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Criminal court statistics quarterly, England and Wales, October to December 2021

Including statistics on the use of language interpreter and translation services in courts and tribunals

Main points

COVID-19 and associated actions impacted on most criminal court measures	The recovery at the criminal courts continues following the initial impacts of the COVID-19 response. The latest figures continue to reflect the pandemic response.
Magistrates' court: outstanding case volumes increased	Case receipts rose and disposals fell – both remain below pre-COVID levels. Outstanding cases were up 4% on the previous quarter but still 6% down on the previous year.
Crown Court: outstanding case volumes fell	Receipts and disposals fell by 4% and 2% respectively on the previous quarter, as a result, outstanding cases fell by 2% to 58,818.
Crown Court: increase in for age of outstanding cases	The median age of an outstanding case in Q4 2021 was 190 days - this has increased by 51% on the previous year. A quarter (25%) of cases have been outstanding for a year or more, up from 19% in Q4 2020 and 7% in Q4 2019.
Crown Court: ineffective trial rate increased	In Q4 2021 there were 5,877 trials listed at the Crown Court – down slightly on the previous quarter but above pre-COVID levels. The ineffective trial rate was 27%, up from 25% in Q3 2021 and above levels seen between 2014 and 2019.
Timeliness unchanged at the magistrates' court	The time from offence to completion at the magistrates' court was unchanged on the previous quarter – these remain above pre-COVID levels.
End-to-end timeliness: small decrease in time from offence to completion	The time from offence to completion at the Crown Court fell slightly, with median estimates down from a peak of 447 days in Q3 2021 to 436 days in Q4 2021 – these remain above pre-COVID levels.

The technical guide to 'Criminal court statistics' and 'Language interpreter and translation services in courts and tribunals' can be found at the links below: <u>https://www.gov.uk/government/publications/a-guide-to-criminal-court-statistics</u> <u>https://www.gov.uk/government/statistics/guide-to-language-interpreter-and-translation-services-statistics</u>

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Statistician's comment

This report covers the period to the end of 2021 and shows the impact of the pandemic, including the restricted operation of criminal courts, and continued recovery following the reintroduction of jury trials during the period.

Disposals at the magistrates' courts are down on the previous quarter, and the outstanding caseload at the magistrates' courts has increased slightly, though is 6% below the position at the end of 2020. In the Crown Courts, disposals were also down on the previous quarter but remained above receipts meaning that the outstanding caseload continues to fall from its series peak in Q2 2021. Latest management information from Her Majesty's Courts and Tribunal Service (HMCTS) to January 2022 show further small monthly reductions in outstanding volumes beyond Q4 2021.

Timeliness estimates, which reflect the length of time a case has taken at the point of completion, and therefore often covers the period where the pandemic disrupted court processes showed a mixed picture. In the magistrates' court, these have remained stable on the previous quarter: below the series peaks but above pre-COVID levels. Whereas the impacts of the COVID response are more evident in the time spent at the Crown Court where durations continue to increase.

1. Changes to note

Common Platform and reform to criminal court data¹

'Common Platform' is a new digital case management system for the magistrates' and Crown Courts. The system seeks to streamline data collection, data accessibility and improve the way criminal cases are processed across the Criminal Justice System. It will eventually replace the existing 'legacy' criminal court systems Libra (magistrates') and XHIBIT (Crown), with a single, streamlined system.

Early adopter courts across England and Wales are testing the system before the subsequent rollout to all criminal courts concludes. Derbyshire magistrates' and Crown Court began this process in September 2020 and the roll out has continued across England and Wales². Common Platform has been rolled out (as at March 2022) in 101 courts and is live in 32 Crown Courts and 69 magistrates' courts.

New cases entering courts from the point at which they adopt the Common Platform are held on the new system – cases that began at court prior to that court transitioning to Common Platform will remain on the 'legacy' system (e.g., LIBRA or XHIBIT).

