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Environmental Audit Committee

The Ministry of Justice: Environmental Sustainability

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to the report*

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Environmental Audit Committee

The Environmental Audit Committee is appointed by the House of Commons to consider to what extent the policies and programmes of government departments and non-departmental public bodies contribute to environmental protection and sustainable development; to audit their performance against such targets as may be set for them by Her Majesty's Ministers; and to report thereon to the House.

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Summary

Key findings

The Ministry of Justice should be a leader across Government in reducing its environmental footprint and implementing the UN's Sustainable Development Goals (SDGs). It has the second largest estate across central government, and has stated it wants "to embed sustainability in everything it does". While we applaud this commitment, we found there are significant gaps and weaknesses in key areas, including no mention of the SDGs in its Single Departmental Plan.

For example, even though the Ministry has made progress in reducing its carbon footprint and waste, it has encountered difficulties with the purchase of paper since 2014–15 and missed its target on domestic flights and carbon reduction in 2014–15. Less than 1% of its fleet are ultra-low emission vehicles. Furthermore, the Ministry's greening targets for 2019–2020 are not ambitious enough: the Ministry exceeded its carbon emission reduction target for 2019–20 in 2016–17 and was only 1% off on its 2019–20 waste reduction target in 2016–17.

In estate management, it is unacceptable that the Ministry failed to collect final BREEAM (Building Research Establishment Environmental Assessment Method) certificates for 64% of its refurbishment and new build projects which means the environmental status of these buildings is unknown. Overheating is a significant issue for the Ministry- it received 497 complaints in 2016–17. If refurbishment and new built projects do not meet the required standards, the Ministry might incur substantial costs to improve conditions later on. Furthermore, the Ministry also incurred delays on its carbon reduction programme: it did not implement 13 of the 59 projects it had foreseen in 2016–17. And, while the Ministry has made improvements on its ten Sites of Specific Scientific Interest, only two of them are in a favourable condition.

In addition, the Ministry has not systematically undertaken environmental impact assessments for new policies and its sustainability strategies are mainly internal. In particular, it removed the fixed cap on fees for environmental court cases in 2017 in the face of widespread opposition and without providing robust evidence about its impact to Parliament. We recommend that the policy be reviewed in two years and reversed if the Ministry cannot provide firm evidence about its impact.

Finally, there are gaps in the Ministry's governance and oversight arrangements, with senior management not being informed about sustainability incidents or issues on the estate, for example: a case where a contractor destroyed a nationally important protected orchid meadow; and on the Ministry's performance against Government Buying Standards.

Recommendations

The Ministry acknowledged these gaps, and has started to improve its policies, guidance and oversight.

Our recommendations focus on 3 cross-cutting themes, which are:

- to embed sustainability more in all it does;
- to follow guidance when making policy and providing guidance to staff and contractors; and
- to improve oversight and governance of sustainability, including governance of its contractors.

In particular, we recommend that the Ministry sets out stretching greening targets for 2019–20, further develop its sustainability policies and set out how it will meet existing targets. We also urge the Ministry to improve its estate management, and systematically collect environmental rating certificates for all its refurbishment and new built projects. We ask it supports its staff better, including prison governors and the people involved in selling-off old courts and tribunal buildings, and provide guidance and oversight to contractors on how they should manage the estate sustainably, including the Sites of Specific Scientific Interest. We also recommend that the Ministry improve its oversight of sustainability matters within the Ministry, and that the Ministry shows leadership to the rest of central government in terms of sustainability.

1 Introduction

Background

1. Our remit includes a responsibility “to audit Government departments’ and agencies’ performance against sustainable development and environmental protection targets”.¹ During the last two Parliaments, we have carried out this function through a series of “sustainability audits” of Government departments by the National Audit Office (NAO), followed by evidence sessions with departmental officials on the NAO’s findings. In the 2015–17 Parliament, we held hearings on sustainability with [HM Treasury](#) and [the Department for Transport](#). On 14 November 2017, we heard from the Ministry of Justice following an NAO report on the Ministry’s environmental sustainability.² We thank the NAO for its work and assistance.
2. The Ministry says it is “committed to making sustainable development standard in everything we do”.³ It has the second largest estate in government and accounts for 20 per cent of total government emissions. As at December 2016, the Ministry’s estate comprised 1,650 buildings: 669 buildings on custodial (prison) sites, 415 probation buildings and offices, 528 courts and tribunals and offices of HM Courts and Tribunals Service (HMCTS). It is also the second largest buyer of goods and services across government, spending £4.6 billion through external suppliers in 2015–16, which is 10% of total central government spend on procurement.⁴
3. The NAO concluded that the Ministry meets or is making progress against many of its environmental targets and is developing its approach to a number of key risks and opportunities for the environmental sustainability of its estate. However, it also found that there are still significant gaps and weaknesses in its accountability arrangements, and it is not yet meeting its ambition to embed sustainability in everything it does.
4. We have drawn on the NAO’s overview, the Ministry’s annual reports and evidence provided by the Ministry’s officials during the oral evidence session. As the Ministry could not provide us with details on a number of queries during the session, it provided further information in writing on 8 December. This included addressing questions on its flights, overheating, its targets and access to environmental justice.
5. We have structured the report around five themes where sustainability plays a major role: the Ministry’s targets and commitments (chapter two); policy making and sustainability strategies (chapter three); managing the estate, including the custodial estate and courts and tribunals (chapter four); managing biodiversity (chapter five); and oversight and accountability (chapter six).

1 Environmental Audit Committee, Role, accessed 28 November 2017

2 National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017

3 Ministry of Justice, [annual report 2015–16](#), p. 23

4 National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017, paragraph 4.2

2 The Ministry's targets and commitments

Introduction

6. This chapter looks at how the Ministry of Justice (the Ministry) is performing against the Greening Government Standards and the Government Buying Standards.

Performance against greening targets and buying standards

7. To reduce its impact on the environment and embed sustainability, Government agreed the Greening Government Commitments: it set out targets for 2014–15 in 2010 and then in 2016 agreed targets for 2019–20, both against a 2009–10 baseline. The Ministry is also committed to Government Buying Standards, which all central government departments follow to ensure that goods and services are bought sustainably. All departments, including the Ministry, have signed up to both set of targets since they were agreed. The Greening Government targets require each department to agree a series of targets for carbon emission reduction, waste reduction, paper use, water use and domestic flights. For the Government Buying Standards, all central government departments report to Defra on compliance for six of the 11 standards on an annual basis.

