# INDEPENDENT REVIEW of the Criminal Courts

## Part II: Volume 2

**Justice delayed is justice denied.**

William E. Gladstone, 1868

**When justice sleeps, justice is cancelled.**

Talmud 200 – 400 CE

To delay justice is injustice.

William Penn, 1682

**Justice too long delayed is justice denied.**

Martin Luther King, 1963

To no one will we sell, to no one will we deny, or delay right or justice.

Magna Carta, Clause 40, 1215

# Contents

## Volume 1

**Foreword** 1

**Executive Summary** 7

Purpose and Context 7

Principles 11

Scope 14

Methodology 15

Modelling 18

Disproportionality 19

The Essential Action Required 20

Summary of Recommendations 21

Chapter 3: One Criminal Justice System 21

Chapter 4: The Police and the Prosecution: Getting It Right First Time 26

Chapter 5: Disclosure 30

Chapter 6: Listing and Allocation of Workload 33

Chapter 7: Preparing for First Hearing and Ongoing Case Management 36

Chapter 8: Remote Participation 41

Chapter 9: Hearing Processes 44

Chapter 10: The Judiciary and Legal Workforce 49

Chapter 11: Broader Criminal Justice Issues 54

**Chapter 1 – Introduction** **58**

Structure of the Review 61

A Unified Strategy: Part I (The Policy Review) and Part II (The Efficiency Review) 62

Principled Approach 63

Defining and Measuring Efficiency 65

Overarching Themes for System Reform 66

Artificial Intelligence (AI) 68

Conclusion 71

**Chapter 2 – Context** **73**

Overview 73

The Scale of the Crisis 77

Phase 1 Problem Diagnosis 81

Defining Efficiency 84

Outcomes 85

Crown Court 85

Magistrates' Courts 92

HMCTS Costs per Disposal 97

Efficiency Metrics 101

Hearing Time per Sitting Day 101

Hearing Time per Case 112

Capacity Constraints 118

Courtroom and Estate Capacity 119

Judicial and Wider Legal Sector Workforce Capacity 122

Sitting-Day Allocation 124

The Future Context 125

The Future Growth of the Current Crisis 125

The Evolving Context of Criminal Justice in the Next Decade 126

The Future Risks and Opportunities of Technology 127

Conclusion 131

**Chapter 3 – One Criminal Justice System** **133**

Introduction 133

Structure of the Chapter 135

Current Governance Structure 136

Ministerial Leadership 136

The Lady Chief Justice and the Judiciary 137

National Criminal Justice Board 139

Criminal Justice Action Group 139

Local Criminal Justice Boards 140

Police and Crime Commissioners 141

HMCTS Framework Agreement 141

The National Audit Office 142

Silos, Cohesion and Poor-Quality Data 142

What Criminal Justice Governance Should Achieve 145

Historical Attempts at Reform 145

A Single Vision for Criminal Justice 148

Criminal Justice Coordination 151

The National Criminal Justice Board 163

Leadership 164

Frequency 165

Membership 166

Accountability for Delivery 167

Further Governance Structures and Accountability 168

Criminal Justice Action Group 168

Local Criminal Justice Boards 173

Inspection of the Criminal Courts 179

The Role of Technology in Governance 184

Why Governance of Technology Is Needed 185

Current Bodies and Functions 186

Leadership of Technology Implementation 187
Capacity-Building 189
Cyber Resilience 191
System Interoperability 192
Integrating Artificial Intelligence 196
Conclusion 199

**Chapter 4 – The Police and the Prosecution: Getting It Right First Time 202**

Introduction 202
The History, Roles and Powers of the Police, the Crown Prosecution Service and Other Prosecution Authorities 205
Charging Responsibility 207
Police Charged Cases 208
Crown Prosecution Service Charged Cases 209
The Current Data Picture 210
(i) Police, Arrest and Interview 214
Process: Arrest and Early Investigation 214
Legal Representation in the Police Station 216
Defence lawyers Presence in the Police Station 217
Notification of Charge 221
Statement Building and Evidence-Gathering 223
Mental Health 226
Liaison and Diversion Services 229
(ii) Case File Preparation and Finalisation 233
Process: File Build and Charge 233
Operational Context and Barriers 239
Solutions: A Proportionate Approach to File Build 249
Redaction 274
Technology Procurement and Governance 285
Police Procurement and Governance 286
Crown Prosecution Service In-House Digital Capability 287

(iii) Modernising the Crown Prosecution Service 289
Future Casework Tool 289
Enhancing the Crown Prosecution Service's Operational Procedures Using Technology 290
AI Productivity Tools 291
The Future of AI-Enabled Decision-Support Tools 292
Conclusion 295

**Chapter 5 – Disclosure 300**

Introduction 300
Background 302
Previous Reform 307
The Current Law and Procedure 308
Legal and Procedural Framework 308
Disclosure Duties and Fair Trial Safeguards 309
Complexity and the Process 311
'Rebuttable Presumption' Material 312
Workforce Training 318
Challenges in Court 323
Compliance with the Process 323
The Impacts of Technology – 'Disclosure in the Digital Age' 325
Recommendations 327
Disclosure Ownership 327
Reforming Rebuttable Presumption 327
Managing Voluminous Material 331
Training 332
Creating Schedules of Unused Material 334
Supporting the Initial Details of the Prosecution Case 334
Timely and Complete Defence Case Statements 339
Disclosure in RASSO Cases 344
Intensive Disclosure Regime 346
Conclusion 348

# Volume 2

**Chapter 6 – Listing and Allocation of Workload 352**

Introduction 352

The Current System and Challenges 355

The HMCTS Framework Agreement 355
Allocation of Resources through the Concordat 357
The Scheduling and Listing of Cases 358
Challenge in the Current Approach to Listing 360

Recommendations 365

The Concordat Agreement 365
National Crown Court Listing Framework 367
Magistrates' Court Listing Process 378
Technology and AI 379
Workforce 384
Regional Flexibility 389

Conclusion 392

**Chapter 7 – Preparing for First Hearing and Ongoing Case Management 397**

Introduction 397

Criminal Procedure Rules 399

The Magistrates' Court 407

Case Progression Officers in the Magistrates' Court 411
Embedding the Principles of Transforming Summary Justice 413

Case Progression from the Magistrates' Court 415

The Better Case Management Form 415
Case Progression Tools 420

Crown Court 422
The Plea and Trial Preparation Hearing 422
Better Case Management Processes 425
Case Progression Officers in the Crown Court 428
Judicial Case Management 432
Digital Case Management Tools 435
Approach post-PTPH 437
Conclusion 445

**Chapter 8 – Remote Participation 450**

Introduction 450
The Current System and Challenges 452
Legislation 452
Use of Video in Courts 453
Use of Video in Prisons 457
Use of Video for Professional Court Participants 459
Regional Variation 459
Risks and Opportunities of Greater Use of Remote Participation: Available Evidence 461
Recommendations 468
First Hearings in the Magistrates' Court 468
Single Justice Procedure Referrals 473
Plea and Trial Preparation Hearing 474
Preliminary Hearings 475
Trial 479
Sentencing, Confiscation and Other Ancillary Orders 481
Crown Court Sitting-Day Hours 482
Remote Participation Data 484
Interpreting 484
Infrastructure Investment 486
Conclusion 488

**Chapter 9 – Hearing Processes 492**

Introduction 492

Prisoner Escort and Custody Services (PECS) 493

Current System and Challenges 493
Reasons for Delays 496
Impacts of Delays 498
Recommendations 503

Interpreting 509

Current System and Challenges 510
Recommendations 516

Translation Beyond the Courtroom 524

Current System and Challenges 524
Recommendations 525

Transcription 527

Current System and Challenges 527
Recommendations 528

Digital Jury Bundles 530

Current System and Challenges 530
Recommendations 531

Expert Evidence 534

Current System and Challenges 535
Recommendations 537

Pre-Recorded Evidence 541

Current System and Challenges: ABEs 543
Recommendations 547
Current System and Challenges: Section 28 of the Youth and Criminal Evidence Act 1999 549
Recommendation: Section 28 of the Youth Justice and Criminal Evidence Act 1999 552
The Lighthouse Model 553
National Listing Model for Section 28 554

Pre-Sentence Reports (PSRs) 556

Current System 556
Recommendations 563

Court Experience for Defendants, Victims and Witnesses 567
Conclusion 569

**Chapter 10 – The Judiciary and Legal Workforce 573**
Introduction 573
Legal Workforce 575
Legal Advisers 575
Criminal Legal Aid Workforce 579
Market Reform 606
The Crown Prosecution Service 607
The Judiciary 610
Magistrates 610
Fee-Paid and Salaried Judges 622
Resourcing the Broader Criminal Justice System Workforce 637
Conclusion 642

**Chapter 11 – Broader Justice Issues 647**
Introduction 647
Estates 649
Problem-Solving Courts 653
Mental Health 656
Substance Misuse 660
Women 662
Children 665
Rape and Serious Sexual Offences (RASSO) 668
Conclusion 672

**Annex A – Glossary 674**
Acronyms and Abbreviations 686

**Annex B – Terms of Reference** **694**
Context 694
Purpose 694
Scope 695
**Annex C – Acknowledgements** **697**
Ministers 697
Individuals 697
Organisations 699
Members of the Public 701
**Annex D – Independent Review Team** **702**
**Annex E – Technical Annex** **704**
Scenario Analysis 704
Introduction 704
Efficiency Metrics 705
Methodology 707
Outputs – Crown Court 709
Outputs – Magistrates' Court 717
Discussion of Scenario Analysis 720
Scenario Analysis – Detailed Assumptions and Caveats 722
Magistrates' Court Caseload Projections Methodology 725
Ineffective Trial Groupings 727

# Chapter 6

## Listing and Allocation of Workload

# Chapter 6 – Listing and Allocation of Workload

## Introduction

1. In the upcoming chapters, I turn to the delivery of case work in the criminal courts by His Majesty's Courts and Tribunals Service (HMCTS). HMCTS is tasked with delivering work as prescribed in the HMCTS Framework Agreement. It does so under partnership between the elected government of the day and the independent judiciary, documented in the HMCTS Framework Agreement. This partnership critically underpins many aspects of the delivery of justice across all jurisdictions. Its approach in relation to the criminal courts will be explored throughout this chapter and others.

2. The effective allocation of resources alongside the scheduling and listing of cases across criminal courts in England and Wales is essential to ensuring fair, timely and efficient administration of justice. The allocation of resources within the criminal courts starts at a national level with the Concordat Agreement. This is the mechanism through which the government and the judiciary agree annually on the number of sitting days which will be funded for each financial year within HMCTS's overall budget. As I explain, timely agreement of the Concordat is fundamental to delivery of the core functions of the criminal courts and to listing of business in the courts, as it provides certainty around available capacity within which the criminal courts must progress cases.

3. In line with the number of sitting days available, cases are then allocated to available courts and time slots through listing. Listing is and will always be the responsibility and function of the independent judiciary. The independence of the judiciary is key to balancing all the relevant factors including the requirements of the prosecution and defence and is something that must always be maintained. The function is administered by HMCTS staff across both the magistrates' court and Crown Courts, under judicial direction. However, recognising listing as a judicial responsibility must not be a barrier to improving the efficiency of the system.

4. The process of listing is far from simple. The judiciary, and the HMCTS staff who support them, face a constant challenge to balance a range of factors, working to maximise the use of available resources. They are under intense pressure to try and reduce the ever-increasing open caseload and long waiting times for cases to be heard.[1] Over many years the judiciary have attempted to improve the approach to listing and, during this Review, I have seen further examples of both members of the judiciary and HMCTS staff working far above and beyond the call of duty to improve listing practices in pursuit of quicker resolution of cases. I applaud their efforts to do so. However, their efforts are hampered by significant challenges within the current system which, despite all best efforts, result in inefficiency, wasted resources and inconsistent experiences for victims, witnesses and defendants.

5. In this chapter, I consider the fact that listing has become an increasingly challenging task in part due to problems elsewhere in the system, as I outlined in Chapter 2 (Context). As a result, it is inevitable that last-minute changes to lists have to be made, to account for ineffective or cracked trials, and that over-listing (listing more cases than can be accommodated in a court day) has increased as a way to try and manage the problem in both magistrates' and Crown Courts. However, these practices are driving ineffective trials, leading to listing being both a symptom of and contributory factor to wider system inefficiency.

6. I also discuss the challenges directly related to the listing process which are contributing to inefficiency in the system. The lack of consistency in the listing process in Crown Courts has wide reaching impacts, including significant limitations in the current technology available to listing officers. As I set out in Chapter 2 (Context) there are geographical mismatches between the areas with the greatest need for sitting days to reduce open caseloads and the supply of courtroom capacity. Some courts are allocated sitting days which they lack the capacity to fulfil locally, while others have excess capacity in relation to their allocated sitting days.[2] Finally, despite being recognised as a critical role, listing officers in Crown Courts have significant variation

1 Source: Criminal court statistics quarterly, July to September 2025 (MoJ, December 2025).

2 I have been told about specific examples of this in individual Crown Courts. However, I am not publishing these specific details so as not to interfere with local-level discussions about capacity and sitting days.

in their employment grade and the training and support available to them. As a result, they do not always have the influence required to fulfil their role effectively. There is no listing officer role in the magistrates' court, and therefore nobody in the court administrative team with a strategic oversight of listing in that court. Collectively, each of these issues contribute to inefficient listing process which must be addressed with urgency.

7. To improve the Crown Court listing process, I recommend that a National Listing Framework be developed by the judiciary, approved by the Lady Chief Justice or their nominee, to ensure that an optimal listing policy can be developed that is based on a consistent set of principles with consistent terminology used in every court. I acknowledge that some level of local flexibility will still be required to take account of differing court sizes, caseload and other local factors. This will ensure consistency and equality in how cases are listed across England and Wales, removing the variation that currently exists for defendants, victims, and witnesses. In addition, it will enable improvements to be made to listing technology. I recommend the introduction of a scheduling tool for Crown Courts and continued development of a data-driven listing approach for the entire criminal jurisdiction to augment current processes through use of technology.

8. The introduction of improved processes and technology must be underpinned with traditional expertise, by bolstering the listing workforce. I make recommendations to ensure the workforce with responsibility for day-to-day operation of the system have the appropriate seniority for their role and are adequately trained and supported to execute it effectively. I also recommend that the magistrates' court Case Progression Officer role has responsibility for the day-to-day oversight of listing in that court.

9. Finally, I turn to the direct action needed to ensure resources are fully utilised and that waste is minimised. To this end, I recommend changes to the Criminal Practice Direction which sets out the process for moving a case between Crown Courts across Circuits (regional court areas) to reflect wider circumstances in which a case should be moved and to reduce the administrative process which is currently required. Similar considerations should also be given to increasing flexibility to move cases between magistrates' courts in different Local Justice Areas. I begin by explaining the current system.

# The Current System and Challenges

## The HMCTS Framework Agreement

10. The HMCTS Framework Agreement and Concordat Agreement were the necessary agreements for the provision of courts and tribunals made following the Constitutional Reform Act 2005 which removed the Lord Chancellor (LC) as the Head of the Judiciary and vested that responsibility in the Lord (now Lady) Chief Justice (LCJ).

11. HMCTS is responsible for providing a system of support, including infrastructure and resources, for the administration of the business of the courts in England and Wales and those tribunals throughout the UK, for which the Lord Chancellor is responsible.[3] HMCTS operation is outlined in the constitutional settlement of the HMCTS Framework document that reflects an agreement between the LC, LCJ and the Senior President of Tribunals (SPT) on a partnership between them in relation to the effective governance, financing and operation of HMCTS.[4]

12. Governance of HMCTS is led through its Chief Executive who is responsible for its day-to-day operations, administration and for the leadership of its staff. The Chief Executive also works under the general direction of the HMCTS Board whose role it is to oversee the leadership and direction of HMCTS in delivering the aims and objectives set by the Lord Chancellor and Lady Chief Justice.[5] The Chief Executive is accountable to the Permanent Secretary of the MoJ for their personal performance and is answerable jointly and severally to the LC, the LCJ and the Chairman, and members of the HMCTS Board for HMCTS's performance.[6]

---

3 Annual Report and Accounts 2016–17 (HMCTS, July 2017).

4 Framework Document 2014 (HMCTS, January 2014).

5 Framework Document 2014 (HMCTS, January 2014).
Aim: To run an efficient and effective courts and tribunals system, which enables the rule of law to be upheld and provides access to justice for all.
The objectives of HMCTS are to: provide the supporting administration for a fair, efficient and accessible courts and tribunal system; support an independent judiciary in the administration of justice; drive continuous improvement of performance and efficiency across all aspects of the administration of the courts and tribunals; collaborate effectively with other justice organisations and agencies, including the legal professions, to improve access to justice; work with government departments and agencies, as appropriate, to improve the quality and timeliness of their decision-making in order to reduce the number of cases coming before tribunals and courts.

6 Annual Report and Accounts 2016–17 (HMCTS, July 2017).

13. HMCTS is funded by the MoJ, with separate budgets set for resource and capital expenditure, as part of an annual allocation process. Under the Concordat agreement the Lord Chancellor will agree HMCTS budgets with the Lady Chief Justice and the Senior President of Tribunals.[7]

14. HMCTS is operationally independent of the Ministry of Justice (MoJ) and is the provider of support to enable the judiciary, tribunal members and magistracy to exercise their judicial functions independently. It is my view that this is a vitally important part of HMCTS and one of the reasons it must remain as an arm's length body of the MoJ. At the time of negotiating the Framework Agreement (when I was involved as Senior Presiding Judge), consideration was given to it being a non-departmental government body and allowing HMCTS to negotiate its budget directly with the Treasury. This would have had the advantage that there would be no internal competition within the MoJ as to the division of budgets between Legal Aid, Prisons and Probation (both demand-led) and that of the courts. However, given the accountability of the Lord Chancellor to Parliament for its operation, that proposal was not pursued. On the other hand, on the basis that HMCTS is the vehicle through which the Lady Chief Justice delivers justice in the courts, there should be no closer linkage than presently exists between HMCTS and the MoJ: if anything, more responsibility should be delegated to the independent board of HMCTS.

15. I have also considered whether efficiencies could be made from bringing the MoJ and HMCTS closer together from the perspective of technology, including artificial intelligence (AI), and data sharing. This could allow for there to be a more streamlined approach of operation between the HMCTS and MoJ. It is my view, however, that keeping line-of-business technology, AI and data separate is one of the ways of upholding the Framework Agreement and minimising the risk that judicial independence will be undermined. In the circumstances, I do not recommend any changes to consolidation of the functions of the agreement.

7 Annual Report and Accounts 2024–25 (HMCTS, July 2025).

## Allocation of Resources through the Concordat

16. The Concordat is the joint responsibility of government and the judiciary. This takes account of not just available funding, but what can credibly be delivered given cross-system capacity. HMCTS then works with national and regional leadership judges to allocate sitting days first to regions and then individual courts. For the financial year 2025 to 2026, the government and the judiciary agreed to fund up to 111,250 Crown Court sitting days and 114,000 magistrates' court sitting days to deal with the open caseload in the criminal courts.[8]

17. The Lord Chancellor also has a duty under the Constitutional Reform Act 2005[9] to ensure there is an efficient and effective system to support the business of the courts and to provide the judiciary with support to enable them to exercise their functions. This duty is implemented through the HMCTS Framework Document, which commits the LC to seek agreement with the LCJ and SPT on HMCTS resource allocation. After agreeing on the proposed settlement, including sitting days and funding, the LC informs the LCJ and SPT, and the proposal is put to the HMCTS Board for review. The Board's chair will respond to the LCJ and SPT, who will then consult the Judicial Executive Board before replying. If consensus is not reached, the LCJ or SPT may raise concerns with Parliament, though this is rare.

18. Once the number of sitting days has been agreed, the distribution of sitting days to the criminal court regions across England and Wales is decided between HMCTS, the Senior Presiding Judge and the Judicial Executive Board.[10] These forecasts will involve discussions with policing, the Home Office and Crown Prosecution Service (CPS) to determine the expected caseload, with consideration given to the expected offence types, as well as levels of seriousness and complexity. This is a recognition of the fact that the police and the CPS are the 'tap' which controls the quantity and gravity of the work which enters the courts and constitute a critical input in planning. I believe this joined-up process should, and has, allowed for better, more timely decisions to be taken and has made the process much more efficient. I welcome the certainty it has given the courts (not only the criminal courts) to plan ahead, rather than receive their allocation late in the process.

---

8 Extra funding for courts to deliver speedier justice for victims (MoJ, October 2025).

9 Serious Organised Crime and Police Act 2005.

10 To note that in the future consideration will need to be given to the Crown Court Bench Division.

## The Scheduling and Listing of Cases

19. Listing of cases within available sitting-day capacity is the responsibility and function of the independent judiciary. As defined in Criminal Practice Directions, 'the purpose is to ensure that all cases are brought to a hearing or trial in accordance with the interests of justice, that the resources available for criminal justice are deployed as effectively as possible, and that cases are heard by an appropriate judge or bench with the minimum of delay'.[11]

20. In simple terms, listing is a matching process where any given case must be paired with the most appropriate court centre, an appropriate judge and a court with capacity for a hearing or trial of the anticipated duration. However, in practice it is far from simple. The method by which listing decisions are made involves assessing a range of factors not all of which can be known with precision but that can be estimated with varying degrees of confidence. There are some factors that are more readily within the knowledge of the listing officer. This includes: the availability of a judge with authorisation and capacity to try the case;[12] a functioning court centre with physical capacity in the same geographical area as that in which the offence was committed; and a courtroom in which there is available time to try a case of this type and anticipated duration (and in some cases judicial preferences for a particular courtroom). Consideration also has to be given to any other outstanding cases in the court list and the relative priority of these. The case itself also introduces a number of relevant factors to the listing decision process; these can vary, and not all will be known to the listing officer at the time a listing decision has to be made. Consideration is given to any need for expedition (for example, remand cases being impacted by the Custody Time Limit date), the offence charged (classification of offence, complexity, need for specific counsel or experts) and likely custodial sentence length in event of conviction. Attention is also given to: the offender(s) (age, gender,[13] any accessibility requirements, previous convictions if relevant and number of defendants); estimated trial length (number of counts on indictment, number of witnesses to be called, complexity of case, gravity of case); and special witness requirements.

11 See section A.1 of the Criminal Practice Directions 2015 Division XIII: Listing.

12 Judges must have completed the required training and hold the relevant 'ticket' to conduct certain classes of case.

13 Gender is relevant for managing court cell capacity and PECS transfer times for female defendants on remand as women's prisons are more spread out geographically.

Furthermore, security requirements must feature (including the need for a secure dock and particular requirements if a case is of significant public and press interest), as must access to appropriate and working technology when required.

21. The function of listing is administered by HMCTS staff across both magistrates' courts and Crown Courts, under judicial direction. The processes and systems used to do this vary significantly between magistrates' courts and Crown Courts.

22. In magistrates' courts, there is no single role responsible for listing. Instead, listing is managed largely by the Legal Adviser in each court using a scheduling tool which has been developed within Common Platform. The scheduling tool diary is agreed by the local Judicial Business Group in consultation with the Senior Legal Manager, with a set number of sessions for different hearing types (e.g. Remand, Guilty Anticipated Plea, Not Guilty Anticipated Plea and Sentencing) which each has a nationally set time allocation. The number of slots and volume of trial time can be adjusted to suit each individual court's needs. This diary can be set up as far into the future as a court requires, depending on the dates to which they are listing trials. The diary is reviewed at six-monthly intervals, in line with the publication of the magistrates' rota, and changes made as required. Legal Advisers then use this tool in real time to search for suitable slots when they are required and list cases to the slots accordingly. This is usually done in court in discussion with the parties involved. Should any changes to the agreed date or time be approved by the court following this, the changes will be made in Common Platform and an automatic alert sent to all parties notifying them of the change. The introduction of this tool has streamlined the listing process within magistrates' courts.

23. In Crown Courts, the picture is very different, and the task more complex. There is no national listing policy. Instead, the Crown Court Manual contains broad principles, based on the Criminal Procedure Rules (CrimPR) and Practice Directions, but each Resident Judge is expected to set a local listing policy. Once this policy has been set, HMCTS support the administration of listing predominantly through the provision of listing officers for each Crown Court. These officials make decisions on a daily basis on how cases are listed, acting under the direction of the Resident Judge. They seek direct judicial input on any potentially difficult or contentious issues, as well as supporting the Resident Judge to keep the list under continual review.

The result is significant variation of listing policies across Crown Courts with variations on: the language used to describe types of lists produced; whether a case listed has a fixed date or not; the types and titles of pre-trial hearings; when defendants are required to attend or be produced; which hearings are suitable for remote participation; and which cases should receive priority for trial dates. Whilst there is no doubt that the judiciary must retain independent decision-making in relation to the progress of any individual case, the significant variation in approach has wide-ranging implications, to which I will return.

## Challenge in the Current Approach to Listing

### Challenge 1: The role of the criminal justice system as a whole

24. Before I address listing-specific issues and my proposed means of addressing these, it is important to acknowledge that listing has become an increasingly challenging task and the resulting inefficiency in it as a process is, in part, a consequence of issues elsewhere in the system. As I discussed in Chapter 2 (Context), the growing open caseload,[14] delays in entering guilty pleas[15] and the increased number of hearings required to dispose of a case[16] mean there are more hearings than ever before to fit into the list. This difficulty is added to further by delays in Pre-Sentence Reports, generating additional hearings and adjournments after trials – I will discuss this issue in more detail in Chapter 9 (Hearing Processes). Advocate availability is becoming increasingly challenging to accommodate due both to a reduction in the number of advocates, a growing number of cases and a lack of specialist capability for certain case types, for example rape and sexual offence (RASSO) cases. In 2024, 15% of ineffective Crown Court trials were due to lack of availability of the prosecution or defence advocate.[17] Uncertainty over sitting-day allocations both

14 Both the Crown Court open caseload and magistrates' court open caseload reached highs of nearly 80,000 and around 373,000 respectively in September 2025. Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

15 The proportion of Crown Court defendants pleading guilty to all counts at the fourth, fifth and sixth (or more) hearing nearly doubled from 12% in 2019 to 22% in 2024. Note, this is out of all defendants pleading guilty prior to trial (removing unknown numbers of hearings). Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

16 The mean number of hearings for all Crown Court trials stood at 5.4 in 2024 compared to 4.4 in 2016. Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

17 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025). For further breakdowns of reasons, see Annex E (Technical Annex).

within and beyond the current financial year makes forward planning a challenge and often requires significant reworking once allocations are agreed. Finally, the rising uncertainty caused by challenges with case preparation and case management and failing to get these right first time, which I discuss in more detail in Chapter 7 (Preparing for First Hearing and Ongoing Case Management), make the progression and outcome of cases less predictable, increasing the likelihood that they will crack or be ineffective when they reach trial.

25. Furthermore, courts and listing officers are under intense pressure to try and reduce the ever-increasing open caseload and long waiting times for cases to be heard.[18] They do so in an environment of increased uncertainty of sitting-day allocations and judicial availability. As a result, it is inevitable that last-minute changes to lists have to be made and that over-listing is being used as a way to try and manage this and ensure court time is not wasted when trials do not proceed. However, when trials do proceed, the over-listed cases which cannot be heard then become ineffective, requiring rescheduling for future dates and contributing to inefficient use of resources for the court system.

26. Over-listing has historically been, and continues to be, one of the biggest drivers of ineffective trials across all criminal courts. In the magistrates' court, following availability of the defendant and readiness of the defence and prosecution, over-listing was provided as the next largest reason for ineffective trials (recorded as the reason for 21% of ineffective trials in 2024).[19]

18 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

19 Within the magistrates' court, availability of the defendant was recorded as the reason for 24% of ineffective trials in 2024 while readiness of the defence and prosecution was recorded as the reason for 15% and 7% of ineffective trials respectively (totalling 22%) in 2024. Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

27. Similarly in the Crown Court, alongside availability of the defendant and the readiness of the defence and prosecution,[20] data shows over-listing was recorded as the reason for 23% of ineffective trials in 2024.[21] According to explorative HMCTS analysis, in some cases the result of a case being ineffective on the day listed is not so significant as it does proceed to an effective trial soon thereafter – within five days for approximately 40% of these cases. However, many face significant delays with approximately 20% taking 201 days or longer to become effective.[22] Although short delays are not ideal, the negative impact of such delays on both system efficiency and the defendants, victims and witnesses involved is considerably less than in those cases which are delayed for a significant additional length of time. Both, however, result in inefficiency in the system in numerous ways, including wasted time for lawyers and other professionals preparing for and often travelling to court and defendants on remand being transported to court unnecessarily.

20 Other core reasons driving the high proportion of ineffective trials concern the availability of the defendant (21% of ineffective trials in the Crown Court in 2024), and the readiness of the defence and prosecution (12% and 10% respectively of ineffective trials in the Crown Court in 2024). Noting the exception of calendar year 2022 when availability of the defence was the most significant reason due to the Criminal Bar Association strike. Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

21 We have heard this may also be an underestimate of the true impacts of over-listing, as courts may choose to vacate trials shortly ahead of their hearing date rather than record the trial as ineffective. Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

22 Source: HMCTS, Unpublished analysis of management information. Note: this analysis reviews where the last two recorded trial events were ineffective and then effective, and measures the time between the two events. It does not consider cases where the last event was ineffective, cracked or vacated. It looks at cases where the last ineffective trial took place in 2023. The data is not comparable to volumes of ineffective trials. Various caveats apply to this experimental analysis, including: a case may have many trials, and this analysis looked at the last effective trial on the case (which may relate to different offences to the penultimate ineffective trial); because of time taken to hold a trial, it is possible that some trials were in progress at the time of this analysis and have not been captured. Given caveats, these estimates should be seen as preliminary and indicative only.

## Challenge 2: Listing inefficiencies

28. Although, as I have set out, some causes of inefficiency in listing are due to wider system pressures, there are also causes directly related to the listing process which are contributing to high ineffective trial rates.[23]

29. The lack of national consistency in listing processes and policy in the Crown Court has wide-reaching impacts. It has made it impossible to build a national scheduling tool, as is used in the magistrates' courts, to support Crown Court listing. Under the current scheme, any such tool would be difficult to introduce because it would need to be endlessly adaptable to each individual court's listing policy. This absence of national policy or universally applicable listing tool has entrenched a focus amongst both the judiciary and court staff on only their own local court, rather than considering how resources could be shared more widely to dispose of as many cases as possible nationally. From my engagement for this Review, and as discussed in Chapter 2 (Context), it appears that some courts are taking the approach to prioritise those cases which can be disposed of quickly in order to keep outstanding case numbers down. However, this results in more time-consuming cases being pushed further into the future.

30. The lack of consistent approach and common terminology makes it difficult for courts to work together or move cases between courts to maximise the prospect of the earliest date for trial being found. This limits the ability to use listing as a lever to support management of wider system pressures. It also hinders any analysis of listing policies and their performance. Finally, the experience of defendants, victims and witnesses can vary significantly depending on local listing policy, in terms of the time taken for their case to be resolved. Submissions to this Review have highlighted how challenging it can be for participants to understand local terminology and listing policy and how these impact adversely on their case.[24]

31. Engagement conducted as part of this Review has highlighted to me problems with CPS and defence advocates failing to provide accurate time estimates for trials in the Crown Court. Time estimates are provided to the judge at the Plea and Trial Preparation Hearing (PTPH)

23 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

24 With thanks to the Victims' Commissioner for her submission to this Review.

and taken into consideration when setting a date for trial. I have been told of examples where advocates are providing trial time estimates which are shorter than they genuinely expect the trial length to be, in an effort to secure an earlier trial start date. This has a significant knock-on impact to other cases if indeed the trial does take additional time to conclude, which has not been planned for, it will result in a delayed start for a subsequent trial or force the complete rescheduling of other cases. There are challenges associated with understanding this issue using quantitative information because of the way in which data is recorded within operational systems. In consequence, I have been limited in exploring this issue further. I acknowledge that work is underway in HMCTS to address this data gap (see Chapter 3 (One Criminal Justice System)).

32. The current technology available to support listing officers and the judiciary to execute their listing function in Crown Courts is severely limited. It does not provide the real-time, or close to real-time, data needed on availability of judges, courtrooms, counsel and other factors required to support listing decisions. During visits to Crown Courts, my team have seen listing officers working across multiple systems, usually including their own local Microsoft Excel spreadsheets, the legacy system Xhibit and Common Platform, and even resorting to handwritten charts, taking different approaches often based on the preferences of their Resident Judge. As a result, they do not have access to a single source of consolidated information.

33. Listing officers are the heartbeat of efficiency in any court. However, in the Crown Court the variation of employment grade for this role means that the officials do not always have the appropriate seniority to fulfil the role effectively. Training and support are also limited, largely due to the siloed nature in which courts work.

34. In magistrates' courts, there is no listing officer. As a result, no one person in the court administrative team has a day-to-day oversight of listing in the court. The courts need someone who is responsible for considering prioritisation of cases as a whole, in line with direction from judiciary, and can support with day-to-day changes which are often required.

35. As I set out in Chapter 2 (Context), there is available courtroom capacity in some criminal courts that could be used to help reduce the open caseload, but which is currently being wasted due to constraints

imposed by sitting-day allocations. This process, as well as the many artificial regional boundaries that have been created over time to support administrative management of the criminal justice system, mean that the courts are working in silos, not as a national resource. While there will always remain a cap on the number of sitting days, geographical flexibility is required to make the most of the resources available. I acknowledge that there are also arguments related to the practice of 'local justice' to be considered. This practice holds that criminal cases should usually be heard in the same geographical area where the offence occurred. This practice is rooted in the values of accessibility, accountability and community confidence in the justice system, none of which I wish to undermine. However, in the current circumstances, an over-rigid application of this practice can be seen to impact negatively on timeliness of resolution and efficiency of the system as a whole. As well as wasted resources, it has created a postcode lottery for defendants, victims and witnesses in terms of time taken to resolve their case, with unnecessary delays faced by many. For the system to be at its most efficient, there needs to be flexibility to join up demand and supply and optimise the use of available resources with geography being just one of many factors considered rather than the determining one.

36. Collectively, these issues result in an inefficient listing process which must be addressed if the courts are to stand any chance of maximising resources, reducing waste and reducing the delays defendants, victims and witnesses face in resolving their cases.

## Recommendations

### The Concordat Agreement

37. There are several opportunities to improve the Concordat process to enable the more effective listing of cases. For the financial year 2025 to 2026, it was agreed that the Concordat would conclude earlier than in previous years. The government position is that this provides a greater degree of certainty for HMCTS and the judiciary in planning its allocation of sitting days and related functions.

38. Given the current scale of the open caseload and the listing of trials into 2030, it is no surprise that there have been suggestions for the notification on sitting-day allocations to be made years in advance. This would facilitate accurate forecasting and longer-term

listing. The Criminal Courts Improvement Group (CCIG) has suggested that a three-year forecast could be more valuable to the courts and listing than the present scheme. I endorse work to implement these suggestions, whilst retaining an element of flexibility to account for fluctuations over the course of the period and consideration of the funding available to achieve a longer-term forecast. This will allow the judiciary and HMCTS court listing staff to plan for years ahead and not just for the forthcoming financial year.

39. I understand too that the MoJ, HMCTS and Judicial Office have also introduced a review mechanism known as 'in-year panels'. These panels assess system performance and inform advice to the Lord Chancellor on whether to adjust the level of sitting days for the current financial year. The objective of these in-year panels is to monitor and identify any issues or sitting-day levels not in line with planning and financial forecasting, discuss any issues which might be impacting on sitting days and allow the level of sitting to be managed across the rest of the sitting year.

40. The panels use existing data and anecdotal evidence to inform decision-making, including consideration of wider system resource capacity. As a fairly new initiative, it is difficult to assess their impact, but I would welcome seeing similar instances of meeting across the criminal justice system, and I therefore endorse their introduction and hope to see progress in monitoring sitting days across this and the following financial years. I note that there should be a degree of caution before agreeing an alteration to sitting days within a financial year. Anecdotal evidence presented to me has shown that the courts would like clarity and a settled sitting allocation that is not changed within year. This certainty enables court listing staff with the opportunity to plan out their allocation for the sitting year. Having said that, extending sitting days can be accommodated (provided there is capacity to sit them); it is the removal of sitting days that requires cases to be vacated with the consequent impact on victims and witnesses that is to be avoided. It is also worth considering that any days moved from one venue to another will impact on cases already listed. It is important that the panels consider these factors in their discussions.

**Recommendation 91:** I recommend that the Ministry of Justice, His Majesty's Courts and Tribunals Service (including its executive board) and the Judicial Executive Board look to agree multi-year sitting-day allocations in the criminal courts where possible. I also recommend that they continue to finalise sitting-day allocations, be that single or multi-year, as early as possible in the financial year and continue to hold in-year panels to assess system performance.

## National Crown Court Listing Framework

41. To address the impact resulting from the varied approach to listing across Crown Courts, a level of national consistency must be introduced. By providing a consistent framework for listing in all Crown Courts, a number of opportunities for greater efficiency in relation to the listing challenges that I have outlined will be unlocked. This includes enabling technological developments, including the use of AI and a national scheduling tool, greater geographical flexibility on where a case is heard and improvements to training and support for listing officers. I return to each of these later in this chapter.

42. National consistency will also go some way to reducing the inconsistencies experienced by defendants, witnesses and victims and their families by introducing consistent expectations in relation to case prioritisation. There is currently significant regional variation both in terms of the efficiency of the system[25] and the extent to which over-listing is recorded as the reason driving ineffective trials (the range being 15% to 37% of ineffective trials in the Crown Court in 2024).[26] A consistent approach to case prioritisation would ensure greater equality and efficiency across England and Wales, ensuring that decisions made on the listing of like-for-like cases are consistent, regardless of the court at which a case is listed.

43. Submissions to this Review have also highlighted how challenging the regional differences in both listing policy and terminology can be for victims to navigate.[27] This was also highlighted during engagement with the police, who even as a single force often work across multiple

25 E.g. the rate of ineffective trials in Crown Court varied between 16% to 29% across regions in 2024. Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

26 Source: ibid.

27 With thanks to the Victims' Commissioner for her submission to this Review.

courts. Variation in listing approaches makes it difficult for them to share the correct information with victims and witnesses. A National Listing Framework would introduce consistent terminology for use nationally which could then be built into systems and would go some way to improving the position.

44. I recognise the need for a level of local flexibility within this framework. Crown Courts vary vastly in terms of their size, case mix, volume of open caseload and other local factors which they manage on a day-to-day basis. Therefore, a rigid one-size-fits-all approach is not the solution. To give just one example, due to its close geographical location to Heathrow Airport, Isleworth Crown Court deals with a unique caseload which could not be efficiently managed with exactly the same approach as most other Crown Courts. There is a balance to be struck between a national system with consistent terminology and principles and local flexibility to deliver it.

45. I am aware of work already in progress by the judiciary, with the support of HMCTS, to develop a National Listing Framework. An extensive internal report was produced by His Honour Judge Martin Edmunds KC for the Lady Chief Justice in January 2025 which outlined many of the same issues I have found through this Review and included a number of recommendations to improve listing policy nationally and optimise use of the court estate. Following this, in March 2025 the Senior Presiding Judge-led Criminal Courts Improvement Group (CCIG) established a listing working group to consider listing practices and HHJ Edmunds' recommendations. This group is currently working to produce a national listing policy and make recommendations to amend Practice Directions and the CrimPR to enable effective operation of the policy. The general move towards national consistency with some local flexibility is a move in the right direction. I endorse this work and anticipate that my recommendations will feed directly into that reform.

46. The detail of a National Listing Framework is, of course, for the judiciary to develop. However, I would suggest that some overarching principles be agreed that would guide the detail within the rest of the framework. These could include the principles set out in Part I of this Review (provide appropriate and fair decision-making, maximise participation, provide a proportionate approach to trial processes, deliver fair proceedings and ensure timeliness).

In addition, I encourage the judiciary to consider a number of other areas for inclusion in the framework that have been raised with me and my team throughout this review as part of their ongoing work.

## Prioritisation

47. First, there should be a principled and comprehensive list of the factors that are used to guide the prioritisation of cases in listing for every Crown Court. Currently, cases where a defendant is on remand are generally given top priority for court dates, given the statutory time limit on remand imposed by the Custody Time Limit (CTL).[28] As the Crown Court open caseload has increased over recent years, so too has the number of CTL cases.[29] As a result, bail cases are pushed further down the prioritisation list, generating some of the longest delays for trial in the system. RASSO cases often fall into this category. In 2024, 65% of Crown Court defendants for sexual offences were bailed while awaiting trial.[30] For those on bail, the average waiting time was 51 weeks in 2024 compared to an average wait for those on remand of around 28 weeks.[31]

48. The impact of these extended delays can be catastrophic on victims and witnesses both in terms of their mental well-being and in their confidence in the justice system. As a result, victim attrition rates for RASSO cases are significantly higher than for other offence types. In the year to June 2025, 6% of cases were stopped, after a defendant had been charged, because a victim no longer supported or was unable to support the prosecution. This figure is 10% for adult rape cases.[32] The impact of delays is even more

28 The Prosecution of Offences (Custody Time Limits) Regulations 1987.

29 The number of CTL cases in the Crown Court during the week commencing 31 March 2025 was around 11,300. This is 51% higher than the pre-pandemic baseline (around 7,500 in April 2020) and 21% higher than the pandemic high point (around 9,300 in September 2020). The data is a snapshot taken on 31 March 2025 showing the number of cases where a CTL is flagged/marked on the CPS Case Management System on that date. Any changes to CTLs announced in court will be subsequently updated on the CPS Case Management System so there may be a short delay. Source: CPS, unpublished analysis of operational management information.

30 This is the percentage of valid defendants remanded on bail while awaiting trial for sexual offences (and not including those where the remand status is unknown in the calculation). Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

31 These are the average waiting times for cases which proceeded to trial for all sexual offences by remand status. Average is the mean number. Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

32 These percentages are a proportion of all victim-based prosecutions (as opposed to all stopped prosecutions). Source: Criminal justice system overview (MoJ, November 2025).

acute in any cases involving a child as either a victim or significant witness. These cases should be given high prioritisation in the new court listing system.

49. To address this, and the wider impacts of varied listing policies already discussed, I recommend that the National Listing Framework should include a clear prioritisation scheme, setting out a comprehensive and principled catalogue of relevant factors and a relevant weighting for each factor to be applied in listing decisions. These factors should be objective and capable of being swiftly assessed by listing officers. As part of the construction of this framework, consideration must be given to whether CTL cases should always be given priority over every type of bail case, or if CTL should be just one of a number of relevant factors to be taken into consideration. Although I leave it to the senior judiciary to decide the detail of this scheme, I highlight below a number of different prioritisation frameworks that include factors wider than CTL or bail that should be considered when agreeing the final scheme.

50. I also urge the judiciary to consider, when crafting this framework, the absolute necessity for the scheme to be capable of being translated expeditiously into a digital listing tool. The policy adopted needs to be expressed as a set of unambiguous rules and would be dependent on having reliable, structured data from case management systems on all variables that are considered. I will return to this issue in more detail later in this chapter, but it is key to ensuring listing technology can be improved from the current state.

51. During my team's visits to Crown Courts, my attention has been drawn to a number of local initiatives developed by individual Crown Courts which have trialled alternative approaches to prioritisation (see Case Study O). These demonstrate the commitment of individual Resident Judges to try to bring down the open caseload at their court, without which the national picture on Crown Court open caseload would be considerably worse than it is. I applaud the efforts they have made. These models also demonstrate the impact of having an earlier trial date both in terms of engagement from CPS and defence and in encouraging guilty pleas to be entered earlier in the process. However, as much as they appear to be making a positive impact on the overall open caseload, many of these models are based primarily on a focus for expediting cases that can be resolved quickly rather than considering broader principles.

## Case Study O: Local Listing Initiatives

### Liverpool Crown Court – 'Operation Expedite'

Liverpool Crown Court launched 'Operation Expedite' in June 2023 as one of several initiatives to improve operational efficiency and effectiveness. It aims to ensure that domestic abuse cases and straightforward drug offences (where the defendant is on bail, the defendant is charged with one or more offences contrary to the Misuse of Drugs Act 1971 and/or the Psychoactive Substances Act 2016, the time estimate for trial does not exceed 3 days and the defendant is not raising a potential modern slavery defence) are dealt with expeditiously and early guilty pleas are secured, where appropriate. Appropriate cases are identified by the prosecution in advance of the PTPH. In the event that a 'not guilty' plea is entered, trial will be scheduled within 20 weeks of the PTPH.

I have been told that from its launch in June 2023 to October 2025, 563 cases have been identified as meeting the criteria for the scheme. 315 (56%) were resolved by a guilty plea at PTPH. A further 111 (20%) pleaded guilty before trial and 32 (6%) pleaded guilty on the first day of trial. Only 15 cases (3%) proceeded to a full trial.

Note: Data runs from 26/06/23 to 20/10/25. Also note, this does not include data for cases listed for PTPH between 15/10/24 and 08/11/24.

Source: Liverpool Crown Court operational data.

### Nottingham Crown Court – 'Fast-Track Court'

Nottingham Crown Court began operating a 'fast-track court' in April 2025 to address the extended delays which bail trials were experiencing, often being adjourned at PTPH for 12–18 months. Cases considered suitable for inclusion must have a time estimate of 1–3 days and be a single defendant on bail or in custody. Offences considered suitable for inclusion are: Assault (including Assault Occasioning Actual Bodily Harm (ABH) and assaulting an emergency worker); Possession of drugs with intent to supply / simple possession of drugs; Theft (including theft from person and theft from shop); Burglary; Public order offences (including possession of offensive weapon); Driving offences (where no injury caused); Breach of sexual harm prevention order; Possession of indecent images.

A two-week fast track period is identified each month (scheduled in advance), along with a designated judge. Cases which meet the criteria for inclusion are adjourned into that period at PTPH. Four weeks ahead of the fast-track period, all cases are reviewed by the allocated judge, prosecution, defence and witness care unit to allow representations to be made regarding suitability and availability of parties. Two weeks prior to the fast-track period, all cases are listed for a pre-trial review. Any cases remaining after this hearing are listed for a fixed date during the fast-track period.

I have been told that, to date, Nottingham have held seven fast track courts. 112 cases have been identified as suitable, 43 (38%) of which were resolved at the pre-trial review. Of the remaining 69 cases, 56 were listed for trial. 31 cracked on day one of the trial (due to a change of plea, a guilty plea to an alternate count on the day of trial, or the prosecution not offering evidence), 21 trials were effective and 4 trials were ineffective (due to non-attendance by the defendant, further medical evidence being required or the defendant being investigated and subsequently charged with further related matters).

Note: Data runs from 01/04/25 to 31/10/25.

Source: Nottingham Crown Court operational data.

52. My attention has been drawn to one local listing system, used at Wood Green Crown Court, which does consider a wider range of principled factors in its prioritisation (see Case Study P). The scheme involves a comprehensive catalogue of relevant factors to be considered and objectively expressed weighting to be assigned to each. Applying the formula, each of the identified factors is assigned a weighting score when the case is first listed at the Crown Court, with scores reviewed as the case progresses through PTPH and other pre-trial hearings. The relative prioritisation of cases is based on the overall score for each case, with higher scores being prioritised in the list. This system is supported currently by a very simple Excel tool. It would be relatively straightforward to turn this into a richer digital service, with integrations from data sources, for a national listing tool. Similar systems may also be in use in other Crown Courts.

**Case Study P: Wood Green Crown Court**

Wood Green Crown Court has introduced a local listing system which assigns scores to a number of set factors for each case to provide a relative priority order for listing.

The factors considered are:

1. Length of time since the case was sent by the magistrates' court.
2. Where the defendant is remanded in custody, the number of months the defendant has been in custody.
3. Where the defendant is on bail but was previously remanded in custody, number of months the defendant spent in custody.
4. If the defendant is under 18 years old.
5. If there is a child victim or significant witness in the case.
6. Offence type: cases involving homicide, section 18 if the Offences Against the Persons Act 1861 or serious sex cases are given higher priority, as are any domestic violence cases.
7. Any further factors identified by the triaging judge or Resident Judge as relevant to the prioritisation of the case.

53. It is important that any listing framework allows for local flexibility to adapt to developing pressures and supports local initiatives to evaluate outcomes effectively, identify best practice and share this nationally where appropriate. I do not intend to provide an exhaustive list of all factors that could be included in a prioritisation scheme here. However, I hope this provides a useful starting point for CCIG and the senior judiciary. I encourage the judiciary to consider in detail the range of options available: first in relation to the principles on which listing must take place; second, the relevant factors to be taken into account; and, finally, a system-wide objective weighting to be attached to each factor based on the principles. Any prioritisation scheme must be capable of being presented in a manner that renders it possible for all court staff to apply on a day-to-day basis with consistency and transparency. And again, I reiterate the importance of it being readily translated into a digital tool.

## Terminology

54. Consistent language must be agreed and introduced on all aspects of listing. This should include the language used to describe different types of lists produced, including whether a case listed has a fixed date or not, and the titles given to any pre-trial hearings. This will make it easier for all parties to navigate the system nationally, including defendants, victims and witnesses and the police and CPS who cover multiple Crown Courts. Further, it will be a significant factor in enabling courts to work together more effectively as a national resource, making it easier to gather and analyse data, a point I will return to both later in this chapter and when discussing remote participation in Chapter 8 (Remote Participation).

## Use of non-fixed lists

55. In my 2015 Report, I recommended that 'steps are taken to enable the courts to move towards single/fixed listing'.[33] Since then, the use of 'warned', 'floating' or 'week commencing' lists, in other words lists that are not fixed, has continued in a number of courts. I maintain my position that non-fixed lists should be kept to a minimum to reduce the uncertainty and disruption that they can cause to all parties through last-minute cancellation or changes. However, I understand the benefits they can bring to managing the current volume of open cases. As such, I encourage the CCIG group and senior judiciary to consider when it may be appropriate to list a case without a fixed date and what cases should never be included on a non-fixed list. A recent judgment in the Court of Appeal (Criminal Division) reached similar conclusions on the necessity but risk of 'warned lists' (one particular type of non-fixed list) setting out a number of lessons that could be learned by other Resident and Presiding Judges.[34] Submissions to this Review, as well as a number of previous reports, have called for RASSO cases always to be given a fixed date and time, due to the potential detrimental impact that rescheduling can have on this group of victims and witnesses.[35] This should be embedded in

33 The Rt Hon. Sir Brian Leveson, Review of Efficiency in Criminal Proceedings (Judiciary of England and Wales, January 2015).

34 R v PBN & Ors [2025] EWCA Crim 1442.

35 With thanks to the Victims' Commissioner and London Victims' Commissioner for their submissions to this Review. Previous reports include: Breaking Point (Rape Crisis England & Wales, March 2023); Living in Limbo (Rape Crisis England and Wales, November 2025).

the National Listing Framework to ensure that any expectations are compatible with the declared principles of listing and can be justified. Again, common terminology needs to be adopted for the basis of better understanding by all concerned and to assist in data gathering and analysis.

## Trial time estimates

56. As I set out earlier in this chapter (see paragraph 31), there are currently problems with setting accurate time estimates for trials at PTPH. Expectations should be set within the National Listing Framework for the judiciary to interrogate fully time estimates provided to them by CPS and defence advocates in order to improve their accuracy. Through engagement for this Review, I have heard about a similar challenge in Scotland. In the High Court, through updated guidance on estimating the length of time needed for trial and a recent concerted effort by both advocates and the judiciary to interrogate the information provided at the equivalent of the PTPH, time estimates improved from 40% accuracy to 62% accuracy over a nine-month period from April 2024.[36]

## Publication timelines for lists

57. Aside from the courts, counsel and CPS, a number of other criminal justice partners in the criminal justice system rely on the publication of court lists to enable their own planning and related processes. Not least, HMPPS require this information in order to arrange for the Prison Escort and Custody Service (PECS) to transfer defendants on remand from prison to court when required to appear. Expectations should be set on the publication dates and times for draft, firm and final lists which meet the needs of these services. I will return to the challenges of PECS in more detail in Chapter 9 (Hearing Processes).

## Scheduling of administrative hearings

58. During engagement throughout this Review, I have heard about the challenges with scheduling increasing volumes of short administrative hearings whilst minimising disruption to ongoing trials. In my 2015 Report, I recommended that 'it would certainly be of value to timetable case management or other hearings … outside court sitting hours so that instructed advocates can take part without disrupting trials which

36 Source: Unpublished data from the High Court of the Judiciary, Scotland.

they are undertaking'.[37] Further to this, I would encourage the judiciary to consider whether there could be advantages in listing such hearings primarily on a Monday morning or Friday, where disruption to trials is likely to be reduced. I will return to this issue in Chapter 7 (Preparing for First Hearing and Ongoing Case Management) to discuss if some of this work could be removed from court lists entirely and managed in correspondence with the judge.

### Scheduling of Section 28 hearings

59. I will return to section 28 and other special measures in more detail in Chapter 9 (Hearing Processes). However, I would encourage CCIG and the senior judiciary to consider the most efficient time in the court day to schedule section 28 hearings in order to limit disruption to ongoing trials of other cases in which advocates and judges may be involved, recognising the need to accommodate the needs of these vulnerable witnesses.

### Remote participation

60. I will return to the use of remote participation in more detail in Chapter 8 (Remote Participation). However, I would encourage CCIG and the senior judiciary to include clear directions, based on my recommendations, on use of remote participation for different parties across Crown Court hearings within the National Listing Framework.

### Cross-criminal justice system collaboration

61. Consideration should be given to setting clear expectations across criminal justice partners on how they should work together to balance individual needs with the most efficient use of wider resources. Direct communication channels, including regular meetings between listing officers, the CPS and Bar Clerks are a vital part of this. I will return to this issue in relation to case management more generally in Chapter 7 (Preparing for First Hearing and Ongoing Case Management).

### Key performance indicators

62. Judicial decisions on the facts or law in relation to a case should never be the subject of government monitoring and should only ever be capable of challenge through trial and appeal processes;

37 Review of Efficiency in Criminal Proceedings (2015).

that is the true meaning of judicial independence. However, HMCTS has always discussed case management data with the judiciary to help them understand the performance of their court or Circuit. The same approach should be taken with the application of national listing policy. I encourage CCIG and the senior judiciary to agree as part of the creation of the framework, which aspects should be monitored through both internal governance and through external scrutiny as part of the remit for any review of the courts, ensuring that individual or specific cases are not the subject of any inspection (see Chapter 3 (One Criminal Justice System)).

63. Key performance indicators (KPIs) will need to be agreed which can be reviewed at a local, regional and national level. A clear definition of an ineffective trial should also be included. This would address the issue I discussed earlier in the chapter in relation to trials which are logged as ineffective but become effective within less than five days. I suggest an alternative label of 'delayed' could be used for these cases, in order to separate them from the truly ineffective trials which are delayed for weeks or months. It could also address an issue that has been raised with me where cases listed on a 'warned list' (in other words, put on hold for a set time period but never given an official list slot) but never heard are not recorded as ineffective, despite all parties having to prepare and be ready to attend court at any time during this period. Within HMCTS and the Judiciary there needs to be renewed focus upon the waiting times of cases. First, this needs to include the length of time a case takes from sending from the magistrates' court to disposal in the Crown Court. This should be included in the agreed list of KPIs and the information used to assist in the understanding of a court's performance and sitting-day allocation. Second, as I will go on to discuss later in this chapter, listing officers can no longer access information on the length of time a case has been outstanding. This data is important to allow them to keep the open caseload under review and enable informed comparisons to be made.

64. Resident Judges should play a key role in performance ownership, working collectively to consider areas that need to be addressed and sharing best practice.

**Recommendation 92:** I recommend that the Senior Judiciary develop and introduce a National Listing Framework for the Crown Court. This should include, as a minimum, consistent terminology, consistent principles on which listing should be based, a prioritisation scheme to include a definitive list of relevant factors to be taken into account and an objective weighting to be attached to each factor based on the principles. It must also be designed in such a way as to be readily capable of being turned into a digital listing tool.

## Magistrates' Court Listing Process

65. As previously described, magistrates' courts have a more uniform approach to listing across England and Wales. Although the listing framework for each Circuit is agreed by that Circuit's Judicial Business Group, these groups have largely aligned their practices, using the Criminal Practice Direction key principles to develop a more detailed series of operational principles and criteria which inform the creation of each listing framework.[38] The listing criteria adopted widely across Circuits address issues such as the duration of a court sitting day, standard assumptions on timings for cases by category and the scheduling of case types into morning and afternoon sessions based on this. Another commonly followed principle is that of brigading work into centralised courthouses to manage workload volumes, for example specialist Domestic Abuse courts, traffic court centres and remand courts. Previously, plans were in place to harmonise each of the seven Circuits' individual frameworks into a national document, but this was put on hold during the pandemic and has not been revisited. In practical terms, a national version of this framework would add little change to what are already closely aligned documents. However, there are opportunities to adjust the approaches taken.

66. As with listing in the Crown Court, there is work ongoing by both the judiciary and HMCTS, through the CCIG, to review listing within magistrates' courts. In particular, I have heard about work by CCIG to review the current magistrates' listing policies and consider whether any changes are required, given the expected increase in caseload for the magistrates' court as discussed in Chapter 2 (Context). I endorse this work. I would also encourage HMCTS and the judiciary to consider

38 See section 5.6.3 of the Criminal Practice Directions 2023 (July 2024).

the potential benefits of 'blitz courts' within this work.[39] These have proven successful when used previously to reduce the open caseload in targeted courts over a short period of time.

