Ministry of Justice

Guide to criminal court statistics

Ministry of Justice

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Introduction

This document provides more detail on criminal court statistics presented in the Ministry of Justice (MoJ) statistics publication Criminal Court Statistics Quarterly (CCSQ) and is intended to be used as a guide to concepts and definitions. It also covers overall statistical publication strategy, revisions, data sources, quality and dissemination, and methodological developments.

The key areas covered in this guide are:

i. A high-level background to the criminal court system;

ii. Details of the data sources and any associated data quality issues;

iii. Frequency and timings of the bulletin, and the revisions policy;

iv. Details of known users of the bulletin and user engagement channels;

v. Major legislation coming into effect in the period covered by the bulletin;

vi. A glossary of the main terms used within the publications;

vii. A list of relevant internet sites on the criminal court system.

Background to the criminal court system

The criminal courts system is complex and covers a range of sub-systems and services.

Police role

Much of the activity in the criminal justice system starts with the police, when a crime is committed, reported and detected. Some of these crimes are dealt with out of court (such as penalty notices, cautions and warnings) whilst others are dealt with through the criminal court system.

Following the report of a crime the police will investigate; their role is to:

i. Investigate the crime;

ii. Identify suspects;

iii. Arrest and question them;

Once their investigations are complete, the police will either;

iv. Charge the suspect, in conjunction with Crown Prosecution Service (CPS);

v. Apply for a summons for the suspect to appear at court;

vi. Deal with them by using an out-of-court disposal;

vii. Resolve the matter informally (e.g. where the victim agrees to informal resolution or a restorative justice approach);

viii. Release the individual without charge on the basis they should not face criminal action.

Offences not prosecuted by the police

Not all offences under law are investigated or prosecuted by the police. For example, television licence evasion is investigated by the TV licensing authority, and offences relating to benefits were prosecuted by the Revenue and Customs Prosecution Office (RCPO), which was an independent prosecuting authority reporting to the Attorney General, until it was merged into the Crown Prosecution Service in 2010.

Deciding what happens with a case

The CPS is responsible for prosecuting suspects in court. However, the police investigate the alleged offence and in some less serious cases will decide whether to administer an out-of-court disposal or charge the individual.

More information on crime, police recorded crime outcomes, court procedures and sentencing can be found at the following link: www.direct.gov.uk/en/CrimeJusticeAndTheLaw/index.htm.

If an out of court disposal is not deemed to be appropriate, the next formal step is for court proceedings to be initiated.

Charging and case management

The Criminal Justice Act 2003 requires that the decision to charge a person for all but the most minor or routine offences is now undertaken by the CPS. The police remain responsible for responding to allegations that a person has committed a crime, deciding whether an investigation is required and subsequently conducting the investigation. The police can still charge both summary only and triable either-way offences if there is an anticipation of a guilty plea and the likely sentence would be handed down in a magistrates' court.

The Director of Public Prosecutions' guidance requires that charging decisions are made (whether by the police or CPS) in accordance with the Code for Crown Prosecutors and following a review of the evidence. The guidance for prosecutors can be found at the following link:
www.cps.gov.uk/publications/directors_guidance/dpp_guidance_5.html

Prosecutors are responsible for making charging decisions in the most serious cases, ensuring pre-charge decisions are timely, and identifying cases appropriate for out of court disposals prior to charge. In cases where the police have charged the defendant, these decisions are made prior to the first hearing. These arrangements allow for strong cases to be built from the start and for cases where there is not enough evidence to bring a prosecution to be sifted out as quickly as possible.

Once an accused person is charged, the law requires that they are brought before a magistrates' court as soon as possible. There are three main methods of ensuring the defendant attends court:

i. being held in custody by the police to appear as soon as practicable;

ii. being released on bail to attend court;

iii. being summonsed to appear in court.

Generally, an arrest warrant may only be issued where

i. the offence is triable only on indictment or is potentially punishable with imprisonment; or

ii. the address of the accused is not sufficiently established for a summons to be served.

No branch of the government or the judiciary can direct a police officer or the CPS to bring criminal proceedings (or not to do so) in a case – this includes Ministers of the Crown. The CPS will continue to review cases after a charging decision has been made and throughout the court process in accordance with the Code for Crown Prosecutors. If as part of this on-going review, the CPS considers there is no longer sufficient evidence for a realistic prospect of conviction or that prosecution is no longer in the public interest, it may discontinue the proceedings

at any time before the start of the trial or committal. If the prosecutor is thinking of changing the charges (i.e. downgrading the original offence, or stopping the case), they will contact the police wherever possible. This gives the police the chance to provide more information that may affect the decision.

The criminal courts

Virtually all criminal court cases in England and Wales start in a magistrates' court. The less serious offences (summary and some triable either-way) are handled entirely in magistrates' courts.

More serious offences (triable either-way or indictable only) are passed via the magistrates' court on to the Crown Court, either for sentencing after the defendant has been found guilty or for a trial with a judge and jury. The Crown Court also receives appeals against decisions of the magistrates' courts.

The way that cases are passed between the magistrates' court and the Crown Court changed on 28th May 2013 when all committal hearings were abolished. This was part of wider measures to speed up justice and improve efficiencies in the justice system[1]. As a result, cases are now sent straight to the Crown Court as soon as it is clear that the matter is serious enough, rather than having to await a committal hearing. Committal hearings were abolished for the most serious (indictable only) cases in 2001.

The flow chart in Figure 1 provides an overview of the main court processes for criminal cases. The police will only formally charge or lay information against a defendant if there is sufficient evidence and none of the out of court disposals are appropriate.

The magistrates' courts

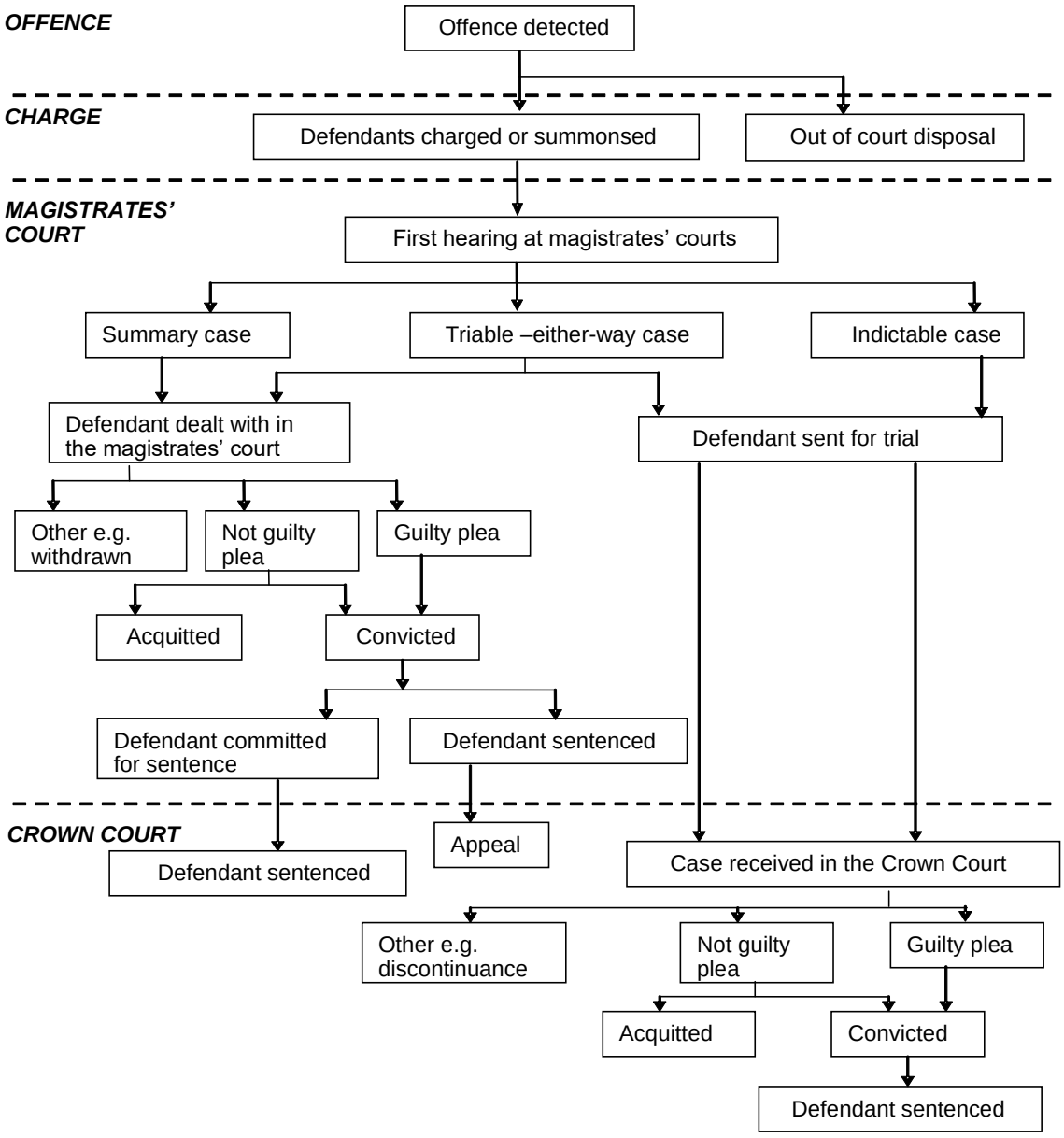
The magistrates' court is the first tier of criminal courts in England and Wales and is presided over by three 'Justices of the Peace' (known as lay magistrates) or by a district judge.

