



Ministry
of Justice



Technical appendix:

Changes to the processing of criminal court sentencing data for Criminal Justice System Statistics Quarterly (CJSQ) publication

Contents

Introduction	3
Background.....	3
Advantages of moving to more modern processing systems.....	4
Estimated impacts of the changes	4
Impacts on trends for statistics on prosecutions, convictions and sentencing.....	5
Duplication of records.....	5
Counting defendants on a Crown Court case	6
Principal offence methodology.....	7
Average custodial sentence length (ACSL).....	13
Compensation	16
Fines	17
Driving disqualification	17
Impact on trends for statistics on remand decisions	18
Remand methodology	18
Resolving not known remand status at Crown Court	18
Additional changes to criminal court sentencing data	20
Offence, disposal and police force area groupings for data pre-2017	20
Offence codes	20
Other disposals without conviction.....	21
Further information	21
Useful links	21
Contact	21

Introduction

This technical appendix reflects the development of criminal court sentencing data to produce the Criminal Justice System Statistics Quarterly (CJSQ) publication. It explains the benefits of moving to more modern data processing methods and highlights the main differences to figures previously published in May 2023 for the annual CJSQ 2022 Q4 publication.

This work was undertaken after the CJSQ 2022 Q4 publication. The CJSQ 2023 Q1 publication was cancelled to ensure delivery of the new system and improve the quality, reliability and flexibility of statistics on criminal justice outcomes and sentencing. As a result, the CJSQ 2023 Q2 publication includes the latest figures up to year ending June 2023 and additional tables to cover the 2023 Q1 period. We have taken the decision to cancel CJSQ 2023 Q3 to allow time for feedback and to implement any further changes to the new methodology and outputs. The next publication will cover the annual period of 2023 due to be published in May 2024.

This development of criminal court sentencing data and the changes made to the processing has an overall limited impact on existing trends established in previous publications from the previous series. Users should be aware that figures have been revised from 2017 onwards due to more accurate and reliable methods for data processing for information on prosecutions, convictions, sentencing and remands. Additionally, we have made some improvements to ensure the consistency of groupings for offences, sentencing disposals and police force areas prior to 2017. For transparency, we have updated the annual interactive data tools published in CJSQ 2022 Q4 (May 2023 release) to ensure users have access to the revised figures for breakdowns by offence characteristics and offender demographics – these replace previous versions of the tools, which have been moved to a separate folder on the CJSQ 2022 Q4 landing page for archiving, but we urge users to use the new versions.

A copy of this technical appendix is available in the latest publication, CJSQ 2023 Q2, and alongside the revised annual tools in CJSQ 2022 Q4. A summary can be found in the technical guide published alongside CJSQ, with reference to this technical appendix for more detailed comparisons. Key footnotes are presented alongside the tools and tables.

Although these changes have a limited impact on overall existing trends across the time series (2010 to 2022), users should be aware that the new processing of criminal court sentencing data has only been applied in full to 2017 onwards and, therefore, 2010 to 2016 is still derived from the old system. We have been unable to apply the new system prior to 2017 at this stage because the raw data is not held in a format that enables it to be processed with the new methodology. While trends across the series remain reliable, users may find differences in figures between 2016 and 2017 - particularly at a detailed offence level or for specific sentencing outcomes. Users should consult this technical appendix for explanations of notable impacts due to the change in data processing methods between 2016 and 2017.

This work does not impact Out of Court Disposals (OOCs) as these are provided by other external data sources, such as the Police National Computer (PNC).

We invite users to provide feedback on the changes via our email address CJS_statistics@justice.gov.uk.

Background

Statistics on prosecutions, convictions, sentencing and remand at magistrates' courts are derived from the LIBRA case management system. Crown Court trial, sentencing and remand data are derived from the CREST system, or from March 2019, the XHIBIT system.

In previous CJSQ publications, both data collection systems were managed by an outside consultant on our behalf to form the Court Proceedings Database (CPD). Before the data was received, it was processed to capture cases where a final outcome or sentence was recorded to meet the requirements of counting rules used in CJSQ. As part of the data processing, certain fields were removed from the data and rules

were applied which imposed default values in some fields where no information was included (e.g., missing date of birth).

Since the CJSQ 2022 Q4 publication, we have undertaken work to transition to more modern data processing methods to enable greater ownership and functionality that in turn can present further opportunities for more thorough, accurate and timely analysis and insight. It has also allowed us to resolve known issues in the tables and tools and we are confident that we have now moved to more resilient solutions.

Common Platform is a new digital case management system for the magistrates' and Crown Courts, which will eventually replace the existing 'legacy' criminal court systems LIBRA (magistrates') and XHIBIT (Crown), with a single, streamlined system. We have had ownership of processing data from Common Platform, since its introduction, to produce sentencing statistics. As a result, data from this system is not impacted by the changes. We will continue to develop data processes from Common Platform and monitor the opportunities it provides to improve published data.

Advantages of moving to more modern processing systems

The development of more modern processing of criminal courts and sentencing data reflects the implementation of more streamlined and improved data flows within the Ministry of Justice. It provides us with opportunities to move to a more consistent and coherent approach to how we publish criminal courts and sentencing data, which can be used by analysts across the department to evaluate trends.

This work has enabled us to take ownership over processing the criminal court and sentencing data and reduce reliance on third parties. We now have far greater ability to explore additional fields contained in the centrally collated court systems and proactively adapt our methodology when issues arise. For example, we have been able to include plea at magistrates' court and a flag for cases dealt with under the Single Justice Procedure for the first time in the interactive annual data tools¹. Having control over our data systems also provides the opportunity to produce more timely analysis on sentencing trends.

In previous CJSQ publications, issues were discovered in the Court Proceedings Database (CPD), which were documented in the tables and tools. We have used the period of development to address these and other issues with CPD to improve the accuracy and reliability of CJSQ data.

Due to increased ownership of the data processing, we can more easily monitor new offences introduced after legislative changes and update processes quickly to ensure they are accurately reflected. Similarly, we now have control over the introduction of new sentence disposals and can update this ourselves in the publication for users.

Estimated impacts of the changes

To enable us to ascertain whether the new data system is comparable to legacy systems (pre-2017), we have examined figures published previously in May 2023 from CJSQ 2022 Q4 (based on the old system) with the revised figures (reflected in the updated versions of the annual tools).

Although these changes have a limited overall impact on existing trends across the time series (2010 to 2022), it is worth users applying caution in some cases when comparing trends between 2016 and 2017. We have been able to apply consistent methodology to the new processing of criminal court sentencing data from 2017 onwards, however, 2010 to 2016 is still based on the old system. We have been unable to apply the new system prior to 2017 at this stage because the raw data is not held in a format that enables it to be processed with the new methodology. While trends across the series remain reliable, users may find differences in figures between 2016 and 2017 - particularly at a detailed offence level or for specific sentencing outcomes. Users should consult this technical appendix for explanations of notable impacts due to the change in data processing methods between 2016 and 2017. Specific breakdowns of prosecutions, convictions, sentencing and remands data that are impacted are explained below.

¹ See final section for details.

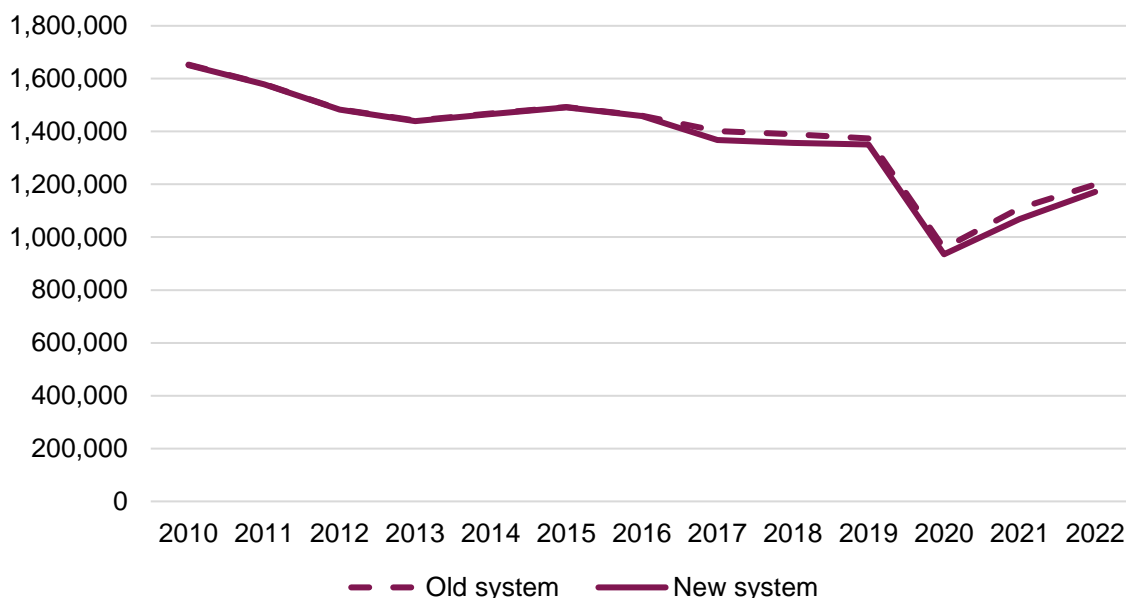
When interpreting the differences between the two systems, it's important to consider the change in administrative system at the Crown Court – CREST was replaced by XHIBIT in March 2019. We have been able to apply consistent counting rules for defendants based on XHIBIT back to 2017. As a result, users will notice that the difference in figures from those previously published will differ between 2017 and 2019 (where the old system used CREST) and 2019 to 2022 (XHIBIT) – the new system is now consistent back to 2017.