8. The NAO reported on the Ministry's performance against Greening Government Commitments and the Government Buying Standards (Figure 4 and Figure 13 respectively), and set out that the Ministry managed to reduce its carbon emissions by 28% in 2016–17 compared to 2009–10 emission levels (which we return to in Chapter 4). The NAO also reported that the Ministry met its targets on paper reduction and waste to landfill targets. However, the Ministry scored lower than other government departments on average. In the section below, we highlight concerns with the amount of paper the Ministry bought and its use of domestic flights. We also comment on the uptake of low emission vehicles, before looking at the application of the government buying standards across its contracts and the targets it set out for 2019–20.

Paper

9. The Ministry's performance has been unsatisfactory for purchasing paper from 2014–15 onwards⁵ (Table 1). The Ministry explained that, while it had substantially reduced its use of paper by adopting new technology, it had encountered difficulties as the specification of the paper it purchased had operational problems with the machinery across the estate.⁶ It now purchases other paper and expects to achieve full compliance in the future.⁷

5 MOJ written response, annex A, Q11

6 Q62

7 Q62

Table 1: The Ministry's performance on paper meeting the Government Buying Standards

Percentage of performance on total purchase meeting or exceeding the standard	2013–14	2014–15	2015–16	2016–17
Print paper	100	50	15	46
Other paper		71	13	99

Source: National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017, figure 13 and MOJ written response

Domestic flights

10. A particular area of concern for us was the Ministry's use of domestic flights. Flights increased by 2% from 2014–15 to 2016–17, both measured against 2009–10 figures. The Ministry provided us with a breakdown of numbers in 2016–17, showing that 70% of the Ministry's domestic flights were to/from Scotland, Northern Ireland and the UK's other islands.⁸ However, 108 flights were on the route London-Anglesey and 98 on the route London- Cardiff. The Ministry said that its “ policy on air travel states it should only be undertaken when there is a business justification either because of cost advantage, official time saving or if urgency justifies the additional cost”⁹ and that “it would review whether the authorisation process is sufficient”.¹⁰ It did not provide any explanation for the increase from 2014–15.

11. *Increasing numbers of domestic flights are not in line with the Ministry's environmental commitments. We welcome the Ministry's commitment to review its authorisation processes for domestic flights. It should set out, in its response to this Report, the outcome of the review and how it intends to reverse the upward trend in flights.*

Ultra-low Emission Vehicles

12. In his autumn 2017 Budget announcement, the Chancellor committed to electrify 25% of cars in central government department fleets by 2022.¹¹ We previously reported on government's uptake of ultra-low emission vehicles (ULEVs) and urged the Department for Transport to incentivise uptake of ULEVs,¹² as we were sceptical that the Department would meet the whole economy target that by 2020 3 to 7% of new cars should be ULEVs. This is lower than the Committee on Climate Change's recommendation that 9% of all new cars should be ULEVs by 2020 in order to decarbonise at the lowest cost.

13. By March 2017, only 2 of the Ministry's 1,483 vehicles were ULEVs. In the session, the Ministry added that it also had “320 battery-powered small vehicles¹³... located predominantly across our prison estate, and they are used for transporting material around the prisons”.¹⁴ None of the Ministry's 380 leased vehicles are low emission vehicles.¹⁵ The Ministry could not tell us how many of its rented cars were ULEVs or hybrid.¹⁶

8 MOJ written response, annex A

9 MOJ written response, Q10

10 MOJ written response, Q10

11 [Autumn Budget 2017](#), paragraph 4.15

12 [EAC report on sustainability in the Department for Transport](#), HC 184, paragraphs 16 to 26

13 Q13

14 Q14

15 Q18 and Q19

16 Q23

14. The Ministry said that “100% of the vehicles we purchased have been compliant with the Government Buying Standards”.¹⁷ It however also stated that “we absolutely could do more across the estate in terms of vehicles”.¹⁸ In written evidence the Ministry submitted after the hearing, it said it is reviewing “its capital allocation process for vehicles and the policy to support wider adoption of electric vehicles (where possible) and the application OLEV [Office for Low Emission Vehicles] funding”.¹⁹ It will also look at the wider infrastructure for supporting alternative vehicles, including for its prisoner escort custody vehicles.²⁰

15. *Only two out of the Ministry’s 1,483 vehicles are ultra-low emission vehicles. Significant improvement is needed to meet the Government’s aspirations in this area. The Ministry should set out in its response to this report how it will improve the uptake of low emission vehicles in its purchasing, leasing and rental arrangements to meet the Budget target of 25% of its fleet to be ultra-low emission vehicles by 2022.*

Application of buying standards

16. Aside from paper, the Ministry stated that “in terms of the application of the standards, I am very confident that we have applied them”.²¹ However, the Ministry also confirmed during oral evidence that the Government Buying Standards only applied to 127 of its 912 contracts²² - Government Buying Standards only exist for 11 categories and reporting is only required on six categories. It did not provide us with any information as to what sustainability standards apply to its other 785 contracts that are not covered by the Government Buying Standards.

17. *Whereas the Ministry expressed confidence over sustainability in its contracts, we have not seen any evidence that this is the case for the vast majority of its contracts. We expect the Ministry in its response to set out how sustainability is embedded in the 785 contracts which the Government Buying Standards do not apply to, providing us with an overview of the standards that apply to these contracts.*

Targets for 2019–20

18. The NAO reported that it did not find the Ministry’s greening targets for 2019–20 challenging:

- In 2016, the Ministry reduced its carbon emission targets from 25% by 2014–15 against 2009–10 baseline to 22% by 2019–20 against the 2009–10 baseline whereas it already achieved a 28% carbon emission reduction in 2016–17 against the 2009–10 baseline. While it formally agreed to 22%, it set an internal target of 34% carbon reduction target.

17 Q12 and Q13

18 Q16

19 MOJ written response, Q14

20 Q140

21 Q114

22 Q117

- The Ministry had no formal target for waste reduction. It told us after the session that it aims to reduce total waste by 31% by 2019–20 compared to 2009–10 levels.²³ It already achieved a 30% reduction in 2016–17 against the 2009–10 baseline.

