more attention would be required on the impact of the electoral cycle than would have been the case at the start of a new administration. Similarly, the department had only recently been formed, increasing the likelihood that historic structural issues might affect progress. Critically, too, a methodology of this kind is essentially a 'live' tool for assessing progress and areas for focus will evolve as the transformation progresses. As will be seen, actions taken by management to achieve progress in one phase of transformation (mitigations) will affect which areas warrant additional focus in future as issues are resolved or trade-offs are made, which create new risks.

## Data and analysis

In order to assess progress made in each of Kotter's '8 steps' to transformation and to identify areas for focus on an ongoing basis, the Institute developed a wide range of data-gathering and analytical tools. The primary methods of data collection used to evaluate Transforming Justice were:

- Semi-structured interviews.
- Surveys.
- Documentation analysis.
- Observation of key internal meetings and events and informal discussions.

Further details regarding the design of these tools and their application to MoJ is found in Appendix 1, as well as in the Institute for Government's full write-up of this evaluation methodology (Gash and McCrae, forthcoming). It is worth noting here, however, that multiple data sources were used to assess progress in each stage of transformation, with data from these sources being triangulated to ensure that the conclusions drawn were robust and to gain additional insights by comparing discrepancies between different sources. Nonetheless, where possible, the Institute for Government drew heavily on data that was generated by MoJ in order to minimise the reporting burden for MoJ staff.

## Evaluation process

For its evaluation of Transforming Justice, the Institute has so far conducted two main primary research exercises that form the basis for this report:

1. A baseline assessment, which identified the initial areas for focus on which the evaluation would concentrate (May–July 2009).
2. A follow-up assessment, which gauged progress against areas for focus six months later (January–February 2010).

Since these exercises, the Institute has conducted additional documentation analysis in order to ensure that this interim report reflects the key developments related to Transforming Justice up to the date of the UK general election, 6 May 2010.

As noted, the Institute for Government methodology is distinct from many evaluation tools as it is not designed to sit entirely outside the change process that it is evaluating. Areas for focus that are identified through the evaluation are highlighted with those leading change and regular updates are provided on progress, with the aim of supporting managerial decision-making. Following each of the Institute's two major research exercises to date, key findings have been shared with the MoJ leadership. Findings from the first baseline assessment were presented to all MoJ directors in July 2009 and findings were discussed in detail with Jonathan Slater, Carolyn Downs (the Deputy Permanent Secretary) and Sir Suma Chakrabarti. Key messages from the second assessment were shared with those leading Transforming Justice programmes at a workshop on 1 March 2010, with time provided for leaders to reflect on and respond to the information provided.

## 5. Findings

At the time of writing, 6 May 2010, Transforming Justice remains in its relatively early stages. Major departmental transformations usually take place over a number of years and system reform occurs over still longer timeframes. To reflect this, the findings of this interim evaluation relate predominantly to the first steps of transformation, as defined by Kotter: establishing a sense of urgency, forming a guiding coalition and developing a vision and strategy. For each of these steps, this interim evaluation explains:

- The *areas for focus* identified in the Institute's baseline assessment in summer 2009.
- The *actions* taken to achieve progress in each area, and to mitigate key risks.
- The *progress* made to date *and enablers* of success, judged on changes observed between the Institute's baseline assessment (summer 2009) and its follow-up assessment in spring 2010.
- The *future areas of focus* suggested by the evaluation, based on the latest evaluation data and an assessment of the likely changes in MoJ's operating environment.

### Establishing a sense of urgency

#### Areas for focus

Talk of 'transformation' in MoJ began with the Permanent Secretary's conviction that 'business as usual' would not deliver the department's long-term goals, given the scale of budget reductions and performance challenges. However, while others shared this view, the department would need to confront a number of challenges if it was to build momentum for transformational change.<sup>9</sup>

First, there was the challenge of ensuring that leaders and staff had the skills to identify and understand the case for change.<sup>10</sup> While external assessments had highlighted the clear performance challenges shown above, the department also felt it had made significant progress, for example in meeting its targets for reducing re offending. This created the risk, common to most change initiatives, that some leaders and staff would feel that the current organisational trajectory would be adequate to meet future challenges (Kotter 2008). This risk was exacerbated by the public sector context in which MoJ operated. Whereas in the private sector financial problems lead to immediate pressure on budgets, the ability for governments to borrow and macro-economic considerations can lead to the situation where departments know that fiscal consolidation is coming, but also knowing that it may not happen for some years. What's more, even where leaders are clear that consolidation will happen in the relatively short term, complacency might be created by the tempting, if unrealistic, hope that the Treasury would understand the centrality of the department's activities and would exempt the department from severe budget reductions, imposing deeper reductions elsewhere.

Second, there was the challenge posed by the electoral cycle. Organisational transformation can only be achieved over a period of years and public sector system reform over longer timescales still. But Transforming Justice started at most 15 months before a general election would take place. In the run-up to the general election, the Ministry had to ensure that it was

not distracted from long-term challenges. The electoral cycle meant too that MoJ might shortly be given new political masters with potentially different priorities for the department. Indeed, if polls were to be believed then such a possibility was in fact a likelihood. When Transforming Justice began, Labour trailed the Conservatives by 12 points in the polls and a range of reports by Conservative Party supporters had advocated radical reform of the justice system (ICM 2010; CSJ 2009). This level of uncertainty about the future created the risk of the department adopting a 'wait and see' approach, which has been a common civil service response to previous pre-election periods (Hennessey 1989).<sup>11</sup>

A third challenge for establishing urgency was ensuring that the urgency surrounding cuts did not overshadow urgency for improvement. The absence of a public sector equivalent of the 'bottom line' means that while it is impossible for a private sector company to survive if it neglects the top-line (revenue), this is not the case for government departments (Moore 1995). As the current experience of California shows, it is perfectly conceivable, if not attractive, for a justice department to survive and meet cost targets primarily by reducing levels of service: for example, increasing queues for courts and legal aid, reducing supervision of ex-offenders on probation and increasing prison overcrowding.<sup>12</sup>

There was a fourth area for focus in establishing a sense of urgency for Transforming Justice. Urgency around change can dissipate without pace in defining the vision and strategy for any programme (Kotter 2008). As we will see, MoJ opted to adopt a collaborative approach to developing the vision and strategy for Transforming Justice in order to build a stronger coalition for change. Despite potential benefits in terms of coalition building, this approach created a potential risk for establishing a sense of urgency. Collaborative approaches can be more time-consuming than directive approaches to designing change plans, increasing risks to momentum and urgency.

**Figure 8: Key areas for focus in establishing sense of urgency**

Step	Areas for focus:		
	Kotter and 7-S's	Public sector context	Mitigations
1. <b>Establishing a sense of urgency.</b>	Staff may not have the <b>skills</b> to develop understanding of the case for change.	The <b>political cycle</b> may encourage a pause in activity due to pre-election uncertainty (or a focus on short-term initiatives). <b>Urgency may translate into a pure cuts focus, not a transformation agenda.</b>	Urgency can dissipate without <b>pace</b> in defining vision and strategy.

## Actions to establish a sense of urgency

*“We’ve got to live within our means, and that means that without transformational change, it will have an impact on our performance.”  
MoJ Director General, June 2009*

MoJ took a number of steps to establish a sense of urgency within the departmental leadership and to address the areas for focus highlighted above. To build understanding of the case for change, Jonathan Slater held a series of discussions with the Permanent Secretary, other directors general and directors about organisational challenges and the vision for the future (February–May 2009). In these discussions, Mr Slater highlighted the ideas for improving the justice and criminal justice system that had emerged from wider conversations with external experts, as well as sharing insights from other departments and experts on the process of achieving major change in government. From these discussions, Mr Slater’s team identified the ideas that had momentum and these lead ideas were discussed in a workshop with all directors (in July 2009). At this workshop, leaders both discussed ideas further and volunteered where they were happy to play a greater role in transformation. Following this workshop programmes were defined and lead responsibilities allocated to individual directors. In September, all Senior Civil Service (SCS) staff met to discuss and shape the overall portfolio and emerging programmes further.

Transforming Justice leaders took action to mitigate the risks attached to attempting major change late in the political cycle. First, the Transforming Justice leadership mentally divided programmes into two broad groups, described to evaluators as ‘should get on with now’ (‘back-office’ programmes and ‘enabler’ programmes) and ‘requires decision from a new administration’ (‘policy-related’ programmes). These groups of programmes were operated on different timescales. As detailed below, politicians granted permission to develop radical reform options and signalled this permission. For example, Jack Straw provided a short video for the Transforming Justice launch to all staff in November 2009, supporting the early thrust of the initiative:

*“Everybody in the Ministry works very hard... but we all know we can deliver better services and better value for money... There are bags of ideas, big and small, but which add up to a transformation. They’re here on the website.”*

The very existence of Transforming Justice and the seniority of the portfolio lead was a clear signal to the organisation about the importance attached to the improvement agenda, as well as cost reduction. The leadership built on this signal by producing a narrative for change, which promoted the aim of achieving ‘better justice and criminal justice for less cost’. Indeed, the initial focus of Transforming Justice explicitly excluded pure cost-reduction measures, with the aim of creating space to incubate ideas for improvement, leaving purely cost-focused measures to be driven by other parts of the department.

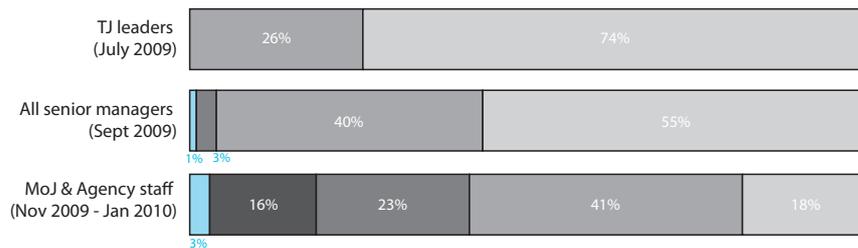
The department also sought to build a sense of urgency in the wider organisation. This was achieved through an internal communications campaign launched in November 2009, which explained the case for change and asked for staff across the Ministry and its agencies to provide their reactions and volunteer for greater involvement.