## Technology and AI

67. As I have already described, the current technology available to support listing officers and the judiciary to execute their listing function in Crown Courts is severely limited. Introducing a National Listing Framework as I have set out unlocks an opportunity to rectify this and develop technology that augments current processes and supports the judiciary to list more efficiently.

68. First, it has been brought to my attention through engagement with listing officers that Common Platform does not provide real-time access to the data they require in an easy-to-understand format, although this was available in the legacy system, Xhibit. This includes reports on outstanding cases by various criteria (including age of case), CTL reports and the listing history of cases over a specified number of weeks old, to name just a few. Court staff can access a centrally managed Microsoft PowerBI dashboard but this does not break down the data with sufficient granularity required for effective listing and is only updated at set intervals rather than providing real-time data. As a result, staff have to collect data manually or put in requests to the central national performance team, which is laborious, time-consuming and this practice means data is not current at the point it is eventually received.

69. This data is essential in supporting listing officers to understand and analyse their current caseload, and to inform prioritisation decisions. It can also assist in understanding the reasons for hearing and trial adjournments and inform actions to address these to ensure more hearings and trials are effective on first listing.

70. I understand that work to develop access to this data in Common Platform was previously started but never completed. Therefore, I recommend that this reform work is picked up again at pace and the function added to Common Platform at the earliest opportunity to reduce the reliance on manual data collection. This could be

39 A blitz court is the name given to listed sessions using courtrooms to deal with accumulated cases and dispose of the open caseload – Blitz court – ICLR. This allows increased flexibility to move cases between courtrooms and adjourn part-heard cases to the following day if needed.

done in various forms – a report, dashboard or other part of the user interface. However, crucially, it must surface key metrics and insights in real time and be aligned to users' needs. Consideration should also be given to aligning the data made available to the National Listing Framework, particularly the agreed KPIs for internal monitoring.

**Recommendation 93:** I recommend that His Majesty's Courts and Tribunals Service prioritises the development of an in-system feature within Common Platform that enables listing officers and the judiciary to access and analyse relevant operational data directly. This could take the form of a report, dashboard or other part of the user interface that surfaces key metrics and insights in real time. The functionality should be designed to support effective listing practice, reduce reliance on manual data collection, and align with the National Listing Framework, including agreed key performance indicators for internal monitoring.

71. As I have set out, listing officers are currently working across multiple systems on a daily basis to manage listing for their court. In addition, from my team's engagement as part of this Review, the information listing officers require on the different factors influencing a listing decision are scattered across a range of sources, be that Common Platform, CPS, the clerks in the chambers of the defence advocates, judicial rotas and HMPPS. The functions of the multiple and varied systems and tools currently used, as well as these different data sources, need to be brought together into a single national scheduling tool.

72. I am aware that work is already underway in HMCTS to develop a uniform scheduling tool for the Crown Court. Further work includes creating a strategy to consider long-term changes including incorporating a scheduling tool into Common Platform. Current plans involve building a tool based on that already used in magistrates' courts, which would ensure hearings are listed according to the availability of sitting day, judicial resource and the daily capacity set for the defined business type. In the interim, HMCTS is working to develop a basic capacity planner which can be populated with the basic details of listed hearings in Common Platform and downloaded to be used within local Excel planner systems. This download function is already live, while the basic version of the planner for use by all courts is

in design. Although an interim solution is a step in the right direction, a more substantial scheduling tool can and should be developed and implemented.

73. Any such tool is dependent upon the National Listing Framework, in terms of the terminology used, prioritisation framework agreed and any decisions about the scheduling of specific types of hearing. This is why I emphasised the importance of any prioritisation system adopted being based on objective criteria that are more readily translatable into a digital tool.

74. Compatibility with other technological tools must also be considered when developing this scheduling tool. In particular, it will be vital for the tool to be compatible with any interactive case-progression features developed for Crown Courts (see Chapter 7 (Preparing for First Hearing and Ongoing Case Management)) and video-link booking system (see Chapter 8 (Remote Participation)).

75. It is vital that development of any scheduling tool is conducted with the involvement of experienced listing officers to ensure that it includes the necessary functionality for them to execute their role effectively. Piloting any new tool would allow this to be tested and adjustments made prior to national roll-out.

76. The benefits of a national scheduling tool have already been seen in the magistrates' court. Introducing an equivalent tool for Crown Courts would not only support augmentation of processes through technology but minimise waste in the system by reducing the time currently spent on manual processes and duplication between systems. It would also support improvements to the training offered to listing officers (I return to this later in this chapter).

**Recommendation 94:** I recommend that His Majesty's Courts and Tribunals Service introduces a scheduling tool for Crown Courts within Common Platform. This tool should provide functionality to manage all basic listing functions, replacing locally developed alternatives, and bring together all necessary data to inform listing decisions. Development of this tool will only be possible with the introduction of a National Listing Framework, and the tool should be designed in line with the principles agreed by the judiciary within it.

77. Listing is a decision which involves the judiciary and listing officers (who work to the judges) making assessments on factors (as previously listed in paragraph 20) which are both changing and necessarily speculative as to several variables. There is a degree of subjectivity in the assessment of these factors, and they are also influenced by the experience of the individuals involved. As a result, each decision will be subjective to a certain extent due to the vast differences in experience of each person involved, reliance on their personal experience as 'background data' on which to base decisions and the potential for the recollection of that experience to be selective and inaccurate. These factors and other pressures on the decision-maker mean it is unlikely that listing decisions will be optimal. No individual, no matter how experienced, will be able to process all the factors at play to reach the most efficient outcome in every case. However, by selection of criteria for prioritisation that minimises subjectivity, these risks can be reduced.

78. The development of AI provides an opportunity to understand more effectively the range of factors relevant for listing and assist listing decision-making across the criminal courts to optimise the use of resources and minimise waste in the system. A data-driven system would allow objective factors to be consistently applied, while still enabling the incorporation of subjective professional assessments where appropriate. Furthermore, AI tools would speed up the process of listing as currently carried out by listing officers in Crown Courts, freeing up their time to focus on mitigating any risks that could result in an ineffective trial. Finally, through having access to better data on the factors that influence listing decisions, the current high volumes of over-listing in both magistrates' courts and Crown Courts should be reduced and over-listing used as a deliberate choice rather than a necessity, driven by data.[40]

79. To some extent, the listing model I previously discussed which is used at Wood Green Crown Court (see Case Study P) is an example of a basic data-driven listing approach supported by, in this case, a very simple Excel spreadsheet. This tool uses the manually provided scores for each factor to generate an overall score for each case and then determine its relative priority in the list. I have no doubt that with the right investment, something much more sophisticated could be developed over time. However, this is a first step in the right direction.

40 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

80. Through the extensive engagement in this Review I have been made aware of existing work in HMCTS to explore data-driven scheduling and listing across jurisdictions and the role AI could play in supporting judicial decision-making. This initiative explores how advanced data analytics can be used to optimise court scheduling and listing processes. By leveraging data to support staff and judiciary in making more efficient use of hearing room capacity, the work aims to improve case progression, reduce the open caseload and enhance overall resource utilisation across the courts and tribunal estate. The early work completed on this to date shows promising results, although limited to the Immigration and Asylum Chamber. It has identified opportunities to use data, both through manual and machine-learning approaches, to predict more accurately hearing duration, predict probabilities of cases cracking or requiring adjournment and optimise lists considering when fixed or non-fixed lists should be used and mitigating the probability of adjournments so that more cases are heard first time.

81. These opportunities show that a data-driven approach to listing would support an improvement to managing the open caseload, optimise listing to maximise use of resources, drive proactive risk-management to reduce adjournments and reduce the administrative burden on staff. The potential for similar work to benefit the criminal jurisdiction has already been recognised and early work begun, which I wholeheartedly support. However, further investment is needed in this area to realise the maximum benefits. The continued work should seek to demonstrate that subjective assessments (such as perceptions of case complexity, anticipated trial management challenges or professional judgement on witness-related risk) can be quantified or categorised sufficiently to be used as training variables for machine-learning models, enabling the system to reflect real-world listing practice without displacing judicial discretion.

82. As well as using data to provide insights on statistical characteristics and to generate recommended listing decisions, AI also has the potential to support listing officers and the judiciary through managing a set of constraints that has to be satisfied, individually and collectively. This is a well-known general computational problem at which AI tools could be directed in order to be able to search through a range of factors which are required to be assessed and to align for an effective hearing or trial, again supporting optimisation of use of resources.

83. I conclude this analysis by underlining that the final decision as to listing remains for the judiciary who will always be in a position to override a proposal that emanates either from a traditional listing assessment or (when developed) from the use of an AI tool. Nothing that I am suggesting should derogate from that principle.

**Recommendation 95:** I recommend His Majesty's Courts and Tribunals Service continues to develop its data-driven listing approach for the criminal jurisdiction. This should be used to deploy artificial intelligence capability as part of both the magistrates' court and Crown Court scheduling tools. This should include a clear framework distinguishing objective listing factors from subjective professional assessments, and a method for capturing both so that artificial intelligence tools can be trained, where appropriate, on the full range of considerations currently used by the judiciary and listing officers.

## Workforce

84. The day-to-day work of listing cases in the Crown Court is carried out by listing officers. They are a critical role to the efficiency of each court. Through my team's engagement and visits to several Crown Courts as part of this Review, they have seen the difference that is made to a court's overall performance when a skilled and capable listing officer is in post.

85. The challenges of this role cannot be understated. It is an unrelenting task to manage the many, often conflicting, factors I have already described that impact on a listing decision, and to attempt to schedule cases with as much certainty as possible that they will be effective and judicial time fully utilised. This challenge has only increased in recent years with the increasing volume[41] and complexity of cases.[42] However, the challenge of the role is not limited to the administrative process. Listing officers are required to engage every day with senior members of the police, CPS, defence community and judiciary. To be effective, a listing officer needs to be able to build relationships with each of these parties. They have to have the authority and confidence

41 Ibid.

42 See the Independent Review of Criminal Courts Part I, Problem Diagnosis chapter for further information on case complexity. Source: The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025).

to influence discussions, often challenging the views of individuals in much more senior roles, and ultimately make decisions based on the most effective use of resources as a whole, not the preferences of senior individuals.

86. In addition to this, many listing officers are given additional responsibilities to undertake. This can include line management of a significant number of staff in larger court centres and other general managerial responsibilities. This adds further to what is already a highly pressurised role, taking time and focus away from the critical responsibility for listing.

87. I have, therefore, been surprised to find that the grading of this staff role varies significantly across the country, with grades including Administrative Officer (entry level roles focused on administrative support), Executive Officer (junior management roles) and Higher Executive Officer (middle management roles responsible for delivering services and managing teams).[43] There also appears to be varying operational structures in different regions in terms of how many listing roles exist, at what grade and in what combination in each Crown Court. For example, in some courts Higher Executive Officers work alongside each other or with Executive Officers to list (in groups of up to five), while in others Executive Officers have sole listing responsibilities. While I note some of this variation likely relates to the workload and size of the courts, I did not expect and do not see the justification for the structures to be so distinct.

88. I have been made aware that the grade of these roles was largely reduced following the merging of HM Courts Service and the Tribunals Service in April 2011, when a major restructure of the organisation took place. Subsequent resource constraints have seen roles reduced further and grading further diversified over the intervening years.

89. The impact of this has been twofold. First, the grade of listing officers in many courts no longer reflects the level of authority and skills required to execute this critical role effectively. This not only impacts on who is attracted to these roles but also the effectiveness of the relationships they build with senior judiciary and other criminal justice

43 Listing roles included are: List/Listing Officer, Deputy List Officer, Daily Listing Officer, Forward Listing Officer, Listing Manager and Senior Listing Officer. Source: Unpublished HMCTS Management Information (as of September 2025). See Civil Service grades and pay | Civil Service Careers.

partners which are vital to maximising the efficiency of the court. Second, anecdotally I have heard that there are issues of retention associated with listing roles. I have been told that although some listing officers have been in the role for a considerable amount of time, therefore building up valuable experience and relationships vital to executing the role, those new to post are moving to different roles within a relatively short space of time (one to two years). The overarching reason given for this appears to be a disconnect between the responsibilities and challenge of the role and the renumeration for that.

90. It is vital that action is taken to ensure HMCTS is attracting the right people with the right skills into these roles, providing them with the appropriate authority to work with senior members of the judiciary and other criminal justice partners, and retaining them to benefit from the experience and learning that can only be built over time in the role. I therefore recommend that the grade of listing officers is reviewed to ensure appropriate seniority and a more consistent, structured arrangement put in place across Crown Courts.

91. This does not mean that every listing officer needs to be the same grade – different sizes of courts do require different levels of expertise to manage with larger court centres requiring a listing officer of more senior grade than a smaller court centre. However, regardless of the size of the court centre all listing officers are required to have the same influencing and stakeholder management skills. These skills must be recognised appropriately and rewarded. Where more junior grades continue to be used for smaller court centres, it is vital that those listing officers get additional support from a more senior listing officer in a larger court centre, whilst remaining responsible for their court and to their Resident Judge.

92. Consideration should also be given to what, if any, additional responsibilities listing officers at any grade should be expected to undertake to ensure the right level of prioritisation is given to their listing duties.

93. Ensuring that the grade of these roles correctly reflects their responsibilities only goes part of the way to the efficiency gains that can be made by having an effective listing officer. It is also important that those in the role are provided with the necessary learning and development opportunities to perform the role as effectively as

possible. Currently formal learning and development opportunities for listing officers is limited. HMCTS has designed a three-week online induction course for those new to the role which covers the basic responsibilities of the role. However, anything more detailed has been difficult to develop owing both to the varied listing policies which exist across Crown Courts and the different resource models for listing. Introducing a National Listing Framework and increased consistency in a resource model for listing officers will remove these blockers.

94. Before addressing any changes to learning and development for listing officers in post, I want first to address the importance of having proper succession planning in place for such a critical role. By supporting staff in more junior roles to develop the skills required to be an effective listing officer will ensure a pool of eligible and trained staff ready to take up the role when vacancies occur, ensuring that the people with the right skills are appointed to the role. To do this, a clear career pathway needs to be developed.

95. I have no doubt that the phrase 'listing officers are made not taught' has some truth behind it. There will always be a limitation to the amount that formal learning can teach a new listing officer, with a necessity to learn on the job particularly in relation to building relationships with the individual local judiciary and other criminal justice partners. As a result, the learning and development offer needs to target both areas.

96. Formal learning is important to underpin the role. Introduction of a National Listing Framework will require the current induction training package to be updated and provides an opportunity to refresh existing content. I would encourage HMCTS to consider expanding the current offer to include some element of in-person training as well as the current online offering.

97. Currently, once a new listing officer has completed the initial three-week induction training there is no further learning and development support offered directly to them. They are expected to learn on the job and are more often than not completely isolated from any other listing officers across the country. This needs to be addressed and can be done through two mechanisms. First, I recommend the introduction of a mentoring scheme where new listing officers are paired with a more experienced listing officer. This would not only provide ongoing support to the new staff

member but would also create an opportunity to discuss specific challenges and support continuous learning. Second, I recommend the establishment of a national listing officer network. This could take the form of a Microsoft Teams channel with all listing officers included in the membership. This would provide a space for staff to support each other, ask questions and share ideas and best practice examples on a national scale. It would also benefit from hosting an annual in-person event to further support collaboration and networking.

98. The combination of a clear career pathway into the role, an update to the current formal induction training to reflect the National Listing Framework once finalised and introduction of a mentoring scheme and national listing officer network will enhance the skills and capabilities of all listing officers, enabling them to execute their role in listing most effectively and in turn contribute significantly to the efficient running of each of their Crown Courts.

**Recommendation 96:** I recommend that His Majesty's Courts and Tribunals Service reviews the employment grading of listing officers to ensure that it provides the appropriate level of seniority required for the role and a consistent approach is applied across all Crown Courts. Consideration should be given to what additional responsibilities listing officers should be expected to undertake to ensure the right level of prioritisation is given to their listing duties. I also recommend that His Majesty's Courts and Tribunals Service updates its learning and development package to provide a clear pathway into the listing officer role, embed the principles of the National Listing Framework and give listing officers the skills and knowledge to be as effective as possible.

99. As I previously explained, the process of listing in magistrates' courts is managed differently to Crown Courts, with no single role responsible for listing. As a result, there is no role that has day-to-day oversight of listing across the entire court or whose role it is to support when changes are required, be that reallocation of courtrooms to meet specific needs or whole-scale rescheduling when over-listing means cases do not get heard when listed.

100. My team's visits to magistrates' courts have highlighted the issues this lack of oversight can cause. The first of these is control of the volume of over-listing. Until very recently, there was no limit through the scheduling tool on how many cases could be scheduled in a single

session, or the volume of trial time that could be listed. Therefore, without an individual to oversee this, significant over-listing could occur and the knock-on impacts have to be managed by legal teams. I am aware of a recent update to the scheduling tool by HMCTS which has introduced limits on the volume of over-listing the tool will allow. However, this does not fix the challenge of not having someone who has day-to-day oversight of this volume and can manage the consequences of any changes either in advance of the hearing or on the day.

101. The second issue raised during these visits was in relation to case prioritisation. The nature of the scheduling tool and the many other demands being placed on legal advisers in the courtroom results in cases generally being adjourned into the next available trial slot, rather than any wider prioritisation considerations being reflected in the scheduling. As a result, I heard of instances where high-priority trials (for example, in cases relating to domestic abuse or with vulnerable witnesses or defendants) were being scheduled on either a later date than ideal, because lower priority cases had already filled the available trial time on an early date, or as the second or even third trial for the same time.

102. Introducing a role with explicit responsibility to oversee listing in the magistrates' courts would go some way to addressing both of these challenges. I do not believe this needs to be a stand-alone role as is required in the Crown Court but should be one of the responsibilities of a Case Progression Officer within magistrates' courts. I will return to the issue of Case Progression Officers in the magistrates' court in Chapter 7 (Preparing for First Hearing and Ongoing Case Management).

## Regional Flexibility

103. Introducing a National Listing Framework and a national scheduling tool for the Crown Court will begin to resolve some of the current blockers to greater resource flexibility by ensuring consistency in language and prioritisation and having a tool which can show available capacity nationally rather than locally. However, more direct action is needed to ensure spare courtroom capacity is being fully utilised and waste is reduced to a minimum across a national system. There are two ways this can be done. First, by moving cases that were listed to be heard in one Crown Court (having been sent there by the magistrates'

court) to be heard instead by a different Crown Court. Second, by making greater use of video links. I will discuss the first option here and return to use of video in Chapter 8 (Remote Participation).

104. There is a process already in place to move a case from one Crown Court to another. It is set out in Criminal Practice Directions. To transfer a case between courts on the same Circuit, agreement of both Resident Judges must be sought and is subject to the guidance from the Presiding Judge of the Circuit. To transfer a case between Circuits, agreement must be sought from both Presiding Judges and Delivery Directors.[44] This process is unnecessarily bureaucratic and as a result use of it is limited. When it is used, I have heard about lengthy processes to agree which case can be moved, taking a disproportionate amount of time to agree and creating yet further delays in disposing of the case.

105. There is also a cultural challenge which exists within HMCTS, the judiciary and wider criminal justice partners which drives focus on an individual court's performance rather than the national picture. This has, of course, been amplified by the growing pressure to drive down the open caseload as much as possible. It is understandable that an individual Resident Judge is concerned about the volume of the open caseload in their own court, which is likely to be higher than it historically has been. However, each Resident Judge needs to have regard for the wider system. For a number of courts, their local open caseload is far less than the extreme levels being experienced elsewhere, as explained in Chapter 2 (Context).

106. Something must be done to address this disparity and ensure the most effective use of resources to minimise waste and increase the throughput of cases. I have already discussed changes that are being made to the Concordat and sitting-day allocation process (see Chapter 3 (One Criminal Justice System)) which will go some way to addressing this issue. In addition to this, a shift is needed to see resources as a national picture not a local or even regional one. Circuit boundaries must not be allowed to inhibit efficient case progression. Submissions to this Review have strongly supported greater geographical flexibility in listing in the interests of increasing the timeliness of case resolution.[45]

44 Criminal Practice Directions 2023.

45 With thanks to the London Victims' Commissioner and the Criminal Bar Association for their submissions to this Review.

107. During my team's visits to Crown Courts as part of this Review, they have seen examples where these barriers have been overcome and cases are regularly shared across a small number of courts. This is helping to equalise the pressures faced and delays experienced. Change is needed to encourage this to be done regularly on a national scale to ensure all resources are used to their utmost potential.

108. To this end, I recommend that HMCTS and the judiciary work to normalise the practice of moving cases between Crown Courts, including across Circuit boundaries, to maximise the use of sitting days and available capacity. HMCTS Delivery Directors and Resident Judges should lead this change, including agreeing how much of the capacity for any given Crown Court will be made available more widely. This should be reflected in a change to Criminal Practice Directions. Transfers should be considered for two circumstances, transfer of individual cases and bulk transfer of multiple cases. For both, criteria should be developed by the judiciary based on the priority cases, as set out in the National Listing Framework, to provide a clear rationale for why the transfer should take place. Sensible decisions need to be taken to agree reasonable distances a case can be moved in order to not inconvenience victims, witnesses, defendants or professionals involved in the case.[46]

109. For individual case transfers, listing officers should apply these criteria and, using the new scheduling tool, view options as to the court to which the case could be moved. Agreement should then be sought from the Resident Judges of both courts for the case to be moved, with no need for Delivery Directors or Presiding Judge agreement. For bulk transfers, Delivery Directors for both courts should be involved in agreeing the transfer before agreement is sought again from both Resident Judges rather than Presiding Judges.

110. Similar consideration should be given to increasing flexibility to move cases between magistrates' courts in different Local Justice Areas (LJAs), particularly given the projected increase in caseload which I have already discussed. Of course, this is likely to involve much shorter distances than moving cases between Crown Courts, given the larger

46 Increasing the use of remote participation will go some way to mitigating this (see Chapter 8 (Remote Participation)). I also recognise the risk that moving cases between Crown Courts may disrupt victim and witness support organisations. However, this flexibility is required in order to achieve speedier resolution of cases. I encourage these organisations to explore ways of increasing their own flexibility in order to support this change.

number of magistrates' courts across England and Wales. Legislation is already in place to support this. Section 27A of the Magistrates' Courts Act 1980 allows for cases to be moved to another magistrates' court,[47] subject to section 30 of the Courts Act 2003 which states that a case can be moved to another LJA provided there is a direction in place from the Lord Chancellor, with the agreement of the Lady Chief Justice.[48] I therefore recommend that HMCTS and the judiciary consider increasing the use of this flexibility where it could support more timely progress of cases and give consideration to the local processes which would be required to do so.

**Recommendation 97:** I recommend that His Majesty's Courts and Tribunals Service and the judiciary work to normalise the practice of moving cases between Crown Courts, including across circuit boundaries, to maximise the use of sitting days and available capacity. This should include updating Criminal Practice Directions to a) reflect the wider circumstances in which a case should be moved from one Crown Court to another and b) replace the requirement for Presiding Judge and Delivery Director agreement with a requirement for Resident Judge agreement from both sending and receiving courts. Similar consideration should be given to the practicability of moving cases between magistrates' courts and the local process required to do so.

## Conclusion

111. In this chapter I have presented recommendations on how changes to the current listing processes, technology and workforce would support improved efficiency across criminal courts. The purpose of this Review, as set out in the Terms of Reference, was to make recommendations to improve the efficiency and timeliness of processes through charge to conviction/acquittal. As I have explained in this chapter, it is my view that by making these changes, how resources are used will be improved across the criminal courts and listing decisions will be more efficient, both in the process of decision-making and the results. There is also potential to increase capacity within the system by making use of currently wasted courtroom capacity.

47 Magistrates' Courts Act 1980.

48 Courts Act 2003.

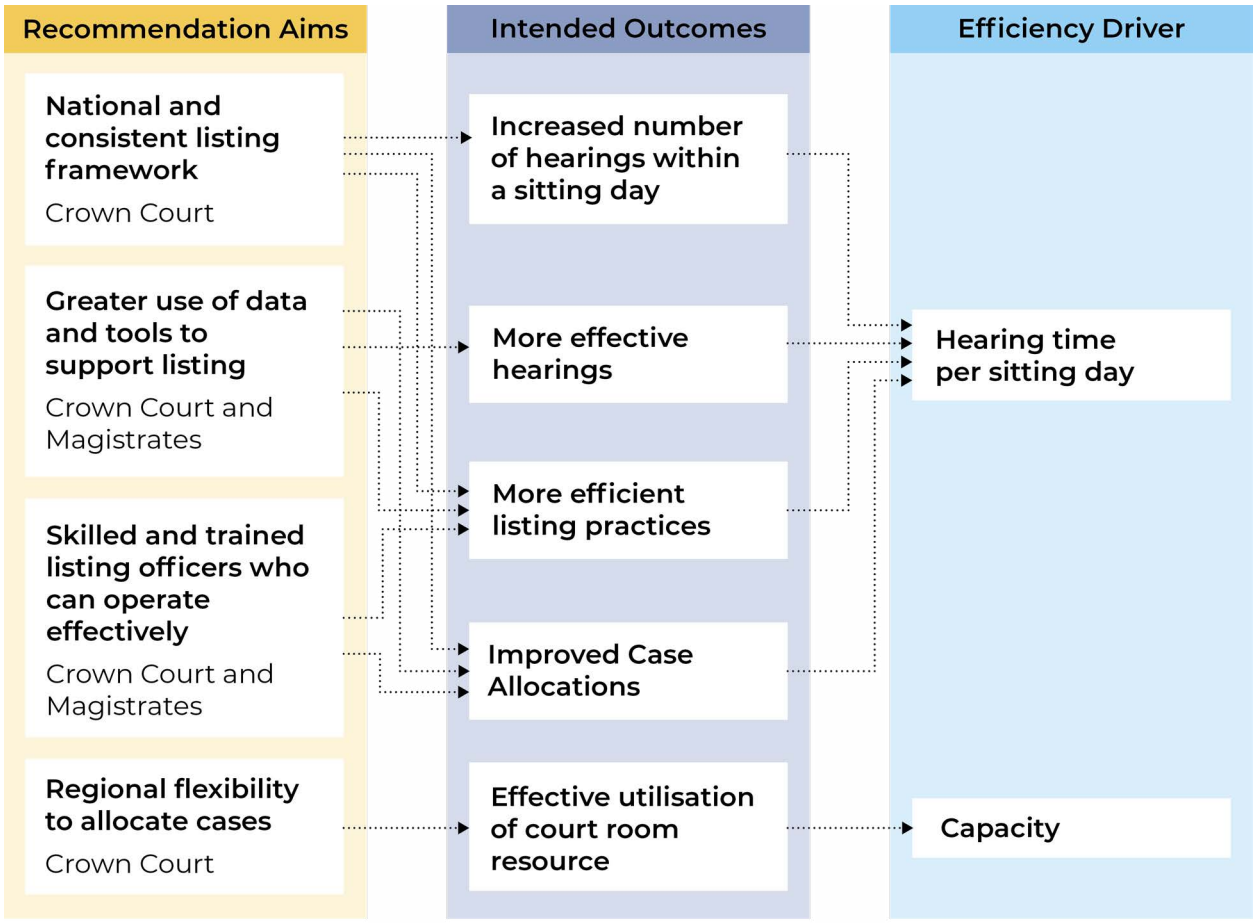
112. To do this, I recommend the introduction of a National Listing Framework for the Crown Court as well as endorsing the planned review of magistrates' court listing policies. I also recommend development of improved technology systems, including work on data-driven scheduling, to support listing across the criminal jurisdiction. I recommend changes to promote greater geographical flexibility in relation to where cases are heard. And finally, I recommend a review of listing workforce grades and the support and training available to them to ensure they have the required authority and skills to execute this critical role effectively.

113. The recommendations I have outlined aim to ensure fair and consistent proceedings in relation to listing across England and Wales. They adhere to the principles of minimising waste, by improving the effectiveness of resource utilisation, and augmentation of processes through technology.

114. The recommendations are intended to target the key metrics which drive changes to the Crown Court and magistrates' court efficiency – most prominently hearing time per sitting day which is a measure of the productive time used to hear cases within a sitting day.

**Figure 6.1.**

**Policy map visualising the intended aims of recommendations presented in Chapter 6**




Many of the recommendations in this chapter affect pre-court cross-system efficiency drivers, which are not included in this policy map

115. Figure 6.1 demonstrates pictorially how the recommendations I have made in this chapter are expected to influence outcomes and effect the key efficiency metrics. This diagram should be used as an illustrative framework to assess the potential impact of these recommendations, noting that there are other operational and cultural factors that influence efficiency and important outcomes that could be realised by these changes which are not captured.

116. If delivered as intended, these recommendations would help to increase the number of effective hearings and the volume of hearings that can be heard within a sitting day. Changes to the current listing processes should help to make listing practices more efficient and improve case allocations, increasing hearing time per sitting day. If successful, introducing regional flexibility in the allocation of cases in the Crown Court would help to utilise more effectively courtroom resource, increasing capacity by making use of court spaces that would otherwise be vacant.

# Chapter 7

## Preparing for First Hearing and Ongoing Case Management

# Chapter 7 – Preparing for First Hearing and Ongoing Case Management

## Introduction

1. The effective management of criminal cases is fundamental to the delivery of justice and improving the efficiency of the criminal justice system. In recent years, the consequences of an increased caseload and a less efficient system have meant an increase in the number of hearings per case and a longer time taken per case. These impact both on the ability to tackle the court backlog and to deliver timely justice for new cases. The focus of this chapter is on how reforms to the preparation and conduct of first hearings and those preceding trial can impact on efficiency.

2. The pressure to enhance the efficiency of the criminal courts is not new; it has been a consistent theme across decades of reform. The roll-out of Narey courts in 2001, following Sir Martin Narey's 1997 review into delays in the justice system, marked a significant step towards streamlining case progression in the Crown Court.[49] This was followed by the introduction of Criminal Justice Simple, Speedy, Summary Justice approach in 2007, which sought to reduce delay, minimise unnecessary adjournments and ensure early case readiness at the magistrates' court.[50] The Swift and Sure White Paper followed in 2012, and this set out a package of reform programmes across the criminal justice system to tackle delay and waste, increase accountability and transparency, and improve public confidence.[51] The Transforming Summary Justice (TSJ) programme was developed in 2015 to encourage joint working to make the magistrates' court more efficient. In recognition of persistent inefficiencies and following my

49 Martin Narey, Review of Delay in the Criminal Justice System: The Narey Report (HO, 1997).

50 Delivering Simple, Speedy, Summary Justice (Department for Constitutional Affairs, July 2006).

51 Swift and Sure Justice: The Government's Plans for Reform of the Criminal Justice System (MoJ, July 2012).

2015 Review of Efficiency in Criminal Proceedings,[52] the introduction of Better Case Management (BCM) principles in 2015 was introduced to address issues with case progression at the Crown Court.[53]

3. Though these initiatives have varied in form, their underlying ambition has remained unchanged: to get it right first time. However, despite early promise, as time has passed each has lost momentum, necessitating renewed efforts. The *Transforming Summary Justice Renewal Programme* (2023)[54] is the latest iteration of guidance at the magistrates' court and the *Better Case Management Revival Handbook* (2023),[55] also published in 2023, underpins proceedings at the Crown Court. The continued efforts to improve the system reaffirm the enduring commitment from those working in the system to timely, proportionate and effective justice. Recognising that the pursuit of efficiency must be sustained, not episodic.

4. I am acutely aware of the pattern within organisations and systems whereby attention is paid to new initiatives and ideas for short periods of time before momentum drops as a different initiative is launched. With that in mind, the recommendations in this chapter, and my Review more generally, have been purposefully designed to ensure the outcomes are achievable. There is a perception that there is a culture of a lack of compliance within the criminal courts and this needs to change. There should be a renewed focus on the disposal of cases and greater accountability to ensure compliance with directions and the courts run efficiently. I explain in Chapter 11 (Broader Justice Issues) how my recommendations are anticipated to yield the intended benefits but it will, however, require continued focus by those occupying leadership roles in all aspects of criminal justice to ensure that implemented changes are embedded into 'business as usual' and sustained in a manner not previously achieved by earlier reviews or guidelines.

52 The Rt Hon. Sir Brian Leveson, Review of Efficiency in Criminal Proceedings (Judiciary of England and Wales, January 2015).

53 Lord Justice Gross, Better Case Management Newsletter: Issue 1 (Judiciary of England and Wales, September 2015).

54 Transforming Summary Justice (TSJ) Renewal Programme (Courts and Tribunals Judiciary, July 2023).

55 The Better Case Management Revival Handbook (Judiciary of England and Wales, January 2023).

5. In this chapter, I explore engagement of defence and prosecution practitioners in case preparation, from charge to first appearance. This includes the initial stage of BCM undertaken at the allocation hearing where cases are sent from the magistrates' court to the Crown Court. This chapter also makes recommendations aimed at increasing engagement in the PTPH and improving the quality of pre-trial preparation. Better preparation reduces the number of hearings required pre-trial to ensure that appropriate steps have been taken, reduces the number of ineffective trials and overall reduces the time taken per case which is a core driver of efficiency in this Review.

6. My recommendations also consider strengthening understanding of and adherence to the CrimPR,[56] through their redesign and redrafting to facilitate their being digitised to enable easier access and application by practitioners. I will also recommend greater use of technology to support Case Progression Officers (CPOs) and ensure accountability for required tasks by legal professionals. I am recommending CPOs be introduced for both the magistrates' and Crown Courts, to reduce administrative burden and assist the judiciary in supporting case progression. I also make recommendations to facilitate better and appropriate communication within courts between professionals.

7. As already noted, there will be significant focus on the case management processes and the TSJ and BCM frameworks, and recommendations will be made to both legal professionals and the judiciary to support their understanding of these frameworks. I will refer to the TSJ and BCM in the context of the stage of the criminal justice system to which they relate and have structured this chapter to follow the chronological path of a case to demonstrate how both frameworks would be used as a case progresses through the system.

## Criminal Procedure Rules

8. The CrimPR overlay the statutory framework for the conduct of criminal proceedings in the magistrates' court, the Crown Court, the Court of Appeal and the High Court. The Rules are underpinned by procedural frameworks and when these are properly understood and rigorously applied, they reduce unnecessary adjournments and appeals, and they support the principle of getting it right first time in

56 The Criminal Procedure Rules (2025).

both the magistrates' and Crown Courts. They are intended to provide a clear and structured procedural framework that supports effective participation, timely progression of cases and minimisation of delay. They are prepared by the Criminal Procedure Rule Committee under statutory authority, and the Rules are revised twice annually to reflect developments in law and practice.

9. The Rules are complemented by the Criminal Practice Directions[57] which were redrafted in more concise and simpler form in 2023. Both documents are legally binding frameworks for proceedings in the court. The current iteration of the CrimPR 2025[58] continues to be underpinned by the single, overriding objective: that criminal cases are dealt with justly and all participants in criminal cases are required to comply with the Rules and to alert the court to any significant failures. This applies to the judiciary, prosecutors, defence lawyers, legal advisers and court staff.

10. The principle of getting it right first time which is core to sound preparation in a timely fashion depends on informed and consistent decision-making from the outset. This cannot be achieved if the procedural framework is inaccessible and/or there is a culture of failure to comply with the procedure by those who must operate within it.

11. By way of example of compliance failure, the number of ineffective trials in the Crown Court due to lack of case readiness has risen since the COVID-19 pandemic to exceed pre-pandemic levels. In 2024, there were around 760 ineffective trials due to issues with readiness of the prosecution and around 900 due to issues with readiness of the defence, this made up around 22% of ineffective trials in the Crown Court.[59] In addition to this, there were around 2,500 vacated trials due to readiness of the defence or prosecution, with 55% of these due to the defence.[60]

12. Similarly, the number of ineffective trials in the magistrates' court due to case readiness has risen since the COVID-19 pandemic, however it has only reached just under pre-pandemic levels. In 2024, there were around 1,400 ineffective trials due to readiness of the prosecution and

57 Criminal Practice Directions (published April 2023, last updated November 2025).

58 The Criminal Procedure Rules (2025).

59 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

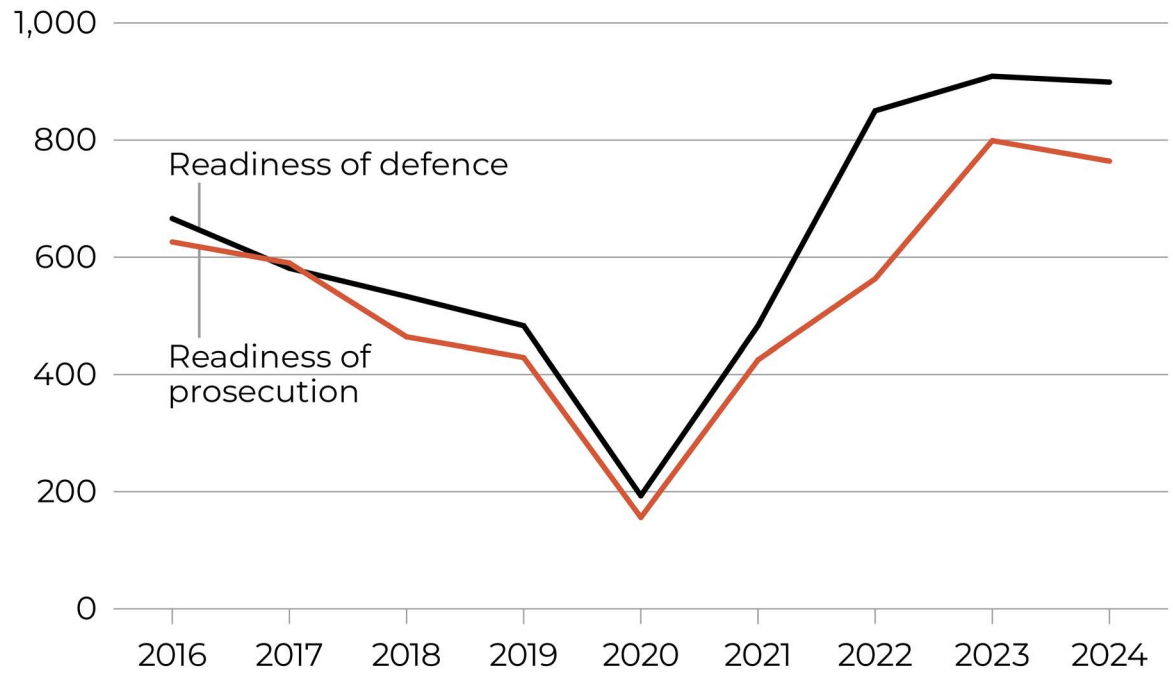
60 Source: HMCTS Unpublished Management Information.

around 2,800 due to readiness of the defence, this made up around 22% of ineffective trials in the magistrates' court.[61] In addition to this, there were around 790 vacated trials due to readiness of the defence or prosecution, with 70% of these due to the defence.[62] It is apparent from these increases that the Rules are not being adhered to as well as they could be.

**Figure 7.1**

**Number of ineffective Crown Court trials due to readiness of defence or prosecution**

England and Wales, 2016 to 2024




Further information around the aggregated groups for reasons of ineffective trials can be found in the Technical Annex.

Source: Criminal court statistics quarterly, July to September 2025

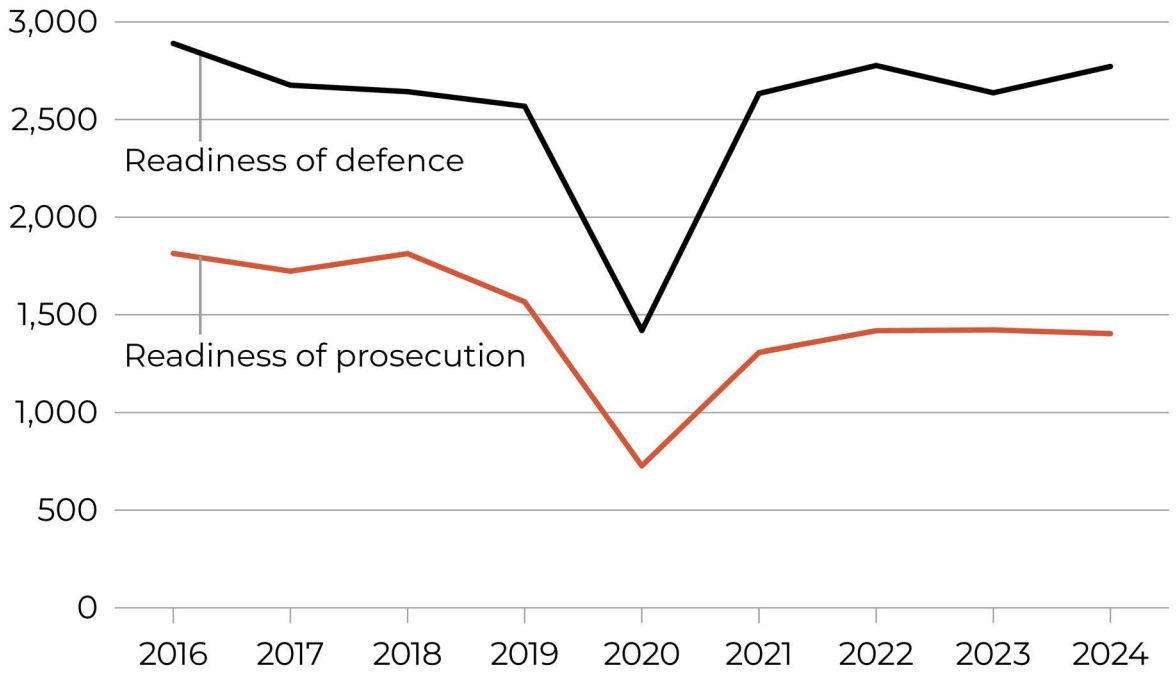
61 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

62 Source: HMCTS Unpublished Management Information.

**Figure 7.2**

**Number of ineffective Magistrates Court trials due to readiness of defence or prosecution**

England and Wales, 2016 to 2024




Further information around the aggregated groups for reasons of ineffective trials can be found in the Technical Annex.

Source: Criminal court statistics quarterly, July to September 2025

13. This is not the first time that the implementation and adherence to the Rules have been queried, and I have been provided with many examples of poor adherence whilst writing my Review. I can also recall many instances from my time in the judiciary. In my 2015 Report, I highlighted the failure to apply the Rules properly in some areas, which was supported by research conducted by Penny Derbyshire, albeit some time ago. This research indicated that both members of the Bar and the judiciary were unfamiliar with key provisions.[63] My engagement with criminal justice partners for this Review has found that little has changed since 2015, and the CrimPR remain poorly

63 Penny Darbyshire, 'Judicial Case Management in ten Crown Courts' (2014) Crim LR 30. Professor Darbyshire observed 19 Circuit Judges and interviewed 17, including ten residents. Courts were chosen to represent a geographic and Circuit spread and variety in size: two Northern, two North Eastern, five South Eastern (including the geographic Midlands) and one Western.

understood and inconsistently applied. The Rules were introduced, in part, to foster a culture of responsibility for case progression. They are of little benefit if they are not understood and, subsequently, observed.

14. My engagement with practitioners has also revealed that the Rules are often perceived as inaccessible and not fit for purpose. Many find them too lengthy, overly technical and so complex that they are impractical when practitioners need to consult on matters relevant to their roles. The current format is difficult to navigate, making it challenging to locate relevant provisions or understand the procedural flow of a case.[64] This is a stark contrast to the Criminal Practice Directions, which are shorter in length and written in more accessible language.[65]

15. The technical complexity and density of legal terminology can present a significant barrier to non-legally trained participants. To drive compliance, the Rules must be clear not only for lawyers and judges but also for court staff, defendants, witnesses and others involved in proceedings. For unrepresented defendants who are unable to seek expert opinions on the Rules, they are even more inaccessible, and I consider the impact of unrepresented defendants on the efficiency of the courts in Chapter 10 (The Judiciary and Legal Workforce). If the system is to be truly participatory and efficient, the Rules must be easy to follow and apply.

16. The consequences of poor understanding and inconsistent application of the Rules are significant. Cases are adjourned unnecessarily, directions are missed and decisions are made without full information. This undermines the efficiency of the courts, increases costs and erodes confidence in the justice system. It also places additional strain on victims and witnesses, who may be required to attend multiple hearings or face prolonged uncertainty.

17. In considering how to address the challenges posed by the CrimPR, I explore whether the problem is solely a culture of non-compliance or whether the Rules are in need of more fundamental revision to secure compliance. It has been proposed that the Rules could be simplified and made more accessible through a digital system. Digitising the Rules would involve integrating them into Common Platform, converting legal processes (such as filing, disclosure, plea entry

64 There have been efforts by the Criminal Procedure Rules Committee to produce a written index to the Rules in 2025 to aid understanding and their use.

65 Criminal Practice Directions (published April 2023, last updated November 2025).

and scheduling) into automated, rule-based workflows. This means deadlines, mandatory steps and compliance checks are embedded directly into the platform, guiding users through each stage and triggering notifications or actions when required.

18. Whilst this digitisation process could be achieved based on the Rules at present, I do not believe that it would go far enough to address the general lack of understanding in how to apply the Rules. The Rules, as they stand, are entirely inaccessible to a layperson and many other users.[66] That should be rectified even if there is promise in the use of AI to build a workable system with clear triggers, mandatory documents, time limits and defined duties for each role.

19. With that in mind, there needs to be a fundamental change to the drafting of the CrimPR to achieve two aims. First, in order to facilitate robust decision-making for practitioners, and so that non-legally trained participants can understand them, simplifying and clarifying the rules will support effective participation and procedural fairness. Second, the new Rules should be designed so that they can be readily digitised and therefore be co-developed with experts in building digital systems. In redrafting the CrimPR, there should be due regard to fact that they are a Statutory Instrument, and the legislation will need to reflect their intended use. Any new system should enable legal professionals to readily cross-reference the revised CrimPR and provide contextual guidance to support real-time decision-making thereby aiding the progression of cases and consistency in the application of guidance.

20. There are examples internationally, and in England, where jurisdictions are creating resources to support the understanding of equivalent guides to the CrimPR. For example, in New Zealand, an online resource contains concise statutory and non-statutory Protocols and Guidelines that summarise the core background information related to court proceedings, what the guidelines mean in practice and how to implement them.[67] The intention is that these supporting documents

66 The Criminal Procedure Rule Committee is, I acknowledge, attempting a document to explain the Rules to lay participants.

67 Timely Justice Action Plan | New Zealand Ministry of Justice.

will help facilitate preparedness of parties for trials, reduce delays and help courts operate more efficiently. The District Court of New Zealand has rolled out the protocols at a national level, with the target of 90% of cases hitting their set time standards by 2027 and so far they are on track to meet this goal.[68]

21. Closer to home, the Resident Judge at Liverpool Crown Court has developed a concise document that brings together various guidance notes issued by the court over recent years, expressed in plain language, making it easier for practitioners and court users to understand court processes. Case Study Q sets out detail on this guidance.

**Case Study Q: Liverpool Crown Court Criminal Procedure Rule Guidance**

The Guidance Note covers topics such as extensions of time, applications for remote attendance, committals for sentence and PSRs, and final review hearings. Each section provides a summary of the process, links to the relevant Criminal Procedure Rules or Directions, and shares any relevant guidance – as demonstrated below:

**'Chapter 9: regarding compliance review hearings'**

**Purpose**

This guidance sets out the arrangements for compliance review hearings at Liverpool Crown Court. Such hearings are normally ordered by a judge where a party has failed to comply with judicial directions.

Most often, though not exclusively, these failures occur:

When the defence fail to serve the necessary responses (including a Defence Statement) by the date required at Stage 2.

When a party fails to serve a Certificate of Trial Readiness.

68 Timely Access to Justice Protocol (District Court of New Zealand, June 2024).

**Guidance**

1. We remind the parties of the matters set out in Chapter 1 above and the facility to agree variations of time limits set by the court (though not the date for service of the Certificate of Trial Readiness). There is a general obligation on the parties to assist the court in actively managing cases, including proactively monitoring the progress of the case and compliance with directions.
2. With this in mind, where a failure to comply with a direction is identified, a judge will typically order:

That the case is listed for a compliance review hearing.

**Where the non-compliance is at Stage 2 and involves a failure to serve a Defence Statement:** that the Defendant must attend the hearing together with the Defence Case Progression Officer named on the BCM and/or PTPH forms. If that person is not available for good and sufficient reason, another person with equivalent responsibility for case progression must attend.

**For all other failures:** that the party in default must attend the hearing. In practice, this will ordinarily be the Reviewing Lawyer (in the event of prosecution default) and/or the Case Progression Officer (in the case of defence default), as identified on the BCM and/or PTPH forms. If the identified person is unavailable for good and sufficient reason, another person with equivalent responsibility for case progression must attend.

To make sure this guidance remains relevant and does not quickly fall out of date, the Resident Judge at Liverpool made sure that outdated material was removed and that the provisions included were still operative and relevant to current procedures. They acknowledge that this guidance is not a substitute for the Criminal Procedure Rules, Practice Directions, or judicial directions and orders in individual cases, but instead serves as a clear single point of reference to support adherence to such requirements.

Source: Crown Court Stage 2 focuses on the serving of the defence statement. This stage outlines the defence's position and arguments in the case.

22. This case study, and the example from New Zealand, highlight how concise summaries of proceedings are capable of being produced with the needs of all users in mind. I believe my recommendation to redesign the Rules, with accessibility and simplicity at the core of their design, are the key to improving case management and case progression within the magistrates' and Crown Courts.

**Recommendation 98:** I recommend that the Criminal Procedure Rule Committee redesign the Criminal Procedure Rules, ensuring a focus on simplicity and accessibility, to strengthen adherence and understanding for legal professionals, court staff and the general public. The new Rules should be designed in partnership with digital experts to facilitate their digitisation so that an interactive tool can be developed to support legal professionals in decision-making.

## The Magistrates' Court

23. As noted above, TSJ underpins proceedings in the magistrates' court and it differentiates between two types of case, each brigaded[69] into a specific court for the case type: Guilty Anticipated Plea (GAP) and Not Guilty Anticipated Plea (NGAP). GAP courts are characterised by high volume and swift turnover, and the objective with GAP cases is to take a plea and sentence at the first hearing wherever possible. In NGAP cases, as with GAP cases, all parties are expected to engage early and collaborate to ensure effective case progression. This progression includes the court making an allocation decision (as to whether the case is dealt with in the magistrates' court or Crown Court) where required, the early identification of trial issues and witness requirements, facilitating defence access to multimedia evidence at court and the use of indications of sentences, including considering sentencing directions, where appropriate, to support early plea decisions and efficient case management.

24. As explored in Chapter 4 (The Police and the Prosecution: Getting It Right First Time), there are cases which are expected to be GAP, but where in fact defendants subsequently plead not guilty, contributing to increased hearing volumes and inefficiencies. This has a disproportionate impact on smaller courts, which may not run GAP and NGAP lists concurrently or on the same day. The proportion of GAP-flagged cases in the magistrates' court which are not guilty pleas has been rising since 2015/16 and is now approximately 13%.[70] This statistic encompasses both simpler cases in which the charging decision is made by the police and more complex cases where it

69 Brigading involves the allocation of cases to specific judges based on their complexity and the nature of the case.

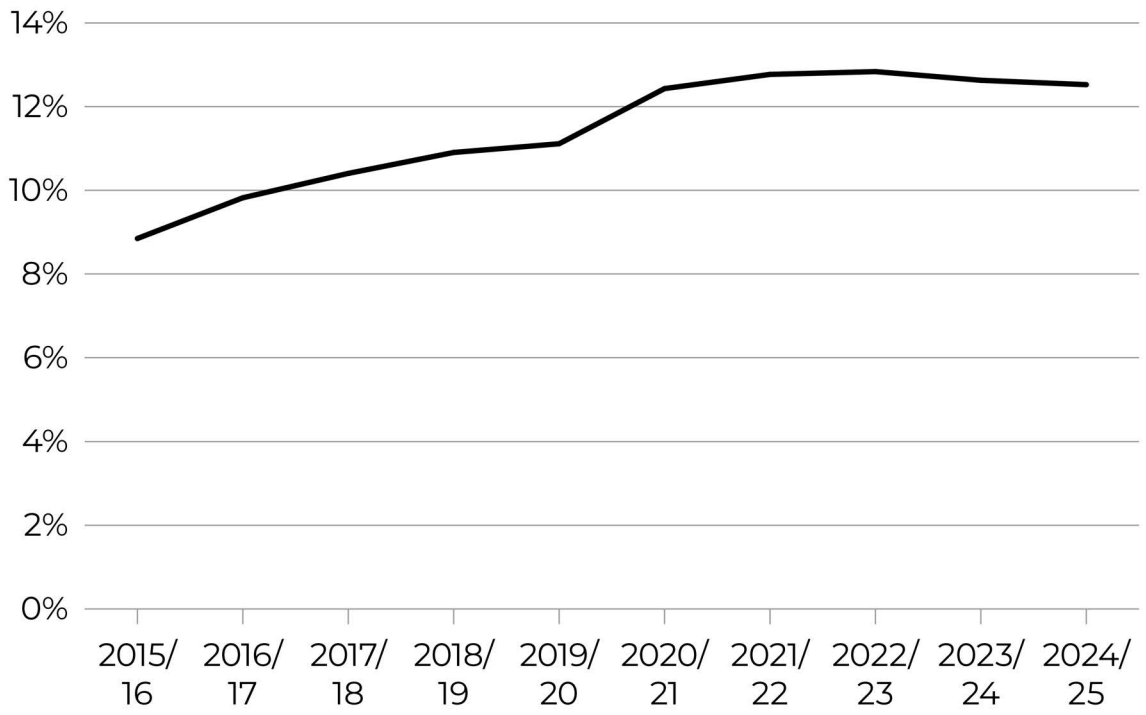
70 Source: CPS Unpublished Management Information.

is made by the CPS, with anticipated pleas being required in both. However, the underlying issues are most likely attributable to police-charged cases, with challenges including police inexperience addressed in the recommendations I make in Chapter 4 (The Police and the Prosecution: Getting It Right First Time) on police training and technology.

**Figure 7.3**

**The percentage of GAP flagged cases in the magistrates' courts which were not guilty pleas**

England and Wales, 2015/16 to 2024/25




Source: CPS Unpublished Management Information

25. The maximum number of GAP cases listed in an all-day session has been reduced from 30 to 25, in line with updated TSJ guidelines.[71] This reduction is attributed to the demands of real-time resulting within Common Platform, which has placed considerable strain on legal advisers' time and capacity. Smaller courts, in particular, face challenges in brigading TSJ effectively, resulting in lists containing both GAP and NGAP cases, potentially alongside other work. In CPS areas where associate prosecutors (who are not lawyers) are used,

71 https://www.judiciary.uk/wp-content/uploads/2023/06/New-TSJ-Characteristics.pdf. (2023)

this can create difficulties. NGAP courts should be assigned to a lawyer to ensure case management decisions can be made in the courtroom. Mixed lists can result in lawyers completing work that could be completed by an associate prosecutor, equally it can lead to NGAP cases being prosecuted by an associate prosecutor who may have to refer decision-making to a CPS lawyer, creating delay or unnecessary adjournments.

26. To address over-listing, I discussed the importance of robust, proportionate file build in Chapter 4 (The Police and the Prosecution: Getting It Right First Time) and I examined listing challenges in greater detail in Chapter 6 (Listing and Allocation of Workload). In this chapter, I focus on the importance of effective case management at first hearing and the mechanisms for ensuring compliance with directions, which without these it will be impossible to address over-listing. I do not make comment on the system for brigading cases under TSJ but instead will focus on compliance with the principles of case management.

27. TSJ stipulates that first hearings must be well prepared, with the appropriate personnel present and equipped with robust case management skills to ensure that cases are progressed effectively from the outset. Early engagement between all relevant parties is essential and must occur to enable resolution or meaningful progression at the earliest opportunity.

28. To ensure trial readiness in NGAP cases, the preparation for effective trial (PET) in a magistrates' court form must be completed.[72] This structured and collaborative document, completed by all the relevant parties and the court, is intended to ensure that the triable issues are identified, areas of agreement are set out, clear directions are made with a timetable to ensure the trial is ready to proceed on the allocated date and with the necessary facilities and equipment available at court. In 2024, there were around 277,000 'for trial' receipts in the magistrates' court. This number has been rising steadily since 2021, when the total was around 237,000.[73] As the number of cases at the magistrates' court continues to increase and is expected to grow

72 Preparation for trial in a magistrates' court (Criminal Procedure Rule Committee and MoJ, November 2015, last updated June 2023).

73 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

further in the light of the anticipated demand arising from my Part I recommendations, it is imperative that the process leading to the first hearing is as straightforward and effective as possible.

29. It is increasingly evident that inadequate pre-court engagement between parties significantly undermines the effective progression of cases at the initial magistrates' court stage. I am concerned about the impact this is having on the ability of the courts to run as efficiently as possible. A submission from Transform Justice, a charity whose courtwatchers observed over 2,000 magistrates' court hearings in London between February and July 2025, found that delays and adjournments remain prevalent, affecting approximately 25% of the hearings observed. Courtwatch found that the principal causes of the delays and adjournments were a result of missing evidence, non-attendance of defendants due to postal requisition,[74] failures or transportation and production issues, and delays in obtaining pre-sentence reports or other assessments from probation. These observations underscore the urgent need for improved communication, preparation and coordination across agencies to ensure hearings proceed effectively and without avoidable delay. Ineffective trial data in the magistrates' court shows that 22% of trials in the magistrates' court were ineffective in 2024.[75]

30. Another recurring concern is the failure by the police to inform solicitors of charging decisions, resulting in missed opportunities for them to obtain legal aid, undertake early engagement with the CPS and prepare for cases. I explore this topic and make recommendations in Chapter 4 (The Police and the Prosecution: Getting It Right First Time). This is compounded by a lack of ownership in ensuring the correct identification of professionals involved in the case, which further obstructs timely communication and coordination.