'Justices of the Peace' do not require formal legal qualifications, but will have undertaken a training programme, including court and prison visits, to develop the necessary skills. They are also given legal and procedural advice by qualified clerks. District judges on the other hand are legally qualified, paid, full-time professionals and are usually based in the larger cities. They normally hear the more complex or sensitive cases at the magistrates' court.

A criminal case can start and finish in a magistrates' court or start in a magistrates' court and finish in a higher court, normally the Crown Court.

[1] https://www.gov.uk/government/news/faster-justice-as-unneccessary-committal-hearings-are-abolished

Figure 1: Flow chart of the main court processes for criminal cases



The magistrates' courts hear the less serious 'summary' cases such as common assault or motoring offences as well as some 'triable either way' cases such as theft.

As part of the MoJ's wider court reform programme, the Single Justice Procedure offences (SJP) was introduced under the Criminal Justice and Courts Act 2015. It allows for cases involving adults charged with summary offences to be dealt with in a single magistrate sitting without the prosecutor or defendant being present. Offences which can be dealt with in this manner include TV license evasion, TfL fare evasion, speeding and driving without insurance. Defendants can submit pleas online or via letter, but retain the right to request to have their cases heard in a full hearing in open court if they wish.

Those defendants who choose to have their case heard in open court are given the opportunity to enter their plea at the first hearing. If the defendant enters a not

guilty or no plea, the case is heard summarily in a trial hearing. If a guilty plea is accepted the defendant is convicted and sentenced, and the case is completed.

The magistrates' courts can also:

- Send cases for trial or sentencing to the Crown Court. These cases are considered to have completed in the magistrates' court as no further action is required by the magistrates', however the cases have not concluded at the Crown Court until the defendant is acquitted or sentenced.
- Deal with breaches, where the defendant breached the conditions of an order that was previously imposed by a court.

The Crown Court

The Crown Court is a single entity that sits at various court centres across England and Wales, it predominately deals with serious criminal cases. Unlike the magistrates' court, trials in the Crown Court have a jury to determine the guilt of defendants and a judge which can impose tougher sentences.

While all cases will initially start at the magistrate's courts, those which are for serious offences such as murder, rape or treason (known as indictable offences) will be immediately sent to the Crown Court for a trial. Some offences (known as triable-either-way offences) can be dealt with at either the magistrates or the Crown Court; in such instances the defendant or the magistrates may elect for the case to be sent to the Crown Court to have a jury trial to determine a verdict. Defendants can also be found guilty at the magistrates' court but are sent to the Crown Court to receive a sentence beyond the scope of the magistrates' power, such cases are said to have been 'committed for sentencing.'

All offences tried in the Crown Court are divided into classes of severity:

- Class 1 – Normally heard by a High Court Judge, these are the most serious offences which include murder, manslaughter and treason.

- Class 2 – These are predominantly sexual offences and are usually heard by a Circuit Judge under the authority of the Presiding Judge.

- Class 3 – Includes all other offences not in class 1 or 2 and are normally tried by a Circuit Judge or Recorder.

From the 6th June 2005, the method of classifying offences was amended to remove a fourth class of severity below class 3. There are some instances where class 4 is still used, but for reporting purposes these are reclassified as class 3.

Defendants tried in the Crown Court are provided the opportunity to plea at the 'Plea and Case Management' hearing. A defendant who enters an accepted guilty plea to all the charges against them is sentenced without the need for a jury trial. Those who enter a not guilty plea are scheduled (listed) for a trial hearing where a jury will determine a verdict. A defendant can enter a guilty plea at any point in the case, and may change their plea during a trial.

A defendant can also appeal to the Crown Court to overturn or reconsider a decision determined at a previous trial. The Crown Court deals mainly with appeals against conviction and/or sentence regarding offences dealt with in the

magistrates' court, including orders such as disqualification from driving or Anti-Social Behaviour Orders. The Crown Court may dismiss or allow the appeal and vary all or any part of the sentence. Appeals are usually heard by a Circuit Judge sitting with no more than four magistrates (normally two).

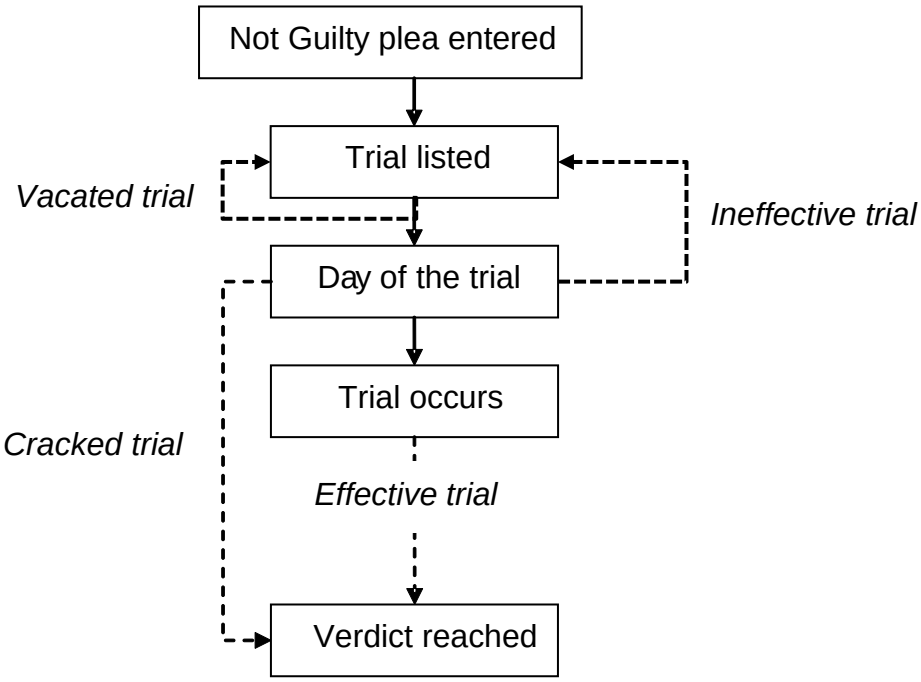
Effectiveness of trials

A trial in the magistrates' court or Crown Court is a hearing at which the prosecution produces evidence to prove the case against the defendant.