## Progress and enablers for establishing a sense of urgency

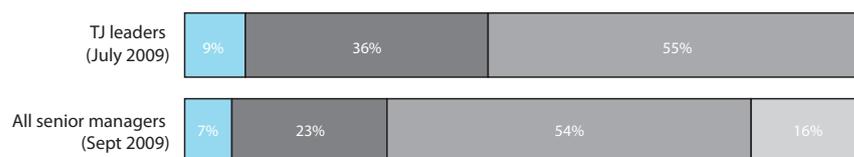
The MoJ leadership quickly recognised the need to change and, by July 2009, all those most closely involved with developing Transforming Justice agreed or strongly agreed with the statement “we need to fundamentally change the way we operate to ensure our future success” (Figure 9). Leaders were also confident that others recognised the need for change, although respondents tended to feel that the department had less awareness of challenges than they had personally. Interviews suggested that this difference was partly due to leaders feeling less confident that front-line and junior departmental staff would be as aware of the high-level strategic challenges faced by the department. This was not simply an actor-observer bias.<sup>13</sup> A ‘pulse check’ of all MoJ staff in between November 2009 and February 2010 showed that almost a fifth (19%) of MoJ and agency staff surveyed disagreed or strongly disagreed with the view that the department needed to fundamentally change the way it operated (see Figure 9).

**Figure 9: Initial urgency for major change in MoJ**

Q. We need to fundamentally change the way we operate to ensure our future success



Q. There is strong recognition in the department that we need to change



Q. Most people in my business area understand the need to change the way we operate



Legend: ■ strongly disagree ■ disagree ■ don't know ■ agree ■ strongly agree

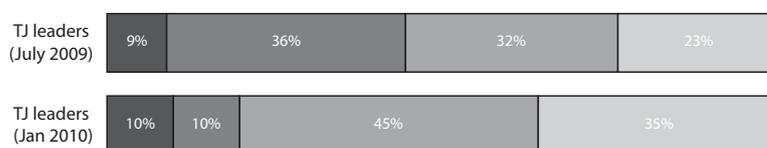
Sources: July 2009 survey of 26 Transforming Justice leaders most closely involved (including the Board), n = 23 (88%); September 2009 survey of all MoJ SCS, n = 128; winter 2009 web survey of 549 MoJ staff (sample)

Note: Not all figures sum to 100% due to rounding.

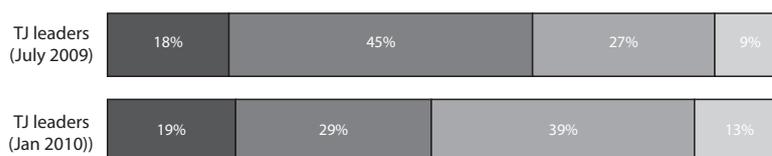
There was eagerness for action among senior leaders, too, which was maintained and even increased slightly between June 2009 and January 2010 (see Figure 10). In July 2009, 55% of those most closely involved in leading Transforming Justice agreed or strongly agreed that there was “a sense of urgency in my area about delivering change”. By January 2010, that proportion was up to 80%, and the belief that others recognised the need for action had also increased slightly.<sup>14</sup>

**Figure 10: Change in urgency for major change in MoJ**

Q. There is a sense of urgency in my area about delivering change



Q. People in other areas recognize that change is urgently needed



Legend: strongly disagree (light blue), disagree (dark blue), don't know (grey), agree (medium grey), strongly agree (light grey)

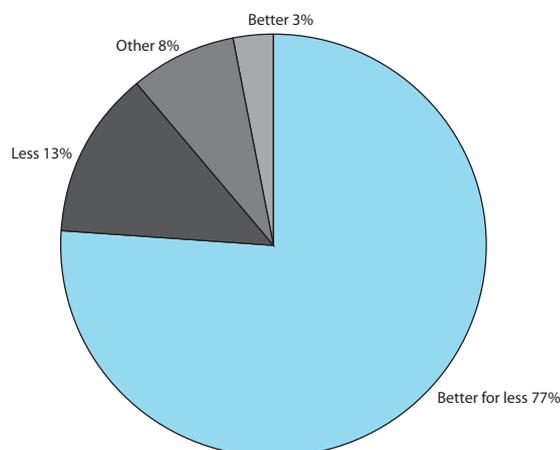
Sources: July 2009 survey of 26 Transforming Justice leaders most closely involved (including the Board), n = 23 (88%); January 2010 survey of 31 Transforming Justice leaders most closely involved (including the Board), n = 31 (100%)

This high level of support for fundamental change and the desire for rapid action was accompanied by a clear sense across the leadership that Transforming Justice should be about improvement as well as efficiency. In June 2009, interviews with leaders revealed significant diversity of views regarding the primary vision for Transforming Justice, but by January 2010 the vast majority (77%) of the senior leaders were using the term 'better for less' or similar (Figure 11). Documentation detailing the content of the 10 Transforming Justice programmes reinforced the emphasis on improvement as well as efficiency, while also reflecting the differential approach to changes requiring decision from a new administration and steps that could be implemented more immediately.

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**Figure 11: Top-level vision of Transforming Justice leaders, January 2010**

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Source: Interviews with senior leaders most involved in Transforming Justice, January 2010 (n = 39)

Transforming Justice leaders generally agreed that the most effective measures for increasing urgency had been:

- Having a dedicated Transforming Justice leader at Board level. Jonathan Slater was seen as a clear advocate for change, as having a major stake in achieving positive outcomes for the portfolio and as capable of convincing others of the case for action.
- Engaging with directors and deputy directors in designing the portfolio and assigning clear accountability for individual programmes to those levels. Again, accountability was seen as a vital way of ensuring urgency. As seen above, the evaluation team observed an increase in urgency as more people were assigned responsibility for specific parts of the portfolio. This point appears highly significant for others seeking to deliver major change and is often highlighted in management literature, although it should be noted that unclear dispersed accountability is not advocated. The change management literature also suggests that because Transforming Justice leaders were not isolated within a central change team (most had other line management responsibilities) urgency might be more likely to translate into change in the future (Kotter 2008).<sup>15</sup>
- Reiterating the case for change in rational terms and, in particular, highlighting likely spending constraints for the department. Given the analytical mind-set of many senior civil servants, presenting the rational analysis of the case for change was seen to reinforce urgency.

The evaluation team also observed that the communications launch for Transforming Justice in November 2009 increased urgency for action. Those who responded to the department's efforts to recruit change advocates across the system acted as a powerful pressure for the department to clarify the details of Transforming Justice, as in return for their support they expected clarity on what they were being asked to contribute.

## Areas for future focus

While excellent progress has been made in establishing a sense of urgency for Transforming Justice, there are two issues that could potentially threaten this progress, both of which the evaluation team will be monitoring closely.

First, urgency may be undermined if the programmes developed in Transforming Justice are no longer seen as the main vehicle for meeting the department's fiscal challenge. To date, much of the urgency for Transforming Justice has been the result of the portfolio's association with the fiscal challenge but, since late 2009, it has become increasingly clear that Transforming Justice programmes may not be able to deliver sufficient savings quickly enough to meet likely budget constraints. February 2010 documentation showed that the maximum estimated savings from Transforming Justice activities were in the high hundreds of millions – a considerable amount. But, by this date, external experts like the Institute for Fiscal Studies were suggesting that MoJ's budget reductions would need to be up to twice this scale. Latest documentation showed that the additional Transforming Justice savings had been identified, with top-range estimates suggesting total savings of above £1bn but, again, such savings may not be sufficient. These facts have made it increasingly apparent to the Transforming Justice leadership that MoJ might need to reduce expenditure through more traditional methods, in addition to the options for change in Transforming Justice that were often described as 'better for less'. As a director general noted in March 2010:

*"It's clear that Transforming Justice will get us a lot – but it won't get us all the savings we may need. Some things will be better for less but in some areas we may have to deliver the same for less, or even less for less."*

In this context, the leadership is considering whether and how it can maintain the sense of urgency around the truly transformational elements of Transforming Justice, and are weighing the risk that MoJ's focus might shift towards more traditional cost-reduction efforts. Achieving an appropriate balance will clearly not be straightforward. Leaders recognise that straightforward efficiency measures may be required but appreciate too that enthusiasm for Transforming Justice is partly a result of its focus on improvement.

The second challenge to urgency remains the issue of pace in defining the vision and strategy for Transforming Justice. Post-election, ministers will expect Transforming Justice plans to be sufficiently advanced to enable rapid delivery of expenditure reductions and sufficiently flexible to ensure delivery of their political agenda. If specific Transforming Justice business plans or the overall portfolio are not seen as sufficiently advanced, there is a risk that Transforming Justice will not be seen as the vehicle through which major change will be driven – with, for example, the department opting to meet the fiscal challenge by reducing Business Group budgets rather than seeking to find savings across Business Group boundaries. MoJ have taken a wide range of actions to ensure progress on vision and strategy, and details of the current progress are found below (section 5.3).

### Establishing a sense of urgency: key findings

- Urgency for change was established early and has increased. Urgency has successfully been focused on improvement as well as efficiency.
- As in many organisations, front-line staff were less convinced of the need for major change in the justice system than those working at senior levels in the central department, although there were still many front-line advocates for change.
- Having a dedicated, board-level transformation lead and ensuring director-level leaders were accountable for developing change plans contributed to the sense of urgency around Transforming Justice.
- Much of the urgency generated is a result of anticipated fiscal pressures. Can urgency for Transforming Justice be maintained if the portfolio is not seen as the vehicle for delivering the bulk of anticipated expenditure reductions?

### Forming a guiding coalition

*[In November 2008] the Capability Review team also thought that there was more to do to embed the narrative throughout the Department, explaining its purpose and the added value derived from being a single Ministry of Justice.”*  
(MOJ, 2009c)

### Areas for focus

MoJ faced two key challenges in building the leadership coalition for Transforming Justice. First, MoJ was a post-merger organisation with a diverse set of structures and organisational cultures embedded within the new department.<sup>16</sup> More specifically, the department was still working out how the relationships between the department and the main executive agencies would operate – and which decisions would be made at each level. The challenges of creating a new relationship were increased by the fact that the board members representing the department’s biggest areas of expenditure had all been part of the MoJ’s predecessor organisations. Research evidence suggests that it takes at least two years for a department to settle after major restructuring and three or more for benefits of restructuring to be realised (Dunleavy and White, forthcoming).