19. The Ministry’s Chief Operating Officer said during the hearing that he “does not suggest that we should stop where we are on carbon”²⁴ and that the Ministry “needed to redouble its efforts across the board... and go further to work towards the targets in other areas too, which is its commitment”.²⁵ In effect, the Ministry admitted that at the time it set the 22% target, it did not know it was already achieving a 28% reduction.²⁶ It also said it was asked to put forward an achievable target,²⁷ and noted that government as a whole had already achieved the target two years earlier.²⁸ The Ministry has said “we will be looking to set a more ambitious target through the conversations with BEIS”.²⁹

20. ***The Ministry’s Government Greening Commitments on carbon and waste for 2019–20 lack ambition. We would like to know why the Department for Business, Energy and Industrial Strategy (BEIS) and the Department for Food, Environment and Rural Affairs (Defra) allowed the Ministry to set such easy targets. We recommend that the Ministry review and publish a set of ambitious targets for 2019–20 alongside its response to this report.***

23 MOJ written response, Q4

24 Q6

25 Q61

26 Q32 and Q33

27 Q27, Q28, Q29 and Q30

28 Q35

29 Q37

3 Sustainable policy-making

Introduction

21. This chapter assesses how the Ministry considers environmental impacts when making policy, and a particular case of how the Ministry has made changes in its policy on access to environmental justice. We also look at the Ministry’s sustainability strategies.

Environmental impact assessments

22. In our report on sustainability and HM Treasury in November 2016, we wrote that

For both resource and capital bids, the Treasury expected departments to follow Green Book guidance in all appraisal and evaluation. This included valuing environmental impacts.³⁰

This ‘Green Book’ sets out how a department should undertake an impact assessment when it proposes new policies, so that government gets a full overview of the potential costs and benefits of new policies, and address potential problems early on.

23. The NAO found that, in 2016–17, the Ministry did not systematically carry out environmental impact assessments for the new policies it proposed. Of the seven policies that had environmental impacts, the Ministry had only identified environmental impacts for two.³¹ It did not quantify or monetise these impacts. The NAO found that the Ministry’s own guidance for new policy proposals did not include any advice on assessing environmental impacts nor does it reference any of the toolkits that Defra has developed.³²

24. During oral evidence, the Ministry said it will be taking action on this, as it recognised it “has to relook at this as a key area, and make sure that its future impact assessments invariable include sustainability where that is appropriate, make sure that we raise the knowledge of policy makers across the board on what the requirements on the Department are, and educate and support them in discharging that”.³³ It said it would ensure that impact assessments are properly executed and subsequently used, making sure that all reviews are taken into consideration by the board and Ministers.³⁴

25. *We are concerned that the Ministry does not routinely assess the environmental impacts of its new policies. We agree with the Ministry that its guidance for policy makers on environmental sustainability is lacking. It needs to improve this as a key area. We recommend that the Ministry include a “green check” criterion in its impact assessments to ensure it has considered all possible environmental impacts, including the long-term and less visible impacts. We recommend it publishes the environmental costs and benefits of its new policies annually, and demonstrates which actions it will undertake to mitigate the environmental costs of each new policy.*

30 [EAC report](#) on sustainability and HM Treasury , paragraph 20

31 Q52

32 National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017, paragraph 5.5 and Q52

33 Q52

34 Q54

Access to Environmental Justice

26. A high-profile environmental policy which was not subject to a full impact assessment process was the Government's decision in February 2017 to remove a fixed cap on court costs in environmental cases.

27. Under the EU Industrial Emissions Directive (2010/75/EU) and Environmental Impact Assessment Directive (2011/92/EU) the Government is required to ensure that the costs of bringing certain environmental challenges are not "prohibitively expensive". This obligation arises out of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, signed in 1998 and which entered into force in October 2001.

28. In 2013, following criticism from the Aarhus Convention Compliance Committee, the Coalition Government introduced a fixed cap on claimants' liability for defendants' costs for unsuccessful environmental cases of £5,000 for an individual and £10,000 for a company.

29. In September 2014, the European Court of Justice found certain elements of the pre-2013 regime non-compliant with EU law. In September 2015, the Government consulted on a number of amendments to the costs regime. Amongst the changes the Government proposed to implement was allowing courts to vary the cap on costs. In December the following year, the Government published its response to the consultation. 230 out of 234 respondents had opposed this proposal during the consultation. Respondents were concerned that that greater uncertainty over the costs of legal action would result in a "chilling effect" on legal action to protect the environment whilst a more complex system would require more court time and costs on potential claimants.³⁵

30. The Government introduced the variable cap using secondary legislation in February 2017. The NAO's report found that potential environment impacts of the change had been described in the impact assessment, but not quantified or monetarised. The House of Lords Secondary Legislation Scrutiny Committee observed:

While asserting that the changes are to "discourage unmeritorious claims" no figures are presented [by the Government] that illustrate the proportion of Aarhus claims that fall into that category. We are told that the financial impact on the public sector is minimal, so there does not appear to be a significant saving to the tax payer from these changes. Although the MoJ states that its policy intention is to introduce greater certainty into the regime, the strongly negative response to consultation and the submission received indicate the reverse outcome and that, as a result of the increased uncertainty introduced by these changes, people with a genuine complaint will be discouraged from pursuing it in the courts. The Ministry of Justice has not addressed any of these concerns in its paperwork.³⁶

35 Ministry of Justice, [Costs Protection in Environmental Claims](#), November 2016, paras. 71 and 74
36 Secondary Legislation Scrutiny Committee [25th Report](#). HL Paper 114 para 19.

31. ClientEarth and other organisations took the Government to court over this policy change. In September 2017 the High Court found the proposal lawful subject to a number of changes. These included changes to the rules requiring the cost cap to be determined at the beginning of the case except in exceptional circumstances.³⁷

32. When asked about the original change during oral evidence, the Ministry cited the European Court of Justice case mentioned above, but did not give details of how the change addressed non-compliance. They made no reference to the “discouragement of unmeritorious claims” cited in the House of Lords Committee report. They said it “is too early to make a formal assessment of whether we got the capping right, but that the Department is committed to keeping it under review”.³⁸ The Ministry also said while there was some opposition by Non-Governmental Organisations to the new rules, particularly the power to raise the cap on the cost that a claimant may have to pay, “they appear to have conceded that it is permissible under the European Union law to allow for such variation”.³⁹ Since the fixed cost cap was removed, the number of cases brought forward has dropped from an average of 16 per month to 11 per month.⁴⁰

33. The fixed cost cap on environmental justice cases was introduced after criticism from the Aarhus Convention Compliance Committee. It was replaced by the Ministry without a proper impact assessment or any attempt to address the concerns raised during an overwhelmingly negative consultation. The number of environmental justice cases being brought since then has fallen. In the face of such a flawed policy development process, the onus should be on the Ministry to demonstrate that the variable cap is not having a “chilling effect” and harming environmental justice. We recommend the Ministry of Justice publish an annual analysis of the number of cases on environmental justice that have been brought forward per month. It should review the variable cap two years from the date it was introduced. Unless the Ministry can demonstrate that the variable cap is not having a chilling effect on environmental justice, it should reinstate the fixed cap.

