

**DEPARTMENT FOR CONSTITUTIONAL
AFFAIRS –
EFFICIENCY TECHNICAL NOTE**

OCTOBER 2005

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Efficiency Technical Note

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DEPARTMENT FOR CONSTITUTIONAL AFFAIRS – EFFICIENCY TECHNICAL NOTE

INTRODUCTION

1.1 As part of the Spending Review 2004, the Department for Constitutional Affairs (DCA) agreed to a target of annual efficiency gains amounting to £292 million by 2007-08. This followed the recommendations of the Independent Review of Public Sector Efficiency, led by Sir Peter Gershon.

1.2 This Efficiency Technical Note (ETN) sets out the measures and methodologies that the DCA will use to assess efficiency gains. The Secretary of State and Lord Chancellor is responsible for delivering this target.

1.3 The DCA is responsible for delivering justice, rights and democracy to the public we serve. Our aim, through our 5-year strategy, is to contribute to the delivery of better public services, and to change the way the justice system works to widen the public's access to, and improve their confidence in, the services we deliver.

1.4 We are looking for constant improvement in all that we do, and our plans to achieve efficiencies focus on four key areas:

- Policy and operational resources which are better focussed on delivering our PSA targets effectively and efficiently;
- Greater flexibility as a Department in responding to new priorities and the changing needs of the customers we serve;
- High quality, value-for-money corporate services aligned with front-line operations within the organisation; and
- A procurement strategy which delivers value-for-money services across the whole organisation.

PROGRAMME ORGANISATION & GOVERNANCE

1.5 The DCA has appointed a Corporate Board sponsor and Senior Responsible Owner (SRO) who jointly take overall responsibility for co-ordinating and delivering the Department's efficiency target. The management of the Efficiency Review within the Department accords to the best practice adopted for PSA Programmes in DCA.

1.6 The Department's efficiency target of £292m will be delivered by seven workstreams relating to the core business areas within DCA. Each of these workstreams has a target owner (at Director Level) who is responsible for delivering the efficiency gains and a target manager with responsibility for monitoring and reporting progress.

1.7 The Department has created an Efficiency Review Steering Group, which meets regularly to oversee and monitor progress against targets and milestones through an agreed quarterly reporting approach. Monthly highlight reports are also produced for the Departmental Management Board. A dedicated Programme Manager manages the day-to-day activity within the programme, in conjunction with the workstream managers.

TARGET DEFINITION

1.8 To meet the requirements of the Efficiency Review the DCA has committed to achieving efficiencies of £292 million, of which a minimum of £57m will be cashable savings. The financial baseline against which these efficiencies are measured is, unless stated otherwise, the resource budget of the Department for 2004-05. Specific detail of each is contained in the ETNs of the individual workstreams (see below).

1.9 Table 1 (below) sets out the efficiencies that each workstream is planning to achieve by 2007-08. Although the DCA will deliver the overall target of £292 million by 2007-08, the eventual composition of the total may vary from the figures set out below, as detailed plans are developed for different areas of activity. The figures shown below are, therefore, purely indicative.

Table 1: Department for Constitutional Affairs projected efficiencies by 2007-08

WORKSTREAM	£M
LEGAL AID	198
CROSS CJS	25
HER MAJESTY'S COURTS SERVICE	41
PROCUREMENT	15
POLICY FUNDING & REGULATION	9
PRODUCTIVE TIME & CORPORATE SERVICES	4
ASYLUM & IMMIGRATION TRIBUNAL	TBC

NB: Figures are rounded. Asylum & Immigration Tribunal was identified as an area of saving post-Gershon, and as such has no formal contributory target. Work is being undertaken to identify an indicative target.

1.10 To help achieve this target we plan to reduce DCA staff numbers by 1,100 Full Time Equivalents (FTEs) by 2007-08. The baseline against which the reduction in FTE headcount is measured is the number of FTEs DCA had in post on 1 April 2004 (12,410) plus the transfer of 10,922 staff from local government as a result of the creation of Her Majesty's Courts Service (HMCS) on 1 April 2005. This adds up to a baseline figure of 23,332 FTEs.