31. Incomplete case preparation by the police and CPS continues to hinder the ability of defence representatives to engage meaningfully ahead of the first hearing,[76] and I acknowledge issues with the Initial

74 Postal Requisition is the legal document that serves as a summons to court. In Part I, I recommended that Release Under Investigation (RUI) be abandoned and that bail be reinstated in all relevant cases: this should mean that those bailed should return to the police station at which time they can be charged and then bailed to court.

75 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

76 Joint case building by the police and Crown Prosecution Service (HMCPSI and HMICFRS, July 2025).

Details of the Prosecution Case (IDPC) in Chapter 5 (Disclosure). As a result, solicitors attending NGAP hearings often do so without formal instructions, being forced to manage cases reactively on the day. This is causing delays and is frequently leading to adjournments.

## Case Progression Officers in the Magistrates' Court

32. The inconsistency in the availability of administrative staff, particularly the absence of CPOs across the magistrates' court, is having a detrimental impact on case management outside the courtroom. They act as named case owners under CrimPR 3.4 to provide continuity, accountability and structure to case progression.[77] Their remit should also extend to administrative oversight of magistrates' court listings, and they should work with legal managers and magistrates' rota teams to ensure resources are deployed efficiently, as set out in Chapter 6 (Listing and Allocation of Workload). This role is crucial in the monitoring and reporting of non-compliance with judicial directions outside the courtroom, ensuring that cases are actively managed from first hearing to trial, and liaising with parties to ensure timely engagement and resolution of issues.

33. Restructuring, and attempts to find cost savings across the court estate, have meant that the role of the CPO has been lost from the magistrates' court. Their removal has created a substantial, and avoidable, gap in the ability to progress cases. Without dedicated personnel to oversee compliance and coordinate case activity, legal advisers are now left overburdened and are expected to oversee case progression – doing so administratively through boxwork – alongside their core judicial support duties. The system then subsequently suffers from fragmented processes, increased inefficiencies and wasted judicial time.

34. Whilst there have not been any quantitative studies undertaken to analyse the effectiveness of CPOs, based on the evidence available to me and in my experience, CPOs have a significant impact in reducing delays, minimising the need to list cases and consequential adjournments, and on improving the quality and effectiveness of hearings. Furthermore, CPOs have been retained in some the Crown

77 The Criminal Procedure Rules (2025), r. 3.4.

Courts and, considering significant budget cuts and the restructuring of court staff in recent years, the retention of their role in the Crown Court should be seen a testament to their value.

35. The reinstatement and proper resourcing of this role within magistrates' court is not merely desirable but, in my view, essential. Therefore, I recommend reintroducing CPOs to work with Senior Legal Business Managers across their groups of magistrates' courts to support with the management and progression of cases. This will subsequently free up time for legal advisers, thereby protecting legal resource, supporting magistrates in their role and moving cases through the system more effectively. As I discussed in Chapter 6 (Listing and Allocation of Workload), there is a need to introduce a role within the magistrates' court with explicit responsibility to oversee listing. This does not need to be a stand-alone role and should therefore be included as one of the responsibilities of CPOs. Having regard to the fact that the government intends to extend magistrates' sentencing powers to 18 months (but even if they were capped at 12 months), and the consequence of more cases being retained and dealt with in the magistrates' court, alleviating the pressures on legal advisers wherever possible is imperative; especially as they are already under resourced.

36. I understand that this will come with significant costs, however, as I made clear both in my 2015 report and here, there must be a specific person responsible for the progression of cases through the system. It is therefore a necessary cost to be funded properly to ensure cases progress effectively. The MoJ may wish to consider the cost benefit of a role such as this versus the costs of not having them, in the form of wasted court time. This could be something it considers through its ongoing evaluation of the Case Coordinator role in the Crown Court, which I come onto later in this chapter.

**Recommendation 99:** I recommend that His Majesty's Courts and Tribunals Service introduces Case Progression Officers, or the equivalent, with authorised officer powers to assist with management and progression of cases in the magistrates' court and have oversight of listing.

## Embedding the Principles of Transforming Summary Justice

37. It is essential that those engaged in case progression and case management receive ongoing and regular training. Such training is not merely desirable; it is critical to ensuring that the standards expected of the criminal justice system are consistently maintained. Court personnel (and the judiciary, to which I return to later in this chapter) must understand the importance of robust case management and be equipped with the necessary tools and knowledge to deliver it effectively.

38. The principles underpinning TSJ cannot be allowed to fade into a mere procedural aspiration; they must be embedded in daily practice. I have already highlighted issues with organisational knowledge and understanding of the CrimPR. Ensuring a strong base understanding of these rules can facilitate them being more accessible, understood and therefore complied with as a matter of routine.

39. Under the CrimPR, the court has an obligation to deal with cases efficiently and expeditiously and under Rule 3.2, it must actively manage the case. In practice, this requires magistrates, and the judiciary more generally, to be prepared for proactive involvement in the progression of cases.[78]

40. At present, the Judicial College provide materials for core training for all magistrates and chairmanship training for Presiding Justices which includes case management but is one-off training. Continuation training, available to all magistrates every four years and presiding justices every two years, supports their professional development, is locally arranged and delivered.

41. To improve understanding of TSJ principles for case management, I recommend that HMCTS enhance its case management training, not just for magistrates and legal advisers but for court staff more generally, especially considering significant staff turnover and the recommendation to reintroduce CPOs in the magistrates' court. I also recommend that the Law Society review its current training for solicitors so that all those involved in the court process, and required to follow TSJ principles, have the same level of understanding to ensure their application.

78 Ibid, r. 3.2.

**Recommendation 100:** I recommend that His Majesty's Courts and Tribunals Service and the Judicial College, as appropriate, place increased emphasis on case management principles in their training materials for magistrates, legal advisers and Case Progression Officers (if implemented), and professional bodies must do the same for their members.

42. There is merit in considering how judicial training in case management might also support a broader pool of decision-makers. Given the anticipated increase of workload in the magistrates' court, it has been suggested to me as part of this Review that experienced legal advisers might deal with case management without a Bench, including sitting on their own in NGAP courts.[79]

43. To sit effectively in NGAP courts, legal advisers would require additional legal powers such as the ability to deal with allocation and send either way cases to Crown Court.[80] I support extending the use of legal advisers to include them taking NGAP courts, but I am not persuaded that legal advisers should deal with some matters where the parties are not in agreement, such as cases where allocation is contested. These, and, of course, any case where a sentencing indication is requested, must be heard by a Bench even though this may mean moving the case to a different courtroom. This is similar to the approach already taken in relation to bail variations where the Rules give the legal adviser the power to vary conditional bail where the variation is not opposed (CrimPR 2.8(6)(b)). Deploying legal advisers in this manner is a proportionate and appropriate step to free up judicial time This work would be listed in the usual way, with hearings conducted in open court.

44. The CrimPR give authorised legal advisers significant case management powers, including the power to give, vary or revoke a direction for the conduct of proceedings. Increasing the opportunities to exercise those powers would free up magistrates to deal with other

79 I understand that the MoJ and HMCTS Legal Operations Team began work to expand legal adviser powers, but this was not taken forward.

80 As set out in the CrimPR, legal advisers can convict a defendant who has pleaded guilty (r. 2.8(8)(a)) and send indictable only matters to Crown Court (r. 2.8(5)(f)).

work, as well as expand the role of a legal adviser to support their career development – which I will discuss in more detail in Chapter 10 (The Judiciary and Legal Workforce).

45. In the interest of reducing work in the courtroom I have considered whether to recommend the commencement of section 6 of the Judicial Review and Courts Act 2022 which provides for written plea and allocation.[81] Given the need for robust case management and issues of compliance with the CrimPR outlined in this chapter, I have concluded that the potential negative impact on case management outweighs any benefit of reduced work in the courtroom and that commencement of the provision would not be sensible at this time.

**Recommendation 101:** I recommend that His Majesty's Courts and Tribunals Service deploys legal advisers to sit alone in Not Guilty Anticipated Plea Courts. Work should recommence urgently with the Ministry of Justice to review the powers required by a legal adviser to enable this and the Criminal Procedure Rules should be amended to provide legal advisers with all necessary powers, save only that contested allocation and bail decisions should continue to be handled by a bench.

## Case Progression from the Magistrates' Court

### The Better Case Management Form

46. All cases sent from the magistrates' court to the Crown Court – whether indictable-only offences or either-way offences found unsuitable for summary trial – require a formal sending decision. This part of the process is not without its challenges. As I have mentioned, the BCM guidance underpins proceedings in the Crown Court. It was designed to streamline criminal proceedings, foster early and sustained engagement between parties and ensure that cases are managed efficiently and proportionately. The principles of BCM are directed at reducing delay, minimising unnecessary hearings and encouraging the timely entry of guilty pleas, thereby improving outcomes for all participants in the criminal justice process.

81 Judicial Review and Courts Act 2022, s. 6 added s. 17ZA after s. 17 of the Magistrates' Courts Act 1980.

47. Despite these ambitions, the criminal courts have continued to face significant challenges in relation to this important step in the case progression, as outlined in Part I of this Review, and Chapter 2 (Context). Against this backdrop, the consistent and rigorous application of BCM and the CrimPR is not merely a matter of good practice but a necessity for the functioning of the system.

48. Procedurally, at the sending hearing in the magistrates' court, the court confirms that the Initial Details of the Prosecution Case has been served in full, and that it establishes clear ownership of the case by both prosecution and defence.[82] Engagement between prosecution and defence must be evidenced, including that there is an exchange of contact details, to support an effective hearing. The sending hearing also provides an opportunity, in trying to elicit a firm indication of plea, to ensure that the defendant is aware of the benefits of pleading guilty at this early stage in terms of their sentence length if convicted, and that the benefits diminish once the case progresses past this point. As I explained in Part I, guilty pleas are being entered later and later in the criminal court process. With greater delays, the likelihood of victims indicating that they no longer support a prosecution, witnesses dropping out or it no longer being in the public interest to pursue the case increases. This incentivises some defendants to avoid entering a guilty plea when they would otherwise have done, and this is leading to wasted court time and is contributing to the rising open caseload and delaying justice.

49. For indictable only offences, the indication of the plea must be recorded on the *Case sent to the Crown Court for Trial – case management questionnaire* (informally known as the BCM form).[83] The Crown Court use the indication of the plea to identify when to list and how long to allow for the case. If a not guilty plea is indicated, then the PTPH needs to allow time for effective case management, whereas if a guilty plea has been indicated, the judge then knows that it is likely to be a sentencing hearing and listing officers can prepare accordingly. The failure to provide such information has an impact on the ability to list cases appropriately.

82 Explored in detail in Chapter 5 (Disclosure).

83 Case sent to the Crown Court for trial (Criminal Procedure Rule Committee and MoJ, May 2020).

50. This is also true for either way offences where there has been a clear not guilty indication (or no indication), and the case will go to trial in the Crown Court. It is imperative that parties ensure the completion of the BCM form in full, not only to record plea indications but to ensure the transfer of information that sets out trial issues and areas of agreement. This includes highlighting interpreter needs, digital evidence, adjustments for mental ill-health, special measures and/or other reasonable adjustments. It must present these alongside a timetable with directions for case progression prior to the PTPH.

51. When completed in full, the BCM form is regarded as a valuable tool that enables early judicial oversight and informed decision-making ahead of the PTPH, something that I will come on to discuss later in this chapter.

52. Effective case management is central to the delivery of timely and fair justice. Yet, engagement with practitioners and court staff throughout this Review has revealed persistent shortcomings in the completion and use of the BCM form. Key case management questions are frequently left unaddressed before cases are sent to the Crown Court, and the BCM form is too often treated as a tick-box exercise – completed with insufficient detail, lacking thought and without accountability. This undermines its intended purpose and limits its value to the Crown Court, which relies on the form to inform an effective PTPH.

53. There needs to be greater accountability attached to the completion of this form, both in terms of whether it is completed at all and whether it contains sufficient detail. Later in this chapter, I discuss the use of digital tools to support such accountability and its importance cannot be underestimated as any new listing model (whether an AI tool or otherwise) will depend on the extent to which the form is accurate and comprehensive. In the circumstances, it would be unfair to implement such a requirement without ensuring all those responsible for completing this form are equipped with the skills to do so and fully understand its purpose. As I explore in detail in Chapter 10 (The Judiciary and Legal Workforce), there is already a conscious effort underway by the MoJ to consider the current content of magistrates' training, and this provides an opportunity to incorporate training on the BCM form into the training redesign.

54. For legal advisers, I have heard anecdotally that it would be beneficial to implement standard guidelines for completing BCM forms to ensure consistency and comprehensiveness. Therefore, I am recommending that legal adviser training is enhanced by HMCTS to support legal advisers in understanding and applying BCM principles.

55. I am confident that by taking this approach and targeting those with the greatest control and responsibility for the implementation and adherence to BCM principles in the court, it will lead to better standards being set and higher expectations for this part of the BCM process. Implementing these recommendations will strengthen procedural consistency and reinforce the BCM form as a foundation of early case management. There is merit in considering how judicial training in case management might also support a broader pool of decision-makers. I have recommended in the magistrates' court that legal advisers could be used to hear non-contentious NGAP cases without magistrates and, in the Crown Court, it would also be appropriate that some nominated Recorders take on PTPHs: all would need training.

**Recommendation 102:** I recommend that the Judicial College updates its magistrates' training programme to include effective completion of the Better Case Management form so that magistrates understand the consequences of non-compliance and improve the quality of completed forms.

**Recommendation 103:** I recommend that His Majesty's Courts and Tribunals Service adapts current training for legal advisers to include Better Case Management form completion as part of the legal adviser training to address non-compliance with completing the form and improve the standard of completion so that sufficient detail is included.

56. To address the particular challenge around engagement on the PTPH form from criminal legal aid lawyers, I am recommending that the BCM form should be updated to include a standard direction mandating that an advocates' meeting take place before the PTPH form is completed. This meeting, which could be conducted in person or remotely, would ensure that the form is completed and everyone is

ready for the hearing. The introduction of such meetings should not impact on judicial capacity, nor contribute to the average number of hearings per case and instead result in more efficient PTPHs.

57. In Chapter 10 (The Judiciary and Legal Workforce), I make recommendations focused on remuneration, encouraging early engagement of the legal professionals through legal aid fees. I raise the question of wider market reform and whether a different operating model could allow for payments to be staggered more incrementally to reflect different aspects of trial preparation, including payments made to advocates on the delivery of certain required documents, or on completion of an effective PTPH hearing. The system could, in the medium term, move to an automated process that triggers a payment on the successful completion of the BCM form, for example jointly signed by the defence and prosecution representative. I will come onto the wider fee system later in this Review as at present, the current Legal Aid Agency (LAA) payment processes would not facilitate this sort of model.

58. To encourage uptake of this new process and embed it as common practice, I recommend that the LAA amend its current payment schedules within the Advocates' Graduated Fee Scheme (AGFS) and the Litigators' Graduated Fee Scheme (LGFS) to state that attending a pre-PTPH advocates meeting qualifies for an early-engagement payment. In Chapter 10 (The Judiciary and Legal Workforce), I make further recommendations to encourage early engagement as I believe it is imperative to the smooth progression of cases and there should be more encouragement through fees for such activity.

59. In Part I, I recommended that the Lady Chief Justice should introduce a new Practice Direction that would invite judges to offer an advance indication of sentence at every PTPH.[84] Alternatively, the form should require defence representatives to indicate that their client has been advised of their ability to seek such an indication. Either way, this requires an update to the current BCM form, and this change should be reflected in the guidance. As part of updating this form to include such directions, the opportunity should be taken to update it and ensure it is fit for purpose.

84 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), p. 216.

60. Anecdotally, I understand that one issue with the BCM form is that it is not sufficiently comprehensive, and there is merit in including more directions to ensure that it records information that will support case progression. I understand that there is a need to enhance the follow-up procedures surrounding BCM forms as this would help ensure that they are completed and submitted on time. The form should be amended to include the addition of some standard directions (as is the practice in the Family Court), when the case is sent to the Crown Court, and the setting of dates by which directions should be compiled with. It would also be worthwhile to add fields for non-standard directions and compliance dates.

61. Should any changes be introduced, including the requirement to provide sentencing indications and the purposes of doing so, they should be factored into any training delivered to legal advisers and magistrates, as I recommend above.

**Recommendation 104:** I recommend that His Majesty's Courts and Tribunals Service updates the Better Case Management form to include, at a minimum: a) a standard direction for an advocates' meeting pre-Plea and Trial Preparation Hearing to ensure completion of the Plea and Trial Preparation Hearing form in readiness for the hearing; b) any request for an indication of sentence at the pre-Plea and Trial Preparation Hearing; c) dates and times for compliance with directions (including when key materials are to be served); and d) a tick box to signify an uncompleted form as a result of advocates that have been unable, or unwilling, to provide the information required of them.

**Recommendation 105:** I recommend that the Legal Aid Agency amends fee structures so that attendance by the advocate at the pre-Plea and Trial Preparation Hearing advocates meeting qualifies for an early-engagement payment, irrespective of when paid.

## Case Progression Tools

62. The responsibility for the content of the BCM form lies with the parties and the court, yet there is little incentive or mechanism to ensure its quality preparation at the magistrates' court stage. Engagement has highlighted that the value of the BCM form in later stages is

either unclear or underappreciated. It is both logical and necessary that this form be finalised at the magistrates' court sending hearing, where case ownership is established and directions are set as well as recorded. Without a comprehensive and complete BCM form, the Crown Court is hindered in its ability to list effective PTPHs, and the broader system suffers from avoidable inefficiencies.

63. To address this, I propose that HMCTS reviews the functionality of Common Platform in an effort to prevent the 'sharing' of cases (i.e. fully resulting the sending of the case to the Crown Court) until BCM forms are fully completed; and the use of an automation system to prevent approval ('finalisation') of forms that are partially completed. In practice, this will mean that a legal adviser will be unable to complete the resulting of the case, and subsequently progress the case within Common Platform, until the BCM form has been completed or a reason indicated on the form for why the advocate has not provided the information required of them. This will see the relevant information shared at the right time, with non-compliance escalated where necessary, and result in more effective PTPHs.

64. I believe that a technological solution is the way forward to improve case progression between the magistrates' and the Crown Courts. An automated system will be more efficient than manual monitoring of individuals or cases. Empowering legal advisers with user-friendly tools to support them in completing this form effectively will see shared responsibility between practitioners to complete the form as otherwise a case will not progress to the Crown Court. A system to monitor progression based on incentives or sanctions is not suitable in this instance as it is not solely the responsibility of the legal adviser to provide the information – prosecution and defence need to play their part. However, I would advise HMCTS to exercise due caution in relation to the implementation of such a tool and the risk of any unintended consequences on legal adviser capacity thereby causing bottlenecks within the system. However, my recommendations in Chapter 10 (The Judiciary and Legal Workforce) focused on a well-resourced legal adviser workforce should mitigate these concerns.

**Recommendation 106:** I recommend that His Majesty's Courts and Tribunals Service changes the technical function on Common Platform so that a case cannot be fully resulted at the magistrates' court and shared with the Crown Court until the Better Case Management form has been completed.

# Crown Court

## The Plea and Trial Preparation Hearing

65. The challenges facing the Crown Court are similar to those observed in the magistrates' court, and many stem from a lack of robust and active case management. This has contributed to inefficiencies, delays and a lack of continuity in oversight.

66. The PTPH was introduced as a cornerstone of BCM, designed to ensure that cases are properly prepared and that key decisions are made at the earliest opportunity. The PTPH tends to be the first appearance of the case at the Crown Court and as I set out in detail in Part I, Chapter 7 (Maximising Early Engagement in the Crown Court), the PTPH plays a critical role in establishing the plea at an early stage.[85] My focus in Part II shifts to the conduct of the PTPH itself, emphasising the need for it to be an effective hearing. In this chapter, I have already set out the necessity of efficient processes, accountability and the importance of communication between parties and this is no less important at the Crown Court.

67. The PTPH must be robustly conducted and well prepared for, following meaningful early engagement between parties, and my recommendation in Part I to delay the timing of the PTPH is intended to support such engagement.[86] The BCM Handbook sets out that Circuit Judges should preside over these hearings, with Recorders deployed only in exceptional cases and with prior authorisation by the Resident Judge. Judges must be afforded adequate time to prepare, and judicial case management must be active and purposeful – identifying pleas, setting directions, resolving issues and avoiding the attendance of unnecessary witnesses.

68. Arraignment[87] should proceed unless there is a valid reason to delay, as poor preparation undermines efficiency and has consequences on the progression of the case, and the wider system. The PTPH must be listed within 28 to 35 days of the magistrates' court sending hearing, and adjournments should be avoided where possible. Even where arraignment is deferred, the hearing must proceed to set directions.

85 Ibid, pp. 201–233.
86 Ibid, pp. 217–218.
87 The formal taking of a plea by the defendant to the charges alleged.

69. Systemic pressures, including reductions in legal aid, have led to a decline in the availability of advocates capable of acting decisively, building rapport with relevant parties, including the prosecution, and resolving issues early. The effectiveness of PTPHs (in terms of completion of the hearing with success in setting a clear and comprehensive plan for trial which avoids further delay and the need for additional hearings) varies as demonstrated in Case Study R. Furthermore, I have heard anecdotally that judicial, prosecutor and defence continuity is inconsistent, hearings often lack clear outcomes and high caseloads combined with limited resources further strain the system.

70. Representation is critical; listing should be flexible, within reason, to ensure instructed advocates can attend, with at least two days' notice, and engagement from all parties. Significant adjournments prior to PTPH for reports, such as medical reports or experts' reports, to be obtained should be refused, and cases should be listed for the PTPH to establish a clear timetable. Remote attendance by advocates is only acceptable where the CPS and defence have engaged, the defendant has been properly advised and all preparatory steps have been completed.[88]

71. I have already made recommendations to improve engagement ahead of the PTPH and, to support this process further, I would also encourage the revision of the PTPH form to ensure it is as simple and user-friendly as possible.

72. At present, the PTPH form is 16 pages and the time taken to complete it is disproportionate to the information it provides. The previous form used was less prescriptive and allowed for more free text but was still lengthy. I can understand the decision to change the form in its latest iteration to include guidance on how to complete it, including tick boxes for what may be required to ensure that certain steps are completed. However, the requirement to complete such a technical form may well be a factor inhibiting comprehensive completion, raising the question of whether it is fit for purpose without an advocates meeting to ensure it is fully and properly completed. As I set out in Part I of this Review, the PTPH is vital part of the process, so it is imperative that any supporting documents are accessible.

88 My proposed approach to the use of video for PTPHs is set out in Chapter 8 (Remote Participation).

73. The range of measures recommended (including clearer rules and guidance on BCM, more appropriate staged payments for preparation and a more focused and significant PTPH hearing) should in combination reduce the prospects of these late challenges by the defence, especially in combination with the recommendation on consideration for stricter obligations of pre-trial disclosure in Chapter 5 (Disclosure).

**Recommendation 107:** I recommend that the Criminal Procedure Rule Committee and Ministry of Justice revise and simplify the Plea and Trial Preparation Hearing form so that it is accessible and user-friendly.

**Case Study R: Ineffective PTPHs at the Crown Court**

As part of the Review, my team visited multiple Crown Courts in England and Wales to observe their day-to-day activity and to understand where the delays and inefficiencies in the process were coming from. It became clear early on that ineffective PTPHs were highly prevalent. This case study includes examples of different PTPHs my team observed within one court on one morning alone and why they ended up being ineffective:

1. **Inadequate instructions:** Defence received instruction on some charges but not all, so the case was adjourned to allow all charges to be dealt with together.

   In this case the defendant needed an interpreter and despite only having to translate a few sentences explaining that the hearing would take place on another day, the interpreter was still eligible to be paid their full fee.

2. **Prosecution attendance and video hearings:** Despite having been in contact with defence the day before, it appeared that prosecution counsel did not attend the hearing, and defence had not been able to contact prosecution counsel that morning. The judge found another prosecutor in the court centre to receive the instructions; however, it turned out that the initial prosecutor had attended via video link (on the Cloud Video Platform – CVP) and they had been waiting in the virtual lobby for ~20 minutes.

3. **Inadequate materials shared and defendants on bail:** CPS had not uploaded relevant material to the Digital Case System for the hearing to go ahead. The application for dismissal by defence was not granted. The defendant was on bail and had arrived at the court but by time dock officer had appeared to let him into the docks, the hearing of the matter had been resolved with defendant standing at the back of court waiting." should be "but by the time the dock officer had appeared to let him into the dock, the hearing of the matter had been resolved with the defendant standing at the back of the court waiting. The case was relisted for several months later.
4. **Poor communication:** CPS had been asked for more information in the case review and sought an adjournment, but that letter had not been uploaded to the correct part of the Digital Case System, so the Judge had not seen it and as a result, the case had remained on the list. For this PTPH, the prosecution, defence and interpreter were there in person, but the defendant was not present as they had been told the day before that the hearing was not going ahead. The Judge accepted that the defendant was not to blame, and the interpreter was still paid the fee despite not translating any conversation.

It is clear from these examples of ineffective PTPHs that they are failing as a result of solvable issues. Through this Review, I have tried to address these issues and provide solutions to support efficiency, including AI for translation, encouraging early engagement between prosecution and the defence, and improving judicial communication.

## Better Case Management Processes

74. BCM principles apply both to support the progression of a case from the magistrates' court to the Crown Court, and as a case moves through the Crown Court. So far, I have made recommendations related to the BCM form, which is the first part of this process, and I now discuss embedding the principles as they relate to case progression in the Crown Court.

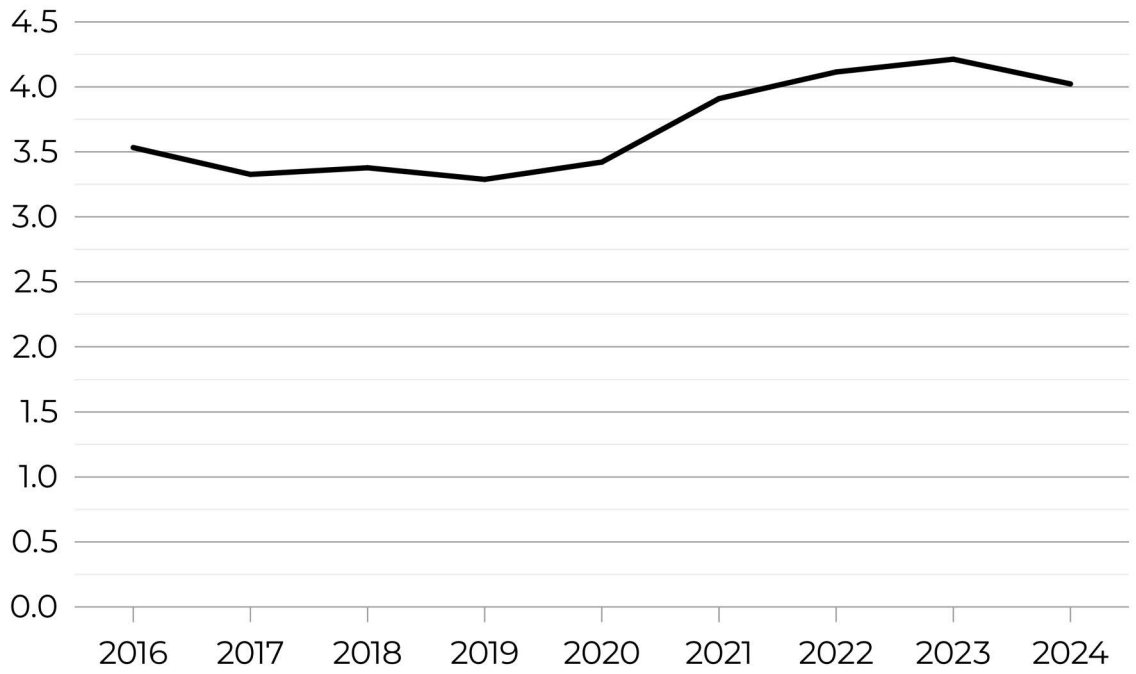
75. In September 2021, the then Lord Chief Justice, the Rt Hon Lord Burnett of Maldon, established the Crown Court Improvement Group (CCIG) to promote more effective working practices within the existing legal framework, as well as overseeing magistrates reform. The CCIG, chaired by the Senior Presiding Judge and comprising representatives from across the criminal justice system, now the Criminal Court Improvement Group, has sought to reinforce robust case management and strict adherence to BCM principles.

76. The production of the Better Case Management Revival Handbook has provided a valuable resource, but the extent to which its guidance has been embedded in day-to-day practice remains variable. I have heard anecdotally that Crown Court centres and areas follow BCM as far as possible, based on their resource and interpretation, and that there is sharing of best practice across regions. However, application and interpretation of the principles is inconsistent, and some poor practice has become embedded. The number of hearings per disposed case in the Crown Court has risen from 3.5 in 2016 to 4.0 in 2024, as I will set out later in this chapter, this is likely to be driven by the growth in observed growth in preliminary hearings.[89] This handbook complements the CrimPR through structured processes such as the PTPH and Certificates of Trial Readiness.

**Figure 7.4**

**The mean number of hearings per disposed case in the Crown Court**

England and Wales, 2016 to 2024




Source: Criminal court statistics quarterly, July to September 2025

89 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

77. Despite the clear articulation of BCM principles and the existence of detailed CrimPR, compliance in practice has been inconsistent and, in some areas, worryingly low. An early inspection by HMCPSI in 2016 found that in 23.6% of the 182 applicable cases they assessed, the PTPH form was not served in accordance with BCM timescales.[90] There was limited evidence of active engagement between parties prior to the PTPH, and the judiciary did not consistently challenge poor compliance. As a result, cases frequently required additional hearings to resolve issues that could – and should – have been addressed earlier, undermining the principle of getting it right first time. Whilst this inspection was conducted ten years ago, evidence-gathering during the course of this Review has led me to believe that the situation is still very much the same.

78. Each additional hearing consumes scarce judicial and practitioner time, increases costs and prolongs the uncertainty faced by victims, witnesses and defendants. For example, as detailed in Chapter 2 (Problem Diagnosis) of Part I, the average time from PTPH to trial listing increased from 384 days in May 2022 to 495 days in October 2024.[91] The overall rate of ineffective trials in the Crown Court has also risen, increasing from 15% to 25% between 2016 and 2024. In 2024, the lack of readiness of prosecution or defence made up 22% of ineffective trials, with other major reasons including availability of defendant (21%) and over-listing (23%).[92]

79. The underlying causes of poor compliance are multifaceted. From my engagement with those working in the system, problems can be attributed to a range of causes. For instance, the lack of understanding and awareness of case management requirements and BCM principles creates delays, training in BCM is not universally delivered or updated in response to amendments and there is also a lack of accountability: where non-compliance occurs, it is rarely challenged or sanctioned, leading to a culture of learned helplessness and acceptance of failure.

80. The impact of these challenges is felt throughout the system. Victims and witnesses may withdraw from proceedings due to repeated adjournments and poor communication.

---

90 Better Case Management: A Snapshot (HMCPSI, November 2016).

91 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), p. 38.

92 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

Defendants may spend extended periods on remand, with all the attendant personal and economic consequences. Public confidence in the fairness and effectiveness of the criminal justice system may be undermined.

81. As I set out earlier in this chapter, it is essential that those engaged in case progression and case management receive ongoing and regular refresher training. I made recommendations in relation to TSJ for the magistrates' court and, therefore, in relation to the Crown Court, I believe ongoing appropriate training on BCM is also essential. Such training will support a consistent understanding and application of case management principles across the system.

82. The responsibility to develop such training for the judiciary falls within the remit of the Judicial College and, therefore, I ask it to consider the current training offer and establish whether it should be updated to ensure best practice when it comes to case progression. Furthermore, the Inns of Court, the Circuits and the Bar Council should review their current training for criminal barristers (as should the Law Society for criminal solicitors) so that all those involved in the court process have the same level of understanding. Providing high-quality training, including refresher training whenever rules or processes change, supports a consistent understanding and application of case management principles across the system.

**Recommendation 108:** I recommend that the Judicial College reviews its current training offer on Better Case Management to ensure that all those judges sitting in crime are up to date on current practices, and professional bodies must do the same for their members.

## Case Progression Officers in the Crown Court

83. These issues reflect broader systemic challenges within the police, CPS and advocates, underscoring the need for a dedicated case progression function at the Crown Court stage. HMCTS's role in active case management and progression often arises as a response to failure demand elsewhere in the system. A renewed focus on structured case ownership, supported by adequately resourced and trained personnel, is essential to restore confidence in the system and ensure that justice is delivered efficiently and fairly.

84. At present, available HMCTS management information suggests CPOs do exist in the Crown Court, however there is a disparity in how they are distributed across England and Wales. Some CPOs are shared across courts, and several courts have none, particularly in the South West and North West.[93] Whilst there is no available quantitative evidence to assess the impacts of CPOs, it is worth noting that these two regions have seen more of an increase in their open caseload in the last few years (Q1 2022 to Q3 2025) with 68% and 43% respectively. The other regions' open caseloads collectively rose by 34% but due to the nature of the stretched court system, CPOs can often be deployed across different court proceedings, meaning they are not solely focused on case progression functions.[94]

85. As I discussed in relation to the magistrates' court, under CrimPR 3.4, CPOs provide continuity, accountability and structure in the monitoring and reporting of non-compliance with judicial directions outside the courtroom.[95] They ensure that cases are actively managed as they progress through the system and liaise with parties to ensure timely engagement and resolution of issues.

86. I am aware of a 'Case Coordinator' proof of concept being led by HMCTS which involves a ring-fenced role focused on case progression, similar to that of a CPO, but the role has been protected against being pulled into other tasks at the court.[96] For the purpose of this project, the 'Case Coordinators' have been given authorised powers, which they do not normally hold, to support the end-to-end stewardship of cases.[97] The outcome of this proof of concept has not been published yet but the challenges it seeks to address, of fragmented communication, inconsistent compliance and late-stage preparation, are well documented and symptomatic of broader systemic issues,

93 Source: HMCTS Unpublished Management Information.

94 Excluding those with unknown region. Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

95 The Criminal Procedure Rules (2025), r. 3.4.

96 CPOs have been referred to as 'Case Coordinators' for the purpose of the HMCTS proof of concept to distinguish between existing CPOs in the Crown Court who do not fall under this research. In the day-to-day running of the courts, the role of a CPO is not protected, and they are often pulled into other areas of work, so this proof of concept is exploring their efficiency when their roles are protected and their additional powers.

97 The judiciary delegated three powers to 'Case Coordinators' for the proof of concept. The key power is granting extensions (as long as an extension application does not impact on a hearing date), granting a live link and appointing an advocate to cross-examine where statutory powers require it.

including those originating within the police and CPS. I believe that a dedicated case progression function should be formally established within the Crown Court, mirroring the need already identified in the magistrates' court, to ensure that cases are actively and effectively managed throughout their lifecycle.

87. It is important to note that whilst these professionals are needed in both the magistrates' and Crown Courts, there are differing structures and powers within each jurisdiction that require tailored approaches in their implementation. This disparity warrants further exploration by HMCTS and the MoJ, in consultation with the judiciary.

88. Having a dedicated CPO aligns with the principles set out in the BCM Handbook, with a strong emphasis on early case engagement and trial preparedness and Case Study S demonstrates the value of such a function. By liaising directly with the CPS, defence representatives, and other relevant parties, CPOs can ensure that timetables are adhered to, judicial directions are followed and all parties are properly prepared for hearings and trials. The ambition for the role is clear: to reduce the number of ineffective and cracked trials, minimise wasted court time and improve the overall efficiency of the criminal justice process.

89. If implemented, a dedicated CPO role in the Crown Court should involve that official being tasked with embedding BCM principles, monitoring compliance and, wherever possible, actioning non-compliance with the relevant party without listing the case. Repeated instances of non-compliance must be reported to the judiciary. HMCTS should review its resource structure to support a ringfenced role focused solely on case ownership, progression and management. This will ensure that responsibility for case progression is clearly allocated.

90. I recognise that implementing this role across the magistrates' and Crown Courts has cost implications, but I believe the value that CPOs can add to the efficiency of court proceedings will result in time savings and benefits throughout the system. There will be no point in making changes to guidance, and training court staff and the judiciary on these processes, if not also accompanied by a targeted effort to support progressing cases swiftly through the system. I have acknowledged the fiscal climate, and the recently settled Spending Review, in how I have made recommendations throughout this

Review and therefore have not placed specific timeframes on the implementation of this recommendation. Instead, I simply encourage the government to take this forward as soon as possible.

**Case study S: The Value of Case Progression Meetings at the Crown Court**

On a visit to a busy Crown Court, my team shadowed a case progression meeting with a CPO. Ahead of this meeting, the CPO had pulled together a list of all upcoming cases that had been listed and this was reviewed, in detail, in partnership with the CPS and the listing officer on a Microsoft Teams call.

The CPO went through case-by-case to identify the current status and whether the correct steps had been taken to ensure readiness for hearings. The CPO kept a record of core information such as whether section 28 adaptations were needed, and if so whether they were in place, had witnesses been contacted, and whether the defence had served their case statement.

This short meeting was enough to highlight the invaluable role that CPOs play in ensuring case progression is as smooth as possible. In this court in particular, the Resident Judge was supportive of this system and valued the time and effort put into ensuring cases are trial ready.

The CPO shared that it takes them half a day every two weeks to pull together the information as it is not an automated process. This was an inefficient use of time – but it seems clear to me that they would benefit from a tool that pulled the relevant information automatically. Furthermore, it was clear that these meetings would benefit from engagement from defence colleagues to ensure everyone is suitably prepared for the hearing. However, I know it can be difficult to ensure attendance from defence representatives to review a week's listing as each case is likely to have a separate defence representative from a different firm (the position may be different if there was an effective national public defender service).

91. The observations in this Crown Court section support the rationale for the recommendations I am making in this chapter and demonstrate the added value of CPOs and case progression digital tools.

**Recommendation 109:** I recommend that His Majesty's Courts and Tribunals Service introduces dedicated Case Progression Officers (or equivalent) at Crown Court level, mirroring the approach suggested for the magistrates' court (see recommendation 99), of an appropriate grade and with the same powers across England and Wales.

## Judicial Case Management

92. As I seek to make improvements to this process, I am keen to make any advancement possible for ever better judicial case management. By this I refer to the role members of the judiciary play in the courtroom in the active oversight and control of court proceedings to ensure that proceedings are fair, efficient and proportionate.

93. Under case management principles, judges are expected to manage cases actively to minimise delay and unnecessary expense. The foundation for judicial case management was first established through the CrimPR 2005, under rule 3.2, 'the court must further the overriding objective by actively managing the case'.[98] This rule outlines the various aspects of what constitutes active case management. This rule still applies in the CrimPR 2025.

94. Further guidance is provided in the BCM Revival Handbook (2023) which also supports case management, stating that 'the judge should actively and robustly manage each and every case'.[99] It encourages the use of BCM principles such as 'early and continuous engagement together with consistent, robust judicial case management by the judiciary' leading to more effective and efficient case listings. This approach ensures that guilty pleas are dealt with promptly at the first hearing and helps reduce the number of hearings and length of trials by focusing on essential witnesses and decreasing the occurrence of ineffective trials.

95. From my engagement for this Review, I found there are differing approaches around the country to communication outside the courtroom, with some judges welcoming emails on administrative matters, such as permission for remote hearings,

98 The Criminal Procedure Rules (2025), r. 3.2.

99 Better Case Management Revival Handbook (Courts and Tribunals Judiciary, January 2023).

and some reproaching counsel even for sending them an email. Poor communication surrounding cases can add delays and concerns have been raised regarding missed emails as a result of technical issues with functional mailboxes and improper communication protocols with judges. Often, the way of contacting a judge via email is to use an account that is generic to the court centre. In many instances, that inbox is not regularly monitored so timely responses are not always guaranteed. This model is not fit for purpose.

96. I have seen effective approaches to administrative tasks being managed outside the courtroom, and I believe that this should be more commonplace. A greater number of tasks could efficiently be managed more efficiently by the judge through email correspondence (copied to all parties and to the court) or Microsoft Teams (which can be recorded); the critical feature is that all parties are involved. Such communications may take place either prior to scheduled hearings, following the conclusion of the working day or when judges have capacity in their diaries. I discuss the organisation of such calls below.

97. Whilst some feedback has been positive on handling such matters over email and I know that some judges already adopt this approach, I do appreciate concerns that there should be some structure surrounding such communication to ensure it is well managed. The ability to email a judge should not be seen as a direct line of communication to ask insignificant questions, but instead a way of sharing information ahead of a hearing to save time and move cases along where possible. Implementing such a mechanism has the potential to streamline workflow and prioritise cases that need to be heard and subsequently optimise courtroom time and enhance the management of judicial responsibilities.

98. The CrimPR 3.4 enables authorised officers in the Crown Court to: determine an application to extend a time limit set by a rule or by a judge; give a live link direction for the participation of a defendant in custody in a preliminary hearing; give a sentencing hearing or an enforcement hearing; and appoint an advocate to cross-examine witnesses.[100] The CPO is best placed to take on this responsibility and considering my recommendation for HMCTS to implement CPOs at both the magistrates' and Crown Courts, they could support the judiciary on administrative matters that could be dealt with

100 The Criminal Procedure Rules (2025), r. 3.2.

outside the courtroom. Giving CPOs these powers would remove the need for such matters to be referred to a judge, saving time and judicial resource.

99. I therefore recommend that, instead of using a generic 'Judge' inbox, all correspondence should be directed to a specific CPO inbox for each court, which should feed into an automation tool (similar to the service that HMCTS has built in Microsoft PowerApps) for sorting, triaging and routing. This system will also automate the extraction of key metadata (such as reference numbers) to support case progression and easy retrieval of all correspondence related to a case. CPOs would take responsibility for managing this correspondence as it relates to case progression.

100. The Criminal Practice Directions would require updating to incorporate regulation of this activity, and the utilisation of such a contact solution should be supported by guidance, developed by the Bar Council. This should set out what is deemed appropriate and the correct format for communication with CPOs as they relate to queries for the judges and should ensure that correspondence remains professional as well as clear and focused.

**Recommendation 110:** I recommend that His Majesty's Courts and Tribunals Service establishes a Case Progression Officer inbox (powered by an automation tool) for each court to enable them to deal with administrative matters outside the courtroom, via correspondence or meetings.

**Recommendation 111:** I recommend that the Senior Judiciary update the Criminal Practice Directions to provide guidance on email or other communication to judges via the Case Progression Officer and that the professional bodies provide consistent and clear guidance on the etiquette of writing emails to judges, outlining the appropriate approach to communication outside the courtroom, and safeguarding judicial respect and maintaining professionalism.

**Recommendation 112:** I recommend that His Majesty's Courts and Tribunals Service expands Case Progression Officer authorised officer powers to support them in case progression.

## Digital Case Management Tools

101. The recommendations in this Review should be taken as a package and not stand-alone proposals whereby some can be taken forward and others are forgone. This is particularly pertinent as I explore the efficiency of case progression. I have already made the argument for dedicated CPOs, but without a system to assist the progression and management of cases, their role will be ineffective as the CPO will not know the current status of cases and where to direct their efforts to ensure case readiness.

102. In the introduction of this chapter, I shared my concerns about the perceived culture in the criminal courts that professionals do not act with any urgency to complete what is required of them, a lack of general compliance culture and no way of ensuring accountability. In an effort to combat this, I believe that a digital solution to support CPOs in their roles will assist, and that this should include an accountability mechanism to drive a change in culture in the courts.

103. At present, case information has to be manually extracted from case management forms. This is a cumbersome process that leads to inefficient use of time as case information is not readily available, and the system is not intuitive enough to indicate the status of a case. The current system is also unable to collate contact details for both the prosecution and defence, and there is no way to track who is involved in a case.

104. The digital systems that exist in the magistrates' and Crown Courts differ quite significantly. In the magistrates' court, Common Platform acts as a metaphorical filing cabinet, diary and resulting system. On the other hand, in the Crown Court, the Digital Case System (DCS) simply holds information on the case; it does not support the progression of cases or schedule hearings. As a result, there is not a one-size-fits-all approach to updating systems to require the same activity.

105. Over 18 months, HMCTS worked with the support of His Honour Judge Edmunds KC to develop Common Platform so that it could act as an interactive digital case progression tool, that both defence and prosecution can access and update. My understanding is that initial work was completed but plans were revised due to concerns of the overall deliverability of the programme. HMCTS decided, therefore, to retain DCS for the Crown Court due its popularity and it is planning to enhance the system, so it works alongside Common Platform, and it is currently working well.

106. In light of this, I recommend that HMCTS design and implement an interactive case management and progression system in the magistrates' and Crown Courts to support effective and consistent case progression. This tool should be designed so that it can pull the key information from the BCM, PET and PTPH forms to report on who is required to undertake what activity and by when. This system should collect contact details and include a tool that would enable a CPO to create performance reports on how well directions are adhered to in their court and identify those who fail to comply.

107. This tool would support accountability by clearly identifying those who are not following directions and can be used to raise any repeated performance concerns with the judiciary. Senior court staff and the judiciary should make use of this reporting mechanism and feel empowered to escalate concerns to the LAA where the defence firms who repeatedly fail to comply are delivering criminal legal aid. There is existing reporting processes built into all legal aid contracts such that, if a firm delivering criminal legal aid is reported to be performing poorly, the LAA can investigate and consider appropriate action. The same mechanism can be used to collate and report on failures in CPS compliance to be made available for the relevant Senior Crown Prosecutor.

108. This recommendation addresses the challenges I have identified throughout this chapter concerning lack of communication between practitioners, a lack of accountability and delays in case progression. I made the argument that it is unfair to implement a new system, especially one that would hold participants to account, without adequate support and training to understand what is required of them. Therefore, I recommend that alongside the implementation of any digital system, HMCTS ensures robust training across the court estate to guarantee the effective use of a case progression tool.

**Recommendation 113:** I recommend that His Majesty's Courts and Tribunals Service develops and implements a digital interactive case progression tool for the magistrates' and Crown Courts, to support more effective and consistent case progression and ensure accountability for adherence to directions. Court staff should receive training to support the effective use of such a tool, and the Judicial College should ensure that the judiciary are also suitably trained on this.

## Approach post-PTPH

109. The PTPH was introduced as a cornerstone of BCM, designed to ensure that cases are properly prepared and that key decisions are made at the earliest opportunity. The BCM Revival Handbook (2023) sets out that Further Case Management Hearings (FCMHs) should only be listed where necessary – typically to take a change of plea or to give directions essential for an effective trial.[101] The intention is to reduce unnecessary hearings, encourage early engagement and ensure that trials proceed on the date listed.

110. Evidence cited in the Handbook supports the value of a targeted Further Case Management Hearing (FCMH) shortly after the Stage Two date, particularly where there is a risk of disengagement or delay.[102] Used judiciously, such hearings can reduce ad hoc listings and contribute to a reduction in ineffective trials. However, I am aware that practice varies significantly across regions, with some courts routinely listing multiple FCMHs as a matter of course, regardless of case complexity or compliance history.

111. Through engagement with practitioners and court staff, I have heard of instances where judges, concerned about poor compliance with directions, have adopted a practice of scheduling FCMHs at each stage of the case. While this reflects a commendable commitment to active case management, it also places a considerable burden on court resources. At the end of 2024, HMCTS management information suggests that the number of preliminary hearings in Crown Court peaked at just over 10,000 a week (see Figure 7.5 below).[103] Between 2021 and 2024, the increase in the number of preliminary hearings outstripped other types of hearings. In 2024, there were around 215,000 (80%) more preliminary hearings than in 2021.[104] Each additional hearing consumes valuable judicial time, requires the

101 Better Case Management Revival Handbook (Courts and Tribunals Judiciary, January 2023).

102 A Stage One date is the first engagement with the Crown Court, and the Stage Two date is c. 28 days before trial and is the deadline by which defence case statements and witness requirements are set out.

103 This includes mentions, further case management hearings, pre-trial reviews and other preliminary hearings. This includes disposed and non-disposed cases within the stated period.

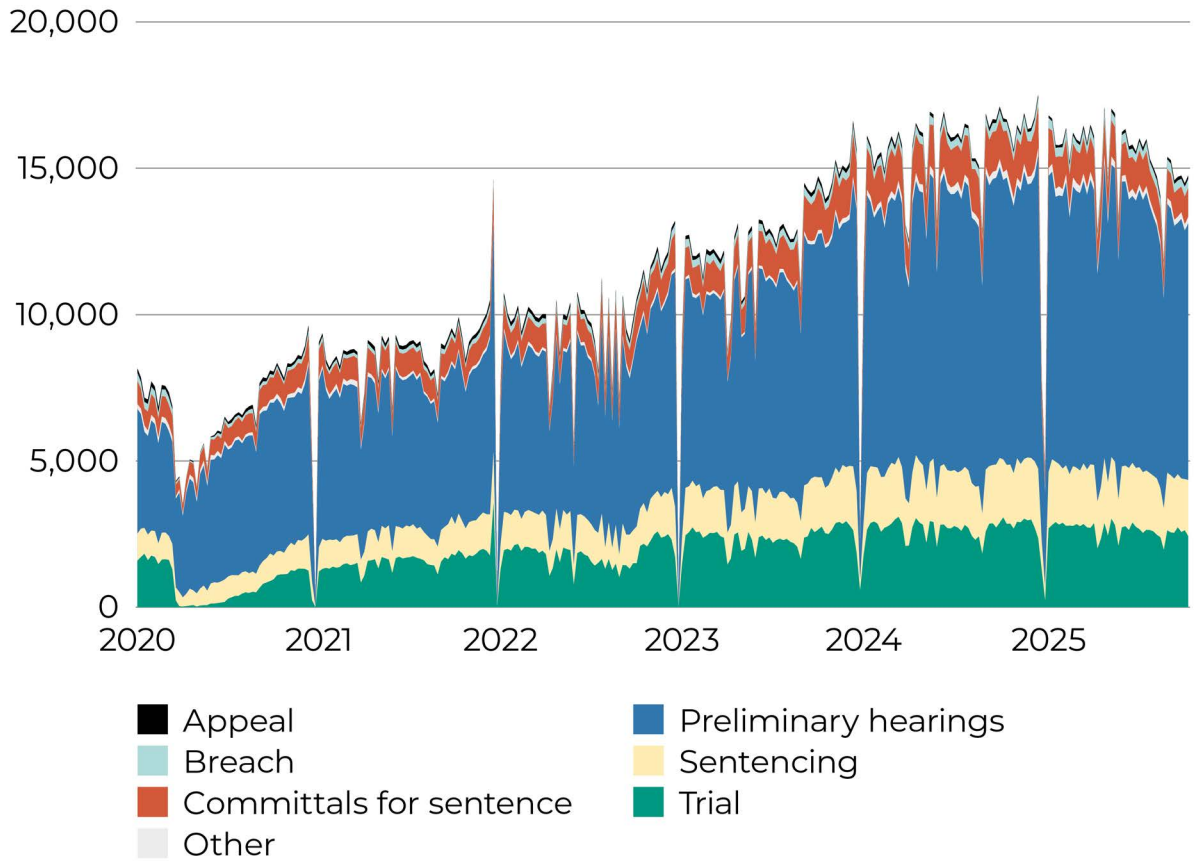
104 Source: HMCTS Unpublished Management Information. For comparison, appeal hearings fell by 7%, breach rose by 100%, committals for sentence rose by 71%, other hearings rose by 107%, sentencing rose by 88% and trial hearings rose by 70%.

attendance of parties and contributes to the growing number of hearings per disposal – particularly in cases where a not guilty plea has been entered.

**Figure 7.5**

**Number of hearings by type in the Crown Court, per week**

England and Wales, 2020 to 2025




The dips coincide with Christmas/New Year bank holidays when there are fewer hearings, with the smaller dips throughout the year also showing other bank holidays.

Source: HMCTS unpublished management information

112. As set out in Chapter 2 (Context), the number of hearings per disposal has increased in recent years. This trend is unsustainable. Where matters can be resolved through correspondence or remote engagement, there is a strong case for doing so. Judicial oversight remains essential, but it must be exercised proportionately and efficiently. I have heard consistently that many administrative and case progression tasks could be managed outside the courtroom, particularly by CPOs.

113. The challenge is not simply one of resource allocation. Each unnecessary hearing risks disengagement from victims and witnesses, increases costs and contributes to delay. It also undermines the principle of getting it right first time, which lies at the heart of BCM. A more streamlined approach, with hearings listed only when necessary and supported by robust out-of-court engagement, is essential to restoring efficiency and confidence in the system. Therefore, I urge HMCTS to endorse the BCM principles that trials should follow the pre-PTPH with Pre-Trial Reviews and any FCMHs should only be used when necessary and where matters cannot be resolved outside court via correspondence or meetings between parties.

114. As set out in Chapter 6 (Listing and Allocation of Workload), the judiciary holds responsibility for listing, and this judicial function is exercised by listing officers on behalf of the Resident Judge. I have been made aware that it is common practice for additional hearings to be listed solely as a way of ensuring relevant legal professionals adhere to directions and, in some instances, solely as a way of the defence advocate securing a meeting with their client. Whilst there is merit in these sorts of hearings to ensure accountability and support progression of particularly complex cases, it is not a sustainable model as it takes up precious judicial time, requires extra engagement from criminal lawyers that they are not paid for, adds to the average number of hearings per case and places further strain on PECS to repeatedly bring defendants to court.

115. I believe that routine use of PTPHs and FCMHs for these purposes should cease. Accountability of legal professionals for compliance with judicial orders and obligations in the CrimPR and Criminal Practice Directions and other relevant sources of law needs to be ensured in other ways. Throughout this chapter I have made recommendations to make the case progression processes more straightforward,

to ensure understanding of what is required under BCM principles and to encourage earlier engagement. I am confident that these will, naturally, lead to greater adherence to judicial directions and advocates' wider obligations in relation to case progression.

116. However, to secure this and change current practices and culture, I am recommending that the Criminal Practice Directions are updated to state that judges should guard against listing cases solely to ensure conferences or engagement with clients can take place, or to review adherence to directions, other than in exceptional circumstances.[105] In Chapter 9 (Hearing Processes), I explore the use of video that will support this recommendation. This change will further strengthen the message that compliance is critical to case management and provide clarity about when a hearing is needed, and for what reasons. It is critical to reduce the number of unnecessary short hearings that are taking place in the Crown Court across the country, and in doing so reduce the number of hearings per case.

**Recommendation 114:** I recommend that the Senior Judiciary update Criminal Practice Directions to prevent the routine listing of hearings solely to ensure engagement or adherence to directions.

## Certificate of Trial Readiness

117. The Certificate of Trial Readiness was introduced as part of a suite of reforms under the CrimPR and BCM to address persistent inefficiencies in the criminal courts, most notably the high incidence of ineffective trials and last-minute adjournments. As highlighted earlier in this chapter, over one fifth of ineffective trials are a consequence of lack of readiness of prosecution or defence.

118. The intention was to ensure that by the time a case is listed for trial, all necessary preparatory steps have been completed, and the parties are in a position to proceed, thereby maximising the effective use of scarce court resources and minimising disruption for defendants, victims and witnesses.

105 In this Review, I am encouraging increased use of video for those in custody to support more efficient case conferences and to allow lawyers to engage with clients, removing the need to physically present a defendant and creating delays in the system.

119. The Certificate of Trial Readiness is to be submitted when a case is evaluated as ready for trial to the best knowledge of the appointed advocate, while Pre-Trial Reviews typically listed three to five weeks before trial and conducted by the PTPH judge, support identification and resolution of any outstanding issues and to confirm trial readiness. Including Pre-Trial Reviews within PTPH orders is said to strengthen case progression and reduces ad hoc listings. Filing the Certificate of Trial Readiness 28 days before trial is mandatory for both prosecution and defence, even if no PTR is listed, and attendance by the defence advocate and defendant is generally required.

120. Under CrimPR 3.2[106] and as reinforced in the BCM Revival Handbook, the Certificate of Trial Readiness is to be completed and signed by the instructed trial advocate, who bears personal responsibility for confirming that all trial preparations are in order.[107] This includes compliance with directions, resolution of trial issues and confirmation that the case is ready to proceed on the scheduled date. The Certificate of Trial Readiness is intended to provide the court with assurance that the parties are prepared, and to support robust judicial case management.

121. Despite the clear procedural framework, I have heard anecdotally that the intended benefits of the Certificate of Trial Readiness are not being fully realised in practice. A recurring theme in my engagement has been the frequency with which instructed advocates are replaced in the period between the submission of the Certificate of Trial Readiness and the trial date. In many such cases, the newly appointed advocate asserts that the case is not ready to proceed, notwithstanding the prior submission of a Certificate of Trial Readiness confirming readiness. This often results in requests for additional preparation time, the avoidable vacation of the original trial date and a wasted listing.

