TRANSFORMATION IN THE MINISTRY OF JUSTICE

2011 Interim Evaluation Report

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About the Institute for 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.

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

In early 2009, facing a number of well documented performance challenges and looming budget cuts, senior officials and ministers in the Ministry of Justice (MoJ) launched an ambitious, large scale transformation programme. Encompassing ten different MoJ workstreams, the Transforming Justice portfolio was made a departmental priority, with a dedicated Director General appointed to head the Ministry’s transformation.

The Institute for Government was asked to run a real-time evaluation of the department’s transformation from the outset. Using a specially designed methodology, the Institute built a framework drawing on existing literature on change management, organisational effectiveness and public sector management. This report is the second publication documenting the Institute’s evaluation of MoJ’s progress and, following the structure laid out in our previous interim report, delivers the following key findings:

Establishing a sense of urgency

- Urgency for change has been reinforced and further increased as a result of the fiscal pressures imposed by the Spending Review.

- Despite the risk to the programme with the transition to a new government, the ‘better for less’ thinking has remained central to the department’s cost savings.

- Senior leaders clearly felt that the programme has retained the vision of delivering ‘better for less’.

Forming a guiding coalition

- MoJ has retained strong collective ownership of the transformation amongst directors, with the EMCB recognised as playing a powerful role in supporting the programme. The future area of focus will be how this coalition is extended further down the department.

- Ministers’ commitment and support for the overall approach and key elements of Transforming Justice was widely recognised.

- The cultural divide between policy and operations is beginning to narrow as policy becomes more of a business function enabling the department to make the necessary savings.
Creating a vision and strategy
• There has been a step-change in the development of an overarching strategy for Transforming Justice and detailed planning for the constituent programmes.

• Transforming Justice has become the unifying brand for major cross-MoJ change initiatives.

Communicating the vision
• Senior leaders clearly understood the vision for Transforming Justice and were confident that the staff in their business areas had a shared view of the changes required.

• Directors General were seen to have shown strong commitment and behaved collectively, sending a powerful message to the rest of the organisation.

Empowering others to act on the vision
• Commitment from top management to Transforming Justice has given leaders beneath them confidence to act.

Planning for and creating short-term wins
• Transforming Justice has delivered some important early wins, including estates and shared services, several announcements and a big culture change. Whilst these are not all ‘hard’ wins, they represent important developments.

Areas for future focus
• Looking ahead, a future area for focus will be whether the emphasis on ‘better’ can be maintained as the transformation is inevitably reconfigured in the light of events.

• MoJ’s transformation is necessarily dependent on numerous other government departments and stakeholders which MoJ needs to ensure are bought in to achieving the same goals.

• Further research is needed to provide evidence on how well staff and other key stakeholders understand the vision for Transforming Justice.

• Future areas of focus will be how the department strengthens its understanding of dependencies between Transforming Justice programmes and how it incorporates measures of what constitutes a ‘better’ justice system.

• There were potential obstacles created by lack of clarity on governance structures, join up across the Transforming Justice portfolio and the skills required in future. MoJ may particularly want to focus on its programme and project management and human resource capabilities over the coming months.
• MoJ should build on its quick wins, ensuring they are well implemented and the subsequent gains are understood throughout the department, reflecting the ‘better for less’ message.

The results of the Institute’s interim analysis are encouraging. MoJ is in a good position currently; but with the implementation phase of several key projects beginning, the department must work to ensure change is anchored and sustained. There have been improvements in the level of perceived urgency from the previous report. Establishing and maintaining that sense of urgency is crucial to driving through change in the department. The period of political transition was handled well, and the momentum of change was carried through the change in government. Moving forward, however, there are still a number of challenges facing the department: communicating the department’s vision for change; engaging effectively with stakeholders; and ensuring that early progress reflects the commitment to delivering ‘better for less’.
1. Introduction

1.1 Transforming Justice and the Institute for Government

In 2009, at the outset of the Ministry of Justice’s (MoJ) Transforming Justice programme, Suma Chakrabarti invited the Institute for Government to conduct an evaluation of the department’s restructuring efforts. Suma, like the Institute, was keen to gather information in ‘real-time’ on how the change programme was progressing. This approach, he felt, would allow MoJ to raise any problems with the transformation programme early and resolve them swiftly. In addition, Suma Chakrabarti and the Institute were keen to share lessons emerging from MoJ’s process of transformation.