Impacts on trends for statistics on prosecutions, convictions and sentencing

Duplication of records

The number of prosecutions at magistrates' court is slightly lower in the new system as we identified an issue where, previously, a case dealt with on two different dates (usually a discontinued offence followed by a conviction/acquittal) in LIBRA was counted as two separate records. This impacted offence groups proportionality.

Figure 1: Number of prosecutions at magistrates' courts on a principal offence basis, by system, 2010 to 2022, in England and Wales

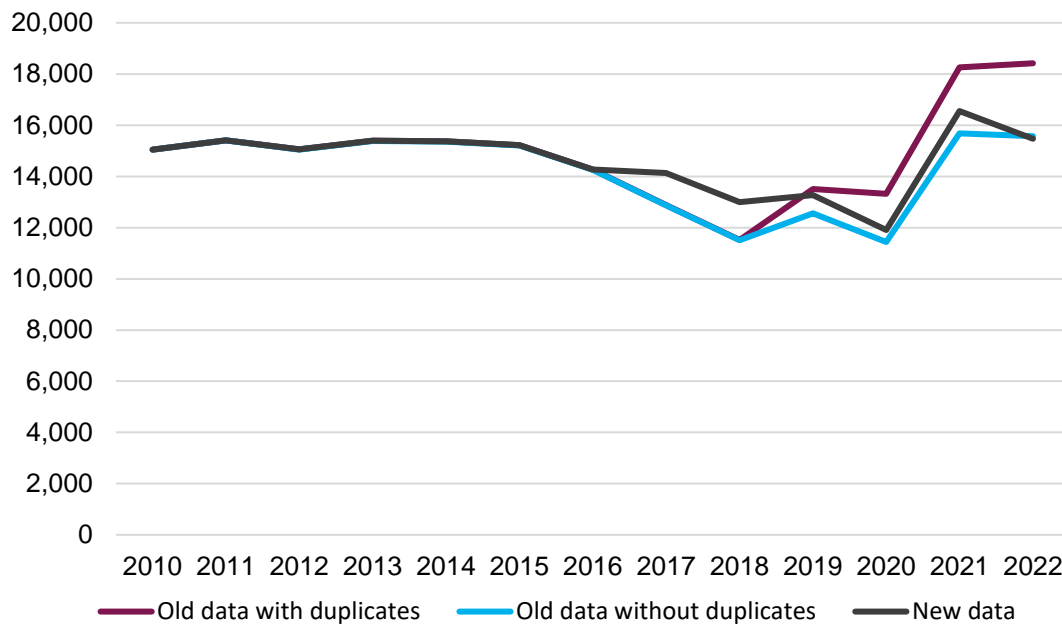


Source: Outcomes by Offence data tool

We also identified an issue in Crown Court data, where for certain cases handled on XHIBIT when introduced in March 2019, the same defendant sentenced for the same offence would appear in the data more than once. Defendants who had a hearing after their sentencing and received a new disposal should have their existing record updated. However, the old system counted these defendants twice. We found that hearings to decide compensation or confiscation orders under the Proceeds of Crime Act 2002² were most likely to be affected by this issue, which disproportionately impacted more serious fraud and drug offences. As a result, conviction and sentencing figures for these offence groups have decreased (see average custodial sentence length section for more details). As you can see in Figure 2a and 2b below, we have estimated the number of sentences at Crown Court for drug and fraud offences which were impacted by the duplication in the old system – once the duplicated cases are removed, the figures are more in line with those derived from the new system.

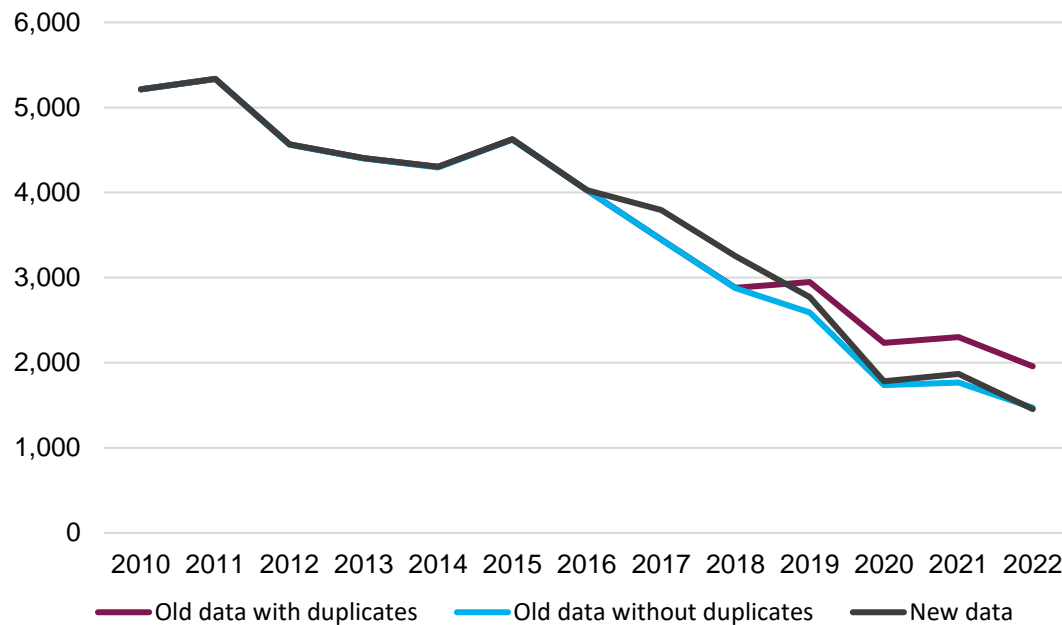
² [Proceeds of crime | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk/proceeds-of-crime)

Figure 2a: Number of sentences at the Crown Court for drug offences, by system and presence of duplicate records, on principal offence basis, 2010 to 2022, in England and Wales



Source: Outcomes by Offence data tool and bespoke analysis

Figure 2b: Number of sentences at the Crown Court for fraud offences, by system and presence of duplicate records, on principal offence basis, 2010 to 2022, in England and Wales



Source: Outcomes by Offence data tool and bespoke analysis

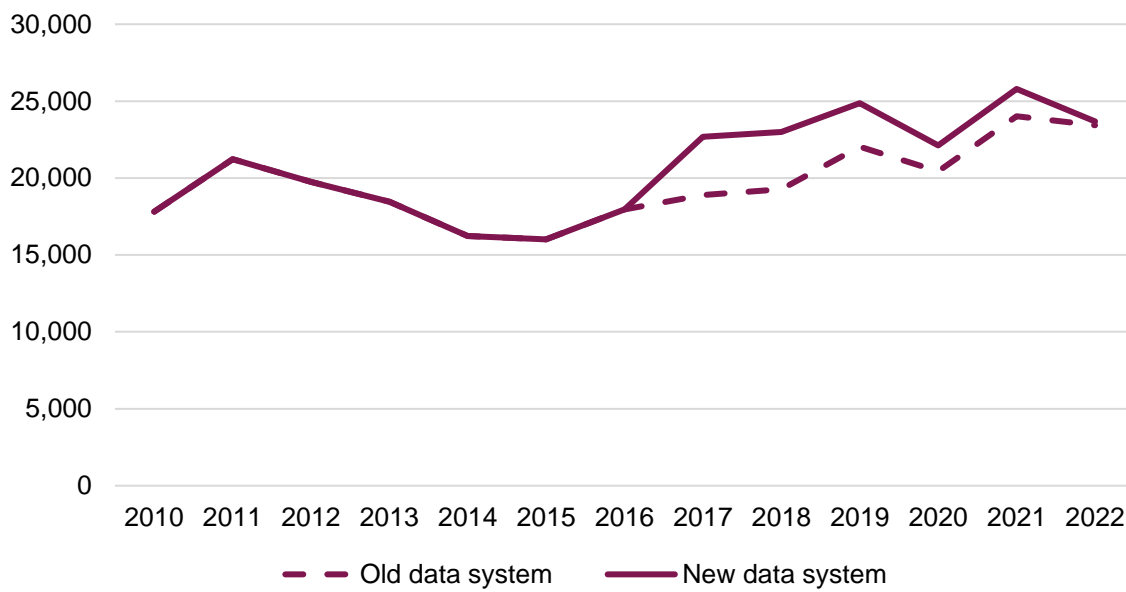
Counting defendants on a Crown Court case

The number of defendants committed for sentence from the magistrates' court in the Crown Court datasets is higher in the new system due to the new defendant on case methodology at Crown Court.

The methodology for counting a defendant that had a trial and a committed for sentence offence at the Crown Court (in CREST and XHIBIT) was inconsistent in the old system. Previously, the goal was to combine a defendant on a case at the Crown Court so that all their offences for trial and sentence were counted as one, however this method was inaccurate, required complex logic and was prone to error. The

decision was taken to count the trial and sentence parts of a case at Crown Court separately for each defendant. As a result, a defendant who has a trial and sentence offence will appear as two separate principal offence records in the new system at Crown Court. This allows for more consistent counting across all systems. The number of defendants identified as committed for sentence in the Crown Court data has therefore increased because these records were less likely to be the principal offence when previously combined with the trial case.

Figure 3: Number of offenders committed for sentence at the Crown Court (recorded in the Crown Court data), on principal offence basis, by system, 2010 to 2022, in England and Wales



Source: Crown Court data tool

Where in Crown Court cases the trial and sentence part of a defendant's case are counted as separate principal offences, historically for magistrates' court offences, recorded in LIBRA, this did not happen. Consequently, figures in the magistrates' data for those committed for trial and sentence at the Crown Court will differ from those counted in the Crown Court data as they are two separate systems. With the introduction of Common Platform, it is now also possible to count the prosecutions at magistrates' court separately for trial and sentence cases received at the Crown Court as well as offences disposed at the magistrates' court. This is because Common Platform is one streamlined system for both courts. This slightly increases the number of indictable prosecutions on a principal offence bases, however, the number of cases where a defendant receives a disposal at the magistrates' court as well as being sent to Crown Court are small.