Second, MoJ faced a challenge common to many government departments. Due to the breadth of the departmental mission, many of those who would need to lead justice system change were not within an organisational line management relationship. Improving justice and criminal justice requires leadership and consent from a range of groups, including:

- *The judiciary and magistrates:* The judiciary and magistrates have a special constitutional position independent from direct political control but their practices and decisions have a major impact on justice costs and outcomes – for example through the impact of sentencing decisions on prison numbers, or trial practices on the costs of Government’s bill for legal aid. Radical change in the justice system would not be possible without judicial support. The English judiciary have sufficient de facto powers to delay reforms that they do not support for substantial periods (through legal challenges) and sufficient influence to undermine support for the government in certain policy areas.<sup>17,18</sup>
- *Unions:* The Prison Officer’s Association (POA) and National Association of Probation Officers (NAPO) would need to accept changes or, again, changes would be delayed and/or difficult political decisions would be required. The POA has a ‘no-strike agreement’ with Government but the union’s relationship with Government has deteriorated and the POA staged a one-day strike over pay in 2007, which was ended by legal injunction. NAPO is currently actively campaigning against aspects of existing MoJ policy – for example, by advocating the separation of the management structures for prison and probation services, which currently are amalgamated in the National Offender Management Service (NOMS).
- *Other government departments (OGDs):* The complex nature of MoJ’s objectives means that the actions of other government departments have a significant influence on MoJ’s outcomes. For example, the prison population is strongly driven by levels of police activity and re offending rates are impacted by policy and operational effectiveness in employment, health, housing and many other areas (SETF 2006). In our early interviews, one director-general even went as far as to suggest that “MoJ is the department that picks up the pieces when other departments have let people fall through the cracks”. The challenge of coordinating policy across government departments is well documented, and a series of Institute for Government studies have shown that UK government structures, incentives and culture all act to militate against effective action on cross-cutting policy issues, such as reducing crime (Gash et al 2008; Parker et al 2010).
- *Local government and other local agencies:* While many of MoJ’s large delivery bodies are remarkably centralised in terms of both managerial and political control, many agencies with which they work are subject to greater local political and managerial control. Work on re offending, for example, involves services such as social services and housing which are directly controlled by local government, while other important bodies such as NHS trusts operate with alternative more localised governance arrangements. It is commonly observed that local priorities do not always align with national ones, and MoJ would need to consider how local areas would receive and respond to changes. At a time of contracting budgets, it is possible that it will be more important than ever to ensure that local agencies buy into proposed changes, given that resources and time may be more limited.

Perhaps most importantly, *politicians* would need to actively lead any system change. While the civil service is constitutionally responsible (and independent) when it comes to operational issues, policy decisions are made by politicians with decisions based on political acceptability as well as empirical evidence of effectiveness. The importance of political leadership in relation to justice system change is arguably even greater than in other policy areas, given the need to secure the cooperation of the interest groups mentioned above and of the wider public. The timing of Transforming Justice in the electoral cycle (combined with the UK’s tendency for high turnover in senior political posts) added additional challenges. Long-term change efforts would likely be driven by a number of different Justice Secretaries, but each would want to shape the change agenda. In the short term, it would also be unwise to embark on radical new policy directions, which might be reversed by a new Justice Secretary post-election.

These factors all implied that Transforming Justice would need to form both broader and more diverse leadership coalitions than would be common in many change efforts (see Figure 12).

**Figure 12: Key areas for focus for forming the guiding coalition**

Step	Areas for focus:		
	Kotter and 7-S's	Public sector context	Mitigations
2. Guiding coalition.	Historic MoJ structures and styles have left a diverse environment which may create barriers to coalition formation.	The political environment requires broad coalitions (e.g. politicians, local agencies, unions, judiciary, OGDs) to achieve transformational change in the CJS and beyond.	N.A.

## Actions to form the guiding coalition

*“If we are to meet these challenges and seize the opportunities it is essential we become a coherent leadership team that works together to drive the transformation programme.” Sir Suma Chakrabarti, MoJ Permanent Secretary, Directors’ Workshop, 13 July 2009*

From the outset, Jonathan Slater focused on building a broad coalition for change, aiming to ensure that this group included influential directors from across MoJ’s five business groups. As noted above, influential potential advocates for system change were identified from across MoJ and drawn into the process of designing transformation plans. Ownership was nurtured by assigning responsibility for specific programmes. Events provided opportunities for leaders to engage and take ownership, with the Senior Leaders’ Workshop meeting in July and Senior Civil Service (SCS) Workshop in September being notable examples.

Programmes were particularly likely to be included within the Transforming Justice portfolio if they impacted on multiple business groups – and several programme teams comprised people with backgrounds in different business groups and agencies. From July onwards, increased efforts were made to protect the time of those most closely involved in Transforming Justice from other commitments, with the department back-filling a number of Deputy Director posts to allow dedicated individuals to manage programme activity on a day-to-day basis. To develop ownership and improve coordination of activity across programmes, the central Portfolio Office provided regular opportunities for this group to meet and to discuss the overall approach.

From November 2009, increased efforts were made to connect to the enthusiasm and expertise of those working nearer to the front line of justice services. MoJ staff who wanted to become more involved in change efforts were invited to sign up online as ‘Transformers’, who would be invited to provide ideas, act as a testing ground for early propositions and work on emerging initiatives. In March, Sir Suma Chakrabarti and Jonathan Slater held a web-chat with all staff to explain Transforming Justice to staff across MoJ and its agencies – an event that was followed by a series of ‘roadshows’ in which senior MoJ staff will visit all parts of the country. In addition to these engagement plans, efforts were made to engage a range of local actors in transformation.

A range of steps were taken to build the support and engagement of key actors across justice:

- MoJ had ongoing interactions with the *judiciary and magistrates* as part of its daily business. The Democracy, Constitution and Law Business Group (DCL) has a clear process for engaging with the judiciary on major departmental change, although current engagement does not cover all aspects of the changes that may result from Transforming Justice. A number of private discussions have been held with select individuals to understand judicial priorities and concerns.
- *Unions* were made aware of Transforming Justice at a high level. Leaders noted that details of individual programmes would be shared once their potential implications for the workforce are clearer.

- *Other Government Departments (OGDs)*: Discussions with other government departments have primarily taken place through existing formal structures, and through personal contacts between those working on programmes and those working in related areas in OGDs. Although MoJ is taking some steps (e.g. working with the Home Office to ensure that ministers in both departments receive common briefings post-election), it has largely confined itself to traditional engagement with other Whitehall departments, and not attempted to engage them heavily in its internal thinking about Transforming Justice. This is in contrast to the quite radical approach it has taken to engaging its own staff in the transformation process.
- *Local government*: MoJ has supported a number of ‘experiments’ and projects for improving justice and criminal justice outcomes at a local level. MoJ experimented with a range of methods for supporting local innovation, many of which involved bringing actors from MoJ’s local bodies and other local agencies (including local authority directors and chief executives) together to collectively identify problems and potential improvement initiatives. MoJ is working with the Institute for Government to evaluate a number of these approaches, with a view to supporting methodologies that are cost effective across the country (Blatchford and McCrae, forthcoming). In addition, one of the Transforming Justice programmes (‘Incentivising Local Delivery’) is explicitly considering the incentives operating on local government in relation to justice issues, with a view to influencing and building involvement of local leaders in transformation efforts.
- *Politicians*: The Permanent Secretary and Director General, Transformation, sought early permission from the Secretary of State to prepare for major changes. In addition, prior to any general election, opposition ministers are allowed some access to senior government officials in order to ensure that any possible transition can take place without unnecessary disruption to the workings of government.<sup>19</sup> These opportunities have been taken. However, the protocols governing these meetings are relatively restrictive, with the officials required to be in listening mode.

The Transforming Justice portfolio office keeps track of high-level stakeholder risks, while stakeholder engagement approaches are primarily driven at the programme level.

### **Progress and enablers for forming the guiding coalition**

There has been significant progress in forming the coalition for Transforming Justice. In early July, before the Directors’ Workshop, Institute for Government staff interviewed senior leaders. At that stage, the leadership for transformation was primarily associated with Jonathan Slater, with many directors also identifying the Permanent Secretary and Deputy Permanent Secretary of the department as part of the leadership coalition. Directors were looking to the Board to provide leadership but did not always appear to recognise their role in leading change. One director summarised a viewpoint that was heard repeatedly in Institute for Government interviews in July 2009: “We’re doing the right thing but... we haven’t built that [leadership] coalition yet”. The Board, meanwhile, felt that they had given clear permission for Jonathan Slater and the Director group to develop change propositions and were also contributing direction and ideas to the developing programmes.

By January 2010, the leadership coalition had developed considerably. The directors leading programmes (and a handful of directors who were providing overall support to the Transforming Justice portfolio) had formed a clear informal group. Members of this group both identified themselves as having shared responsibility for Transforming Justice and identified others within the group as providing leadership for change efforts. At the same time, deputy directors felt personally accountable for specific programmes and expressed a strong interest in the development of Transforming Justice overall – demonstrating a sense of collective as well as personal responsibility for change. In an early 2010 workshop attended by many of these directors and deputy directors, one director observed:

*“We’ve got to do this. No one else is going to do this for us.”*

Given MoJ’s history, this clear coalition of around 20 senior civil servants coming from across MoJ’s business groups, represents a remarkable achievement for Transforming Justice – and one that will promote overall organisational effectiveness as well as delivery against programmes. As the majority of leaders had pointed out six months earlier, working across MoJ would be essential to improving performance: “We need to be much more user-focused – see things through the eyes of the customer and the customer’s journey through the system,” noted one director.