Trials in the magistrates' court are heard by two or three magistrates or by one district judge while trials in the Crown Court are typically heard before a judge and jury. The length of a trial can vary widely from less than a day to several months or longer depending on the complexity of a case and the amount of evidence heard. A trial concludes with a verdict of an acquittal for those found not guilty or a conviction for those found guilty. For those found guilty the case is considered as completed once the defendant has been sentenced.

In the magistrates' courts, a trial which starts on a scheduled date and reaches a conclusion is recorded as an 'effective trial'. In the Crown Court, a trial is effective once a jury has been sworn in, regardless of whether they go on to reach a verdict.

Figure 2: The counting basis for trial hearings in criminal court cases



An 'ineffective trial' does not commence on the due date and requires rescheduling. This could be due to the absence of a defendant or a witness, the case not being ready or due to administrative reasons at the court centre.

In contrast, a 'cracked trial' does not commence on the scheduled date and the trial is not rescheduled, as it is no longer required. Cracked trials are usually the result of an acceptable guilty plea being entered by the defendant on the day or the case ending as the prosecution decides not to proceed (offers no evidence) against the defendant.

Data sources and data quality

This section outlines the different data sources used to compile the statistics presented in the bulletin. Each section details any data quality considerations for each source, outlines checks completed (by system owners and statistical processes) and flags any areas of concern.

Data sources

The data on the **magistrates' courts** (M1 and M2) is principally sourced from the magistrates' court case management system (Libra) reports which are hosted on Her Majesty's Courts and Tribunals Service (HMCTS) Performance Database OPT. The reports cover all cases dealt with in the magistrates' courts (criminal and otherwise) and trial efficiency estimates.

The workload data held on the Libra system is good quality and provide reliable estimates of the magistrates' courts' caseloads. The data provided by the courts must be checked and verified at case level by court staff before being submitted on OPT. Additionally, the centrally collated data are subject to further checks by HMCTS staff including the investigation of: apparent anomalies, missing data returns and any unexpected changes in the data.

Since April 2007 the HMCTS Performance Database OPT ('One Performance Truth') has been used to collect data on magistrates' courts activity. OPT is a web-based performance system which enables aggregation of underlying data to national level. In most cases the 2008 data is comparable with earlier data, but this does not apply to workload data – as such caution should be taken when seeking to compare volumes prior to 2008.

The data on the **Crown Court** (C1 to C8) is produced using the Crown Court management information system (MIS), a data warehousing facility drawing data directly from court-based administrative systems. Most data shown in the tables have been sourced from the Crown Court administrative system CREST, used by court staff for case management purposes. This contains good quality information about the incidence and dates of major events as each case proceeds in the Crown Court. Being from an administrative system, data from CREST is subject to clerical and input errors. The volume of these errors is low and assumed to be random across all cases. As such they are not believed to impact on the integrity of the overall trends in the data.

Timeliness estimates (T1 to T7) are created by matching magistrates' courts and Crown Court records to calculate the number of days taken from the date an alleged offence was committed to the date of a final decision in court. This is the only published source of data which allows for an estimate of end-to-end duration through the criminal justice system. The initial source data is taken from underlying court administrative system (e.g. CREST and Libra) reports. Prior to

the creation of the end-to-end timeliness measure in 2011, timeliness estimates were sourced from the now discontinued Time Interval Survey (TIS)[2].

Records are linked based on a combination of variables including given name, middle name, family name, date of birth, sex, postcode, a committal date, and two identifiers (Arrest/Summons Number (ASN) and Pre-Trials Issue Unique Reference Number (PTIURN)). Where the case is fully disposed in the magistrates' courts during the specified period, the timeliness data for such cases is collected from the Libra MIS extract and added to the dataset.

Ten-year threshold

Up to September 2016, the MoJ published timeliness figures excluding cases where the duration of the case was over ten years.

Following a consultation in early 2015, a proposal was agreed to make changes to the end-to-end case timeliness methodology. The proposed change was to remove the 10-year threshold from the validation scripts applied to published estimates. Tables based on both the existing and new experimental timeliness methodologies were published, along with a separate annex document providing users with a detailed explanation of the change in approach and comparisons between statistics produced under the two methodologies.

From December 2016, only the timeliness figures based on the methodology including cases where the duration was over ten years were published. This has improved the quality and reliability of the published estimates by no longer incorrectly excluding 'historic' offences.

The **enforcement of financial impositions** measures reported in the CCSQ have been developed by HMCTS in response to recommendations made by the National Audit Office for measuring the enforcement of financial impositions. This section of the bulletin provides updated management information on the collection of financial impositions through HMCTS.

The management information presented (A1 to A4) are sourced from the HMCTS Performance database, and is populated based on information contained on the Libra Management Information (accounting system). This data system contains information about financial impositions and collection of monies owed for England and Wales. Although the information is available regionally, there will be some transfers of accounts across regions which can lead to inconsistencies in accounts opened and closed regionally.

Data provided by the magistrates' courts accounting centres is checked and verified at account level by court staff within three days of the date of imposition, and the centrally collated data are subject to further checks including the investigation of apparent anomalies in the data.

[2] https://www.gov.uk/government/statistics/time-intervals-for-criminal-proceedings-in-magistrates-courts-ns

Impositions made in the latest period are reported, and payment information for previous time periods will continue to be recorded. Financial penalties shown in table A1 can be imposed by the magistrates' courts and the Crown Court; although they are all collected and enforced by the HMCTS National Compliance and Enforcement Service.

Financial impositions are ordered by the criminal courts for payment by offenders at sentencing and include financial penalties such as fines, prosecutors' costs, compensation orders and victim surcharge (Table A2). Financial penalties are the most commonly used sentence and form a significant part of HMCTS' collection and enforcement business. Accounting centres also enforce penalty notices for disorder and fixed penalty notices registered as fines for enforcement. The financial imposition statistics presented do not include confiscation orders.

One recorded imposition to note is 'Victim surcharge' (Table A2), it is an additional surcharge which is added to the fines that are imposed. The receipts obtained from the collection of these monies by HMCTS are passed to the MoJ to fund victims' services. The amount imposed has been increasing since its scope and amounts payable were extended in October 2012.

A financial imposition account (as seen in Table A3) is opened when a financial penalty is ordered in court and is closed when the imposition against the account has been paid or the imposition ceases. Where a defendant has more than one financial penalty and/or account, these can be consolidated into one account.

The reporting on the amount of impositions outstanding (Table A4) is irrespective of the age of the imposition or the payment terms, and excludes all impositions already paid as well as both legal and administrative cancellations. Payment terms may include arrangements for offenders to pay amounts owed over a period.

Counting rules

These are some main points to consider when interpreting the criminal court statistics:

- **Receipt:** a case is counted as a receipt when a file is created and entered onto the respective courts administrative system. At the Crown Court this includes cases sent direct from magistrates' courts, bench warrants executed (trial and sentence only) and cases transferred in, less cases transferred out.

- **Disposal:** a case is counted as a disposal when all offences on a case have an outcome.

- **Outstanding:** outstanding cases are counted as at the end of a period. The number of cases outstanding at the end of each period may not be equal to the sum of cases outstanding at the start of the period and those received during the period, minus cases completed. This is due to the timing of data extraction and counting rules applied to this data.

- **Case:** a case is counted based on a unique case number. This case may include multiple individuals and/or multiple offences.

- **Defendant**: a defendant is identified by a unique defendant ID; multiple defendants may be assigned to a case.

- **Trial**: not all cases will go to trial, for the purposes of trial effectiveness we consider a 'trial' at the point of initial listing.