Most measures relating to magistrates' courts and Crown Court cases include both 'legacy' and Common Platform estimates on a 'best equivalent' basis. This includes all key breakdowns in published tables and associated data tools such as offence group, case type and remand status for example.

- It has not been possible to include data relating to trial efficiency at the Crown Court (Table C2) – we estimate this omission accounts for less than 1% of the total trials listed and will not impact trends presented. This will be updated for the next publication.

Methodologies are as similar as possible however there are areas of known difference. The 'legacy' and 'new' data systems are fundamentally different, they do not record information in the same way and as such it is not possible to exactly replicate the existing published methodologies.

Areas of known difference that impact the statistics in this release include: the allocation of case type (such as triable-either-way, indictable only, committed for sentence and appeal), the inability to account for case transfers, main hearing allocation and changes to case ownership.

We will continue to develop data processes from the new system in collaboration with HMCTS and partner agencies as the Common Platform roll out continues. As we continue to develop these solutions, some series may be disrupted, with an increased likelihood of revisions to data in future.

We are committed to ensuring that published statistics remain accurate, robust and coherent for users during the operational transition of data systems at the criminal courts. For further information regarding the extent of the differences summarised above please see the <u>Guide to criminal court statistics</u>.

Adult rape data in data tools

In this release we are publishing a further subset of 'Sexual offences: Adult rape' offences to support the <u>CJS local scorecard release</u> and include Local Criminal Justice Board breakdowns where possible.

This additional data is available in the following data tools:

¹ <u>https://www.gov.uk/government/news/common-platform-system-tested-in-criminal-courts</u>

² <u>https://www.gov.uk/guidance/hmcts-common-platform-participating-criminal-courts</u>

- Trial effectiveness at the criminal courts tool;
- Crown Court cases received, disposed and outstanding tool;
- Crown Court plea tool;
- Crown Court outstanding case duration tool;
- End-to-end timeliness tool.

The inclusion of the data as part of the quarterly release will continue work to improve consistency in the way that we release scorecard data and ensure that the CJS scorecards are based on existing published sources which are released in a timely and orderly manner.

The data included in these tables forms the 'CPS charge to case completion in court' stage of the scorecard – excluding s.28 measures.

Failure to Appear Warrants

Failure to Appear Warrants data is not included in this publication. A substantial proportion of the magistrates' courts casework has moved onto the Common Platform and currently information regarding result codes, which facilitates this dataset, is not extracted from the new case management system. As a result, it is not possible for HMCTS analysts to produce reliable and robust estimates of the failure to appear warrants data. HMCTS will resume production of this series when data is available, robust and quality assured.

2. Criminal cases in the magistrates' courts

Criminal case receipts at the magistrates' courts continued to increase and disposals fell - both remain below pre-COVID levels. Outstanding cases rose on the previous quarter and remained above pre-COVID levels.

Receipts rose by 3% on the previous quarter and disposals fell by 7%. Disposals were below receipts, and as a result, outstanding volumes increased by 4% on the previous quarter. Despite the rise, outstanding cases were down 6% on the previous year but remain 20% above their pre-COVID level (Q4 2019).

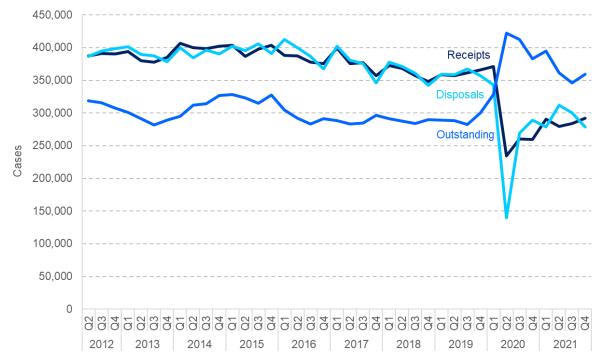


Figure 1: Magistrates' courts caseload, Q2 2012 – Q4 2021 (Source: Table M1)

Magistrates' court caseload

Receipts and disposals have tended to rise from series lows in Q2 2020 with the phased reopening of courts³. However, levels remain well below those seen prior to the pandemic following the review of court arrangements on the 23rd March 2020⁴ and the return of restrictions in January 2021⁵.