Sustainability strategies

34. During its audit, the NAO found that the Ministry had taken positive steps to set out its aspirations for environmental sustainability:

- In December 2016, the Ministry finalised its sustainable operations policy, which sets broad aspirations for its approach to the sustainability of its estate, such as “to extend the scope of all aspects of sustainable development into its business areas”.
- Its 2016 strategic plan for the management of its estate includes reference to the environmental targets the Ministry has as part of the ‘Greening Government Commitments’.
- In January 2017, the Ministry finalised a strategy for its approach to biodiversity. This commits the organisation to play its part in meeting the Government’s overall ambitions for biodiversity by 2020.

37 Q47 and <https://www.lexology.com/library/detail.aspx?g=cc6f4a83-e398-4e36-8e57-a20208d8e283>

38 Q48

39 MOJ written response, Annex Q8

40 Q49

- Its main performance framework (its internal Single Departmental Plan) includes its carbon emissions reduction target.

None of these documents have, however, been published. The Ministry acknowledged this, and stated it was “reviewing its overall policy in light of the NAO review and this hearing and ... will be developing a sustainable operations policy with specific elements around carbon and energy, biodiversity, and ecology and environmental standards”.⁴¹ It intends to publish this on the government website by April 2018.⁴²

35. *It is important that all Government departments are seen to be acting in a sustainable way. We expect the Ministry of Justice to publish all its sustainability strategies by April 2018 to increase transparency over its guidance and objectives.*

41 Q60

42 Q60

4 Managing the estate

Introduction

36. As the second largest estate across government, the Ministry has an opportunity set an example for sustainable estate management across Government. We recognise there are also considerable challenges: the estate includes old and heritage buildings, sometimes in poor condition. Security and access to justice are paramount. Several of its buildings are listed or in a conservation area, requiring the Ministry to take special precautions to manage the estate. In this chapter, we look at how the Ministry has managed its estate, including its custodial estate and courts and tribunals. We look at how it is performing on its carbon reduction programme and at its refurbishment and new built programme. We also touch on HM Courts and Tribunal Services (HMCTS) selling off listed courts and tribunals.

The Ministry's carbon reduction programme

37. To improve the sustainability of its estate and reduce its carbon emissions as discussed in chapter two, the Ministry developed a carbon reduction programme and planned a series of projects to improve the condition of the estate, such as the installation of LED lighting.⁴³ In total, it expected to spend £28 million on 565 separate projects in courts, tribunals and prisons, with most (£24 million) of the investment in prisons and most (£15 million) in the first year (2016–17) of the Spending Review period.⁴⁴

38. Improving the condition of its estate is particularly important, especially on its prison estate, as it houses the prisoners, some of whom are vulnerable and as its prison estate consists of old buildings that experience issues with heating and cooling. In 2016–17 the Ministry received 497 complaints of overheating,⁴⁵ which Public Health England has suggested can cause dehydration but also more severe problems such as sleep deprivation and mental health issues.⁴⁶

39. To address overheating, the Ministry said it would take steps including, making better use of insulation, upgrading its building management systems to enable better temperature control, and considering the best use of passive measures such as solar film or higher specification glazing.⁴⁷ Before it introduces low and zero carbon technologies in buildings, the Ministry said that a series of steps needed to be undertaken. For its new buildings, it wants them to be near zero energy, which would mandate the use of renewable technologies. At present, the Ministry is undertaking a feasibility study to install solar panels at one of its prisons.⁴⁸

43 National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017, paragraph 2.22 to 2.25

44 National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017, paragraph 2.22

45 MOJ written response, Q5

46 Carmichael Katie, Mindy Anderson and Virginia Murray. 2011. Overheating and Health: A Review into the Physiological Response to Heat and Identification of Indoor Heat Thresholds. Health Protection Agency, BRE, Extreme events and Health protection section

47 MOJ written response, annex Q5

48 Q42

40. The Ministry has incurred delays on its carbon reduction programme already, with 13 of the 59 foreseen projects not implemented in 2016–17.⁴⁹ In addition, whereas the Ministry has made progress with the installation of biomass boilers, it has been slow to install solar panels on the estate, with only four installations by July 2017. The Ministry also only applied for the Renewable Heat Incentive twice, since its launch in 2011⁵⁰ whereas it is eligible to apply for funding, and could have used this fund to further invest in renewable technology on its estate.

41. *We question why the Ministry has not implemented more renewable energy technologies, such as solar panels or biomass boilers, which have the potential to reduce its carbon footprint even further. Cost savings could also be achieved and the Ministry should make more use of available funding support such as the ongoing Renewable Heat Incentive. We recommend the Ministry assess within the next two months how it will implement renewable energy technologies, including in new prisons, and how it will maximise funding for the uptake of renewable technologies.*

Environmental rating of refurbishment and new built projects

42. Aside from the carbon reduction programme, the Ministry has developed a substantial refurbishment programme to improve the sustainability of its buildings. For refurbishment projects, the Ministry set out that it should achieve a ‘very good rating’ using BREEAM, the Building Research Establishment Environmental Assessment Method. This method assesses a range of buildings issues including: energy, water use, pollution, waste, ecology and management processes. Its ratings go from ‘unclassified’ to ‘pass’, ‘good’, ‘very good’, ‘excellent’ and ‘outstanding’. For new builds, the Ministry aims to achieve an ‘excellent’ rating.⁵¹

43. Between 2010 and 2016, the Ministry carried out 151 refurbishment and new build projects (Table 2) but did not secure final BREEAM ratings for 64% of them (97 of the 151 projects). Over half (77 projects) did not receive an environmental rating. Of the 54 projects that did receive a final BREEAM rating, 14 did not meet the required standards.

Table 2: the Ministry’s environmental ratings for its refurbishment projects and new builds

BREEAM rating overview	Number of projects
No rating	77
No final rating - only interim rating	20
Final rating received	54: 40 meet standards, 14 are below standard

Source: National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017, figure 6

For the new build prison estate, 13 of the 44 new building projects did not meet the required BREEAM standard of ‘excellent’. One of the four new build courts and tribunals also did not meet the required BREEAM rating.