Principal offence methodology

The majority of the CJSQ publication is provided on a principal offence basis, i.e., where each defendant is reported only against their principal offence. Where a defendant has been found guilty of two or more offences, the principal offence is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

A principal offence is set in the magistrates' court and the Crown Court data separately. When a defendant is sent from the magistrates' courts to the Crown Court for trial or sentence for one or more offences, the principal offence is assigned as follows: -

- If the defendant is sentenced for any offences at the magistrates' court, these will take precedence over any offences sent for trial or committed for sentence to the Crown Court.

- If the defendant is convicted of any offences at the magistrates' court and committed for sentence to the Crown Court, these will take precedence over any offences sent for trial. The principal offence will be the convicted offence with the most severe statutory maximum penalty.
- If the defendant is sent to the Crown Court for trial without being convicted of any offences at the magistrates' court, the principal offence will be the offence with the most severe statutory maximum penalty at the Crown Court.

There are therefore some cases where the principal offence for which a defendant is prosecuted at magistrates' courts is a less serious offence than their non-principal offence(s) at conviction or sentence.

Unless otherwise stated, each offender is reported only against the most severe sentence or order given for their principal offence (i.e. the principal sentence).

The methodology stated for principal offence is consistent with that defined in the old system, however, we found issues where the previous processing of courts data was not applying this logic correctly. By updating our internal lookup of court disposals recorded in the court data systems, we are now able to rank the severity of disposals more robustly and capture sentencing outcomes that were previously missed.

Sentence severity is now considered in the following order:

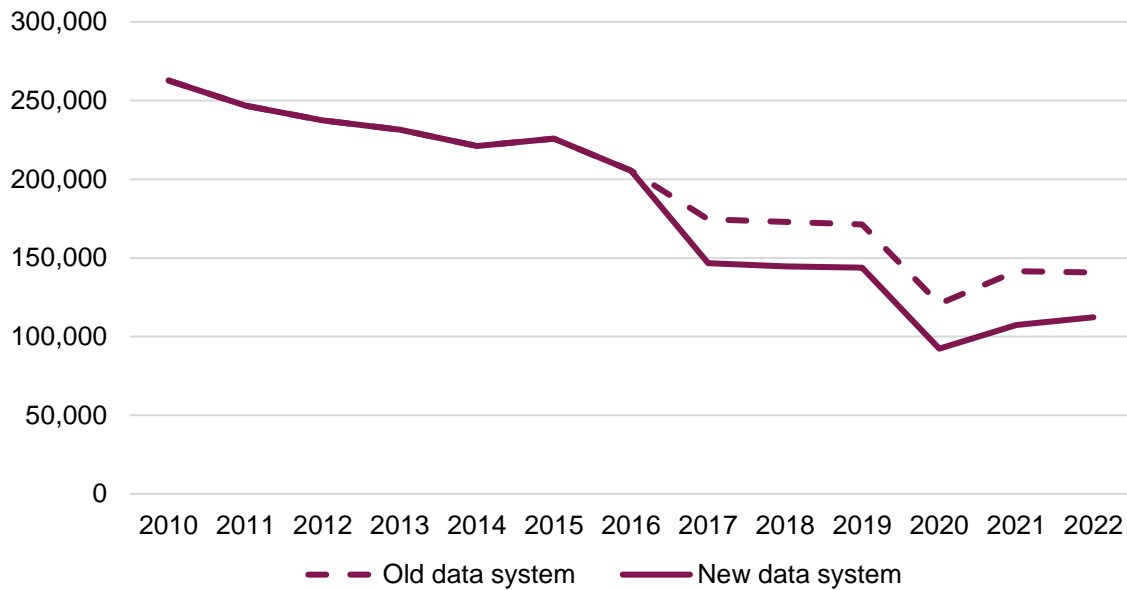
1. Life sentences
2. Extended custodial sentences and standard custodial sentences, ranked by the length of the custodial period
3. Hospital and restriction orders
4. Suspended sentences, ranked by the length of the custodial period
5. Community sentences
6. Fine, ranked by the fine amount
7. Conditional discharge
8. Absolute discharge
9. Acquittals, discontinuances and charges withdrawn
10. All other disposals, including compensation and ancillary orders

The changes to the disposal mappings and the refinement of the principal offence methodology have meant the following changes are observed in the data from the new system for 2017 onwards on a principal disposal basis:

- The number of defendants for whom proceedings were discontinued, discharged, dismissed, or withdrawn at magistrates' court has decreased.
- The number of defendants sentenced to extended determinate sentences, special sentences for offenders of special concern or hospital orders has increased.
- The number of defendants classified as Otherwise dealt with (or receiving a victim surcharge within this category) or ordered to pay compensation as their sentence outcome has decreased.
- The number of defendants sentenced to police cells and one day in Crown Court cells has decreased.
- The number of defendants sentenced to a restriction order has decreased (these tend to be sentenced alongside a hospital order, and therefore, the hospital order is being chosen as the principal offence).
- The number of summary offences selected as the principal offence at Crown Court has decreased.

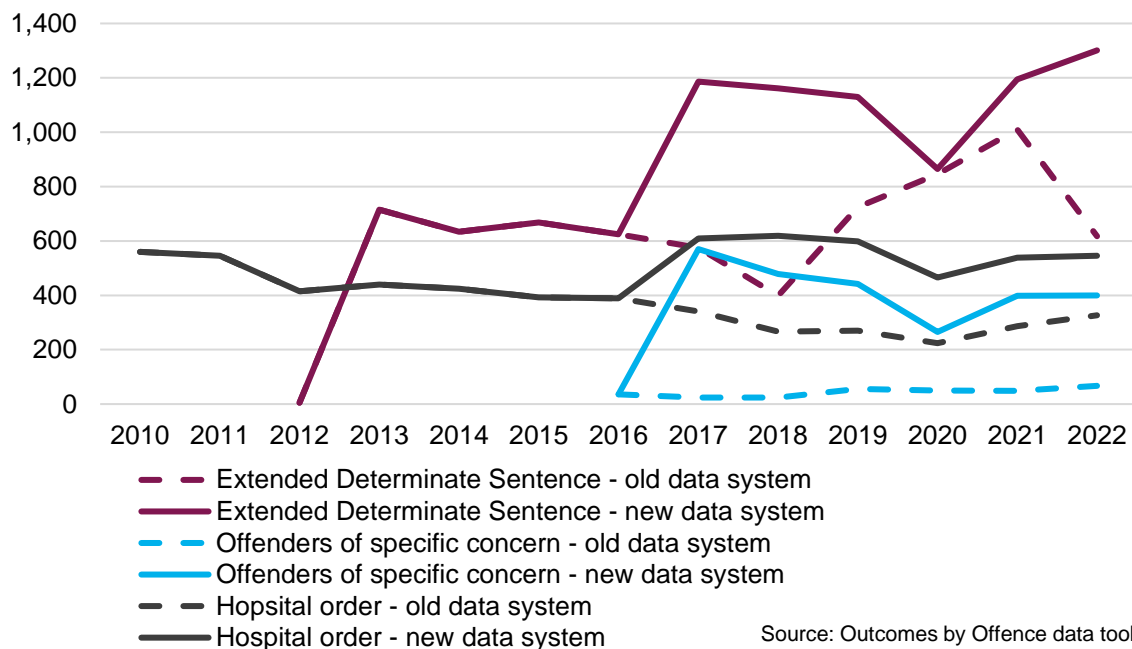
These improvements have led to a small increase in the number of sentences at Crown Court, as seen in Figure 4h below (there was a known issue for sentences at Crown Court in 2022 where counting methodology was inconsistent – this has been resolved). This does not mean users cannot make compares between pre-2017 data and 2017 onwards, but we would advise some caution drawing inferences where differences across that period are small.

Figure 4a: Number of offenders whose proceedings were discontinued, discharged, dismissed or withdrawn at magistrates' courts, on principal offence basis, by system, 2010 to 2022, in England and Wales



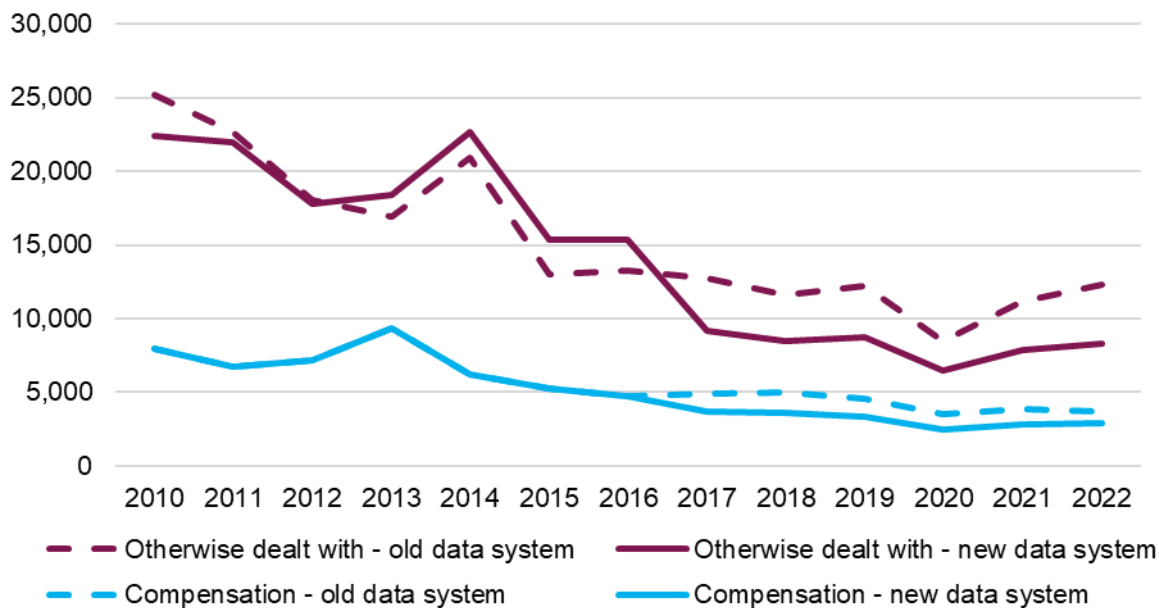
Source: Outcomes by Offence data tool

Figure 4b: Number of offenders sentenced, by detailed sentence outcome and system, on principal offence basis, 2010 to 2022, in England and Wales