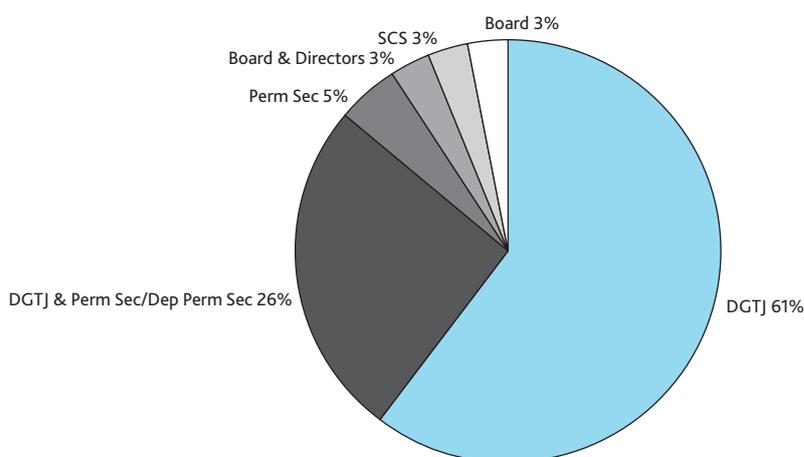
By 2010, the top level of leadership was also clearly identified. Jonathan Slater remained closely identified with the leadership of the change portfolio, with the Permanent Secretary and Deputy Permanent Secretary also frequently cited in response to the question “who leads Transforming Justice?” (see Figure 13).

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**Figure 13: Views on Transforming Justice leadership**

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Q. “Who leads Transforming Justice?”

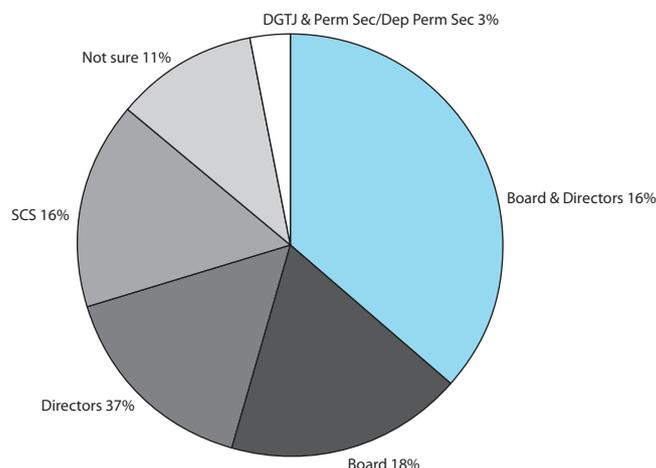


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### Figure 13 (cont.): Views on Transforming Justice leadership

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[Follow up to previous question] “Who is the wider leadership coalition?”



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Source: Institute for Government interviews of 39 senior leaders in January 2010

Note: Interviewees generally used the terms 'directors' and 'SCS' to refer to those directors and senior civil servants leading Transforming Justice programmes

In addition to this mainly London-based leadership coalition, a number of local leaders and other staff have become more engaged in Transforming Justice, as a result of both local experiments and MoJ's engagement approach. By February 2010, over 1,000 MoJ and agency staff had signed up as 'Transformers'.<sup>20</sup> Transformers are now pushing the pace of action in Transforming Justice and are eager to support change efforts (see Figure 14).

### Figure 14: Extract from MoJ Transforming Justice web-chat

**Transformer (from a Category C prison):** Hi Suma and Jonathon [sic], I registered early on as a transformer yet I am still waiting to get involved at grass roots level. I did hear that there was going to be local meetings to 'put us in the picture' is this still happening?

**Jonathan Slater:** [name], you will shortly be receiving an invitation to a Roadshow in your area either in Birmingham on the 15th April or Milton Keynes the following day. I am doing the first one next week. I look forward to meeting you soon.

In terms of forming the change coalition beyond the department, there has also been progress:

- *Politicians*: Jack Straw gave clear permission for Transforming Justice to develop propositions for post-election change and provided a statement of support for the Transforming Justice launch. The views of the opposition parties will only be effectively tested if elected to office, but they have welcomed thinking about how justice could be delivered more efficiently and effectively in future.
- *Local government*: Engagement with local government has been primarily through local 'experiments', which have strengthened connections between various local leaders as well as knowledge and understanding of justice issues (Blatchford and McCrae forthcoming). If successful, a number of these experiments might lead to increased confidence within the department that many justice and criminal justice problems are best solved at a local level. Currently, however, the model for developing Transforming Justice propositions remains largely a 'top-down' model of centrally designed solutions, which is traditional practice for government in the UK and has been characteristic of major change programmes in MoJ's predecessor organisations.
- *Other Government Departments (OGDs)*: Discussions with senior officials in OGDs with an interest in justice issues (e.g. Home Office, DCSF and DWP) show that departments are aware that Transforming Justice is taking place. Some Transforming Justice programmes have sought closer involvement of specific OGD officials, with contacts usually based on the pre-existing personal relationships rather than any formal processes or governance. Overall, Transforming Justice has therefore used a broadly traditional Whitehall approach to engaging other departments in change efforts, with propositions usually being developed to a reasonable degree of detail prior to seeking major input from OGDs.
- *Unions and Judiciary*: The evaluation team has limited information on the awareness and understanding of Transforming Justice in unions and the judiciary but we are aware that the portfolio is in the early stages of developing a strategy to engage with these stakeholders (and some programmes are also developing approaches).

Progress in building the coalition for change beyond the central department is noticeably less advanced than the progress in building the internal coalition. However, the extent to which the department could have made more progress in this area, and particularly in relation to union and judicial engagement, is debatable. Broad, public discussions about difficult long-term decisions risked creating upheaval in the run-up to an election, a highly sensitive political period – and such discussion could not take place without very active involvement from the political level.

Interviewees perceived the key success factors in forming the coalition to be:

- The personal style and relationships of the Director General, Transformation, Jonathan Slater. Feedback from workshop events suggested that Jonathan's personal communication style was able to generate positive responses and his seniority and connections ensured that he was able to engage openly on issues with the most senior levels of the organisation.
- The decision to follow momentum and secure ownership at director level, where energy and time for transformation enabled day-to-day leadership of Transforming Justice programmes. As noted, the evaluation team observed a high degree of energy and enthusiasm within this group, as well as open engagement with each other on the main challenges that the portfolio would need to overcome to achieve results.
- Where applied, freeing deputy directors from other commitments to provide day-to-day leadership of programmes. Prior to freeing up time from other commitments, deputy directors suggested to evaluators that other commitments prevented them from providing the day-to-day leadership of projects and programmes that they believed was required to make progress.

### **Areas for future focus**

The major challenge for building the guiding coalition internally appears to be clarifying and strengthening how the various 'layers' of the leadership coalition relate to each other. The Board have clearly signalled the need for transformation and the core group of directors and deputy directors have driven towards the creation of business plans, which were presented to the Board in April 2010. The Board response to these plans will dictate the nature of their relationship with the core group – and will crystallise respective roles, responsibilities and relationships.

This challenge for the internal coalition is increased by the need to adapt to a major initiative announced in the December 2009 *Smarter Government White Paper*, which committed to savings of £100m from reducing the size of the SCS – a goal that translated into departmental plans for reductions of at least 20% in SCS staff over three years (CO 2009). These plans are likely to be maintained or increased by any party in the post-election period. If such initiatives result in loss of staff from the Transforming Justice leadership coalition, this could have a significant impact on this group's influence, cohesion and enthusiasm for change.

Another challenge for further strengthening the internal coalition relates to apparent cultural differences between those with operational backgrounds and those with policy backgrounds. As detailed below, within the cross-MoJ coalition that has formed, there are some differences of opinion on priorities and approach to Transforming Justice. But interviews revealed, contrary to expectations, major differences of view were not between those from different business groups but between those with different skill-sets and experience. The divide between those with policy and those with operational background emerged as the main cultural split within the department, a situation that is replicated in most Whitehall departments (Parker et al 2010). Policy remains the most valued skill-set for progression to senior levels in the civil service – and the civil service undervalues operational expertise. But there is also an increasingly confident and vocal cadre of operational managers operating at senior levels, in part due to a significant increase in external appointments into the civil service.

While small steps have been taken, there will need to be a major focus on growing the diverse coalition required to deliver system change post-election. A new administration with a political mandate will need to make difficult decisions – but, if clear, this mandate can also allow more active engagement with groups like the unions and the judiciary.

### Forming a guiding coalition: key findings

- Transforming Justice has formed a cross-Moj leadership coalition, a considerable achievement given the department's recent formation and its historic reluctance to resolve issues through cross-departmental cooperation.
- Leadership has been effectively distributed across Moj's senior management, with the Board giving permission for a cohesive leadership group (which includes the DG Transformation and around 20 directors/deputy directors) to drive planning and delivery.
- Efforts have been made to engage with the broad coalition of actors whose consent is essential for Transforming Justice to succeed (politicians, local agencies, other government departments, the judiciary and unions). However, progress in building the external coalition has been limited by the political risks of entering potentially difficult discussions in the sensitive pre-election period.
- Transforming Justice is now entering a critical period in terms of clarifying the roles of different 'layers' of the current leadership coalition. The Board's role will be dictated by how they respond to the business plans submitted by Transforming Justice in April. With ministers, the Board must demonstrate their leadership by making difficult decisions about which elements of Transforming Justice (and other change initiatives) should be stopped, and which should be developed and/or implemented – and ensure that these plans are built into strategy and budgetary changes for line managers.
- Post-election, further engagement with Moj's external stakeholders will be required, which will require political ownership of the transformation agenda.

## Creating a vision and strategy

### Areas for focus

According to Kotter, successful transformation rests on “a picture of the future that is relatively easy to communicate and appeals to customers, stockholders, and employees. A vision helps clarify the direction in which an organization needs to move” (Kotter 1996). This vision, he argues, helps to motivate, to build alignment between change projects, and to evaluate success. Kotter argues for simplicity of vision: “A useful rule of thumb: if you can’t communicate the vision to someone in five minutes or less and get a reaction that signifies both understanding and interest, you are not yet done with this phase of the transformation process” (Kotter 1996). For Kotter, a change plan or strategy must be closely aligned to the vision that is developed – with consistency and coherence being critical for success.