122. The number of vacated trials in the Crown Court due to the prosecution or defence not being ready has been rising in recent years, from around 1,500 in 2020 to 2,500 in 2024.[108] However, the

106 The Criminal Procedure Rules (2025), r. 3.2.

107 Better Case Management Revival Handbook (Courts and Tribunals Judiciary, January 2023).

108 Source: HMCTS Unpublished Management Information. Note: Percentage excludes those vacated due to COVID-19. The proportion has remained stable except for a rise in 2022 due to the Bar industrial action.

total number of vacated trials in the Crown Court has also risen so the proportion of vacated trials due to identified readiness issues has remained stable at between 13% and 15%.[109]

123. The consequences of this practice are significant. Each vacated trial not only wastes valuable court time but also has a profound impact on victims and witnesses, many of whom may have arranged their lives around the expectation of giving evidence on a particular date. The resulting delays can erode confidence in the justice system, increase the risk of witness attrition and contribute to the growing open caseload in the Crown Court.

124. The reasons for frequent changes in instructed advocates are complex and multifaceted. They include the pressures of listing practices, the availability of counsel and the financial and organisational realities of the Criminal Bar. However, the absence of clear expectations for the handover process exacerbates the problem, allowing avoidable delays to persist.

125. To minimise disruption and ensure continuity, changes in trial advocate following submission of the Certificate of Trial Readiness should be avoided as far as possible. Where such changes are unavoidable, there should be a clear and mandatory handover process. Therefore, I recommend that advocates should be required promptly to review the case upon appointment and notify the court of any issues at the earliest opportunity. A trial should only be vacated following signature of the Certificate of Trial Readiness under exceptional circumstances, and that decision must be robustly managed by the judiciary. I believe that taking this approach will uphold the integrity of the trial timetable, reduce avoidable delay and reinforce the personal responsibility of advocates for the readiness of their cases. Although I will not include it within a Recommendation, it may also be appropriate for the judge to require the advocate who signed the Certificate of Trial Readiness to justify that conclusion.

109 Ibid.

**Recommendation 115:** I recommend that the Senior Judiciary update Criminal Practice Directions so that a newly appointed advocate on a case should be required promptly to review the case upon appointment and submit a formal notification to the court of any outstanding issues impacting trial readiness at the earliest opportunity.

126. Judicial oversight will always remain a core component of case progression. Case Study T highlights the work of Liverpool Crown Court in operating a judicially-led review procedure for cases listed to trial to determine if they can be resolved without a trial, or if a trial is needed, they corral the relevant practitioners via a Final Review Hearing (FRH) to ensure the case is as ready for trial as possible. This demonstrates the value of targeted and proactive case progression processes.

**Case Study T: Liverpool Crown Court Final Review Hearings**

In response to challenges with judicial involvement in case progression, Liverpool Crown Court has developed a judiciary-led review procedure for cases listed for trial. This culminates, where appropriate, in a Final Review Hearing (FRH). The procedure applies to all cases listed for trial, with the exception of rape and serious sexual offences, complex fraud, and cases involving a fatality.

The process begins with a desk-based review by a judge following receipt of the Certificate of Trial Readiness and prior to allocation to the fixed list (typically eight days before the trial week). The purpose of this review is two-fold: to identify cases that may be resolved without the need for a trial, and to ensure that any issues disclosed in the Certificate of Trial Readiness or evident from the case papers are addressed. Where the reviewing judge considers that a hearing is necessary, the case is listed for a FRH, which defendants and instructed trial advocates are required to attend.

Listing officers liaise with the CPS, defence representatives, and chambers to secure attendance. At the FRH, the court may give a Goodyear indication or consider any proposed basis of plea. Where resolution is not possible, the hearing is used to narrow or resolve outstanding trial issues, ensuring that the case is ready to proceed on the listed date.

Preliminary data from Liverpool indicates that, between October 2024 and October 2025, approximately 53% of the 684 cases reviewed were identified for FRH, and of these 51% were resolved prior to trial.* While these figures require further evaluation, they suggest that the FRH process is effective in reducing the number of ineffective trials and improving trial readiness.

* Source: Liverpool Crown Court operational data. Note: data relates to the period 07/10/2024 to 17/10/2025.

127. The Liverpool model aligns with BCM principles but offers a more efficient use of judicial time by reserving hearings for cases where they are genuinely required. It demonstrates that desk-based judicial oversight supported by proactive engagement from parties can deliver better outcomes without increasing the burden on the court. Furthermore, part of the success of this model derives from the determination of the Resident Judge to improve the efficacy of trials and the strong relationship with listing officers to enable them to work creatively. In Chapter 10 (The Judiciary and Legal Workforce), I discuss the value of ensuring Resident Judges are supported in their roles to oversee court processes and performance.

128. Should HMCTS implement my recommendation on CPOs in the Crown Court, those officers could take on the responsibility for determining whether a FRH is required and scheduling such a hearing in partnership with the listing officer. This would ensure that roles and responsibilities stay aligned with job descriptions, and that resource is not overstretched. CPOs could work with the responsible parties and require the Certificate of Trial Readiness be signed and made available to the court – this could also address challenges with changing advocates and determining court readiness.

129. This model offers a promising approach to improving trial readiness and reducing ineffective trials through targeted judicial intervention and I believe it is important to take learnings from examples of best practice. I therefore would recommend that the Judicial Office considers a national roll-out of this scheme, should the findings from the pilot remain positive.

**Recommendation 116:** I recommend that the Senior Judiciary roll-out the Final Review Hearings process nationally, as piloted by Liverpool Crown Court, subject to robust evaluation.

## Conclusion

130. This chapter highlights the issues with case management and case progression in both the magistrates' and Crown Courts. Poor case preparation and management are having a significant impact on the ability of the courts to operate as efficiently and effectively as possible. There are example case studies throughout this chapter demonstrating current levels of ineffectiveness in case preparation but also examples of where local areas are taking initiatives to address this and improve the process.

131. At the beginning of this chapter, I called for a redrafting of the CrimPR as I believe their complexity is inhibiting compliance, and that is having negative effects throughout the system. I make recommendations in relation to strengthening understanding, and adherence, to TSJ and BCM principles, which must be implemented if efficiency in the system as whole is to be addressed. However, the fundamental challenge with understanding the CrimPR and their proper application is at the core of the issues facing the system.

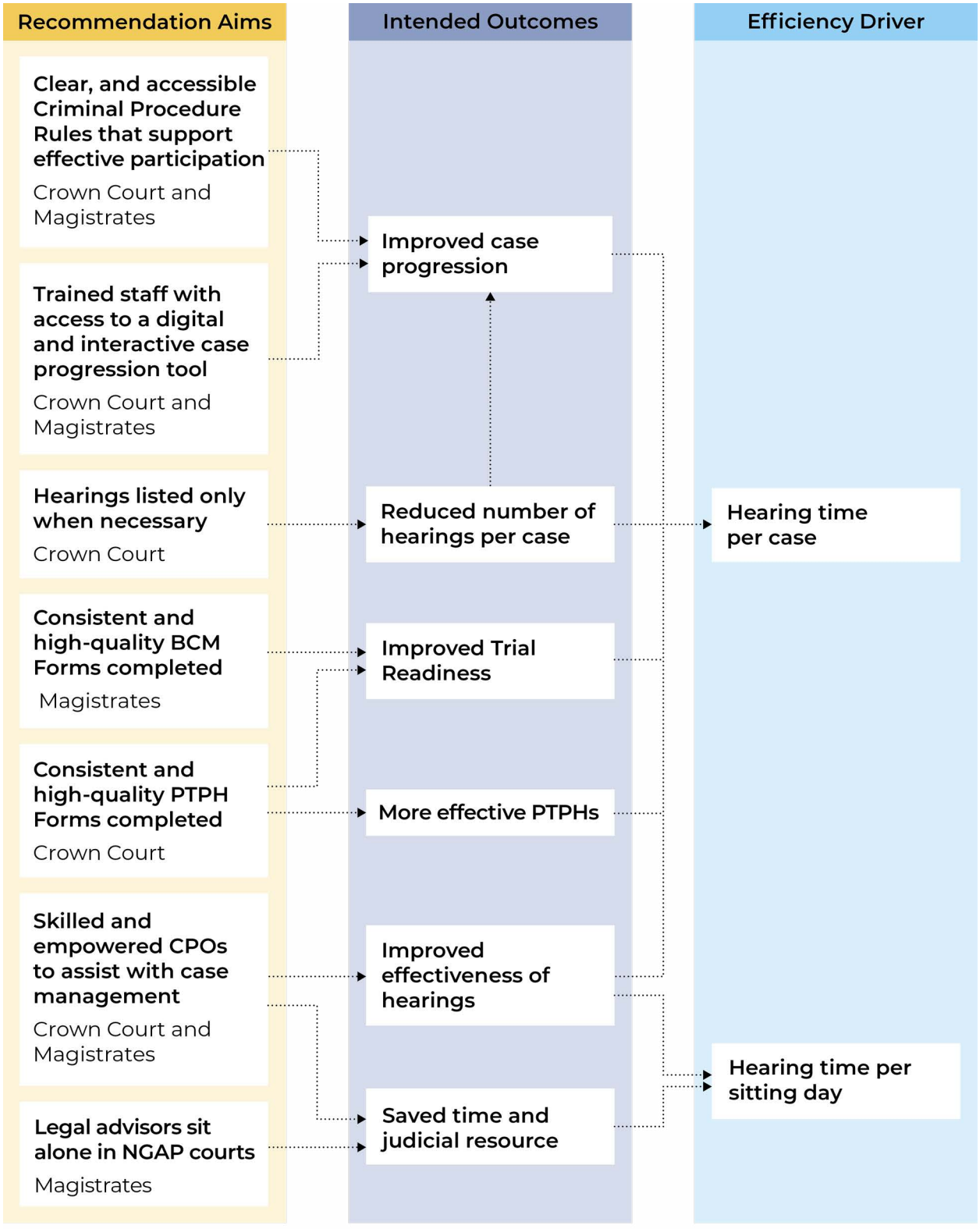
132. My recommendation to introduce CPOs in both magistrates' and Crown Courts will also support active case progression by taking responsibility for coordinating different professionals and ensuring cases are ready for trials. Their roles should be supported by digital solutions to automate processes, reduce administrative burden and ensure that steps are completed by the respective practitioners. The introduction of CPOs would also free up the time of legal advisers to enable them to concentrate on their role in supporting magistrates. To complement this, I have also made recommendations to increase the powers of legal advisers, better enabling them to sit in NGAP courts and support case progression.

133. There needs to be a targeted effort from all parties in engaging with case preparation, and I make recommendations aimed at ensuring the completion of the BCM form, meeting pre-PTPH and requirements to ensure readiness via the Certificate of Trial Readiness. To support uptake of these measures, I propose new Criminal Practice Directions.

134. Judicial case management is also important as the final element of improving preparation for hearing and ongoing case management. The judges play a key role in the progression of cases, especially with their responsibility for listing. Therefore, it is essential that they are focused on implementing BCM and TSJ principles for the respective courts in which they sit. I have recommended that they are supported with training on implementing these processes and that there are formalised processes in place to support communication with judges.

**Figure 7.6**

**Policy map visualising the intended aims of recommendations presented in Chapter 7**




Many of the recommendations in this chapter affect pre-court cross-system efficiency drivers, which are not included in this policy map

135. Figure 7.6 demonstrates in pictorial form how the recommendations are expected to influence outcomes across the system and effect the key efficiency metrics.

136. As I have mentioned in this chapter, the success of some of these recommendations, for example the introduction of CPOs, relies on other recommendations, such as an interactive case progression tool, being taken forward. The relationships between these recommendations are not shown here, but the likelihood of intended outcomes being realised without these recommendations being introduced alongside one another are unlikely. This diagram should be used as an illustrative framework to assess the potential impact of these recommendations noting that there are other factors that influence efficiency which cannot be captured here.

137. If successful, making changes to the CrimPR and ensuring that staff have an interactive case progression tool which they are appropriately trained on and empowered to use would help to improve case progression, saving time and judicial resource to help speed up the hearing time per case. Improving the quality of BCM and PTPH forms and ensuring that these are consistently used aims to improve trial readiness making hearings effective and thereby reducing hearing time per case. Finally, recommendations that aim to improve trial readiness and reduce the unnecessary listings of hearings are intended to reduce the number of ineffective trials and number of hearings per case, which should all contribute to reducing the hearing time per case.

# Chapter 8

## Remote Participation

# Chapter 8 – Remote Participation

## Introduction

1. The use of digital communications has evolved over the past decade into a mainstream means of communication across society. Video calling platforms have become integral to both personal and professional lives. This shift was dramatically accelerated by the COVID-19 pandemic which forced individuals, businesses and, indeed, the criminal justice system to adopt remote communication at an unprecedented level.[110] Since then, it has remained a vital tool, embedding digital interaction more deeply into our everyday routines and reshaping expectations of how people connect.

2. In my 2015 Report, I discussed the opportunities that advancements in video[111] and audio technology presented for the criminal courts.[112] I set out eight essential prerequisites that needed to be addressed to allow for an increased use of remote hearings. These were: high-quality equipment, digital recording and access, cases to be 'queued', involvement of advocates instructed for the substantive hearing, video facilities in prisons, showing exhibits, training, and retention of the gravitas of proceedings. Throughout this Review, I have been pleased to see that significant advancements have been made in many of these areas over the past decade, which I discuss in more detail below.

3. It is against this backdrop that I believe there are now clear opportunities for greater use of remote participation, in some types of hearing and for some participants, to drive up efficiency across the criminal justice process. In addition to the general principles that have

110 Zoom use grew from ten million daily meeting participants in December 2019, to over 300 million participants by April 2020. Source: The Zoom Revolution: 10 Eye-Popping Stats from Tech's New Superstar (Cloud Wars, June 2020). Other video conferencing platforms saw a similar increases in daily participants. Source: K.A. Karl, J.V. Peluchette and N. Aghakhani, Virtual Work Meetings During the COVID-19 Pandemic: The Good, Bad, and Ugly (2022) 53(3) Small Group Research 343.

111 Throughout this chapter I will refer to both remote participation and video. Video here is defined as the medium for conveying remote participants' movements and sound live during a hearing. It is not referring to pre-recorded material, except in the specific instance of ABE or section 28 pre-recorded evidence.

112 The Rt Hon. Sir Brian Leveson, Review of Efficiency in Criminal Proceedings (Judiciary of England and Wales, January 2015).

guided all my recommendations in this Review, I have considered an additional set of factors specifically in relation to expanding the use of video. First, I have made a distinction between trials and other hearings. Second, I have made a distinction between professional participants (barristers, solicitors, expert witnesses, police) and non-professional participants. Third, when considering defendants, I have considered distinctions based on whether they are on bail or remand.

4. I have also considered the difference between partially and fully remote hearings. I have defined partially remote hearings as those where some or all parties, except the judiciary, are able to appear remotely. In these cases, the judiciary would continue be present in a courtroom and members of the public wishing to observe proceedings could continue to attend court in person. In fully remote hearings, the judiciary would also appear remotely, be that from private chambers or another meeting room in the court building, with public observation of court proceedings achieved through remote observation.

5. As I set out, making greater use of this technology would reduce time lost in court including: from the delayed transport of defendants in custody to appear in person; by freeing up capacity in the legal sector and the police by reducing travel time for in person appearances which can be reinvested into vital work elsewhere; and freeing up courtrooms where hearings are fully remote which can be redirected to the hearings which are important to deliver in person.

6. In this chapter, I first set out how remote participation operates in the current system and discuss the opportunities and risks that this technology presents. I then recommend expanding remote participation for specific hearings (first hearings, preliminary hearings and sentencing), for both defendants on remand (in either police custody or prison) and professionals participating in the hearing. I also recommend that Single Justice Procedure (SJP) referrals could be conducted fully remotely. I recommend that it should remain the presumption that all other trials are conducted in person, save for the delivery of evidence by some witnesses and in particular that of police and other professional witnesses. Finally, I make recommendations across all criminal court proceedings in relation to interpreters' use

of video and continued investment in the infrastructure required to support remote participation and use of video for pre-recorded cross-examination.[113]

# The Current System and Challenges

## Legislation

7. Legislation has been in place since 2003 to allow video links to be used in criminal court proceedings. Section 51 of the Criminal Justice Act 2003 (as substituted by the Police, Crime, Sentencing and Courts Act 2022) enables courts to require or permit a person to take part in eligible criminal proceedings through a live link, including at preliminary hearings, trials (whether summary or on indictment), sentencing, appeals and other identified types of hearing.[114]

8. Remote observation of public hearings was first allowed by temporary provisions enacted by the Coronavirus Act 2020.[115] This applied only to fully video or fully audio hearings. These temporary provisions were repealed and replaced by a permanent regime with expanded powers provided by the Police, Crime, Sentencing and Courts Act 2022[116] supported by practice guidance from the then Lord Chief Justice.[117] This allows courts and tribunals to give directions to allow remote observation of in-person, hybrid and fully video or audio hearings.

9. Through all these legislative changes, the ultimate decision over whether a person's attendance should be in person or remote has been left to the judge hearing the case. To support with this decision-making, further national guidance was issued by the then

113 It has been suggested by some commentators that in the future HMCTS should consider using one of the popular commercial video calling platforms rather than its bespoke solution (Cloud Video Platform), notwithstanding the specialist requirements in the courts for security and recording. As set out in para. 96, I endorse the work which HMCTS is already doing to consider whether CVP can meet the future requirements of remote participation and to assess whether alternative options, including commercially available software, would represent value for money and provide better functionality for the criminal courts.

114 Criminal Justice Act 2003; Police, Crime, Sentencing and Courts Act 2022, S. 200.

115 Coronavirus Act 2020, s. 55.

116 Police, Crime, Sentencing and Courts Act 2022.

117 Open Justice – Remote Observation of Hearings: Practice Guidance (Judiciary of England and Wales, June 2022).

Lord Chief Justice in 2022.[118] In short, this set out that a person's attendance at court should be in person by default, but that video may be used for remote participation where it is in the interests of justice to do so. My recommendations in this chapter argue for a shift to remote participation by default in some circumstances, with in-person attendance only required in those specific circumstances when it is in the interests of justice.

## Use of Video in Courts

10. HMCTS recently set out in its remote participation approach an ambition to 'support people to access justice when they need it and improve how they do so'. As part of delivering this work, it has committed to 'continue to support, enable and deliver the provision for people to participate and observe in court and tribunal hearings remotely'.[119]

11. I acknowledge that there remains a proportion of the population who are digitally excluded, and for whom remote participation would be challenging. They include some of the most vulnerable and disadvantaged members of our society, including those over the age of 65 and lower-income households.[120] As with all my recommendations in this Review, my recommendations in relation to remote participation are guided by the principles of maximising participation and delivering fair proceedings that safeguard against disproportionate outcomes. To this end, the recommendations I make here relate either to defendants on remand in police custody or prison, where suitable hardware and support would be provided from trained staff, or to professionals working in the criminal justice system. The recommendations do not relate to defendants on bail, who would continue to attend court in person for all hearings, save with the leave of the court.[121]

---

118 Message from the Lord Chief Justice – Remote Attendance by Advocates in the Crown Court (Courts and Tribunals Judiciary, February 2022).

119 HMCTS Remote Participation Approach (HMCTS, May 2025).

120 The government's Digital Inclusion Action Plan states that 1.6 million people in the UK are currently living offline and around a quarter of the UK population have the lowest level of digital capability. Those who cannot use digital technologies are likely to have worse health outcomes and are over five times more likely to be unemployed. Source: Digital Inclusion Action Plan: First Steps (Department for Science, Innovation and Technology, February 2025).

121 In the event that a judge allows a defendant on bail to appear remotely, the defendant would need to have regard to the venue that they will appear from.

12. As far as criminal courts are concerned, significant investment has been made by HMCTS into the hardware required for remote participation in hearings in courtrooms. As it currently stands, 95% of all Crown Courts and 84% of all magistrates' courts are 'video enabled'; in other words, they have the equipment installed to allow people to participate in a hearing or trial by video link.[122] The quality of this equipment in the Crown Courts has been improved through the roll-out of the Digital Audio Video Evolution (DAVE) project since 2021. The project aims to replace outdated equipment that is at risk of failure and enhance the quality and reliability of remote hearings. It includes larger monitors, additional microphones and extra cameras to improve the quality of playback in the courtroom. To date, this equipment is in place across 123 courtrooms in the Crown Court.[123] A further 31 Crown Court courtrooms are scheduled for upgrades within the current financial year.[124] I note that progress has at times been hindered by working within the confines of listed court buildings.

13. Similarly, investment has been made in the software used to facilitate remote participation in hearings. Prison to Court Video Link (PCVL) was the original system introduced which provided a closed link between prisons and courts for a defendant on remand to attend remotely. However, this did not allow other parties, for example solicitors or barristers, to also attend via video link unless from another fixed video end point, therefore necessitating their attendance in person at court. This limitation, amongst other issues, was addressed by the introduction of Cloud Video Platform (CVP) in May 2020. Several updates have been made since its initial introduction. Alongside HMPPS investment in video capacity over this period, this has resulted in increased volumes of video links in each year since 2020. CVP allows participants to join from their own devices, providing much more flexibility on where they are when they do so.

122 There are 549 video-enabled courtrooms out of a total of 649 across magistrates' courts, and 495 video-enabled courtrooms out of a total of 519 across Crown Courts. As discussed in the Chapter 2 (Context), the magistrates' court workload is significantly different to the Crown Court workload due to the presence of SJP cases which are usually determined without the need for any of the parties to attend, and make up the majority of cases. Additionally, the magistrates' court hears civil and family cases. Some civil cases (e.g. applications for right of entry warrants) can be heard remotely, and in bulk. This means that more generally, the proportion of cases that we would expect to be heard remotely in the magistrates' court is different to the Crown Court. Source: Unpublished HMCTS operational data as of 17/11/2025.

123 Source: Unpublished HMCTS operational data as of 25/11/2025.

124 Ibid.

There is functionality for participants to leave the main hearing room to have a private conversation. However, rejoining the main hearing room often requires a video controller to readmit them manually – a clunky and often time-consuming process.

14. This investment has, without doubt, led to significant improvements in the technology used to facilitate remote participation. A report from the Bar Council on the move to remote participation across courts and tribunals reported that the operational functioning of remote hearings across all jurisdictions[125] had improved significantly since 2021 when 77% of barristers reported technical problems, and by 2023 this had reduced to 35%.[126] However, data in the 2023 Barrister's Working Lives Survey suggest challenges with technology in the criminal jurisdiction were more prevalent with 53.4% of criminal barristers having reported experiencing technical issues compared to the non-family and non-criminal jurisdictions with 22.4%.[127] Barristers working in practice areas other than crime and family were ten times more likely to report no technical issues in this 2023 survey further highlighting the variation in the reliability of technology for remote hearings across jurisdictions.[128] Additional engagement conducted for this Review has regularly highlighted ongoing issues in terms of both reliability of the technology and its limited functionality. I have heard that additional functionality to support instant messaging and more efficient private breakout room process (an annexed virtual room in which private discussion between legal representatives and their client can occur) would be pivotal in supporting communication between defendants and their legal representatives if remote participation was to be increased. Without this, there is a risk that any efficiency gains made from increased remote participation are lost through increased adjournments or delays when counsel have not been able to communicate either with each other or with their client ahead of the hearing. I will return to this point later in this chapter.

125 To note, this includes hearings in Civil Court, Crown Court, Family Court, magistrates' court and Tribunals.

126 Source: A lens on justice: The move to remote justice 2020-2024 (The Bar Council, May 2024), pp. 28–29.

127 Source: Barristers' Working Lives: 2023 survey of the Bar (Institute for Employment Studies, 2023).

128 Ibid.

15. There are challenges associated with understanding to what extent remote participation is currently used across the criminal courts. HMCTS has not collected any significant data on the use of video since February 2023, and while work is underway to improve the evidence base in this area, I have been limited by the data available.[129] For the purposes of this Review, I have therefore combined a range of data sources to understand the broad trends in use of video in court hearings as far is possible noting the limitations. These are primarily: unpublished HMPPS data on prison video links, unpublished HMCTS analysis on Crown Court remote participation and the 2024 Bar Council report for wider insight.

16. Remote participation in the courts has certainly increased since my 2015 Report, peaking during the COVID-19 pandemic.[130] In the criminal jurisdiction in particular, in January 2020, 10% of all Crown Court hearings involved remote participation. By May 2020, this had increased to 69%.[131] However, despite this rapid increase, since then its use reduced substantially.

17. The Bar Council reported that in 2023, 20% of Crown Court hearings and 16% of magistrates' court hearings involved some form of remote participation.[132] Similarly, HMCTS has undertaken some internal exploratory analysis using the daily lists produced by the Crown Court to determine the proportion of hearings that were expected to use some form of remote participation. It indicates no clear trend in the percentage of hearings conducted remotely for the Crown Court since 2023, with the remote hearing proportion estimations sitting between

129 HMCTS Remote Participation Approach (2025).

130 Source: HMCTS Remote Participation Approach (2025).

131 According to HMCTS monitoring information, the numbers of hearings mostly conducted each week via video technology (across all jurisdictions) increased from around than 1,000 at the end of March 2020 to around 11,000 by mid-May 2020 (at which point, 45% of hearings were mostly being heard through video and a further 40% mostly through audio). To note, this includes hearings in Civil Court, Crown Court, Family Court, magistrates' court and Tribunals. The data is based on manual collection. It is not fully completed and should be treated as an estimate. Sources: HMCTS weekly use of remote audio and video technologies May 2020 to May 2021 (HMCTS, June 2021); HMCTS Remote Participation Approach (2025).

132 Source: A lens on justice: The move to remote justice 2020-2024 (2024).

20% and 30% approximately on a monthly basis.[133] This analysis also shows the varied use of remote participation across different hearing types, with PTPH, case management and sentencing hearings being the most likely to be conducted remotely compared to trial, appeal and breach hearings in 2024.[134] Although I understand that the operational functioning of courts may have been different in the time period following the COVID-19 pandemic, I believe this data demonstrates that there is potential to increase remote participation across criminal courts in the future, bringing efficiency gains by reducing PECS transfer delays and freeing up courtrooms for hearings and trials which continue to be heard in person.

18. It is worth noting that remote participation in civil, family and tribunal jurisdictions is significantly higher than in criminal courts. Remote participation has become the default for many hearings. Since 2021, there has even been a fully remote 'region' for Employment Tribunals. In 2023, 57% of tribunals, 35% of family court hearings and 21% of civil court hearings were conducted with some remote participation.[135]

## Use of Video in Prisons

19. There has also been investment in video facilities across the prison estate which has made a substantial difference to the quality of remote participation for defendants on remand in custody. PCVL facilities have been in place in prisons since remote participation was first introduced. As previously discussed, these provided basic facilities for defendants on remand to attend court via video from their prison. Twenty-three reception prisons continue to operate the legacy PCVL facilities.[136] However, more recently, HMPPS has invested in Video Conferencing Centres (VCCs), which are designed to support

133 Referencing data from January 2023 to October 2025. This project analysed free text entered by court staff into published Crown Court daily lists to checked for the inclusion of words that indicated a hearing was either fully or partially remote. The words were: CVP, Phone, PCVL, V/L, Team, Skype. There are several notable limitations of the analysis: the unit counted is listed hearings, by day and case ID, therefore hearings that span multiple days will be counted separately on each day they are listed, and hearings with multiple case IDs will be counted once per case; the data represents the planned usage of remote technology which may differ to actual usage; and some cases may mention multiple remote hearings types (e.g. defendant via PCVL, prosecution via CVP), in such instances these are counted twice. Source: Unpublished internal HMCTS operational analysis.

134 Source: Unpublished internal HMCTS operational analysis.

135 Source: A lens on justice: The move to remote justice 2020-2024 (2024).

136 Source: Unpublished HMPPS operational data.

high-volume, high-quality remote participation from prisons to courts (as well as to other justice professionals such as legal representatives and probation). As of October 2025, there were 18 VCCs in operation in reception prisons with two further centres in construction. HMPPS has plans, subject to funding agreements linked to the Spending Review, to deliver a further nine VCCs by 2030.[137]

20. Further to this, HMPPS has introduced the 'Book a Video Link Service' (BVLS), a digital service which streamlines the process for courts and probation teams to self-book a video slot directly with prisons operating on the service. BVLS is designed to support both PCVLs and VCCs and provides an accurate search facility to identify in which prison a prisoner is being held. BVLS Courts is currently available in over 400 courts and 18 prisons, with all listing teams in criminal courts (and most other jurisdictions) having access.[138] Again, HMPPS has plans, subject to funding, to increase access to BVLS Courts by a minimum of four prisons each year through to 2029. BVLS aims to: drive operational efficiency by easing the administrative burden of booking video links on courts; reduce the barriers to securing video slots; and improve communication between prisons and courts. Through my engagement with listing officers as part of this Review, it is clear that it is having the desired impact. Listing officers were unanimously positive about the impact it has had and highly supportive of further roll-out.

21. Prison video calls are not only used to facilitate court appearances, although this is the single largest use of them. They are also used to facilitate legal visits, probation meetings, parole hearings and other official visits (for example, meetings with psychologists and police). Across all uses, there has been a general upward trend in the number of official video calls facilitated by prisons in recent years.[139] Looking specifically at video calls used for court hearings, from April to July 2025 there were over 76,000 court hearings facilitated via video call which was an around 8% increase compared to the April to July

137 Ibid.

138 'Book a Video Link Service Probation' is also currently available in nine prisons to over 50 probation teams. Source: Unpublished HMPPS management information as of 24/10/2025.

139 In the 2024/25 financial year there were around 440,000 official video calls facilitated by prisons, an increase of around 17% compared to 2023/24. Source: Unpublished HMPPS management information.

2024 period.[140] However, this usage is not spread evenly across each day with around 30% of all court hearings (via prison video linkage) initiated from 10.00 to 11.00 and around 20% from 14.00 to 15.00.[141]

## Use of Video for Professional Court Participants

22. In addition to remote participation by defendants on remand, video links are also used for others to participate in hearings remotely. This can include legal professionals for both the prosecution and defence. Again, there is some level of variation here largely due to judicial decision-making. This was discussed in the Bar Council report which highlighted the level of variation between court centres.[142] There are also examples of police or other professional witnesses attending trials via video, although this is currently in limited numbers.

## Regional Variation

23. Examining the data available from both HMCTS and HMPPS, it is clear there is significant regional variation across England and Wales for remote participation. HMPPS data highlights the regional variations, with defendants on remand at reception prisons attending between 40% to 77% across regions of eligible hearings via video.[143] Although there are regions towards the high end of this range, for the PECS supplier contracts, HMPPS has a national planning assumption of 60% of eligible hearings via video for all prison types which the vast majority of regions do not reach, causing additional journey volumes for PECS suppliers (in the April to July 2025 period, the overall national average was 52%).[144] Additionally, internal HMCTS operational analysis using Crown Court listing data also suggests variation across regions for Crown Court hearings in general.[145] Although there are

140 Source: Unpublished HMPPS management information.

141 Ibid (data from April 2025 to July 2025). Data represents prison video call volumes by hour segment between 08.00 and 18.00 (e.g. number of prison video calls held between 08.00 and 09.00).

142 Source: A lens on justice: The move to remote justice 2020-2024 (2024).

143 Figures represent the minimum and maximum regional values (within the April 2025 to July 2025 period). Eligible hearings defined by HMPPS as non-trial hearings (includes PTPH, Case Management, Appeals etc.). Source: internal HMPPS management information.

144 Eligible hearings defined by HMPPS as non-trial hearings (includes PTPH, Case Management, Appeals etc.). Source: internal HMPPS management information.

145 See footnote 132 for further information on this analysis. Source: Unpublished internal HMCTS operational analysis.

some limitations on capacity for video links depending on whether a region has more prisons with VCC or PCVL, this does not appear to align to the regional data on use of video for eligible hearings.

24. HMPPS is actively working with prisons and courts in these regions to identify and address the factors that are driving local preferences for in-person productions. In the North East, this has included setting up a joint HMPPS–HMCTS team to review and challenge prisoner production requests from courts in order to ensure remote participation is maximised (see Case Study U). This team demonstrates the positive impact that can come from closer working between HMCTS and HMPPS. Whether in this form or another, close working between these two criminal justice partners is vital to the success of the recommendations in this chapter.

**Case Study U: North East Prison to Court Video Link (PCVL) Team**

The North East PCVL team was established as a joint initiative between HMCTS and HMPPS in response to a national drive to improve the use of prison video links following my 2015 Report . The team is unique across England and Wales and works with HMCTS listing teams and HMPPS prisons across the North East and Yorkshire & Humber regions to optimise the use of video links for court hearings. They do so by building strong relationships with courts and prisons and challenging and coordinating the timing of hearings with the availability of video slots. They also challenge any production requests for defendants where there is not a clear reason that in-person attendance is required and convert many of these to video link.

The work of this team has had a significant positive impact on improving the use of prison video links in the region. In the four months from June 2025, they successfully challenged and converted (with Judicial agreement) over 460 in-person court productions to video hearings. This equates to approximately 116 production orders per month, or almost 1400 production orders per year being converted to video link.

Source: Unpublished HMPPS management information.

25. The decision on whether to allow remote participation in a hearing or trial is ultimately a judicial one. Through engagement conducted for this Review, I have heard about the wide range of views on remote participation within the judiciary and have no doubt this is a significant contributing factor to the regional variation seen.

26. Victim and witness campaigners have expressed support for a greater number of simple non-trial hearings to involve remote participation so as to expedite the court process. For example, in her submission to this Review, Claire Waxman (Independent Victims' Commissioner for London) called for 'transformative thinking' in this area, suggesting that remand cases and simple guilty plea hearings could be held remotely, with greater flexibility to hear cases in parts of the country where there is more capacity and to operate beyond traditional court sitting hours.

27. Having set out the extent to which the criminal courts currently make use of video for remote participation, I believe there are two factors that must be considered before increasing the use of video participation in the future. First, consideration must be given to the types of hearings at which it would be appropriate for remote attendance to take place. Second, consideration must be given to the question about participants for whom remote attendance would be appropriate.

## Risks and Opportunities of Greater Use of Remote Participation: Available Evidence

28. It is essential to consider any impacts of remote participation on the quality of justice and ensure any risks in this area are mitigated. This is a deeply important issue that links to the principles which I set out in Part I on fair decision-making and maximising participation. It must be stressed that the available evidence on this is limited; more evidence-gathering and evaluation must be an essential component of any package of recommendations.

29. It is also important to distinguish the likely impacts of remote participation from the perspective of different participants, including defendants, legal representatives and professional witnesses; the impacts for different types of hearing; and the benefits on the criminal courts as a whole, including potential courtroom capacity savings where fully remote hearings are appropriate. Set out below is evidence on each.

## Defendants

30. I turn first to the evidence on defendants participating remotely. As I have already stated, my considerations in this area relate only to those defendants in custody, be that in a police station or prison. I do not consider remote participation for defendants on bail to be appropriate, save with the exceptional leave of the court. The evidence I discuss here focusses in particular on defendants appearing remotely from police stations for the first hearing in the magistrates' court and from prison for non-trial hearings in the Crown Court.

31. Some of those I have engaged with in the course of the Review have expressed considerable concern about the impact of remote participation by defendants in the magistrates' court. For example, Transform Justice have highlighted concerns about remote participation having an impact on the ability of defendants to understand proceedings, engage effectively and the potential impact on case outcomes.[146]

32. Two academic studies also consider the first hearing in this context. A 2010 pilot evaluation commissioned by the MoJ considered defendants participating remotely from the police station, while all other participants appeared in-person in the magistrates' court.[147] This found a significant reduction in average time from charge to first hearing and savings to prisoner transportation and police cell costs. However, it also found the rate of guilty pleas and custodial sentences to be higher than in the traditional in-person hearing and identified negative impacts on defence–CPS engagement. A 2020 pilot evaluation commissioned by the Sussex Police and Crime Commissioner (PCC) drew similar conclusions, also examining the use of defendant video links at the first hearing.[148] In particular, it found: increased issues with defence–client engagement; defendants were more likely to self-represent; and there was an increased likelihood of defendants receiving a custodial sentence. Both studies found issues with the quality of available technology.

146 Transform Justice's response to the Independent Review of the Criminal Courts (Transform Justice, January 2025).

147 M. Terry, Dr S. Johnson and P. Thompson, Virtual Court pilot: Outcome evaluation (MoJ, December 2010). To note, this evaluation covered both defendants on bail and those remanded in police custody all appearing via video from the police station.

148 Professor N. Fielding et al., Video Enabled Justice Evaluation: Final Report (University of Surrey and Sussex Police and Crime Commissioner, May 2020).

33. The MoJ and HMCTS have also published two larger-scale studies evaluating the existing use of remote participation across the criminal courts, rather than piloting new approaches. In 2021, HMCTS published an evaluation of all remote participation during the COVID-19 pandemic, including all hearings in the criminal courts, civil and family courts and tribunals.[149] This reached mixed conclusions. It found benefits of remote participation for the legal profession (explored further below), however it also found that defendants reported communication with their legal representatives to be better through in-person hearings rather than remote proceedings.

34. In 2023, the MoJ published an evaluation of the impact of remote participation in hearings in the Crown Court specifically, examining data from January 2020 to March 2022.[150] This found no meaningful differences in the efficient running of the hearing itself (not accounting for wider system benefits, such as the impact on PECS). It also examined remote participation in plea hearings and found them to have no meaningful impact on case outcomes. It should be noted that this study is limited in that: first, it did not break down its findings according to which participants attended remotely; and, second, on case outcomes it only considered the impact of remote participation in plea hearings, rather than other hearing types.

35. Ongoing research by leading academics on the subject of remote participation (Jessica Jacobson and Gill Hunter) is considering similar issues. Emerging findings from this work suggest that defendants on remand often positively view appearing remotely in court, particularly in non-trial hearings. This is in part due to the poor experience they often have of PECS transportation, which can include long days and missed meals, uncomfortable transfers in the PECS vans and no guarantee that they will be returned to the same prison following a hearing (something which can be particularly disruptive to those defendants who have accessed jobs or education programmes in prison). The early findings of this work suggest that defendants can feel detached from proceedings when participating remotely, particularly where introductions of other parties have not been made clearly or they may be forced to remain on mute. However, they also note that there can be comparable barriers to effective participation

149 J. Clark, Evaluation of remote hearings during the COVID 19 pandemic (HMCTS, December 2021).

150 K. Briscoe, E. Rose and I. Pehkonen, The impact of remote hearings on the Crown Court (MoJ, 2023).

for defendants appearing in person, such as defendants in a secure dock behind a full height screen sometimes being physically far away from proceedings or having difficulty gaining the attention of their legal representative.[151]

36. The findings of these studies must be very carefully considered in forming any policy position, in particular when considering for which hearings remote participation by defendants on remand may or may not be appropriate. Any decision on this issue needs to be proportionate to the purpose of the type of hearing in question. I have therefore made a distinction between hearings in the Crown Court which involve decisions as to plea of guilty and those that do not. Other issues have been identified as relevant by the studies noted above. These have also featured in my thinking and my recommendations. They include matters such as the need for robust engagement between defendants and their legal representatives, which could be addressed through improved processes and technology as part of any future policy design.

37. In forming a holistic view, I strongly encourage the government to consider, in addition, the benefits of remote participation by defendants to PECS. I return to PECS in more detail in Chapter 9 (Hearing Processes). However, in summary, in my engagement throughout this Review, PECS delays have been one of the most frequently cited issues preventing the smooth running of the courts. Whilst many cross-system issues are driving this challenge, a fundamental issue is that of volume. PECS contracts were agreed in 2019 for a ten-year period. The number of defendant journeys has greatly increased beyond what HMPPS assumed for the PECS supplier contractual procurement in 2020, reflecting the wider theme from Part I of this Review of rising caseloads since 2019 and the impact of COVID-19.[152] Given a significant number of these journeys are for non-trial hearings, allowing remote participation for defendants could have a positive effect on reducing PECS volumes and improving their ability to deliver defendants on time where they are most needed. Gains are also likely to be made in relation to police to court journeys for first hearings, which I will return to in my recommendations.

151 With thanks to Jessica Jacobson and Gillian Hunter for their contributions to this Review.

152 Source: HMPPS unpublished operational management data. See section on PECS, Chapter 9 (Hearing Processes).

## Legal representatives

38. As I explore further in Chapter 10 (The Judicial and Legal Workforce), the criminal legal sector is operating at close to or above maximum capacity. Compared to the volumes seen prior to the COVID-19 pandemic, an increasing number of Crown Court ineffective trials are resulting from the defence or prosecution being unavailable.[153] The MoJ is also clear that legal sector capacity is an important limiting factor to scaling up the criminal courts by funding and delivering more sitting days in the Crown and magistrates' courts. I have heard frequent anecdotal examples of advocates travelling long distances to attend extremely short administrative hearings. As I will therefore set out in my recommendations, providing opportunities for advocates to participate remotely in short, simple hearings will remove their travel time, time which can be reinvested elsewhere, into vital case preparation work and supporting other hearings and trials with less disruption.

39. A 2024 report from the Bar Council found barristers to be broadly supportive of increasing use of remote participation. It includes survey results finding 49% of barristers to be in favour of greater use of remote hearings, with only 8% wanting less frequent usage. Those surveyed cited benefits including greater work–life balance for legal professionals and greater efficiency and flexibility of proceedings. However, respondents also expressed serious concerns about inconsistency in approach across the country. This an issue I respond to directly in my recommendations, by proposing a standard national approach.[154]

## Police and professional witnesses

40. As I have argued throughout Parts I and II of this Review, police officers have a critical role to play not only in preventing and detecting crime, but also in enabling a timely and effective criminal justice process. This is a role which they are now doing with higher and more complex

153 In 2019, around 70 Crown Court trials were recorded as ineffective due to the availability of the prosecution or defence (2% of all ineffective trials), compared to around 1,100 (15% of all ineffective trials) in 2024. Noting the exception of calendar year 2022 when availability of the defence was the most significant reason due to the Criminal Bar Association industrial action. Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025). See Annex E (Technical Annex) for further breakdown of reasons.

154 Source: A lens on justice: The move to remote justice 2020-2024 (2024).

caseloads and with fewer experienced officers than in the past. Through my recommendations elsewhere, I have placed demands on them to do even more in order to begin to solve this crisis, both in increasing use of out of court resolutions (OOCRs) and collaborating with other agencies to deliver high-quality case preparation. I recognise, therefore, that it is essential to 'free up' their capacity where it is less urgently needed, wherever possible.

41. Police officers and other professional witnesses, such as forensic experts, regularly give evidence at trial. While this evidence is sometimes crucial, the uncertainty of the court schedule can mean that in-person attendance leaves police officers and other professional witnesses spending much of their day needlessly waiting. Both anecdotally and from my own experience at the Bar and on the Bench, I have heard and know of frequent examples of officers rearranging several days of their regular duties only to give evidence for a very short amount of time or not be called to give evidence at all. One example shared with the Review team was of a police officer removed from a nightshift due to a need to attend a trial at court the following day. When the police officer arrived at court, they were told they were no longer required. A second example shared was of a police officer who was told at 16.30 the day before the trial, that the case had been moved to a different Crown Court in the region, over 100 miles away from the original court. The police officer applied to the court to attend via video link but this was declined. The following day, the police officer made the 100-mile journey only for the trial to be adjourned as the defendant had not been produced. These examples are not unusual. Even when trials do go ahead as expected, police officers are often waiting in court for the entire day, despite the fact they will often only be called into the courtroom for a short amount of time. I have also heard anecdotal examples of the officer in the case (OIC) unnecessarily being required to attend court to provide the prosecution with somebody to make enquiries relating to the case and ensure key evidence is present.

42. In my engagement with frontline staff, academic experts and organisations which campaign on justice related issues, I have received only positive feedback to the suggestion that most police officers (save for those very heavily involved in the evidence) should be able to participate remotely, notwithstanding the need for investment in appropriate hardware. By comparison to other areas where opinion and the evidence base is more divided, there is no suggestion that

remote participation in court by police officers and professional witnesses would diminish the quality of their evidence or effectiveness of their participation.

43. In his submission to the Review, Sir Mark Rowley (Commissioner of the Metropolitan Police) agreed that police officers giving evidence remotely would enable quick release of officers to operational duties but noted the need for significant additional investment to provide conferencing facilities which would allow officers to give evidence professionally and without interruption.[155] This is a point I return to in my recommendation on video infrastructure across the criminal courts, the police and HMPPS.

## Benefits of fully remote hearings

44. Where a hearing is held fully remotely, there will also be an additional benefit to the system of freeing up vital courtroom capacity. As explored in Chapter 2 (Context), whilst some Crown Courts have unused courtrooms, others are at maximum utilisation. I understand from my engagement that the MoJ and HMCTS have already developed plans in place to use almost all available spare capacity by 2029, as part of implementing their response to Part I of this Review. Any additional physical capacity which can be released by holding more hearings fully remotely will undoubtedly be of great benefit to overall court capacity, with courtrooms being redirected to use where they are needed most.

45. Fully remote hearings also increase the scope to maximise the use of available capacity from a wider geographical area. As is also explored in Chapter 2 (Context), whilst there is some 'spare' capacity across the criminal courts, it is not easy to make full use of this as the regions with the largest caseloads are often not those with available capacity. In Chapter 6 (Listing and Allocation of Workload), I made recommendations on greater 'regional flexibility', relocating cases from one Crown Court to another. Holding more preliminary hearings and sentencing, confiscation and other ancillary order hearings partially or fully remotely would further add to the potential for this flexibility with the possibility to deploy judges, lawyers and other staff flexibly from across a wider geographical area.

155 With thanks to Sir Mark Rowley for his submission to this Review.

46. As I explore in my recommendations, it will be critical that any fully remote hearings maintain the principles of open justice and do not diminish from clear and consistent oversight of case management. This notwithstanding, such flexibility could play a vital role in ensuring that all available capacity is used to its maximum effect, essential given the scale of the crisis.

### Factors to consider for greater use of remote participation

47. There are clearly a number of complex factors to consider before increasing remote participation in criminal courts. A balance has to be found which is dependent on hearing type, the needs of the defendant, the needs of victims and witnesses and judicial requirements to manage the case and maintain fairness. That being said, I do believe there is opportunity for more remote participation for some parties in some hearings to the benefit of greater efficiency across the criminal justice system. As I set out in the introduction to this chapter, in addition to the general principles that have guided all my recommendations in this Review, I have considered an additional set of factors specifically in relation to expanding remote participation.

48. Furthermore, it is imperative that safeguards are put in place to ensure remote participation does not prevent adherence to any of the principles that have guided my recommendations in this Review and that access to justice is maintained for all participants. Guidance already exists for those managing and joining a remote hearing.[156] In addition to this, all hearings should be recorded, the quality of the technology used must be assured and nothing should diminish the gravitas of the hearings. All participants should continue to follow etiquette as they would in the courtroom, including using official backgrounds and court dress.

## Recommendations

### First Hearings in the Magistrates' Court

49. Following the charging of a suspect, a decision is made by the police as to whether the defendant is to be remanded in police custody or released on bail. All defendants remanded in police custody then

156 HMCTS has published internal guidance for staff using CVP. External CVP users can access guidance as published on GOV.UK: Joining a criminal hearing on video as a professional; What to expect when joining a telephone or video hearing.

attend a 'first hearing' in the magistrates' court. This hearing provides the first opportunity for the defendant to enter a plea. If a not guilty or no plea is entered, the hearing is then used to decide whether the case should be tried in the magistrates' court or the Crown Court. After this 'allocation' decision, the court decides whether the defendant should be remanded in custody while the case progresses or released on bail. This is a critical hearing for the defendant who needs to decide how to plead. Engagement with legal professionals is imperative to enable defendants to make this decision.

50. Currently, the vast majority of these hearings are conducted in person. Defendants remanded in police custody are transported from the police station to magistrates' court by PECS to attend this hearing. This is a significant use of PECS resources. Approximately 31% of PECS journeys nationally involved police to court movements in 2024.[157] From November 2024 to October 2025, the PECS supplier for the North of England and Wales reported that approximately 62% of those defendants delivered from police stations to court were released from court (on bail or otherwise).[158] This demonstrates the scale of the demand placed on PECS for these movements. If first hearings were conducted partially remotely by default, this demand would be removed, leaving only a small number of defendants requiring onward transport from police stations to prison.

51. Of course, one contributing factor to the growth in demand for PECS movements at this stage in criminal proceedings is the decisions taken by the police on whether to grant bail or remand a defendant in police custody. This is an issue I discussed in Part I of this Review where I made recommendations to reduce the risk of unnecessarily risk-averse decisions being made in relation to granting bail.[159]

52. That said, where it is appropriate to remand a defendant in police custody, I believe there may be an opportunity to increase remote participation to support increased efficiency across the criminal justice system. It would be possible to adopt a position whereby first hearings at which defendants have been remanded in police custody are by default to be conducted partially remotely with the defendant, CPS and defence advocate all joining using video links. Defendants would

157 Source: HMPPS Unpublished Management Information.

158 Ibid.

159 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), p. 122.

join from the police station, therefore removing the need for PECS movements between police station and court, as well as reducing demand on court cell capacity. Legal professionals could choose to join from an appropriate location of their choice, reducing or removing the time taken to travel to court for such hearings. Given that the decisions made here may result in depriving the defendant of their liberty (i.e. remanding them in custody), I believe that the judiciary should continue to attend these hearings from a courtroom, allowing the public to continue to observe proceedings by attending the court in person.

53. There are, however, a number of challenges in moving to partially remote by default for these hearings and, as discussed above, limited evidence to understand the impact of remote participation in first hearings on both efficiency and quality of justice. I therefore recommend that a 'test, learn and cost' approach is taken in order to gather evidence on its impact before a decision is made on whether it can be rolled out nationally.[160]

54. Currently, the key blocker to remote participation in first hearings is how it impacts on the police, and therefore their reluctance to support it. Through engagement for this Review, I have heard numerous times from those working in the magistrates' court that they would be content to have defendants appearing via video link for first hearings but whenever it has been discussed with local police forces the idea is prevented from progressing. I have discussed this issue with several police forces and understand that this resistance is due primarily to the resource implications on the police. This includes the need for investment in the required hardware and facilities. I recognise that the police have not, to date, made similar investments to HMPPS and HMCTS in video technology and police stations do not typically have the equivalent of VCCs in prisons. The police will therefore need to make use of existing facilities as part of the 'test, learn and cost' approach, including use of police interview rooms and laptops, alongside significant investment being needed over time. I also recognise the impact of partially remote first hearings on police staffing, with resources diverted from frontline policing to

160 'Test, learn and cost' differs from a traditional pilot as it starts with a less fixed idea than a pilot of the solution to a problem and encourages more experimentation and adaptation on the ground. The 'cost' element is intended to carefully consider the impacts of possible solutions on different partners agencies and assess the investment needed for initiatives to be rolled out more widely.

supervise defendants at such hearings. One example was shared with me where defendants are now frequently attending first hearings via video due to challenges in securing PECS transfers and cell capacity at the local magistrates' court. As well as the general challenges discussed, specific issues raised from this example included difficulties communicating with the court, increased pressure on police cell capacity and difficulty planning due to the unpredictability of when a defendant would or would not be required to attend court in person.

55. However, there are benefits to the police from introducing partially remote first hearings. Currently, defendants who are ready for their first hearing but miss the PECS morning transfer to court are often held in police stations until the next day. Partially remote first hearings would allow these defendants to be accommodated more easily in that day's court list, avoiding the need for overnight detention. This benefits both the police, in terms of their resources and cell capacity, and many of the defendants, given the high proportion quoted above that are released directly from court following the first hearing.

56. I also note a concern, in relation to the quality of justice, with police officers supervising video hearings. There is a risk that defendants may see the police as part of the prosecution of their case and therefore feel pressured to act in a different way to that which they would in a courtroom at this important hearing where an indication of plea will be expected.

57. Each of these challenges will need to be addressed when configuring the 'test, learn and cost' approach. Given the expected reduction in demand on PECS by removing the need to move defendants from police stations to courts, PECS staff could instead be used to supervise defendants in custody at police stations prior to and during first hearings. PECS previously supported remote participation in hearings during the COVID-19 pandemic and current suppliers have assured me that with sufficient notice, resources and planning they could provide this service once more. Since then, the Police, Crime, Sentencing and Courts Act 2022 has provided the legislative change necessary to enable PECS officers to oversee remote first hearings in police stations.[161] This would not only address the challenge of police capacity but also remove the risk that a defendant may be adversely effected

161 Police, Crime, Sentencing and Courts Act 2022.

by the supervision of a police officer during this hearing by replacing that with a custodian of the same perceived neutrality as in a physical court appearance.

58. Consideration must also be given to the impact that partially remote first hearings could have on effective engagement between the defendant and legal professionals. Defendants would typically meet with a solicitor at the magistrates' court to discuss their case ahead of the first hearing. This solicitor would also be in frequent contact with their CPS counterpart to discuss the case prior to entering the courtroom. Both of these communication channels will need to be facilitated remotely. In relation to a defendant meeting their legal team, this is something which is already facilitated for defendants in prison prior to any hearing where a video link is established with their defence representative for a short consultation prior to the court hearing. A similar approach could be adopted in this circumstance. In relation to defence and CPS communication, this could be facilitated through an instant messaging functionality within the video hearing software, something which is currently not possible in CVP. Investment will be needed in the hardware required to facilitate video links from police stations. I return to this later in this chapter.

59. Finally, consideration will need to be given by the judiciary to the way in which partially remote first hearings are listed in order to make most efficient use of resources and minimise gaps between hearings. There are a number of options available which I suggest could be considered and tested as part of the pilot. First, 'block' listing of hearings, where a number of hearings are given a time window in which their case will be called on, and participants join an online waiting room at the beginning of the window until their case is called. This would allow courts to move quickly from one case to another and provide flexibility regarding the length of a hearing. However, it would create some delay for defendants and advocates who may be the last to be called on. Second, cases could be listed to alternate between partially remote and in-person hearings. This would remove gaps between partially remote hearings as video links are established. Third, cases could be listed to alternate between police stations where the defendant is being held. This would allow staff at the station to move defendants between hearings while the court moves to hear a case from another station, removing the gap between cases resulting from defendant movements. All these obvious logistical issues need to be worked out through the 'test, learn and cost' approach.

60. Overall, if these challenges are successfully addressed, it should be possible to test successfully partially remote first hearings by default. This would realise efficiency gains in relation to PECS, magistrates' court cell capacity and legal professionals.

**Recommendation 117:** I recommend that His Majesty's Courts and Tribunals Service and the judiciary should adopt a 'test, learn and cost' approach to enable first hearings in the magistrates' court to be conducted partially remotely by default for defendants appearing in custody. Evaluation of this should consider impacts on both the process and the quality of justice.

## Single Justice Procedure Referrals

61. As I discussed in Chapter 2 (Context), and irrespective of the recommendations in Part I or Part II of this Review, the SJP is now used to decide the majority of the total caseload across England and Wales. Most of these cases are decided by a magistrate, supported by a legal adviser, without prosecutor or defendant present. I do not suggest any changes are made to this process.

62. However, a small proportion of SJP cases have to be referred for a full court hearing. These include cases where a defendant has requested a hearing or has entered a not guilty plea, where the mitigation indicates a possible defence or where the defendant wishes to give evidence about why they should not be disqualified from driving. In 2024, of the around 831,000 SJP defendants, 2% (around 17,700) pleaded not guilty and were therefore referred for trial in the magistrates' court.[162] While there is no available data on the volumes referred to court for the other reasons outlined above, any such instances would add further to the number of cases in this group. I believe there may be an opportunity to hold these hearings fully remotely.

63. I therefore recommend that a proof of concept is conducted for fully remote SJP referral hearings. In this instance, unlike my other recommendations on remote participation for defendants, fully remote SJP referral hearings would include all defendants attending via video link, as well as other parties. This is already the practice for

162 Source: Criminal court statistics quarterly: January to March 2025 – GOV.UK (MoJ, June 2025).

civil and tribunal jurisdictions and so similar conduct expectations could be set. On the basis that all participants attend via video link, I do not think it necessary for the judiciary to hold these hearings in a courtroom. They should be able to use another appropriate room in the court building. Of course, public access to proceedings needs to be maintained, but this can be done by providing access to the room in which the judiciary are hearing the case. Consideration would also be needed to enable press access for any particularly high-profile cases, as is done in current processes. Significant additional capacity could be created in magistrates' courts as a result, allowing courtrooms to be used for other hearings and trials where a courtroom is required.

**Recommendation 118:** I recommend that His Majesty's Courts and Tribunals Service and the judiciary should conduct a proof of concept for fully remote Single Justice Procedure referral hearings, with appropriate provisions made to maintain public access and uphold the principle of open justice. Evaluation of the proof of concept should consider impacts on both system efficiency and quality of justice.

## Plea and Trial Preparation Hearing

64. When a case is sent to the Crown Court the first scheduled hearing at that court is the PTPH. This hearing is a case management hearing where the plea is formally entered and the judge sets directions for trial. I discussed the importance of this hearing and its role in securing a guilty plea early in the process from those defendants who intend do so at some stage in the process in Part I of this Review and again in Chapter 7 (Preparing for First Hearing and Ongoing Case Management) of this Review.[163] I set out the importance of CPS and defence engagement prior to the PTPH, defendants being properly advised by their representatives and all preparatory steps being completed. I reiterate here that all of the above must be complete before remote participation by advocates should be granted by the judge.