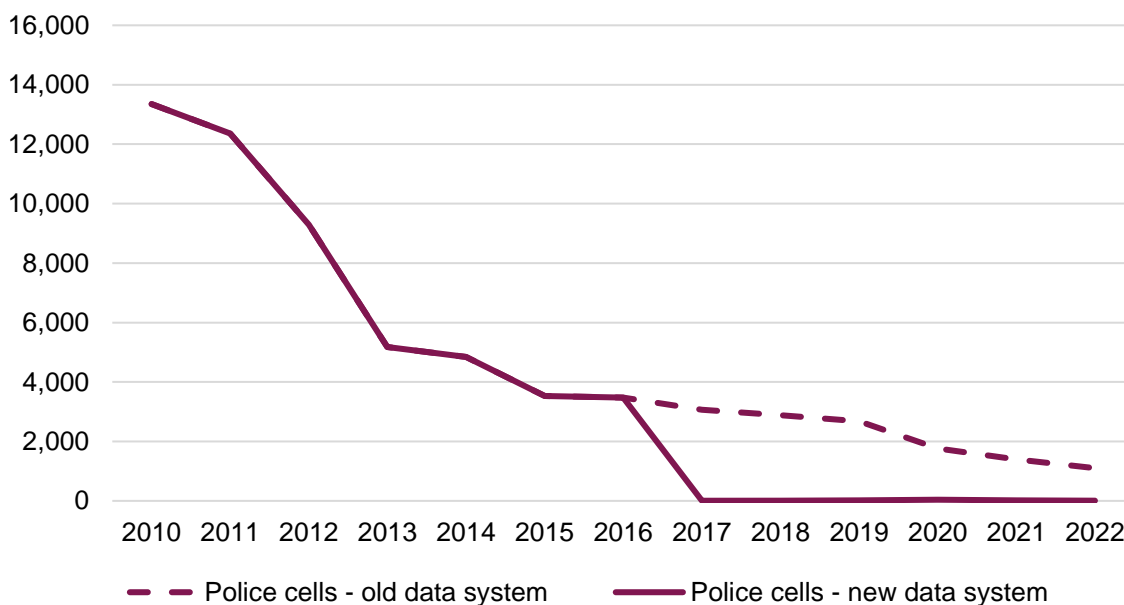
Source: Outcomes by Offence data tool

Figure 4c: Number of offenders sentenced, by detailed sentence outcome and system, on principal offence basis, 2010 to 2022, in England and Wales³



Source: Outcomes by Offence data tool

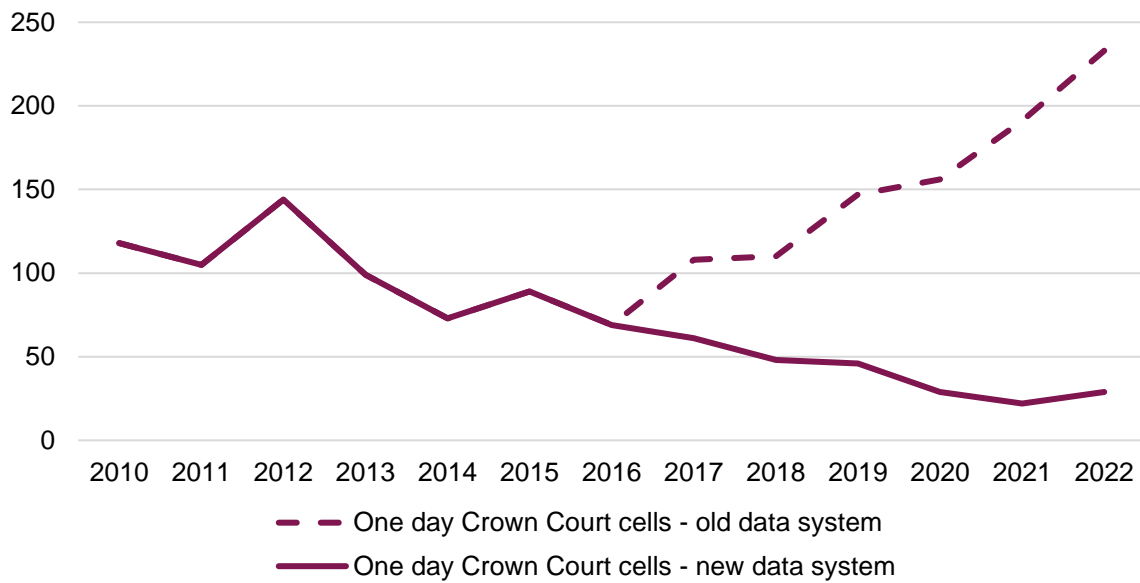
Figure 4d: Number of offenders sentenced to police cells at magistrates' courts, on principal offence basis, by system, 2010 to 2022, in England and Wales



Source: Outcomes by Offence data tool

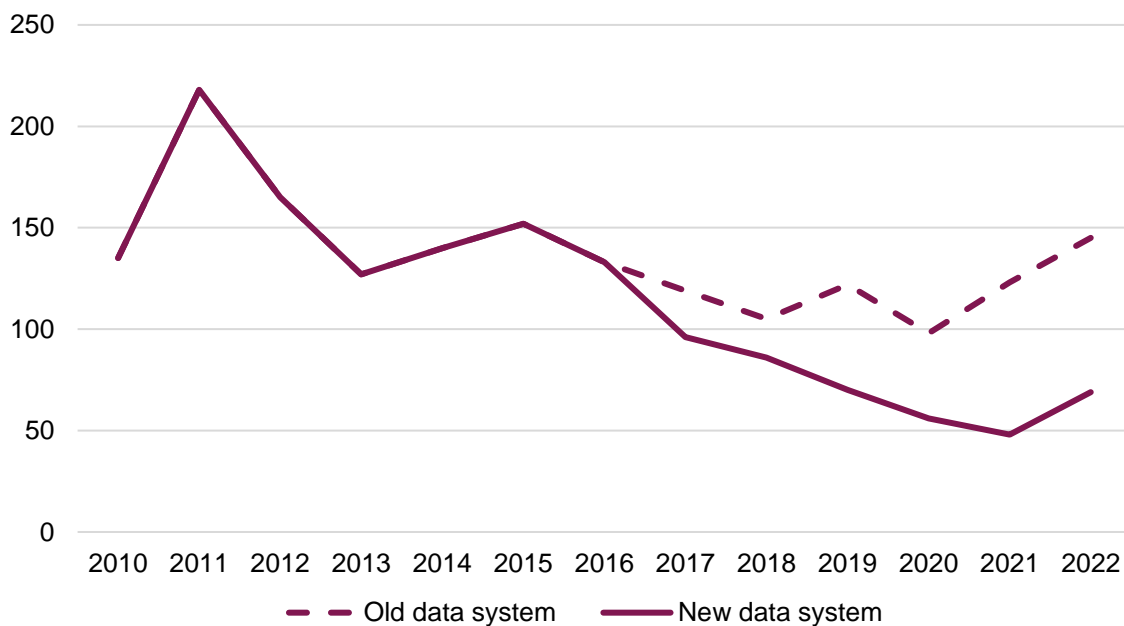
³ There is a small increase in 'Otherwise dealt with' as a principal disposal prior to 2017 as the mappings of sentencing outcomes have been updated to allow for comparisons to be made across the time series (see further details in 'Additional changes to criminal court sentencing data').