49 Q39

50 Q41

51 National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017, par 2.10 and par 2.15

44. The Ministry has been working to improve oversight over the environmental sustainability of its custodial estate. It for example appointed a BREEM assessor in March 2017 for new prisons⁵² and said during the hearing it was working with BRE on agreeing a new approach for the new prison programme.⁵³ It also mentioned various sustainability practices on the custodial estate, such as working with local communities and SMEs at HMP Berwyn, and investing in machines to turn food waste into compost at Kirklevington and Holme House.⁵⁴ It did not explain what oversight it had of these arrangements, or whether it was planning to roll out incentives across its estate.

45. The Ministry recognised it had not collected the environmental ratings of its building projects consistently and said that “where appropriate, we are collecting the certificates for the 77 projects that did not receive any BREEM rating”.⁵⁵ It also stated that the prison estate is uniquely challenging and complex, and it is not always easy to apply the BREEM standard in a prison context.⁵⁶ When asked how many courts and tribunals did not get a final BREEM certificate (97 in total), HM Courts and Tribunal Services (HMCTS) could not tell us.⁵⁷ HMCTS also said it was working on a new design guide for courts and tribunals where BREEM “excellent” would be the base position.⁵⁸ It did not explain why the newly built courts did not meet standards.

46. We are concerned that the Ministry did not collect BREEM certificates for 64% of its refurbishment and new build projects since 2010, and that 14 projects did not meet the required standard of excellent. The Ministry already faces difficulties, having an old estate and the particular challenges associated with prison management. Not knowing the condition of its estate could lead the Ministry to make decisions that do not maximise environmental and economic returns. We recommend the Ministry routinely assess all its projects, and publishes annually the rating of its new building projects and refurbishment projects. Where it fails to meet the expected standards of ‘excellent’, it should set out how it will ensure compliance with BREEM and what costs it has incurred to rectify the situation.

Selling off courts and tribunals

47. Aside from the refurbishment and new build programme, HM Courts and Tribunal Services (HMCTS) has been selling off old courts and tribunals, such as Wakefield Crown Court,⁵⁹ which has been left to fall into ruins since it was sold, and which has required significant financial investment from Wakefield Council to rectify the situation. HMCTS told us it does not know which of its buildings are in conservation areas, as local authorities are responsible for determining conservation/heritage interest areas.⁶⁰ It only collects this information when it decides to sell off a court or tribunal.

52 National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017, paragraph 2.17

53 Q69

54 Q78, Q79 and Q80

55 Q72, Q73 and Q74

56 Q66

57 Q59

58 Q70

59 Q96

60 MOJ written response, Q16 and annex A, Q16

48. When asked about how many of the 23 listed buildings it sold since 2010 required civic or local intervention to ensure proper management of them since their sale, HMCTS could not provide us with an answer.⁶¹ It had spent £256,896 on the upkeep of five vacant buildings it is yet to sell but did not clarify what period this covered.⁶²

49. The NAO found that HMCTS did not yet have adequate arrangements to protect heritage in its disposal programme. In May 2016, HMCTS established a property function, part of whose role is to ensure the proper governance and management of its specialist estate.⁶³ The NAO found that

Heritage statements had been prepared for prospective purchases at some sites, but HMCTS had not established any arrangements to ensure potential purchasers would have sufficient resources to maintain heritage buildings. It also did not allow HMCTS to accept a lower than the highest bid if appropriate.⁶⁴

50. HMCTS told the NAO that it planned to “improve its maintenance and disposal of historic assets by:

- nominating someone to act as a conservation lead. They will be supported by professional heritage specialists to be commissioned to develop a strategy on HMCTS’s historic estate;
- ensuring that maintenance work on listed properties is undertaken expediently; and
- proactively engaging with the Government Historic Estates Unit, the part of Historic England that advises government departments on how to look after their historic buildings”.⁶⁵

51. We are concerned that the Ministry does not know which of its court and tribunal estate fall in conservation areas and that it does not monitor the condition of its sold courts and tribunals. Derelict buildings pose risks to society and impact negatively on high streets and town centres, and local authorities which are already stretched for finances, have had to step in to rectify the situation. We found gaps in the governance arrangements in the disposal programme for courts and tribunals. We recommend that HM Courts and Tribunals Service (HMCTS) publish a list of which courts and tribunals it sold off have become dilapidated and how it will support local authorities in dealing with these buildings, including whether it will provide financial support. We further recommend HMCTS report to us how it has improved oversight over the maintenance and disposal of historic assets on its court and tribunals estate, including what measures it has set up and reporting systems it has developed to ensure that historic assets are managed sustainably.

61 Q110

62 MOJ written response, annex, Q15

63 National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017, paragraph 3.4

64 National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017, paragraph 3.5

65 National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017, paragraph 3.7

Other sustainability targets at prisons

52. We would expect the Ministry to support and incentivise greener practices across all prisons, and have oversight over what works and what should be rolled out more widely. However, the Ministry has not set sustainability targets for each prison as it wants to give governors freedom to set targets and run their own prison. The Ministry said it is undertaking a benchmarking exercise on energy, to understand what performance was being achieved. It stated it would “review the outcome of the benchmarking work to understand how easy it would be to apply specific targets to specific prisons... all prisons would still be required to meet the sustainable operations policy framework”.⁶⁶ The NAO also found that three of its four prison service instructions, which set out the rules, regulations and guidelines for running prisons, are marked as having expired more than six years ago.

53. While we recognise that each prison faces unique challenges, we would like to know why the Ministry has not set sustainability targets for each prison and what incentives prison governors have to achieve high sustainability performance. We are particularly concerned about the expired prison service instructions which should have provided guidance to governors on how to deal with hazardous waste and packaging waste. This includes the sustainable development policy, introduced in September 2003 and marked as expired in September 2004; the disposal of hazardous waste, introduced in February 2007 and expired in August 2008; and the Reporting on packaging waste from February 2010 and expired in December 2010. We recommend that the Ministry publish the results of its benchmarking exercise on energy usage, including a comparative analysis across its estate, and develop targets for each prison. It should tell us how it will support prison governors to meet sustainability targets and how it will monitor performance.

5 Sites of Specific Scientific Interest

Introduction

54. The Ministry's estate is one of the most ecologically diverse in government, with several of its prisons and immigration removal centres containing a Site of Special Scientific Interest (SSSI), a nationally important site for wildlife that is protected under law. This chapter looks at how the Ministry is performing on its ten SSSIs, what guidance it has developed to manage these sites, and how it is providing oversight over sustainability of the sites.