This is the Institute’s second interim report on the MoJ’s ongoing programme to transform the department and improve the wider justice system. This report updates our previous baseline report which was published in June 2010; it is based on research conducted in January and February 2011. The report highlights the successes, challenges and key areas for future focus in overhauling the way the department operates and improving the performance of the justice system. There are several key objectives we hoped to achieve with this project. Above all this report aims to provide public sector leaders with a detailed description of one possible way of attempting major departmental and system change in government. Additionally, the purpose of this report is to:

- Examine how the MoJ has addressed the areas for focus that were identified in the findings of our base-line assessment of the Transforming Justice programme.

- Assess the overall progress of Transforming Justice. This report looks at the progress since June 2010, taking into account the data gathered from the baseline assessment, and highlighting successes and challenges.

- Identify future areas of focus as MoJ moves forward with its transformation programme. Through our assessment, this report highlights the areas where MoJ should make a concerted effort to continue to drive through its ambitious change programme.

As MoJ’s transformation process is still some way from completion, this interim report does not seek to provide a final assessment of its successes and shortcomings. As with our previous report, there are some caveats for the findings to date. First, because this evaluation is the first of its kind in UK government, it has not been possible to compare the speed and degree of MoJ’s progress with that of similar organisations that have attempted transformation in the past. Second, at this stage, the evaluation’s primary focus has been on observing the transformation process as it unfolds, evaluating its impact on staff and stakeholder perceptions, identifying changes to the department’s spending priorities and assessing departmental outputs, such as delivery plans. As a result, the findings in this interim evaluation cannot provide a full evaluation on the end results of
transformation, both in terms of the final structure of the MoJ and the impact on services to the public.

1.2 Report structure
The report is divided into four main sections:

- **A progress update** on Transforming Justice, which provides a short overview of key points and developments since June 2010.

- A brief *methodology* section, which provides an overview of the Institute for Government’s evaluation methodology.

- A *findings* section, which contains six steps examining how MoJ has approached transformation and with what results. The steps examined in the findings section are:
  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.
  4. Communicating the vision.
  5. Empowering others to act on the vision.

- 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. Transforming Justice progress update

2.1 Summary of Transforming Justice

The MoJ was created in May 2007, bringing 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.

In March 2009, Suma Chakrabarti appointed Jonathan Slater as Director General of Transformation, 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 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, came to an early view of the priority areas for action. The group developed a ‘case for change’, which served as the narrative of communicated throughout the department. Following a workshop in July 2009, ten provisional Transforming Justice programmes were agreed, three of them pre-existing and seven new.

A Director was made responsible for each of the ten Transforming Justice programmes, effectively serving as a 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 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.ii

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, then Justice Secretary, Jack Straw, authorised MoJ’s broader approach to long-term planning and change. The department’s senior leadership team felt that this approach would expedite progress on existing change initiatives, better prepare MoJ for major organisational change in future, and develop options for longer-term change to improve operational deliverability.
2.2 Major developments since June 2010

Since June 2010, there have been a number of developments that have reshaped the context under which MoJ’s Transforming Justice programme is taking place. Chief among those developments has been the result of the general election and subsequent formation of the Coalition Government. Following Kenneth Clarke’s appointment as Secretary of State for Justice, MoJ’s senior leaders had to engage with the new ministerial team immediately on the Transforming Justice programme. If the new ministerial team had not agreed to take the change programme forward, it could have derailed the progress MoJ had made up until that point.

As a result, Transforming Justice’s top priority after the election was to draw together the ministerial team for a dialogue on the direction of the department. This was essentially approached as an open discussion on how best to take the transformation programme forward, given the progress that had been made prior to the May 2010 election. Once sign off was given from Kenneth Clarke, work continued on transforming the department.

Immediately after the election, George Osborne stuck to his campaign pledge, requiring departments to contribute to a new efficiencies drive, with the stated aim of saving £6 billion across Whitehall. Each department had to agree a settlement with the Treasury in contributing to this efficiency drive, and MoJ was the first department to settle. As part of this efficiency drive, each department was required to take additional money out of an already tight budget.