Figure 4e: Number of offenders sentenced to one day Crown Court cells at the Crown Court, on principal offence basis, by system, 2010 to 2022, in England and Wales



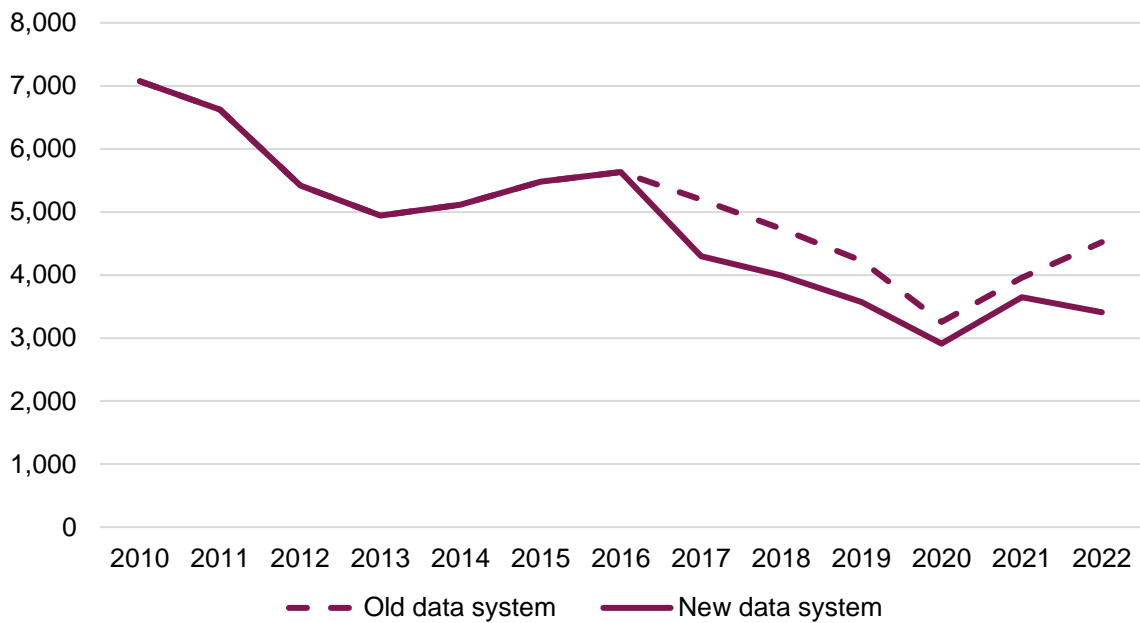
Source: Outcomes by Offence data tool

Figure 4f: Number of offenders sentenced to restriction order, on principal offence basis, by system, 2010 to 2022, in England and Wales



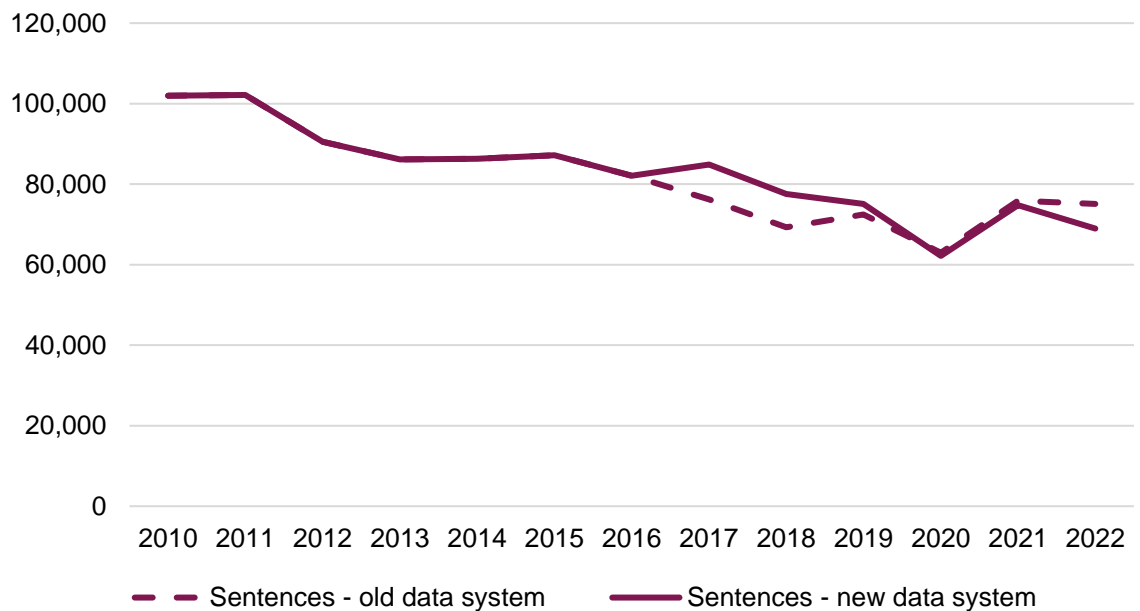
Source: Outcomes by Offence data tool

Figure 4g: The number of summary offences selected as the principal offence at Crown Court, by system, 2010 to 2022, in England and Wales



Source: Outcomes by Offence data tool

Figure 4h: Number of offenders sentenced at the Crown Court, on principal offence basis, by system, 2010 to 2022, in England and Wales



Source: Outcomes by Offence data tool

Average custodial sentence length (ACSL)

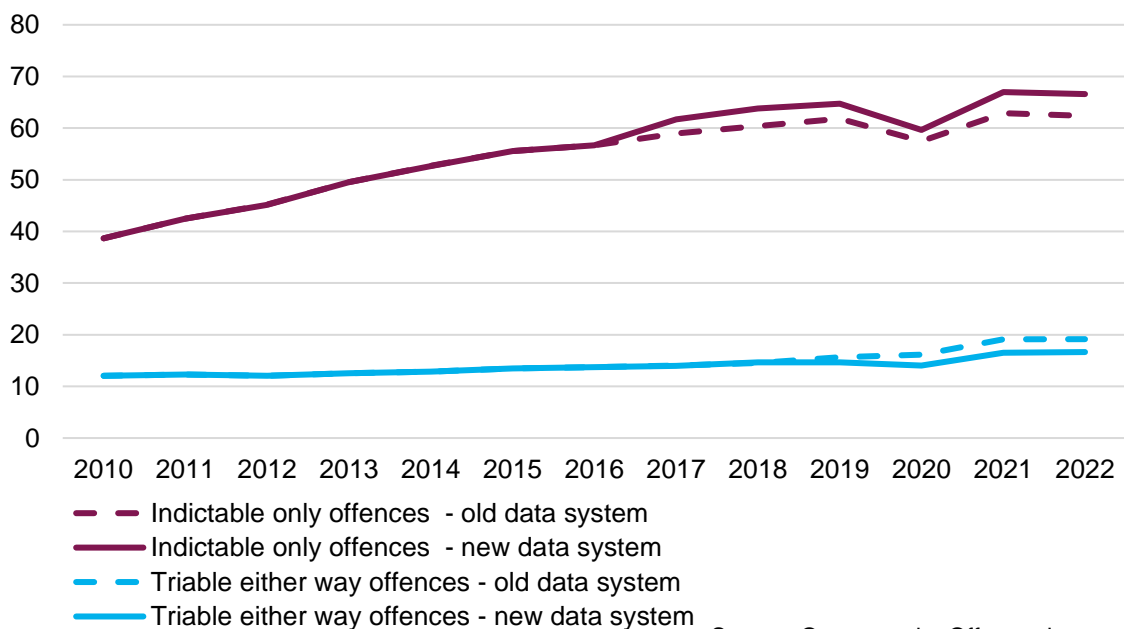
Ranking the severity of disposals more robustly and capturing sentencing outcomes that were previously missed has had a small impact on measures of the average custodial sentence length (ACSL), although trends remain largely unaffected. Including the length of custodial period for extended and standard custodial sentences in the principal offence methodology, ensures the longest custodial sentenced received by a defendant is counted towards the published ACSL.

This mainly impacts extended custodial sentences, which were previously not considered the most serious disposal after life sentences. These sentences are given to the most serious offenders, and therefore, prioritising these sentences has led to an increase in ACSL for some offence groups.

As you can see in Figure 5b, the ACSL for summary offences has remained the same (the spike in ACSL for summary non-motoring offences in the old system in 2021 was an anomaly that has been addressed), whereas for indictable only offences (Figure 5a), there is a slight increase in ACSL due to the prioritisation of extended custodial sentences. This is driven by an increase in sentence length for sexual offences, as defendants sentenced for these offences mainly receive these serious sentences.

For triable-either-way offences, there is a slight decrease in ACSL. This is due to the Crown Court duplication issue, explained previously, which disproportionality impacted more serious fraud and drug offences. As a result of removing these duplicated records, the ACSL has decreased for fraud and drug offences. This does not impact comparisons across the time series as the issue only occurred from the introduction of XHIBIT, Crown Court data, in March 2019.

Figure 5a: Average custodial sentence length in months (ACSL) for indictable offences, by offence type and system, 2010 to 2022, in England and Wales



Source: Outcomes by Offence data tool

Figure 5b: Average custodial sentence length in months (ACSL) for summary offences, by offence type and system, 2010 to 2022, in England and Wales

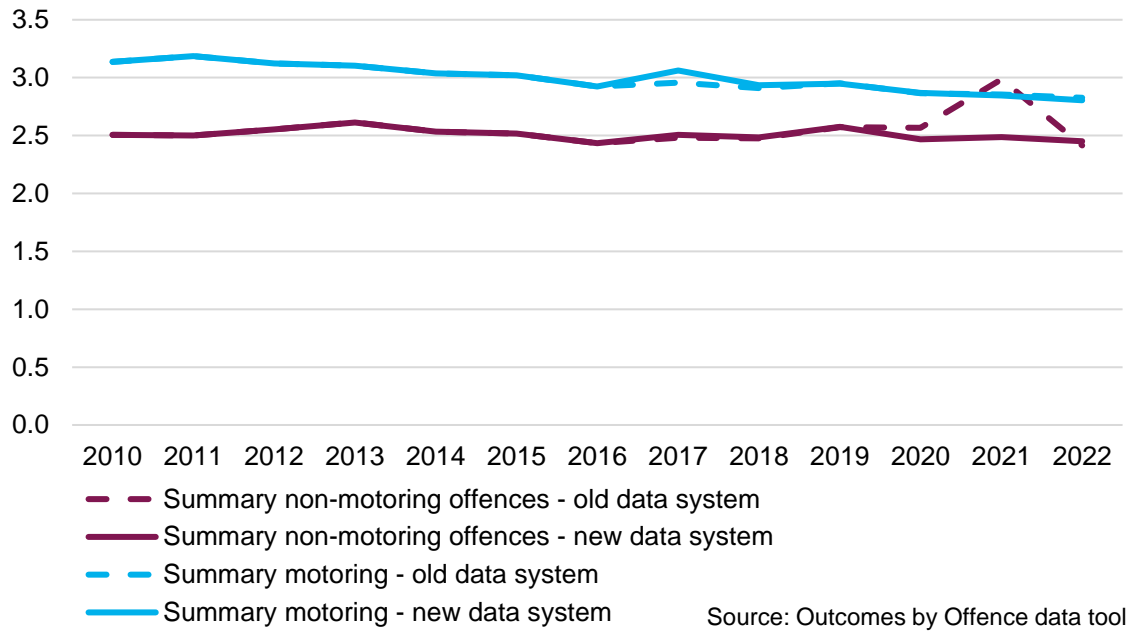


Figure 5c: Average custodial sentence length in months (ACSL) for fraud offences, by system and presence of duplicate records, 2010 to 2022, in England and Wales