Moj faced a number of challenges for creating a clear vision and strategy. Most noticeably, because it was a new department, Moj lacked a commonly understood strategic framework for thinking about justice issues. People within the department had clear frameworks for thinking about the parts of the system associated with Moj’s predecessor organisations (for example, the Prisons Service or Courts) and some individuals had mental frameworks for considering the justice system overall – but at this stage of Moj’s development there was no common conceptual framework from which Transforming Justice propositions could be developed. Added to this challenge, information systems did not yet connect across the Ministry. In practice, it was difficult to track many more complex cases (particularly criminal cases) from commencement to resolution. Different data systems focused on different entities – with some tracking cases and others individuals. This meant that, in general, policy-makers in the department were not able to use operational data for policy decisions and relied instead on models that estimated system flows and impacts. In addition, the evidence base for ‘what works’ in driving the outcomes that Moj is responsible for (such as ‘strengthening democracy’ or ‘protecting the public and reducing re offending’) is notoriously weak. As one director said in July 2009:

*“There is a feeling that people still lack a quality evidence base for deciding why and what and how transformation should be conducted.”*

These challenges for developing a clear vision and strategy were arguably increased by the initial approach taken to developing Transforming Justice. In order to build the broad coalition that was required to drive transformation, programmes were defined relatively quickly, with the aim of engaging leaders. Programmes were agreed following discussions and workshops about the nature of the challenges the Moj faced and the areas where there were promising ideas for change – rather than as a result of any substantial ‘top-down’ analysis of how Moj’s activities, costs and outcomes related to each other. This approach increased the standard challenges of coordinating multiple programmes within an overarching portfolio – for example, risks of double-counting benefits, risks to coherence for line managers who will deliver changes and risks in terms of omission of potential opportunities. These risks for developing a ‘single version of the truth’ were exacerbated by the large number of pre-existing change programmes and initiatives operating within Moj and its business groups. At the start of Transforming Justice, no one in the department knew the full extent of the change activity taking place across the Ministry.

An additional area for focus in creating the vision and strategy emerged as a result of the public sector context – and particularly the fact that radical change was being contemplated at a sensitive stage in the political cycle. Public scrutiny of MoJ meant that leaks of radical ideas, however provisional, could become a political story – and could result in pressure on ministers to commit to or deny a particular policy before the full implications of the policy had been calculated. This risk could create practical difficulties, particularly if officials opted to avoid documenting radical change options being discussed within the department (see Figure 15).

**Figure 15: Creating a vision and strategy**

Step	Areas for focus:		
	Kotter and 7-S's	Public sector context	Mitigations
3. Creating a visions and strategy.	Historic lack of system-wide strategic framework and cross-Moj IT and data systems needs to be overcome.	Public scrutiny makes it more difficult to document and discuss radical change.	Taking participative approach to developing vision and strategy in mitigation of need to build coalition in diverse environment. This creates risk that the department cannot agree a single version of the truth to underpin the vision and strategy.

### **Actions to develop the vision and strategy**

Transforming Justice took a number of steps to ensure a coherent vision and strategy and address these areas for focus. With a view to developing a shared view of the portfolio's ambitions, Jonathan Slater focused early efforts on creating a narrative vision for change in the department. This aimed to motivate change agents within the system and to provide a mechanism for nurturing a common set of assumptions about the areas where change was urgently required. The narrative for Transforming Justice has been through a number of iterations but has so far retained a consistent focus on improvement as well as efficiency.<sup>21</sup>

Transforming Justice leaders also acted to address the analytical challenge of achieving coherence across the programmes. Before and during Transforming Justice, the Ministry has brought in high-calibre analytical specialists – many coming from a department that was recognised as being particularly strong at generating operational data that could be used for policy decisions. These specialists, who were recruited into leadership positions, in turn, invested in increased analytical capability in the form of a small number of additional analytical staff and

a change in staff mix. These analytical teams sought to strengthen the department’s models that estimated flows of people and costs across the justice system and to develop a common set of assumptions from which Transforming Justice programmes could estimate the benefits of their early proposals. In parallel, the Ministry sought to tackle long-term data and systems problems, as evidenced by the inclusion of a ‘management information’ programme within the overall Transforming Justice portfolio. Further, the Ministry attempted to employ a common approach to evaluating the local Transforming Justice ‘experiments’, working with the Institute for Government.

Leaders also recognised the need to coordinate the activities emerging from programmes with the change activity already taking place across the department. As a result, from November 2009 to February 2010, the Portfolio Office conducted a ‘change audit’ to assemble an overview of all these activities, with a view to enabling Board members to take decisions on activities that could be stopped, merged or expanded to support transformation.

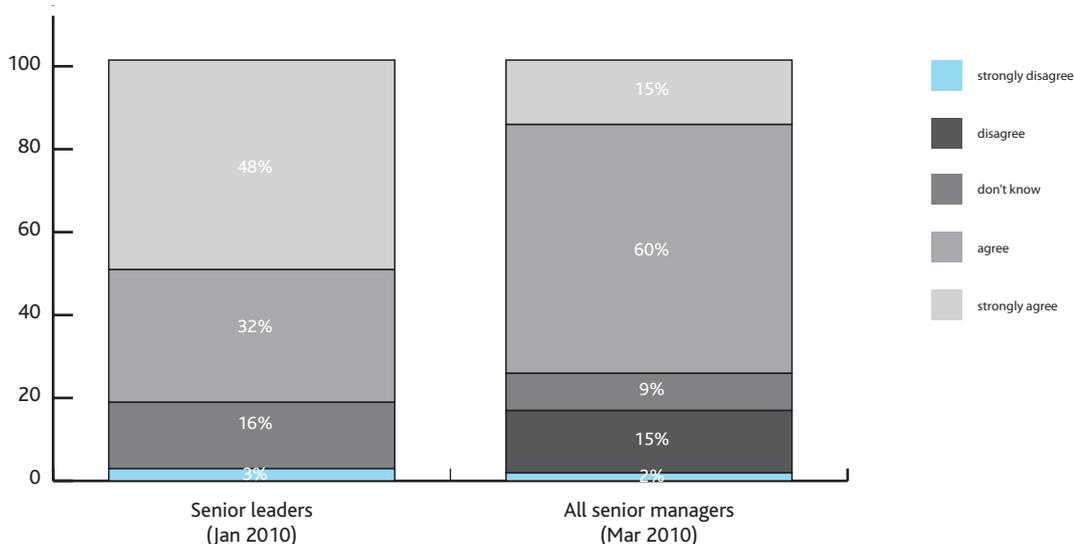
Appropriate safeguards have been taken to control access to sensitive material in planning for Transforming Justice. However, the Transforming Justice leaders have resisted the temptation to be excessively risk adverse, and have not been prevented from openly discussing and documenting radical options for change.

### Progress and enablers for developing a vision and strategy

As noted above, by January 2010, leaders most involved in Transforming Justice generally shared the view that Transforming Justice had a vision of achieving ‘better for less’ across the justice system. In addition, the leadership group claimed a clear understanding of the vision for Transforming Justice (see Figure 16).

**Figure 16: Transforming Justice leaders understanding of the vision**

Q. “I have a clear understanding of the vision for Transforming Justice.”



Sources: January 2010 survey of 31 Transforming Justice leaders most closely involved (including the Board), n = 31 (100%); March 2010 survey of 114 Senior Civil Servants

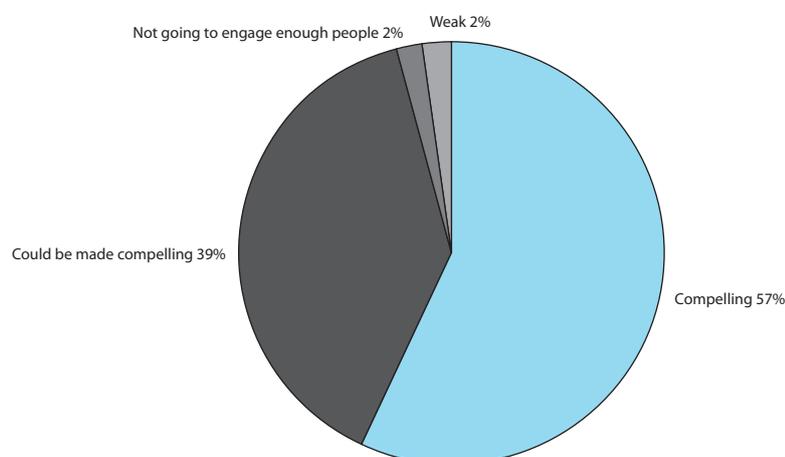
The senior management overall was also largely convinced by the narrative vision for Transforming Justice. After a presentation by Transforming Justice leaders to all MoJ's SCS staff in September 2009, the vast majority of attendees found the case for transformation that was presented to be compelling or felt it could be made compelling (Figure 17). Interviews in January 2010 confirmed this view, with leaders typically accepting that Transforming Justice was covering many of the areas where change was urgently needed.

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**Figure 17: Senior Civil Service views on early Transforming Justice narrative**

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Q. "Do you find the case for transformation compelling? Would it engage your people?"

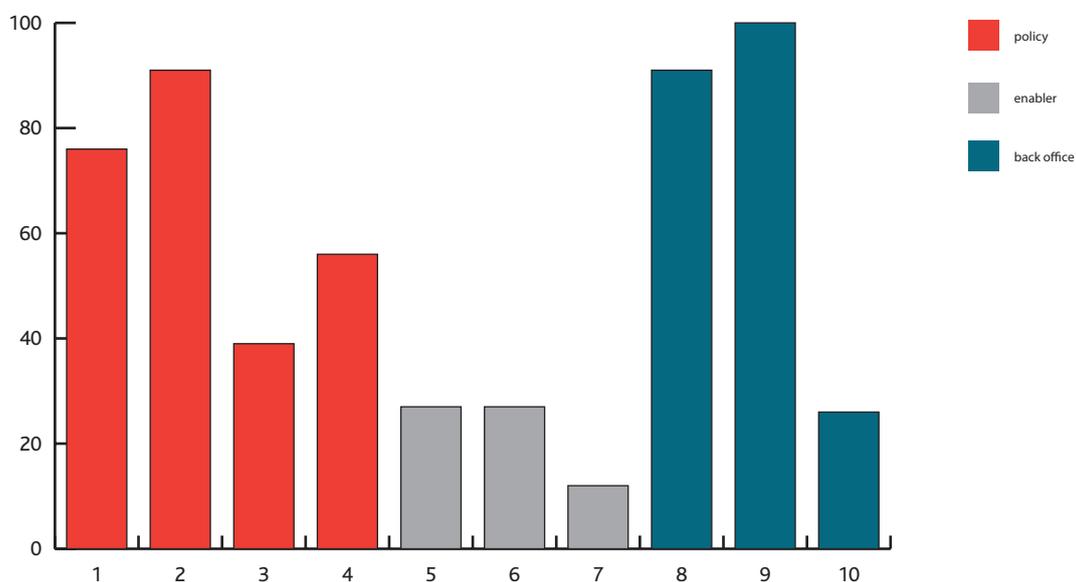


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Source: SCS feedback on narrative presented at September SCS Conference, 2009, n = 124

In terms of strategy, all Transforming Justice programmes presented initial proposals to the Transforming Justice Committee in October 2009 and by February 2010 all programmes were able to provide a first estimate of potential benefits, albeit often at a very high level and with high levels of uncertainty. By May 2010, three of the ten programmes had submitted a more detailed business case to the Transforming Justice Committee (Shared services, Estates, and Civil and family diversion), which included estimates of costs and benefits. The remaining seven programmes are in various stages of development, as seen in Figure 18, which is based on the Institute's strategy ranking evaluation.<sup>22</sup> From this evaluation, it is clear that, overall, policy-related programmes and those focused on improving back-office functions are more fully developed than Transforming Justice 'enabler' programmes.