Later in 2010, HM Treasury ran the Spending Review (SR), setting spending budgets for each department up to 2014/15. The MoJ was among the last departments to settle with the Treasury. The final settlement reached in the SR required MoJ to cut its annual budget by 23% over the next four years. This went beyond the savings expected through Transforming Justice plans at the time. In order to meet the terms of the SR, MoJ plans to reduce budgets and generate savings from four key strands:

- **HQ**: including creation of a new shared services platform and the streamlining and integration of national and regional HQ operations.
- **Courts Service**: targeted closure of magistrates and county courts as part of the Reform of Civil, Family and Administrative Justice.
- **Legal Aid**: reforming the scope of, and eligibility for, civil and family legal aid and competing criminal legal aid.
- **Sentencing and rehabilitation revolution**: reforms to sentencing, payment by results, rehabilitation contracts, reducing demand in prison and court capacity.

1 jill Sherman, ‘Treasury Starts Work on £6 Billion Cutbacks’, *The Times*, 6 May 2010: [http://www.timesonline.co.uk/tol/news/politics/article7117579.ece](http://www.timesonline.co.uk/tol/news/politics/article7117579.ece)
In early 2011, MoJ began reorganising its senior management structure, reducing the number of Senior Civil Servants (SCS). The Department’s senior leadership team had made it clear to staff that the MoJ’s reduction in total headcount would start at the top. MoJ reduced its number of Directors General from ten to five, and it will pare down to just four DGs next year. This restructuring process continued with Directors and Deputy Directors. The reconfiguration of the senior management team saw a change of leadership in the National Offender Management Service (NOMS), MoJ’s largest business group.

As part of the reform of corporate HQ, MoJ’s shared services have been aggregated into a single, cross-department system that went live in April 2011. In addition, the estates transformation programme has set out a roadmap for reducing the number of buildings MoJ and its arms-length bodies (ALBs) occupy in London and the regions. Finally, as part of the MoJ’s restructuring, the Legal Services Commission will no longer be an ALB, but will be brought back into the department in 2012.

At the same time, the Access to Justice Directorate was working through proposals to reduce the size of the court service. After consultation with stakeholders, court closures have been agreed and confirmed, though not yet started. Initial plans will see MoJ closing 93 Magistrates Courts throughout England and Wales.

Over the last year, the initial ten work programmes that made up Transforming Justice have all been completed. The completion of these work streams has seen MoJ implement a number of changes. After the election, the Transforming Justice programme took on an even wider role and became the Transformation Portfolio. This change reflected the fact that change in the department would go beyond the initial ten work streams, and that the Transformation Portfolio was best placed to coordinate all change efforts across the MoJ.
3. Methodology

3.1 Analytical framework

The unique challenges associated with running a real-time evaluation of a large-scale transformation programme required a new approach. In response to those challenges, the Institute for Government developed a new methodology for evaluating major change in the public sector (Gash, McCrae and McClory 2011). The nature of the evaluation required early and ongoing feedback during the process of the transformation programme. As a result, this methodology focused heavily on observing the transformation process and evaluating 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.

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.

The McKinsey ‘7-S’ framework was selected as a means to explore the more granular aspects of the transformation programme. 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.

Both Kotter’s ‘8 Steps’ and the McKinsey ‘7-S’ frameworks were developed to suit a private sector context. In order to concentrate sufficiently on monitoring the risks to transformation that relate to operating in the public sector context, the Institute drew on a range of sources (including Moore 1995; Allison 1979; Pollitt and Bouckaert 2004), and identified a number of public sector-specific issues (McClory, Gash and McCrae, 2011). These issues all relate to fundamental differences between public and private sector organisations and originate in the nature of democratic processes.
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 1). For a more detailed description of the Institute’s methodology for change programme evaluation, see McClory, Gash and McCrae (2011).

Figure 1: Method for identifying areas for focus in the evaluation

### 3.2 Data and analysis

With a new analytical framework in place, the Institute developed a wide range of data-gathering and analytical tools. The primary methods of data collection used to evaluate Transforming Justice in this interim report were:

- 36 semi-structured interviews and a paper-based survey with the senior leadership team.
- Analysis of key documentation.
- Observation of key internal meetings and events.

Further details regarding the design of these tools and their application to MoJ is found in Appendix 1. It is worth noting, 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.
3.3 Evaluation process

This is the third research exercise conducted on the Transforming Justice programme and builds on the first two:

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).