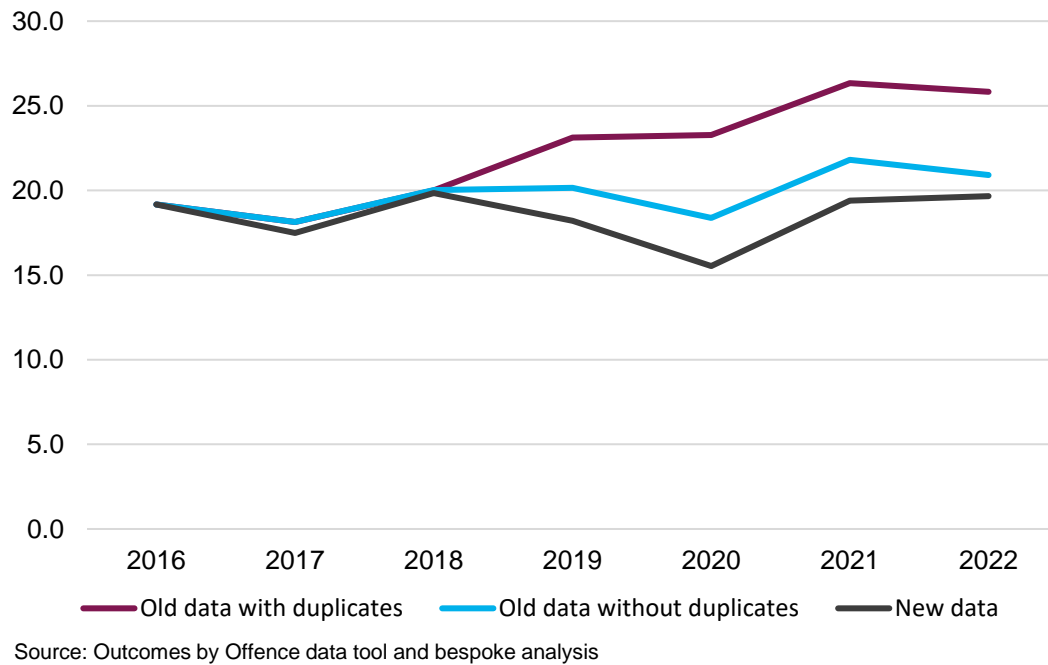
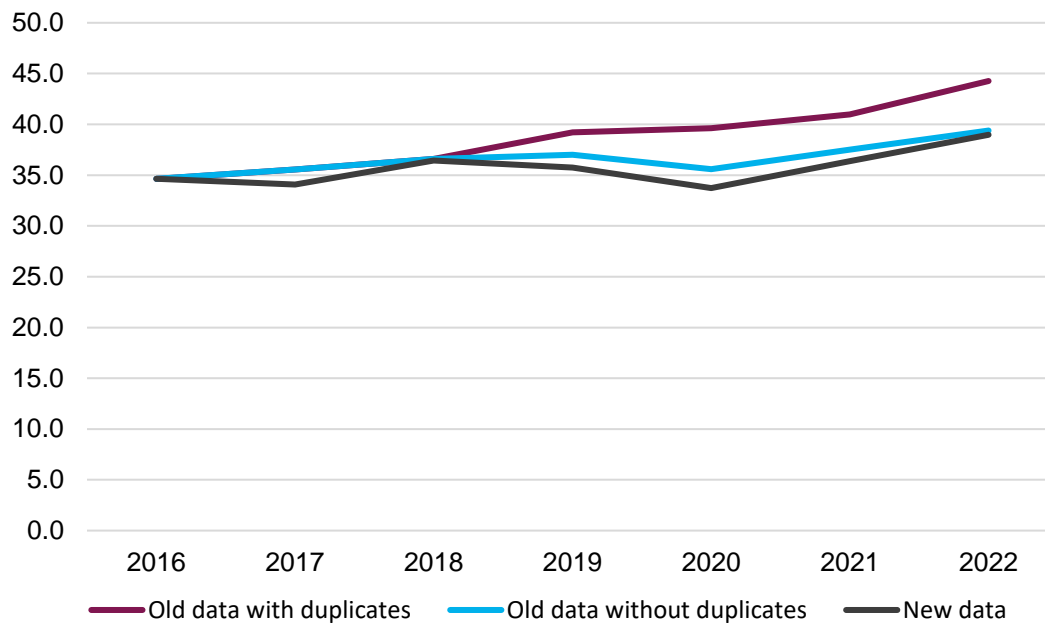
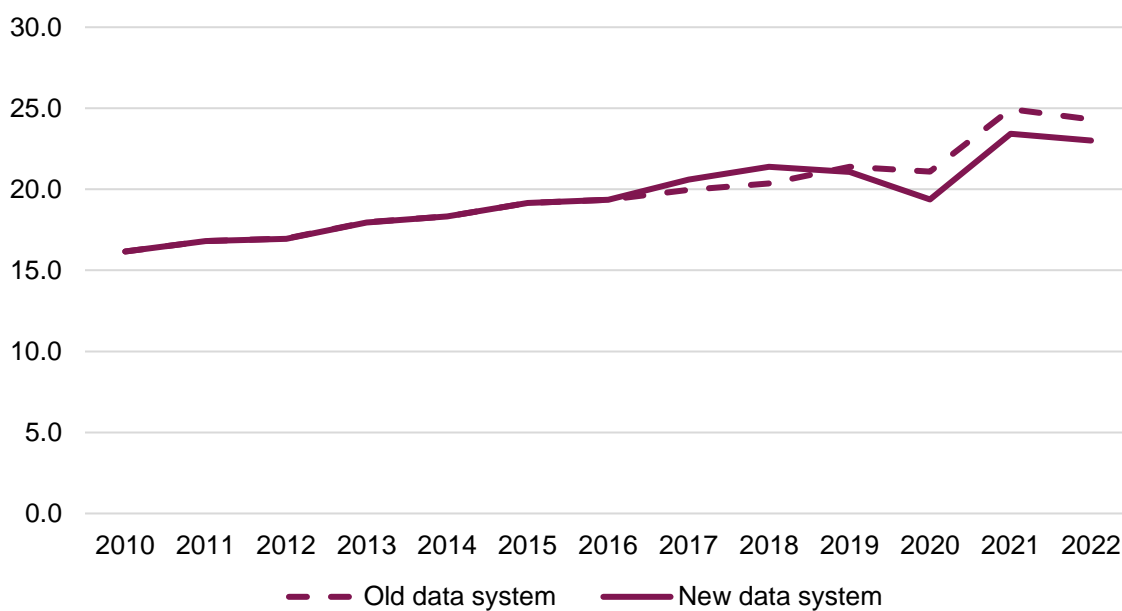


Figure 5d: Average custodial sentence length in months (ACSL) for drug offences, by system and presence of duplicate records, 2010 to 2022, in England and Wales



Source: Outcomes by Offence data tool and bespoke analysis

Figure 5e: Average custodial sentence length received for all indictable offences, by system, 2010 to 2022, in England and Wales

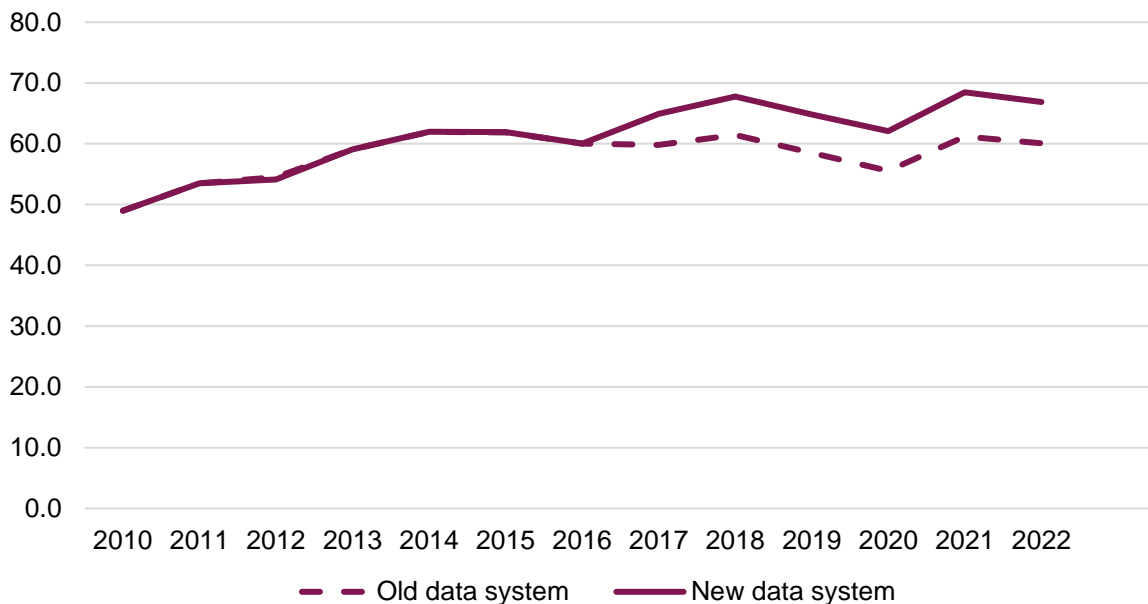


Source: Outcomes by Offence data tool

Overall, there are small differences when comparing ACSL for indictable offences (indictable only and triable-either-way) over the time series and users can safely continue to make comparisons across that period – see Figure 5f. Trends are largely unaffected, and only where differences in ACSL are very small would we advise some caution over interpretation. The differences are likely to be largest for sexual offences, where the increase in volume of extended determinate sentences counted from 2017 in the new system cannot be replicated back prior to 2017. The impact is likely to be small for 2010-2012 as this predates extended determinate sentences, and extended sentences for public protection (which were available then) are lower in volume, and attracted shorter average sentences than EDS. As a result, we

estimate that the ACSL for sexual offences particularly in the period 2013-2016 would be slightly higher if we were able to apply the new methodology to the period prior to 2017, but that it does not affect overall trends or how users can use this data, other than where comparing very small differences.