- **Timeliness defendant:** all timeliness estimates are based on defendants counts in completed criminal cases. The linked data can effectively 'look back' from the point of completion to the initial offence date. It is not possible to produce timeliness estimates for 'live' cases as they go through the criminal justice system. Completed cases in the timeliness data have been through a validation process specifically to ensure the timeliness analysis is accurate, e.g. if dates are out of sequence then cases are removed. As such caution should be taken when using volume counts as an indicator of activity.

- **Offence breakdowns**: a list of the offence classifications[3] used by the MoJ for CCSQ statistical outputs can be found in the 'Offence group classifications' document at the following link: www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterlydecember-2017

  This list shows how the MoJ group lower level offences together within the published tables and data tools. It is based on the classification used by the Home Office for crime statistics, although there are differences reflecting the respective scopes and aims of these publications.

  Offence breakdowns are provided for both Crown Court and timeliness data, however the way in which the 'principal offence' is calculated differs:

  - Crown Court: when a case involves more than one offence the most serious offence on the indictment(s) is chosen. The most serious offence is selected by choosing the offence which can incur the largest maximum sentence. If no offences on the indictment(s) could be determined or there was insufficient data recorded, the case will be classified as unknown[4]. Some cases will have descriptive offence details instead of an offence code; these cases are also classified as unknown.

  - Timeliness: timeliness analysis chooses a principal offence on a different basis to receipts, disposals and outstanding cases by

[3] These classifications are based on those implemented by the ONS in July 2013 www.ons.gov.uk/ons/guide-method/method-quality/specific/crime-statisticsmethodology/presentational-changes-on-police-recorded-crime-in-england-and-wales.pdf

[4] Some cases may only have offences that are unknown. In these instances, the most serious offence that could be classified is chosen as the principal offence. This may explain why there are some for trial cases which are recorded as having a summary offence as the most serious offence (i.e. the more serious offences within the case could not be identified).

offence. Timeliness data will choose the offence which had the longest duration from charge to first completion. This may not be the most severe case but reflects areas where most court time is spent.

Symbols and conventions

The following symbols have been used throughout the tables in this bulletin:

.. = Not applicable

- = Not available

0 = Nil

Data quality

Criminal court statistics are published in compliance with the MoJ quality strategy for statistics, which states that information should be provided as to how the bulletin meets user needs:

https://www.gov.uk/government/statistics/ministry-of-justice-statistics-policy-and-procedures

Five principles (relevance, accuracy, timeliness, accessibility and clarity, comparability and coherence) are outlined and this section details how each is addressed in the CCSQ publication.

Principle 1: Relevance - the degree to which the statistical product meets user needs for both coverage and content.

The published criminal court statistics help users to understand the volumes of different types of legal proceedings through the criminal courts in England and Wales (e.g. the number of cases starting by case type, the number of children involved in orders given etc). The figures broadly capture the 'workload' of the criminal courts, the efficiency of trials and estimates of timeliness throughout the system. The published data are the only source of coherent case flows through the criminal court system, however they do not include figures regarding the 'higher' courts, e.g. Royal Courts of Justice or Supreme Court.

These statistics strive to be relevant across a range of users, and the criminal court statistics team routinely seeks out feedback from both internal and external users to enhance what is published. When a change is requested, we work with analytical colleagues and data providers to explore what is possible and whether the data available is fit for this purpose before any change is made.

Principle 2: Accuracy and reliability - the closeness of the estimated or observed result and the (unknown) true value.

Criminal court statistics are based on administrative data systems which have been established to facilitate the operational passage of a case through the court system.

We work closely with the owners of these data systems to understand how their processes work, how data is collected and how data is validated upon entry. We continually seek to better understand how the data is used operationally (e.g. at the court) and how this may affect the statistics produced.

As data is extracted from these administrative systems and analysed to produce the published statistics, guidance from The Aqua Book[5] is used to ensure thorough quality assurance procedures are adhered to during the CCSQ production process.

Despite carrying out validation on entry, prior to submission and within the statistical processes following extraction the data are subject to some inaccuracies inherent in any large-scale data recording system (e.g. mistyped data entries). However, the validation procedures detailed above are felt to be proportionate in reliably minimising the impact that any errors may have on the published estimates.

Quality assurance checks include:

- On receipt of the data a further series of checks are carried out, including simple sum checks, trend analysis to flag up areas of considerable change and assessing data consistency (e.g. monitoring volumes of 'Unknown' or 'Other' groupings where applicable).

- Monitoring of error rates in key areas such as offence classification is conducted to identify and interrogate any systematic errors which could distort trends. Information on defendants and cases is also matched between multiple sources from within CREST to minimise the risk of erroneous inputs, with any duplicated records being identified and removed.

- Changes in system and procedures can lead to reporting discrepancies as courts may need time to adjust to new ways of working. When new practices are implemented, work is conducted alongside HMCTS to ensure that the data being received from each court is consistent and of acceptable quality before it is published.

- Data cleaning is carried out on the raw timeliness extracts prior to matching the magistrates' and Crown Court datasets to ensure that minor differences between the recording of similar entries on the two systems do not materially affect the ability to match records.

- The raw timeliness extracts from Libra and CREST systems typically achieve a match rate of around 95 per cent, e.g. of Crown Court records being linked to a defendant recorded at a magistrates' court case. Where

[5] https://www.gov.uk/government/publications/the-aqua-book-guidance-on-producing-quality-analysis-for-government

match rates fall markedly below this data will re-run and checks on source data carried out, e.g. to ensure the data is as complete as it can be.

- Code used to extract and analyse data from the CREST system is routinely checked by expert user of the system as well as other members of the Criminal Court Statistics team.

- We verify our data with timeseries available in OPT where feasible and quality assurance checks are carried out within the team as the bulletin is developed.

- Once all publication products are complete, an analyst external to the Criminal Court Statistics team conducts a full set of quality assurance checks as set out in an established 'Quality Assurance log', raising issues to the team.

- Any subsequent corrections required prior to publication are actioned and if required any amendments required following publication are made – fully adhering to the departments revisions policy (see 'Revisions').

- Additionally, comparisons are carried out against trends observed in associated alternative published data sources, e.g. the publication Criminal Justice Statistics (CJS)[6] contains data on the trends in criminal court outcomes.

Principle 3: Timeliness - the lapse of time between publication and the period to which the data refer. Punctuality refers to the time lag between the actual and planned dates of publication.

Criminal Court statistics are published at quarterly intervals at 9:30am on a date which has been pre-announced in advance on the gov.uk website: https://www.gov.uk/government/statistics/announcements

Each release is published towards the end of the third month after the period to which the headline figures relate. For example, statistics for October to December 2018 were published on 28 March 2019. This is to strike a balance between the need to minimise the delay in releasing statistics and ensuring a robust and high-quality product. For example, the three-month time lag allows for any late data returns, provides time for any amendments to source data following validation and time for the analysis to be carried out, and a short period for the bulletin to be produced.

Principle 4: Accessibility and clarity - statistics are presented in a clear and understandable form, released in a suitable and convenient manner, available and accessible on an impartial basis with supporting metadata and guidance.

The Criminal Court Statistics Quarterly release ensures that statistics regarding criminal court caseloads are published together in a single quarterly series of

[6] https://www.gov.uk/government/collections/criminal-justice-statistics

National Statistical releases, available on the gov.uk official statistics calendar. It comprises of both summary information, detailed data tables and 'open data' files to seek to address a range of users need alongside this technical guide document to aid users. The commentary is written by professional statisticians and aims to be impartial, helping users put the figures into meaningful context. The bulletin is produce independently and figures are subject to strict pre-release access for essential individuals – no other access to statistics in their final form are made available prior to publication.

Both this guide and each release includes contact details for the lead statistician or respective mailboxes within Justice Statistics Analytical Services for users to address any concerns. These inboxes are routinely monitored and any queries are actioned as quickly as possible.

Principle 5: Comparability and coherence - Comparability is the degree to which data can be compared over time, by region or other domains. Coherence is the degree to which the statistical processes, by which two or more outputs are generated, use the same concepts and harmonised methods.