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 then Deputy Permanent Secretary) and 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.
4. Findings

At the time of research, in January 2011, Transforming Justice had been up and running for over 18 months. The programme was therefore relatively well established, however, major departmental transformations usually take place over a number of years and system reform occurs over still longer timeframes. Building on the previous interim evaluation, this report focuses on the first six of Kotter’s eight steps: establishing a sense of urgency, forming a guiding coalition, developing a vision and strategy, communicating the vision, empowering others to act on the vision and planning for and creating short-term wins.

4.1 Establishing a sense of urgency

The previous evaluation report found that excellent progress had been made in establishing a sense of urgency around the transformation of the department, but also that this could potentially be undermined if the desire for a better justice system was no longer seen as central for meeting the department’s fiscal challenge.

The change of government and the Spending Review were key tests. New ministers might bring very different ideas on how to go about meeting the fiscal challenge and wish to dissociate themselves from a branded programme set up under the previous administration. The Spending Review also made clear the savings MoJ was required to deliver, which, as anticipated, were in excess of what could be generated by the purely ‘better’ options generated in the original ten workstreams. Interviewees were clear, however, the thinking developed prior to the election survived, with many of the ideas emerging in the plans around which the department settled the Spending Review. For example, a December 2010 progress report on changes to crime policy showed half of MoJ’s recommendations had been accepted in full or in part and most of the remainder were to be implemented in the future. This level of continuity involved negotiating plans with incoming ministers and with HM Treasury over the Spending Review. All agreed that the ideas emerging from the initial pre-election work had provided the framework for discussion. This continuity was formally recognised by maintaining the Transforming Justice brand, with the key committee overseeing the departmental transformation becoming the Transforming Justice committee.

One of the issues that was raised by interviewees pre-election was a concern about the pace at which the department was approaching the transformation. There was a concern that the department would not be ready for new ministers and the expected spending review. The area of focus that we identified was whether there was sufficient progress in developing an overarching vision and strategy for change. After the spending review, there was far less concern about this, with more respondents believing that the department was well prepared.
Part of the challenge of developing the vision and strategy has been to maintain a focus on 'better' whilst also delivering the 'less' of reduced costs. Most interviewees agreed that 'better' was still an important part of Transforming Justice. This held true across all of the major policy plans with the exception of reducing legal aid, which was seen by some interviewees as being more 'less for less'.

The results from the survey of the senior leadership team clearly show that there was strong agreement about the sense of urgency, including universal agreement of the recognition that the department needs to change:

*There is strong recognition in the department (MoJ) that we need to change.*

![Survey Results](image1)

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

![Survey Results](image2)
Most people in my area are willing to change.

3% 16% 50% 31%

■ Strongly disagree ■ Disagree ■ Not sure ■ Agree ■ Strongly agree

Compared to the previous assessment, there has been a big increase in the proportion of those perceiving a sense of urgency about delivering change. The key area for future focus is to preserve the sense of ‘better’ as the spending reductions begin to take hold. For a variety of reasons, many interviewees felt that the current plans would not achieve the spending review settlement. When asked about how the department would respond, most mentioned traditional ‘less for less’ approaches. Only a small minority saw this as a trigger to intensify the search for further ‘better for less’ solutions. The risk is that, without sufficient contingency planning to understand where further savings could be made, the department could simply reduce the level of service in order to produce the required savings, rather than acting more strategically.

Establishing a sense of urgency: key findings

- Urgency for change has increased further as a result of the fiscal pressures imposed by the Spending Review.

- Despite the risk to the programme with the transition to a new government, the ‘better for less’ thinking has remained central to the department’s cost savings.

- Senior leaders clearly felt that the programme has retained the vision of delivering ‘better for less’.

- Looking ahead, a future area for focus will be whether the emphasis on ‘better’ can be maintained as the transformation is inevitably reconfigured in the light of events.
4.2 Forming a guiding coalition

Developing a cross-MoJ leadership coalition was a major achievement given the department’s recent formation and previous reluctance to resolve issues through cross-departmental cooperation. There were three challenges that the department faced in keeping this together:

- Clarifying and strengthening how the various 'layers' of the leadership coalition relate to each other.
- Adapting to reductions in the size of the senior civil service (SCS) in the department.
- Bridging the cultural differences between those with operational backgrounds and those with policy backgrounds.