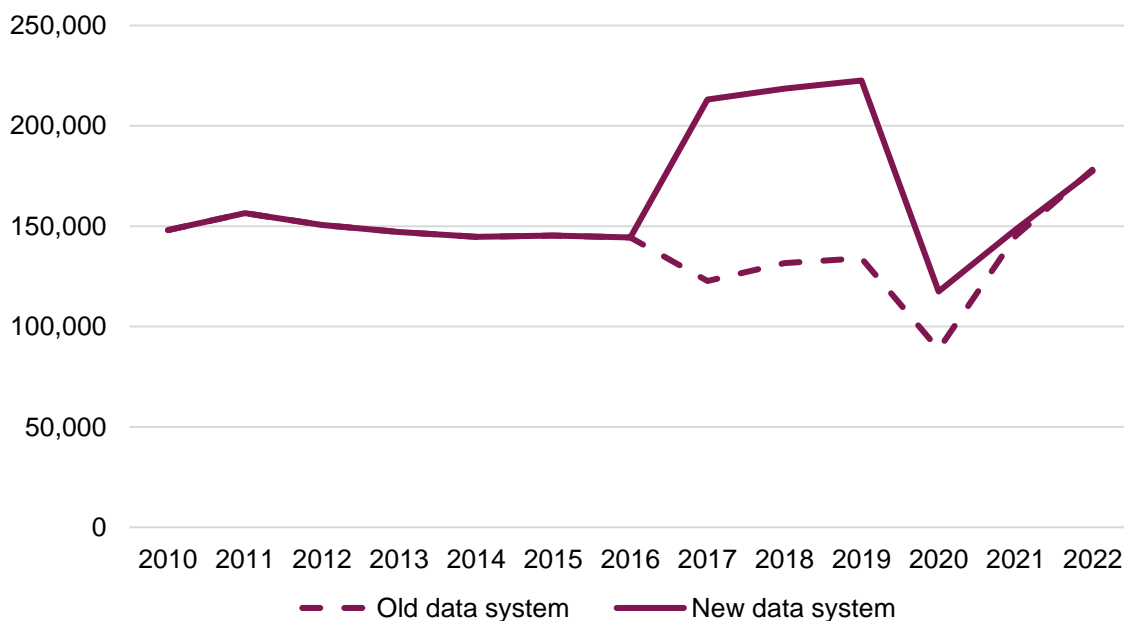
Figure 5f: Average custodial sentence length received for sexual offences, by system, 2010 to 2022, in England and Wales



Source: Outcomes by Offence data tool

Compensation

Figure 6: Number of offenders sentenced to compensation orders at magistrates' courts, excluding companies, by system, on principal offence basis, 2010 to 2022, in England and Wales



Source: Outcomes by Offence data tool

The number of defendants sentenced to compensation orders on an all-disposal basis at magistrates' court has increased in the new system due to an increase in the offence '17000 – keeping a motor vehicle on highway without a current vehicle excise licence (MOT)'. We advise users to apply caution when comparing trends for the number of compensation orders on an all-disposal basis before 2017.

There is minimal impact to the average compensation amount at magistrates' court and the Crown Court over the time series. Users may find that the figures for average compensation amount have shifted a year earlier in the new system. This is because, in the old system, if a case was updated after the initial sentencing hearing with a compensation amount, then the published data would reflect the year the record was updated. Due to our improved methodology, we can now keep the year consistent with the year the offender was originally sentenced.

Fines

In the old system, there were validation checks to remove high fine amounts as these were seen as an error. However, after investigation, it is possible for companies to receive these high fine amounts at Crown Court. These are now included in the new system, but they drive an increase in the average fine amount. Consequently, we have decided to split out average fine for companies and persons separately in the interactive data tools.

Driving disqualification

We identified a high number of lifetime driving bans issue at all courts in 2022 – this coincided with a decrease in bans issued with an outcome of 'Until driving test' in the old system. This has now been corrected in the new system.

Additionally, the motoring data tables and tools now include driving disqualification lengths for those disqualified due to accumulating 12 or more penalty points for motoring offences under S.35 Road Traffic Offenders Act 1988. This inclusion has led to an increase in the number of defendants receiving a disqualification of six months, which is the minimum length of a disqualification under this section. For consistency, this type of disqualification is separated out in the tables and tools as 'points disqualification'.

Plea at court

We now have the ability to explore additional fields contained in the centrally collated court systems due to having ownership of the processing of criminal court and sentencing data. Whilst revising the annual interactive tools for 2022 with the updated figures, we have been able to include plea at magistrates' court and a flag for cases dealt with under the Single Justice Procedure (SJP) for the first time. The case type flag is present in all interactive data tools for prosecutions, convictions, sentencing and remands, whereas the plea at magistrates' court is within the magistrates' court data tool.

At magistrates' court, the majority of cases dealt with through SJP have no plea information due to the separate processing of these records. As a result, we have allowed users to separate out the SJP records within the plea at magistrates' court filter to be able to account for this difference. At Crown Court, those committed for sentence from the magistrates' court have been separated into the "N/A" category as no further plea is recorded in the Crown Court administrative systems as the defendant has already been convicted.

Impact on trends for statistics on remand decisions

Remand methodology

A defendant's remand status is reported in the year the defendant received their final disposal and therefore may not be the year they received the original remand status. We report the most serious remand status received by a defendant at any point throughout their time in the courts. This is calculated by looking at the remand status of the defendant at their hearings in the magistrates' court or Crown Court and is broken down into three periods: police remand status (before the first hearing in magistrates' court), magistrates' court remand status, and Crown Court remand status. Each period is calculated exclusively of one another (one remand status at police station, one at magistrates' court and one at Crown Court).. All hearings (except for the final sentencing hearing) are considered and the most serious status is counted, with remand in custody ranked as the most serious, followed by bail, and then not remanded/not applicable. A defendant's remand status may change several times throughout their court journey, however what we report only reflects the most serious status they received in that set period and does not reflect the number of remand decisions made in those periods. The not remanded and unknown category at magistrates' court will include cases that are dealt with outside of court or dealt with in one court sitting such as Single Justice Procedure cases, where no remand status is applicable.

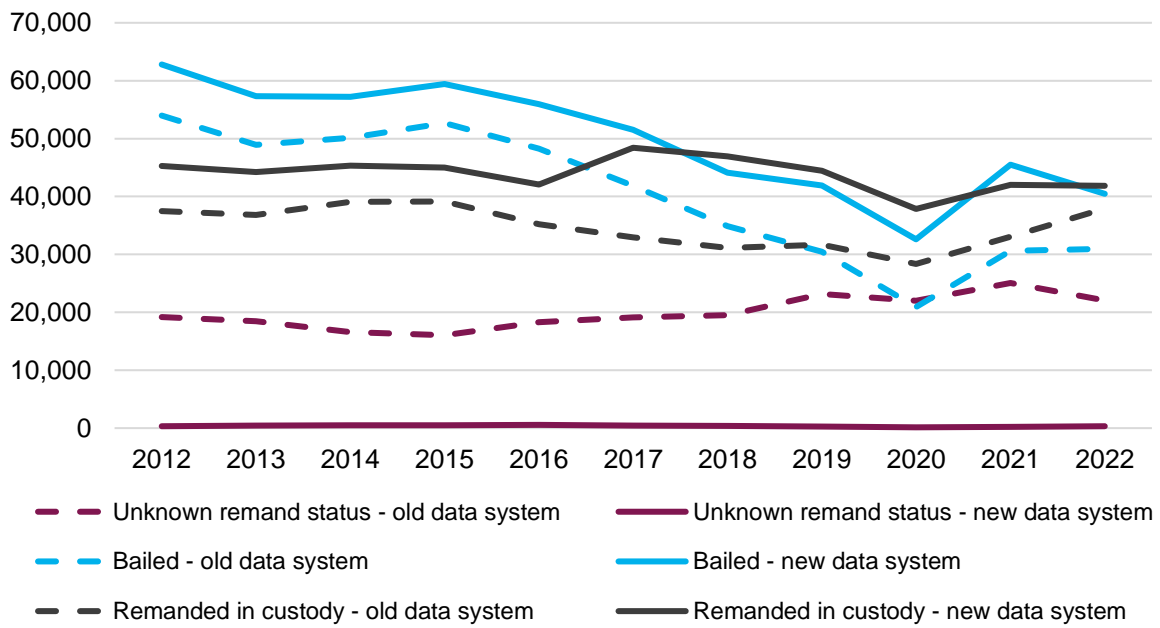
Resolving not known remand status at Crown Court

In previous publications, we advised users to exercise caution using statistics on remand status at the Crown Court, as this category included a large proportion of defendants with unknown remand status. As a result, we excluded them from calculations when determining the proportion of defendants remanded in custody or bailed at Crown Court. In 2022, 24% of defendants remanded at Crown Court had unknown remand status in the old system.