- Receipts in the magistrates' courts increased by 3% on the previous quarter and by 12% compared with the previous year. Volumes remain around 20% lower than levels seen pre-COVID (e.g. compared to Q4 2019).
- The volume of cases disposed decreased, down 7% on the previous quarter and down 4% on the previous year. The latest quarterly fall is most acutely seen in a 9% reduction in 'summary motoring' disposals in the latest quarter. Overall disposals remain well below (22%) levels seen pre-COVID.
- There were 359,261 outstanding cases at the magistrates' court at the end of Q4 2021, which represents a 4% increase on the previous quarter (346,021). This was, however, a 6% decrease on the previous year and a 15% decrease on the series peak in Q2 2020 (422,176). The quarterly increase was largely due to an 11% increase in 'summary motoring' cases.

³ <u>https://www.gov.uk/government/news/more-face-to-face-hearings-as-courts-reopen</u>

⁴ <u>https://www.judiciary.uk/announcements/review-of-court-arrangements-due-to-covid-19-message-from-the-lord-chief-justice/</u>

⁵ https://www.judiciary.uk/announcements/message-from-the-lord-chief-justice-latest-covid-19-restrictions/

The latest published <u>HMCTS management information</u> provides monthly volumes of receipts, disposals and outstanding cases for all case types at the magistrates' courts (e.g., including civil and enforcement in addition to criminal cases).

Data to January 2022 shows disposals rose to just above receipts. As a result, the outstanding caseload has remained stable in the latest period.

Trial efficiency

There were 21,416 trials listed for Q4 2021, a 15% decrease on the previous quarter (25,192). The trial listed volumes were below levels seen pre-COVID.

- Of trials listed for Q4 2021, the proportion that were ineffective (23%) remained above pre-COVID levels. Correspondingly the effective (41%) and cracked trial rates (36%) also remained unchanged.

Vacated trials are trials which have been removed from the listing before the date of the trial, they are counted in the period the vacation happened rather than the date when they were due to be listed (as for effective, cracked and ineffective estimates).

There were 5,760 trial vacations in Q4 2021, this was a decrease of 5% on the previous quarter and has fallen back closer to levels seen pre-COVID.

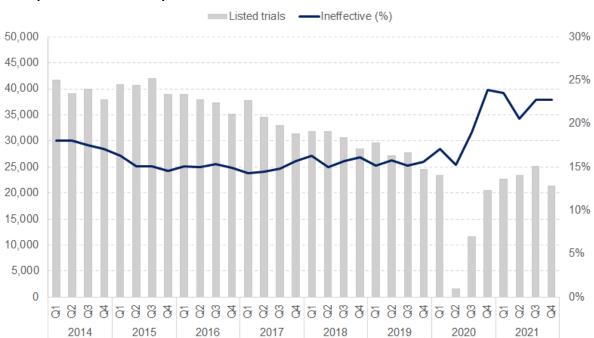
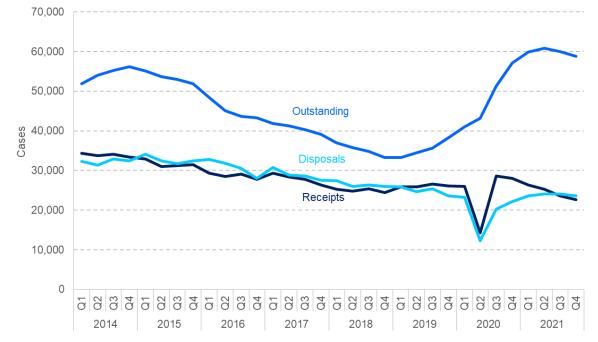


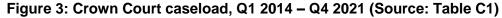
Figure 2: Magistrates' courts listed trials and ineffective trial rate (%), Q1 2014 – Q4 2021 (Source: Table M2)

3. Criminal cases in the Crown Court

The volume of outstanding cases at the Crown Court fell

In Q4 2021 receipts into the Crown Court continued to fall and remained below disposals, which fell slightly compared to the previous quarter. As a result, the volume of outstanding cases fell by 2% on the previous quarter to 58,818.