There was a strong sense among interviewees across different levels that directors retained very strong collective ownership of the transformation programme. Whilst Jonathan Slater was still seen by most interviewees as the leader of Transforming Justice, several interviewees also identified the Executive Management Committee of the Board (EMCB, which comprises the Permanent Secretary and Directors General) as taking ownership more broadly of the programme. However, interviewees raised issues relating to the governance structure and, in particular, a desire for greater clarity on the remit and responsibilities of the Transforming Justice committee vis-a-vis other committees such as the Value for Money committee up to the EMCB. This concern about governance structures is reflected in the issues being considered by the Transforming Justice committee, which was a frequently recurring agenda item.

In 2009 the Smarter Government White Paper set out plans to reduce the SCS by 20%. Following the Spending Review, MoJ has gone further than this. Four Director General posts have been removed from the organisation out of ten, with a further reduction to take place in April 2013 following staff consultation. The senior leaders interviewed felt that this had been a difficult process but many thought it had helped to demonstrate to the rest of the organisation that top management was leading the way and responding to staff views. Interviewees felt that the Directors General still in post were key members of the guiding coalition and committed to driving Transforming Justice. Below director level, however, there were some discrepancies between different interviewees as to who they identified and who self-identified as being core members of the coalition. The core group identified in the previous round still existed, referencing each other. However, there appeared to be limited expansion of this group, particularly down the organisation to Deputy Director level. It should be noted that during this period, there was an ongoing SCS restructuring, which may have contributed to lack of clarity around who belonged to the guiding coalition.

The difference in culture between policy and operational groups was still present. However, the balance between the different groups was different. In early 2010, operational directors were clear that policy was the 'first among equals' of the professions in the department. By early 2011, this view was less prevalent, with the policy group being seen as needing to adopt more of a programme management-style approach if it was to meet the deadlines necessary to take forward the transformation. There was evidence of this starting to happen, with the January Transforming
Justice committee highlighting the importance of getting the performance management arrangements right within policy group. The policy function itself has been reformed, with policy teams having been brought together to form a single group with much greater focus on how resource is deployed to meet business critical requirements. The group planned to operate a flexible resourcing model, rather than the more traditional standing team structure. This has been captured in the new Policy Plan process, which is the department’s systematic attempt to prioritise its policy workload against the operational needs of the rest of the department.

The survey results focus on the coalition at the very top of the department, and reflect clearly the findings from the interviews: that senior leaders agreed with the approach to Transforming Justice and saw top management as committed to it.

_I agree with the general approach we are taking to Transforming Justice._

![Survey Results](chart1.png)

_Top management (including the MoJ Board) is committed to Transforming Justice._

![Survey Results](chart2.png)

More widely, the department has had to manage relationships with a new set of ministers as well as other government departments and stakeholders beyond MoJ in relation to Transforming Justice. Whilst ministers did not necessarily use the terminology or attempt to delve too deeply into the operational details, they were felt by senior leaders to be fully committed to the principles and constituent elements of departmental transformation. This is particularly important given the
political risks in securing key legislative elements of the plans (including reforms on rehabilitation, sentencing and penalties, civil and family justice and legal aid reform).

There are a number of key dependencies with other government departments, including most importantly the Home Office on criminal policy, the Department of Health in supporting offenders who are drug users and the Department for Work and Pensions providing offenders with work focussed training. Most interviewees felt that there was more integrated working with these departments but that this was still at an early stage and should be strengthened. In particular, it was not clear that a strong sense of shared purpose had been established across government to support the savings identified in the department’s spending review settlement through the reform of sentencing.

The department is also reliant on other key stakeholders (most importantly, the judiciary and magistrates and the wider legal profession), from whom the department requires leadership and support in order to deliver fully on its transformation. Significant resistance (for example, to the reductions in spending on legal aid) would risk causing delays or failure to realise anticipated cost savings. Interviewees felt that, whilst these dependencies were well understood, further progress was needed in gaining buy-in from these groups.