The condition of its ten SSSIs

55. The Ministry has improved the condition of at least three of its ten sites since 2007 (Table 3). However, out of its ten sites, only 2 are in favourable condition or adequately conserved and meet all mandatory site specific monitoring targets as set by Natural England.⁶⁷ All others are unfavourable: 7 are unfavourable and improving (the sites are not yet fully conserved but that all the necessary management mechanisms are in place), and one is unfavourable and declining, meaning that the site is not conserved and requires changes to site management or external pressures.⁶⁸ Compared to England as a whole, the Ministry is scoring below average,⁶⁹ having only 20% of its sites in the favourable category compared with 39% on average in England.

Table 3: Rating of the Ministry's 10 Sites of Specific Scientific Interest

Rating	Number of sites
Favourable	2
Unfavourable - recovering	7
Unfavourable - declining	1

Source: National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017, paragraph 2.11

56. By 2020, the Ministry expects five of its ten sites to be in favourable condition. However, it is unclear to us how the Ministry will achieve these targets, as there are no targets for the condition of each site. The NAO also found this, stating:

while the Ministry has action plans for each of its SSSIs, a national biodiversity action plan for the prison estate and over 50 individual habitat and species action plans, it is not clear that these are ambitious enough to meet its 2020 objectives: the SSSI action plans do not mention a target condition for each site by 2020, nor do they outline many specific and measurable actions to be completed by 2020.

During the oral evidence session the Ministry stated it was working to have targets for each site, but could not commit to those yet.⁷⁰

67 <https://www.gov.uk/guidance/protected-areas-sites-of-special-scientific-interest>, accessed 21 December 2017

68 National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017, paragraph 13

69 National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017, paragraph 2.11

70 Q91 and Q92

57. *While we recognise that the Ministry has improved the status of three of its ten Sites of Specific Scientific Interest (SSSIs), eight of them are still in an unfavourable condition. We urge the Ministry to set out in its response to this report a plan that will lead to 50% of its SSSIs being in a favourable condition by 2020, and a long-term plan for the rest.*

Monitoring and record-keeping

58. The NAO described the Ministry's records on SSSIs as incomplete.⁷¹ It reported that "the Ministry does not have a record of how the condition of each individual site has changed over time (its 2007 records only show the proportion of sites that are in a favourable or recovering condition), so the precise rate and nature of change is not clear". The NAO also reported that the Ministry's oversight of its sites could improve and reported, for example, that the deterioration of one of its sites did not get escalated to the Ministry's sustainability champion. One site also became unfavourable as the Ministry did not manage the habitats for priority species formally for at least 18 months.⁷² The deterioration of the site did not lead the Ministry to review its priorities.⁷³ At another site, a contractor destroyed a nationally important orchid meadow but was not penalised for this.

59. During oral evidence, the Ministry said it had already identified that it was not sufficiently reviewing its sites before the NAO started its audit.⁷⁴ It has undertaken steps to improve the management of its SSSIs, including refreshing its biodiversity policy. It stated that it would publish its first annual report on ecology shortly, which should help raise awareness about SSSIs and biodiversity more generally.⁷⁵ It also stated that it will visit each site twice a year going forward⁷⁶ and said it had "now introduced quarterly reporting to our senior estates board about the condition of those SSSIs".⁷⁷ In evidence, the Ministry also said it

is working far more closely with our facilities management providers, so they are really clear on the requirements of maintaining SSSIs. ... It has developed specific guidance about the types of activities that might damage an SSSI, which has been circulated to those who look after them. We are also looking at making training mandatory for all those responsible for maintaining SSSIs.⁷⁸

60. All documents the Ministry is drawing up to improve the management of its sites have been agreed with the relevant statutory body (Natural England and Natural Resource Wales).⁷⁹

61. *Given the importance of managing SSSIs properly, we support the Ministry's plan to improve oversight and governance of SSSIs. We recommend it publishes its guidance*

71 Q94

72 National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017, paragraph 2.11

73 National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017, paragraph 1.11

74 Q94

75 Q89

76 Q93

77 Q89

78 Q93

79 Q91

on the management of its SSSIs, and develops a clear documentation system so it can track the performance of each site over time. It should report to us how its Senior Estates Board has overseen the management and review of the condition of each SSSI, and what interventions it has undertaken to ensure that staff and contractors are held accountable for the management of the sites.

6 Oversight and accountability

Introduction

62. In this chapter, we assess the Ministry’s oversight and governance arrangements, including how it manages its contractors and holds them to account for performance.

The Ministry’s governance and oversight structure

63. The NAO set out the Ministry’s overall governance structure in terms of sustainability matters. It highlighted three features that should in principle help ensure strong ownership and accountability:

- Since 2011, the Ministry has had a sustainable operations team responsible for collating data on environmental performance, providing advice on sustainability issues, and for initiating environmental projects.
- In January 2014, it nominated a ‘champion’ for sustainability at Board level, its chief operating officer.
- Since August 2016, its Property Asset Management (PAM) Board monitors performance against environmental targets.

64. However, the NAO also reported that there were gaps in the arrangement: there were no minutes of the meetings of the sustainability champion with the head of the estates, no minutes of the biannual sustainability meetings with the permanent secretary, and no examples of meetings which had prompted specific outcomes on sustainability.⁸⁰ The Ministry’s Single Departmental plan does not include greening targets nor does it include any commitment to the Sustainable Development Goals (SDGs). The Ministry recognised that it had to improve senior oversight, and stated it would do 3 things:⁸¹

- It would set up a more senior sustainability board under the lead of the Chief Operating Officer which would report to Ministers regularly;
- It would ensure that the Minister sees the whole picture of all the sustainability measures and targets; and
- It would ensure that sustainability has a higher profile in the Ministry’s key plans and documents.