Crown Court caseload

The increased throughput from the magistrates' courts as part of the ongoing recovery from the pandemic response saw the volume of receipts at the Crown Court exceed pre-COVID levels in late 2020. Subsequently receipts have fallen and continue to be below pre-COVID levels.

The phased reintroduction of jury trials⁶ means disposals at the Crown Court have risen since series lows seen in Q2 2020 and in Q4 2021 volumes were above receipts for the second consecutive quarter.

- There were 22,654 case receipts into the Crown Court in Q4 2021. This is down 4% on the previous quarter, 19% on the previous year and remains 13% below pre-COVID levels.
- There were 23,637 case disposals at the Crown Court in Q4 2021. This is down 2% on the previous quarter but in line with its level immediately pre-COVID.

At the end of Q4 2021 there were an estimated 58,818 outstanding cases at the Crown Court, down by 2% on the previous quarter (60,049) and by 3% from their peak in Q2 2021 (60,893).

- This fall is true across all case types except appeals. The volume of outstanding cases fell by 2% for both 'for trial' and sentencing cases on the previous quarter, while appeals against magistrates' decisions were up by 5%.

⁶ <u>https://www.judiciary.uk/announcements/jury-trial-sites-4/</u>

The latest published <u>HMCTS management information</u> provides monthly volumes of receipts, disposals and outstanding cases for all case types at the Crown Court.

The data to January 2022 shows that receipts have remained below disposals. This has caused the outstanding caseload to reduce to levels seen in early 2021 and continue consistent monthly falls since August 2021.

Analysis of the outstanding caseload at the Crown Court – experimental statistics

To address additional interest in the outstanding case estimates at the Crown Court this release includes 'experimental statistics' providing estimates of the average length of time (days) that a case has been outstanding.

The age of an outstanding case is calculated from the point of receipt into the Crown Court and the latest outstanding date, e.g., as at the end of December 2021.

The average age of an outstanding case has increased sharply during the COVID-19 pandemic period.

- In Q4 2021 the median (190 days) and mean (267 days) estimates continued to rise, up 9% and 6% respectively on the previous quarter – both representing series peaks.
- The quarterly increase in average age is true across all case types to varying degrees, with the largest proportionate increases seen in 'for trial' with median (217 days) and mean (282 days) estimates increasing by 7% and 6% respectively.



Figure 4: Age of outstanding cases at the Crown Court, Q1 2014 – Q4 2021 (Source: Table O1)

At the end of Q4 2021 there were 14,612 outstanding cases that had been outstanding for a year or more, with 3,597 of these cases outstanding for over two years. This has increased sharply during the pandemic and represents 25% of all outstanding cases in the last period, up on the previous quarter (23%) and is the highest proportion seen across the series.

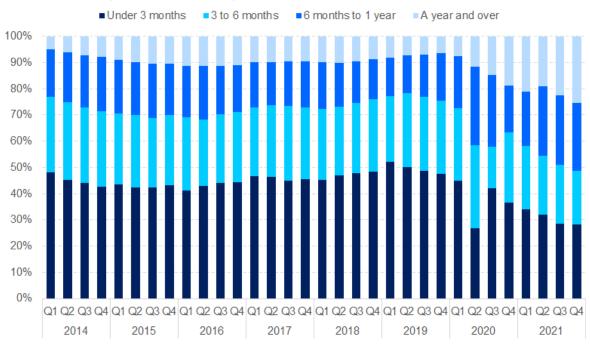
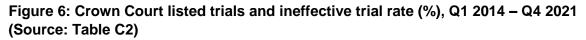