We have now resolved this issue across the whole time series (rather than only 2017 onwards). The unknown statuses were counted because remand status is taken from hearing results, so those defendants that did not have a hearing at the Crown Court (aside from their sentence hearing) would not have a remand status recorded. This is most common for those committed to the Crown Court for sentence, as their only hearing will be their sentence hearing. For the Crown Court, we are now reporting the most serious remand status out of the combination of hearing remand statuses as well as the remand status on committal to Crown Court. Given that all defendants must receive a remand status on committal from the magistrates' court, the unknown remand status has now fallen to a low volume (seen in Figure 8a), and the number bailed or remanded in custody has increased proportionality. Figure 8b and Figure 8c demonstrate that the overall trend of defendants remanded in custody or bailed at Crown Court is consistent and comparisons can be made across the time series.

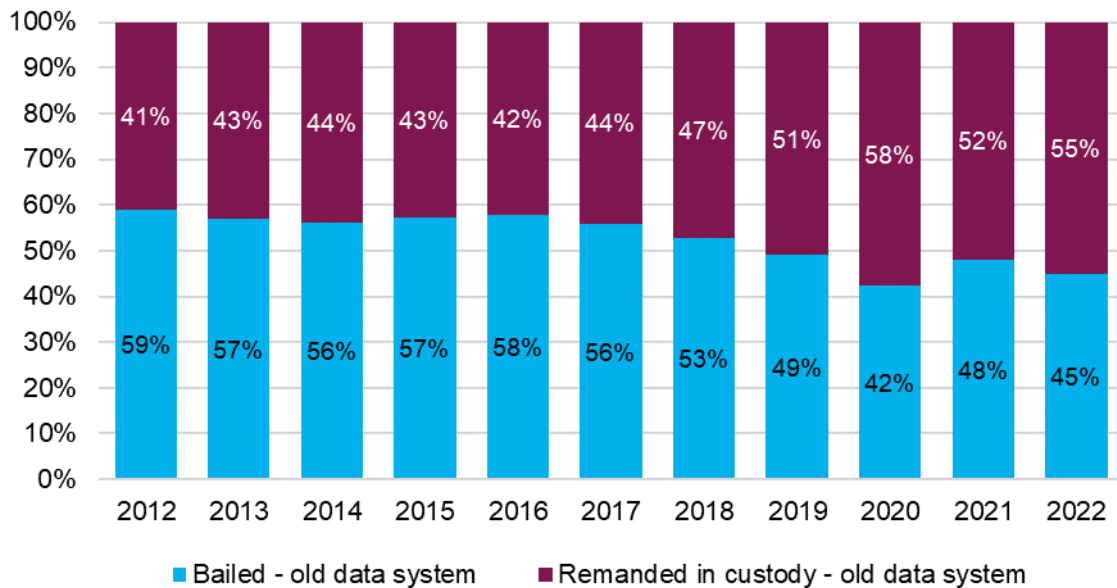
There may be a slight increase in the number of total defendants remanded in custody at the Crown Court in the new system. This is expected, as we are now able to capture the remand status at more hearings and including the remands status on committal to the Crown Court as we have control over the data processing. Given we report the most serious remand status in a period, if at any point the defendant's remands status is custody then their reported remand status will be custody.

Figure 8a: Defendants' remand status at the Crown Court, by remand status and system, 2010 to 2022, in England and Wales



Source: Remands data tool

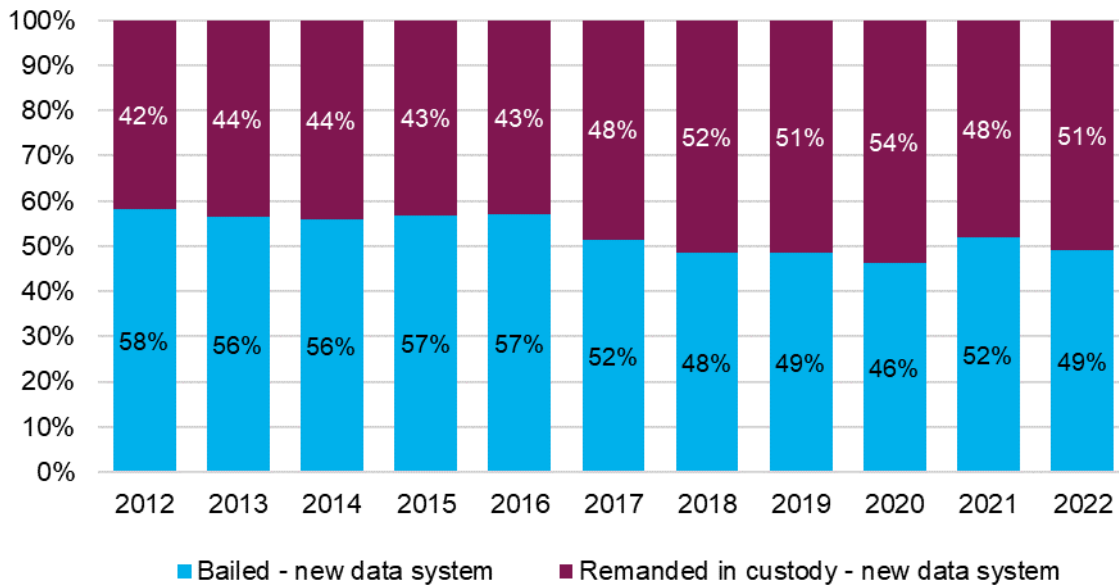
Figure 8b: Proportion⁴ of defendants bailed and remanded in custody at the Crown Court, old system, 2010 to 2022, in England and Wales



Source: Remands data tool

⁴ Unknown remand status has been removed from this graph to replicate trends presented in the 2022 Q4 CJSQ publication. In 2022, 24% of defendants remanded at Crown Court had unknown remand status in the old system.

Figure 8c: Proportion⁵ of defendants bailed and remanded in custody at the Crown Court, new system, 2010 to 2022, in England and Wales



Source: Remands data tool

Additional changes to criminal court sentencing data

Offence, disposal and police force area groupings for data pre-2017

Due to a modernisation of our internal lookups, it has been possible to make some improvements to the criminal court and sentencing data prior to 2017. The improved mapping of Home Office offence codes to their respective offence types (indictable only, triable either-way, summary non-motoring and summary motoring) and offence groups (e.g. Violence against the person) has been applied throughout the time series to ensure that offence groupings are consistent.

Additionally, disposal types and sentencing outcomes are consistently mapped to the same published sentencing groupings (e.g., Immediate custody) throughout the time series. We have also consistently excluded non-final outcomes (i.e., deferred sentences and failures to appear) from the pre-2017 criminal court and sentencing data as well as the data from the new system – this is because the methodology is based on final sentenced outcomes.

Lastly, we have incorporated a new mapping between court code and Police Force Area to consistently map figures to their corresponding area. This has also been applied to the data before 2017.

As a result, users should use the revised annual interactive tools updated in the Q4 2022 publication for figures before 2017 as well as 2017 onwards.

Offence codes

We also discovered some offences were not included in previously published figures when new legislation was introduced. Now that we have control over the offences included and have been able to revise figures from 2017 onwards, volumes of these offences will have increased if they are likely to be selected as the principal offence. This also increases their count on an all-offence basis and will be reflected in all offence figures. Offences missing from previously published figures, as stated previously in the known issues in tables and tools, largely impacted Crown Court figures from 2018 onwards – these have now been resolved

⁵ Unknown remand status now accounts for less than 1% of remand decisions at the Crown Court in each year with the updated methodology.

with the new system revising from 2017 onwards. However, we advise users to apply caution when interpreting trends for specific offence breakdowns if there is a noticeable increase from 2017 onwards.

Other disposals without conviction

Defendants who received a hospital order, restraining order, or other ancillary order without conviction are classified under a new category “Other disposal without conviction” in the magistrates’ and Crown Court interactive data tools published on a principal disposal basis and are no longer counted towards the total number of defendants convicted or sentenced. This new category been added to capture disposals more accurately for defendants who are not convicted, such as defendants who are found unfit to plead. Unfitness to plead is when a defendant cannot understand or participate in a criminal trial (which could be due to e.g., a mental health condition, learning disability or other neurodiverse condition). In these cases, the full criminal trial is paused, and the defendant has a “fact-finding” hearing with a jury to determine if they “did the act”. If an unfit to plead defendant has been found to have “done the act”, they will receive an outcome of a hospital order, a supervision order or be acquitted. Prior to 2017, unfit to plead was categorised as a sentence outcome but this has since been identified as inaccurate as unfit to plead is a process, rather than an outcome. The previous unfit to plead category has therefore been moved into ‘other’. The new data processing has enabled us to identify disposals given to defendants who are not convicted, such as defendants who are unfit to plead, for 2017 onwards and are now presented in the ‘Other disposal without conviction’ category.

Further information

Useful links

- 2024 Q4 annual Criminal Justice System Statistics Quarterly publication (including all interactive annual data tools updated in January 2024): <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2022>
- 2023 Q2 Criminal Justice System Statistics Quarterly publication – the edition published at the same time as the changes to data processing: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2023>
- A technical guide providing further information on how the data is collected and processed, as well as information on the revisions policy and legislation relevant to sentencing trends and background on Criminal Justice System – available in both links above.

Contact

Enquiries about these statistics should be directed to Criminal Courts & Sentencing Data and Statistics team in the Data and Analysis unit of the Ministry of Justice:

Email: CJS_Statistics@justice.gov.uk

© Crown copyright

Produced by the Ministry of Justice

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