65. Currently, video is used to varying degrees to allow defendants on remand to participate in PTPHs remotely from prison. Views differ on whether remote participation impacts on whether a defendant who

163 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), Chapter 7: Maximising Early Engagement in the Crown Court.

is intent on pleading guilty will do so at this stage or will delay their guilty plea until later in the process. My view is that some cases may benefit from the defendant being present in the courtroom as an opportunity to ensure that the defendant appreciates fully their plea options. However, some PTPHs will clearly not lead to a guilty plea being entered and will be progressing to trial. In these cases, there may be little point in anyone physically attending court.

66. In either instance, the judge hearing the case is best placed to make this assessment. In Part I of this Review, I recommended a pilot scheme to test whether the PTPH should be delayed in order to ensure proper engagement between the parties prior to the hearing.[164] A delayed PTPH would also allow more preparation time for the judge hearing each case to make the assessment on remote participation. I therefore make no suggestion to change the current process in relation to remote participation at PTPHs. It should remain, as under current legislation, a presumption of in-person attendance with allowance for remote participation by either the defendant or other participants at the judges' discretion.

## Preliminary Hearings

67. Between first hearings and trial in the magistrates' court or PTPH and trial in the Crown Court, there is sometimes a need for additional hearings to be listed to deal with specific legal or procedural issues. As I discussed in Chapter 2 (Context), the number of preliminary hearings in Crown Court cases has increased in recent years and is contributing to inefficiency in the system.[165] They can include mentions, Further Case Management Hearings and Pre-Trial Reviews.[166] I have already discussed in Chapter 7 (Preparing for First Hearing and Ongoing Case Management) that some of these administrative matters should be removed from the courtroom altogether and managed via secure email. However, where

164 Ibid.

165 The average (mean) number of hearings per disposal for all cases has increased from 3.5 in 2016 to 4.0 in 2024. Over the same period, the average number of hearings increased from 3.9 to 4.9 for guilty plea cases and 5.7 to 7.9 for not guilty plea cases (cases culminating in a trial). Source: Criminal court statistics quarterly: July to September 2025 (2025).

166 As discussed in Chapter 6 (Listing and Allocation of Workload), there is currently a range of terminology used to describe different preliminary hearings. Standardising this terminology through the introduction of a National Listing Framework will allow for a clearer list to be created of all hearings which fit this category.

these matters continue to require a court hearing to be listed, I believe this is another opportunity, for those cases where a defendant is on remand or where their attendance is not required, to move to these hearings being partially remote by default, with the option for fully remote. Where a defendant is on bail and required to attend court, this should continue but advocates should be allowed to attend remotely if they wish, provided they have informed the court and other advocates in the case.

68. I note here that those I met during the course of this Review have highlighted that on occasion 'mentions' will be listed by the court in order to facilitate meetings between defence counsel and their client, when counsel have been unable to arrange a visit (in person or via video link) with the prison.[167] I have also been told of similar examples to facilitate meetings with Probation when compiling Pre-Sentence Reports. Although I understand the rationale for this approach, it is not an efficient use of court time, or of PECS resources, and should not be seen as the solution to this problem. The increase in prison video links which I have already discussed is going some way to addressing this by supporting more legal visits. I urge that this work continue with efforts made by all parties to facilitate these visits, in person or remotely, and avoid the need for court time or PECS resources to be used.

69. As with first hearings, partially remote preliminary hearings would see defendants on remand attending via video link from prison and legal professionals from an appropriate location of their choice. In this instance, it does not feel proportionate for the judge necessarily to continue to use a scarce courtroom to attend these hearings. As such, I recommend that the judiciary should be able to join remote hearings from their chambers or another appropriate meeting room in the court building, therefore making the hearings fully remote. This will be dependent on how these hearings are listed and may not be beneficial if lists contain a mix of remote and in-person hearings. However, it may create an opportunity for lists to be constructed with entirely remote hearings, allowing judges to hear these outside a courtroom, and the courtroom to be used for other in-person cases.

167 I was also conscious of this being the case when I was on the Bench.

70. Unlike first hearings, remote participation in preliminary hearings is already commonplace, albeit they are not currently conducted fully remotely. As such, little is required in terms of changes to hardware, software or other system adjustments to move to a partially or fully remote by default position. I reiterate here the importance of facilitating engagement between defence representatives and their client, as I did in relation to first hearings.

71. As I have discussed earlier in this chapter, there is significant regional and local variation in the current use of remote participation, largely due to differing views within the judiciary on its use. Moving to a partially remote by default position on preliminary hearings will go some way to addressing this variation. However, judges will retain the ability, in exceptional cases, to require in-person attendance.

72. I am acutely aware of the principle of open justice and maintaining public access to all criminal court proceedings. Removing preliminary hearings from a courtroom does mean there is a need to reconsider how open justice is administered. As I have already set out, legislation is in place to allow remote observation of any court hearings, with the permission of the judge. As with many of my recommendations in this chapter, I recommend that the default position is moved so that all parties can attend remotely. This should include observers where proceedings are fully remote, therefore removing the need for judicial approval of remote observation requests for each individual case. The judge would, of course, maintain the right to require any party, including observers, to attend in person.

73. Through engagement for this Review, I have heard that the current administrative process for providing remote observation links has significant limitations. It requires observers to email the relevant court; that is often only possible once final lists are published the day prior to the hearing. Given the tight timescales and how busy court staff are on a day-to-day basis, these emails are, in some instances, not picked up until after the hearing has concluded. It is clear from my engagement with the judiciary that this approach is challenging even for existing demand. To support the expansion of remote hearings, this process will need to be revised, with appropriate investment as needed, to ensure open justice can continue to be provided for all fully remote hearings. It has been suggested to me that a secure portal could be created where observers can access links to any fully remote hearings they wish to observe, removing the need for individuals to be

manually sent observation links. This poses a risk that observers will use another device to record their screens while the hearing is being conducted. This will therefore need care and will not be suitable for all cases. This is why I have limited the proposal for fully remote hearings and remote observation to preliminary hearings.

74. By moving to a position of 'partially remote by default' for preliminary hearings, there are efficiency gains to be made across the criminal justice system. First, it would reduce demand on PECS by removing the need to transport defendants from prison to court for what are often very short hearings. Second, it would reduce demand on the court estate capacity, particularly in terms of court cell capacity. This would allow these facilities to be prioritised for PTPHs and trials. It would also allow greater geographical flexibility. As I discussed in Chapter 6 (Listing and Allocation of Workload), this flexibility is required in order to make the most of the available resources nationally. In that chapter I discussed moving cases (with physical attendance) between courts. However, in this instance, increased use of video would allow for cases to be heard over far greater distances as no travel would be required. I believe it would be entirely appropriate for many preliminary hearings, such as breach hearings and production orders, to be heard by a judge in another court from that at which the case will come to trial, where there is capacity to do so.

75. Finally, there are efficiency gains for the legal profession. The Bar Council has shown their support for this recommendation, which reduces or removes the travel time for advocates to, from and often between courts for what are often very short hearings.[168] The Bar Council highlights how it would support greater flexibility and enhance work-life balance for barristers and would allow advocates to manage a number of cases being heard across multiple court centres on the same day more easily.

168 A lens on justice: The move to remote justice 2020-2024 (2024).

**Recommendation 119:** I recommend that all preliminary hearings other than the Plea and Trial Preparation Hearing (including mentions, Further Case Management Hearings and Pre-Trial Reviews) should be conducted in a partially remote format by default, with the ability for the judge to move to fully remote hearings if lists are constructed in a way that is suitable to do so. His Majesty's Courts and Tribunals Service and the judiciary should facilitate this and in doing so consider the open justice processes for supporting remote observation of these hearings, including consideration of a secure portal. The impact of this change should be monitored and evaluated.

## Trial

76. There is general consensus across criminal justice partners that trials, in both magistrates' court and Crown Court, should continue to be heard in person, with the defendant and advocates for both the prosecution and defence present in a courtroom. Research from Jacobson and Cooper shows that defendants can perceive themselves as being ostracised from their own trial when they are in an enclosed dock and have no full understanding of the process.[169] There is a real risk that would be exacerbated if the defendant was to appear remotely. A defendant in the dock in court has an immediate opportunity to participate and is central to the proceedings. In addition, there is the importance of the defendant's opportunity to 'confront', visually, those who are making the accusations of crime. There is also the important symbolic value of the defendant being in the court, that is true from the perspective of the defendant, the victims, witnesses and society more widely. In practical terms, further reasons given include enabling the jury to gauge the emotional reaction of the defendant to key evidence in deciding verdict and ensuring jurors, victims and witnesses are all participating from a space where they cannot be influenced by other parties.

169 J. Jacobson and P. Cooper, *Participation in Courts and Tribunals* (Bristol University Press, September 2020).

77. I wholeheartedly agree and do not make any recommendations to change the present presumption that trials will continue to be held primarily in person. However, I do believe there is one exception to this where it would be appropriate to use remote participation more widely than it is currently within a trial. That is in relation to the attendance of police or other professional witnesses.

**Recommendation 120:** I recommend that His Majesty's Courts and Tribunals Service and the judiciary should maintain the presumption that trials are conducted in person. However, they should enable police and professional witnesses to attend via video link by default. The trial judge should retain the power in every case to order in-person attendance, including where requested to do so by the defence.

78. I have already discussed the capacity challenges faced by the police and my efforts to reduce demand on their capacity where possible earlier in this chapter. Their attendance at trial presents an opportunity to do this. There is a clear opportunity here to give time back to the police by allowing them to attend trials remotely. Not only does this remove travel time to court and the potential that this time gets wasted if the case is adjourned, the time currently spent waiting in the court building, or that would be wasted if the trial was adjourned, can be used to complete administrative work. Once the officer has finished appearing in court remotely from their station, they can quickly be released back to operational duties. I note the concern expressed through submissions to this Review that police stations are not currently set up to support this and investment would be required to ensure officers could give evidence professionally and without interruption to themselves or the court.

79. The same opportunity should be afforded to other professional witnesses for many of the same reasons in relation to travel time savings and wasted time waiting in court buildings.

80. Current legislation already provides the trial judge in each case with the discretion to allow remote attendance by any witness. I recommend that this presumption is reversed for police and professional witnesses, moving to remote attendance as the default. However, the trial judge should retain the power in every case to order in-person attendance if they believe it necessary, including where requested to do so by the defence to support effective cross-examination.

## Sentencing, Confiscation and Other Ancillary Orders

81. Finally, I turn to remote participation in sentencing hearings, again for cases where the defendant is on remand in custody. There has been much discussion in recent years about the attendance of a defendant at their sentencing hearing. As I referenced previously, emerging research by Jacobson and Hunter suggests that many defendants may be content to attend their sentencing hearing remotely in order to avoid the need for PECS transfers.[170] There have, however, been campaigns by victims and their families for compulsory attendance of defendants at sentencing hearing.[171] They argue that defendants should be made to attend court for their sentencing hearing to give victims and their families every chance to witness justice being delivered. Changes to the law to introduce compulsory attendance are currently being considered by Parliament within the Victims and Courts Bill.[172] As it stands, this bill makes no distinction between attendance in person or via video link.

82. There is a difficult balance to be found when trying to meet the needs of all those participating in this hearing. I agree that it is important in certain circumstances that a defendant attend court in person for their sentencing hearing. However, I do not believe this needs to be the approach in all cases. As I have discussed with other uses of remote participation, there are significant efficiency gains to be made in terms of demand on PECS and pressure on court cells.

83. I consider that a proportionate response to this is to recommend that when a victim impact statement is due to be delivered as part of the sentencing hearing, the defendant should appear in person in the courtroom. It is important the inclusion of a victim impact statement is confirmed by the CPS well in advance so that the necessary arrangements for PECS transfers can be put in place and courts can plan their cell capacity accordingly. There may also be other circumstances in which the judge considers it appropriate for the defendant to appear in person, including where they intend to

170 With thanks to Jessica Jacobson and Gillian Hunter for their contributions to this Review.

171 This includes the 'Face the Family' campaign which was launched by Cheryl Korbel following the murder of her 9-year-old daughter Olivia Pratt-Korbel in August 2022, and the refusal of the convicted offender to attend court for his sentencing hearing. Face the Family – Points of Light.

172 Victims and Courts Bill (November 2025).

make sentencing remarks highlighting the impact on the victim. However, as a default, I do not think it is necessary for the defendant to appear in person, subject to a contrary order from the judge. In such circumstances, I recommend a presumption that remanded defendants will appear for sentencing via video link from prison.

84. Where remote participation by the defendant takes place, this is another instance where regional flexibility could be utilised to make the most of available resources nationally. I see no reason why a sentencing hearing could not be heard by a judge in any Crown Court after submission of a guilty plea. Similarly, confiscation and other ancillary order hearings also present an opportunity for remote participation and regional flexibility.

**Recommendation 121:** I recommend that His Majesty's Courts and Tribunals Service and the judiciary should only require remanded defendants to appear in-person for sentencing hearings if a victim impact statement will be delivered in court. The Crown Prosecution Service should confirm whether this will take place ahead of time. Otherwise, it should be the presumption that defendants on remand will appear via prison video link, subject to a contrary order by the judge. In addition, I recommend that confiscation and other ancillary order hearings should be conducted partially remotely by default.

## Crown Court Sitting-Day Hours

85. The recommendations I have made throughout this Review in relation to Crown Court structure and increased use of remote participation present an opportunity to consider the working hours of the Crown Court. Traditionally and as set out in detail in Chapter 2 (Context), the Crown Court sits for two, 2.5-hour sessions (five hours) each day, usually starting between 10.00 and 10.30 and ending between 16.00 and 16.30. Of course, the court staff and judges are working outside these hours. I acknowledge in particular that a lot of other preparatory and administrative judicial work takes place outside these hours.

86. Even with the reforms I am recommending, I anticipate that jury trial times will need to continue to be limited generally to 10.30–16.30 window due to constraints with PECS transport of defendants on

remand, time for defence advocate–client conference and jury arrival times.[173] However, there are opportunities elsewhere for greater flexibility in the working hours of the Crown Court.

87. First, should legislation be passed allowing the creation of the Crown Court Bench Division (CCBD, described by the Deputy Prime Minister as 'Swift Courts'), as I recommended in Part I of this Review, there is an opportunity to consider the sitting hours of this Division.[174] A significant proportion of cases heard by the CCBD are likely to have defendants on bail rather than remand, therefore, start times do not need to allow for PECS transfers. There would also be no need to consider time for a jury's arrival. As such, it may be possible to make much greater use of the normal working day hours with CCBD trials capable of being heard earlier than the usual 10.30 start time and/or concluding after the usual 16.30 finish time. Equally, there is the opportunity to be more flexible to take account of other professional commitments.

**Recommendation 122:** I recommend that His Majesty's Courts and Tribunals Service and the judiciary consider expanding Crown Court sitting day hours for the Crown Court Bench Division and model the impact this could have.

88. Second, I have already made suggestions in Chapter 6 (Listing and Allocation of Workload) on how administrative hearings could be listed on Monday morning or Friday to reduce disruption to trials. Similarly, I have discussed earlier in this chapter how lists could be constructed with entirely remote preliminary hearings allowing judges to hear these cases outside a courtroom. In addition to these suggestions, if the government accepts my recommendations to expand the use of remote participation for non-trial hearings there is an opportunity to consider listing these earlier in the day than the current sessions, given that defendants and advocates would no longer be required to travel to court. This could allow a number

173 There have been a number of pilots conducted previously trialling alternative court sitting hours, including double-shift sitting courts and other extended hours. None of these have been successful, with numerous issues highlighted, particularly the impact and additional resource required from across criminal justice partners. Court Double Shift Sittings: Evaluation Report (London Criminal Justice Partnership, March 2011); N. Rahim et al., Process evaluation of the flexible criminal justice system pilots (NatCen Social Research and MoJ, 2013).

174 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025).

of short hearings to be listed prior to the trials commencing later in the morning at the usual 10.30 start. This would reduce disruption to trial proceedings allowing advocates to attend who would otherwise be engaged in trials. With more hours available in a sitting day, the productive hearing time within this (hearing time per sitting day) should also increase.

## Remote Participation Data

89. As I have already discussed, HMCTS has not collected any significant data on remote participation since February 2023. As such, it is impossible to understand with any certainty the extent of its use as a whole, let alone across different hearing types and for different participants. Collecting this data is vital to monitor the continued expansion of remote participation across the criminal courts and properly understand the impacts. I therefore recommend that HMCTS recommences collecting this data as soon as possible.

**Recommendation 123:** I recommend that His Majesty's Courts and Tribunals Service collects and publishes data on the use of video across all court hearings and trials.

## Interpreting

90. I will discuss the challenges of interpreter availability and more general recommendations to address this in detail in Chapter 9 (Hearing Processes). However, in summary, there are significant challenges with booking interpreters which is leading to delays or adjournments of hearings. It has been brought to my attention that this is a particular problem when requiring a 'rare language' interpreter where numbers are very low and can often require significant travel from the interpreter to attend courts across the country.[175]

175 Rare languages are defined as 'a language with no available Diploma in Public Service Interpreting (DPSI) qualification'. There are 152 rare languages. Independent Technical Review of Qualifications and Experience Requirements for the Provision of Spoken Language Interpreting (HMCTS and MoJ, March 2025).

91. Through engagement for this Review, I have been made aware of a previous pilot begun by HMCTS to deliver simultaneous interpreting remotely via CVP for defendants on remand.[176] This was carried out by interpreters attending the court hearing or trial via video link and providing interpretation directly to the defendant who was also appearing via video link. The objectives of this pilot were: to assess feasibility of delivering simultaneous interpreting via CVP for legal proceedings; to evaluate the practicality of conducting interpreting while the defendant is in custody; and to assess the quality of simultaneous interpreting. The pilot got as far as a single in-court simulation exercise, from which an initial evaluation was completed. A number of recommendations were made to improve the process and technology further as the pilot developed.

92. The pilot was put on hold due to HMCTS capacity constraints, in part due to workload created by the House of Lords 'Interpreting and translation services in the courts' inquiry.[177] However, I understand there is a strong desire from those involved in the pilot for it to resume when possible.

93. I therefore want to endorse the reintroduction of this pilot. Although it can be used for all languages, it has particular advantages for defendants from an ethnically diverse background who require rare language interpretation to access a fair trial. By allowing attendance of an interpreter via video, interpreters can be located across the country and not be required to travel to a particular court centre. As a result, it widens the pool of interpreters available to be booked by any court. The use of remote participation will also allow more flexible scheduling of hearings requiring interpreters, enabling courts to proceed with cases more promptly, reduce adjournments and minimise wasted resources.

**Recommendation 124:** I recommend that His Majesty's Courts and Tribunals Service and the judiciary should reintroduce their pilot of 'Simultaneous Interpreting via Cloud Video Platform for Defendants on Remand'.

176 In simultaneous interpreting, interpreting takes place at the same time as a spoken communication is heard, producing the interpreted message while the original speaker continues to talk with a time lag of a number of seconds. Chartered Institute of Linguists: Glossary of Terms.

177 Interpreting and translation services in the courts (UK Parliament).

## Infrastructure Investment

94. There is a clear need for continued investment in technology to support the increased use of remote participation which would be the result of these recommendations. As I discussed in Chapter 1 (Introduction), I am aware this will require significant financial investment.

95. First, continued investment is required by HMCTS into the hardware to support remote participation. As I have already discussed, the roll-out of DAVE to date has resulted in substantial welcome progress in this area across the criminal court estate. This must continue to support greater use of video and ensure the highest quality of remote participation.

96. Having working technology is paramount to ensuring that Achieving Best Evidence (ABE) interviews (which I will discuss in greater detail in Chapter 9 (Hearing Processes)) are played back correctly. Expanding the use of DAVE will allow for a standardised system to replace outdated or inconsistent playback tools, reducing delays caused by any malfunctioning DVDs, file incompatibility or missing footage and ensuring victims are not adversely impacted by failures and delays during evidence playback. Further investment of DAVE will also assist with the playback of section 28 recordings, which I discuss further in Chapter 9 (Hearing Processes). Reliable digital playback means fewer adjournments, smoother hearings and faster case outcomes, benefiting all court participants, especially vulnerable witnesses relying on pre-recorded evidence.

97. In addition to hardware, investment needs to be made by HMCTS in the software used to support remote participation. Through engagement for this Review, I have been made aware of a current project within HMCTS to review CVP and determine whether it is sufficient for all remote participation needs, whether it can be augmented to meet any additional requirements or whether a different product is required. I endorse this work and would encourage HMCTS to consider whether alternative options, including commercially available software, would provide better functionality for the criminal courts. As I have explained previously, functionality for instant messaging and private breakout rooms for counsel–client discussions, standard features of most commercially

available video-conferencing software, are essential to improving the communication between parties both prior to and during a hearing with remote participation.

98. Second, continued investment is required by HMPPS to progress plans for further roll out of VCCs and BVLS. Both of these projects have already proved effective in increasing capacity for remote participation from prisons and in improving the efficiency of administrative processes around this. I have no doubt that their expansion would continue to bring these benefits where they have not yet been realised.

99. Finally, investment will be needed by the Home Office and the police in facilities to enable police officers to provide evidence at trial remotely. If the recommended 'test, learn and cost' approach on first hearings is successful, significant investment will also be required in hardware at police stations to support increased volumes of video links to court, alongside appropriate increases in funding to recognise any resourcing impacts of supporting such hearings on police time.

100. By investing in technology to support increased use of remote participation across the criminal justice system, hearings and trials will be able to proceed with fewer delays and adjournments due to technical failures. It also addresses concerns set out earlier in this chapter on how remote participation impacts on the quality of justice. By ensuring the technology used is of a high standard and provides all of the functionality required, the experience of all court users will be greatly improved.

**Recommendation 125:** I recommend that His Majesty's Courts and Tribunals Service, His Majesty's Prison and Probation Service and the police should continue to invest in appropriate hardware and software to support all of the recommendations in this Review. This should include continued investment and rollout of 'Digital Audio Video Evolution', Video Conferencing Centres, the 'Book a Video Link Service' and the facilities for the police to give evidence remotely and enable defendants to appear remotely at the first hearing.

## Conclusion

101. In this chapter I have presented recommendations on how increasing the use of remote participation would support improved efficiency across the criminal justice system. The purpose of this Review, as set out in the Terms of Reference, was to make recommendations to improve the efficiency and timeliness of processes through charge to conviction/acquittal.

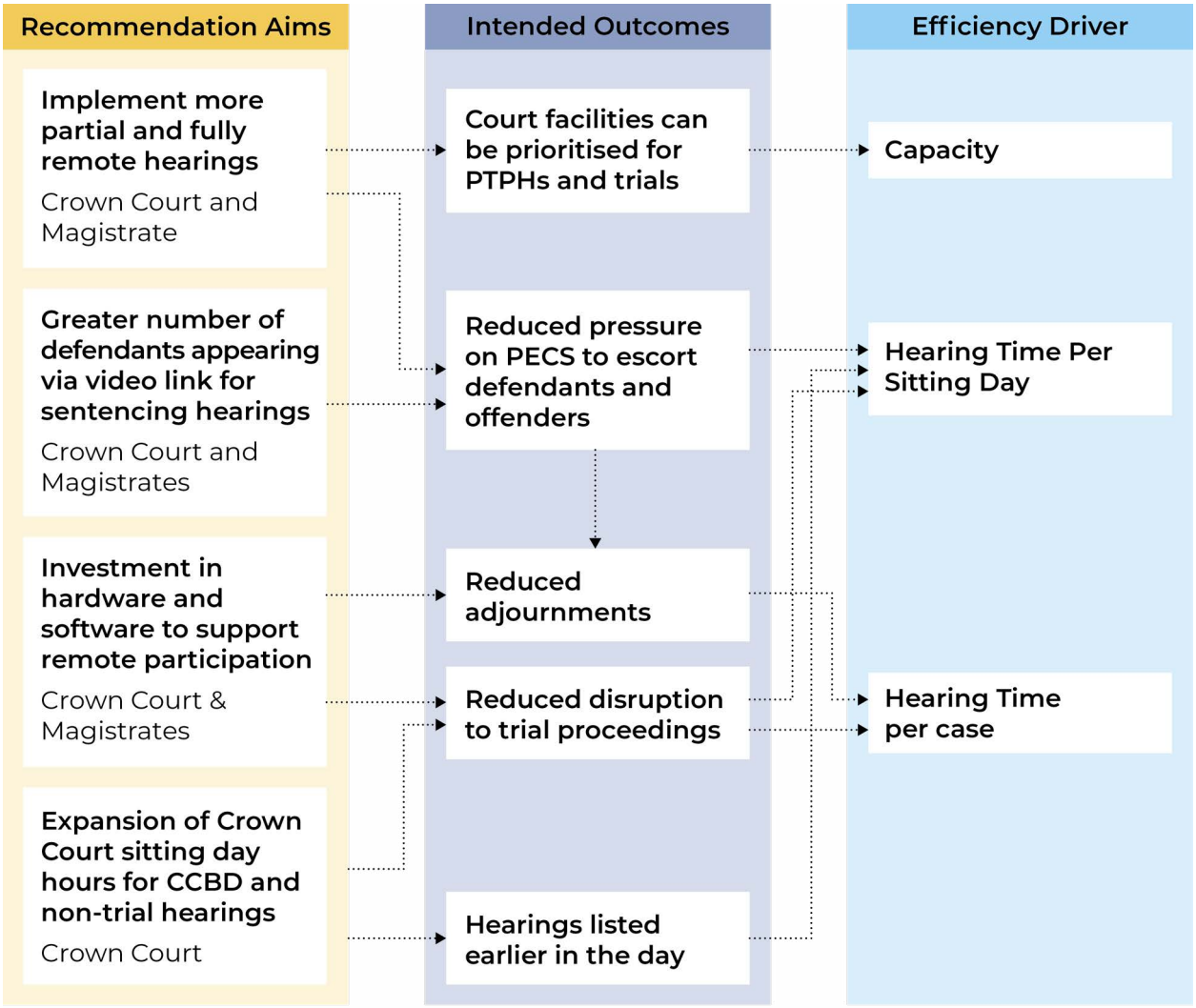
102. As I have explained in this chapter, it is my view that by increasing the use of remote participation demand on PECS suppliers will be reduced, making it easier for transportation of defendants to court on time when they are required to attend in person. Capacity of legal professionals will also be increased by removing or reducing their travel time and supporting more flexible working. Expanding Crown Court sitting-day hours for the CCBD could enable hearings to be listed earlier in the day which would subsequently increase hearing time per sitting day. Further investment in hardware and software in the courts to support these recommendations should enable smoother hearings and fewer adjournments, reducing the hearing time per case. Finally, there is an opportunity through fully remote hearings to move hearings out of a courtroom, thereby increasing capacity for trials and other in-person hearings, and providing an opportunity for greater geographical flexibility in relation to the court at which these hearings are listed.

103. To achieve the full potential of these reforms, I recommend testing of a scheme involving first hearings in magistrates' court being conducted partially remotely by default, as well as fully remote SJP referral hearings. I also recommend that all preliminary hearings (other than PTPHs) should be conducted partially remotely by default, with the option for fully remote; that police and professional witnesses should attend trials via video link, although all other parties should appear in person; that for sentencing hearings defendants should appear remotely unless a victim impact statement is being delivered in court. And finally, I recommend that HMPPS, HMCTS and the police continue to invest in appropriate hardware and software to support all these recommendations with high-quality technology.

104. The recommendations I have outlined adhere to the principles of augmenting processes through technology and minimising waste, equipping the criminal justice system to deploy its resources more effectively. They are also based in ensuring maximum participation, promoting the effective participation of defendants, victims and witnesses and maintaining the principles of open justice.

**Figure 8.1.**

**Policy map visualising the intended aims of recommendations presented in Chapter 8**




Many of the recommendations in this chapter affect pre-court cross-system efficiency drivers, which are not included in this policy map

105. Figure 8.1 demonstrates in pictorial form how the recommendations I make in this chapter are expected to influence outcomes and effect the key efficiency metrics. This diagram should be used as an illustrative framework to assess the potential impact of these recommendations noting that there is limited evidence to understand the impact of remote participation on both efficiency and quality of justice.

106. Several of the recommendations are for 'test, learn and cost' approaches and developing proof of concepts with a key thread throughout being a need to monitor and evaluate changes that are made. As a result, many of the links to intended outcomes are theoretical rather than grounded in robust evidence of what works and the outcomes of similar initiatives. For example, implementing more partially or fully remote hearings should lead to reduced pressure on PECS suppliers and court facilities being prioritised for PTPHs and trials, but further work must be carried out to explore how these intended outcomes would be realised before the recommendations are taken forward.

# Chapter 9

## Hearing Processes

# Chapter 9 – Hearing Processes

## Introduction

1. The efficiency of court proceedings is increasingly adversely impacted by the late or ineffective delivery of key services across the justice system, including the delayed arrival of defendants from custody, shortages of qualified interpreters, the prosecution or defence not being ready to proceed and delays in the provision of Pre-Sentence Reports (PSRs). These failings are causing delays during the course of the court day as well as frequent adjournments to proceedings, both of which lead to an inefficient use of court time.

2. There has also been a decline in effective utilisation of the sitting day and an increase in the number of ineffective trials (see Chapter 2 (Context)) for a comprehensive overview of the current system challenges). My recommendations in this chapter are, although wide-ranging, all aimed at reducing the number of adjournments and ineffective trials and, therefore, reducing the time taken per case and improving the use of the sitting day. These reforms should, of course, be seen in conjunction with my broader recommendation made clear throughout this Review to increase sitting days.

3. In order to improve court sitting-day and case efficiency (defined by this Review as 'the proportionate and effective use of time and resources to ensure expeditious preparation and fair resolution of criminal cases'), the different stages of the process must be examined. First, ensuring that defendants who are in custody attend their hearings on time through improvements to the operation of Prisoner Escort and Custody Services (PECS) as well as maximising the use of video hearings where appropriate, which I discuss in more detail in Chapter 8 (Remote Participation). Interpreters should be available for defendants in the required language, where necessary. Evidence and other relevant material must be presented to the court in a clear, concise and timely way to assist in reaching a timely resolution. This includes expert opinion evidence, pre-recorded evidence for vulnerable victims and witnesses and PSRs to support sentencing decisions.[178] To support

178 It also presupposes the availability of an appropriately staffed court and legal representatives: these issues are considered in Chapter 10 (The Judiciary and Legal Workforce).

this, court orders on case management must be adhered to, as discussed in Chapter 7 (Preparing for First Hearing and Ongoing Case Management).

4. In this chapter, I take each of these issues in turn, considering first how current processes result in inefficiencies and delays in court proceedings, before providing recommendations designed to strengthen procedures and reduce unnecessary adjournments. I explore how improvements to services, processes and technology can transform the way trials and other hearings are conducted to maximise the effective use of court time. I conclude that by embracing technological innovation, stronger inter-agency coordination and better contracting with providers, the criminal justice system can improve the utilisation of sitting days, enhance access and participation and ensure that justice is delivered efficiently. It should be noted that this chapter uses a wide variety of data sources to aim to sufficiently contextualise the issues. For example, I refer to ineffective trial data throughout this chapter but will provide additional data wherever possible. Reviewing ineffective trials in isolation is likely to understate the problems set out as this data does not account for delays to trials or consider the impacts on non-trial hearings.

5. My recommendations in this chapter, place a strong reliance on court hardware, for example to facilitate effective pre-recorded evidence, and a clear need to keep pace with emerging technology. Whilst I acknowledge that many of these recommendations will require ongoing investment, I see this investment as essential for an efficient and modern court system which maximises participation for all parties.

## Prisoner Escort and Custody Services (PECS)

### Current System and Challenges

6. For a trial or hearing to run efficiently, it must begin with all the relevant parties attending on time and, throughout my engagement, I have been repeatedly told about the late arrival of defendants who are being transported from custody. While I see significant opportunity for greater use of video hearings to reduce these inefficiencies, which I have set out in the previous chapter, I emphasise that there are some hearings where it is essential that defendants who are in custody attend in person, and therefore the way that prisoner transportation operates must be improved.

7. PECS transports defendants between police stations, courts and prisons. Two private companies (PECS suppliers) fulfil the contract and are overseen by His Majesty's Prison and Probation Service (HMPPS), separately serving the North of England and Wales and South of England. Against a backdrop of a rising remand population, PECS total journey volumes have increased year on year post COVID-19 (from c. 430,000 between September 2020 and August 2021 to around 630,000 between September 2023 and August 2024).[179]

8. PECS suppliers have a fleet of vehicles which collect prisoners and deliver them to court and other prisons. They also collect defendants from police stations, where the individual has been held overnight following arrest or charge, and deliver them to court. This is a further pressure on PECS suppliers and could be resolved through the increased use of video link hearings from police stations, which I explore further in Chapter 8 (Remote Participation).

9. When a defendant in custody is due to appear, the court will produce a notification of an upcoming court hearing. Once a court notification is received by HMPPS, the prison uses an electronic platform to request PECS suppliers to collect and escort them in a timely manner for their court appearance. If a defendant is held in a prison that is not aligned to their court, the Population Management Unit in HMPPS tries to move them to a closer prison in advance of the court date (with the prison requesting the move with PECS suppliers), to reduce the chance of delays from long journeys. This is currently proving challenging due to pressure on the prison estate. On the relevant date(s), the defendant is collected by PECS suppliers and transported to the relevant court for each day of their hearing. Transportation of defendants to Crown Courts is prioritised over those to magistrates' courts. PECS suppliers are also responsible for transporting the defendant back to the prison from court each day. Each part of the system must work together for a defendant to be produced on time, from effective communication between courts and prisons to timely production of defendants at prison and prompt arrival and departure of PECS supplier vans.

179 Source: HMPPS Unpublished Operational Management Data.

10. Delays with defendants arriving at court has been a strong theme of my engagement, including across my visits and engagement with the judiciary and legal sector. According to HMPPS operational PECS data, from October 2024 to September 2025 there were approximately 4,656 hours' worth of court delays in the Crown Court and approximately 4,772 hours in the magistrates' court (at a combined cost of approximately £21.9 million for the criminal court jurisdiction) due to the failure to produce defendants at court on time.[180] The perception of the judiciary and court staff is that the delays may even exceed the reported data, which further illustrates the significance of the problem. The delayed arrival of PECS also has a knock-on impact on other hearings as there will be insufficient dock officers in court, since the individuals who serve as dock officers are also part of the transportation teams.

11. There are multiple issues across different agencies driving these failures, including communication failures between HMPPS and His Majesty's Courts and Tribunals Service (HMCTS), the impact of the prison capacity crisis on HMPPS and delays caused by PECS suppliers. I have heard first-hand examples of the impacts of these delays, for example one court centre reported to me that they lose half a day of court sitting time per court per week. One barrister reported that a murder trial listed to take four weeks took close to eight, in large part because of the late delivery of the defendant on most days. Another member of the Bar also reported to me that at a different court centre during their trial lasting several weeks, the defendant was not once produced in court before 11.00 – an hour after the scheduled sitting time. The impacts of this on defendants who are delayed in transport, as well as for court staff, jurors, witnesses and legal professionals, is simply intolerable, particularly as it is likely to undermine their welfare and therefore immediate action must be taken to resolve it.

180 Ibid. Data is drawn from the collation of Court Exception Report Submissions (CERS) which are submitted by HMCTS and PECS suppliers. The CERS record and display the impacts on court business due to a drop in service deliverables which are assured and verified by PECS suppliers and PECS Contract Managers. Where a delay instance has been recorded, this is per courtroom delay and not always per individual prisoner. All costings provided are drawn from the approximated hourly rate for proceedings in the Crown Court and therefore should be interpreted with caution. Hourly running costs differ between the magistrates' and Crown Courts.

## Reasons for Delays

12. There are some delays which are the responsibility of PECS suppliers (data provided later in this section). I understand that contractors can face challenges with resourcing, including high staff attrition rates, HMPPS vetting delays and a less experienced workforce impacting the availability of qualified drivers for 12 cell vehicles. Longer journeys leading to overtime can also be limited by driver and working hour regulations.

13. However, many delays are also due to other parts of the system. At the start of the process, these failures can include administrative errors with bookings, late or non-issue of production lists, failure to manage booked move requests correctly and a lack of communication between courts and prisons, the latter due in part to pressure on court staff. Issues around communication for PECS that came up in my engagement also include a lack of mutual understanding in the courts around how the PECS process works, particularly when people were not delivered in good time.

14. I have also heard on numerous occasions about the huge impact prison capacity is having on the criminal justice system. The restricted capacity in the prison estate means there are 'displaced' prisoners not held in their local reception prison. Against a HMPPS expected baseline of 5%, there were around 15% of defendants attending court from a non-local prison in 2024.[181] This has significant impacts on PECS suppliers, including longer journeys for defendants to and from prisons where space was available, which impacts both driver and escort staff hours and court custody staff, and means defendants are arriving late for court from prisons not aligned to the court. There is also an increased demand on suppliers to complete higher numbers of inter-prison transfers to create space in reception prisons serving the courts or to move defendants to new prisons, and pressure on prison staff can mean it takes longer for turnaround at prisons in the morning.

15. In addition, prison movements from non-aligned prisons often involve PECS suppliers having unexpectedly to allocate resource to longer journeys outside their contracted areas, adding strain to the supplier and reducing the efficient and optimal use of PECS vehicles.

181 Source: HMPPS Unpublished Operational Management Data.

PECS suppliers model their solutions and logistical planning based on prison to court alignment, including the locations of vehicle bases and vehicle crews, so non-alignment causes significant inefficiencies in the utilisation of vehicles. Between December 2024 and November 2025, no adjustments were made other than the pricing of these non-aligned movements, and the costs are absorbed by PECS suppliers. The increased demand is placing significant pressure on the PECS suppliers, leading to delays, and a reduction in the volume of non-aligned moves would help improve efficiency and service delivery to courts overall.

16. Non-alignment of defendants can also cause other complications. Defendants' refusal and refractory behaviour is the one of the leading causes of late cancellation of prison to court moves in the Crown Court.[182] Much of this is beyond the control of PECS supplier and prison action. However, anecdotal evidence from staff in HMPPS shows some of this refusal behaviour can be attributed to a defendant understanding that they are in the 'wrong' prison, being comfortable at that establishment and fearing being redirected to their aligned prison after their court hearing.

17. Finally, I have also been made aware of issues with courts notifying prisons of an upcoming court hearing in good time. Courts issue a firm list, which they should send around two weeks before the actual hearing date. This is followed by additional lists the day before the hearing at 11.30 and 13.30, with a final list sent at 15.30 the day before. The firm list should enable the HMPPS Population Management Unit (PMU) to make arrangements to move defendants to a suitable category of prison which is as close to the court as possible, albeit that might still be hours away, to minimise delays in production to court on the hearing day. The prison housing the defendant then use the daily lists to request a PECS move so that they are collected in a timely manner for their court appearance. However, prisons rely on courts sending both the firm and daily lists to prepare a defendant for their move to court on time and I have heard first hand from my visits to prisons that these lists are often produced late and the current arrangement is that each court only sends their list to their local

182 From October 2024 to September 2025, according to the Court Exception Reports submitted for the Crown Court, around 34% of late cancellations were due to the defendant being 'Not Required at Court' and around 30% were due to 'Refractory Behaviour/Refusal to go to Court'. Source: HMPPS Unpublished Operational Management Data.

remand prison(s); this is a key contributory factor to delays in prisoner movement. One of the overarching principles guiding this Review is encouraging a culture of collaboration and I believe it is particularly important to improve the flawed communication systems between courts and HMPPS as to prisoner location and movement.

18. PECS are currently exceeding the expected time a vehicle spends at a prison whilst collecting a defendant for court. They are seeking to try to address this with the PECS Contract Management Team developing enhanced reporting which is shared with HMPPS and HMCTS along with additional scrutiny at Area Executive Director and Governing Governor level to try and bring turnaround times down in line with expectations. Whilst this has resulted in some improvement at some specific prisons, it requires a wider culture change within organisations and will therefore take time to see significant improvements.

19. I have also heard about delays to hearings because the wrong defendant was brought to court, or defendants had to travel to multiple courts or prisons en route to their ultimate destination causing delays arriving at court or being taken back after their hearing had concluded.[183]

20. There are also issues over cell capacity at courts, where there are often more defendants than space available. Problems in court are exacerbated by the amount of time it takes to bring defendants up from the court cells to the dock, often taking ten minutes or more whilst everyone is sitting in court and waiting, including professional witnesses. This is in part due to there being insufficient dock officers at court centres.

## Impacts of Delays

21. During this Review, I have not only heard about the impact that these failures have on the efficiency of the courts, but also on the welfare of defendants. An increase in remote participation, which I explore further in Chapter 8 (Remote Participation) would help to address some of these issues. I also understand there can be anxiety for a defendant arising from the uncertainty of not knowing where

183 The starkest instance of this was a case in Teesside which was listed for a CTL hearing at Hull Crown Court with only one day's notice. This was assumed to be an error, so the defendant was not produced, particularly as Hull is over 100 miles from Teesside.

they will be remanded to and the requirement to wait for the return journey until all defendants are finished in court (to determine which defendants are remanded into which locations). High movement volumes can also overwhelm court cell capacity during peak times and, due to increased prisoner volumes and the delays in arrival to court, courts often sit later which has a detrimental impact on defendants and court and PECS staff.

22. These challenges are most acute for women and children, whose needs are often complex and distinct. The limited number of remand prisons for these groups results in a wide geographic dispersal across a limited number of suitable prisons, meaning women and children frequently endure long journeys in secure transport to attend court. At the same time, when courts are considering suitable bail options, they are constrained in imposing suitable conditions because so few credible alternatives exist. This means that, in the lead-up to and during trial, these groups are often more likely to be held within the prison estate due to the lack of appropriate community-based alternatives.

23. These issues also make it operationally difficult for PECS suppliers to conduct multiple collections and deliveries using a single vehicle and crew, resulting in inefficiencies. For example, during recent engagement with the judiciary I was told how defendants were coming to the Central Criminal Court from HMP Belmarsh, young offenders from Feltham and Thameside Young Offender Institution and women from HMP Bronzefield, all of whom travelled back and forth each day involving several hours in transit with very early starts and late returns. In addition, I have also heard anecdotal evidence that female defendants are frequently not prioritised at court despite repeated requests, which undermines their welfare and contributes to delays. Lastly, PECS are also collecting defendants from police stations for delivery to court. As these moves are often booked at the last minute, there is a higher likelihood of a delay with these moves because the PECS supplier either need to find an additional vehicle or make a further pick-up to an existing booking.

24. To address this, consideration should be given either to arranging the use of alternative community accommodation so that women and children can be securely housed without having to travel for hours or strengthening community-based support would also provide the courts with meaningful alternatives that meet the needs of those who must be transported to court and reduce demand on the wider system.

25. Despite being a strong and recurring theme in my engagement, published MoJ data suggests that issues related to the prisoner escort process only account for around 4% of all ineffective trials in 2024.[184] However, this data does not provide a full picture of the challenges caused by prisoner transport within the court system, as trials may go ahead but take more court time as their start is delayed, and this does not capture all types of hearings (for example, pre-trial hearings or sentencing).

26. Courtroom delay data should therefore provide a more useful measure. As shown in Figure 9.1, between October 2024 and September 2025, 29% of PECS-related courtroom delay within the courts were attributed to HMP establishments/Prison Services. This equates to around 4,000 hours of courtroom delay. In only around 8% of instances were PECS suppliers recorded as responsible.[185] However, I have heard anecdotal evidence that delays are often not formally reported, most likely due to time pressures. At present, a court delay where the court undertakes other meaningful work is captured in system-wide PECS reporting, however these instances are not included in PECS supplier performance metrics and do not reflect impacts on legal professionals, victims, relisting and PECS suppliers due to this reallocation of courtroom workload. Although a hearing or trial will be delayed and, in some cases, postponed if a defendant is late, listing officers are already

184 This is across both the magistrates' court and Crown Court. Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

185 Source: HMPPS Unpublished Operational Management Data. Data is drawn from the collation of Court Exception Report Submissions (CERS) which are submitted by HMCTS and PECS suppliers. The CERS record and display the impacts on court business due to a drop in service deliverables which are assured and verified by PECS suppliers and PECS Contract Managers. Where a delay instance has been recorded, this is per courtroom delay and not always per individual prisoner. Length of delay is counted until the court can commence meaningful work.

expected to rearrange work at short notice to ensure the sitting day is fully utilised even though they frequently do an excellent job in doing this. This may go some way to explaining the difference between the strength of concerns raised by so many professionals in engagement throughout the Review and the court delay data. For the future, I have no doubt that actual arrival times and any consequent delay should be captured (with the relevant contractor and HMCTS recording the reasons) and whether the impact of that delay can be minimised by moving work around. It is only in that way that true performance can be measured.

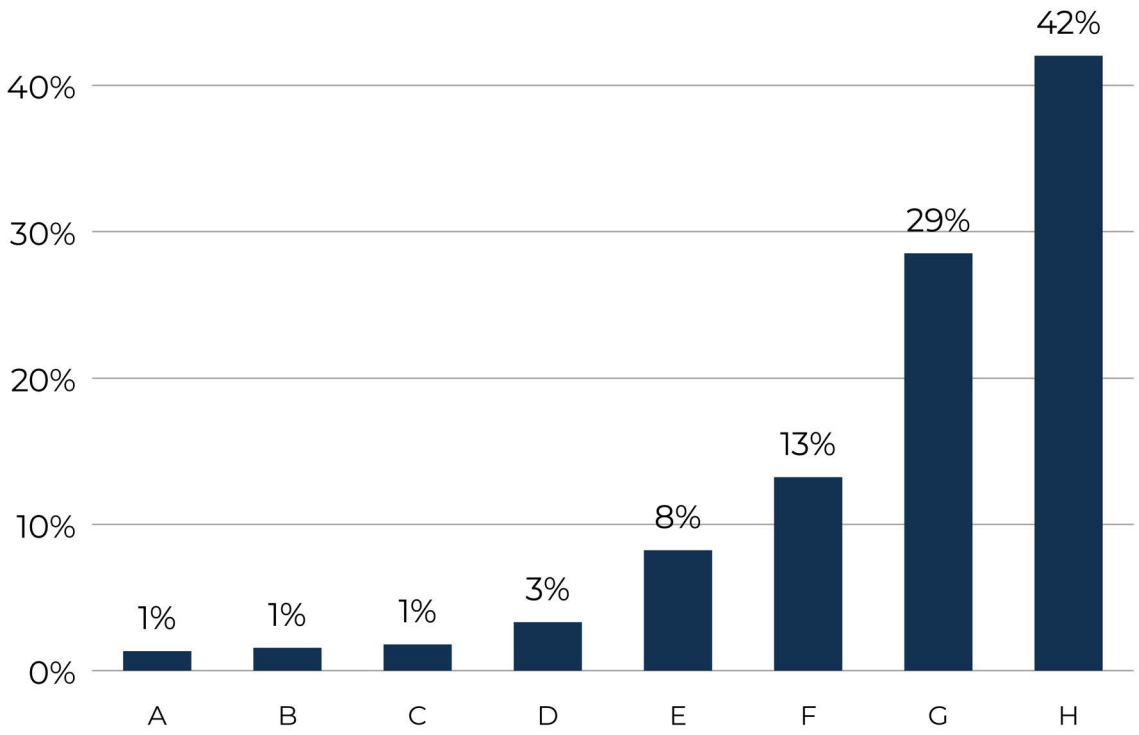
27. According to the latest available PECS supplier contractual performance metrics, only 0.13% of PECS movements resulted in failure due to PECS suppliers in 2024.[186] PECS suppliers do not operate in isolation and delivery of defendants can be affected by several factors, including defendant readiness at the prison or court, delayed final lists, not moving work around at short notice and slow turnaround times at prison receptions, all of which are administered by different partners. PECS suppliers are often seen as the visible point of failure when they arrive at court. Having agreed metrics in place between HMCTS, HMPPS, PECS suppliers and the police will help to clearly identify where the delay to delivering a defendant has occurred so it can be addressed in future.

186 Source: HMPPS Unpublished Operational Management Data. Data is drawn from the collation of Court Exception Report Submissions (CERS) which are submitted by HMCTS and PECS suppliers. The CERS record and display the impacts on court business due to a drop in service deliverables which are assured and verified by PECS suppliers and PECS Contract Managers. The figure represents PECS movement failures where there has been agreement that PECS supplier actions were responsible (as a proportion of total PECS movements). Where a delay instance has been recorded, this is per courtroom delay and not always per individual prisoner.

**Figure 9.1**

**Percentage of PECS-related courtroom delays by reason**

England and Wales: October 2024 to September 2025




A = HMCTS
B = Other agency (interpreter/CPS etc)
C = Police
D = Prisoner refusal
E = PECS suppliers
F = Incorrect/unvalidated information
G = HMP establishment/Prison Service
H = No reported delay/carried on with other work

Data is drawn from the collation of Court Exception Report Submissions (CERS) which are submitted by HMCTS and PECS suppliers. The CERS record and display the impacts on court business due to a drop in service deliverables which are assured and verified by PECS suppliers and PECS Contract Managers. Where a delay instance has been recorded, this is per court room delay and not always per individual prisoner. Length of delay is counted until the court can commence meaningful work.

Source: HMCTS unpublished management information

28. In the preceding chapter, I have identified the anticipated benefits of the greater use of remote participation where production to the court is not necessary or proportionate. I have seen during my court visits examples of defendants being brought to court after travelling for hours to spend a matter of minutes (and in one case under a minute) in the dock at a Plea and Trial Preparation (PTPH). By holding more non-trial hearings remotely, whilst this may not directly reduce costs, I hope there will be a substantial reduction in PECS demand, therefore improving their ability to deliver defendants on time where they are most needed. However, where there is a need for defendants to be in court, I see an urgent need for improvement in how this service operates. My recommendations therefore focus on improving the factors causing PECS inefficiency.

## Recommendations

29. The first step to secure effective prisoner transportation is improved open and collaborative communication between prisons and courts. Court lists are currently automatically sent using the Xhibit platform by listing officers to the closest prison to the court which is not necessarily where defendants are being held. This means that the system relies on prisons identifying that a defendant is being held elsewhere and notifying that prison promptly. This is particularly challenging if lists are sent late, which happens at present, and PECS suppliers are then not notified of the change until too late, potentially meaning that moves are cancelled after PECS suppliers have already sent a vehicle.

30. Such administrative failures are exemplified in the recorded causes of late/on-the-day cancelled moves from prison to court. Late cancelled court moves are those which were cancelled after 06.00 on the day of the planned movement. Although impacts of late cancelled moves are difficult to quantify for courts, there are reports of PECS resources being wasted on attending to defendants who are not required at court or are double-booked with a video hearing, adding unnecessary strain in the system. Data indicates that there were around 17,000 late cancelled Crown Court moves and around 22,000 late cancelled magistrates' court moves from October 2024 to September 2025.[187]

187 In addition, there were around 300 late cancelled court moves to the County Court and around 1,400 to Combined Court. A late cancelled court move being defined as a cancellation after 06.00 on the day of the move. Source: HMPPS Unpublished Operational Management Data.

In the Crown Court, this is on average nearly one cancelled court move per court centre every working day.[188] Of these cancellations within the Crown Court, 34% were due to the defendant no longer being required at court, while in the magistrates' court 22% were due to the prison service or police escorting the defendant, despite the best efforts of court staff trying to notify PECS suppliers.[189]

31. It is imperative that lists are being shared with the correct prison in the first instance, rather than the aligned prison, so that a move can be booked as soon as the prison is able to action this request. This should ensure the correct prison finds out as early as possible when a move is needed and the move can then be booked with PECS suppliers, thus ensuring the defendant arrives at court on time. Sharing contact details via this system will also enable easier communication. Because this will be done digitally, this should also help to streamline the process, and create a more transparent process, therefore creating more confidence in the system.

**Recommendation 126:** I recommend that His Majesty's Prison and Probation Service and His Majesty's Courts and Tribunals Service collaborate to ensure real-time information on prisoner location and that prison Offender Management Unit contact details are readily available within one system and that Listing Officers circulate the court lists to the prison actually holding the defendant.

32. As set out above and from my research, where the court produces the firm list two weeks ahead of time that should allow the Population Management Unit in HMPPS time to find appropriate accommodation at an appropriate prison and gives PECS suppliers their contracted four days to move defendants. Logically, and rather obviously, the aim is to try and move the defendant to a prison nearer the court where their case is being heard. However, due to pressure on the prison estate this may not always be possible and the knock-on effect of this is long journeys for defendants, meaning very early starts on the day of trial and/or late return journeys back to prison, sometimes resulting in defendants missing hot meals or showers. This affects children,

188 Approximate calculation assumes around 70 Crown Court Centres and 253 working days in a year. Sources: Courts and Tribunals: Crown Court (Courts and Tribunals Judiciary); How many courts are there in England and Wales? (legalknowledgebase, September 2022); Working Days in a Year: UK (October 2025).

189 Source: HMPPS Unpublished Operational Management Data.

young people and women particularly acutely as the prison estates for those groups are so small. There are fewer secure establishments in which they can be held proximate to courts. I acknowledge the scale of the capacity challenge in prisons but encourage continued collaboration on prioritising defendants being in the right place.

33. I consider it important to note here that the wider shortage of approved accommodation for defendants on bail without a fixed address remains a significant challenge. Between April 2024 and March 2025, 995 referrals were made to Community Accommodation Service Tier 2 to provide temporary accommodation for defendants on bail, continuing an upward trend since 2022.[190] A lack of stable accommodation places strain on the criminal courts. Defendants without a fixed address often struggle to comply with court-imposed conditions or receive hearing notifications, leading to adjournments, recalls and additional costs. Stable accommodation is also critical for rehabilitation and reducing recidivism. MoJ data shows that individuals homeless or rough sleeping on release have a proven reoffending rate of 71.6%, compared to 35.7% for those in settled accommodation.[191] Therefore, it is my view, that the MoJ should undertake further work to increase the availability of stable accommodation for defendants on bail, although I appreciate that achieving this additional facility may well be difficult and take time.

34. As well as ensuring that defendants are in the right place, by mandating that the final list is sent by an achievable but ambitious deadline the day before and that it is sent to the prison holding the defendant in line with recommendation 126, it would give prisons time to react within normal working hours. The final daily list should provide certainty on which defendants are needed in court. I recommend that this deadline for daily lists should be set nationally, allowing prisons time to organise the necessary transport. Any changes that occur after this deadline should be communicated by exception in a direct and individual way, that allows the court to confirm that the prison has received notification of this change. I acknowledge that there are many reasons that a list may be delayed or changed, but better communication between courts and prisons should mitigate risks of administrative failures in booking.

190 Source: Contracted services: The Community Accommodation Service (GOV.UK Justice Data, April 2024–March 2025).

191 Source: Proven reoffending statistics: July to September 2023 (Revised) (MoJ, September 2025).

**Recommendation 127:** I recommend that His Majesty's Courts and Tribunals Service sends firm lists at least two weeks in advance and daily lists by an achievable but ambitious deadline for service the day before the hearing, the exact timing to be mutually agreed and adhered to nationally, with any subsequent changes made directly with the prison to allow time for prisoner moves to be arranged. An associated key performance indicator for His Majesty's Courts and Tribunals Service should also be developed to measure accuracy and timeliness.

35. Evidence from a joint project between Central Criminal Court (CCC/ Old Bailey), PECS suppliers and HMP Belmarsh suggests that much can be gained from this way of working. In February, it was mandated that the final firm list from the Central Criminal Court had to be received by HMP Belmarsh by 16.00 each day, with exceptional late changes having to be communicated via the Offender Management Unit. While not formally evaluated, according to HMPPS, the number of late cancelled moves to court from HMP Belmarsh reduced from 106 in February 2024 to around 40 in September 2024 (an approximate 60% reduction).[192] This suggests the possibility that more timely and consistent distribution of final firm lists can help reduce delays in court via the mitigation of late cancelled court moves, though this should be acknowledged with caution as no formal or robust evaluation was done to elicit cause from correlation.

36. A further factor in the late arrival of defendants which impacts on the courtroom delay is 'Vehicle Turnaround Time'. This is simply how long it takes for a PECS vehicle to enter the prison, collect the defendant and depart from the prison to court. The current HMPPS expectation is this should take an average of 32 minutes, though this may be subject to change as HMPPS are reviewing the target.[193] Between October 2024 and September 2025, the average turnaround time for a reception prison in the North of England (including Wales) was around 49 minutes and 1 hour 9 minutes in the South of England.[194] My engagement has indicated that the main factors

192 Other measures of this project included: Belmarsh Offender Management Unit only completing daily bookings, mandating that no bookings were made ahead and only magistrates' warrants were used to book court moves as Crown Court warrants change. Source: HMPPS Unpublished Operational Management Data.

193 As of October 2025. Source: correspondence with HMPPS.

194 Source: HMPPS Unpublished Operational Management Data.

contributing to this are prison staffing issues, communication issues with defendant production lists and difficulties with managing competing priorities in prison governance. Turnaround is also easier for newer prisons due to better design than the older estate.

37. I understand that prisons are under significant pressure, however, for the efficiency of the court day I consider it important that turnaround times are improved, and I hope that improved communication between prisons and courts should support this aim. To focus further attention on this issue, I also recommend the introduction of an agreed key performance indicator (KPI) to measure turnaround time in relation to PECS contracted collection from HMPPS. I also recommend that HMPPS ensures that adequate resource is devoted to these critical pick-up times each working day. This will help hold system partners to account to promote improvement.

**Recommendation 128:** I recommend that His Majesty's Prison and Probation Service should agree a key performance indicator to assess turnaround times in relation to Prisoner Escort and Custody Services contracted collection from His Majesty's Prison and Probation Service establishments.