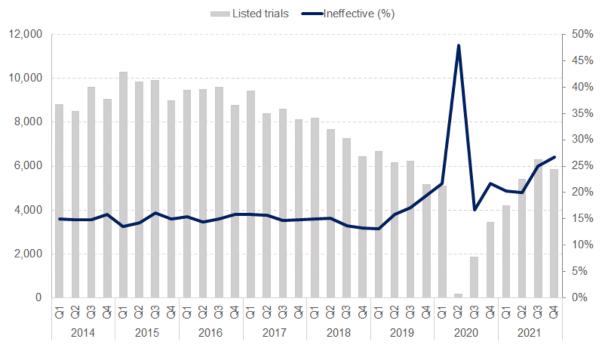
Figure 5: Proportion of outstanding cases at the Crown Court by grouped age, Q1 2014 – Q4 2021 (Source: Table O3)

Trial efficiency

The volume of trials at the Crown Court was falling prior to the pandemic, since 2015. There were 5,877 trials listed for Q4 2021, a 7% decrease on the previous quarter but volumes remain above levels seen pre-COVID (5,167 in Q4 2019).

The effective trial rate has stabilised below pre-COVID levels (44% in Q4 2021), while the ineffective trial rate continued to increase, up from 25% in Q3 2021 to 27% in Q4 2021.





Vacated trials are trials which have been removed from the listing before the date of the trial. They are counted in the period the vacation happened rather than the date when they were due to be listed (e.g., as for effective, cracked and ineffective estimates). There were 4,233 vacated trials in Q4 2021, down slightly on the previous quarter (4,477) and below peak levels seen in Q1 2020 (5,075).

Guilty plea rate

The pattern of the guilty plea rate reflects the restricted ability of courts to progress jury trials (i.e., cases where a not guilty plea is entered) in the early stages of the pandemic and changes in the makeup of cases which were disposed.

For defendants dealt with in 'for trial' cases at the Crown Court in Q4 2021, 68% entered a guilty plea⁷. This has fallen back from a series peak in Q2 2020 (79%) and is at levels seen pre-COVID as more 'not guilty' trial cases complete.

In Q4 2021, 19% of all defendants dealt with at the Crown Court entered a not guilty plea. This represents a rise on the previous year (13%) and is close to levels seen across the series (around 20%).

Average waiting time at the Crown Court

The waiting time estimates are a 'lagged measure' and defendants are counted at the point of their case being disposed of. As such the waiting time estimates provide a 'backwards' look at the durations spent between receipt and main hearing at the Crown Court.

The median waiting time⁸ for defendants dealt with at the Crown Court was 9.6 weeks in Q4 2021. This represents an increase of 8% compared to the previous quarter and 46% on the previous year.

The median waiting time for defendants dealt with in 'for trial' cases continued to increase sharply, from 11 weeks in Q4 2020 to 20 weeks in Q4 2021 – a series peak. The waiting time estimates have increased across all plea types and there were continued increases in waiting times for defendants who enter a 'not guilty plea', up 14% from 35 weeks in Q4 2020 to 40 weeks in Q4 2021 – a series peak.

Average hearing time at the Crown Court

The hearing time estimates are a 'lagged measure' and cases are counted at the point of disposal. As such the hearing time estimates provide a 'backwards' look at the duration of hearings at the Crown Court.

The median hearing time⁹ of 'for trial' cases where a not guilty plea was entered, was 13.1 hours. This is up by 7% on the previous quarter but in line with the levels seen on the previous year, and well below the series peak in Q2 2020 (14.9 hours).

⁷ Guilty plea rate is the number of defendants pleading guilty to all counts as a proportion of those with a plea.

⁸ The waiting time is the duration between a case being sent to the Crown Court and the first main hearing.