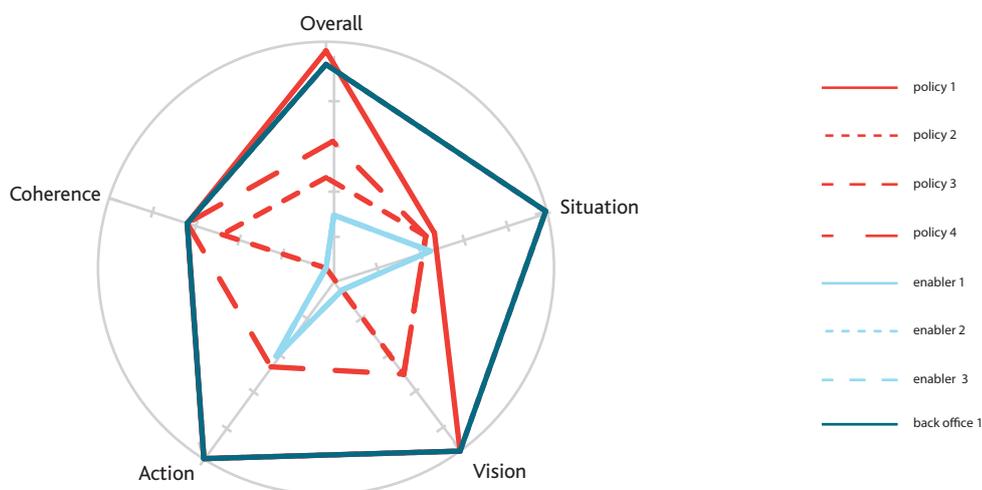
**Figure 18: State of play in developing comprehensive strategies for Transforming Justice programmes. Overall score out of 100**



Source: Institute for Government analysis based on documentation provided by MoJ in April 2010

A more detailed view of progress is shown in Figure 19, which shows the development of specific aspects of each programme, based on April 2010 documentation.

**Figure 19: State of play in developing comprehensive strategies for Transforming Justice programmes**

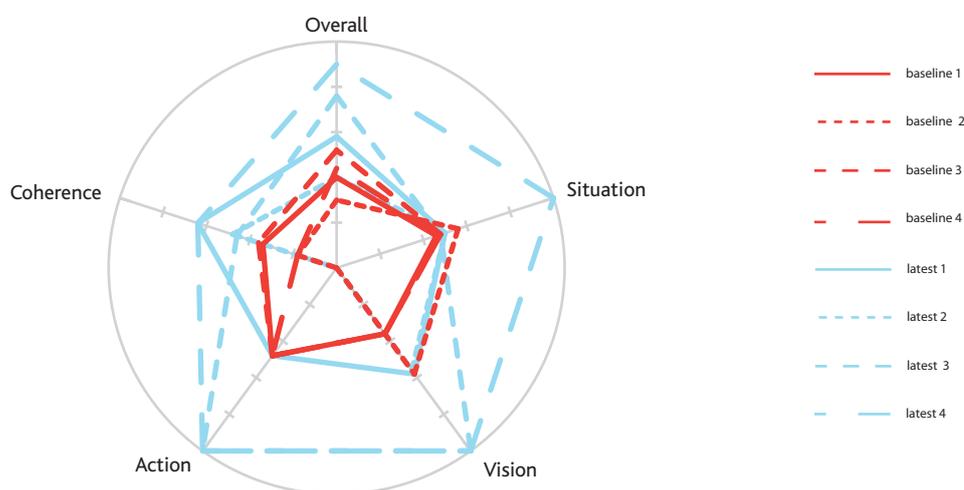


Source: Institute for Government analysis based on documentation provided by MoJ in April 2010

Notes: Lines towards the outside of the spidogram indicate greater progress; 'Situation' assesses the document's appreciation of where the department is starting from; 'Vision' assesses the document's articulation of the programme's vision; 'Action' assesses whether the documentation provides clarity on the steps required to move from the current situation to the vision end-point; 'Coherence' assesses how clearly necessary linkages are made across the document.

This state of development represents significant progress towards developing a clear strategy for Transforming Justice, particularly in the policy-related programmes (see Figure 20). Between November 2009 (blue 'baseline' lines in the chart below) and April 2010 (orange 'latest' lines in chart below), all policy programme strategies moved closer to finalisation, with major progress in several programmes. As back-office programmes pre-existed Transforming Justice, progress in terms of documentation has been less pronounced, although it should be noted that two of these programmes (Shared services and Estates) are already progressing in their implementation. As seen above, 'Enabler' programmes have yet to produce coherent strategic documentation (Figure 18).

**Figure 20: Progress in developing strategies for the four policy-related Transforming Justice programmes**



Source: Institute for Government analysis based on documentation provided by MoJ in April 2010

Notes: Lines towards the outside of the spidogram indicate greater progress; 'Situation' assesses the document's appreciation of where the department is starting from; 'Vision' assesses the document's articulation of the programme's vision; 'Action' assesses whether the documentation provides clarity on the steps required to move from the current situation to the vision end-point; 'Coherence' assesses how clearly necessary linkages are made across the document.

While this progress in building a shared vision and more robust strategy plans for all programmes is considerable, it is clear that work on developing the vision and strategy is not yet finalised. Not only do policy-related plans require ministerial sign-off but some programme strategies remain far from fully developed (see Figures 18–20). Further, there is not yet an overarching strategy for Transforming Justice. This is important, as it means that the impact of individual programmes on each other is not yet fully understood. In addition, it makes estimating overall benefits highly problematic. As noted above, estimated savings from Transforming Justice programmes are in the high hundreds of millions but these figures are highly provisional, a fact reflected in the broad ranges accompanying savings estimates in the

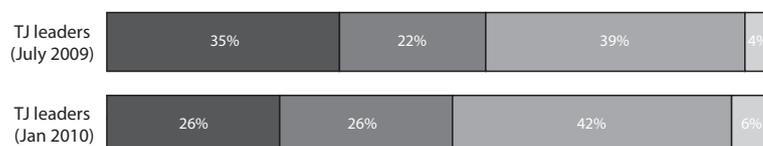
latest Transforming Justice documentation. The absence of an overarching strategy or analytical work also means that double-counting of potential financial savings has not yet been accounted for. Of course, the constraints on producing an overarching strategy document should be recognised and may help to explain the department’s focus on developing propositions within individual programmes. First, firm estimates of overall portfolio benefits could not have been achieved without political decisions, which were unlikely to be made until after the election. Second, defining potential benefits of more experimental programmes and enabling strands and limiting double-counting would have been technically problematic.

The difficulty of defining the overall shape of Transforming Justice prior to political decisions may also be a reason why leaders retained diverse views about the precise vision and strategy for Transforming Justice. Although leaders usually shared the top-level vision that Transforming Justice was focused on ‘better justice for less’, interview responses revealed that Transforming Justice continued to mean different things to different people in terms of detail. Leaders expressed a wide range of views about the precise changes that would be part of Transforming Justice, as well as differences of opinion on the relative priority that should be attached to various proposals. This diversity occasionally extended to a feeling that specific Transforming Justice programmes would not add value to the organisation, although usually divergence was over the precise content or phasing of programmes.

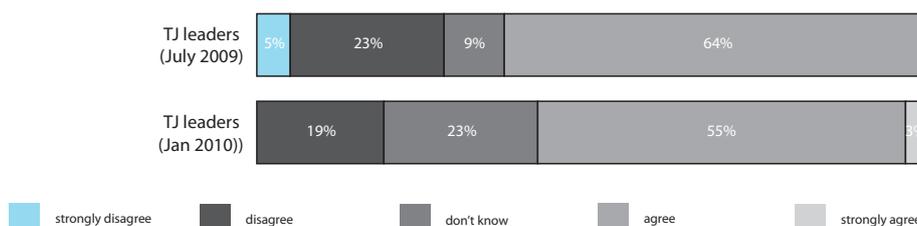
This diversity of views beneath the ‘better for less’ level is reflected in survey results from July 2009 and January 2010 (Figure 21). Less than half those most involved in Transforming Justice felt that top management had a shared view of the changes required. Interviews supported this view but also revealed that it existed partly because solutions to MoJ’s fiscal and performance challenges were not easy to identify, nor could the political priorities of the next administration be anticipated with a high degree of certainty.

**Figure 21: Consensus regarding vision and strategy**

Q. Top management (including the MoJ board) has a shared view of the changes that are required



Q. People in my area have a shared view of the changes required



Sources: July 2009 survey of 26 Transforming Justice leaders most closely involved (including the Board), n = 23 (88%); January 2010 survey of 31 Transforming Justice leaders most closely involved (including the Board), n = 31 (100%).

The challenge of creating an overarching strategy for MoJ transformation during a time of pre-election uncertainty was further increased by the fact that it was difficult to determine how Transforming Justice and its programmes related to wider departmental change efforts. As mentioned, MoJ was also conducting expenditure reduction programmes as part of the cross-government Public Value Programme (PVP) and the Operational Efficiency Programme (OEP), and had a large number of other pre-existing change initiatives in operation. But, when Transforming Justice began, the department's leaders were not fully aware of the number and extent of these programmes and initiatives. For this reason, a 'Change Audit' was carried out by the Transforming Justice portfolio office. Early findings were reported to the Board in February 2010, by which time the team had found some 197 change programmes and policy initiatives within the department, some of which lacked solid business cases for continuation.