38. As I have already set out earlier in this chapter, PECS total journey volumes have increased year on year post COVID-19, including an increase in moves from non-aligned prisons, which means having to allocate resource to longer journeys outside their contracted areas.

39. Delays delivering defendants to court due to traffic congestion is one of the many reasons why defendants are arriving late for court, particularly for Crown Courts, many of which are in urban areas. At present, there are various restrictions on the use of bus lanes in urban areas. Being able to utilise bus lanes would help to address the journey delays caused due to traffic congestion, therefore ensuring more defendants arriving at court on time and thus reducing both the need for adjournments and the number of ineffective hearings.

**Recommendation 129:** I recommend that the Ministry of Justice work with the relevant authorities to make bus lanes across the country accessible to Prisoner Escort and Custody Services vehicles whilst they are actively transporting prisoners.

40. As I highlighted above, courtroom delay data may represent an under-reporting of true delays, making it harder to assess the scale and causes of the problem. There are problems in the current process that is used to log and investigate delays in defendant movements to and at court. I understand that the current system for recording delays is burdensome, requiring manual data entry into spreadsheets and an obligation to share the information by email between parties. This can lead to duplication, inconsistent data formats and limited traceability. Court clerks and legal advisers often struggle to complete forms accurately owing to unclear fields, lack of validation and time pressures in busy remand courts. To drive improvements in the system, I understand that there is ongoing work to create a new digital system for reporting delays which will help to improve the position. This new digital system would be a shared system where live data is presented in a standardised format to: enable accurate and efficient logging of delay incidents; facilitate monthly reporting and contractual performance tracking; reduce administrative burden; and improve data quality and support accountability across HMCTS, HMPPS and PECS suppliers.

41. Separately, there is also an under-estimate of the scale of the problem as the data understates cases where other meaningful work is done during a court delay. This pool of cases is also not considered in PECS supplier contract performance metrics. Between October 2024 and September 2025, this type of delay (where the defendant was delivered late but no courtroom delay occurred) was reported. Under-reporting on this cohort is significant because, although 'meaningful' court work is done, I expect that there are still repercussions for the wider system, such as disruption for legal professionals who are attending for a specific case and incentivising over-listing. I understand that the PECS Contract Management Team have been working with HMCTS to encourage better reporting, including encouraging PECS suppliers to report instances where there has been a delay that was not their fault. More complete and accurate records of all problems in delivery are needed from every stakeholder even when 'failures' are seemingly outside their remit and concern.

42. What is clear to me is that the problems in the system are not the fault of one agency. Therefore, to help measure performance in courtrooms more effectively and reduce delays, disruptions and cancellations, I propose that HMPPS, HMCTS and PECS suppliers work together to

introduce more detailed reporting measures and data to allow for more accountability, which in turn should help to identify and resolve any issues which arise.

43. I also propose that, when the time comes for the next PECS contract to be negotiated and delivered, HMPPS and HMCTS should consider what performance measures are needed to hold suppliers to account, and whether these sufficiently reflect not only delays to the court day but disruption due to unplanned changes, for example court arrival and delay data. Through better data there should be a better identification of issues and better holding to account of suppliers on the impacts that their work has on the efficiency of the courts at the same time as ensuring that delays that are not the fault of the supplier are also captured.

44. These measures will help to streamline the process, support accountability across HMCTS, HMPPS and PECS suppliers, reduce administrative burdens, improve data quality and help facilitate more detailed reporting and contractual performance tracking. Better data will also help to understand more clearly the scale of the issue and where the blockages are so these can then be better addressed.

**Recommendation 130:** I recommend that the Ministry of Justice continues to develop the capability to capture data on court delays and in addition that His Majesty's Prison and Probation Service, His Majesty's Courts and Tribunals Service and Prisoner Escort and Custody Services suppliers work collaboratively to develop more detailed cross-system performance measures, and to ensure sufficiently detailed performance measures are included in any new Prisoner Escort and Custody Services supplier contracts, to identify wider system failures and drive improvements. This would be an appropriate topic to be raised and prioritised at the Performance Oversight Board.

## Interpreting

45. I am aware of problems in the provision of interpreters, with interpreters not booked or not available where and when needed and, as a result, cases can be adjourned due to lack of an interpreter. This section of the chapter will explore improvements to the existing

interpreter provision, as well as how advancements in AI translation technology could provide additional support in the face of shortages in the number of available interpreters.

## Current System and Challenges

46. Interpreters are critical for courts to carry out proceedings and to ensure equal access to justice. Under Article 6(3)(e) of the European Convention on Human Rights (ECHR), 'everyone charged with a criminal offence [should] have the free assistance of an interpreter if [they] cannot understand or speak the language used in court'.[195] Interpreters are essential for compliance with this fundamental fair trial right, as they ensure that those who lack fluency in English can understand and participate in legal proceedings. The MoJ currently contracts interpreting services to one private provider called thebigword (TBW), which in 2024 handled around 8,700 bookings from the criminal jurisdiction per month.[196] Interpreters are assigned through an app-based system, and off-contract bookings are arranged locally if TBW cannot fulfil requests in time.

47. I have been informed that under the current system the police or other investigative agency is responsible for arranging an interpreter for a defendant if the defendant is remanded to appear before the next available court within two days of being charged. Similarly, if a defendant is given a short bail date to court (two working days or less) then the police or other investigating agency must arrange the interpreter. Police or other investigating agencies would place a booking via the MoJ supplier, TBW. If the defendant's hearing is scheduled to occur more than two working days after the date of charge, it is the responsibility of Courts and Tribunals Service Centres to arrange for an interpreter.

48. There is a high demand for interpreters. As can be seen in Figure 9.2, following a decrease in demand for the number of interpreter bookings from 2014 to 2020, in recent years there has been an increase to reach a ten-year high in demand of over 78,000 bookings in

195 European Convention on Human Rights (Council of Europe); Human Rights Act 1998.

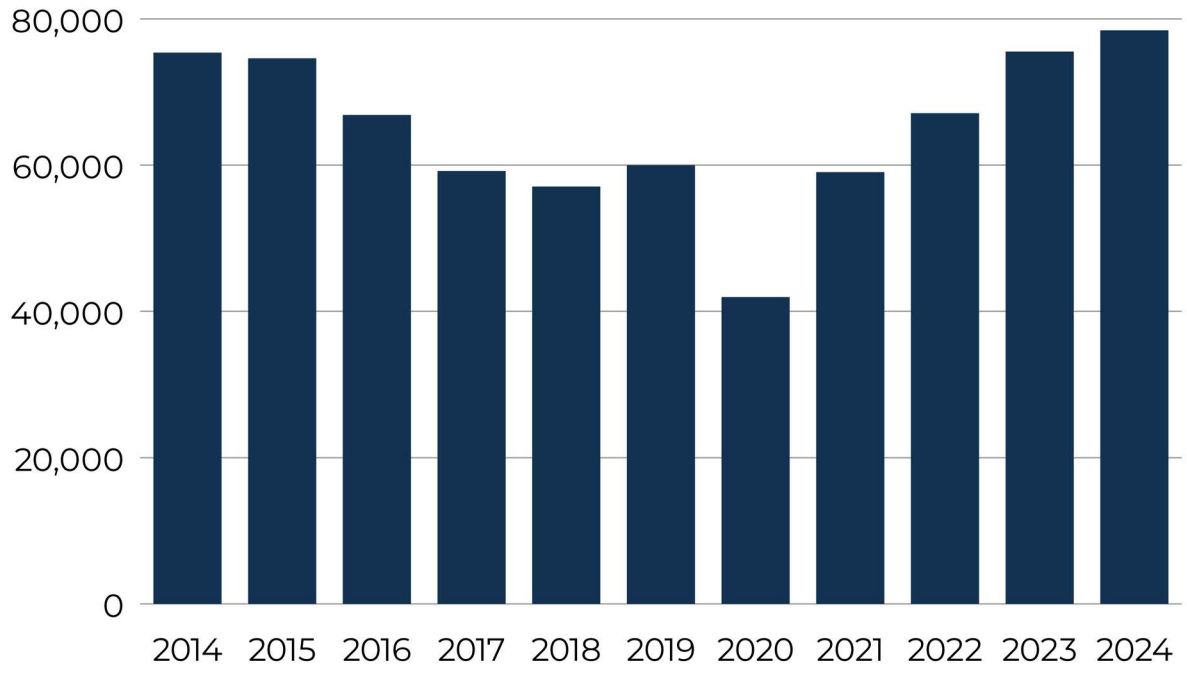
196 The bookings include 'Cancelled' bookings as well as 'Fulfilled' and 'Unfulfilled'. Criminal jurisdiction comprises requests relating to criminal cases in magistrates' courts and Crown Courts, the Central Criminal Court, criminal appeals at the Royal Courts of Justice, North Liverpool Community Justice Centre, Warwickshire Justice Centre and HMCTS London Collection & Compliance Centre. Source: Criminal court statistics quarterly: July to September 2025 – GOV.UK.

2024.[197] Additionally, in 2024 unfulfilled requests reached the highest volume seen for a decade (around 5,000) and equated to around 7% of bookings.[198]

**Figure 9.2**

**The total number of fulfilled and unfulfilled interpreter booking requests in the criminal jurisdiction**

England and Wales, 2014 to 2024




Source: Criminal court statistics quarterly, July to September 2025

197 These figures are for interpreter bookings (fulfilled and unfulfilled) in the criminal jurisdiction. They do not include cancelled bookings. This comprises requests relating to criminal cases in magistrates' courts and Crown Courts, the Central Criminal Court, criminal appeals at the Royal Courts of Justice, North Liverpool Community Justice Centre, Warwickshire Justice Centre and HMCTS London Collection and Compliance Centre. Source: Criminal court statistics quarterly: July to September 2025 – GOV.UK (MoJ: December 2025).

198 This comprises requests relating to criminal cases in magistrates' courts and Crown Courts, the Central Criminal Court, criminal appeals at the Royal Courts of Justice, North Liverpool Community Justice Centre, Warwickshire Justice Centre and HMCTS London Collection & Compliance Centre. Source: Criminal court statistics quarterly: July to September 2025 – GOV.UK (MoJ: December 2025).

49. Unfulfilled requests can delay hearings and in turn can impact adversely on the effectiveness of hearings and listings. In 2024, there were around 900 trials recorded as ineffective because no interpreter was available (around 200 in Crown Courts and around 700 in magistrates' courts), this was around 4% of all ineffective trials in magistrates' courts and 1% in the Crown Court.[199] However, these figures should be considered alongside the wider data and the acknowledged limitations of that data. Looking at ineffective trials in isolation is likely to understate the problem, for example this data does not account for delays or cancellations to non-trial hearings due to lack of an interpreter or the difficulties it might lead to with listing. Therefore, whilst the ineffective trial figures are relatively small, in the spirit of efficiency I agree with Minister Sackman's comment at the Public Services Committee on 'uncorrected oral evidence' that the number of ineffective trials due to a lack of interpreters is still 'too high, and we want to drive that down'.[200]

50. There is a lack of clear data on overall performance, which makes it difficult to monitor the issue effectively and impedes diagnosing the extent and nature of the problem. The House of Lords Interpreting Services in the Court Inquiry 2025 noted these challenges with data due to under-reporting and data omissions. In particular, it noted a conflict between the data published by the MoJ and reports of poor-quality interpreting.[201] It also highlighted that interpreters were not turning up for assignments or that the wrong type of interpreter was booked.[202] I have faced a similar challenge with data in this Review. For example, the published MoJ data on interpreters does not account for situations where the need for an interpreter has not been identified or there has been a failure to request an interpreter. However, based on my engagement and visits to courts across the country, I believe this is a significant issue that must be addressed.

199 Source: Criminal court statistics quarterly: July to September 2025 – GOV.UK (MOJ: December 2025).

200 Uncorrected oral evidence: Interpreting and translation in the courts service (Public Services Committee, December 2024).

201 Lost in translation? Interpreting services in the courts (House of Lords, March 2025).

202 Ibid.

51. I understand that there is an overall shortage of interpreters in the system. The MoJ reports that there are currently 2,000 interpreters registered to work in the courts offering 97 unique languages.[203] However, not all these registered interpreters are 'active', meaning they might not have accepted a booking in the last six months.[204] The nature of demand in languages is also changing which may exacerbate issues around shortages of interpreters further. For example, there is increased demand for Albanian and Sorani Kurdish services.[205] I have already recommended in Chapter 8 (Remote Participation) the reintroduction of HMCTS's pilot of 'Simultaneous Interpreting via Cloud Video Platform for Defendants on Remand' which allows attendance of an interpreter via video. As well as issues around shortages of interpreters, I understand that there are challenges with the booking process. The House of Lords Interpreting Services in the Courts Inquiry 2025 highlighted that short notice bookings are adding pressure to language services. Contractors suggest that 27% of bookings are received 'with 24 hours' notice' and a third of those (9% of bookings) are made 'within three hours' of the case being due to be heard.[206]

52. I understand that the booking process can fail when the need for an interpreter is not identified in advance. The House of Lords Interpreting Services in the Courts Inquiry 2025 reported that 'numerous witnesses reported delays to court proceedings due to interpreters not being booked, not available or not arriving when booked'.[207] Such late bookings therefore make it difficult to match interpreters reliably.

53. In some cases, defendants only request an interpreter when they reach their first hearing. This leads to delays in proceedings and, if one cannot be sourced at short notice, the decision on whether to proceed without one (perhaps with someone fluent in relevant languages attending with the defendant) or to adjourn the hearing is a matter of judicial judgement. I have been informed anecdotally that the late requesting of interpreters can arise because the police failed to book the appropriate interpreter either due to a lack of resourcing, understanding of current procedures or the defendant

203 Source: Public Service Committee Inquiry into Interpreting and Translation Services in the Courts (MoJ, September 2024).

204 Ibid.

205 Uncorrected oral evidence: interpreting and translation in the courts service (2024).

206 Ibid.

207 Lost in translation? Interpreting services in the courts (2025).

not asking for an interpreter at the point of being interviewed by the police. The police are required to book interpreters for short-notice hearings (such as overnight remand cases) for those in their remit. Internal guidance already exists in England and Wales for police forces to ensure that interpreters are consistently booked in advance of hearings where that responsibility falls on the police. I would encourage the police to embed the knowledge and consistent application of this guidance and to work with the Crown Prosecution Service (CPS) to ensure that defendants have access to an interpreter in a language in which they are fluent at the earliest opportunity where required. Where the police are unable to secure an interpreter for a defendant in a language in which they are fluent, the defendant should be given the option of using an approved AI translation tool. I have already recommended this in Chapter 4 (The Police and the Prosecution: Getting It Right First Time).

54. Anecdotal evidence indicates that it is quite common for defendants who have no interpreter while at the police station, to make such a request on arrival at the magistrates' court. In these instances, the court will endeavour to secure an interpreter for the defendant, even if the defendant appears to be fluent in English. However, should the court be unsuccessful in sourcing a suitable interpreter, the magistrates are then responsible for deciding whether the hearing will proceed as scheduled or be adjourned.

55. Interpretation is expensive, particularly with the rise in off-contract and last-minute bookings. To meet the demand for interpretation, off-contract bookings are being more frequently used where TBW is unable to source an interpreter. The use of off-contract bookings within the criminal jurisdiction has been gradually increasing since 2020 to reach an all-time high in 2024 (from around 600 to 6,300).[208] I have heard through engagement with HMCTS staff that off-contract bookings tend to be more expensive as interpreters are booked privately if the supplier cannot fulfil a request.

208 To note, following the calendar year high of 6,300 in 2024, recent quarters have shown a slight decrease in off-contract bookings. Since Q3 2024 (where there were 2,100 off-contract bookings), volumes have slightly declined to stand at 1,200 in Q3 2025. However, this is still significantly above figures seen prior to 2020. Criminal jurisdiction comprises requests relating to criminal cases in magistrates' courts and Crown Courts, the Central Criminal Court, criminal appeals at the Royal Courts of Justice, North Liverpool Community Justice Centre, Warwickshire Justice Centre and HMCTS London Collection & Compliance Centre. Source: Criminal court statistics quarterly: July to September 2025 – GOV.UK (MOJ: December 2025).

56. I am also aware of concerns that human interpretation can be relatively inaccurate. I note that whilst the number of complaints about interpretation quality is very low – eight in 2024[209] – complaints are likely to be under-reported.[210] Formal complaints may not be being lodged, and this appears to be driven by several factors including a low awareness of the complaints system and a lack of time by legal representatives to raise a complaint.[211] Lord Sandhurst in the Interpreting Services in the Courts (Public Services Committee Report) debate also attributed this to the fact that the complaints are only available in English and Welsh and that those who are 'most in need of help are least equipped to access it'.[212] The House of Lords Interpreting Services in the Court's Inquiry 2025 mentioned that 'the government should make complaints processes more accessible for non-English speakers'.[213] I also note there have been situations where poor interpretation may have compromised proceedings.[214]

57. These challenges directly impact on court efficiency, as interpreter shortages and last-minute bookings can lead to delays, adjournments and difficulties in ensuring that proceedings run smoothly and fairly for all parties involved. Limited availability and insufficient quality of interpreters risks compromising effective participation and the principles of fairness for defendants, victims and witnesses.

209 This figure solely relates to complaints about interpreter quality. Overall complaint volumes from the criminal jurisdiction concerning interpretation stood at around 530 in 2024. Complaints within the criminal jurisdiction relate to criminal cases in magistrates' courts and Crown Courts, the Central Criminal Court, criminal appeals at the Royal Courts of Justice, North Liverpool Community Justice Centre, Warwickshire Justice Centre and HMCTS London Collection & Compliance Centre. Source: Criminal court statistics quarterly: July to September 2025 – GOV.UK (MOJ: December 2025).

210 Interpreting Services in the Courts (House of Lords, September 2025).

211 Lost in translation? Interpreting services in the courts (2025).

212 Interpreting Services in the Courts: Lord Sandhurst Excerpts (House of Lords, September 2025).

213 Lost in translation? Interpreting services in the courts (2025).

214 Ibid.

## Recommendations

### Interpreter contract

58. Even when the defendant's interpretation need is identified early in the process, there still remains an issue with the availability of interpreters. The MoJ currently has a contract with only one supplier of interpreters, TBW. This monopoly is contributing to the current lack of interpreters that the courts are facing. In the MoJ's response to the House of Lords Interpreting Services in the Courts Inquiry 2025, the MoJ advised that their new supplier contracts effective from October 2026 will 'further reduce off-contract bookings' by having a secondary supplier for bookings which cannot be fulfilled by the primary supplier.[215] I endorse this revised approach that should improve interpreter availability and reduce reliance on off-contract bookings, which are a common source of data protection and security concerns. A scheme in which a second contracted supplier is available will increase the likelihood that bookings are capable of being carried out to the agreed standard. This should minimise the need for both adjournments and off-contract bookings. However, where absolutely necessary, the courts should follow existing guidance to plan ahead, obtain quotations for the services and ensure value for money.

59. This new approach with a secondary contracted supplier should also impact on the current interpreter cancellation policy. At present, interpreters are not paid unless their booking is cancelled after 09.00 on the day on which they are booked to appear. There have been understandable complaints that this operates unfairly for interpreters when a booking is cancelled late the day before since that renders it unlikely that the interpreter will be able to contract for new work the following day. The new scheme and this new contract will allow a cancellation fee to be paid to the interpreter if they are cancelled on the working day before that for which they were booked. For example, if HMCTS have a booking for an interpreter on Wednesday, if it is cancelled on Monday or before then, no fee is payable.

60. In this Review I have also considered the use of AI-enabled translation, and I believe that this should play an increasingly important role in the courtroom, which I discuss below. This is a fast-moving area: Professor Richard Susskind in the House of Lords Interpreting

215 Response to the public services committee's report on interpreting services in the courts (MoJ, May 2025), p. 13.

Services in the Courts Inquiry 2025 warned that 'the breakthroughs in AI used to happen every five to ten years but were now seen every six to 12 months'.[216] I therefore propose that the performance of the two contracted suppliers should be monitored in the context of this developing technology. These systems are expected to become increasingly accurate, and to prioritise value for money the government should be considering the use of traditional human interpretation with this in mind.

**Recommendation 131:** I recommend that, as part of the new interpreter contract, the Ministry of Justice should monitor the performance of the two contracted suppliers particularly in relation to the availability and accuracy of artificial intelligence translation.

## Interpreting process

61. As mentioned above, an existing process is already in place for police to notify the Courts and Tribunals Service Centres (CTSCs) by email of the need to arrange interpreters in bail cases. I understand that compliance with this procedure can be inconsistent and that as a result many individual courts currently undertake their own check of the information on Common Platform two days prior to the hearing. The procedure currently relies on somebody in police custody undertaking a manual action; this is antiquated, and the process should be automated. Either the police system should flag to CTSCs a) whether an interpreter was used in the police station and b) whether a defendant requires an interpreter in court, including the language required, when a defendant is bailed or, given that the information would also be on Common Platform, a workflow notification should be sent from there to the CTSC. This will help ensure that every defendant who requires an interpreter is allocated one at court. Alternatively, an enhancement should be made within Common Platform so that when the case lands an automated workflow notification is sent from Common Platform to CTSCs.

216 Lost in translation? Interpreting services in the courts (2025).

**Recommendation 132:** I recommend that in bail cases the police should check whether the defendant will require an interpreter at court, and there should be an automated system to ensure all the necessary information required to make an interpreter booking is received by the Courts and Tribunals Service Centres.

## AI-enabled translation

62. As part of this Review, I have also investigated the potential for AI-enabled translation services. There have been limited pilots of this technology in other countries that have had some success. For example, in the USA, Orange County Superior Court has developed an AI translation tool that translates Spanish and Vietnamese. They reported an 80% accuracy for Spanish (17% minor errors, 3% major errors) and a 57% accuracy for Vietnamese (39% minor errors, 4% major errors), based on 113 translated sections that were reviewed by a Spanish certified translator and a Vietnamese certified interpreter, respectively.[217] The lower level of Vietnamese accuracy was attributed to higher availability of Spanish training materials.[218]

63. I am aware that the wider adoption of this technology has been slowed by concerns over the accuracy and accountability of AI translation.[219] I acknowledge that the need for AI translation to meet the high standards expected of in-court interpreters is key to its further adoption. I also acknowledge that the accuracy of AI translation varies depending on a number of variables including the language involved and training data available.[220] Acoustics and audio quality are wider challenges for interpreting in courtrooms,[221] and this will also

217 Minor errors include incorrect accents or grammar, while major errors are those which render a translation unusable. Source: AI assisted translation (Thomson Reuters Institute and National Center for State Courts, May 2025); AI-Assisted Translation in the Courts: Exploring Opportunities & Navigating Risks (Thomson Reuters Institute and National Center for State Courts, May 2025).

218 AI in court translation: Navigating opportunities, risks & the human factor (Thomson Reuters Institute, June 2025); AI-Assisted Translation in the Courts: Exploring Opportunities & Navigating Risks (2025).

219 Public services committee inquiry into interpreting and translation services in the courts (2024).

220 Enhancing translation accuracy and learning outcomes for low-resource languages (November 2025).

221 Lost in translation? Interpreting services in the courts (2025).

impact on AI translation accuracy.[222] That being said, AI translation is a rapidly developing area[223] and it seems likely that AI translation will only increase in accuracy each year.[224] Based on current progress, AI translation may surpass human interpreting in the near future.

64. Whilst I recognise the need for AI translation to be delivered to a high standard, translations carried out by human interpreters are not infallible and inaccuracies do occur.[225] Moreover, with human interpreters in court there is no method of identifying the error rate. There should therefore be an agreed testing standard that defines acceptable performance levels, evaluation methods and operational thresholds for AI translation tools. The acceptable level of accuracy of an AI translation tool could be benchmarked against one or ideally the median performance of a group of human interpreters who are relied upon as accurate.

65. Processes are in place to ensure court interpreters operating in court are qualified and accountable. These include qualification requirements, a complaints system and an assessment of interpreters known as 'mystery shopper assessments'. Such assessments involve an assessor in the public gallery or listening to case recordings and this covers 1% of bookings made, or around 2,000 assessments per year.[226] It is important that similar rigorous scrutiny is also applied to AI translation.

66. Work is much more advanced to introduce AI-powered transcripts within the courts. By running a transcription of the original language and a transcription of the translated language, it is possible to evaluate the accuracy of the translation if there is a challenge. In my view, this would improve transparency through the creation of a live record. Existing technology in the Crown Court and my recommendation in Part I to introduce audio recording in the magistrates' court would support this. Clear standards will be an important step in the adoption of AI translation in courts.

---

222 K. Budd and H. Agoro, Implementing a Speech Recognition System for Real-Time Language Translation (January 2025).

223 S. Wright, 'Artificial Intelligence in Legal Translation at the Court of Justice of the European Union' (2025) 14 International Journal of Language and Law 120.

224 S. Sun, K. Liu and R. Moratto, Translation Studies in the Age of Artificial Intelligence (Routledge, June 2025); No Language Left Behind: Scaling Human-Centred Machine Translation (Cornell University, August 2022).

225 Interpreting and language services in the courts (2025).

226 Lost in translation? Interpreting services in the courts (2025).

67. Further, the quality of AI translation will be dependent on long-term investment in technology, and this should be taken seriously to deliver on longer-term efficiencies. Investment is needed to update existing digital technology and address issues relating to acoustics and connectivity, which are often described as not adequate by current interpreters.[227] The technology required to deliver sufficient audio quality for AI translation should be validated through a pilot.

68. Another key issue, alongside quality of translation, is the difference between interpreting and AI translation. I understand interpreting to mean the real-time *rendering* of spoken words between two languages by a human,[228] and AI translation to be a technology-based process that automatically *converts* spoken words (or text) from one language to another.[229]

69. I acknowledge the argument that interpreting, in rendering the message, goes beyond basic word conversion in its understanding of context and cultural nuance,[230] and that in the court setting literal translation might not always be sufficient.[231] However, provided that the meaning of the source language is not distorted,[232] I believe that AI translation will provide greater transparency. It can mitigate the risk of bias with traditional interpreters and even avoid situations in the past where interpreters have advised the person what to say and what not to answer.[233] Furthermore, I acknowledge that whilst AI translation currently falls short in handling cultural context and nuance, the capability for AI to do so is constantly improving with the support

227 Ibid.

228 M.P. Allen et al., Language, Interpretation, and Translation: A Clarification and Reference Checklist in Service of Health Literacy and Cultural Respect (National Library of Medicine, February 2020).

229 J.R. Kala et al., Speech to speech translation with translatotron: A state of the art review (2025) 28 ScienceDirect 107.

230 Ibid.

231 Associate Professor S. Hale, 'The need to raise the bar: court interpreters' (2011) The Judicial Review.

232 W.E. Hewitt, Court Interpretation: Model Guides for Policy and Practice in the State Courts (State Justice Institute, June 1995).

233 Lost in translation? Interpreting services in the courts (2025). I have had personal experience of this happening: in one case, it caused the discharge of a jury after four days and, in others, there has been a lengthy discussion between witness and interpreter leading to a monosyllabic answer to the question posed but without an interpretation of the full discussion.

of human review and refinement.[234] Technological development is continually blurring the boundary between interpreting and translation[235] and I support further exploration of these developments with a view to their effective use in trial proceedings.

70. Whilst, under the ECHR, everyone charged with a criminal offence has the right to 'the free assistance of an interpreter if they cannot understand or speak the language used in court', it is not explicit whether this must be from a traditional interpreter or can be through technology, such as AI translation – which is hardly surprising given the date of the Convention's drafting.[236] Traditional interpretation should continue to be the default offering for the immediate future, with both use of video and AI to supplement this to increase the productivity and support the quality of human interpreters. However, HMCTS should continue to test and pilot AI translation with the aim of reaching a stage where this service could be regarded as the 'gold standard' to be offered as the default option for those who cannot understand or speak the language in court. This will no doubt take longer for rare languages where the sample size and available training material impacts accuracy. There are also likely to be situations where AI translation might be the only available option. If an interpreter cannot be found, the judge should be given discretion to offer it if in the interests of justice.

71. Introducing this technology raises questions of who is held accountable for the quality of AI translation. The government should establish a monitoring regime that determines the level of accuracy required and which holds to account the providers of the AI translation to be accurate, minimise errors and be transparent about the level of performance. Real-time monitoring of AI translation is critical, as any errors the tool makes during the course of the hearing must quickly be made known.

72. Provided that the AI translation is accurate and accounts for nuance, there are situations where use of AI translation presents lower risk and should be explored. For example, in my opinion, AI translation should be much more available for interlocutory hearings attended by the

234 A. Smith Williams, Cultural Nuances in Translation: AI vs Human Translators (ResearchGate, April 2025).

235 H.V. Dam, M. Nisbeth Brogger and K. Korning Zethsen, Moving Boundaries in Translation Studies.

236 European Convention on Human Rights (2019).

defendant where they may not have to contribute extensively but must be able to understand proceedings. I encourage the cautious and continued exploration of AI translation at pace through pilots at interlocutory hearings to build up the confidence and provide data to inform wider roll-outs.

73. AI translation in a court setting is relatively early in exploration and development, given the complexity of evaluating accuracy in that environment. HMCTS is exploring whether AI can effectively support English to Welsh translation on a platform to support judicial case preparation, alongside summarisation, transcription and anonymisation tools. I endorse further exploration of AI-supported English to Welsh translation as part of the overall aim to maximise participation.

74. Trials of AI Translation are ongoing in other areas of the criminal justice system. Through engagement with HMCTS Digital and Technology Services, I have been informed that HMPPS has piloted AI interpreting for non-legal and non-clinical discussions across eight prisons. They reported accuracy levels for 91 languages ranging from approximately 6% to 97%,[237] with 29 languages having over 90% accuracy. They noted that whilst some languages are undergoing testing and refinement, the tool consistently exceeded expectations across many languages. HMCTS wishes to develop standards on the performance of AI translation, and I support this. Data from this pilot suggests that connecting to an interpreter takes on average 20 minutes from the need of an interpreter being identified, compared to roughly five minutes through their Echo AI interpreting tool. Prisons have also reported an 84% reduction in unit cost for using this AI tool compared to human interpreting.[238] Further, the Metropolitan Police Service's Language and Cultural Services are trialling an AI translation app.[239] Efforts to enhance the accuracy of AI translation are currently being made within separate agencies and I note the potential for collaboration across the criminal justice system to accelerate this. Future pilots of AI-enabled translation must involve robust evaluation of accuracy metrics, error severity and cost-effectiveness.[240]

237 The range represents the lowest and highest values respectively.

238 Source: Unpublished HMPPS Proof of Concept evaluation data.

239 Information about translation services and technologies (Metropolitan Police).

240 Machine Translation: Considerations and Cautions for Courts (National Center for State Courts and State Justice Institute, 2025).

75. Provided the prescribed quality standard of AI translation is met, AI translation technology could be used to save court time caused by interpreter delays, as well as money from the cost of interpreters. In the financial year 2023 to 2024, HMCTS spent nearly £12.8 million on translation and interpretation.[241] Resources spent on traditional interpreting could be refocused to support efforts to address the open caseload.

76. AI capabilities will continue to advance, both through the various suppliers' ongoing model development and through the fine-tuning organisations apply internally. Such fine-tuning is enabled by continuous feedback loops, whereby AI outputs are reintegrated into the model to refine accuracy, fluency and contextual relevance. When the government considers how best to maximise the use of AI translation, it must ensure that the system supports effective learning, enabling model performance to be continually refined and improved through these feedback loops. Both the criminal courts and other areas of government hold a significant volume of audio recordings in professional contexts in various languages. Provided that the necessary approvals are in place, the criminal courts could fine-tune and validate the AI translation model against the acoustic quality of these recordings. This in turn would also provide reassurance that tools are effective and accurate.

**Recommendation 133:** I recommend that His Majesty's Courts and Tribunals Service investigates the use of artificial intelligence for translation purposes for use in courts and sets up a monitoring regime of artificial intelligence translation with metrics to determine and hold to account the level of accuracy and error. Subject to the approval of the judge, following testing, artificial intelligence translation should also be used in pre-trial and preliminary hearings where traditional interpreters are not available. This will ensure progress is made, even if minimal.

241 Source: Courts: Translation Services – Question for Ministry of Justice (UK Parliament, October 2024).

## Translation Beyond the Courtroom

77. Another avenue I have investigated as part of this Review is the potential use of AI translation beyond the courtroom, to support the frontline work of police forces and CTSCs.

### Current System and Challenges

78. As I have already noted, the right to language to support is enshrined in Article 6 of the ECHR.[242] As a result, access to interpreters for individuals who lack fluency in English is paramount not just in courtrooms but from the moment of arrest through to conviction or acquittal.

79. Outside courtrooms, human interpreters, either face-to-face or over the telephone, are used by frontline services, namely police forces and CTSCs, to support individuals who require language assistance.

80. CTSCs provide guidance and support to individuals engaged with the justice system in centralised service centres. Their aim is both to improve access to justice and resolve queries more efficiently by using digital, rather than paper-based, processes when handling case queries and administrative tasks.[243] Similar to court proceedings, HMCTS currently contracts interpreting services in CTSCs to thebigword. However, as I have already noted, there is an overall shortage of interpreters, with the volume of unfulfilled requests reaching the highest volumes seen for a decade in 2024.[244]

81. In terms of police forces, all forces in England and Wales currently follow the Police Approved Interpreters and Translators Scheme, overseen by the College of Policing. The Police Approved Interpreters and Translators (PAIT) scheme defines the qualifications, vetting and experience required of interpreters when undertaking police assignments in England and Wales. Interpreter services for policing are

242 Language barriers in the criminal justice system (ICPR, Birkbeck, The Bell Foundation, Victim Support and Centre for Justice Innovation, March 2022), p. 3.

243 Courts and Tribunals Service Centres: supporting users through centralised systems and teams (HMCTS, March 2025).

244 Refers to unfulfilled bookings within the criminal jurisdiction which comprise requests relating to criminal cases in magistrates' courts and Crown Courts, the Central Criminal Court, criminal appeals at the Royal Courts of Justice, North Liverpool Community Justice Centre, Warwickshire Justice Centre and HMCTS London Collection and Compliance Centre. Source: Criminal court statistics quarterly: July to September 2025 – GOV.UK (MOJ: December 2025).

typically procured on a regional basis through the Dynamic Purchasing System, in which approved suppliers comply with the requirements of PAIT.[245] My understanding is that data available on interpreter use within police forces is limited due to the mixture of services used. However, given the shortage of interpreters across the wider criminal justice system, it seems plausible to assume that similar challenges are likely to be faced by police forces.

82. The persistent shortage of qualified interpreters within frontline services is creating a critical barrier to progressing criminal cases. Without sufficient language support officers cannot conduct interviews effectively, gather evidence or ensure procedural fairness. This constraint not only delays investigations but also creates a risk of miscarriages of justice as statements may be incomplete or inaccurately recorded. The cumulative effect is a bottleneck that extends beyond the investigative stage, by impeding charging decisions and court scheduling, and ultimately undermining public confidence in the criminal justice system. Similarly, without appropriate interpretation support, agents in CTSCs may struggle to respond to queries in an accurate and timely manner. This again slows the progression of cases as individuals engaged with the criminal justice system may misunderstand and may fail to provide essential information on time.

## Recommendations

83. To address this challenge, my recommendation is for the expansion of AI translation to frontline services, particularly police forces and CTSCs, in cases where interpreters are not readily available.

84. In England and Wales, there have been limited pilots on the use of this technology in frontline services. The Metropolitan Police Service's Language and Cultural Services, for example, has recently begun piloting an AI translation app with evaluation pending.

85. I understand pilots in other countries, however, have returned positive results and I endorse the continued exploration of how such tools may improve efficient access to language support across the system.

245 Police Approved Interpreters and Translators Scheme (PAIT) (Police.UK).

86. For example, the Superior Court of California, in the USA, implemented a multi-lingual AI-powered kiosk to handle routine queries and provide information about legal processes to non-English speakers in courthouses. The kiosk has reduced the workload of courthouse staff, who can now focus on high-priority cases and complex inquiries that require specialised attention.[246]

87. Further, the Review has been informed of Axon's AI-enabled translation tools built into body-worn cameras, which I understand to now be being used by the Joliet Police Department in the USA. These tools are understood to enable police officers to communicate in over 50 languages by automatically translating conversations in real-time. It also records translated conversations and produces searchable transcripts, allowing subsequent verification by human interpreters. Earlier in Chapter 4 (The Police and the Prosecution: Getting It Right First Time), I provided a case study on how this may aid statement building.

88. It is my view that AI-enabled translation is likely to enhance access to justice for individuals who lack fluency in English, while also improving efficiency. By enabling faster communication with non-English speakers, the amount of time lost by frontline staff waiting for access to human interpreters is significantly reduced, thereby allowing staff to maintain workflow and accelerating case progression.

89. However, as I noted earlier in this chapter, I am aware that to enable the implementation of AI-enabled translation, key objectives must be demonstrated before such tools are implemented including ensuring accuracy, standard setting and long-term investment in the technology.

**Recommendation 134:** I recommend that His Majesty's Courts and Tribunals Service and police forces explore the use of artificial intelligence translation in frontline services of the police and the Courts and Tribunals Service Centres.

246 G. Marshall, Case Study: Multilingual Kiosks, Live Interpretation Break Down Justice Barriers in Diverse California County (LanguageLine Solutions, November 2024).

# Transcription

## Current System and Challenges

90. In addition to the use of video hearings and AI translation, I believe that better use of technology can create further efficiencies in the court day by providing accurate transcriptions more swiftly and at less expense.

91. The Crown Court currently makes an automated recording of its proceedings, which allows them to be transcribed. HMCTS contracts private companies to produce transcripts from audio recordings made in the Crown Court,[247] as required, which are retrieved either from the court itself or from a database called the Digital Audio Recording Transfer and Storage (DARTS) system.[248] Recordings of trials are retained for seven years.[249] The government pays for transcripts of proceedings in the High Court and Court of Appeal but not in the lower courts. In the lower courts, transcripts are produced when specifically requested.[250] The magistrates' courts do not currently record or transcribe hearings.[251] In Part I of this Review, I recommended that trial and sentencing proceedings in the magistrates' courts be audio recorded and, if necessary for the purposes of the appeals, appropriate parts transcribed.[252] That recommendation reflects the fact that under the Part I recommendations several categories of more serious case will be heard in the magistrates' courts.[253]

92. There are several challenges posed by a requirement of transcription in courts. The main challenge is the cost of producing transcripts, which is in large part due to the high accuracy standards that transcription must achieve. This high standard is of critical importance but must not present a barrier to piloting technological innovation that might unlock efficiency.

247 Open justice: court reporting in the digital age (Justice Committee, November 2022).
248 Written evidence from JUST: Access (JUST, October 2021).
249 The Crown Court Records Retention and Disposition Schedule (MoJ and HMCTS, August 2020).
250 Guidance for requesting a transcript (HMCTS, October 2025).
251 Apply for a transcript of a court or tribunal hearing.
252 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025).
253 Ibid.

93. Traditional transcription is costly, in the region of £90 to £200 per audio hour.[254] The cost of transcription typically falls on the requester and this can be in the several thousands of pounds.[255] AI transcription offers significant potential to improve cost efficiency. However, I am aware of barriers to AI transcription relating to commercial contracts and standards for the accuracy of transcripts.

94. There are several commercial contracts for court reporting and transcription services.[256] I am aware of resistance to AI transcription from commercial entities, which is speculated to be due to the threat to their business model that AI transcription could pose. This opposition has limited the ability of HMCTS to pilot AI transcription in the criminal courts. However, the Immigration and Asylum Chamber has no existing suppliers of transcription and significant progress has been made with AI transcription in that national tribunal. Transcription in this jurisdiction is critical, and I support this pilot.

95. The other challenge is accuracy. Under the current contract for the Crown Courts, suppliers are required through a service-level agreement to produce transcripts at 99.5% accuracy, and this occurs through a manual process.[257] AI court transcripts would require a similar accuracy which HMCTS is targeting.[258]

## Recommendations

96. The Review team has seen a demonstration of a prototype of the AI transcription tool that was piloted in the Immigration and Asylum Chamber.[259] HMCTS has shared that this AI tool is able to create transcripts with an accuracy of 92% from recordings taken with existing court audio infrastructure, and with no additional processing or AI fine-tuning.[260] Some discrepancies affect the way documents are formatted such as spoken versus the written word and how the tool can deal with legal-specific language. Whilst this is less than the 99.5%

254 Written evidence from JUST: Access (2021).
255 Hansard: Court Transcript Costs (UK Parliament, November 2023).
256 Written evidence from JUST: Access (2021).
257 Law Reporting: Artificial Intelligence Question for Ministry of Justice (UK Parliament, April 2025).
258 S. Trendall, AI court transcripts will need 'similar accuracy' levels to 99.5% human standard (PublicTechnology.net, May 2025).
259 HMCTS is accelerating the responsible adoption of artificial intelligence (AI) to transform the courts and tribunals (HMCTS and MoJ, September 2025).
260 Source: Unpublished HMCTS data from the transcription pilot.

accuracy mentioned above,[261] HMCTS has identified plans to address this that include providing the AI model with additional context and training. Promisingly, the tool can distinguish between speakers and will be able to extract quotations or provide a summary for next steps.

97. HMCTS informs me that whilst there are costs to own and maintain an AI transcription service, the processing is completed promptly and the associated transactional costs are small. As AI transcription services are scaled up, the costs per user would decrease, supporting more cost-efficient delivery. I am told that transcription is the first of many AI use cases to be scaled within HMCTS. In addition to cost, AI transcription might offer other benefits. Subject to judicial support, AI transcripts have the potential to be used further to improve judicial time efficiency in supporting activities such as writing judgments. This is a matter for the judiciary.

98. In my engagement throughout this Review, I have also been made aware of transcription capabilities across the wider justice system. For probation officers, a transcription tool developed by the Justice AI Unit called Justice Transcribe is being piloted to reduce the administrative burdens of writing complex summaries.[262] Justice Transcribe was developed by engineers in the Justice AI Unit, drawing on early reusable components and learnings from Minute,[263] the transcription tool developed by the Government Digital Service's Incubator for Artificial Intelligence, and is a strong example of building on existing government capability through effective cross-government collaboration. Justice Transcribe is helping reduce probation officer admin, allowing officers to work through cases more efficiently and build stronger relationships with those they support. The feedback received from the frontline has been overwhelmingly positive thus far.

99. HMCTS has confirmed to me that it will be working with the Justice AI Unit to adapt a version of Justice Transcribe for a court setting. This will bring together collective experiences from both organisations in developing transcription tools, leveraging the work from HMCTS in ensuring accuracy in a court setting and the work from the Justice AI Unit in developing and scaling a transcription product. I endorse this

261 Law Reporting: Artificial Intelligence – Question for Ministry of Justice (UK Parliament, April 2025).

262 OpenAI to expand into UK Data hosting after major growth deal (MoJ and DSIT, October 2025).

263 The Incubator for Artificial Intelligence.

collaborative approach and support the practice of bringing expertise across the criminal justice system together to achieve efficiencies in the criminal courts.

100. It is essential to maintain accuracy, recognising the paramount importance for court transcripts to be of a high standard. However, AI transcription is improving each year. The standards mandated must reflect the importance of AI-generated inaccuracies to safeguard the interests of parties, witnesses and victims. Adhering to such safeguards, AI transcription has the potential to improve cost and time efficiencies and allow resources to be redeployed to other areas of the criminal courts.

101. Relating to my recommendation in Part I for magistrates' hearings to be audio recorded and, if necessary for the purposes of the appeals, appropriate parts transcribed, I must emphasise that I do not want costly transcripts to be an unintended outcome. For this reason, I strongly support the use of an AI transcription tool to deliver this, and (subject to pilot and subsequent audit) I would like new contracts to reflect this ambition to alleviate this potential problem. I note that funding is a barrier to deliver AI transcription in other jurisdictions beyond the Immigration and Asylum Chamber and would like to see steps taken to address this.

**Recommendation 135:** I recommend that artificial intelligence transcription be piloted and, subject to findings and appropriate arrangements for audit, be adopted in criminal courts by His Majesty's Courts and Tribunals Service, and that all new transcription contracts in the magistrates' courts include artificial intelligence transcription as the default.

## Digital Jury Bundles

### Current System and Challenges

102. Technology could also create efficiencies in how evidence is provided to the jury. Currently, courts use bundles of the evidence (e.g. witness statements or telephone schedules) that jurors will be referred to in the course of the trial. Currently, courts use paper bundles, which are produced by the CPS. Producing paper jury bundles is time-consuming, with average time estimates, from multiple sources,

ranging from approximately 30 minutes[264] to 90 minutes[265] per trial, depending on length, complexity and offence type. The CPS employs one person per case to prepare paper bundles and in 2024 an estimated 330,000 paper bundles were delivered for over 30,000 Crown Court trials.[266] In the courtroom, an usher manages paper bundles and is responsible for distributing them to the jury.

103. Use of paper bundles can take up a significant amount of time in court. When a judge rules an item of evidence inadmissible, but the CPS had already included reference to that evidence in the bundle, the bundles must be amended, photocopied and redistributed to jurors, which can cause delay and disruption to a trial. This is particularly felt where CPS and courts are under-resourced and do not have immediate access to copying facilities. Paper bundles also pose problems for communication in court. It is not uncommon for different advocates to have different references to the pages in the bundle held by the jurors. I am aware (and have had personal experience) of many cases in which pages are numbered inconsistently across documents distributed between jurors, witnesses, judges and lawyers. The miscommunication which results from these errors wastes time with unnecessary back and forth to guide parties to relevant information.

## Recommendations

### Piloting digital jury bundles to save in-court time

104. Replacing paper bundles with digital jury bundles could reduce trial delays and resource burdens. Digital jury bundles are created by uploading and organising documents relevant to a hearing onto a digital device (a tablet) which is distributed to each juror. The potential benefits for the CPS are the reduction of the resources needed for

264 This includes preparation of bundles, confirmation of the content with advocates, preparing the bundle for copying, confirming that a bundle is required for court, storing material on software, copying and sequencing hard-copy exhibits and preparing witness claim forms (as required). Source: Unpublished CPS monitoring information.

265 This includes submitting a bundle print request, manually printing a paper bundle, configuration of jury bundles and distribution to advocates and judges. Data was gathered though trial observations, interviews with practitioners and feedback forms. These figures are based on a small sample size so should be interpreted with some caution. Source: Unpublished CPS Swansea Court data.

266 This assumes that all Crown Court trials are a CPS matter and that 11 bundles were printed per Crown Court trial. Source: Unpublished CPS monitoring information.

producing and distributing paper bundles.[267] When inadmissible evidence needs to be removed from the digital bundle, this can be performed electronically and updates will be reflected on all jurors' devices, avoiding time-consuming reprints and redistribution of paper materials. This digital bundle management would also ensure all parties have access to the same version of documents, eliminating inconsistencies which hinder communication. Digital jury bundles also offer potential sustainability benefits by reducing paper use, and long-term improvements in cost efficiency and improved juror experience. Further, digital jury bundles offer efficiency savings in that they may enable jurors to more easily search and find information during their deliberations.

105. Digital jury bundles are being piloted in Swansea Crown Court and, as of September 2025, they had been used in 104 trials.[268] As part of the process each juror receives a 40-minute training session from a dedicated coordinator on how to use the digital devices. Significant business process challenges have been identified during the initial pilot, such as delays in juror training, difficulties managing access to bundles during trials and device handling. There are therefore plans to re-pilot this initiative with an alternative operating model. It is my view that some of these business process issues might be overcome by simple solutions, such as incorporating training into juror induction pre-trial or providing pre-trial video instructions via a link on the jury summons.[269] I also welcome the decision to simplify digital jury bundles by replacing the use of digital annotations with a traditional paper notepad. This will address issues that have been identified with device handling and mitigates wider concerns of jurors' notes being stored on a service run by the prosecution. I endorse the re-pilot in Swansea to resolve identified issues before further planned pilots of digital jury bundles, in Preston and Croydon Crown Courts, follow.

106. Given the issues with the current pilot, there is not yet evidence of the time-saving potential of digital jury bundles in practice. While it is clear that they will address the resource intensity required to prepare and manage paper bundles, both before and during trial, the new operational and financial burden their use brings must be

267 Annual Report and Accounts (CPS, July 2025); CPS Economic Crime Strategy 2025 – two year progress report (CPS, 2025).

268 Source: Unpublished data from Accenture (service delivery organisation for the Swansea pilot).

269 This seems to be more productive than instructing each new jury to the system.

considered. Devices and software require upfront and continued investment, and courts must maintain contingency plans for system failures, including a paper option for resilience and accessibility.[270] Effective implementation will depend on sufficient training and support for all jurors, ensuring equal access to evidence regardless of digital literacy; without it, jurors may struggle to navigate devices, causing disruption during trials.[271]

107. I am also aware that digital jury bundles will present different challenges to different agencies. While CPS staff would benefit from a reduced demand for paper bundles, HMCTS ushers and other staff have additional responsibilities in managing digital jury bundles, training and troubleshooting. Understandably, this has been a barrier but, in a more collaborative criminal justice system, this should not be the case. Both the CPS and HMCTS need to consider wider system benefits and acknowledge where overall net benefits could be shared, such as increased capacity for better case preparation, and this could be a role for governance Chapter 3 (One Criminal Justice System).

108. Strategies to overcome challenges implementing digital jury bundles may come from other areas where digital bundles have been used, such as in complex fraud trials.[272] The Financial Conduct Authority tells me that it has had positive experiences of digitised jury bundles. I also note that digital bundles or 'e-bundles' have been used in the family court[273] and lessons learned from there could be taken forward. An evaluation of the HMCTS Reform Digital Services reported mixed feedback from judges regarding digital bundles, with some welcoming them based on their security, accessibility and flexibility merits – and with others who have raised concerns of their resilience when systems fail.[274] There is a clear opportunity to draw on these lessons to develop a more resilient, efficient and user-friendly approach to digital jury bundles.

109. Despite these challenges, I am confident digital jury bundles offer the potential to reduce in-court time spent reprinting bundles by enabling real-time digital updates to jury bundles and there are clearly large

270 Digital Jury Bundles (Pilot & Potential Implementation) (CPS, April 2025).

271 Ibid.

272 S. Wood, Trial Evolution: iPads as jury bundles (Counsel Magazine, November 2015).

273 Guidance on E-bundles for Use in the Family Court and Family Division (Judiciary of England and Wales, December 2021).

274 HMCTS Reform Digital Services Evaluation: Overarching Report (MoJ, 2025).

potential efficiency gains for the CPS. I therefore recommend that the initiative continues to be piloted to gather robust evidence on the efficiency savings that digital jury bundles offer. I endorse continuing to pilot the digital jury bundle initiative to gather further evidence on the potential benefits and costs.

110. So far in this chapter I have considered where efficiencies can be created in the processes leading up to and in proceedings in the courtroom. This section continues this theme by considering the how efficiency in the receipt of evidence may impact use of court time. In Part I, I identified the increasing complexity of evidence as a key driver in rising caseloads, and so it is important I consider more specifically these types of evidence.

## Expert Evidence

111. An expert witness is one who is qualified to give an opinion and who provides to the court a statement of opinion on any admissible matter calling for expertise.[275] The purpose of an expert witness is to provide independent assistance to the court by way of objective and unbiased opinion in relation to matters within their expertise.[276]

112. The frequency with which prosecution experts are called to give evidence has been slowly rising since the pandemic, with a large annual rise (of almost 50%) in the financial year 2024 to 2025 to around 9,900.[277]

113. Courts rely on specialist knowledge including, but not limited to, forensic science, psychiatry and digital forensics. Experts are required to present their opinion to the jury in an understandable format in order for them to be able to resolve matters outside a layperson's experience. Part 19 of the CrimPR provides guidance on the manner in which reports must be presented.[278] The Criminal Practice Directions 2023 7.1.2 sets out the framework for assessing the reliability of expert evidence for the purposes of admissibility.[279] The Forensic Science Regulator's Code sets out that 'forensic science

275 Expert Evidence (CPS, November 2023).

276 Chapter 14: Expert evidence (Courts and Tribunals Judiciary, January 2025).

277 Source: CPS (unpublished). Note: this is appearances of an expert so if a trial is ineffective and is listed multiple times, there could be a degree of double-counting.

278 The Criminal Procedure Rules 2025, Part 19.

279 Criminal Practice Directions 2023 (November 2025).

is a critical and important part of criminal investigations … not only to identify offenders and provide expert evidence to court, but also as one of the strongest safeguards against false allegation and wrongful conviction'.[280]

## Current System and Challenges

114. In the context of increasingly complex expert evidence, I consider clear guidance and training for the judiciary to be essential. I have been informed that while there is no specific expert evidence training available to judges, the topic is covered in both induction and continuation training. Induction training for new judges introduces evidence handling whilst continuation training is offered annually or biannually, tailored to a judge's role and jurisdiction, also covering aspects of evidence, admissibility and digital resources. The Art of Decision-Making course, part of the continuation training, addresses expert evidence, ensuring judges: understand the duty of an expert witness to be impartial and objective; apply Part 19 of the CrimPR[281] and Criminal Practice Directions 2023 7.1.2;[282] and assess expert methodology, disclosure obligations, qualifications and credibility of the expert and the relevance and reliability of the evidence.

115. Following my 2015 report on the Review of Efficiency in Criminal Proceedings where I recommended the need for improving understanding of complex expert evidence in court,[283] the Judicial College and Royal Society introduced judicial primers in 2017 on a variety of topics.[284] I understand these primers to be a useful resource for judges in addition to the guidance within the Crown Court Compendium for judges.[285] However, despite this, I am aware of a continued need for improvements in scientific and technical literacy in the courtroom.[286]

280 Forensic science activities: statutory code of practice – version 2 (accessible) (Forensic Science Regulator and Home Office, June 2025).

281 The Criminal Procedure Rules, Part 19.

282 Criminal Practice Directions 2023 (published April 2023, last updated November 2025).

283 The Rt Hon. Sir Brian Leveson, Review of Efficiency in Criminal Proceedings (Judiciary of England and Wales, January 2015).

284 Science and the law (Royal Society).

285 Crown Court Compendium – Part I: Jury and Trial Management and Summing Up (Judicial College, October 2025).

286 J. Murray, Judge tells colleagues to be 'on their guard' over expert witness evidence (The Guardian, 8 August 2025).

116. Expert evidence is likely to become increasingly important, including in particular expertise in digital forensics and communications data, given the increase in volume and complexity of digital evidence, as mentioned in Chapter 2 (Context). A digital component[287] to the evidence exists in most cases: by some estimates, it reaches 90% of criminal cases.[288] This increase in the volume and complexity of digital evidence is making identifying the pertinent digital material to support a prosecution increasingly more challenging. Digital forensics are going to play an increasingly important part in investigations. I am aware that cases start with, or collapse as a result of, analysing communications data. The police, CPS and criminal courts must all take a proactive, assertive and dominant position to handle digital forensics.

117. HMICFRS reports that the police have not kept pace with the scale of the challenges they face and there is a lack of understanding about digital forensics.[289] There is a lack of expertise within the police relating to digital forensics and this can impact on the timeliness for police to process evidence. I have been told that a forthcoming Home Office White Paper on police reform will outline major plans for forensics reform. This is likely to include plans to address the need for enhanced police expertise in forensics and for the need for better training across the criminal justice system in interpreting digital forensics.[290]

118. Looking to the wider forensic science picture, within an increasingly complex picture, there is a clear need for effective collaboration between relevant partners. Through engagement with the Forensic Science Regulator, I learn that the dialogue between the Forensic Science Regulator and the criminal justice system is limited to regular meetings with the CPS. There is a risk of bias towards prosecution priorities, and a danger that the lack of defence engagement inhibits the criminal justice system response to evolving forensic developments and needs. In addition, there are challenges in leadership and governance. Forensic science does not fall under the direct remit of any Home Office Minister and, consequently, the Regulator typically

287 Corrected oral evidence: Forensic Science (Select Committee on Science and Technology, November 2018).

288 Digital Forensic Science Strategy (Transforming Forensics, Forensic Capability Network, NPCC and APPC, July 2020).

289 An inspection into how well the police and other agencies use digital forensics in their investigations (HMICFRS, December 2022).

290 Home Secretary announces major policing reforms (Home Office, November 2024).

has to communicate with the Minister of Policing which has potential for a conflict of interest. While it is essential for the Forensic Science Regulator to establish the scientific basis, they should subsequently collaborate with justice partners to ensure that all agencies are engaged, thereby achieving the highest quality of evidence. The adequacy of provision in forensic science may be a topic which the Performance Oversight Board could consider. I also encourage the work of the House of Lords Science and Technology Committee inquiry, in particular reflecting on the availability of forensic science for the defence community.

## Recommendations

119. In my 2015 Report ('Review of Efficiency in Criminal Proceedings'), I recommended that courts should make more frequent use of their power to direct a discussion between experts with the aim that they can jointly agree, at the earliest possible stage, before trial those issues on which they agree and those on which they do not, and to prepare a joint statement for use in evidence indicating the measure of their agreement and a summary of the reasons for their disagreement.[291] I continue to regard this as good practice, wherever possible.

### Judicial College to review training

120. As I have explained, expert evidence has increased in complexity and is likely to continue to do so. With an increasing complexity of expert evidence responding to scientific advancements, judges and juries are continuously faced with material that is more technical and difficult to comprehend and this may result in more court time being required to present and scrutinise the evidence.