⁹ The hearing time is the time a case spends being heard in the Crown Court, including preliminary hearings, main hearings, and hearings where a sentence is given to a defendant.

4. Timeliness

Timeliness at the magistrates' courts stabilised and Crown Court timeliness increased

The median time from offence to completion at the magistrates' court remained largely unchanged on the quarter at 190 days in Q4 2021 (191 days in Q3 2021) and decreased by 5% on the previous year. At the Crown Court, the median time from receipt to completion continued to increase and reach a series peak of 164 days.

The measurements are based on defendants whose cases have been completed, as such they are 'backwards' looking measurements of timeliness between receipt and completion at the Crown Court.

New experimental statistics using a new data linking methodology have been developed using the Ministry of Justices open-source statistical '<u>Splink</u>' package to provide updated end-to-end timeliness estimates.

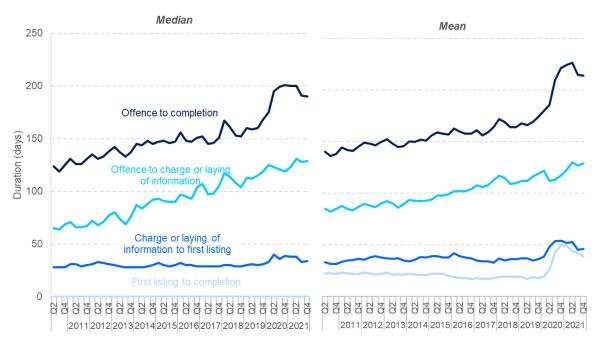
Alongside the gradual development of the experimental statistics we will continue to try to best meet user demands via more granular data on separate ('unlinked') timeliness estimates for magistrates' courts and Crown Court.

- *Magistrates' court timeliness estimates* (T1 T3) providing estimates of the time from offence to completion for defendants dealt with at the magistrates' courts.
- Crown Court timeliness estimates (E1 E2) providing estimates of the time from case receipt at the Crown Court to completion.

Magistrates' courts timeliness

Timeliness at the magistrates' courts measures the time from an offence being committed through key stages of the criminal justice system including charge, first listing at the magistrates' court and subsequent completion at court.

Figure 7: Average number of days from offence to completion for defendants dealt with at the magistrates' courts by stage, Q2 2010 – Q4 2021 (Source: Table T3)



The median duration from offence to completion of defendants dealt with at the magistrates' courts (190 days) remained largely unchanged compared to the previous quarter (191 days) but fell by 5% on the previous year (201 days).

- 'Pre-court' time stabilised the median time from 'offence to charge' was 129 days, this was stable compared to the previous quarter but up by 8% on the previous year. The median time from 'charge to first listing' was largely unchanged on the previous quarter (from 34 days to 33 days) but was down by 13% on the previous year.
- 'At court' durations remained stable at 0 days, where the first listing and completion occur on the same day. However, the mean duration for all cases fell on the previous quarter (down from 42 days to 39 days) this follows sharp increases seen over the COVID period and the latest estimate remains well above levels seen pre-COVID (e.g., 18 days in Q4 2019).

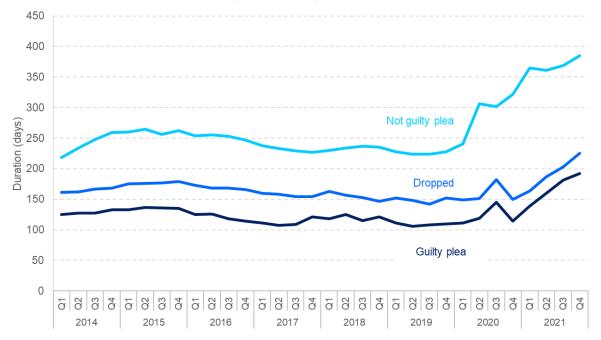
Crown Court timeliness - experimental statistics

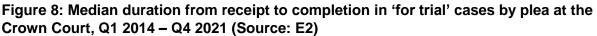
Timeliness at the Crown Court is measured from the point of a case entering a Crown Court, reaching a main hearing and then completion at court. This data series remains in development and as such it is considered 'experimental statistics'. Data presented here is not produced on the same basis as linked end-to-end timeliness data (see Table T4).