This 'Change Audit' represents considerable progress towards coordinating MoJ's change activities, which can be directly attributed to Transforming Justice. The audit has, for the first time in the department's short history, provided the Board with the information it needs in order to make decisions on current and future change initiatives and will provide valuable data for incoming ministers. At the time of writing, the Board and others in MoJ are considering how the change activities in operation can be simplified, with initial discussions suggesting that a number of initiatives that do not have a clear business case will be stopped in the immediate post-election period. Further, MoJ's leaders are now committed to developing a more integrated governance structure for its change programmes – and explicitly recognise that this governance structure must ensure close links between Transforming Justice, with its programmatic focus on 'better for less' change, and the department's major efficiency-focused PVP and OEP programmes.

This recent move towards ensuring greater coordination between Transforming Justice and wider programmes, which followed the Institute's feedback to MoJ in March 2010, is likely to be welcomed by the senior leaders most involved in Transforming Justice. Interviewees in February showed that leaders did not see coordination and coherence across programmes as one of the most successful elements of Transforming Justice to date. While some linkages were made, coordination was largely achieved due to the fact that the same people sometimes worked on multiple programmes or owing to personal relationships that enabled informal discussions to enhance coherence. Planned changes to governance arrangements will be particularly welcomed, as governance was frequently highlighted as a particular barrier to swift coordination and decision-making. As one director noted in January 2010:

*“We’re running parallel processes [for Transforming Justice, PVP and OEP]... and that... doesn’t seem right... how it [Transforming Justice] fits in with the other piece has never really been sorted out.”*

As discussed in relation to creating a sense of urgency, reduced pace in defining the vision and strategy can create knock-on difficulties for ensuring that urgency is maintained, as well as delaying the overall pace of change. It is therefore worth noting that timelines for developing both programme strategies and the overarching strategy have been subject to some slippage.

In September 2009, the ambition was to have presented at least six out of 10 outline business cases to the Board by January and for all programmes to have completed their business cases by April 2010. Yet, a number of programmes fell somewhat short of this ambition (see Figure 18). Similarly, the July 2009 and March 2010 assessment reports from the Institute for Government evaluation highlighted the absence of an overarching strategy to leaders and MoJ committed to producing a strategy to join up the programmes.<sup>23</sup> However, this strategy remains planned rather than underway, although further work has been carried out to provide incoming ministers with an overarching narrative account of the challenges faced by the department.

### **Areas for future focus**

As Transforming Justice progresses, coordination of programmes within the portfolio will need to be increased significantly in order for total savings to be calculated and built into operating budgets. Further, it is increasingly clear that Transforming Justice can no longer maintain the degree of separation it currently has from other major cross-MoJ change initiatives – and clarifying the interface between these programmes will become still more important as Transforming Justice moves towards implementation. Transforming Justice leaders now clearly recognise this fact and have already put in place plans to increase the connections between Transforming Justice and other change initiatives, including by introducing a single governance structure for Transforming Justice and other cross-MoJ change initiatives. Again, plans for all these programmes will need to be embedded within Business Group expenditure limits and targets if they are to be delivered.

In a further move to enhance coordination, MoJ leaders are also, at the time of writing, planning to subsume all major departmental change activities (including efficiency-focused measures) under the existing Transforming Justice brand. This choice, with all its benefits, will also create an additional challenge for leaders in the coming months – that of retaining (or redefining) the overarching vision for transformational change in the department. As noted, Transforming Justice has galvanised focus on 'better for less' and it will be interesting to see the degree to which this focus will be retained with the incorporation of wider departmental change efforts developed outside Transforming Justice. And, similarly, it will be interesting to observe whether attitudes towards the Transforming Justice brand evolves as it become more closely linked to pure cost-reduction measures.

## Creating a vision and strategy: key findings

- Transforming Justice has developed an overall narrative vision which emphasises that the portfolio aims to achieve 'better justice at less cost'. This vision has been understood and rearticulated to evaluators by the department's senior civil servants.
- Ten work streams have all produced plans to support the Transforming Justice vision and two back-office programmes, which pre-existed Transforming Justice, are already implementing plans.
- Transforming Justice has made significant progress by identifying all change activities across the department. This work enables the Board to prioritise and better coordinate MoJ's change programmes in future and plans are in place to rationalise change management activity and governance structures post-election.
- No overarching strategy for Transforming Justice has yet been produced. This means that total savings from programmes cannot be reliably estimated or factored into budgets for line managers. Some individual programmes within Transforming Justice have not yet developed detailed strategies for change and timelines have shown signs of slippage.
- The expansion of Transforming Justice to include more traditional expenditure reduction programmes (as well as transformational change) indicates increased focus on coordination of MoJ's change efforts. It also creates new areas of focus for Transforming Justice leaders, increasing the challenge of retaining the department's focus on transformational change programmes and testing the integrity of the Transforming Justice brand.

## Later stages of Transforming Justice

The MoJ is already building on progress to date by planning for and acting on the next phases of transformation. The key actions to make progress on the steps identified in Kotter's '8-step' model include:

- *Step 4 – Communicating the vision:* There are a number of areas for focus in terms of communicating the vision for Transforming Justice. First, high levels of public scrutiny and the different communication needs of the diverse actors involved in justice can discourage early communication, even though it is a vital tool in building momentum for change. To date, Transforming Justice has largely avoided this risk. In December 2009, 38% of staff were aware of Transforming Justice, up from 18% before the November launch. By February 2010, over a 1,000 MoJ staff had also signed up as 'Transformers' and many local justice leaders are involved in designing local solutions to justice issues, often working with other local agencies that work in justice-related fields. The challenge for the department's communication professionals – often described in glowing terms by colleagues – is now how they can help to clarify the roles of Transformers and others in delivering change. The planned 'roadshows' on Transforming Justice should help here – but progress will also depend on advances being made in defining the overarching vision and strategy for change (see above).

Of course, communicating the vision is not just about broadcast messages and formal communication strategies. Behaviours matter and leaders must role model the changes that they are seeking to embed across the organisation (Kotter 1996). This is a second key area for focus for the ongoing Institute evaluation, given that the historic styles and structures of the department could be seen to militate against leaders adopting the behaviours necessary to communicate the vision through action.

- *Step 5 – Empowering others to act on the vision:* The MoJ has already sent clear signals of intent regarding its desire to engage and empower others to act on the vision for Transforming Justice. Local 'experiments' are a good example of the department's drive to enable local innovation and to embed new ways of working to deliver change. Following political decisions post-election, the challenge for the department will be to embed these or other effective ways of working more widely, enabling staff across the department and its agencies to support transformation.
- *Step 6 – Planning for and creating short-term wins:* By incorporating two pre-existing programmes within the Transforming Justice portfolio (Shared services and Estates), Transforming Justice has already shown signs of planning for short-term wins.

Following these steps, MoJ will need to *consolidate improvements and produce more change* (step 7) and *institutionalise new approaches* (step 8).

## 6. Conclusions

Transforming Justice is a bold and ambitious portfolio of activities that aims to deliver comprehensive change within MoJ and across the justice system. The portfolio's existence represents an attempt to overcome historic performance challenges, to complete the process of MoJ's transition to being a cohesive department, and to prepare early for fiscal consolidation and the arrival of a new administration.

Transforming Justice has had a number of successes. Recognition of the case for change within the department is high, particularly among the senior leadership, and there is a sense of urgency about the need to generate change. A broad leadership coalition has formed spanning MoJ's previous disparate business groups. Ten change programmes have been developed within the portfolio, two of which are already well into the implementation phase. And all of Transforming Justice's change programmes have made progress towards developing business plans and many have quantified potential performance improvements and financial benefits, with the overall portfolio having identified possible savings in the region of hundreds of millions of pounds.

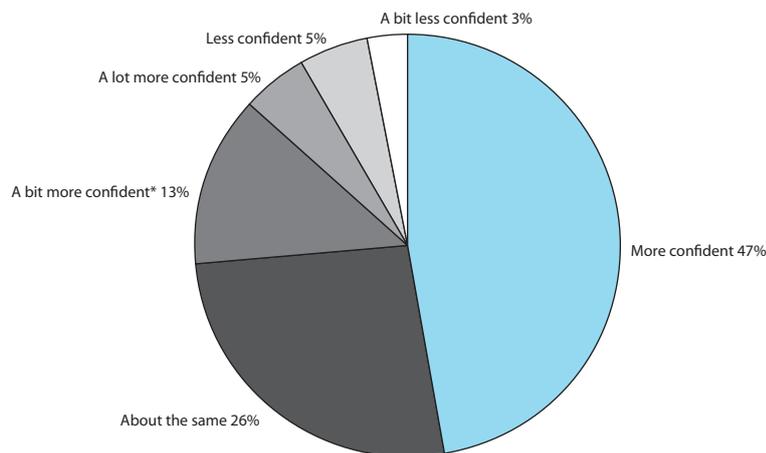
These successes have translated into growing confidence among those involved in Transforming Justice (see Figure 22). And the senior leadership group generally supports the more inclusive and open approach to developing Transforming Justice's programmes, as well as efforts to engage partners working at a local level.

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**Figure 22: Confidence in Transforming Justice**

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Q. "Are you more or less confident that Transforming Justice will deliver results than in June 2009 (January 2010)?"



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Sources: January 2010 interviews with 39 Transforming Justice leaders most closely involved (including the Board)

\* Includes those who specified that they were more confident in a few programmes only

A range of factors appear to underpin successes to date, including the appointment of a dedicated portfolio leader at Board level, the empowerment of those with most energy for change and decisions to distribute responsibilities across people from all of MoJ's key business groups.