Looking forward, there are some important areas of future focus for the evaluation around the guiding coalition. The first area of focus is the how the department extends the coalition beyond the director level to Deputy Directors and more deeply through the department. Second, the changes to the policy team point towards policy becoming more business focused and functioning alongside other operational teams. This is producing a subtle shift from a world where policy was the senior partner and intermediary with ministers. Third, if there is any large cultural shift, how this is managed and how it interacts with the maintenance of the guiding coalition – especially given the major changes at Director General level. Fourth, how the department can clarify and strengthen the commitment of other government departments and wider stakeholders to achieving the required savings.
4. Findings

4.3 Creating a vision and strategy

By early 2010, the department had developed an overall narrative vision of 'better justice for less cost' which was widely shared and underpinned by plans for each work stream. The areas for focus were:

- Increased co-ordination of programmes in the portfolio to calculate total savings and build these into operating budgets.
- Integrating Transforming Justice with other major cross-MoJ change initiatives.

There has been a step-change in bringing together all of the change work under Transforming Justice. Developing an overarching strategy was felt to be dependent on two things: the support and permission of new ministers and having clear spending reduction targets following the Spending Review. The conclusion of the Spending Review has crystallised the major areas of the department’s transformation strategy. These elements were well understood across the leadership team and reflected in the work programmes of individual areas across the department. More broadly, there were clear measures on the cost savings (i.e. what counts as 'less') that need to be met, but interviewees did not report equivalent measures of what success or 'better' looks like.

There is also a greater sense of cohesion around the change efforts in the department. A major audit of all the change programmes was undertaken in 2010, which reviewed all activity and ensured it was aligned with the emerging strategy of the department. As a result, twenty pre-existing programmes closed down, three were deferred and three were re-scoped and amended to

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**Forming a guiding coalition: key findings**

- MoJ has retained strong collective ownership of the transformation amongst directors, with the Executive Board recognised as playing a powerful role in supporting the programme. The future area of focus will be how this coalition is extended further down the department.
- Ministers' commitment and support for the overall approach and key elements of Transforming Justice was widely recognised.
- The cultural divide between policy and operations is beginning to narrow as policy becomes more of a business function enabling the department to make the necessary savings.
- The department’s transformation is necessarily dependent on numerous other government departments and stakeholders which MoJ needs to ensure are bought in to achieving the collective goals.
bring them in line with departmental priorities. In early 2011, the portfolio team was beginning to get a grip on the dependencies between the different elements of the portfolio, and to develop high-level reporting metrics to allow progress across the entire portfolio to be tracked.

The survey results reflect a strong sense among interviewees that top management had a shared view of the changes required and that these would deliver future success for MoJ.

*Top management has a shared view of the changes that are required.*

<table>
<thead>
<tr>
<th>Strongly disagree</th>
<th>Disagree</th>
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<td>6%</td>
<td>15%</td>
<td>52%</td>
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*I believe Transforming Justice will ensure our future success.*

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<tr>
<th>Strongly disagree</th>
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<td>6%</td>
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In terms of future focus, a key area will be how the department comes to understand the dependencies between different Transforming Justice programmes, and how these are mapped in detail and updated on an ongoing basis. A central issue will be how the department balances the need for centralised reporting to monitor progress on the transformation, and the risk of becoming trapped in the detail. A second area for future focus will be how the department monitors progress towards a better justice system, and whether there is an interaction between the precision of measurement and the relative emphasis on ‘less’ and ‘better’ in the evolution of the department’s plans.
4. Findings

4.4 Communicating the vision

Communicating the vision for Transforming Justice incorporates both the direct communication of headline messages through formal communication channels and the more indirect example set through the actions and behaviours of leaders as role models.

Senior leaders were able to accurately articulate the key elements of Transforming Justice. The survey of senior leaders also found strong agreement that the vision was well understood.

*I have a clear understanding of our vision for Transforming Justice.*

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<th>Percentage Distribution</th>
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<tbody>
<tr>
<td>Strongly disagree</td>
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This phase of research did not attempt to determine how successfully the vision had been communicated amongst staff more widely. Follow-up ‘deep dive’ research will provide clearer
evidence on this. However, it was clear that senior leaders had spent time engaging directly with staff across the organisation (not just in the department’s headquarters) to discuss the changes and that the communications team had a strategy in place for communicating the vision and progress of Transforming Justice. There had also been a further increase in the number of MoJ staff signed up as ‘Transformers’, which stood at over 1,500 at the time of research. The survey of senior leaders also showed strong agreement that people in their business areas had a shared view of the changes required.