1.11 To achieve the reduction in headcount plans are underway to review and redesign the centre of DCA and working practices and processes within HMCS. The reductions in headcount will not impact 'outputs' and the service provided by the DCA will be maintained. This will be monitored through progress toward our PSA targets, which are published in the Departmental Report.

1.12 This technical note also includes our relocation plans in response to the Lyons review. We are planning to relocate 200 posts within Headquarters of the newly created Judicial Appointments Commission and Tribunals Service out of London and the Southeast. The baseline against which the relocation of these posts will be measured is the number of FTEs in post on 1 April 2006.

1.13 The following pages comprise the technical notes for each of the individual workstreams. These show how the organisation plans to deliver its efficiency gains, how the gains will be measured, and provides the baseline against which progress towards the target will be assessed.

INDIVIDUAL WORKSTREAM TECHNICAL NOTES

WORKSTREAM	LEGAL AID
Activity	More efficient delivery of legal aid spending
Approach	<p>This workstream focuses on how we can deliver legal aid more efficiently. Key activities to support delivery of these aims will include:</p> <ul style="list-style-type: none"> • Controlling the costs of very high cost criminal cases (VHCCC), by replacing the old ‘ex post facto assessment’ (EPF) with the new ‘individual case contract’ scheme, whereby lawyers fees are agreed before trial (rather than after, as under EPF) • Capping civil legal help, by use of the tailored fixed fee (TFF) scheme. This replaces the previous hourly rate system. The fixed fee is tailored because it uses the individual firms average claim price (currently 2003/04) as a base. The Tailor Fixed Fee systems is designed to constrain average rate rises • Extending the fixed fee legal help scheme to cover the family help element of civil representation. The proposal is expected to generate savings both from the fixed fee element of the scheme and by a reduction in the number of certificates issued for full representation • Removal of the £3,000 exemption for matrimonial cases, which will enable recovery of costs from the applicant in successful cases. Savings will be made where the case costs exceed the awarded sum minus £3000, resulting in recovery of a greater portion of the case costs than with the current exemption • Inclusion of ‘cracked’ trials, guilty pleas and crown court litigation fees into the graduated fee scheme which sets out rates according to hours worked. Fixed fee systems are designed to produce average rate reduction/or constrain average rate rises • Transfer of responsibility for granting Legal Aid from magistrates courts to the LSC so that legal aid is used efficiently in cases, which are within the scope of the legal aid scheme • The transferral of responsibility for charging from police to the Crown Prosecution Service (CPS), in order to reduce the number of ineffective trials as a result of lack of evidence and appeals by the defence, and therefore focus legal aid expenditure on the cases that will go to trial • Compulsory competitive tendering, which will replace the current system of paying firms an hourly rate with competitive tendering and payment on a case-by-case basis <p>All of the efficiencies generated by this workstream will be non-cashable</p>
Type	Reduced inputs providing the same or improved outputs
Measures	<p>For the key activities detailed above there are a series of measures which will detail savings made by comparing the:</p> <ul style="list-style-type: none"> • Difference between case costs pre- and post-competitive tendering • Difference in costs of VHCCC under EPF and under the new system • Difference in average costs of ‘cracked’ trials, guilty pleas and crown court litigation fees under the previous hourly rate scheme (ex post facto) and the new TFF scheme, using price variance analysis • Total case cost and the awarded sum (less £3,000) in successful matrimonial cases

	<ul style="list-style-type: none"> • Capping civil legal help (including family help element of civil representation) by extending the tailored fixed fee (TFF) scheme difference between the average fixed fee paid and the average claim value • Transfer of responsibility for granting Legal Aid from magistrates courts to the LSC: efficiency will be measured by the number of legal aid representation orders pre- and post-implementation multiplied by the average price • Charging – reduction in volumes of ‘ineffective’ and ‘cracked’ trials multiplied by saving as calculated below: <ul style="list-style-type: none"> ◆ Ineffective trials – average cost of trial multiplied by time saved ◆ Cracked trials – average cost of cracked trial less cost of an early guilty plea
Monitoring	Internal monitoring will take the form of variance analysis, and will be scrutinised by the efficiency programme and steering group. Progress will be reported quarterly
Data Sources	<p>Monthly financial management information - LSC accounting systems</p> <p>VHCCC contracts and unit data</p> <p>National taxing team files and crown court database (CLAT)</p>
Quality	<p>The LSC use ‘Quality Profiles’ which are an integral element of the supplier management process and part of a range of tools to assess the quality of advice and monitor performance provided by a supplier. These profiles use a series of category specific indicators that are drawn from case information which suppliers report to the LSC at the conclusion of every case. Indicators include:</p> <ul style="list-style-type: none"> • substantive client outcomes; • case duration; • case mix; • and conclusion. <p>The performance of suppliers is assessed as either low, medium or high risk and the profiles enable auditors to consider whether performance is being maintained or improved.</p> <p>Quality profile reports are used to provide feedback on whether a firm is ‘out of profile’ and enable the LSC to ensure that supplier performance is maintained. Where a firm is ‘out of profile’ the reports submitted trigger further investigation in the form of ‘audit’ or a ‘peer review’</p>
Validation	Internal Audit to validate efficiency savings
Baselines	2004-05 financial and cost data