Nonetheless, there remain challenges for the future, which are recognised by the department's leadership. MoJ may need to take further action to ensure that the urgency for transformational change is maintained, as Transforming Justice expands to incorporate more traditional expenditure reduction initiatives. And the leadership may need to build on and implement its plans to expand the guiding coalition for change beyond MoJ's central department. Political sensitivities in the pre-election period made such wider engagement difficult but a new administration may authorise discussions with groups such as the unions and the judiciary, whose consent to change will be essential for achieving a transformed justice system. Most importantly, further work may be required to progress work in developing the vision and strategy for Transforming Justice. Individual programmes within the Transforming Justice portfolio will need to be fully developed and brought together into a coherent overarching strategy, which should in turn be checked for compatibility with other major change initiatives within the department. Without such steps, defining Transforming Justice's overall benefits and translating programme savings into budget targets for line managers will not be possible. Positively, the department has put in place plans to ensure coherence between MoJ's change activities. But a lack of pace in this area still threatens to undermine urgency for change and might even threaten the credibility of the Transforming Justice brand, given the fact that Transforming Justice work has been widely communicated and has promised to translate into rapid action.

As MoJ's leadership implements and develops its plans to address these areas for focus, other departments in the UK government are also considering how they can adapt to change. A new administration and a promised fiscal consolidation mean that the UK public sector is entering a period of extraordinary upheaval. In such times, the ability to adapt and learn from the experience of others may be a critical determinant of success – and the evaluation team hopes that the developments recounted here will trigger ideas and highlight risks to those leading major change in government in the UK and abroad. Certainly, MoJ's leadership is learning from this period of unprecedented change, as leaders and staff across the department continue to work hard on developing and implementing Transforming Justice. Senior managers recognise that the goals of the portfolio are extraordinarily ambitious but they know too that the difference between success and failure in terms of citizens' lives and experience make the ambition a worthy one – and failure unappealing. The evaluation team, and no doubt many others, will watch with interest as the Ministry of Justice pioneers its distinctive approach to delivering transformational change in UK government.

# Annex

# Evaluation tools

## Overview of key evaluation tools

The Institute for Government designed three main tools to aid the evaluation of Transforming Justice:

1. **Semi-structured interviews:** Semi-structured interviews of between 20 and 30 questions were designed and conducted at major evaluation checkpoints. Questions aimed to assess progress in each of Kotter's '8 steps', with earlier interviews focusing on the first stages of transformation. Later interviews focused especially on assessing progress against areas for focus that had been identified in previous checkpoints. Some questions generated quantifiable data but, in general, these interviews were vital for providing qualitative richness to other analyses.
2. **Survey tools:** An initial survey assessed the 'readiness', 'willingness' and 'ability' of MoJ to change, and subsequent surveys tracked progress against these dimensions. Follow-up surveys also tested MoJ's progress against the areas for focus that had been identified in previous checkpoints. These surveys provided an overview of MoJ staff views on how Transforming Justice was progressing.
3. **A strategy analysis tool:** Programme documentation was evaluated to assess progress in defining the overall vision and strategy for Transforming Justice.

In addition, the evaluation team gained information from:

4. Adding select questions to MoJ's own internal surveys, and using MoJ survey data.
5. Observation of key interactions and events, and ongoing discussions. Notes of these meetings and events provided invaluable additional information on progress.

Further details of all of these tools are provided in the Institute's full write-up of its interactive evaluation methodology (Gash and McCrae, forthcoming). However, here we provide more in-depth detail on the Institute for Government's strategy analysis tool, as it is referenced in this report and may not be immediately comprehensible to readers without further explanation.

## Purpose of the strategy analysis tool

The strategy analysis tool was designed to assess progress in producing programme strategies. It is based on an analysis of documentation. The tool tests whether the key elements of a strategy are in place but it does not seek to assess the quality of those elements. For example, the tool will record whether a strategy has clearly defined goals (expressed in numerical terms) but it will not test whether those goals are appropriate. This approach is less resource intensive and it also limits the extent to which findings can be disputed.

## Strategy analysis methodology

According to the UK Prime Minister's Strategy Unit (PMSU 2004), any strategy document must provide answers to the following key questions:

- Where are we now? (situation)
- Where do we want to get to? (vision)
- How are we going to get there? (action)

In addition, a strategy document must be coherent, making clear logical links between these three elements (PMSU 2004).

The Institute for Government strategy evaluation tool assesses the extent to which a strategy document or business plan contains the key elements of strategy, as defined by PMSU. For each key element, evaluators assess progress by asking a number of questions with 'yes/no' answers. For example, when assessing whether the documentation provides the necessary information on the current situation ('where are we now?'), the following criteria are used:

- Are key facts about where we are now presented in series of sentences/graphs in same location?
- Are key facts about where we are now presented through document in appropriate locations?
- Are key facts about where we are now contained in document but without clear linkages?
- Does the documentation not encapsulate any key facts about where we are now?

The use of questions with binary answers enables transparency and fairness in scoring, although interpretation cannot be entirely eliminated in this type of exercise.

For each of the key elements of a strategy (situation, vision, action, coherence), the answers to these binary questions generate a score out of 100. The overall score for a document is generated by taking the average score of all four categories (for example, if situation and vision received scores of 100 out of 100 and action and coherence received scores of 50 out of 100, the overall score would be 75 out of 100).

Examples of the output generated by the Institute for Government's strategy analysis tool are found in the main body of this report.

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# List of Acronyms

CJG	Criminal Justice Group
CJS	Criminal Justice System
CSR	Comprehensive Spending Review
DCL	Democracy, Constitution and Law Group
DCSF	Department for Children, Schools and Families
DEL	Departmental expenditure limit
DfID	Department for International Development
DSO	Departmental Strategic Objective
DWP	Department for Work and Pensions
HMCS	Her Majesty's Courts Service
LSC	Legal Services Commission
Moj	Ministry of Justice
NAO	National Audit Office
NAPO	National Association of Probation Officers
NDPB	Non-departmental public body
NOMIS	National Offender Management Information System
NOMS	National Offender Management Service
OECD	Organisation for Economic Co-operation and Development
OEP	Operational Efficiency Programme
OGD	Other government department
PMSU	Prime Minister's Strategy Unit
POA	Prison Officer's Association
PVP	Public Value Programme
SCS	Senior Civil Service
SRO	Senior Responsible Office
VFM	Value for Money

# Endnotes

- 1 The Institute for Government is planning to increase the availability of comparative data on government transformation. First, the Institute is seeking to retrospectively evaluate at least one successful transformation from the UK public sector or abroad, using elements of the evaluation methodology outlined in this report. Second, the Institute for Government is planning to work with an additional government department seeking to deliver transformational change, using the full Institute evaluation methodology.
- 2 There are also three other departments that report directly to the Justice Secretary: The Northern Ireland Courts Service, The National Archives and Her Majesty's Land Registry.
- 3 Jack Straw introduced a new Parliamentary Standards Bill (with Harriet Harman MP) in June 2009.
- 4 The MoJ was better placed in terms of leadership, receiving an average score in this area (CO 2008).
- 5 Value for Money (VFM) savings are efficiencies captured through improvement/efficiency initiatives but which do not necessarily result in overall budget reductions.
- 6 Several experiments are attempting to enable justice and criminal justice practitioners from different organisations to work together, and with other local bodies (such as social services), to improve and coordinate responses to issues such as re offending. A number of the methodologies used are also being evaluated by the Institute for Government. For more information, please see Blatchford and McCrae, forthcoming.
- 7 The National Audit Office's evaluation of HM Revenue and Customs' transformation programme provided the most relevant example for MoJ's purposes – but even here there were major differences (NAO 2008). For example, this evaluation focused heavily on measuring the benefits of change in terms of increased tax receipts, an easily quantifiable measure of performance that is not available to departments like MoJ with multiple complex objectives.
- 8 Please note that this typology is subject to ongoing development.
- 9 Kotter estimated that 75% of organisational leadership must honestly believe that business as usual was no longer a viable plan in order for change initiatives to succeed (Kotter 2008).
- 10 This challenge was identified by applying the McKinsey '7-S' diagnostic to this stage of transformation.
- 11 Pressures to total inertia are exacerbated by the, often illusory, back-stop of the Treasury. Departments can be tempted by the idea that the Treasury will see their spending commitments as government priorities and will spare them the pain of deep cuts – though, in reality, most ministers and senior civil servants know that they must play a twin-track game of organising for cuts internally while pleading for exceptions with the Treasury.
- 12 Federal Courts are considering issuing a mandate obliging California to release a significant number of prisoners before they are officially eligible for parole.
- 13 The actor-observer bias is a term used to explain a common heuristic bias by which people tend to underestimate the impact of situational influences on others (though not themselves) and therefore often are more likely to view the performance or behaviours (expressed views) of others as personal traits.
- 14 This was one of the few areas of significant movement between the July 2009 and January 2010 surveys.
- 15 The literature suggests that creating an entirely separate change function may increase the willingness among line managers "to see problems and yet be astonishingly complacent because you do not feel that the problems require changes in your own actions" (Kotter 2008, p. 20).
- 16 This challenge was identified by applying the McKinsey '7-S' diagnostic to this stage of transformation. Structures and culture ('Styles') drive association within and across organisations.

- 17 Recent examples of judicial challenges to government policy include objections to the legality of holding terrorist suspects for 42 days, which contributed significantly to the defeat of the Government's 2008 counter-terrorism bill in the House of Lords.
- 18 It is worth noting that several judges and former judges are represented on MoJ advisory groups and the boards of MoJ agencies (such as HMCS) and sponsored organisations.
- 19 For further detail on pre-election access arrangements and political transitions, please see Riddell and Haddon, 2009.
- 20 The MoJ Transforming Justice team aims to recruit at least one Transformer in every court, prison, tribunal and HQ division. Transformers throughout the system include: Prisons – 107 out of 140 establishments represented (76.4%); Courts – 130 out of 697 represented (18.7%); HQ divisions – 114 out of 174 are represented (65.5%).
- 21 This focus on the narrative was explicitly preferred to a values-driven approach to change or a revisiting of organisational purpose, as leaders believed that the department had already addressed such issues at the time of the department's formation.
- 22 The strategy ranking methodology is outlined in Appendix 1.
- 23 These assessments were not published but the data and findings of these assessments provided the vast majority of material and insights for this report.

# Notes

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## The Institute for Government is here to act as a catalyst for better government

The Institute for Government is an independent charity founded in 2008 to help make government more effective.

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June 2010

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2 Carlton Gardens  
London  
SW1Y 5AA

Tel: +44 (0) 20 7747 0400

Fax: +44 (0) 20 7766 0700

Email: [enquiries@instituteforgovernment.org.uk](mailto:enquiries@instituteforgovernment.org.uk)

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COI REF. 400043/0510