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

![Survey Results]

The more indirect forms of communication were seen to have been very powerful in communicating the vision. Interviewees felt that there was a strong sense of direction from the top, with all agreeing that commitment to Transforming Justice was high among directors and that the EMCB was functioning very effectively as a collective unit. Most interviewees felt that there would be negative consequences if they were not perceived to be acting in a corporate manner. Several also referred to the consultation on MoJ SCS structures as demonstrating that directors were leading by example. It is also interesting to reflect on the results of the most recent Civil Service People Survey. Of all Whitehall departments, MoJ had the biggest percentage point increase in staff feeling that they had a clear understanding of their organisation’s purpose and objectives compared with 2009.

It will be important for further research to uncover the extent to which the fundamentals have been communicated effectively to staff. A key question will be how well recognised the Transforming Justice brand is and how far the underlying principles associated with it have filtered down through the organisation. More widely, how effectively has the vision and strategy been communicated to the key stakeholders, mentioned above, which the programme is dependent upon?

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4.5 Empowering others to act on the vision

According to Kotter, empowering others to act is about putting in place the structures for change and removing obstacles. This is intentionally broad, covering human aspects (such as organisational culture and individual attitudes to change) and organisational ones (such as incentives and structures). Again, this phase of research engaged primarily with senior leaders and so reflects the views of this group. Deep dive research will provide further detail from staff more widely across the MoJ.

The commitment and collective behaviour of top management was seen as key to supporting the next layer of managers to act on the vision. In particular, the survey results showed that the majority of senior leaders felt confident obstacles to change would be dealt with effectively.

*Top management will ensure obstacles to this change are dealt with effectively.*

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Indeed, senior leaders generally felt that they would be rewarded (though not necessarily financially) for their efforts to support Transforming Justice. However, this was the least positive response to the questions asked in the survey.

I am confident I will be appropriately rewarded for my efforts to support the Transformation.

There were some issues raised. First, the confusion created by unclear governance structures meant that those not on the Transforming Justice committee or EMCB were unsure where decisions were being taken and so how to escalate issues to the right level. Second, most interviewees below director level were clear on the steps they needed to take to implement their part of the programme but a few were less sure about their relationship to Transforming Justice as a whole. As one interviewee put it, “we need to be working more closely with other parts of the [Transforming Justice] programme.” Third, there were some concerns that, whilst the headcount reduction was generally thought to have been well handled so far, there was a risk of the wrong staff being lost, hampering future stages of the transformation.

In terms of future focus, the key challenge for MoJ over the next 12 months is ensuring that it possesses the capabilities required as the next stages of the transformation begin to be implemented. Two critical areas will be: programme and project management for Transforming Justice as a whole and for each of its constituent areas; and effective human resource management as headcount reductions affect more staff. A key area of focus will be whether the governance structure actually empowers people to act, allowing them clarity over the areas where they have delegated authority to act, and a means by which they can get rapid decisions on issues that need to be escalated.
4.6 Planning for and creating short-term wins

Kotter argues that short-term wins are vital to the change process in helping to motivate staff and win over doubters. The nature of the wins and the timeline for achieving them is dependent on the scale and shape of the transformation programme. However, senior leaders felt it was important that Transforming Justice was now perceived to be delivering tangible results.

In the survey, a large majority of senior leaders agreed that Transforming Justice had already delivered positive change.

*Transforming Justice has already delivered change that has improved the department.*

Interviewees cited three key areas. First, and most tangible, were the reforms to MoJ’s estates and shared services. These strategies had begun independently of Transforming Justice and have since been incorporated into the portfolio. Whilst some interviewees felt that this was not really a win for Transforming Justice, those most involved in these workstreams tended to reject this interpretation, reporting that being part of Transforming Justice had given them greater permission...
and support. At the time of research, shared services had been established for MoJ as a whole, building on the offering previously within NOMS. The question looking ahead is the extent to which this does provide a ‘better’ service at less cost.

Second, several key announcements had been made signalling the department’s intention on certain key activities. This included the Green Paper and response on the rehabilitation revolution as well as announcements on the closure of prisons, legal aid reform and civil and family justice among others. Clearly announcements do not, in themselves, amount to the kind of win Kotter alludes to. However, given the political and policy context in which the department operates, this is potentially an important milestone along the path.