The administrative systems that underpin most of the criminal courts data are in operation across all criminal courts in England and Wales. The development and improvement of the underlying systems by HMCTS over time has caused some discontinuities in series across the publication.

A variety of time series are used in the publication and largely related to the availability of reliable source data – where possible the longest time series is supplied. These changes in source data are flagged and caveated in 'Data sources' as well as in the associated tables, charts and text where practicable, this includes notes of any various in source and key events (e.g. policy changes) that may have affected a period.

The MoJ publication Criminal Justice Statistics (CJS)[7] also contains data on trends in criminal case outcomes. The figures are derived from the same source as those presented in this report (the Libra and CREST systems), but they are not directly comparable as there are known differences between them. These are due to many factors, including differences in the data collation methods and counting methodologies used. These typically reflect the different underlying drivers of the analyses, e.g. CJS tends to count numbers of defendants and focuses on the final outcomes of criminal court cases, whilst Criminal Court Statistics (CCS) counts numbers of cases and focuses on flows through the court system.

[7] https://www.gov.uk/government/collections/criminal-justice-statistics

National Statistics accreditation

National Statistics status means that our statistics meet the highest standards of trustworthiness, quality and public value, and it is our responsibility to maintain compliance with these standards.

The continued designation of these statistics as National Statistics was confirmed in January 2019[8] following a compliance check by the Office for Statistics Regulation.

The statistics last underwent a full assessment against the Code of Practice in May 2010[9].

Since the latest review by the Office for Statistics Regulation, we have continued to comply with the Code of Practice for Statistics, and have made the following improvements:

- reviewed commentary to remove 'technical language'
- reviewing and developed the content and structure of the technical guidance document while considering lay readers
- provided more details of the validation against existing administrative data sources to better assure ourselves of the quality of the statistics

We will continue to action the recommendations of the Office for Statistics Regulation and continuously improve the published statistical bulletin.

Designation can be broadly interpreted to mean that the statistics:

- meet identified user needs;
- are well explained and readily accessible;
- are produced according to sound methods, and
- are managed impartially and objectively in the public interest.

Once statistics have been designated as National Statistics it is a statutory requirement that the Code of Practice shall continue to be observed.

[8] https://www.statisticsauthority.gov.uk/correspondence/compliance-check-on-court-statistics/

[9] https://www.statisticsauthority.gov.uk/wp-content/uploads/2015/12/images-assessment-report-36-statistics-on-court-activity_tcm97-32106.pdf

Revisions

This publication and the data within are published quarterly, with a more detailed annual publication released in June.

The data presented in this publication are provisional. Final data for each calendar year is published in June each year, following further data cleaning and the incorporation of additional cases not available in our original extracts.

For upcoming publications please see the MoJ publication schedule: https://www.gov.uk/government/organisations/ministry-of-justice/about/statistics#publication-schedule

In accordance with the Code of Practice for Office Statistics, the MoJ is required to publish transparent guidance on its policy for revisions. A copy of this statement can be found at: https://www.gov.uk/government/statistics/ministry-of-justice-statistics-policy-and-procedures

The three reasons specified for statistics needing to be revised are;

1. Changes in source of administrative systems/methodology changes

The data within this publication comes from a variety of administrative systems. This technical document will clearly present where there have been revisions to data due to changes in methodology or administrative systems. In addition, statistics affected within the publication will be appropriately footnoted and estimates of the impact made available.

2. Receipt of subsequent information

The nature of any administrative system is that data may be received late. For this release, the late data will be reviewed on a quarterly basis. Unless the difference is deemed to make significant changes to the statistics released, revisions will only be made as part of the final annual release. However, should the review show that the late data has substantially impact on the statistics then revisions will be released as part of the subsequent publication.

3. Errors in statistical systems and processes

Despite the continued development of validation and verification procedures put in place to minimise the risk of errors, it is not possible to entirely rule out errors arising from statistical processes. Should a substantial error be identified, the publication on the website will be updated and an erratum slip published documenting the revision as soon as is practicable.

Users of the statistics

The main users of these statistics are Ministers and officials in central government responsible for developing policy regarding criminal court processes and the wider criminal justice system. Other known users include the central government departments, local government offices and voluntary organisations with an interest in criminal justice.

We routinely consult with policy and operational colleagues to refresh our understanding of core uses for the data, promote the release and provide support to known users. We seek comments from external users and maintain dialogue with public users via dedicated email accounts for feedback on the commentary and any additional wider feedback or queries.

Data developments

We are planning to make some changes to these bulletins, which are outlined below. If you would like to comment on any of these proposals or if you have any other feedback or questions about these statistical bulletins, or requests for further information, please direct them to the appropriate contact provided at the end of this report.

Single Justice Procedure (SJP) expansion

As part of the departments commitment to provide a fair and effective justice system, the single departmental plan[10] includes an objective to expand the single justice procedure (SJP) to enable greater numbers of high-volume, low-level offences to be dealt with more efficiently.

The published timeliness estimates in T1 provide average durations and defendant counts for SJP cases. As these continue to expand so too will the underlying evidence base and where practicable further breakdowns will be considered in future releases. Work is ongoing with HMCTS operational colleagues to better understand the impact of further SJP expansions on the administrative data – for example, the impact on any further digitalisation of cases on existing mechanisms for calculated plea rates and Local Justice Area breakdowns when cases are being dealt with remotely.

Automated Track Case Management (ATCM)

Like the SJP expansion, this is the new digital service that processes SJP caseloads. It allows prosecutors to directly upload their SJP cases onto the system to provide an interface for legal advisors to access and record decisions for SJP cases, notify parties of decisions made and generate orders and notices. Initially rolled out as a pilot with Transport for London, ATCM cases are currently collected at Lavender Hill Magistrates court. Q4 2018 saw the first introduction of television license evasion (TVLE) cases at Leamington Spa also being collected.

Changes to the way data is collected means that ATCM cases currently arrive separately, in a different format to the rest of the timeliness data. The data is subject to a reformatting process prior to being matched into existing outputs. This change in data collection has not altered the data outputs.

Work has been started to extend ATCM, as such it is expected that more cases will continue to move towards being dealt with by ATCM at a larger number of courts. The data we receive is likely to change format meaning that processes will need to be monitored proactively and we will continue to monitor potential effects on the Criminal Courts Statistics publication.

[10] https://www.gov.uk/government/publications/ministry-of-justice-single-departmental-plan/ministry-of-justice-single-departmental-plan--2

Vacated trials reasons

Vacated trials are trials which have been removed from the list before the date of the trial. Breakdowns of vacated trials by the reason for vacation are not currently published as part of the release due to data quality concerns. Improvements to the quality and consistency of vacated trial reasons are required prior to any future inclusion, e.g. the current volume of 'uncoded' or 'Unknown' reasons are too high.

Crown Court management information system (MIS)

There are planned changes to the administrative system (CREST) that supports the operation of the Crown Courts in England and Wales. The existing source of the Crown Court data (CREST) is changing for seven pilot courts between March and July 2019. National rollout is due to commence at the beginning of July 2019 on a region by region basis, starting with the South West region.

On 18th March 2019, Durham Crown Court Centre became the first pilot centre to migrate to the new administrative system. The figures covered in Criminal Court Statistics Quarterly (January to March 2019) only use data from the existing CREST system and therefore exclude 10 days of data from Durham Crown Court Centre. Nationally, this has negligible impact on any trends or figures presented in the publication, however there will be a slight shortfall in the Q1 2019 Court level figures for Durham in the transparency data files in this publication.

The planned change should not result in any substantial changes to the existing published trends, however there may be methodological discrepancies as a result in future releases. The criminal court statistics team will continue to work proactively with analytical, operational and policy colleagues to assess the impact of changes on the published data, to ensure any new data is of suitable quality for publication and will provide further details as change is rolled out. Work conducted on initial data from the pilot Crown Court Centres indicates that it is of sufficient quality and that much of the existing methodology used to produce published figures can be applied.