<p>Definitions</p>	<ul style="list-style-type: none"> • Legal Services Commission (LSC): Non Departmental Public Body responsible for administering legal aid payments • Tailor Fixed Fees (TFF): tailored fixed average prices based on individual Solicitors firms average claim price • Very High Cost Criminal Cases (VHCCCs): defined as any case in excess of 41 days • Ex post facto assessment (EPF): assessment of a lawyer’s bill after the case has finished. The assessment validates work claimed for was necessary and rates are reasonable. This is the conventional method of payment for lawyers • Individual Case Contracts (ICCs): agreed (between the LSC and Solicitor) breakdown of cases into stages detailing work required and identifying the fee earner and their respective hourly rates. The contracts also take account of case management requirements assigning work to the correct grade of fee earner • ‘Cracked’ trials: trials that fail to take place due to a defendant pleading guilty on the day • Ineffective trials: trials that are ready to take place, but fail to do so for a number of reasons on the day (e.g. non-attendance of a witness, defendant’s non-attendance due to sickness etc)
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WORKSTREAM	GROSS - CRIMINAL JUSTICE SYSTEM (XCJS)
Activity	Improving efficiency and business performance of Her Majesty's Courts Service (HMCS) from a range of cross Criminal Justice initiatives and projects
Approach	<p>This workstream, working in collaboration with other criminal justice organisations focuses on improving delivery of services within the criminal justice arena. In particular, savings will result from changes to business processes and working practices</p> <p>The approach taken has been to split the XCJS initiatives into two strands. Those which:</p> <ul style="list-style-type: none"> • Require HMCS to make business changes to realise the efficiency benefits (this is referred to as the XCJS – Business Change Strand); • Accrue to HMCS from the action of other Criminal Justice Organisations (CJOs) and/or do not require HMCS to make business changes to realise the benefits (this is referred to as the XCJS – Performance Improvement Strand) <p><u>Business Change Strand</u></p> <p>There are two XCJS initiatives that fall into this strand:</p> <ul style="list-style-type: none"> • LIBRA is an IT initiative that will improve the management of cases in magistrates' courts in England and Wales. It will also provide new and improved electronic links with other CJOs • XHIBIT is an IT system centred on the Crown Court. It will keep all parties (e.g. prosecution and defence counsels, jurors, court staff) updated with the latest progress of hearings in courtrooms. It will also improve the speed at which the Police National Computer (PNC) is updated <p>The efficiency benefits from LIBRA and XHIBIT will be realised by changing court processes and procedures as a result of the new IT capabilities</p> <p><u>Performance Improvement Strand</u></p> <p>There are a number of XCJS initiatives that fall in this strand. The major ones are:</p> <ul style="list-style-type: none"> • Charging - is an initiative where responsibility for charging a defendant is being transferred from the police to the Crown Prosecution Service (CPS) with the aim of reducing the number of cases that are discontinued later in the criminal justice process and increasing the number of successful prosecutions • Effective Trial Management Programme (ETMP) is an initiative aimed at improving the management of cases across CJO boundaries • No Witness No Justice (NWNJ) is an initiative aimed at encouraging witnesses to attend court to give evidence • CPS Case Management System (CMS) is an IT system that will improve the management of cases by the CPS <p>The combined impact of these and other initiatives will be to reduce the number of trials that have to be adjourned on the day of the trial (known as 'ineffective trials'). This wastes court time and criminal justice (CJ) resources as well as having a negative impact on victims and witnesses</p> <p>They will also improve efficiency by reducing the number of cases that go through the full CJ process only for the defendant to change their plea on the day of the trial or for the case to be dismissed. These trials are known as 'cracked trials' and again waste CJ resources that could have been spent processing other cases</p> <p>All savings under this workstream will be non-cashable</p>