121. What is critical is that judges are equipped to manage this voluminous and complex evidence. I therefore recommend continued work by Judicial Office in collaboration with the Royal Society to enhance training and update primers for judges in the Crown Court. This could include new primers on suitable topics, for example on neurodiversity. I also recommend, where appropriate, to provide training on the use of expert scientific evidence to District Judge (Magistrates' courts) following the implementation of my recommendations in Part I where District Judge (Magistrates' courts) will be more likely to hear more complex cases. My aim is to ensure that judges are well

291 Review of Efficiency in Criminal Proceedings (2015).

equipped to manage expert evidence efficiently both now and in the future, reducing time spent clarifying technicalities during hearings. Ensuring judges can confidently assess the reliability, relevance and admissibility of expert evidence could lead to fewer cases being delayed due to challenges or requests for additional expert opinions. As well as being an important measure for efficiency, this measure is vital for safeguarding fair trial outcomes and proceedings, including by ensuring judges are able to aid juries, witnesses and other parties to understand proceedings, and mitigating against unconscious bias in interpreting complex cases.

**Recommendation 136:** I recommend that the Judicial College keeps under review training available for judges in the Crown Court and for District Judges (Magistrates' courts) on the use of expert scientific evidence. A consultation should take place with the Forensic Science Regulator and the police to ensure this training is fit for purpose. I also encourage the Royal Society to continue publishing and updating primers for judges.

## Digital forensics

122. As I discussed in the Chapter 2 (Context), there are too few forensic experts, including digital media investigators. Those individuals with digital skills which would render them qualified to become forensic experts are often attracted to other higher paying areas of work. Furthermore, the incentives of working in the public sector, including working for the public good, may not be enough to retain top talent[292] and greater efforts must be made to identify ways of attracting suitably qualified professionals.[293]

**Recommendation 137:** I recommend that the police and the Crown Prosecution Service invest in digital forensics and recruit more digital forensic experts.

123. More digital forensic expertise is likely to provide better quality evidence to support a prosecution and, if so, this could lead to more guilty pleas and reduce the time taken per case. Considering the wider

292 State of digital government review (DSIT and GDS, January 2025).

293 Bridging the public sector's digital skills gap (UK Authority Inform, September 2024).

criminal justice process, greater volumes of digital forensic experts will ensure that electronic devices can be analysed more swiftly, which in turn will result in criminal cases moving more quickly through the system, reducing the open caseload.

## Deepfakes

124. One aspect of criminal trials in which I anticipate further need for expert opinion over coming years is in the need for analysis and verification of the authenticity of digital evidence. Deepfakes, by which I mean 'digitally created and altered content often in the form of fake images, videos and audio recordings',[294] are already a problem. The need for courts to receive evidence as to deepfake detection may well require specialist expertise. As I mentioned in Chapter 2 (Context), evidence is collected and admitted into a 'chain of custody' record to preserve integrity.[295] However, given the increased frequency of evidence in digital form being adduced in criminal trials, there is an increasing likelihood that deepfakes could be admitted into evidence.[296] Precious court time is likely to be spent examining the accuracy of such evidence, which is likely to delay cases. There are no available statistics on how much court hearings are delayed due to evidence that is challenged as deepfake.

125. The problem of ensuring authenticity of evidence is not within the Terms of Reference for the Review, but this is an issue that will impact efficiency and needs to be addressed. The courts have a responsibility for ensuring the reliability and relevance of evidence as well as the manner in which the evidence is presented. One aspect of this responsibility is to ensure the authenticity of evidence when challenged in court. Work is already underway across the criminal justice system for solutions to address deepfakes, such as by exploring detection tools and creating 'gold standard' datasets to test these tools effectively.[297] However, it is plausible that deepfake detection technology will struggle to keep pace with the increasing

294 Deepfakes (Police.uk, November 2024).

295 Forensic Science Regulator: Code of Practice (accessible) (Home Office and Forensic Science Regulator, March 2023).

296 M.-P. Sandoval et al., 'Threat of deepfakes to the criminal justice system: a systematic review' (2024) 13 Crime Science 41.

297 Innovating to detect deepfakes and protect the public (ACE, February 2025).

sophistication of deepfakes.[298] The criminal courts must be conscious of this vulnerability gap and the scale of the impact that this will have on the criminal courts. The criminal courts will need to be confident that admissibility criteria are adequately robust when challenges are raised as to the authenticity of evidence. I endorse the AI Guidance for Judicial Office holders, which states that judges should be aware of the challenges posed by deepfake technology.[299]

126. There is no doubt that deepfakes pose a risk to the criminal trial system with the potential to create miscarriages of justice, undeserved acquittals as well as introducing potential delays in the process as the authenticity of evidence is tested robustly. Responding to these risks, there should be greater and ongoing understanding of the potentials delays and more data is needed to quantify the impact of deepfakes to the efficiency of the criminal courts. This could be obtained by both the CPS recording instances of deepfakes and also making an option to select deepfakes, or suspicion of deepfakes, as a reason for a vacated or ineffective trial, such as in the HMCTS management information. I also expect the CPS and defence counsel formally to flag concerns over deepfakes in the PET or PTPH form to minimise delays at trial. Understanding the impact of debating the authenticity of synthetic evidence on delays to the criminal courts proceedings will assist in responding to these challenges. It will enable courts to identify cases in which such challenges will arise and thereby ensure appropriate time allocation and listing. The more information that can be made available about synthetic evidence, the better, and in these circumstances might be subject for a Royal Society primer. As this technology develops, training must be kept up to date.

**Recommendation 138:** I recommend that the government take steps to record data on the prevalence of synthetic evidence in the criminal courts, including collecting data on the extent to which deepfakes have an impact on court proceedings, and identifying which types of offence may be more impacted by deepfakes or suspected deepfakes.

298 R.A. Delfino, 'Pay-to-Play: Access to Justice in the Era of AI and Deepfakes' (2025) 55 Seton Hall Law Review 789.

299 Artificial Intelligence (AI) Guidance for Judicial Officer Holders (Courts and Tribunals Judiciary, April 2025).

### Collaboration

127. Establishing a structured feedback mechanism between the Forensic Science Regulator and the criminal justice system could ensure that the Regulator gets balanced feedback from each of the sectors involved. This could ensure that quality and efficiency improvements in forensic science can be delivered with cross-government coordination. Similarly, the creation of the Director of Forensic Services role by the Home Office could strengthen accountability for forensic science across both the Home Office and the MoJ. This aligns with my 2015 recommendation for representation at the highest level.[300]

128. Introducing a feedback mechanism across the criminal justice system will help the Forensic Science Regulator gain clearer, more reliable insight into the limitations of forensic evidence. This strengthens judicial understanding, reduces ambiguity in court and ensures that any uncertainty in evidence is communicated transparently and interpreted consistently.

**Recommendation 139:** I recommend greater collaboration between the Forensic Science Regulator, Forensic Science Laboratory and appropriate agencies across the criminal justice system – Home Office, Crown Prosecution Service and His Majesty's Courts and Tribunals Service – to ensure an appropriate level of governance and, thereafter, subsequent compliance with the Forensic Science Regulator's Code to understand its impact on court proceedings.

## Pre-Recorded Evidence

129. This section focuses on the different types of pre-recorded evidence which includes pre-recorded evidence-in-chief, (ABEs (also known as Video Recorded Interviews (VRIs)), and pre-recorded cross-examination, section 28 (section 28 of the Youth Justice and Criminal Evidence Act 1999 (YJCEA)). Pre-recorded evidence is an important type of special measure under the YJCEA[301] that allows vulnerable and intimidated victims and witnesses to give evidence[302] where that witness may not otherwise be willing or able owing to the

300 Review of Efficiency in Criminal Proceedings (2015).
301 Youth Justice and Criminal Evidence Act 1999, s. 27.
302 Special Measures (CPS, July 2021).

fear and stress they may experience.[303] Sections 16 and 17 of the YJCEA (as supported by the CrimPR (CrimPR 18.9)), define the categories of witnesses eligible for ABE interviews and the process for deciding whether the measure apples in the given case, as well as the manner in which those statements must be recorded in order for them to be admissible at trial.[304]

130. Other special measures for which some witnesses will be eligible include live links, removal of wigs and gowns by judges and barristers, screens, intermediaries[305] and aids to communication.

131. Some research shows the benefits of providing vulnerable and intimidated victims and witnesses with the option of using special measures. The CPS Victim and Witness Satisfaction Survey 2015 reported that 'special measures are widely desired and have a positive impact on a victim or witnesses' experience'.[306] An empirical study conducted by Dr Samantha Fairclough, looking at special measures decision-making across England between May and December 2022, found that they were very suitable for young children, old people, those with significant memory issues or trauma (including particularly heinous sexual offences). In the same study, barristers reported that pre-recorded cross examination under section 28 does help to reduce stress and put people at ease.

132. Vulnerable and intimidated victims and witnesses are eligible for the special measures set out in the YCJEA,[307] however the use of these is not compulsory. Vulnerable and intimidated victims and witnesses can give evidence in the normal way should they wish. Should they wish to use any special measures for which they are eligible, the existing ABE guidance indicates that 'victims and witnesses should be prepared

303 Youth Justice and Criminal Evidence Act 1999, s. 23.

304 The Criminal Procedure Rules 2020, ss 16 and 17.

305 Similar arguments might well be made in relation to the provision and availability intermediaries, but this was not a key theme that has been substantially raised as part of the engagement for this Review. The MoJ Witness Intermediary Scheme (WIS) provides trained, impartial communication specialists (Registered Intermediaries or RIs) to help vulnerable victims and witnesses with communication difficulties give evidence in criminal investigations and trials in England and Wales.

306 M. Wood, K. Lepanjuuri and C. Paskell (NatCen Social Research) and J. Thompson, L. Adams and S. Coburn (IFF Research), Victim and Witness Satisfaction Survey (CPS, September 2015).

307 Youth Justice and Criminal Evidence Act 1999, ss 23–27.

prior to giving evidence, including providing them with information about the court process, explaining special measures to them, and giving them an opportunity to express their wishes'.[308]

133. I acknowledge that it is crucial for special measures to be offered to vulnerable and intimidated victims and witnesses where necessary to aid them in being able to provide evidence, and for victims to be given an informed choice about what is appropriate for them.

## Current System and Challenges: ABEs

134. ABE guidance sets out best practices for conducting these interviews with vulnerable and intimidated witnesses, particularly children, in criminal proceedings.[309] An ABE recording allows victims to provide their own evidence through pre-recording, but the witness will still be required to attend court for cross-examination. If the court determines that change to the quality of witness evidence may be reduced due to fear or distress related to testifying in the proceedings, the witness is eligible for special measures outlined in section 27 of the YJCEA.[310] If a witness does record under section 27, at trial the cross-examination can take place with special measures, for example screens, remote link etc.

135. Whilst ABEs are an important measure for vulnerable victims and witnesses, I am aware of a number of challenges to the overall quality of ABEs. Research conducted as part of the Victims' Commissioner's 2021 report (before the latest guidance on ABEs was published), 'Next steps for special measures', showed that 84% of Crown Court judges felt ABEs were either effective or very effective in lessening stress and anxiety for vulnerable and intimidated witnesses. However, while 42% of judges felt ABEs were very effective at lessening stress and anxiety, only 26% felt they were very effective in achieving best evidence.[311]

136. Qualitative feedback from the judiciary as part of this research highlighted several underlying reasons for concerns about the effectiveness of ABE interviews. First, some judges observed that

308 Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Guidance on Using Special Measures (MoJ and NPCC, January 2022).

309 Ibid.

310 Youth Justice and Criminal Evidence Act 1999, s. 27.

311 Next steps for special measures (Victims' Commissioner, May 2021).

these interviews often lacked focus and were not always conducted to a high standard. Second, technical difficulties, such as glitches during playback and poor audio-visual quality or poor positioning of the camera, frequently hampered the presentation of evidence in court. Third, a number of judges felt that the impact of the witness's evidence was lessened by their absence from the courtroom, suggesting that not having the witness physically present could diminish the overall effect of their testimony.[312]

137. These issues have been echoed in other research. Findings from Operation Soteria[313] workshops highlighted that whilst policy and guidance on 'supporting quality planning and interviewing, [exist, they are] not always known and are inconsistently implemented'.[314]

138. A 2019 report from the National Society for the Prevention of Cruelty to Children (NSPCC) about the experience of young witnesses found that several judges criticised the quality of ABEs, describing them as sometimes 'of dismal quality' and 'rambling'. Judges interviewed labelled ABEs as 'poorly structured', with 32 of 40 judges (80%) saying editing of ABEs was almost always necessary and 29 of 36 lawyers (81% of Crown Advocates, barristers and solicitor advocates) agreed.[315]

139. The quality of ABEs is crucial in ensuring a fair trial; however, their effectiveness also has significant implications for efficiency. A frequent criticism is that ABEs are often excessively lengthy and insufficiently focused, which leads to them requiring substantial work to edit before trial and can lead to unnecessary consumption of court time. A recent consultation by the Law Commission looking at Evidence in Sexual Offences Prosecutions highlighted the same issue, namely, that judicial stakeholders found ABE interviews to be overly long, lacking focus and requiring significant editing.[316] Technical issues during playback can cause additional disruption in the courtroom which, in turn, can lead to

312 Ibid.

313 As discussed in Chapter 5 (Disclosure), Operation Soteria is a UK-wide initiative aimed at transforming how police and the criminal justice system respond to RASSO. It was launched in response to widespread concerns about low prosecution rates, poor victim experiences and systemic failures in handling sexual violence cases.

314 S. Geoghegan-Fittall, Dr R. Friskney and Dr O. Smith, Achieving Best Evidence Interviews in Rape and Serious Sexual Offence Cases (Durham University, University of Glasgow and Loughborough University, January 2023).

315 J. Plotnikoff and R. Woolfson, Falling short? A snapshot of young witness policy and practice (NSPCC, February 2019).

316 Evidence in Sexual Offences Prosecutions (Law Commission, May 2023).

further, excessive delays and/or adjournments. Members of the judiciary informed the Law Commission that 'the playback of ABE interviews was impacted by poorly equipped courtrooms with poor quality audio-visual facilities'.[317] The Law Commission report also referenced a recommendation from the Victims' Commissioner for HMCTS 'to publish an audit of facilities across courts ensuring that the quality of audio-visual is assessed as part of this process'.[318]

140. In my 2015 Report, I described the use of an ABE for both investigative and evidential purposes as presenting particular challenges.[319] Using one interview to serve both the investigative function (gathering leads, exploring background) and evidence-in-chief in court can make the interview longer, more complex and harder to edit or present cleanly.[320] It is clear that, ten years later, similar issues remain.

141. Research workshops with legal experts conducted as part of Operation Soteria looking at the use of ABEs in RASSO cases found that 'ABEs should be well structured and concise and appropriate editing can be used to remove irrelevant or repetitive material.' The same briefing also highlighted that 'length limits will not be feasible for many victim-survivors and offence types and may significantly hamper the likelihood of achieving "best evidence" suggesting that some ABEs will likely be lengthier than others in order to produce a suitable product'.[321]

142. A shortage of training may contribute to a lack of focus and poorer quality ABEs. Through my engagement in this Review, I understand that it is often inexperienced officers who are conducting ABEs, and that their training may be insufficient. In a study conducted across one force called 'an exploration of police officers experiences of the interview process when working with vulnerable and/or intimidated adult witnesses', participants noted that ongoing training was rare, describing it as 'you are just kind of left to get on with it' and 'we don't kind of get any reinforcement training'.[322]

317 Ibid.

318 Ibid.

319 Review of Efficiency in Criminal Proceedings (2015).

320 Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Guidance on Using Special Measures (2022).

321 Achieving Best Evidence Interviews in Rape and Serious Sexual Offence Cases (2023).

322 Dr L. Akehurst, An exploration of police officers' experiences of the interview process when working with vulnerable and/or intimidated adult witnesses (University of Portsmouth, 2020/21).

143. The NSPCC emphasised that, to ensure these interviews are conducted effectively, it is essential that officers are properly trained and have a thorough understanding of ABE protocols. This includes careful planning and tailoring of interviews, and in doing so the specific needs of children will be met more effectively.[323] Without providing police officers with the means to conduct their ABEs appropriately, either through regular and/or refresher training, it is unlikely that there will be an improvement in the quality of ABEs being produced.

144. The Law Commission's thorough review of Evidence in Sexual Offences Prosecutions records that although ABE interviews are widely used, there are questions about their suitability as full evidence-in-chief in all sexual offence cases.[324] The report recommended that the government should consider further review of whether ABE interviews should continue to be used as evidence-in-chief in criminal prosecutions or should be reformed for this purpose. This is a view I endorse. The Home Secretary recently announced the government's plan to roll out specialist RASSO investigation teams in every police force in England and Wales by 2029.[325] This is expected to enhance the quality of ABE interviews conducted in sexual offence cases, as staff conducting them will be adequately trained in managing such complex cases.

145. Whilst the Law Commission report does not make a recommendation on this topic, it suggests the use of 'specialist examiners to conduct ABE interviews instead of police officers'. Finally, it points to broader improvements around video-evidence use and special measures that interact with how ABEs are conducted and used. In line with this, I make two recommendations to improve the current process of ABEs, ensuring that officers are trained adequately and to assist with developing better quality ABEs based on the information available to me.[326] I also make a recommendation in Chapter 4 (The Police and the Prosecution: Getting It Right First Time), around the use of AI to produce a chronological statement from an ABE interview.

323 Falling short? A snapshot of young witness policy and practice (2019).

324 Evidence in sexual offences prosecutions: a final report (2025).

325 A. Hossein-Pour, Specialist teams for all police forces under violence against women's strategy (The Standard, 14 December 2025).

326 Evidence in sexual offences prosecutions: a final report (2025).

## Recommendations

### ABE expansion/use of Digital Audio Visual Evolution (DAVE)

146. I have already made a recommendation in Chapter 8 (Remote Participation) around HMCTS continuing the roll-out of the current technological project, DAVE, to play back evidence. Having working technology like DAVE will be paramount in ensuring that ABEs are played back correctly. Expanding its use will eliminate issues with outdated equipment and, thus, minimise delays. It will also ensure that all victims benefit from fair and proportionate decision-making through reliable evidence presentation, leading to fewer adjournments and swifter case resolutions, especially for vulnerable witnesses that rely on recorded testimony.

### Training for police officers

147. Through this Review, I have discovered that the approach within police forces to the ABE process is varied across the country. Despite the ABE manual from 2022 there remains significant variation and a lack of consistency across forces.[327]

148. Good quality training is essential to conduct high-quality ABEs capturing best evidence. This supports sound case readiness ultimately leading to smoother proceedings without the need to re-interview and thereby making more efficient use of court time. I therefore recommend that the College of Policing reviews the training, design and oversees the delivery of training available for officers conducting ABEs, in an effort to promote consistency across forces. That should include the initial training and refresher training that is offered as part of continuous professional development. To complement enhanced training, I recommend the development and implementation of a quality assurance framework for assessing ABEs. This could be used internally to manage ABE quality and may be a useful tool for HMICFRS to provide external oversight. This should help standardise quality across regions, thereby reducing disparities in ABE quality.

327 Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Guidance on Using Special Measures (2022).

149. I also recommend that the College of Policing and NPCC review training for conducting ABEs and consider whether there should be a specialist group of officers conducting ABEs, rather than it being considered a generalist interviewing skill. The government should support implementation of their recommendation. As already mentioned above, this echoes evidence submitted to the recent Law Commission study which highlighted a suggestion for the use of 'specialist examiners to conduct ABE interviews instead of police officers'.[328] As I have already highlighted, conducting an interview for both investigative and evidential purposes is very challenging, and I can see merits in a specialised workforce who have been identified as having the appropriate skillset and who develop their experience through regularly conducting these types of interviews. I discuss below the Lighthouse model which brings together several agencies to conduct ABEs with children, offering specialist support to both the child and its family.[329]

150. These recommendations are intended to support better use of court time by ensuring that the witness's main evidence (ABE) is clear, coherent and complete, reducing need for clarification or supplementary questioning. They should also improve a witness's experience, increasing confidence and reducing attrition through victims withdrawing from cases and making it more likely for them to participate in the justice process without needing to attend court.

151. Better quality ABEs will assist the CPS in improving its early charging decisions and, in cases where the quality of the ABE is compelling early on, this could also lead to an increase in early guilty pleas.

**Recommendation 140:** I recommend that the College of Policing reviews training for conducting Achieving Best Evidence interviews, including refresher training, and develops a quality assurance framework to assess the quality. I also recommend that the College of Policing considers the use of specialist officers to complete Achieving Best Evidence interviews.

328 Evidence in sexual offences prosecutions: a final report (2025).

329 The Lighthouse.

## Current System and Challenges: Section 28 of the Youth and Criminal Evidence Act 1999

152. Under the current law, two cohorts of vulnerable witnesses are eligible for section 28: a) under 18s or those suffering from a mental or physical disorder or impairment that would diminish the quality of their evidence (under section 16 of the YJCEA), and b) a subset of intimidated witnesses: adult victims of sexual or modern slavery offences (under section 17) Eligibility under b) was introduced more recently, with a pilot commenced in 2019 and full national roll-out concluding in 2022, expanding the use of section 28 to victims of RASSO and modern slavery victims.[330] The CrimPR (CrimPR 18.9)[331] provides detailed guidance on the application of section 28 to the different categories of witnesses under section 16 and those under section 17 of the YJCEA.[332] It is important to note that section 28 recordings, even though conducted in advance of the trial proper, are classified as part of the trial which has implications for their management and handling.

153. Section 28 hearings allow complainants in sexual offence cases to have their cross-examination and re-examination pre-recorded before trial. For a section 28 recording to take place, a vulnerable complainant or intimidated witness must first have conducted an ABE for their evidence-in-chief, having been assessed as suitable by the police. After their initial evidence is given via a video-recorded police interview, the prosecution can request that further questioning takes place at a separate hearing before the trial, without the jury present. There is therefore an extra hearing during the trial process. The complainant will usually give evidence from a live video link from the witness suite with the judge, legal representatives and defendant in the courtroom. This enables the complainant to complete their evidence long before the full trial[333] and allows for the ABE and cross-examination to be played at the trial in the absence of the witness in the courtroom.

330 Process evaluation of Section 28 (MoJ and Ipsos UK, 2023).

331 The Criminal Procedure Rules 2020, r. 18.9.

332 New inquiry: Justice Committee launches new inquiry examining the use of pre-recorded cross-examination (UK Parliament, October 2023).

333 Evidence in sexual offences prosecutions: a final report (2025).

154. A section 28 hearing is designed to improve the quality and reliability of evidence by enhancing a complainant's experience of cross-examination, ultimately allowing vulnerable complainants to give their best evidence – sometimes where they might not otherwise provide evidence at all. By recording both evidence-in-chief and cross-examination ahead of the trial, section 28 frees complainants from the stress of attending the trial and allowing them to put the experience behind them at an earlier stage. The Victims' Commissioner expressed her support for effective use of section 28;[334] however, it is essential that adult complainants and witnesses are provided with adequate information to make an informed decision as to whether they provide evidence via a section 28 pre-recording or by use of some other special measure. The number of section 28 recordings per year has risen by over 400 since RASSO roll-out,[335] from 1,351 in 2021 to 1,787 in 2024.[336]

155. I recognise there has been significant public discussion about section 28, and in particular concern over its potential impact on conviction rates. I am aware of a study by Professor Cheryl Thomas which suggests that section 28 was associated with around a 8.6 percentage point decrease in convictions in all guilty jury verdicts and around a 18.1 percentage point decrease in convictions for rape of a woman aged 16 years or older.[337] However, key findings from the peer-reviewed MoJ 'Impact Evaluation of Pre-recorded Cross-examination [section 28]' found that section 28 did not appear to have an effect on the jury's decision to acquit or convict a case nor does it seem to have a long-term effect on the percentage of ineffective trials in the court.[338] Without seeking to resolve this discrepancy of reporting, it remains critically important for the government to continue to monitor any impacts of section 28 in a transparent way, as supported by Katrin Hohl in her evidence to the Justice Select Committee.[339]

334 'Section 28': Victims' Commissioner welcomes special measures report findings (Victims' Commissioner, March 2025).

335 With a small dip to 1,334 in 2022.

336 Source: Volume of Section 28 recordings by year (HMCTS, September 2025).

337 Written evidence submitted by Professor Cheryl Thomas (Justice Select Committee, December 2023).

338 Process Evaluation of pre-recorded cross-examination pilot (Section 28) (MoJ and HMCTS, September 2016).

339 Justice Committee: Oral evidence: Section 28 – Pre-Recorded Cross Examination (House of Commons, September 2025).

156. A submission from the London Victims Commissioner raised a common challenge concerning s.28 proceedings (similarly to ABE interviews) relating to inadequate technological infrastructure. Section 28 hearings generally need to be conducted within a court where a fixed camera is installed, rather than remotely. The London Victims Commissioner highlighted that 'there are issues of filming, with poorly positioned cameras'.[340] I have already recommended the continued roll-out of DAVE, which will improve the courtroom playback of s.28 evidence. I also do encourage that high-quality s.28 recordings are captured in the first place.

157. A frequent challenge associated with recording section 28 evidence is its potential to disrupt other ongoing trials. When a section 28 recording is to take place, that requires the attendance of the judge and both counsel, all of whom will likely be engaged in other ongoing trials which will have to be paused to allow them to conduct the section 28 hearing and it is highly unlikely to be in the same court centre as those in which counsel are then appearing. This disruption may be increasing as the number of section 28 recordings has increased since 2022.[341]

158. The MoJ process evaluation highlighted this: 'At-trial advocates and court staff believed s.28 to have a negative impact on scheduling and court listings due to the additional hearing, replaying the cross examination at trial and a requirement for the same judge and advocates to be available at all hearings.'[342] There is a lack of national consistency in the scheduling of section 28 hearings across the country, an issue that has been commonly highlighted throughout my engagement and which compounds issues around disruption to other trials.

159. Submissions to the Review and interactions with court staff have also indicated that trials in which section 28 has been ordered are more prone to delays once the complainant's evidence has been obtained, as these cases are no longer regarded as a priority for listing.[343] Through my engagement with the police and witness care

340 The Court System – London Victims' Commissioner Policy Paper (Independent Victims' Commissioner for London, January 2025).

341 Volume of Section 28 recordings by year (HMCTS, September 2025).

342 D. Ward, I. Pehkonen and M. Murray (MoJ) and C. Paskell, J. Pace, R. Worsley and S. Nasiri, Process evaluation of Section 28 (MoJ and Ipsos UK, 2023).

343 With thanks to Dr Samantha Fairclough for her submission to this Review.

teams, I found that the lack of prioritisation for RASSO section 28 cases involving child victims can result in extended case durations, which may have lasting effects on those children. Even though the child complainant has had the opportunity to record the evidence and to that extent can move on from the experience, they have no final resolution of the allegations until the trial is concluded. That can adversely affect their well-being. My intention for this Review is to improve timeliness for all cases. I have recommended that as part of a national listing framework the judiciary should seek to ensure that cases involving vulnerable witnesses are given appropriate prioritisation. I hope that by reducing the amount of time that complainants have to wait for a trial there may be a decreased need for section 28 hearings where the delay plays a factor in this decision, although I recognise that they will still play an important role for many complainants.

160. As mentioned previously, the recent Law Commission report focuses on section 28 as well as ABEs.[344] It highlights that section 28 is now in use but eligibility and access is inconsistent, undermining fairness and therefore recommends moving to a model of entitlement to standard measures. It recommends expanding access to pre-recorded evidence even without where there is no admissible ABE, with evidence-in-chief pre-recorded at a separate hearing conducted by the prosecution. The report also considered wider recommendations for special measures; I have not commented on these in my Review.

## Recommendation: Section 28 of the Youth Justice and Criminal Evidence Act 1999

161. Section 28 will continue to play an important role in supporting the cases of vulnerable and intimidated complainants and witnesses, and my recommendations are therefore focused on ensuring that the presentation of the pre-recorded evidence in court is supported through good quality technology and the process for conducting section 28 recordings is as efficient as possible. My recommendation on endorsing the roll-out of DAVE in Chapter 8 (Remote Participation) should support better quality section 28 hearings.

344 Evidence in sexual offences prosecutions: a final report (2025).

## The Lighthouse Model

162. To ensure that ABE and section 28 hearings are conducted in the best way possible, it is essential that victims have access to the best possible environment and support in which they can comfortably record these. During my engagement, I visited the Lighthouse in Camden, which operates according to the international Barnahus model, an approach which brings multiple agencies together in one child-friendly environment. The Lighthouse provides comprehensive, specialist support for children who have been victims of sexual abuse and their families, within a developmentally appropriate and child-friendly environment. This centre brings together health and therapeutic services, safeguarding, law enforcement, criminal justice and case management, as well as specialist advice and advocacy services.[345] This type of collaborative approach exemplifies the principle of a problem-solving culture of collaboration.

163. The Lighthouse in Camden is currently the only place in England providing the full Barnahus service. I therefore support the announcement from the government on 17 December 2025 of the expansion of this model to all NHS regions for child victims, supported by a £50 million investment and recommend that it allows for ABE recordings as well as section 28 hearings.[346] A key purpose of this model is to ensure early, high-quality investigative interviews are carried out by a professional trained in child development and trauma-informed practice in an environment that is tailored to their developmental needs. This model offers all child victims an ABE/VRI regardless of whether they have repeated their allegation to a police officer.

164. The Lighthouse Annual Report 2020 to 2021 reported that during the year it had 'reached 374 children and young people and provided 132 professional consultations'.[347] It also highlighted that 96% of children and young people achieved or partially achieved their well-being goals. Not only that, 100% of parents involved in the programme that year reported that their well-being improved whilst 89% reported an increase in confidence.[348] These statistics are clear evidence of the

345 The Lighthouse.

346 National roll-out of Child Houses to support victims of sexual abuse announced at UCLH's Lighthouse (NHS: University College London Hospitals, December 2025).

347 The Lighthouse Annual Report (2020–21).

348 Ibid.

positive impact this model has both on children and their families, demonstrating its effectiveness in supporting well-being and fostering confidence.

165. The expansion of this model across England and Wales would provide better support for child victims and their families through a traumatic process. It would provide integrated early support and coordination which would improve readiness of cases for court and could reduce adjournments caused by incomplete evidence or witness issues.

166. Having a single multidisciplinary hub model would improve the timeliness of recording and sharing ABE evidence between the police, CPS and courts, reducing duplication of effort and technical failures during playback and demonstrating collaborative problem-solving in action across the criminal justice system. Furthermore, if ABEs and section 28 hearings are to be completed early, it could allow the court to list trials more efficiently.

167. Expanding the Lighthouse model will reduce any geographical disparities, ensuring equal treatment for children regardless of location or ethnic background.

168. Well-supported ABEs and pre-recorded cross-examinations should mean children give a clearer, more accurate testimony, enhancing evidential integrity and fairness for all parties. This model could strengthen participation by giving child victims the practical and emotional support needed to give evidence effectively and confidently. A consistent model like the Lighthouse could also help reassure families that the justice system does prioritise child welfare.

169. This model could enhance the efficiency of the criminal courts by improving the quality and timeliness of ABE interviews and s.28 hearings through early, trauma-informed, multi-agency coordination. By ensuring victims are well supported, evidence is gathered to a higher standard, and cases are closely managed minimising the need for repeated interviews and therefore minimising adjournments.

## National Listing Model for Section 28

170. In Chapter 6 (Listing and Allocation of Workload), I recommended a national listing model to provide greater national consistency. As part of this approach, I recommend a consistent approach to how section 28 hearings are listed. A standardised national listing approach

would reduce local variation and so enable judges and lawyers to allocate their time more appropriately and reduce disruption to other trials. As part of this reform, I also recommend consideration be given to whether section 28 hearings could be conducted with counsel, the judge and the complainant each appearing remotely via CVP, allowing for them to be in different venues if necessary. I note that under the current process a witness is placed in a live link room where they are cross-examined by a defence barrister present in a different room. It is arguable that making these hearings remote should have limited negative impacts on the witness and could lead to fewer disruptions in trials where counsel are simultaneously involved in a trial being conducted elsewhere, as they could join remotely.[349]

171. Courts, advocates and Witness Care Units could allocate time and staff more effectively if section 28 hearing slots were scheduled under a unified framework which would also allow judges and advocates who need to attend both the section 28 hearing and the later trial to plan more effectively. Similarly, the police would benefit from having clearer timelines for preparing witnesses, especially in ABE cases.

172. Predictable and timely scheduling could also reduce anxiety amongst complainants and witnesses, increasing their confidence and improving their engagement with proceedings. In addition, prompt section 28 hearings could mean evidence is taken when memory is fresher which could enhance the quality of the evidence.

**Recommendation 141:** I recommend as part of a national listing model that consistency should be introduced into the way in which section 28 hearings are scheduled and could include considering piloting partially remote section 28 cross-examinations.

349 A pilot for s. 28 hearings was conducted in Liverpool, Leeds and Kingston Upon Thames with co-located criminal courts so that an advocate could conduct a s. 28 cross-examination at 09.30 and resume a part-heard trial in another court in the same building at 10.30.

# Pre-Sentence Reports (PSRs)

## Current System

173. PSRs are integral to ensuring fair and efficient court proceedings by providing tailored information about a convicted defendant's circumstances to support sentencing. A PSR provides an objective assessment produced by the Probation Service that helps the court understand an offender's behaviour, risk, and sentencing options when considering community or custodial sentences.[350] When delivered promptly and accurately, PSRs minimise the need for adjournments to assess sentencing options, allowing sentencing to proceed without delay. However, I understand that too often there are delays in delivering PSRs. A submission to the Review from Transform Justice on their CourtWatch London project (a mass court observation project where trained volunteers observe magistrates' court hearings and note their findings) found, of the over 2000 hearings observed by them, 25% resulted in a delay or adjournment – 16% of all delayed or adjourned hearings were due to the court awaiting a PSR.

174. I am therefore exploring PSRs in this chapter to understand the ways in which they are impacting on court efficiency and what steps can be taken to mitigate any adverse effects.

175. There are currently three different types of PSRs:

    i. A fast delivery oral – an oral PSR is usually completed within 24 hours of conviction due to the limited amount of information required by the sentencing court.[351]

    ii. A fast delivery written PSR – a 'fast-delivery' (expedited) PSR can be completed on the day of sentence by probation court officers. This type of report will only be suitable where the cases are of 'low seriousness' or 'medium seriousness' and where the court indicates that a community sentence is being considered.

    iii. A standard delivery PSR – a standard PSR is based on a full assessment and is suitable for 'medium' and 'high' seriousness cases when the court has indicated that a possible community sentence or a custodial sentence is being considered.

350 Pre-sentence report pilot in 15 magistrates' courts (MoJ, May 2021).

351 The impact of oral and fast delivery pre-sentence reports (PSRs) on the completion of court orders (MoJ, 2023).

A probation officer will conduct an interview with the offender as well as gathering other information that is relevant to risk such as records of previous convictions. Information on the steps involved in the preparation of PSRs can be found in the Probation Court Services Framework.[352] These reports typically take 15 working days to prepare, though this can vary depending on complexity and resource availability.[353]

176. The Independent Sentencing Review placed renewed emphasis on using community sentences in place of custodial sentences, where appropriate, which is likely to place even greater demand on the need for PSRs. The Sentencing Bill which will enact many of the reforms proposed in Independent Sentencing Review is now before Parliament.[354]

177. There has been a decline in the total number of PSRs in recent years, across all PSR types. Between 2012 and 2019, the use of PSRs decreased by 47% to around 103,000 reflecting the downward trend of the number of offenders sentenced at all courts.[355] However, since 2022 there has been an increase in the use of PSRs, from around 83,000[356] to just over 99,000 in 2024.[357]

352 Probation Court Services Policy Framework (MoJ and HMCTS, January 2025).

353 Ibid.

354 Sentencing Bill (UK Parliament).

355 Source: Offender management statistics quarterly: October to December 2022 and annual 2022 (MoJ and HMPPS, April 2023).

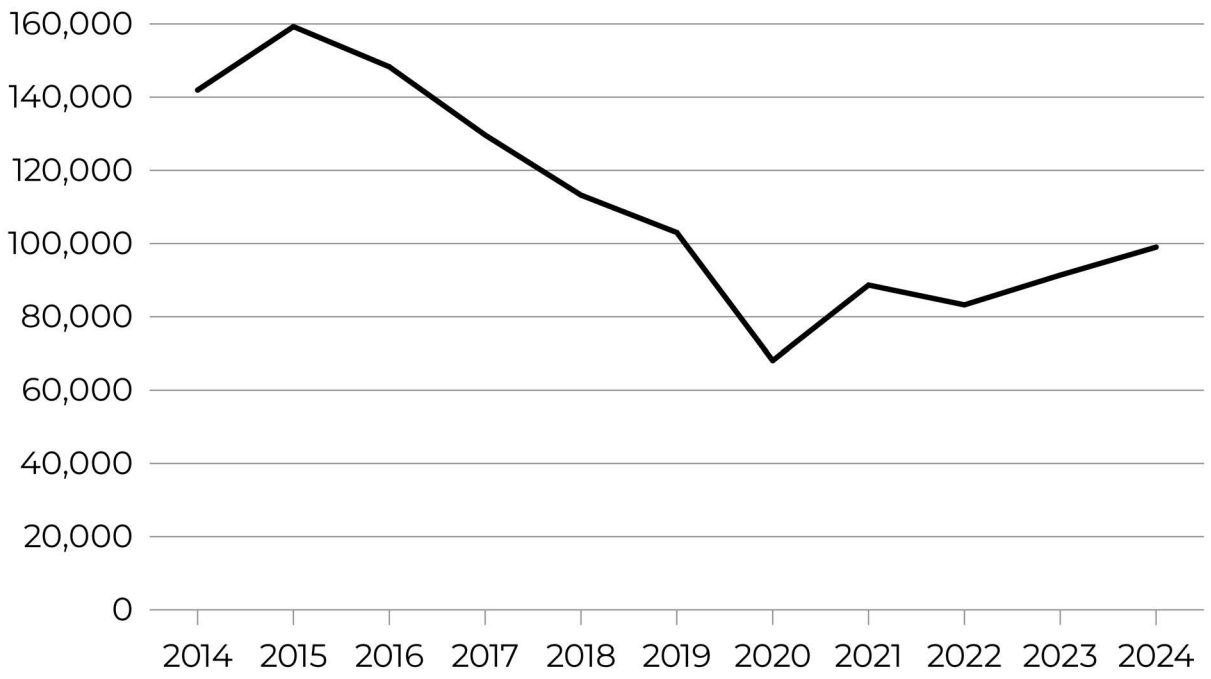
356 Sources: Offender management statistics quarterly: January to March 2025 (MoJ and HMPPS, July 2025).

357 Offender management statistics quarterly: April to June 2025 (MoJ and HMPPS, October 2025).

**Figure 9.3**

**Number of Pre-Sentence Reports used in Crown Court and magistrates' courts**

England and Wales, 2014 to 2024




Source: Offender management statistics quarterly, October to December 2024

178. The change in usage of PSRs during this period is set against the restructuring and challenging privatisation of part of the Probation Service in 2014, in which lower risk offenders were monitored by private companies whilst higher risk offenders were managed by HMPPS. This resulted in a lot of pressure on existing probation staff. In one survey, some probation officers selected that they were not able to spend enough time with clients and that targets were unrealistic.[358] The services were reunified in 2021, but the Probation Service is still under a significant amount of pressure with high caseloads and staff shortages.

179. The most common PSR types in the past ten years have been fast delivery oral and fast delivery written formats. There has been a shift to fast delivery written formats within the last five years and the reusing of PSR reports for repeating offenders with oral or written updates being provided by the Probation Service.

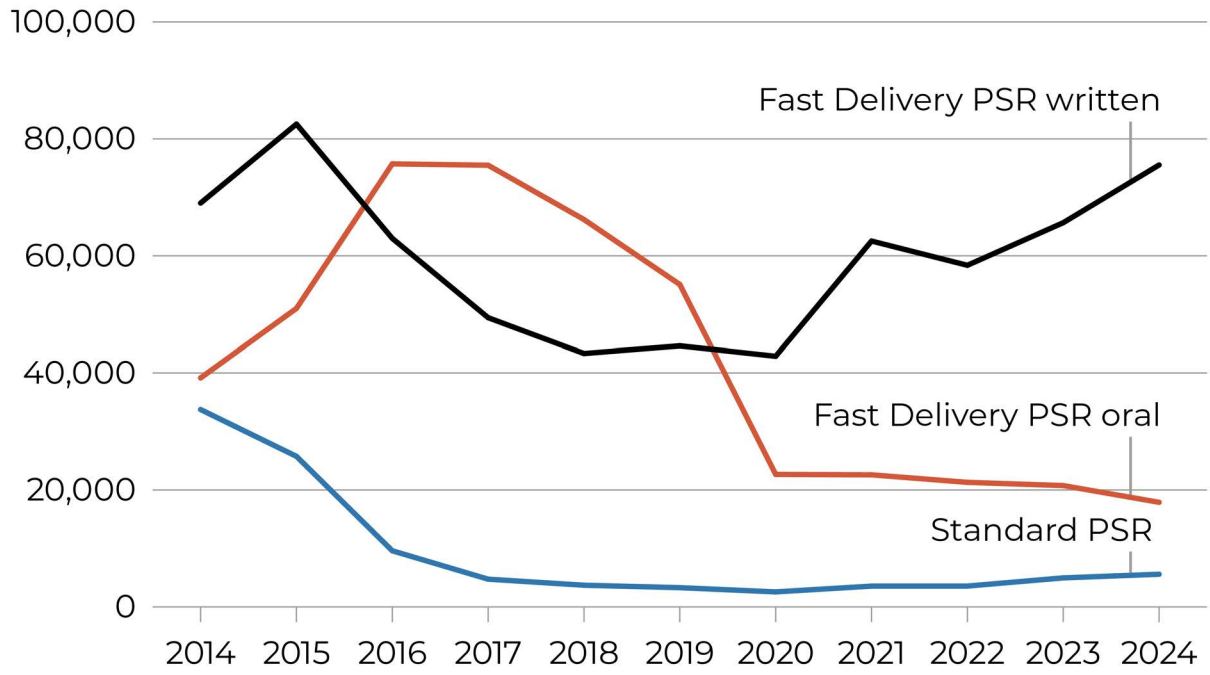
358 C. Guillaume and G. Kirton, When Welfare Professionals Encounter Restructuring and Privatization: The Inside Story of the Probation Service of England and Wales (2007) 33(6) British Sociological Association 929.

Data shows that in 2024 there were around 17,900 fast delivery oral PSR reports,[359] a 14% decrease from 2023,[360] and 75,500 fast delivery PSR written reports, a 15% increase from 2023 in both magistrates' and Crown Courts.

**Figure 9.4**

**Number of Pre-Sentence Report types used in Crown Court and magistrates' courts**

England and Wales, 2014 to 2024




Source: Offender management statistics quarterly, October to December 2024

359 Source: Offender management statistics quarterly: January to March 2025 (2025).

360 Source: Offender management statistics quarterly: October to December 2024 (2025).

180. Research shows that PSRs are a valuable tool for sentencing. Their value extends beyond assisting the judge in the hearing itself. A recent study conducted by the MoJ reported that offenders with fast delivery or oral PSRs are more likely to complete their court orders successfully, compared to those who did not receive a PSR.[361] Separate MoJ statistics report that in 2024 around 88% of immediate custodial sentences proposed in PSRs resulted in that sentence being given.[362] This was the highest concordance between sentence proposed and sentence given (excluding Suspended Sentence Orders).[363]

181. The engagement through this Review suggests that the absence of previously ordered PSRs is a significant cause of adjournments, however there is no internal monitoring data on adjournments due to PSR delays. PSRs are often not completed due to non-attendance of defendants at their PSR interviews, but reasons can also include author sickness, a lack of probation officer capacity and availability of a video link available to access defendants in custody.

182. As well as issues around timeliness, my engagement suggests that PSRs have become more resource-intensive and time-consuming and the quality of reports can be variable. HMPPS Management Information suggests that the percentage of PSRs delivered within four weeks at the magistrates' court has fallen from 60% to 54% from Q2 2024/25 to Q1 2025/26 and from 40% to 35% at the Crown Court in the same timeframe.[364]

183. The preparation of PSRs has become a more complex exercise requiring reference to many more sources in recent years. Commitments set out in 'A Smarter Approach to Sentencing (2020)',[365] together with obligations arising from HM Inspectorate of

361 K. Gray et al., The impact of oral and fast delivery pre-sentence reports (PSRs) on the completion of court orders (MoJ, 2023).

362 Source: Offender management statistics quarterly: January to March 2025 (2025).

363 SSO proposals in PSRs dramatically declined from 12,762 to just 2 between 2018 and 2024 (-99.9%). This decline has been attributed to change in 2018 guidelines to probation staff on recommending suspended sentence orders in PSRs. As such, concordance rates for SSOs should be interpreted with caution.

364 Source: HMPPS Unpublished Management Information. Note: these figures are derived from operational data and therefore are not subject to the same scrutiny as official statistics. They provide an additional breakdown of the data available within the Offender Management Statistics quarterly publication (Offender management statistics quarterly).

365 A Smarter Approach to Sentencing (MoJ, September 2020).

Probation (HMIP) thematic inspections, have broadened the scope of what PSRs are expected to consider. Probation practitioners are now required to undertake comprehensive analyses of risk by drawing on multiple structured assessment tools, as well as carry out mandatory checks with police and children's social care, in addition to verifying information with agencies such as health, housing and substance misuse services. As a result, the preparation of a full PSR now involves a wider range of enquiries and individually tailored assessments, therefore taking longer to complete to meet these expanded requirements.

184. HMIP submitted research in August 2024 reviewing how the Probation Service was delivering PSRs after the pandemic and the restructure of the service. The research found that fewer than half of the inspected court reports in their sample were judged sufficiently analytical and personalised to support decision-making. Oral reports met standards in 4/10 cases, short format in 5/10, and standard delivery in over 6/10. There was a general decline in the quality from 2020 in using all available information, including child safeguarding and domestic abuse data. Similarly, enquiries with police and children's services were made in only half the cases where required. They also found that reports for black, Asian and minority ethnic individuals were less likely to be deemed sufficiently analytical and personalised.[366] However, anecdotal evidence suggests that, while there are instances where the quality of PSRs may be poor, the overall feedback from the judicial survey and members of the judiciary indicates that the standard of PSRs remains satisfactory. Through engagement with the Chief Inspector of Prisons, I am, however, aware that HMIP is currently considering a thematic inspection of the pre-sentence information and advice provided by probation to support court decision-making. This follows recent inspection findings which suggest that the Probation Service is facing challenges due to insufficient staffing levels, limited experience among staff and unmanageable caseloads.

185. I am aware that the Probation Service is operating in a challenging context, with a significant shortage of probation officers, despite continued efforts to recruit more. This is compounded by early release at short notice to alleviate pressures across the prison estate. In addition, recent high-profile Serious Further Offences (SFOs)

366 The quality of pre-sentence information and advice provided to courts – 2022 to 2023 inspections (HMIP, August 2024).

(offences that are specific violent and sexual offences committed by people who are under probation supervision or have very recently been under probation supervision at the time of the offence)[367] have led to an increased focus on risk management and the frequency of subsequent Multi Agency Public Protection Arrangements (MAPPA) meetings, all of which are time-consuming. It is also important to highlight the length of time required for a probation officer to become fully qualified.

186. On 30 September 2025, there was a shortage of probation officers of around 1,600 full-time equivalents across the Probation Service, 28% of the total staff in post.[368] As a result, Probation Service Officers (PSOs) frequently have to step in place of probation officers to conduct PSRs. There is a distinction between the type of report each grade can prepare. Whilst probation officers are formally trained and tend to write more in-depth reports of higher risk and generally more complex reports, PSOs do not hold the same qualification and will therefore be writing reports of individuals that pose a lower risk and potentially also be less equipped to complete the report at the same quality as would a probation officer. However, many PSOs would be engaged in formal training programmes with the aim of eventually qualifying as a probation officer.

187. In addition, another issue that was raised by the Probation Service through engagement was its lack of court-based accommodation. Without suitable office space and interview space, which allows probation officers to be based at court, the ability to plan and conduct PSRs in an efficient and responsive way is limited. I know that there are challenges in different court centres, and I encourage continued work by agencies to tackle this issue at a local level.

188. I have also heard that it can be challenging for probation to access offenders in custody, in part due to shortage of prison staff and overcrowded prisons. When the prison regime is not operating effectively, it becomes ever more challenging to secure the support of prison staff to facilitate interviews between an individual and probation staff. Other reasons that probation staff have difficulty in accessing offenders in custody include the individual not cooperating and logistical issues such as not obtaining access to a video hearing slot.

367 Serious Further Offence reviews (HM Inspectorate of Probation).

368 Source: HM Prison and Probation Service workforce quarterly: June 2025 (HMPPS, August 2025).

189. However, despite these challenges it is essential that PSRs are provided on time, are of a high quality and provide an appropriate level of detail. Working with Probation Liaison Judges (whose role is to provide expert judicial oversight and leadership on matters involving probation services)[369] will help achieve this through maintaining an open dialogue between probation and the courts on any delays, the types of reports requested and provided and any quality issues that may need to be addressed. I therefore encourage and endorse the continued use of Probation Liaison Judges. This will ensure that court operations remain efficient, and delays are minimised.

## Recommendations

190. I make a series of recommendations aimed at improving efficiency of the PSR process by ensuring the level of detail provided in is always proportionate to the nature of the case and the defendant involved and making better use of technology where possible. There is already piloting in the Probation Service of an AI transcription tool called Justice Transcribe, mentioned above, and I hope tools such as this will also support with the timely and efficient completion of PSRs.

### Review of PSRs by HMPPS

191. Given the resourcing challenges in probation and the increase in the use of PSRs, particularly fast delivery written PSRs, it is essential that the level of detail provided in reports is always proportionate to the requirements of the case. I therefore recommend HMPPS continue its work to review this and do so expeditiously. However, this will be most appropriate for a fast delivery oral report. Reviewing this process will enable moving away from detailed reports where appropriate in less complex cases but still having the ability to provide much more detailed information for individuals with complex needs.

192. Standardising and streamlining the level of detail in reports based on offence type, risk, or complexity could cut down report preparation time, enabling quicker resolutions for offenders. This could also mean that courts are more likely to proceed to sentence on the day of conviction if the report format is matched to the case need (e.g. concise for low-risk, full detail for complex cases). Reducing time per report, where appropriate, should reduce pressure on probation

369 Annex 4 of the Probation Court Services Policy Framework (MoJ and HMPPS, January 2025).

officer resources. By making the process more efficient, there should be reduced adjournments and fewer repeat hearings by providing the court with relevant and timely information. If properly designed, a tiered PSR model would ensure that vulnerable groups still receive full reports where needed, while others receive proportionate summaries. As part of this, it will be important to keep an open dialogue between Probation Liaison Judges and probation on the delays, the type of reports requested and provided and any quality issues that may need to be addressed. It will also be important to have the support from HMIP for any changes made to the required content of PSRs.

**Recommendation 142:** I recommend that His Majesty's Prison and Probation Service reviews the level of detail required in Pre-Sentence Reports to make it more proportionate.

## Verification report

193. To provide more proportionate levels of details being provided in PSRs, I also endorse the ongoing pilot being conducted by HMPPS in the form of the Verification Report (VR).

194. The VR is a concise report to verify an individual's suitability for punitive requirements only. It is targeted at low-risk, low-complexity cases and is a form of probation advice as opposed to a standard PSR. It will be provided on the day for the first hearing and will contribute to the aim of enabling an increasing number of sentences passed at first hearing. Its purpose is to offer a more efficient route for cases that do not require a full PSR to save time and resource. It would help ensure full PSRs are reserved for cases likely to benefit from rehabilitative elements, saving time and resources.

195. In Part I of my Review, I highlighted that a judge may, at the defendant's request, state the maximum sentence that would apply if a guilty plea were entered at that stage and this indication must be given in an open court.[370] The VR focuses on suitability rather than seriousness and, therefore, I do not think the VR would interact with the *Goodyear* indication, i.e. advance indication of sentence.

370 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (2025), Recommendation 23.

196. It will address suitability for conditions such as unpaid work, an electronically monitored curfew or an electronically monitored exclusion zone. The VR will aim to support swift and safe sentencing for offenders who do not require a full PSR assessment and are suitable for a purely punitive sentence. The VR has the potential to maximise the prospect that the allocation of community sentences with rehabilitative requirements is for those who will be most likely to benefit. It has been tested in the probation South Central region and will be expanding to Kent, Surrey and Sussex and East of England next.

197. Following the Independent Sentencing Review's emphasis on swift, proportionate justice and improved PSR timeliness, a growing need for VRs is anticipated, as it aligns with the vision of reserving full PSRs for more serious/complex cases while enabling timely, well-informed sentencing for lower seriousness cases.

198. A VR will allow probation to deliver quicker assessments aligned with an individual's needs and could help courts proceed to the most appropriate sentence (including a punitive element) on the day, reducing adjournments due to a lack of PSR. As court and probation capacity pressures persist, expanding VR use beyond South Central to Kent, Surrey and Sussex and the East of England will help sustain efficiency, reduce adjournments, and ensure sentencing decisions remain evidence-based and proportionate.

**Recommendation 143:** I recommend the adoption and national rollout by His Majesty's Prison and Probation Service of the 'verification report' pilot, that can be produced faster than a traditional Pre-Sentence Report to support on-the-day court advice as soon as refinements from the pilot permit.

## Digital PSR template and case management system

199. Along with reviewing the level of detail required to enable courts to make effective sentencing decisions, I would also like to see better use of technology to support efficiency. The MoJ is taking steps to enhance the digital process for PSRs, focusing on two main developments: designing a new digital PSR template and introducing a modernised case management system. The new PSR template will replace the Short Format Report and Standard Delivery Report, which are the two formats of adjourned PSRs currently used by the Probation

Service. By using a single template for all adjourned PSRs, this will eliminate the need for report writers to choose between multiple formats, ensuring consistency in the format of PSR that is delivered to the court. The new digital template will guide report writers through the process, offering clear guidance on what information should be included, and tailoring content to the specific factors relevant to each individual case.

200. By capturing necessary information and tailoring the requirements to each case, the template should make it quicker and easier to prepare reports, reducing time spent on irrelevant sections. The structured format will also help make important details clearer, minimise confusion, reducing the need for follow-up queries from the court and ultimately allowing probation officers to focus on their core tasks as opposed to handling delays.

201. Alongside this, the MoJ is developing a new, digital tool called Prepare a Case for Sentence (PACFS). This is a digital system that brings together information from HMCTS and probation systems. The aim of PACFS is to enable early identification and triage of cases, helping staff get the necessary details they need more quickly and easily in order to determine the most appropriate type of PSR. After successful trials in the South Central region based on engagement with MoJ colleagues, PACFS is due for national roll-out by the end of 2026. This new initiative will enable further standardisation, ensuring all relevant case information is systematically collected, reducing regional variation. The use of digital forms and structured data entry will also improve accuracy, reduce duplication and will support courts in making sentencing decisions more quickly.

**Recommendation 144:** I recommend that the Ministry of Justice continues work on improving the digital process for Pre-Sentence Reports, including designing a new digital Pre-Sentence Report template and introducing a new case management system.

## Probation Service funding

202. Whilst the recommendations I have made will help to improve the quality of information produced, it is essential also for the Probation Service to be well resourced. In light of the new Sentencing Bill, there will be further pressure on probation resource as further PSRs will be

required. Recommendation 7.1 of the recent Independent Sentencing Review also recommended 'increase investment in the Probation Service to support capacity and resilience'.[371]

203. In addition, the importance of probation funding has been raised in multiple reports and studies conducted by other government departments. In a recent interview, Martin Jones, Chief Inspector of Probation, spoke of the underfunding in probation that 'unless the government thinks very, very carefully about how it deploys probation resources … we will set up the Probation Service to fail'.[372] I therefore also support any initiative to continue supporting better resourcing of probation staff to ensure that probation services are adequately resourced to meet the growing demand.

**Recommendation 145:** I recommend that the Ministry of Justice should be considering a sustainable and appropriate level of funding allocated to the Probation Service, reflecting the increased pressure on the Probation Service following Sentencing Bill changes.

## Court Experience for Defendants, Victims and Witnesses

204. Users find it difficult to navigate the criminal justice system[373] due to limited understanding of the process and complex legal language used in materials.[374] Although information is provided at various stages, including at police stations and online, users often struggle to find what is relevant.[375] This lack of awareness leads to delays, misunderstandings and increased staff time spent on explanations.[376]

371 Independent Sentencing Review – Final report and proposals for reform (MoJ, May 2025).

372 A.-C. Martin, The probation service is in a state of perpetual crisis. Can it protect the public from tens of thousands more criminals on the streets? (The Independent, 7 December 2025).

373 C. Walker, The pains of going to court: Unrepresented defendants' ability to effectively participate in court proceedings [2024] Criminology and Criminal Justice.

374 Language barriers in the criminal justice system (ICPR, Birkbeck, The Bell Foundation, Victim Support and Centre for Justice Innovation, March 2022).

375 M. Bevan, Investigating young people's awareness and understanding of the criminal justice system: An exploratory study (Howard League for Penal Reform).

376 Transform Justice's response to the Independent Review of the Criminal Courts (Transform Justice, January 2025).

Some efforts have been made to produce simple glossaries and flowcharts, but more needs to be done. It is, however, worth noting that any form of an AI tool would not replace the support provided by police witness care teams who play an essential role in keeping victims and witnesses informed about the progress of their case. Given the extended time it often takes for cases to be heard, maintaining the strong relationships developed during this period will remain important.