Revision of magistrates' courts caseload estimates

Estimates of magistrates' courts caseloads have been revised following the identification of some omitted cases from the published totals and underlying management information. Following the introduction of automated track case management (ATCM) cases in April 2017 a small number of summary non-motoring cases were misclassified and therefore not included in published totals. Approximately 12,000 cases between Q1 2017 and Q1 2018 have been added into the latest published revised estimates, accounting for less than 1% of total receipts and 2% of summary non-motoring receipts during this period.

The revisions have only a minimal impact on published trends.

Removal of juror age-group breakdowns

The Criminal Court Statistics Quarterly publication covering Q2 (April-June) 2018 included a table titled ‘Jury summoning figures in the Crown Court by age group,’ which detailed an age breakdown of jurors and whether they served, did not serve, were disqualified or did not respond. Discrepancies between the juror summons age-group breakdown and the overall juror summonsing estimates have been identified as part of routine checks. As a result, a decision has been made to remove the juror age-group estimates from the latest published statistics until further reassurance can be sought.

We will continue to investigate the quality of the underlying data and methodologies used with data suppliers and system owners to better understand the identified discrepancies.

Legislation coming into effect in the reporting period

The legislation described below relates mainly to legislation that came into force in the period from January 2002 to the end of 2012. It is only a short summary of the sections that may have affected the published statistics. The following web site has details of all legislation that has come into force in the intervening period. http://www.legislation.gov.uk/

The coverage of the sentencing statistics in this volume may have been affected by the following legislation, which has altered the modes of trial, sentencing framework or significantly altered the range of offences:

- Domestic Violence, Crime and Victims Act 2004
- Criminal Justice and Police Act 2001
- Proceeds of Crime Act 2002
- Criminal Justice Act 2003
- Sexual Offences Act 2003
- Fraud Act 2006
- Criminal Justice and Immigration Act 2008
- Coroners and Justice Act 2009
- Legal Aid, Sentencing and Punishment of Offenders Act 2012
- Criminal Justice and Courts Act 2015

The **Domestic Violence, Crime and Victims Act 2004** concentrates upon legal protection and assistance to victims of crime, particularly domestic violence.

The **Criminal Justice and Police Act 2001** introduced on the spot fixed penalties for a range of offences including retail theft under £100, behaviour likely to cause fear of harassment, alarm or distress and being drunk and disorderly in a public place. The Act allows local councils to create areas in which drinking could be restricted and the power to confiscate alcohol in these areas. It also introduced a new offence of protesting in an intimidating manner, as well as making kerb crawling, ‘hit and run’ accidents, and importing obscene material arrestable offences. It also gave new powers to magistrates to remand children aged between 12 and 16 into custody when charged with offences such as theft and criminal damage.

The **Proceeds of Crime Act 2002** consolidated drug trafficking and criminal justice legislation on the confiscation of convicted defendants’ earnings.

Confiscation orders can only be made in the Crown Court and the powers of magistrates to make a confiscation order were also abolished by this Act. The Act made the power to confiscate mandatory and the Crown Court must instigate confiscation proceedings if requested by the prosecutor. Confiscation hearings are conducted according to the civil standard of proof, i.e. on the balance of probabilities. In some cases the court is empowered to assume that the defendants assets and earnings from the six years prior to conviction have been derived from criminal conduct and to make an order accordingly, the court is further required to make this assumption following a conviction for drug trafficking.

The **Criminal Justice Act 2003** brought in means to involve the Crown Prosecution Service in charging decisions and to reform the system for allocating cases to court. It introduced a new presumption against bail in certain circumstances where an offence has been committed while on bail or for defendants charged with an imprisonable offence. The Act aimed to ensure that criminal trials are run more efficiently and to ensure a reduction in abuse of the system:

Rules on evidence were changed to allow the use of previous convictions where relevant, and to allow the use of reported (hearsay) evidence where there is good reason why the original source cannot be present, or where the judge otherwise considers it would be appropriate, with effect from 4 April 2005.

A right of appeal for the prosecution against judicial decisions to direct or order an acquittal before the jury has been asked to consider the evidence. This will be introduced to balance the defendant's right of appeal against both conviction and sentence (not yet in force).

The Act provides a sentencing framework that is clearer and more flexible than before:

- The purposes of sentencing of adults are identified in statute for the first time, as punishment, crime reduction, reform and rehabilitation, public protection and reparation.

- The principles of sentencing are set out, including that any previous convictions, where they are recent and relevant, should be regarded as an aggravating factor, which will increase the severity of the sentence, with effect from 4 April 2005.

- Through the implementation of section 167 of the act, a new Sentencing Guidelines Council was established on 27 February 2004. This Council and the Sentencing Advisory Panel worked together to ensure that sentencing guidelines are produced which encourage consistency in sentencing throughout the courts of England and Wales and support sentencers in their decision making (the Sentencing Guidelines Council has since been superseded by the Sentencing Council – see Coroners and Justice Act 2009).

- Sentence lengths of 12 months or over are served in full, with half in custody, half in the community and with supervision extended to the end of the sentence rather than the ¾ point as previously, with effect from 4 April 2005.

It brought in changes to the sentences available to the courts:

- The various kinds of community orders for adults were replaced by a single community order with a range of possible requirements, commenced 4 April 2005.

- Serious violent and sexual offenders attracted new sentences, to ensure that they are kept in prison or under supervision for longer periods than previously, with effect from 4 April 2005.

- An increase in sentence length for any offence where it is aggravated by hostility towards the victim on the basis of disability, sexual orientation, race or religion, with effect from 4 April 2005.

- Some new short custodial sentences were introduced. These include custody plus, intermittent custody and a reformed suspended sentence in which offenders have to complete a range of requirements imposed by the court. Intermittent custody was piloted from January 2004 to November 2006, but not implemented, and the new suspended sentence was commenced from 4 April 2005. Custody plus has not been implemented.

The Act also addressed a number of other areas:

- It contains a number of provisions on drug related offending, extending to those aged 14 and above, the provisions to test persons in police detention and at other points in the criminal justice system for specified Class A drugs. It also reclassified Cannabis as a class C drug, introduced on 1 August 2004. This decision was subsequently reversed and cannabis was re-classified as a class B drug from 26 January 2009.

- It established a five year mandatory minimum custodial sentence (three years for 16-17 year olds) for unauthorised possession of a prohibited firearm, with effect from 22 January 2004.

- It increased the maximum penalty for causing death by dangerous driving from 10 to 14 years, with effect from 27 February 2004.

- In relation to juveniles, the Act extended the use of parenting orders by making them available at an earlier stage and introduced individual support orders, requiring young people with anti-social behaviour orders to undertake education-related activities, introduced on 27 February 2004.

- In relation to fines it introduced the financial circumstances order which compelled offenders to inform the court of their financial circumstances so that the court can impose a fine that both reflects the seriousness of the offence and the ability of pay of the offender.

The **Sexual Offences Act 2003** was brought in from May 2004 and repealed virtually all of the previous legislation relating to sexual offences. It included the following main offences, with effect from 1 May 2004:

- Rape and the evidential and conclusive presumptions about consent regarding adults, covering an individual's ability to make a choice or where violence or threats of violence take place.

- Assault by penetration, committing an offence, causing a person to engage in sexual activity without consent.

- Rape and other offences against children under 13, where the offence is committed intentionally.

- Child sex offences, including causing or inciting a child to engage in sexual activity making it constitute an offence regardless of whether the activity incited actually takes place.

- Causing a child to watch a sexual act and child sex offences committed by children or young persons.

- Re-enacting and amending abuse of position of trust under sections 3 and 4 of the Sexual Offences (Amendment) Act 2000.

- Familial child sex offences, including intension and incitement of the offence.