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Type	A combination of cost savings and productivity improvements (increased throughput and quality with the same level of resources)
Measures	<p><u>Business Change Strand</u></p> <ul style="list-style-type: none"> • LIBRA , once fully implemented, will enable HMCS to reduce its operating costs by about £20M pa • XHIBIT is forecast to make staff-time savings equivalent to just over £2M pa in Crown Court back-office operations. The savings in back-office staff time will be used to fund additional in-court staff <p><u>Performance Improvement Stand</u></p> <p>The key measures are the ineffective and cracked trial rates in both the magistrates’ courts and the Crown Court. The value of the lost and wasted court time is £125 per ineffective trial and £256 per crack trial in Magistrates’ Courts, and £1,509 per ineffective trial and £1,608 per cracked trial in Crown Courts</p>
Monitoring	<p>Internal monitoring will take the form of variance analysis, and will be scrutinised by the efficiency programme team and steering group. Progress will be reported quarterly</p> <p><u>Business Change Strand</u></p> <p>The business changes in this strand are to be built into business plans and budgets and will be reported direct by the business and co-ordinated jointly by both the HMCS and XCJS Efficiency workstreams</p> <p>XHIBIT surveys will be completed prior to implementation, and 6 and 12 months after implementation to monitor the back-office staff time savings and develop ‘best practice’ working processes and procedures</p> <p><u>Performance Improvement Strand</u></p> <p>The HMCS Performance Directorate monitors ineffective and cracked trial rates on a monthly basis</p>
Data Sources	HMCS management accounting and performance management information systems
Quality	<p>The tools used to measure the quality of service provided include:</p> <ul style="list-style-type: none"> • Ineffective trial rates – ineffective trials inconvenience everybody associated with a trial – victims, witnesses, counsel etc and affect the public’s experience and perception of the CJS. The quality baselines (2002-03) for ineffective trial rates are 30.6% in Magistrates’ Courts and 23.1% for Crown Courts • Timeliness – this is the time it takes to process a case through court proceedings. Again, it affects the public’s experience and perception of the CJS. The quality baselines (2003-04) in Magistrates’ Courts are completion of all criminal cases within 33 days from first listing, with data captured on a survey basis. For Crown Courts (baseline year 2002-03) the quality baseline is 68.2% of cases committed for trial commence within 16 weeks
Validation	Management reporting to HMCS Performance and Finance Directorates as well as to the Office of Criminal Justice Reform (OCJR). Data used for management reporting is audited
Baselines	<p>The baseline for the Business Change Strand is 2004-05</p> <p>The Performance Improvement Strand baseline is 2002-03 for ineffective and cracked trial rates and volumes. This baseline is consistent with that in the original business case used to determine the targets and a number of other major XCJS initiatives</p>