Third, several interviewees referred to the impact of Transforming Justice on the culture of the department. Again, this does not represent a ‘hard’ win in Kotter’s terms. However, a number of interviewees felt that this had been the most important benefit of the programme. Given the department’s recent formation and the acknowledged challenge of developing shared and cohesive leadership, this is an extremely important development.

Looking forward, as the department moves into implementation, it will be important to increase the pace and demonstrate a succession of quick wins in order to build momentum. The key challenge will be demonstrating that wins genuinely represent ‘better for less’ and celebrating them. Shared services and estates are likely to provide the first opportunity to do this, but this will not work if staff feel that services are simply ‘less for less’.

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**Planning for and creating short-term wins: key findings**

- Transforming Justice has delivered some important early wins, including estates and shared services, several announcements and a big culture change. Whilst these are not all ‘hard’ wins, they represent important developments.

- In future the department should focus on achieving a series of quick wins and make sure to demonstrate that these represent ‘better for less’.
5. Conclusions

In the period since the last interim evaluation report, MoJ has made substantial progress in realising the ambitious Transforming Justice change programme.

There have been a number of notable successes:

- Following the election MoJ was in a strong position to proactively adapt to the demands of the new administration and to negotiate the Spending Review, which is testimony to the work invested in the change programmes and the preparedness of the department.

- Impressive progress has been made in incorporating individual change initiatives into a coherent overarching strategy under the Transforming Justice brand, which is now recognised as the only change programme in the department. However, this needs to be followed up with more practical measures to understand the interdependencies between the different elements, and ensure that contingency plans are in place so that issues in one area do not disrupt the overall progress of Transforming Justice.

- The leadership coalition has strengthened and deepened, which has contributed to a widespread and growing confidence that Transforming Justice is on track to deliver. This coalition has been instrumental in maintaining a sense of urgency behind the change programme.
5. Conclusions

Are you more or less confident about the likely success of Transforming Justice than you were this time last year?

- These successes are attributable to energetic leadership, a willingness to take difficult decisions, the establishment of more corporate ways of work at the senior level, and the active and effective communication of the Transforming Justice brand within the organisation. Ministerial support for the direction of travel offered by MoJ was also important.

Notwithstanding this progress, a number of areas for future focus face the department:

- In the face of unprecedented fiscal austerity, Transforming Justice could lose sight of its ambition to make the justice system better – its original *raison d’être* – and become simply a programme of cuts. Avoiding this will require that the guiding coalition continue to proactively communicate the key message behind Transforming Justice. The focus on ‘better’ would be aided by the development of clear measurements of what a better justice system looks like, so that progress can be more easily tracked.

- Intra-MoJ programme dependencies are not the only risk factor: there are also significant dependencies involving other government departments and other stakeholders. It is important that MoJ work more closely with these stakeholders to minimise the risk they pose to the success of Transforming Justice.

- Equally, while important progress has been made in strengthening the governance of Transforming Justice, this would benefit from further streamlining. The role of the Transforming Justice Committee is not universally understood, and risks balkanising the
governance of Transforming Justice and the wider MoJ. It is critical that transformation be seen not as one activity among many, but an underlying ethos that permeates every element of the department’s activity.

• Moving into the next phase of Transforming Justice, MoJ may need to bolster specific capabilities (such as HR and programme and project management) and to support those managers leading change within specific areas of the department. This will be important both for individual work programmes but also for the coherence of the change portfolio overall.

The Institute will continue to monitor MoJ’s progress on delivering a ‘better justice system for less’. As Whitehall faces the largest spending reductions since at the Second World War and other departments get their own major change programmes underway, Transforming Justice will continue to provide valuable insights into both the enablers and challenges of successful transformation.
Appendix 1: 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 from 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, McCrae and McClory 2011). 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.
List of acronyms

CJG    Criminal Justice Group
CJS    Criminal Justice System
CSR    Comprehensive Spending Review
DCL    Democracy, Constitution and Law Group
DfE    Department for Education
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
SR Spending Review
SRO Senior Responsible Office
VFM Value for Money
Endnotes

i The Institute for Government is planning to increase the availability of comparative data on government transformation. The Institute for Government is planning to work with additional government departments seeking to deliver transformational change, using the full Institute evaluation methodology.

ii 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.

iii Please note that this typology is subject to ongoing development.
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- We offer unique insights and advice from experienced people who know what it’s like to be inside government both in the UK and overseas.

- We provide inspirational learning and development for very senior policy makers.

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