- Offences against persons with a mental disorder.

- Indecent photographs of children redefining a 'child' for the purposes of the Protection of Children Act 1978, as a person under 18 years of age.

- Abuse of children through prostitution and pornography, covering under 18s and under 13s.

- Exploitation of prostitution including trafficking of a person into or out of the UK for sexual exploitation.

- Preparatory offences and sex with an adult relative.

The act also defined the interpretation of the terms 'sexual' and 'consent'.

The Act also introduced new civil preventative orders:

- Notification orders: This is an order which can be made, on application by a chief officer of police, in respect of individuals who have been convicted, cautioned etc. abroad for sexual offences equivalent to the sexual offences listed in Schedule 3 of the 2003 Act. The effect of the order is to make such offenders subject to the notification requirements of Part 2 of the 2003 Act as if they had been convicted, cautioned etc. in the UK of a relevant offence, with effect from 1 May 2004.

- Sexual offences prevention orders (SOPOs): This order replaced both the sex offender order and the restraining order. Therefore, a SOPO can be made on application by a chief officer of police in respect of a convicted sex offender or by a court at conviction. The SOPO is also an improvement on the existing orders. A conditional discharge cannot be received as punishment for breach of a SOPO, with effect 1 May 2004.

- Foreign travel orders: This order enables the courts, in certain circumstances and on application by a chief officer of police, to prohibit those convicted of sexual offences against children aged under 16 from travelling overseas where there is evidence that they intend to cause serious sexual harm to children in a foreign country, with effect 1 May 2004.

- Risk of sexual harm orders (RSHOs): This order, similar to the SOPO, aims to restrict the activities of those involved in grooming children for sexual activity. A previous conviction, caution etc. for a sexual offence is not a prerequisite in applying for a RSHO, with effect 1 May 2004.

None of the provisions in the Act applied retrospectively.

The **Fraud Act 2006** commenced from 15 January 2007 and summarised fraud into three categories:

- Fraud by false representation;

- Fraud by failing to disclose information;

- Fraud by abuse of position.

It also created new offences for:

- Obtaining Services Dishonestly;

- Possessing, making or supplying articles for use in Fraud;

- Sole traders, who are now subject to fraudulent trading charges.

The aim of the Act was to criminalise the intent of a fraudulent act rather than the act itself; this will allow the Act to respond to technological advances which may alter the means by which a fraudulent act can be committed.

The **Criminal Justice and Immigration Act 2008** commenced from November 2008 and was a wide ranging Act which aimed to make further provisions about the criminal justice system; dealing with offenders; the management of offenders; and to amend the Repatriation of Prisoners Act 1984. It created or amended a number of offences, including:

- A new offence of inciting hatred on the grounds of sexual orientation;

- A ban on the possession of extreme pornographic images;
- Clarification of the law on self-defence;
- New civil penalties for serious breaches of data protection principles and made unlawfully obtaining personal data an offence punishable by up to two years in prison;
- Abolished the common law offence of blasphemy and blasphemous libel.

It also made changes to sentencing, including:

- The creation of Violent Offender Orders (VOOs): Civil preventative orders that allow courts to impose post-sentence restrictions on those convicted of violent offences.
- The clarification of sentencing procedures for young offenders.
- The creation of the youth conditional caution and the Youth Rehabilitation Order (YRO) a generic community sentence similar to the adult community order in which a 'menu' of requirements is chosen from to create a bespoke order specific to an offender and their offending behaviour. The YRO came into effect on 30 November 2009.
- Amended provisions in the Criminal Justice Act 2003 so as to give judges more discretion over the use of public protection sentences; for the use of public protection sentences to be restricted to offences for which two years real time in prison is justified or where the offender has previously been convicted of a specified offence (listed in Schedule 15A to the 2003 Act); and for release from an extended sentence to be automatic at the half way point of the custodial period with licence extending then until the end of the extension period. These changes apply to cases sentenced on or after 14 July 2008.

The **Coroners and Justice Act 2009** introduced several new offences:

- Offences relating to encouraging or assisting suicide
- Possession of prohibited images of children.

It also made changes to:

- Retrospective application of genocide, crimes against humanity and war crimes
- Persons suffering from diminished responsibility, partial defence: loss of control relating to murder
- Driving disqualifications for those also sentence to immediate custody
- Added certain terrorist offence to the list for which Indeterminate sentences for public protection are available.

The Act introduced provisions for anonymity in certain investigations and for certain witness. It also established the Sentencing Council to replace the Sentencing Guidelines Council.

The **Legal Aid, Sentencing and Punishment of Offenders Act 2012** received Royal Assent on 1 May 2012. The Act introduces a wide range of reforms to the justice system as well as delivering structural reforms to the administration of legal aid.

Explanation of sections of the act which commenced at the point of Royal Assent and will have a potential impact on the data can be found at the link below: http://www.justice.gov.uk/downloads/legislation/bills-acts/legal-aid-sentencing/laspo-sections-commenced-on-assent.pdf

The **Criminal Justice and Courts Act 2015** introduced the Single Justice Procedure which applies only to cases involving adults charged with summary-only non-imprisonable offences. The single justice procedure took effect from 13 April 2015. It allowed selected cases to be dealt with by a single magistrate sitting with a legal adviser on the papers without the attendance of either a prosecutor or the defendant. The defendant instead can engage with the court online (or in writing) and the case is no longer heard in a ‘traditional’ courtroom.

Glossary

This glossary provides a brief description of some of the main terms used in the commentary of this report. For further information, please contact the Justice Statistics Analytical Services division using the details provided in the 'Explanatory Notes' section at the end of this bulletin.

Adult proceedings	These are proceedings of any type where the defendant is aged 18 or over.
Appeals	Where the defendant is unhappy with the decision of magistrates' courts and petitions for a change in outcome. If an appeal is allowed, then the conviction can be overruled or the sentence can be varied. If an appeal is dismissed, then the initial conviction/sentence stands.
Bench warrant	A bench warrant is issued for a person deemed to be in contempt of court – usually because of that person's failure to appear at their court appearance. The bench warrant allows police to arrest the defendant and bring them before the court. Once a bench warrant has been issued, the case is considered disposed of. Following the apprehension of the person, the bench warrant is executed and the case is reopened.
Bound over	Where a defendant is held to conditions of bail, to keep the peace or ensure good behaviour
Breach cases	Cases where the defendant has failed to stick to the conditions of an order which was previously imposed against them.
Charge or laying of information	This relates to when the defendant is arrested and formally accused of a crime or when the individual receives a written summons advising that an action has begun against them, and that they are required either to appear in person, or to respond in writing, to the court regarding the alleged offence.
Circuit	A geographical area where a judge has the judicial authority to decide on cases. The jurisdiction can encompass a range of counties or districts.
Circuit Judge	A judge who normally sits in the county court and/or Crown Court.
Class	Offences are classified according to their seriousness. In the Crown Court, there are three classes of criminal offence; and the class of a case is based on the most serious offence. Class 1 offences are the most serious offences. They include treason and murder and are

	normally heard by a High Court Judge. Class 2 offences include rape and are usually heard by a Circuit Judge under the authority of the Presiding Judge. Class 3 includes all other offences such as kidnapping, grievous bodily harm and robbery, which are normally heard by a Circuit Judge or Recorder.
Committed for sentence cases	Cases transferred to the Crown Court for sentencing where defendants are found guilty in the magistrates' court. This happens if a magistrate believes a greater punishment should be imposed than they can give.
Completion	When a case no longer required any court time and a final decision is reached in either the magistrates' courts or the Crown Court.
Completion in magistrates' courts	When a defendant's case is finished in the magistrates' courts, either when a final decision is reached or the case is passed to the Crown Court.
Confiscation Orders	Confiscation orders are imposed by the Crown Court under the Proceeds of Crime Act 2003 and are enforced by HMCTS, the Crown Prosecution Service and Serious Fraud Office (SFO). They are orders made after conviction to deprive the defendant of the benefit obtained from the crime. Confiscation order receipts are surrendered to the Home Office.
Cracked trial	A trial that does not go ahead on the day as an outcome is reached and so does not need to be re-scheduled. This occurs when an acceptable plea is offered by the defendant or the prosecution offers no evidence against the defendant.
Criminal proceedings	The administration of justice in proceedings involving an individual who has been accused of a crime, beginning with the initial investigation of the crime and concluding either with an acquittal or conviction.
Date of offence	This relates to the date the alleged offence was committed.
Disposal	A count of the number of cases only when all the offences have been completed (following a validation process) in the reporting period. Disposals figures in this report may change if the case results are entered after the first collation of the data.
Effective trial	An effective trial in the magistrates' courts is a trial that commences on the day it is scheduled and reaches a verdict. For the Crown Court, a trial is effective once a jury has been sworn in, regardless of whether they go on to reach a verdict.

