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[By email]

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RESPONSE TO THE PAC COMMITTEE – REDUCING THE BACKLOG IN CRIMINAL COURTS

The Department recognises the impact that delays to justice, exacerbated by the Covid-19 pandemic, have on victims, witnesses, and defendants. In the Public Accounts Committee report “Reducing the backlog in criminal courts”, the Committee recommended that *“the Department should fully explore with the judiciary what reasonable expectations can be set around how long it should take for a case to be completed in the Crown Court and write to us with its findings within the next six months”*.

The Government agrees with the Committee’s recommendation. The Treasury Minute, sent in May, set out how the Ministry of Justice had previously worked with the judiciary to explore the issue of reasonable expectations for case completion times in the Crown Court. This was set out in Better Case Management, a judicial-led initiative introduced in 2016. Under Better Case Management principles, timeframes are set out

for each stage of the progress concerning preparation for trial. Cases are expected to take 182 days or six months from receipt at Crown Court to start of trial (assuming a non-guilty plea), providing all parties undertake their obligations.

The Ministry of Justice have since engaged with Judicial Office to discuss this recommendation in more detail and agree with the position that the Lord Chief Justice set out in the Judicial Response to the Committee on 1 July. This response noted that while the question of timeliness in the Crown Court is complex, the timeframes set out in Better Case Management remain a reasonable expectation if all parts of the system are resourced sufficiently on a sustained basis and are working well.

While it is a reasonable expectation that all cases should be heard within 6 months of receipt into the Crown Court, the impact of the pandemic has made this more difficult, leading to an unavoidable increase in outstanding cases. The finite capacity in the system is limited by several factors, including judicial capacity and, in some areas, available court rooms. More recently, the Criminal Bar Association (CBA) announcement on 22 August on the escalation of industrial action over legal aid funding significantly further restrict our capacity to get through outstanding cases. We continue to monitor the situation very closely and engage with our stakeholders regularly.

As outstanding case numbers increase, the average time taken for a case to reach trial also increases. Currently, many cases are not heard within the six-month timeframe set out in Better Case Management and around 48% of outstanding cases were older than 6 months as of March 2022.¹ There are also a range of factors that mean the time taken from receipt to completion can vary, including the need for expert evidence, complex disclosure, and local and regional variations in capacity.

To address this, the Department will continue to work with the judiciary and partners across the criminal justice system to improve timeliness, including by ensuring that all

¹ Criminal Court Statistics Quarterly <https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-january-to-march-2022>

parties are aligned with the principles set out in Better Case Management. The Department is a member of the judicially led Crown Court Improvement Group which is chaired by the Deputy Senior Presiding Judge and is reinvigorating Better Case Management, while continuing with the HMCTS Reform programme to improve the efficiency of the courts.

The Department has removed the limit on sitting days in the Crown Court for this financial year to allow courts to work at full capacity, delivering swifter justice for victims and reducing the backlog of cases.

More widely, the Ministry of Justice is investing £477 million in the Criminal Justice System over the next three years, ensuring capacity across the system as well as working to reduce demand in the Crown Court, for example, by extending Magistrates' sentencing powers.

Yours ever
Antonia

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