The median duration from case receipt to completion at the Crown Court increased 78% on the previous year, up from 92 days in Q4 2020 to 164 days in Q4 2021.

Increases can be seen across both 'receipt to main hearing' (from 47 days in Q4 2020 to 79 days in Q4 2021) and 'main hearing to completion' (from 9 days in Q4 2020 to 24 days in Q4 2021).

The annual increase in overall median timeliness at the Crown Court can be seen in both 'for trial' cases (up 65%) and sentence cases (up 13%).



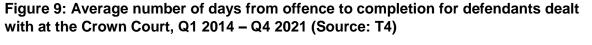


- In 'for trial' cases where a not guilty plea was entered, the median duration from receipt to completion at the Crown Court increased by 20% on the previous year, from 322 days in Q4 2020 to 385 days in Q4 2021. Increases can be seen both from 'receipt to main hearing' (21%) and from 'main hearing to completion (95%).
- In 'for trial' cases where a guilty plea was entered, the median duration from receipt to completion at the Crown Court increased to a series peak of 192 days in Q4 2021, up by 68% days compared to Q4 2020 (114 days).

Linked end-to-end timeliness - experimental statistics

In Q4 2021, the median duration from offence to completion for defendants dealt with at the Crown Court was 436 days.

This is down slightly on the peak in the series seen in the previous quarter (447 days in Q3 2021) and is the first quarterly fall seen following the sharp increases after the COVID-19 pandemic response. The latest median estimate represents an increase of 35% on the previous year (322 days in Q4 2020).





A marked decrease of 11% can be seen for the median estimate in time spent 'pre-court' (e.g., from offence to first listing) compared to the previous quarter while the time 'at court' (e.g., from first listing at the magistrates' courts to completion at the Crown Court) has remained comparatively stable.

5. Enforcement of financial impositions

Total financial impositions increased to a series peak

Total financial impositions in Q4 2021 rose to a series peak of £451.1m from £109.5m in Q4 2020, a result of a single large imposition. The total value of outstanding financial impositions also increased to a series peak of £1.45 billion in Q4 2021.

Financial impositions and amounts paid by imposition type

Following the impacts of the COVID-19 response the overall value of impositions has tended to increase from series lows in Q2 2020. In Q4 2021 the value of impositions rose by 86% on the previous quarter and was four times the value on the previous year. This was due to a single fine of £269.1m imposed and collected in Q4 2021.

Outstanding financial impositions

In Q4 2021, the total value of financial impositions outstanding in England and Wales was \pounds 1.45 billion, up 6% on the previous quarter and 19% on the previous year.

The amount of outstanding financial impositions has more than doubled since the start of 2015 (£571m). A change in policy regarding the collection of financial impositions is partially behind this cumulative increase – unpaid accounts are no longer routinely closed and therefore, more outstanding impositions are carried over from previous periods.

6. Experimental Statistics - language interpreter and translation services

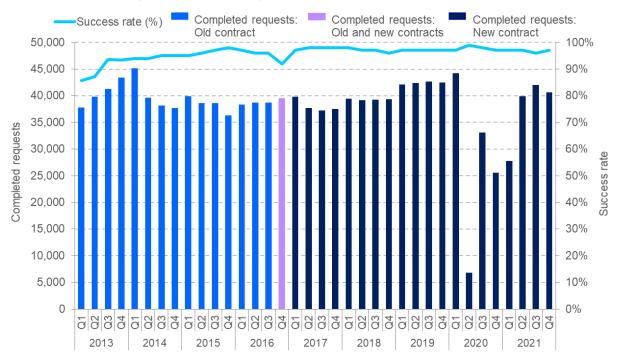
The number of completed language service requests decreased on the previous quarter and the success rate remained broadly stable.