Financial Impositions	Monies owed by defendants, which include court fines, prosecutors' costs, compensation orders, penalty notices and victim surcharge. This excludes confiscation orders.
Fines, prosecutors' costs and compensation orders	These are imposed by both the magistrates' courts and the Crown Court but are enforced by magistrates' courts. Fines collected by HMCTS are surrendered to the Her Majesty's Treasury Consolidated Fund. Prosecutors' costs and compensation order monies are passed by HMCTS to either Crown or private prosecutors and the victims of the crimes committed.
First listing	The first hearing of the case in a magistrates' court, whether or not the defendant is present.
Guilty plea	A guilty plea occurs when a defendant agrees that they committed some or all the offences they were charged for. This can occur if a defendant either (i) pleads guilty to all counts; (ii) pleads guilty to some counts and not guilty to others and no jury is sworn in respect of the not guilty counts; or (iii) pleads not guilty to some or all counts but offers a guilty plea to alternatives which are accepted (providing no jury is sworn in respect of other counts). A case is treated as a guilty plea only if pleas of guilty are recorded for all defendants.
Hearing time	The total duration of all hearings heard in the Crown Court for each case including preliminary, main and sentence hearings.
High Court Judge	A judge who sits in the High Court of Justice.
Imposition month	The month in which the fine, costs, court orders, penalty notices, or victim surcharge was ordered by the court.
Indictable cases	The most serious cases, such as murder and rape, which must be heard at the Crown Court. The involvement of the magistrates' courts in these cases is brief, and usually consists of a decision on whether to grant bail and considers other legal issues, such as reporting restrictions. The case is then sent to the Crown Court.
Ineffective trial	A trial that does not go ahead on the scheduled trial date and a further listing is required. This can be due to action or inaction by one or more of the prosecution, the defence or the court.
Main hearing	For cases with a guilty plea this is the arraignment (which involves the clerk of the court reading out the charges). For any other case, the main hearing is the start of the trial.
Outstanding	A count of all cases where one or more offence remains incomplete. The data is a snapshot based on outstanding

	cases on the final day of the reporting period, e.g. as at 31st December 2018. This is a count of live cases on the system and is not a calculation based on receipts and disposals. Transferred cases may be double counted for a period while they show in both sending and receiving courts; offences subsequently entered in error may change the categorisation of the case.
Penalty Notices	Penalty Notices are imposed by the police and other agencies and include both Fixed Penalty Notices (FPNs) for traffic rule violations and Anti-Social Behaviour Orders (ASBOs). Notices that remain unpaid after 28 days are converted into fines and enforced as detailed in Annex B. Receipts of Penalty Notices and the associated fines are surrendered to the HM Treasury Consolidated Fund.
Receipts	A count of the number of cases where the case has been entered on the court administrative system (following a validation process) within the reporting period.
Recorder	A recorder's jurisdiction is broadly like that of a Circuit Judge, but handles less complex or serious matters coming before the court.
Sent for trial cases	Cases transferred 'immediately' to the Crown Court for trial, e.g. they are too serious to be heard by a magistrate.
Substantive hearing	The hearing at with the outcome is expected to be decided. This occurs when i) a defendant pleads guilty to any count on the indictment, ii) a jury is sworn, iii) a bench warrant is issued, and iv) the case is finally disposed of other than by a guilty plea or a verdict e.g. no evidence is offered.
Summary	The less serious cases, such as motoring offences and minor assaults, where by the defendant is not usually entitled to trial by jury. These cases are therefore completed in the magistrates' courts. Summary offences are subdivided into Summary Motoring and Summary Non-Motoring cases.
Summary motoring	Includes offences such as driving whilst disqualified, speeding and failure to stop.
Summary non-motoring	Includes offences such as TV license evasion, minor assaults and criminal damage where less than £5,000 worth of damage is caused.
Triable-either-way	These are more serious than summary cases and can be dealt with either in the magistrates' court or before a judge and jury at the Crown Court. These cases include offences such as dangerous driving, and theft and handling stolen goods. A defendant can invoke their right to trial in the Crown Court, or the magistrates can decide that a case is

	sufficiently serious that it should be dealt with in the Crown Court where tougher sentences can be imposed if the defendant is found guilty.
Vacated trial	A trial which has been removed from the trial list before the date of the trial.
Victims' surcharge	An additional charge which is added to the fines that are imposed to provide compensation for the victims of crimes. The receipts obtained from the collection of these monies by HMCTS are passed to the MoJ to fund victims' services.
Waiting time	The length of time between the date of sending or committal of cases from the magistrates' court and the start of the substantive Crown Court hearing.
Youth proceedings	These are proceedings of any type where the defendant is aged between 10 and 17.

Directory of related internet websites on the criminal courts

The following list of web sites contains information in the form of publications and/or statistics relating to the criminal justice system that may be of interest.

Ministry of Justice, https://www.gov.uk/government/organisations/ministry-of-justice/. This site provides information on the organisations within the justice system, reports and data, and guidance.

Details of **Ministry of Justice Statistical and Research publications**, most of which can be viewed on-line, can be found at: https://www.gov.uk/government/organisations/ministry-of-justice/about/statistics

For historic publications, see the links to 'earlier volumes in the series' (on Home Office site) on individual publication pages.

Information on the **bodies within the justice system**, such as HM Prison Service, the Youth Justice Board and HM Courts & Tribunals Service can be found at: https://www.gov.uk/government/organisations#ministry-of-justice/

The **Crown Prosecution Service**, http://www.cps.gov.uk Gives information on the department and provides particulars in relation to legal guidance/victims and witnesses, in addition to details of publications.

The **Attorney General's Office**, http://www.attorneygeneral.gov.uk Provides information on the role of the department including new releases; updates; reports; reviews and links to other law officer's departments and organisations.

The **Welsh Assembly Government**, http://www.wales.gov.uk Gives information on all aspects of the Welsh Assembly together with details of publications and statistics.

The **Scottish Government**, http://www.scotland.gov.uk Gives information on all aspects of the Scottish Executive together with details of publications and statistics.

Criminal Justice System Northern Ireland, http://www.nidirect.gov.uk/justice Provides access to the main statutory agencies and organisations that make up the CJS together with details of publications.

UK National Statistics Publication Hub, http://www.statistics.gov.uk This is the UK's home of official statistics, reflecting Britain's economy, population and society at national and local level. There are links to the Office for National Statistics and the UK Statistics Authority.

Contacts

Other enquiries about this guide should be directed to the Justice Statistics Analytical Services division of the MoJ:

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Email: statistics.enquiries@justice.gsi.gov.uk

General enquiries about the statistics work of the MoJ can be e-mailed to statistics.enquiries@justice.gsi.gov.uk

General information about the official statistics system of the UK is available from www.statistics.gov.uk

Produced by the Ministry of Justice

Alternative formats are available on request from
statistics.enquiries@justice.gsi.gov.uk