The Ministry’s Chief Operating Officer in his role as sustainability champion stated that he sees his role “as to build capability, drive performance and spearhead the issue ... Sustainability should be in our DNA as an organisation and it should be evident in everything we do”.⁸² He also recognised the Ministry should increase the size of its core sustainability team, currently at six members covering seven departments, by 50%.⁸³

80 Q95

81 Q54

82 Q95

83 Q63

65. *Neither we nor the NAO saw much evidence that the Ministry’s Sustainability Champion was taking a proactive approach or demonstrating leadership in this aspect of his role. We support the changes in the Ministry’s oversight and governance structure, and the fact that the Minister will have direct insight into the Ministry’s environmental sustainability performance. We recommend that the Ministry explain to us in its response how it has implemented the changes in its governance structure and demonstrate how it improved oversight of sustainability matters in its key plans and documents, including how it has staffed its sustainability team to deal with a set of challenges across its estate.*

Working across government

66. In another evidence session earlier this year, we found that the Ministry could improve how it collaborates with other government departments: for example, before our hearing it did not sit on a cross-Government group on the impact of climate change on the overheating of new buildings,⁸⁴ whereas the Ministry identified overheating and rainfall are the main risks across the estate from a climate change point of view.⁸⁵

67. We welcome that the Ministry plans to be involved in the cross-government group that looks at overheating, and will attend the next meeting.⁸⁶ We were also told that the Ministry is now fully committed to working with Defra on the National Climate Change Adaption Plan and now has 2 officials that sit on the Domestic Adaptation Board, which coordinates work on adaption across government and with the Devolved Administrations.⁸⁷

68. *Overheating has been identified as a major risk from climate change. We are concerned by the Ministry’s lack of participation in cross-governmental groups tackling this issue. Overheating in prisons is a serious issue, as evidenced by the 497 complaints the Ministry received in 2016–17, and has implications for health and security. We are pleased to see that the Ministry has followed our previous recommendations and is sitting on the Domestic Adaptation Board. We recommend the Ministry of Justice report to us in its response how it will engage in the relevant cross-government working groups on estate management and sustainability.*

Holding contractors to account

69. In terms of oversight over contractors and contractual performance, the Ministry acknowledged certain shortcomings:

- its sustainable procurement group has not met since February 2017⁸⁸ because officials felt it “was not particularly effective”.⁸⁹ Officials were not clear what the policies are and where the controls sit within those policies.⁹⁰

84 [EAC Oral Evidence on Climate change Adaptation](#), HC 1023, Q61

85 Q86

86 Q83, Q84

87 MOJ written response, Q7

88 Q126

89 Q126

90 Q126 and Q127

- the Ministry’s Chief Commercial Officer said he had dual accountability as he reported to the Chief Financial Officer and to the Audit and Risk Committee⁹¹ yet the NAO stated there is no reporting to senior management on sustainable procurement.⁹²
- Having reviewed contract management standards across Whitehall, the Ministry’s Chief Commercial Officer told us he does not think there is enough emphasis on sustainability in the contract management framework.⁹³

70. In addition, not all contracts have a penalty regime for failing to meet sustainability targets⁹⁴ whereas the Ministry acknowledged that it was contractors who held a lot of responsibility. On waste management, for example, the Ministry said that “it is very much within the contractor’s hands whether they choose to send our general waste that we have not been able to recycle to landfill or to energy from waste”.⁹⁵

71. During the evidence session, the Ministry said it had a big responsibility to step up to the plate on sustainability when questioned about its procurement practices.⁹⁶ As a committee, we are concerned that the Ministry does not collect data on KPIs on the prison estate and that there was missing waste management paperwork in one of the contracts on the prison sites. On the courts and tribunals estate, the contractors reported 100% compliance with environmental KPIs.⁹⁷ In contrast, 65% of the prison sites scored 0% against environmental KPIs in one or more months. The Ministry acknowledged this was an area where it had to improve and embed sustainability more in contracts. It said it had not reviewed environmental KPIs in all its contracts, but was working through them as they expired.⁹⁸

72. The Ministry should improve its oversight and governance arrangements of contractors’ performance and agree that sustainability should be embedded more in its contracts. We recommend it incorporates environmental KPIs in all its contracts, and set up a robust monitoring system to measure performance. It should develop clear terms of reference of its oversight groups. This is all the more important following the collapse of Carillion, who managed approximately 50 prison service sites.

91 Q128

92 National Audit Office, the Ministry of Justice: overview of environmental sustainability, November 2017, paragraph 4.6

93 Q120

94 Q138

95 Q10

96 Q117 and Q118

97 Q130

98 Q130

Recommendations

The Ministry's targets and commitments

1. *Increasing numbers of domestic flights are not in line with the Ministry's environmental commitments. We welcome the Ministry's commitment to review its authorisation processes for domestic flights. It should set out, in its response to this Report, the outcome of the review and how it intends to reverse the upward trend in flights. (Paragraph 11)*
2. *Only two out of the Ministry's 1,483 vehicles are ultra-low emission vehicles. Significant improvement is needed to meet the Government's aspirations in this area. The Ministry should set out in its response to this report how it will improve the uptake of low emission vehicles in its purchasing, leasing and rental arrangements to meet the Budget target of 25% of its fleet to be ultra-low emission vehicles by 2022. (Paragraph 15)*
3. *Whereas the Ministry expressed confidence over sustainability in its contracts, we have not seen any evidence that this is the case for the vast majority of its contracts. We expect the Ministry in its response to set out how sustainability is embedded in the 785 contracts which the Government Buying Standards do not apply to, providing us with an overview of the standards that apply to these contracts. (Paragraph 17)*
4. *The Ministry's Government Greening Commitments on carbon and waste for 2019–20 lack ambition. We would like to know why the Department for Business, Energy and Industrial Strategy (BEIS) and the Department for Food, Environment and Rural Affairs (Defra) allowed the Ministry to set such easy targets. We recommend that the Ministry review and publish a set of ambitious targets for 2019–20 alongside its response to this report. (Paragraph 20)*

Sustainable policy-making

5. *We are concerned that the Ministry does not routinely assess the environmental impacts of its new policies. We agree with the Ministry that its guidance for policy makers on environmental sustainability is lacking. It needs to improve this as a key area. We recommend that the Ministry include a "green check" criterion in its impact assessments to ensure it has considered all possible environmental impacts, including the long-term and less visible impacts. We recommend it publishes the environmental costs and benefits of its new policies annually, and demonstrates which actions it will undertake to mitigate the environmental costs of each new policy. (Paragraph 25)*
6. *The fixed cost cap on environmental justice cases was introduced after criticism from the Aarhus Convention Compliance Committee. It was replaced by the Ministry without a proper impact assessment or any attempt to address the concerns raised during an overwhelmingly negative consultation. The number of environmental justice cases being brought since then has fallen. In the face of such a flawed policy development process, the onus should be on the Ministry to demonstrate that the variable cap is not having a "chilling effect" and harming environmental justice. We recommend the Ministry of Justice publish an annual analysis of the number of cases on environmental justice that have been brought forward per month. It should review*

the variable cap two years from the date it was introduced. Unless the Ministry can demonstrate that the variable cap is not having a chilling effect on environmental justice, it should reinstate the fixed cap. (Paragraph 33)