Definitions	<ul style="list-style-type: none">• 'Ineffective Trials': trials that are ready to take place, but have to be suddenly adjourned to another day because, for example, a witness fails to attend, the defendant fails to attend, the prosecution or defence counsels are not ready to proceed• 'Cracked Trials': trials that are terminated because, for example, the defendant suddenly changes their plea• 'Timeliness': is the time between the first listing of a case and its completion having gone through all court proceedings
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WORKSTREAM	HER MAJESTY'S COURTS SERVICE (HMCS)
Activity	Local merger savings from unifying 43 organisations into one
Approach	<p>This workstream focuses on delivering efficiencies following the creation of HMCS on 1 April 2005. The key areas which will generate savings are:</p> <ul style="list-style-type: none"> • line management and support function re-organisation • rationalisation and pooling of court business e.g. family, enforcement activities • estates integration e.g. combining county courts with magistrates courts • more efficient use of corporate resources e.g. HR, procurement (through the adoption of national systems) <p>Additional efficiencies will be identified by end December 2005. It is envisaged these will be delivered by changes in the business model, which flow from the business strategy</p> <p>The efficiencies generated by this workstream will be both cashable and non-cashable</p>
Type	Reduced inputs (money & people) for the same outputs. Increased outputs (extra service, productivity) for the same inputs
Measures	<p>Savings (£) in overall costs (including paybill)</p> <p>Reduction in HMCS headcount</p> <p>Savings on the cost of running the HMCS estate flowing from estates rationalisation (e.g. lower running costs because of merging and closing courts)</p>
Monitoring	Quarterly reporting. Internal reporting takes the form of variance analysis (using a standard Departmental template) and is subject to scrutiny by the HMCS efficiency group and Departmental steering group
Data sources	<p>Monthly financial management information</p> <p>Local and central HR data</p>
Quality	<p>HMCS uses many KPIs to measure quality. These include:</p> <ul style="list-style-type: none"> • Improving the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25m by 2007/08. • Ensuring cases are disposed of promptly, by achieving, for example, the target of 78% of cases starting on time in Crown Courts by March 2006. • Maintaining the 104,200 sitting days in Crown Courts through March 2006. • Improving enforcement of fines by achieving target payment rate of 81% by March 2006. • Increasing customer satisfaction in key areas such as: <ul style="list-style-type: none"> • Knowledge of court staff at public counter (85% target) • Knowledge of staff on telephone service (80% target) • Speed of resolution of complaints (60% target) • Helpfulness of written communication (80% target)

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Validation	Internal Audit to validate efficiency savings Her Majesty's Inspectorate of Court Administration (HMICA) monitors and reports courts performance
Baselines	2004-05 financial and quality data HMCS headcount of 19,614

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WORKSTREAM	PROCUREMENT
Activity	Securing better value for money and improving resource utilisation
Approach	<p>The key areas which will generate efficiency gains are:</p> <ul style="list-style-type: none"> • Development and implementation of a national procurement strategy across HMCS • Re-letting and rationalisation of key contracts • Extension of government procurement card and e-auctions • Rationalisation of major IT support contracts (DISC)
Type	Reduced inputs for the same outputs and increased outputs (extra service) for the same inputs
Measures	<p>Savings (£) in procurement costs (including DISC) – calculated using:</p> <ul style="list-style-type: none"> • established OGC procurement efficiency and value-for-money methodology • sample cost data from magistrates courts compared to costs of centrally negotiated contracts • cost comparisons of new and old IT support contracts
Monitoring	<p>Quarterly reporting. Internal reporting takes the form of variance analysis (using a standard Departmental template) and is subject to scrutiny by the Departmental efficiency team and steering group</p> <p>Annual VFM returns</p> <p>Internal monitoring and self-assessment reports</p>
Data sources	<p>Data collection on VFM achievements</p> <p>OGC buying solutions quarterly reports</p>
Quality	<p>Memorandum of Understanding between DCA Procurement and HMCS which sets out service delivery criteria</p> <p>Quarterly meeting of Procurement Board to review service quality</p> <p>Key performance indicators on all major contracts, which are linked to PSA targets on improving services to the public</p>
Validation	Internal Audit provides assurance of VFM methodology and calculation of achievements, combined with OGC approval
Baselines	In accordance with OGC measurement methodology the baseline year will generally be 2004-05, except in specific circumstances (such as a new contract for new activity or where an improvement is achieved within an ongoing contract)

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WORKSTREAM	POLICY, FUNDING & REGULATION
Activity	This workstream focuses on how we can deliver our policy and operational objectives more effectively
Approach	<p>Activities to support the delivery of this workstream involve re-organising the centre of DCA (Re-shaping Project). This includes:</p> <ul style="list-style-type: none"> Streamlining the centre by reviewing teams and management structures within Directorates <p>All of the efficiencies generated by this workstream will be cashable</p>
Type	Reduced inputs for the same outputs
Measures	<p>Savings (£) in salary and associated support costs</p> <p>Reductions in headcount (300 in DCA Centre)</p> <p>Attainment of a 1:20 HQ to Front-line ratio</p>
Monitoring	<p>Quarterly reporting. Internal reporting takes the form of variance analysis (using a standard Departmental template) and is subject to scrutiny by the Departmental efficiency team and steering group</p> <p>Regular updates provided by the project SRO</p>
Data sources	<p>Monthly financial management information</p> <p>Local and central HR data</p>
Quality	Delivery of PSA targets
Validation	Internal Audit to validate efficiency savings
Baselines	<p>Headcount at 1 April 2004 is 3,718</p> <p>HQ to front-line ratio 1:5</p> <p>Paybill costs 2004-05</p>