There were 40,643 completed requests in Q4 2021, down 3% on the previous quarter. The success rate for requests was 97%, broadly stable with the rate seen since 2015.

Completed service requests

There were 40,643 completed requests in Q4 2021, down on the previous quarter (42,643) but well above the volumes seen in the previous year (25,580). Completed request volumes have tended to return closer levels seen prior to the COVID-19 pandemic.

Figure 10: Number of completed language service requests and overall success rate, Q1 2013 – Q4 2021 (Source: Table L1)



Success rate

The overall success rate of requests was 97% in Q4 2021, this is similar to rates seen since 2015. The proportion of cancellations (which are excluded from the success rate calculation) increased in Q2 2020 to 34% – this has fallen back to 21% in Q4 2021 but remains above pre-COVID proportions (~14% between 2012 and 2019).

Complaints and complaint rate

The number of complaints has remained very low since Q2 2020, with only 148 complaints made in Q4 2021. This was, however, an increase on the previous quarter (128) and the previous year (112) but remains well below levels seen pre-COVID (~778 between 2012 and 2019). The overall complaint rate has remained well below 1% since Q3 2020.

'Off-contract' requests

The number of 'off-contract' requests in Q4 2021 increased by 6% on the previous quarter to 1,103. This number has more than doubled on the previous year (489) and is the highest volume of 'off-contract' requests seen since Q3 2013 (1,349).

7. Further information on criminal courts data

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

Accompanying files

As well as the bulletin, the following products are published as part of this release:

- Two technical guides providing background information and standalone quality guide.
- A set of overview tables, covering each section of this bulletin.
- Pivot tools and underlying data which feature further breakdowns of published data.

National Statistics status

National Statistics status means that official statistics meet the highest standards of trustworthiness, quality and public value. This bulletin recently underwent a compliance check with the Office for Statistics Regulation and retained its National Statistics status in January 2019.¹⁰ All official statistics should comply with all aspects of the Code of Practice for Statistics. They are awarded National Statistics status following an assessment by the Authority's regulatory arm which considers whether the statistics meet the highest standards of Code compliance, including the value they add to public decisions and debate. It is the Ministry of Justice's responsibility to maintain compliance with the standards expected for National Statistics. If we become concerned about whether these statistics are still meeting the appropriate standards, we will discuss any concerns with the Authority promptly. National Statistics status can be removed at any point when the highest standards are not maintained, and reinstated when standards are restored.

Experimental Statistics status

Experimental statistics are produced under the remit of the Code of Practice for Statistics. They are also produced impartially and are free from political influence¹¹.



Future publications

Our statisticians regularly review the content of publications. Development of new and improved statistical outputs is usually dependent on reallocating existing resources. As part of our continual review and prioritisation, we welcome user feedback on existing outputs including content, breadth, frequency and methodology. Please send any comments you have on this publication including suggestions for further developments or reductions in content to the contacts listed below.

Contact

Press enquiries should be directed to the Ministry of Justice press office:

Tel: 020 3334 3536 Email: newsdesk@justice.gov.uk

Other enquiries and feedback about these statistics should be directed to the 'Data and Evidence as a Service: Courts and People' division of the Ministry of Justice:

Damon Wingfield, Head of Criminal Courts and Sentencing Data and Statistics, Ministry of Justice, 10 South Colonnade, London, E14 4PU Email: <u>statistics.enquiries@justice.gov.uk</u>

Next update: 30th June 2022

URL: https://www.gov.uk/government/collections/criminal-court-statistics

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

¹⁰ <u>https://www.statisticsauthority.gov.uk/correspondence/compliance-check-on-court-statistics/</u>

¹¹ <u>https://www.statisticsauthority.gov.uk/monitoring-and-assessment/code-of-practice/</u>