7. *It is important that all Government departments are seen to be acting in a sustainable way. We expect the Ministry of Justice to publish all its sustainability strategies by April 2018 to increase transparency over its guidance and objectives. (Paragraph 35)*

Managing the estate

8. *We question why the Ministry has not implemented more renewable energy technologies, such as solar panels or biomass boilers, which have the potential to reduce its carbon footprint even further. Cost savings could also be achieved and the Ministry should make more use of available funding support such as the ongoing Renewable Heat Incentive. We recommend the Ministry assess within the next two months how it will implement renewable energy technologies, including in new prisons, and how it will maximise funding for the uptake of renewable technologies. (Paragraph 41)*
9. *We are concerned that the Ministry did not collect BREEAM certificates for 64% of its refurbishment and new build projects since 2010, and that 14 projects did not meet the required standard of excellent. The Ministry already faces difficulties, having an old estate and the particular challenges associated with prison management. Not knowing the condition of its estate could lead the Ministry to make decisions that do not maximise environmental and economic returns. We recommend the Ministry routinely assess all its projects, and publishes annually the rating of its new building projects and refurbishment projects. Where it fails to meet the expected standards of 'excellent', it should set out how it will ensure compliance with BREEAM and what costs it has incurred to rectify the situation. (Paragraph 46)*
10. *We are concerned that the Ministry does not know which of its court and tribunal estate fall in conservation areas and that it does not monitor the condition of its sold courts and tribunals. Derelict buildings pose risks to society and impact negatively on high streets and town centres, and local authorities which are already stretched for finances, have had to step in to rectify the situation. We found gaps in the governance arrangements in the disposal programme for courts and tribunals. We recommend that HM Courts and Tribunals Service (HMCTS) publish a list of which courts and tribunals it sold off have become dilapidated and how it will support local authorities in dealing with these buildings, including whether it will provide financial support. We further recommend HMCTS report to us how it has improved oversight over the maintenance and disposal of historic assets on its court and tribunals estate, including what measures it has set up and reporting systems it has developed to ensure that historic assets are managed sustainably. (Paragraph 51)*
11. *While we recognise that each prison faces unique challenges, we would like to know why the Ministry has not set sustainability targets for each prison and what incentives prison governors have to achieve high sustainability performance. We are particularly concerned about the expired prison service instructions which should have provided guidance to governors on how to deal with hazardous waste and packaging waste. This includes the sustainable development policy, introduced in September 2003 and marked as expired in September 2004; the disposal of hazardous waste, introduced*

in February 2007 and expired in August 2008; and the Reporting on packaging waste from February 2010 and expired in December 2010. We recommend that the Ministry publish the results of its benchmarking exercise on energy usage, including a comparative analysis across its estate, and develop targets for each prison. It should tell us how it will support prison governors to meet sustainability targets and how it will monitor performance. (Paragraph 53)

Sites of Specific Scientific Interest

12. *While we recognise that the Ministry has improved the status of three of its ten Sites of Specific Scientific Interest (SSSIs), eight of them are still in an unfavourable condition. We urge the Ministry to set out in its response to this report a plan that will lead to 50% of its SSSIs being in a favourable condition by 2020, and a long-term plan for the rest. (Paragraph 57)*
13. *Given the importance of managing SSSIs properly, we support the Ministry's plan to improve oversight and governance of SSSIs. We recommend it publishes its guidance on the management of its SSSIs, and develops a clear documentation system so it can track the performance of each site over time. It should report to us how its Senior Estates Board has overseen the management and review of the condition of each SSSI, and what interventions it has undertaken to ensure that staff and contractors are held accountable for the management of the sites. (Paragraph 61)*

Oversight and accountability

14. *Neither we nor the NAO saw much evidence that the Ministry's Sustainability Champion was taking a proactive approach or demonstrating leadership in this aspect of his role. We support the changes in the Ministry's oversight and governance structure, and the fact that the Minister will have direct insight into the Ministry's environmental sustainability performance. We recommend that the Ministry explain to us in its response how it has implemented the changes in its governance structure and demonstrate how it improved oversight of sustainability matters in its key plans and documents, including how it has staffed its sustainability team to deal with a set of challenges across its estate. (Paragraph 65)*
15. *Overheating has been identified as a major risk from climate change. We are concerned by the Ministry's lack of participation in cross-governmental groups tackling this issue. Overheating in prisons is a serious issue, as evidenced by the 497 complaints the Ministry received in 2016–17, and has implications for health and security. We are pleased to see that the Ministry has followed our previous recommendations and is sitting on the Domestic Adaptation Board. We recommend the Ministry of Justice report to us in its response how it will engage in the relevant cross-government working groups on estate management and sustainability. (Paragraph 68)*
16. *The Ministry should improve its oversight and governance arrangements of contractors' performance and agree that sustainability should be embedded more in its contracts. We recommend it incorporates environmental KPIs in all its contracts, and set up a robust monitoring system to measure performance. It should develop clear terms of reference of its oversight groups. This is all the more important following the collapse of Carillion, who managed approximately 50 prison service sites. (Paragraph 72)*

Formal minutes

Tuesday 16 January 2018

Members present.

Mary Creagh, in the Chair:

Colin Clark	Anna McMorrin
Zac Goldsmith	John McNally
Caroline Lucas	Dr Matthew Offord
Kerry McCarthy	Joan Ryan

Draft Report (*The Ministry of Justice: Environmental Sustainability*), proposed by the Chair, brought up and read.

Paragraphs 1 to 72 read and agreed to.

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

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

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[The Committee adjourned]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 14 November 2017

Question number

Matthew Coats, Chief Operating Officer, Ministry of Justice; **Barry Hooper**, Chief Commercial Officer, Ministry of Justice; **Carl von Reibnitz**, Estates Directorate, Ministry of Justice; and **Tim James**, Property Director, HM Courts and Tribunals Service

[Q1-141](#)

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

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

Session 2017–19

Second Report	Disposable packaging: Coffee Cups	HC 657
First Report	Plastic bottles: Turning Back the Plastic Tide	HC 339
Third Special Report	Sustainable Development Goals in the UK: Government Response to the Committee's Ninth Report of Session 2016–17	HC 616
Second Special Report	Marine Protected Areas Revisited: Government Response to the Committee's Tenth Report of Session 2016–17	HC 314
First Special Report	The Future of Chemicals Regulation after the EU Referendum: Government Response to the Committee's Eleventh Report of Session 2016–17	HC 313