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WORKSTREAM	PRODUCTIVE TIME
Activity	Improve resource utilisation
Approach	This workstream focuses on increasing the productivity of the workforces. Specific activities currently include: <ul style="list-style-type: none"> Reducing the number of days lost through sick leave
Type	Improved outputs
Measures	Number of days lost through sickness (reduction to 7.5 days) Savings (£) in paybill costs, calculated by average pay
Monitoring	Quarterly reporting. Internal reporting takes the form of variance analysis (using a standard Departmental template) and is subject to scrutiny by the Departmental efficiency team and steering group Quarterly/monthly HR management information – sick absence returns
Data sources	Sick absence returns Monthly budget information
Quality	Staff feedback sessions: <ul style="list-style-type: none"> Performance management processes & procedures Quality of service provided via the HR shared services model Memorandum of Understanding for services to HMCS
Validation	Internal Audit to validate efficiency savings
Baselines	2004-05 paybill costs Average sick days 11 per person per annum (2004-05)

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WORKSTREAM	CORPORATE SERVICES
Activity	Restructuring and business re-engineering (shared services model approach) of Corporate Services
Approach	<p>This workstream is focusing on the exploration of opportunities to simplify and streamline systems and processes leading to a reduction in FTE posts and associated costs. This includes:</p> <ul style="list-style-type: none"> • Human Resources – systems upgrade and more automated processes • Finance – organisational restructure and skills transfer (between contractors/consultants and permanent staff) • Information Technology – organisation restructure
Type	Reduced inputs for the same outputs, and increased outputs (extra service) for the same inputs
Measures	Associated costs following reduction in staff numbers (which are measured in PFR workstream)
Monitoring	Quarterly reporting. Internal reporting takes the form of variance analysis (using a standard Departmental template) and is subject to scrutiny by the Departmental efficiency team and steering group
Data sources	<p>Monthly financial management information</p> <p>Monthly and quarterly headcount data</p>
Quality	Delivery of PSA targets and achievement of Business Plan objectives and commitments
Validation	Internal Audit to validate efficiency savings
Baselines	<p>Headcount as at 1 April 2004</p> <p>Paybill and associated costs 2004-05</p>

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WORKSTREAM	ASYLUM AND IMMIGRATION TRIBUNAL (AIT)
Activity	Improved speed and quality of appeals which delivers an increased ratio of outputs (cases) to inputs (cost)
Approach	<p>Delivering efficiency gains by:</p> <ul style="list-style-type: none"> • Speed - reducing the 'end to end' asylum appeals process under the new AIT. Investing administrative and judicial resource in the asylum process to improve the speed of the process • Quality – greater emphasis on quality to help reduce adjournments and onward appeals <p>Improved speed and quality will act as a deterrent to unfounded asylum claims which will contribute to a reduction in asylum appeals thus enabling the AIT to deliver more output (final decisions) through the delivery of less resource intense non-asylum appeals</p> <p>All savings in this workstream are non-cashable</p>
Type	An improved ratio of output per unit cost of input over the period compared to the baseline year
Measures	<ul style="list-style-type: none"> • Average unit cost of an appeal = total out-turn (£ - input) in the period divided by the total number of final decisions (output) in the period
Monitoring	<ul style="list-style-type: none"> • Speed - monitoring the performance of the appeals system against target (PSA and internal targets) • Quality – monitoring adjournment and onward appeal rates • Level of output (number of final decisions) • Resource out-turn (£) v Budget
Data sources	<p>AIT monthly performance pack</p> <p>Appeal Records for Immigration and Asylum (ARIA) database</p>
Quality	Monitoring the rate of (and rate of success of) onward appeals as a percentage of AIT decisions
Validation	Internal Audit to validate efficiency savings
Baselines	2004-5 data

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