205. A centralised information AI tool that has access to specific GOV.UK content and with oversight by human experts could mitigate these risks. People increasingly expect public sector services to provide AI chatbots as part of their customer support. There are calls for the justice system to provide an AI-powered tool to help people understand their legal issues in civil cases.[377] Participation should be maximised and accompanied with guidance. People, including defendants, victims and witnesses, need to understand what will happen to them in the criminal justice system.

206. I welcome the Justice AI Unit efforts in exploring the delivery of a public-facing AI-powered information tool to support the public to navigate justice processes.[378] The government is also piloting an AI-powered chatbot that is intended to allow users to obtain personalised answers based on guidance on GOV.UK[379] and has taken a robust approach to mitigating the risks of misleading, or potentially harmful, responses from the chatbot.[380] Having carefully curated AI chatbots on GOV.UK which are widely accessible to the public will improve access to knowledge about the criminal justice system. This would enable individuals to have better access to updated, better quality, clear and accurate information quickly, help reduce confusion and uncertainty, and promote greater transparency and understanding for all parties engaged in legal proceedings.

377 New AI action plan for justice balances innovation and responsibility (The Law Society, July 2025).

378 Justice chatbots. Exploring how public-facing AI assistants could improve access to justice (Justice AI Unit).

379 DSIT: GOV.UK Chat (Cabinet Office, DSIT and GDS, October 2025).

380 Artificial Intelligence Playbook for the UK Government (GDS, February 2025).

**Recommendation 146:** I recommend that the Ministry of Justice coordinates the development of carefully curated artificial intelligence on GOV.UK for use by the general public to improve access to knowledge about the criminal justice system.

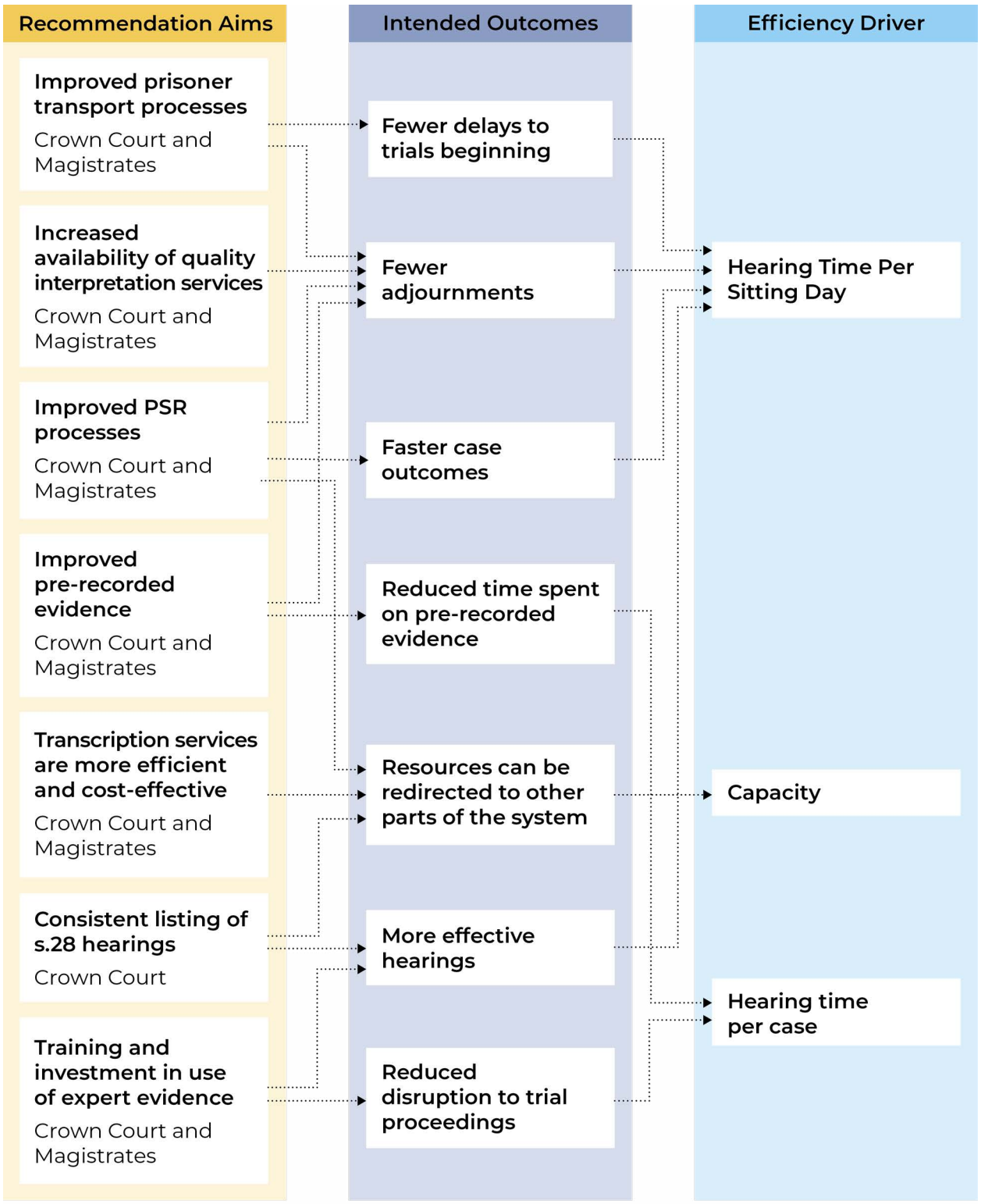
## Conclusion

207. In this chapter, I have explored the different factors which, although separate, will each have an impact to support efficient and effective use of resources in the courts. This includes simplification of processes, improving collaboration between Criminal Justice agencies, embracing the latest technology and addressing long-standing operational challenges.

208. The recommendations I present in this chapter are demonstrated in pictorial form in Figure 9.5 which illustrates how they aim to influence outcomes in the system and effect the key efficiency metrics. This diagram should be used as an illustrative framework to assess the potential impact of these recommendations noting that there are other operational and cultural factors that influence efficiency which are not captured.

**Figure 9.5**

**Policy map visualising the intended aims of recommendations presented in Chapter 9**




Many of the recommendations in this chapter affect pre-court cross-system efficiency drivers, which are not included in this policy map

209. If delivered as intended, the recommendations I make in this chapter will increase hearing time per sitting day, increase cross-system capacity and reduce hearing time per case. Recommendations aimed at improving the transport of remanded defendants to court, improving the delivery of PSRs and making use of the latest technology through AI translation will lead to fewer adjournments and delays to trial proceedings which aims to increase the hearing time per sitting day. Improvements to the use of expert evidence and pre-recorded evidence should save time in court, therefore reducing the hearing time per case. Training and investment in the use of expert evidence also aims to maintain the effectiveness of hearings which should increase the available hearing time per sitting day. Finally, increasing the efficiency and cost-effectiveness of transcription services, production of jury bundles and listing section 28 hearings consistently should enable resources to be directed to other parts of the system which will contribute to increasing cross-system capacity.

# Chapter 10

## The Judiciary and Legal Workforce

# Chapter 10 – The Judiciary and Legal Workforce

## Introduction

1. A fully resourced, high-quality and effective criminal justice workforce is needed across the system: the judiciary, legal professionals and others in the workforce involved in delivery of justice are a vital component. Their work is invaluable to society and the communities they serve.

2. In this chapter, I primarily explore the challenges facing these professionals. By the legal workforce, I am referring to prosecutors, criminal legal aid practitioners, other defence and CPS lawyers, legal advisers in the magistrates' courts and the judiciary (including magistrates, along with fee-paid and salaried judges) who sit in the criminal courts. At the end of this chapter, I explore the broader criminal justice workforce, including the police and prison staff, and how digital tools can ensure they are fully supported in their roles.

3. Throughout this chapter, there are recurring themes relating to the steps that I believe need to be taken to address the issues within each individual workforce. Tailored approaches are needed to improve and expedite recruitment and build capacity. In addition, consideration needs to be given to incentives for retention of these professionals and creating attractive sustainable career paths for them.

4. For legal advisers, I make recommendations targeted at improving their retention to support the magistrates' court in maximising the in-court time. I urge that steps are taken to create parity between this role and other comparable government legal work, and improve opportunities for the staff to diversify experience or specialise based on individual interests.

5. For criminal legal aid lawyers, my recommendations encourage the government and legal workforce to think creatively about recruiting more lawyers to work in criminal legal aid work. In Part I, I recommended that the government match-fund pupillage for barristers, and I am pleased that the government have chosen to

implement this recommendation, but I believe they need to do more to address wider challenges in the legal workforce. I provide more detail throughout this chapter on just how critical this workforce crisis is, in the ageing workforce and diminished numbers of duty solicitors and prosecutors, but it is imperative that steps are taken to turn the tide on this challenge at the earliest opportunity.

6. Exploring issues with the workforce, also necessitates some consideration of the concerns around legal aid fees. I addressed some of these challenges in my Part I recommendations and, again, I am pleased to see that the government have announced an increase to legal aid fees in response.[381] However, in this Review, I have made further recommendations on remuneration that aim to make improvements to the current system and encourage earlier engagement by defence representatives. These incentives could lead to more cases being resolved at an earlier stage where appropriate; allied to which, I want to ensure that criminal legal aid lawyers are appropriately remunerated, and believe that in turn will also support their retention.

7. I also make recommendations in relation to the judiciary that are designed to streamline and make efficiencies to wider recruitment processes. These include retirement planning to support better sitting-day forecasting, as well as addressing challenges around the attractiveness of different roles, creating more engaging career pathways and providing better support for those in judicial roles.[382]

8. I want to acknowledge that these recommendations have associated costs, and I understand that in the context of a recently settled Spending Review, finding additional funds to take forward these initiatives will pose a challenge. In the Terms of Reference for this Review, I was asked to pay due regard to the fiscal climate and that is why I have decided not to place specific timeframes around implementing most of these recommendations. However, this does not take away from the urgency of the issues I have set out in this chapter, and I want to see the government take these

381 Criminal Legal Aid: proposals for solicitor fee scheme reform (MoJ, May 2025).

382 In Part I, I set out my intention to analyse the extent to which Recorders and Deputy District Judges (Magistrates' Court) fulfil the 30-day sitting-day target. This Review encourages as many part-time judges to be appointed as possible and a retrospective analysis of sitting-day uptake would not be an effective use of resource, or carry anything forward at this time. Therefore, it has not been discussed in Part II.

recommendations forward, as a package, as soon as possible, to avoid the ongoing risk of system failure. The initial expense is a necessary investment to secure a sustainable workforce.

9. I am confident that my recommendations in this chapter, if implemented, would have a significant impact on building capacity within the criminal justice workforce. However, it would be remiss of me not to mention the impact of the court estate on the recruitment and retention of this workforce. The issues with dilapidated courts in England and Wales are impacting adversely on the well-being of legal professionals. Throughout my engagement, the state of the court estate was repeatedly raised as an area of concern and a deterrent to those considering a career working in the criminal courts. The judiciary and legal workforce are expected to work in buildings that have leaking roofs and even, I have heard, have on occasions lacked drinking water and working toilet facilities. I am told that in some listed court buildings, the temperatures become so hot that the courts can become unusable. This is completely unacceptable, and whilst I strongly believe that a career as a legal professional specialising in criminal law is incredibly interesting and valuable, I am acutely aware that such working environments make it unattractive. I examine issues with the court estate in more detail in Chapter 11 (Broader Justice Issues).

10. In summary, this chapter marks the importance of the legal workforce and judiciary, and the need to address their concerns to avoid a failure of the system.

# Legal Workforce

## Legal Advisers

11. A legal adviser is a qualified solicitor or barrister who directly supports and advises magistrates on the law, practice and procedure.[383] They are responsible for ensuring that magistrates understand the law and its application in specific cases, enabling magistrates to make informed decisions. They play a core role in the running of the magistrates' court as not only do they provide this advice to magistrates, but they also are pivotal in managing court proceedings and ensuring that all parties understand the process.

383 The Criminal Procedure Rules 2025, r. 2.12.

12. To work as a legal adviser, solicitors or barristers can access a training programme delivered by HMCTS; they enter the service as a trainee and subsequently qualify to become a Tier 1 then Tier 2 legal adviser and can eventually move into management positions.[384] It is worth noting that at present HMCTS accepts applications from those who have completed their appropriate academic qualifications, namely the Licensed Professional Counsellor or Solicitors Qualifying Examination One and Two for solicitors, the Bar Training Course for barristers, and the Level 6 Diploma for the Chartered Institute of Legal Executives (CILEX). HMCTS supports the training contracts or qualifying work experience for trainee solicitors, and the portfolio and qualifying work experience for CILEX, allowing them to achieve full professional qualification for practice. However, at present, HMCTS cannot offer pupillage to barristers – which is their equivalent of qualifying work experience. This is a historic arrangement, and I would encourage the Bar Standards Board to change its rules to allow pupillage within HMCTS for parity and to increase opportunities for barristers.

13. HMCTS is successful in recruiting trainee legal advisers as the opportunity to train in this field and the attractive starting salary, alongside Civil Service benefits, makes this an appealing career option. Whilst I am aware that there are local challenges to recruitment, with some areas finding it harder to recruit than others, the main challenge with legal advisers is their retention within HMCTS. This has been raised repeatedly throughout my engagement, and it has a significant impact on the ability of HMCTS to resource the number of courts required to respond to the increasing caseload.

14. Retention of legal advisers has been a challenge for some years, and as a result HMCTS now plan over-recruitment into these positions, often to 110% of operating resources required, to account for the high level of attrition and the two-year lead time to train new recruits fully.[385] Training legal advisers comes at no small cost. Over two years, the estimated full cost of recruiting and training a new legal adviser is currently around £62,000.[386]

384 A Tier 1 Legal Adviser is newly qualified into the role, and a Tier 2 Legal Adviser is more experienced in the role, deals with more complex cases, mentors trainees and may review coursework.

385 Source: HMCTS Unpublished Management Information.

386 Ibid.

15. Criminal procedure, particularly in the magistrates' court, is frequently amended. Legal advisers shoulder the burden of ensuring that the legal changes are adopted in the court processes. In recent years, legal advisers have experienced two significant changes to the management systems that record results in court: first, Digital Mark Up, and more latterly Common Platform. These changes are reported to have been a significant contributory factor in older, more experienced legal advisers leaving the profession, with a consequential reduction in the number of legal advisers available to advise in courts. I understand that this position has largely stabilised now, and I appreciate the work of HMCTS colleagues in supporting the adoption of the new digital system used in the courts; however I am aware that there are still some challenges with Common Platform and its impact on the day-to-day role of legal advisers which make retention more challenging.

16. I also hear, anecdotally, that the CPS attracts many HMCTS legal professionals: in 2024/25, attrition amongst Tier 1 Legal Advisers was at 11%, with around 40% of those leavers joining another government department. Data indicates that between September 2023 and 2025, 10% of newly hired Crown Prosecutors and Senior Crown Prosecutors at the CPS came from HMCTS.[387]

17. Compared to HMCTS, the CPS has better career opportunities as there are different roles within the grades, and subsequently better pay, and increased opportunities to diversify skill sets along with greater opportunity for career progression. The CPS offers a pupillage to Crown Prosecutors and schemes such as 'Go Prosecute' to reintegrate prosecutors back into the workforce who may have left for personal reasons – demonstrating commitment to professional development and creating more opportunities for staff.[388] Furthermore, in 2022, the MoJ removed the specialist pay for HMCTS legal advisers, and this exacerbated pay disparity with the CPS. HMCTS cannot compete with this pay difference and the lack of career development opportunities.

18. I believe that there needs to be a greater degree of parity between these roles and better joint working between the CPS and HMCTS on their strategies to recruit lawyers. At present, these two government departments are competing with each other to recruit from the same

387 Source: CPS Unpublished Management Information.

388 Go Prosecute for Senior Crown Prosecutors (CPS).

pool of legal professionals, and this is having a negative impact on capacity within the legal workforce, and the subsequent ability of the courts to run efficiently. I have addressed how to develop the role of a legal adviser through increasing powers in Chapter 7 (Preparing for First Hearing and Ongoing Case Management) and I believe that the CPS and HMCTS could work together to consider how they can encourage retention within a role for which a person has been given dedicated and expensive training, whilst enabling professionals to diversify their experience by working across different government departments. The opportunity to consider what a prosecution career could involve, as well as a career at HMCTS, will be beneficial to all legal professionals as they consider their career opportunities. However, such flexibility must have due regard to any perceived conflict of interest that may arise from moving between the defence, the prosecution and HMCTS. In line with Chapter 3 (One Criminal Justice System), I strongly believe that there should be better working relationships across the criminal justice system, and this is another example of benefits following from such working arrangements.

19. In order to address the retention of legal advisers, HMCTS should address the difference in pay. At a minimum, it should reinstate the legal specialist pay offer for HMCTS lawyers, to ensure better retention and to close the gap between their pay ranges and those of the CPS. Further to this, HMCTS should consider how it can retain legal advisers more effectively by establishing better career paths, this should include engaging with the Bar Council to explore offering pupillage to barristers.

20. I would also like to see steps taken to avoid the use of legal advisers fulfilling the role of Court Associates by sitting with District Judge (Magistrates' court) (DJ(MC)) and Deputy District Judge (Magistrates' court) (DDJ(MC)). As full-time and part-time professional judges, they do not need a legal adviser but they should have a court associate to support them. Currently, legal advisers are sitting with them in the role of court associates because of the lack of available associates to staff the courtroom.[389] This is a significant waste of expensive and valuable legal adviser resource. It also undermines the roles as legal advisers and can impact on the ability to run the courts. I believe HMCTS should consider creating pools of Court Associates so they can

389 A Court Associate supports the smooth running of hearings in the magistrates' court. They are responsible for communicating with judges and court participants, producing accurate and timely court documents and providing administrative support.

be better deployed to support DJ(MC)s and DDJ(MC)s. Later in this chapter, I make recommendations on recruitment and retention of salaried and fee-paid judiciary in the magistrates' court. Should the number of DJ(MC)s and DDJ(MC)s increase, the position with legal advisers staffing these courts is likely to get worse rather than better if the number of available Court Associates does not also increase; this would lead to decreasing efficiency.

**Recommendation 147:** I recommend that His Majesty's Courts and Tribunals Service implements pay parity with Crown Prosecution Service lawyers to support the retention of legal advisers.

**Recommendation 148:** I recommend that His Majesty's Courts and Tribunals Service establishes clearer career paths and development opportunities for legal advisers, including providing pupillages.

**Recommendation 149:** I recommend that His Majesty's Courts and Tribunals Service establishes pools of Court Associates around the country to enable more flexible and readily available support to the judiciary in the magistrates' court.

## Criminal Legal Aid Workforce

### Recruitment

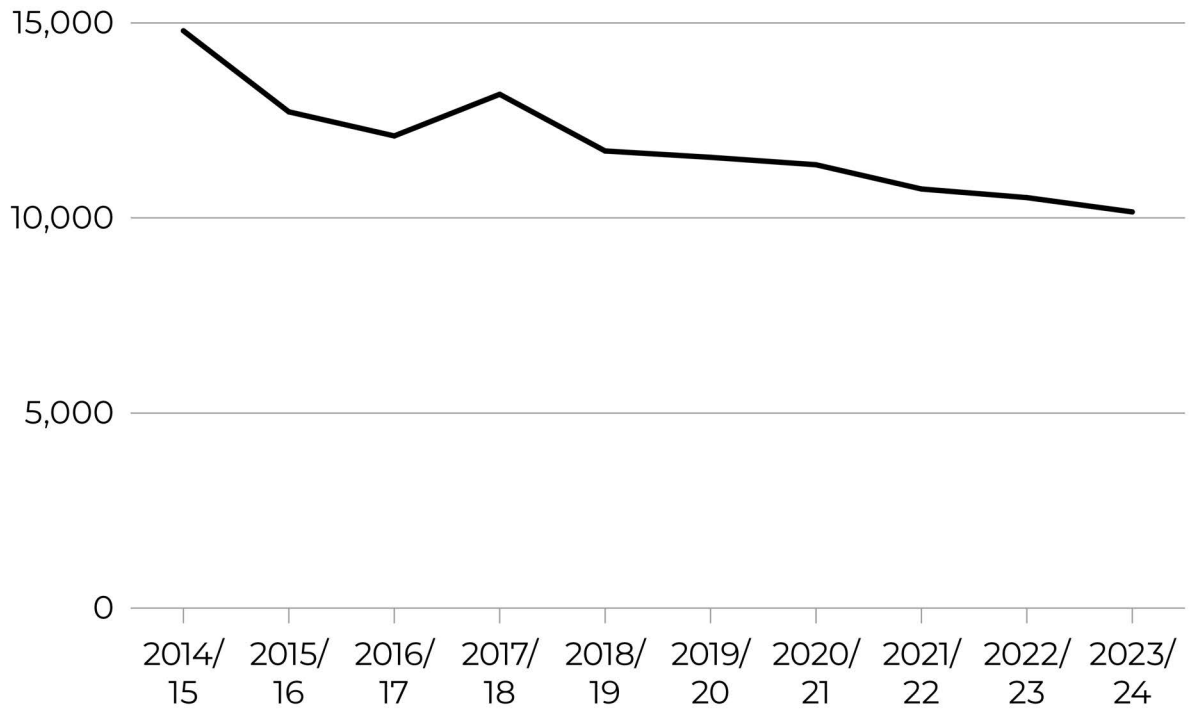
21. In this part of the chapter, I seek to address concerns within the criminal legal aid workforce. In Part I of this Review, I made recommendations addressing the concerns about recruitment and retention of criminal barristers, and the government has since adopted my recommendation to match-fund pupillages. I also recognised similar challenges facing the CPS workforce in Chapter 4 (The Police and the Prosecution: Getting It Right First Time) and as I set out in the Introduction, I envisage my recommendations impacting on the wider pool of lawyers, so I will focus this part of the Review on criminal legal aid solicitors.

22. The criminal legal workforce is facing a significant crisis in the number of legal aid solicitors, including duty solicitors.[390] The number of criminal legal aid solicitors dropped by almost one-third between 2014/15 and 2023/24 (14,800 to 10,200), as shown in Figure 10.1, and this is primarily as a result of fewer people moving into this area of work than there are leavers within the workforce.[391] Furthermore, the number of solicitors participating in the duty solicitor scheme is falling substantially; there were around 5,200 in 2017 and in 2024 this fell to 3,900 as demonstrated in Figure 10.2.[392]

**Figure 10.1**

**Number of criminal legal aid firm solicitors**

England and Wales, 2014/15 to 2023/24




Source: Legal aid statistics quarterly, January to March 2025

390 A duty solicitor will represent a defendant in the police station when they are first arrested and can provide representation in the magistrates' court to persons who have been charged with an offence and have not yet instructed criminal defence solicitor. For the purpose of this Review, the reference to these professionals refers to legally aided defence work.

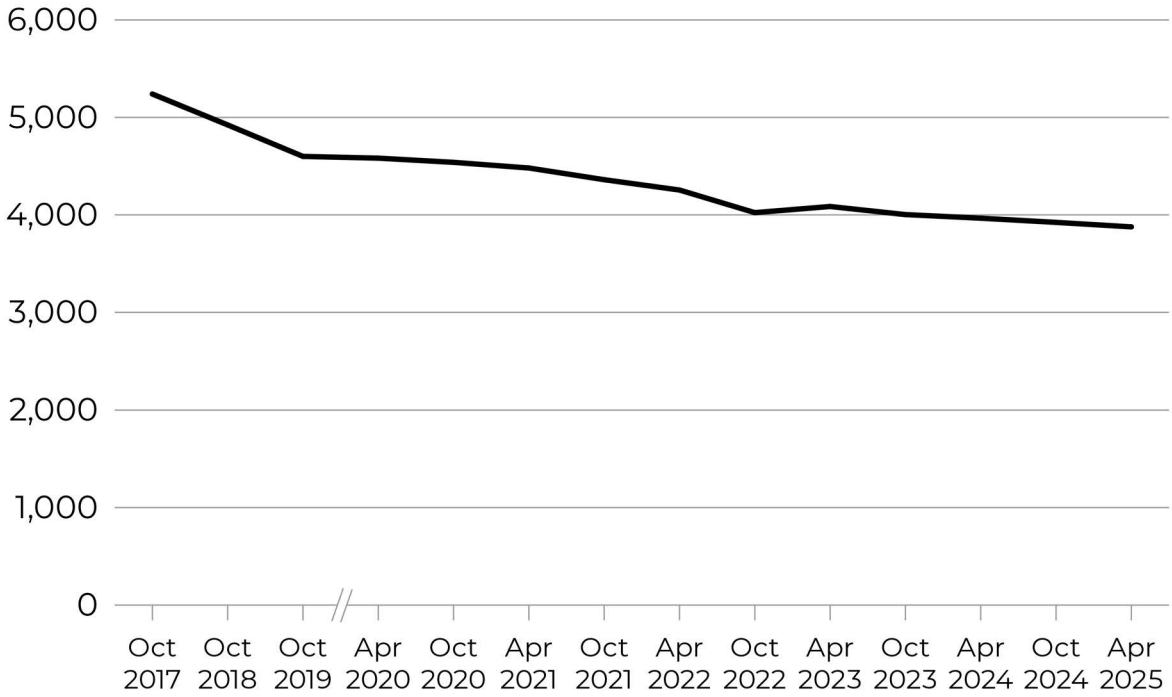
391 Source: Criminal Legal Aid Data Share (MoJ and Legal Aid Agency, June 2025).

392 Source: Legal aid statistics quarterly: January to March 2025 (MoJ and Legal Aid Agency, June 2025).

**Figure 10.2**

**Number of duty solicitors (shown by duty solicitor update period)**

England and Wales, 2017 to 2025




Prior to 2020, data was only reported on an annual basis. Subsequently, data reported on a biannual basis.

Source: Legal aid statistics quarterly, January to March 2025

23. As demonstrated in Figure 10.3, a large proportion of duty solicitors are aged between 50 and 59, and the low number of younger solicitors doing legal aid work is concerning when considering the future capacity of the workforce. For example, the proportion of criminal legal aid solicitors aged 54 and under reduced from around 79% in 2014/15 to around 73% in 2023/24.[393] Furthermore, in ten years' time, those currently aged 55 and above will have likely retired or be nearing retirement. Coupled with this, research from Dr Vicky Kemp at the University of Nottingham[394] demonstrates that requests for legal advice in police stations are increasing, as I explain in Chapter 4 (The Police and the Prosecution: Getting It Right First Time). Unless there is a conscious effort to rebuild this workforce to meet this increased demand, I believe the criminal legal aid system is at risk of failure.

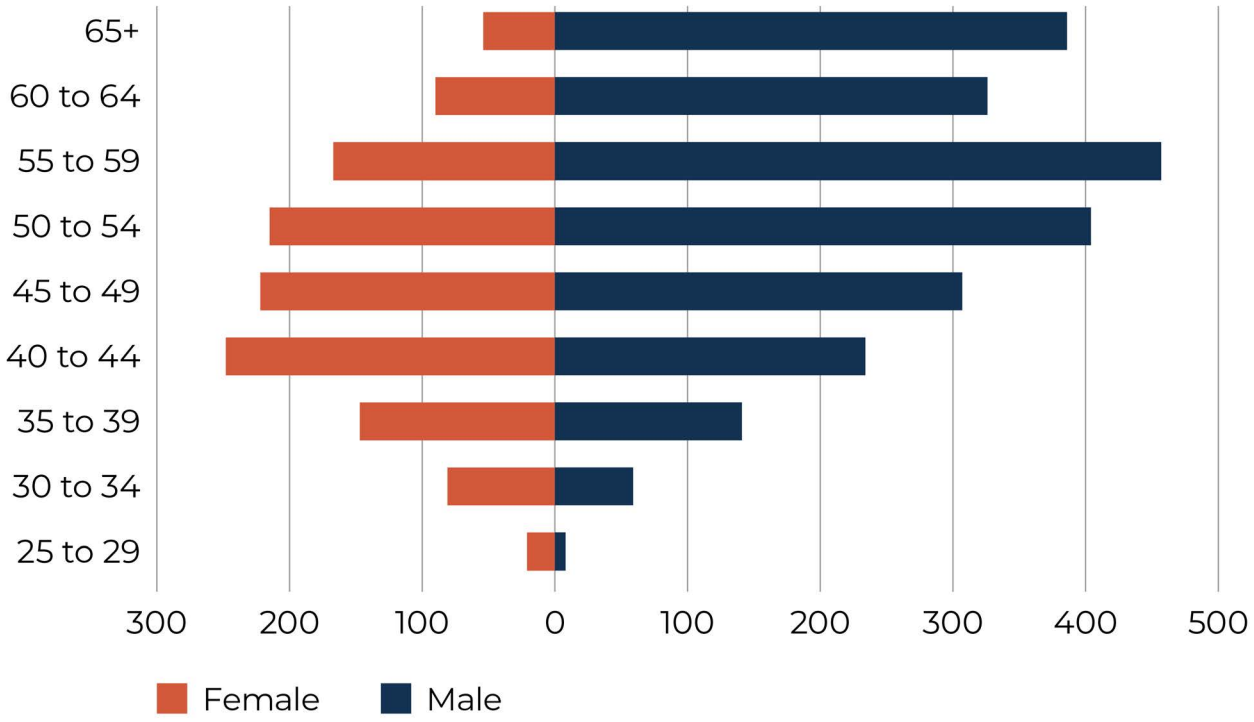
393 Source: Criminal Legal Aid Data Share (MoJ and Legal Aid Agency, June 2025).

394 Dr V. Kemp, H. Kent and Professor S. Farrall, Analysis of electronic custody of record data In England and Wales (University of Nottingham, October 2023).

**Figure 10.3**

**Number of duty solictors by age group and sex**

England and Wales, 2024




Sources: Legal aid statistics quarterly, January to March 2025

24. Section 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) requires the Lord Chancellor to make available a system of criminal legal advice, assistance and representation. The acute recruitment challenges amongst this workforce poses the risk that the Lord Chancellor will not be able to fulfil the statutory duty to provide such a system.

25. Having an under-resourced duty solicitor workforce creates challenges for suspects in accessing advice in police stations and it impacts the quality of the advice provided throughout a case as lawyers are overworked. In the absence of a defence representative, a defendant may choose to represent themselves, but trials and hearings involving unrepresented defendants always extends the duration of a case and can be more expensive in court time. The problems are not just practical. Issues of principle core to this Review are affected: a diminished criminal legal aid workforce with less experience affects

the ability to get things right the first time, diminishes the effective participation of defendants, and does not lend itself to having a criminal justice system that is underpinned by expertise.

26. The National Audit Office report from the 2023 to 2024 session recognised this crisis and recommended specifically that the MoJ implement a workforce strategy that considers the pipeline of future legal aid lawyers and their training.[395] The report highlights the sustainability issues within the market and how this places the MoJ's objective to ensure access to justice at risk, if future supply is insufficient and does not enable those eligible to access legal aid. The cost of providing greater legal aid availability may well balance the negative financial and quality of justice impacts of increased unrepresented defendants and poor legal advice.

27. I hear, anecdotally, that junior lawyers and even law students are actively being encouraged away from working in criminal law. They are told that there is better earning potential in other areas of law and that criminal law is unattractive owing to unsocial working hours and less working flexibility. Despite this, through my engagement with vast numbers of criminal lawyers, all of them report their job being incredibly interesting and rewarding, and I can attest to this. There is a shared sentiment amongst these professionals that if more people can be encouraged into the profession, once they experience the role, they will be more likely to stay.

28. There are many universities that operate legal clinics, or advice centres, to expose law students to practical law. The advantages of this have been explored in detail by Northumbria University and their Legal Clinic and Case Study V below highlights the impact of experiential learning and its influence on students pursuing publicly-funded careers.[396]

---

395 Government's management of legal aid (MoJ and Legal Aid Agency, February 2024).

396 Experiential learning is broadly accepted as including 'the process whereby knowledge is created through the transformation of experience. Knowledge results from the combination of grasping and transforming experience.' It encompasses more than just 'learning by doing' and has been accepted as including at least four crucial elements, 'contextually rich concrete experience, critical reflective observation, contextual-specific abstract conceptualization [thinking and theorising], and pragmatic active experimentation'. Common forms of experiential learning in law include Clinical Legal Education (law students participating in the representation of actual clients under the supervision of a lawyer, simulation, placements, mooting and streetlaw (students' learning through advancing public legal education). J.A. Poore, D.L. Cullen and G.L. Scaar, Simulation – Based Interprofessional Education Guided by Kolb's Experiential Learning Theory (2014) 10(41) Clinical Simulation in Nursing.

**Case Study V: Northumbria University – Can experiential learning influence students to pursue publicly funded careers?**

In the United States, experiential learning is a mandated significant component in all American Law School curricula to help bridge the gap between the practice and theory of law. Additionally, the provision of Clinical Legal Education is widely advocated as a means of promoting an awareness of, and commitment by, law students to social justice including the essential components of equality, human dignity, freedom, basic education, healthcare and justice. By exposing students to the experience of representing disadvantaged groups these advocates assert that a role model for public interest lawyering enables students to consider choosing legal careers promoting access to justice. However, it should be noted that the related question about whether or not these pro bono experiences lead some students to commit to *pro bono* (or publicly funded) work has not been thoroughly empirically tested.

Research into Clinical Legal Education has shown, however, that carefully structured representational experiences can build student confidence and inculcate a professional identity (enabling them to see their future selves as lawyers) particularly students from widening participation backgrounds.

By providing these experiences in the criminal justice field, students will have an opportunity to be exposed to the values and professional identity of those practising in this field and build the confidence necessary to seek out these careers.

**The Student Law Office (SLO) at Northumbria University**

Subject to available case work, students elect an area of law that is of interest to them and are then placed in 'firms' of ten students. Once the students are allocated into their firms, they work on real, live cases in groups of two to three. Each case that they take on is supervised by a practising lawyer, usually a Clinical Supervising Lawyer (CSL), who has experience in the area of law selected. CSLs work alongside academic tutors who hold weekly 'firm meetings' with the students. The Student Law Office currently employs one full time CSL specialising in criminal law work, who runs three criminal law focused firms.

**Criminal law case work in the SLO**

Students gain a valuable insight into criminal practice, covering cases from initial instructions to final advice. This includes engaging with and interviewing clients. If a court hearing is necessary, this is undertaken by the Clinical Supervising Lawyer with the students in attendance. Court attendance and familiarisation is a key factor in the clinical legal education of the students in the crime firms.

Students are encouraged to attend the local magistrates' and Crown Courts and then compare and contrast their experience of each. Visits are arranged throughout the academic year. The students have the opportunity to see court hearings and also meet and network with other lawyers and court staff working in that field. Consequently, this 'demystifies' the court process and ensures that the students are much less apprehensive when considering a future in criminal advocacy and legal aid work.

Students who have engaged with criminal law related case work (and have attended court as part of the process) have gone on to secure work experience with local legal aid criminal law firms, in many cases because local lawyers have had an opportunity to engage with the students directly. There is significant benefit gained from attending court regularly, both in terms of developing enthusiasm for advocacy and legal aid work, together with the provision of an accurate and realistic insight into the nature and demands of criminal practice.

Testimony from 2023 graduate:

> 'Before beginning my law degree, I was convinced that I would pursue a career in corporate law. That was the path I had always envisioned for myself. However, it wasn't until I gained practical experience in the Student Law Office that I discovered my true passion lay in criminal law. Working in the Student Law Office gave me invaluable hands-on experience and a genuine understanding of the solicitor's role. Through this exposure, I realised that I wanted a career where I could make a tangible difference, and I found that purpose within the criminal justice system. Now, as a young trainee solicitor in crime, I truly love the work I do, and I hope to continue practising in this area throughout my career.'

While there are no specific figures that illustrate how many students went on to work in criminal legal aid firms after the SLO, at least two students from the 2024/25 cohort are known to have secured work experience placements in local firms, and one secured a Training Contract, all three of which had an emphasis on criminal law work. This was a direct result of attending court and establishing a connection with the lawyers involved and being able to illustrate that they have engaged in live client case work in a criminal practice context.

Testimony from 2023 graduate:

> 'I think the SLO is a perfect breeding ground for future criminal lawyers, and the MoJ would be rewarded if it worked with the SLO to produce the criminal lawyers of tomorrow. In my opinion, the lack of criminal defence lawyers in our society risks the fundamental principles of our constitution, potentially weakening the rule of law and I am glad that the MoJ appears to be making efforts to address this.'

Sources:

University of Northumbria Law School: Prepared by Associate Professor Adam Jackson. Contributors: Lisa Callum (Clinical Supervising Lawyer), Assistant Professor Katherine Dunn, Associate Professor Dr Jonny Hall, Assistant Professor Dr Ana Speed, Assistant Professor Tony Storey, Sarah Wade (Senior Clinical Supervising Lawyer).

The Evolution of Experiential Legal Education, November 2025 Chilton, Adam and Hovenkamp, Erik and Joy, Peter A. and Rozema, Kyle, (August 21, 2025).

Adrian Evans et al, Best Practices: Australian Clinical Legal Education (Report for Office of Teaching and Learning, 2013); If We Could Instil Social Justice Values Through Clinical Legal Education, Should We? (Journal of International and Comparative Law 143, 2018) 5(1), Preparing Students for 21st Century Practice: Enhancing Social Justice Teaching in Clinical Legal Education (International Journal of Clinical Legal Education 5, 2021) 28(1).

Tamara Walsh, Putting Justice Back into Legal Education (2007) 17(1-2).

Paul McKeown, Pro Bono: What's in It for Law Students? The Students' Perspective (International Journal of Clinical Legal Education, 2017) 24 (2).

Jill Alexander, Modelling employability through clinical legal education: building confidence and professional identity (The Law Teacher, 2023) 57 (135).

29. A targeted and multilayered approach is required to rebuild the criminal legal aid solicitor workforce, and I urge that steps are taken immediately. There needs to be a conscious effort to attract junior lawyers into the profession and this should be complemented by wider changes to improve retention; I will return to my recommendations focused on retention later in this chapter.

30. The first step in my approach to address the capacity issues of criminal legal aid solicitors is to incentivise law firms to support trainees to work in criminal law. This is not a new idea and was in fact recommended by Lord Bellamy KC in his 2021 'Independent Review of Criminal Legal Aid' (CLAIR), where he called for 'funding of more training grants to support trainees in criminal legal aid firms'.[397] I understand that the government consulted on proposals to introduce training contract grants, and whilst responses generally welcomed the concept of grants, at the time it was felt that money would be better spent on solicitor and criminal legal aid fees instead.[398]

31. From my engagement with the sector, I understand that there are financial concerns amongst many criminal legal aid firms that they cannot afford to take on trainees. This is affecting the sustainability of the market and is a concern, especially with data pointing towards the trend of an ageing profession. The key to increasing the workforce is having the space to train them, and that is why I believe the government need to take a dual approach.

32. To work as a duty solicitor, qualified practitioners must sit the Police Station Qualification (PSQ) and the Magistrates' Court Qualification (MCQ). The PSQ enables a solicitor to work in a police station, and the MCQ must be obtained if a solicitor wants to represent a defendant in the magistrates' court. In order to obtain the MCQ, a solicitor must have obtained their PSQ, thus making duty solicitors dually qualified to work in the police station and represent in the courts.

397 At the time of the Independent Review of Criminal Legal Aid, Lord Bellamy was then Sir Christopher Bellamy QC, and for the purpose of this review I will refer to him with his current title, Lord Bellamy KC.

398 Government's full response to the Criminal Legal Aid Independent Review and consultation on policy proposals (MoJ, December 2022).

33. This training is offered by Cardiff University and Datalaw, and the total costs are £2,135[399] and £2,297 + VAT[400] respectively. The PSQ is made up of three stages, which includes a portfolio of nine cases and a critical incident test, and the MCQ has two stages which includes a portfolio of 25 cases and a live interview called the Interview and Advocacy Assessment.[401] Once qualified, lawyers need to apply to join the Criminal Litigation Accreditation Scheme which costs £309.60 with accreditation lasting five years.[402]

34. In Part I, I recommended that the government match-fund pupillages for barristers in criminal law and I want to mirror this for solicitors and recommend that the government match-funds these qualifications for criminal legal aid solicitors. I hope that by removing any barriers related to funding, this should encourage more professionals to sit this qualification.

**Recommendation 150:** I recommend that the Ministry of Justice match-funds the Police Station Qualification and Magistrates' Court Qualification training for duty solicitors.

35. In addition to this, I would also like to see the government implement another recommendation from Lord Bellamy KC in CLAIR, which has been supported by the Criminal Legal Aid Advisory Board (CLAAB). That is to offer a trainee grant to cover some of the costs incurred by criminal legal aid firms when training junior lawyers. As mentioned, when the MoJ consulted on proposals to implement this recommendation in the past, an overall increase to fees was preferred at that time. Considering the recent investment in legal aid fees, I hope the sector would be in support of such a recommendation and in implementing such a recommendation, I encourage the government to consider how to ensure this investment is targeted and ringfenced for training new lawyers.

399 Police Station Qualification (PSQ) – Professional Development (Cardiff University).

400 Datalaw's Online Accreditations and Qualifications; MCQ Interactive Support Package (Datalaw).

401 In some cases, an additional written paper on the criminal law must be undertaken for the PSQ.

402 Criminal Litigation Accreditation (The Law Society).

36. This grant could be administered by the LAA to firms that already deliver legal aid, and could be put towards the salaries of trainees, freeing up budget to allow firms to take on additional trainees and build their capacity. This would directly target the deficit in the number of solicitors working in criminal legal aid work and it is imperative that any investment has a demonstrable effect on the number of solicitors working in criminal legal aid.

37. To complement this, consideration needs to be given to methods of attracting people to the profession to take advantage of such offers and to address the recruitment shortfalls of criminal legal aid solicitors for the longer term.

38. Whilst I recognise that the salary of a criminal legal aid lawyer may be attractive compared to other professions, their potential earnings compared to other publicly funded legal work has an impact on recruitment. The opportunity to work in criminal law provides a rewarding career path and suits those who are motivated by achieving social justice and are community minded. Whilst it is challenging to quantify criminal legal aid and family legal aid salaries, I have heard that family legal aid solicitors' pay is considerably higher than their criminal counterparts.

39. I appreciate that people have different motivations for their careers, but consideration should be given to the fact that without duty solicitors and criminal legal aid solicitors, the criminal justice system will wither and could collapse – defendants (many of them vulnerable members of society) will be unrepresented, cases will be untriable, and victims will not receive justice. As highlighted in the Northumbria University Case Study V, exposing junior lawyers to criminal legal aid work can positively influence their likelihood of pursuing a career in criminal law. With that in mind, I believe the government needs to take direct action to attract junior lawyers to this field.

40. When considering how to attract people to a profession, there are examples across the public sector from which I can draw inspiration. There are examples of financial incentives, for example, student loan forgiveness exists for teachers. There are also dedicated recruitment programmes such as Teach First which focus on recruiting teachers and until recently, Unlocked Graduates for prison officers.[403]

403 Unlocked Graduates was launched in 2017 and is a two-year programme. Unlocked Graduate's funding was not renewed so the current cohort of graduates will be the last.

41. In addition, there are high profile public awareness campaigns to address recruitment challenges amongst particular workforces. For example, the Department for Education's 'Get into Teaching' campaign has been successful in recruiting more teachers. In fact, the government is now cutting its recruitment targets for secondary schools by almost 20% as they see strong numbers of applications and better retention of teachers. Recruitment for teaching science, technology, engineering and mathematics (STEM) subjects, such as computing and physics, has always been a challenge and the number of candidates is now 40% higher.[404]

42. Addressing the problem of recruitment is particularly challenging as criminal legal aid lawyers are not a solely public sector workforce, aside from the Public Defender Service, so some of the comparable schemes run by the Department of Health and Social Care and the Department for Education are not wholly appropriate in this instance. However, I believe the MoJ should consider making funding available to attract law graduates to this field through financial incentives and launch a public awareness campaign, highlighting the value of working in this field.

43. There needs to be a significant uptake in the number of people working in criminal legal aid to keep up with demand. An initial investment and recognition for a junior lawyer's commitment to working in this area of law should result in more people taking an initial interest in this career path, and when implemented alongside my other recommendations focused on improving the working conditions, this should lead to higher rates of retention.

44. Therefore, I recommend that the MoJ and the Law Society explore the details of such a financial incentive, and I emphasise the importance of thinking creatively about recruitment as it is imperative to address the current shortfalls and looming crisis in capacity.

45. I recognise that these recommendations focused on recruitment of criminal legal aid lawyers will require significant investment from the MoJ. As I mentioned at the beginning of this chapter, I am aware of the current fiscal climate and that there might be challenges with finding the funds to pursue these recommendations. However, I cannot emphasise enough the looming crisis posed by the low numbers of criminal legal aid solicitors and the need to build capacity back

404 Initial Teacher Training Census (GOV.UK, December 2024).

into this workforce. Having an under-resourced and inexperienced workforce impacts adversely on the principles of participation and of expertise in the criminal justice system and has a wider consequence on its ability to work efficiently.

**Recommendation 151:** I recommend that the Ministry of Justice provides grants to registered criminal legal aid law firms to fund training contracts for junior criminal lawyers and that the Ministry of Justice works with professional bodies to design recruitment initiatives to attract junior lawyers to undertake criminal legal aid work.

46. As well as increasing the number of newly qualified solicitors, I want the government to consider how it can utilise existing resource within the legal field more effectively.

47. In CLAIR, Lord Bellamy KC recommended that the LAA and MoJ review the provisions regarding the acceptance of CILEX members as duty solicitors. I understand that the barrier to CILEX members acting as duty solicitors is a result of the training they receive through their accreditation and that at present, that training is not sufficient to allow them to work in police station. To be added to the duty solicitor rota through a LAA contract, solicitors are required to undertake additional training with the Law Society to achieve a Criminal Litigation Accreditation Scheme membership, made up of the PSQ and the MCQ. This extra step creates missed opportunities to engage people in this type of work.

48. I believe that the recommendation made by Lord Bellamy KC should be made to the government again. Enhancing this training and allowing CILEX members to be formally accepted as duty solicitors through their own accreditation, with appropriate quality standard checks and monitoring as is the case of solicitors, will further build the capacity of duty solicitors within the system and ease the burden of solicitor shortages. CILEX members also bring with them diversity of backgrounds and career paths, and by increasing opportunities for these lawyers, it can help build more sustainable careers for under-represented groups in the legal workforce and create greater accessibility into the legal professions.

**Recommendation 152:** I recommend that the Chartered Institute of Legal Executives enhances its training to allow lawyers to be formally recognised as duty solicitors upon qualification.

49. I am aware that another challenge facing the profession in recent years is the retention of lawyers because of a lack of flexible working policies. I understand that the nature of the work makes it difficult to work remotely or adopt part time hours, but the inability to do so means that the workforce is losing significant numbers of qualified professionals who are struggling to manage the challenging hours and significant workload, alongside their caring responsibilities – whether that be childcare, supporting parents in old age or otherwise.

50. This problem is particularly acute amongst women working as solicitors. Women, primarily aged in their late 30s and early 40s, are leaving the profession and are not returning to the same roles (see Figure 10.4).[405] The 30 to 49 year old age group made up an average of approximately 69% of female duty solicitor leavers between 2018 and 2024 with the corresponding age group of males only accounting for approximately 36%.[406] Later in this chapter I discuss wider market reform, and how a change to the current operating model could lend itself to enhanced retention across this workforce more generally, however I believe work should be undertaken now to consider how to improve the retention of those with caring responsibilities or how to encourage them back to the workforce.

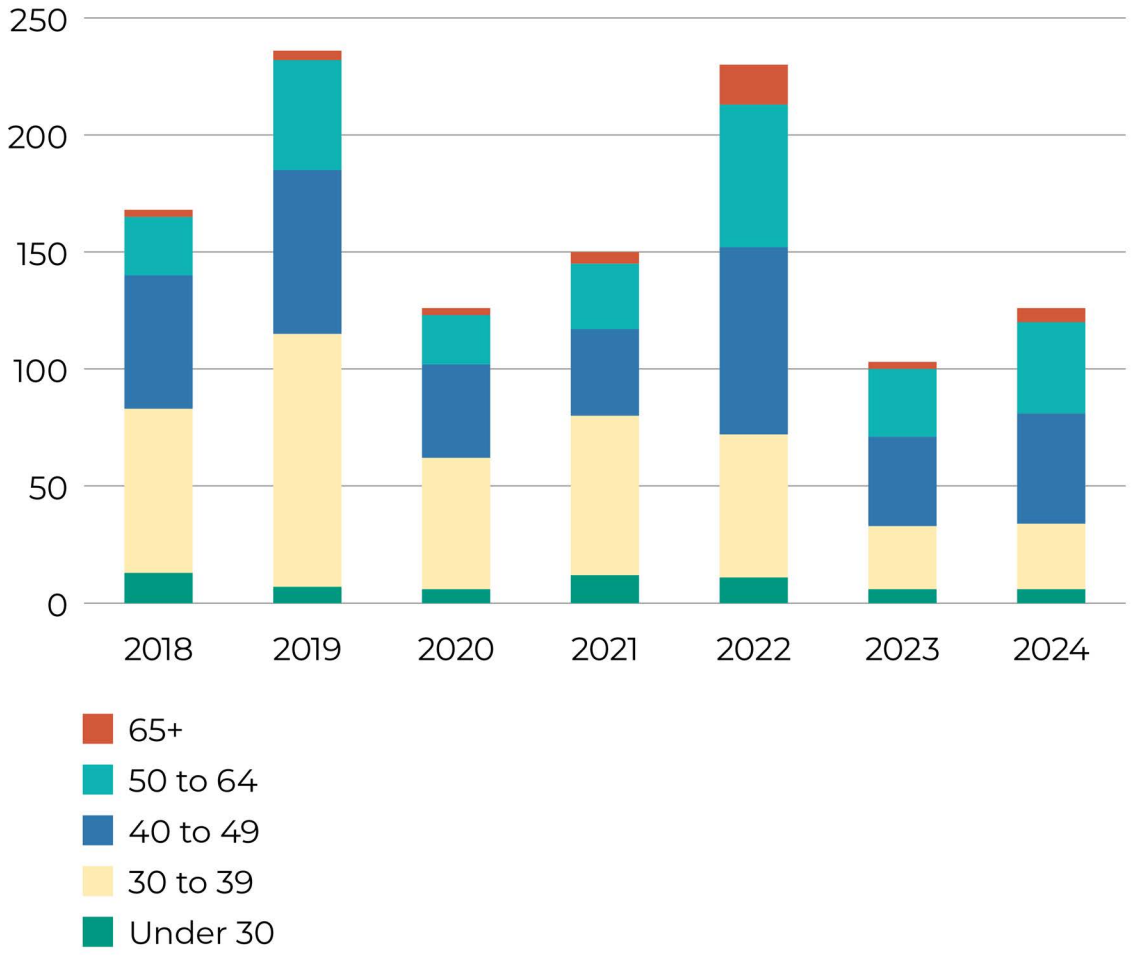
405 Source: Legal aid statistics data files (MoJ, June 2025).

406 Ibid.

**Figure 10.4**

**Number of female duty solicitors leaving each year by age category**

England and Wales, 2018 to 2024




Source: Legal aid statistics data files, June 2025, MoJ

51. I have heard anecdotally that the CPS has noticed a similar pattern in attrition amongst its Senior Crown Prosecutors and in response, launched a new scheme, 'Go Prosecute' in summer 2025 that aims to attract those that left the workforce for caring responsibilities, primarily women, back to work.[407] The scheme offers a one-year secondment, with the option to extend to two years, for mid-career solicitors or barristers considering a return to criminal law to try a range of work to see what best suits the individual's experience and working pattern. They could be working in a range of roles, including the magistrates' court, Crown Court or the RASSO unit.

407 Go Prosecute for Senior Crown Prosecutors (CPS).

52. The scheme offers tailored development support to enable people to enhance their prosecution skills and regain confidence in criminal practice. The CPS offers flexible working wherever possible, including part-time hours, compressed hours or term-time work only. Those appointed are eligible for other Civil Service benefits, which include pension and annual leave.

53. Over the summer of 2025, the CPS received 79 applications for roles as Senior Crown Prosecutors whilst the recruitment was live, and since then 31 applicants have been successful and offered positions.[408] This scheme is still in its infancy but demonstrates the efficacy of offering flexible working arrangements to recruit and retain talent. I recognise that the CPS, as a government department, is in a better position to implement schemes such as this and that this will be harder for law firms and chambers. However, fostering a criminal justice system that is underpinned by expertise is a core principle of this Review and I believe there are positive lessons that can be taken from this initiative and applied across the board to attract experienced professionals back to the workforce.

**Recommendation 153:** I recommend that the Ministry of Justice considers how best to re-engage the criminal legal aid workforce who have left because of caring responsibilities, working collaboratively with the criminal legal workforce to address this issue for both barristers and solicitors.

## Retention

54. In addition to increasing the number of criminal legal aid solicitors, it is imperative that the government strives for more effective retention within the workforce. The same is true of barristers. A recent survey by the Criminal Bar Association showed one in three criminal barristers are actively seeking to leave the Bar, citing reasons such as remuneration not reflecting number of hours of work involved and high workload.[409] Without a fully resourced workforce, it will be impossible to build a sustainable legal aid system, and it will continue to impact adversely on the efficiency of the courts.

408 Source: CPS Unpublished Management Information.

409 Monday Message 17.03.25 (Criminal Bar Association, March 2025).

55. I also acknowledge the specific issue with the availability of criminal lawyers able to conduct RASSO cases, which Rape Crisis discuss in their recent report 'Living in Limbo'.[410] The issues around retention explored in this chapter are further exacerbated by the demanding nature of the work involved in these cases.

56. My engagement with the legal workforce has reinforced to me that money is one of the key challenges to retention, with opportunities for better earnings in other areas of law. However, as I have observed, I believe that working in criminal law is incredibly interesting and can lead to a fulfilling and long career. I note that there has also been significant investment in legal aid fees in recent years, and there are other initiatives that could address workforce challenges, and I examine these later in this chapter. However, I recognise that the system is not perfect and that there are improvements that can still be made that could result in better retention.

57. Fees underpin the legal aid system and certainly need to be considered as part of this broader conversation about workforce. Impacts on retention due to insufficient fees and embedded perverse incentives have an impact on the criminal courts' ability to operate efficiently and compound many of the other issues I have identified throughout this Review, such as more effective early engagement and diversion. Whilst this section of the chapter addresses legal aid fees, I want to acknowledge that I have not conducted a detailed review of legal aid, and I would encourage the government to take forward the recommendations from Lord Bellamy KC's CLAIR, which did result from a detailed review. In the development of these recommendations, I met with Lord Bellamy KC to understand his opinion on what is needed to address the current workforce crisis and this has been reflected in this Review.

58. I hope that my recommendations in this chapter, aimed at increasing recruitment and retention, will also have a positive impact by increasing the availability of lawyers able to conduct these cases.

410 Living in Limbo (Rape Crisis for England and Wales, November 2025).

## Improving the current system

59. In 2021, Lord Bellamy KC recommended a minimum 15% increase to all criminal legal aid fees.[411] The government responded with a 12% increase and this was met with a Judicial Review which challenged why Lord Bellamy KC's recommendations had not been implemented in full.[412] Since then, the government committed to a further 12% increase in fees across the board.[413]

60. The increase to fees introduced in 2024 was the first significant increase in 25 years, and this was welcomed by the criminal legal workforce. However, there are concerns that as fees are not regularly reviewed, they quickly fall out of line with inflation and, in real terms, do not reflect levels that are appropriate to maintain running a legal practice. Fee rates are contentious and there needs to be better forward planning to remunerate lawyers appropriately in order to attract and retain people in criminal legal aid work.

61. I recommend that the government commits to a regular review of criminal legal aid fees. By appropriately remunerating lawyers, the government minimises the risk of attrition from the profession to better paid work, unsuccessful recruitment and a poorly motivated workforce. In combination, this risks failures in the system for want of an effective workforce.

62. A regular review of legal aid fees has been proposed by many parties throughout my engagement, and I understand it would be seen as a welcome step to recognising the contributions and work of criminal legal aid lawyers. This is not the first time that an independent review has suggested such a commitment. The CLAAB, a result of CLAIR, has called for a similar review, with fee schemes and rates to be either index-linked or reviewed to provide an income that would sustain all stages of a career at the Bar.

63. I believe that keeping legal aid fee rates attractive is essential and that the government should review them annually, and increase them sufficiently, where appropriate. It is not sustainable to retain the current approach whereby only a crisis triggers a reactive response.

411 Sir Christopher Bellamy, Independent Review of Criminal Legal Aid (November 2021).

412 Criminal legal aid (The Law Society, December 2025).

413 Source: Consultation response: Criminal Legal Aid – proposals for solicitor fee scheme reform (MoJ, December 2025).

64. As part of such a review of fees, I would also encourage the government to have due consideration to the pay of expert witnesses and ensure that fees appropriately remunerate these professionals to support a sustainable market. The nuance and expertise that these witnesses bring to a case is vital. Courts rely with increasing frequency on this specialist knowledge as experts are required to present their opinion, in an understandable format, to the jury to enable them to resolve matters outside of common experience. In Chapter 9 (Hearing Processes), I make recommendations to ensure the best use of expert evidence as evidence becomes increasingly complex.

65. Another area of concern that has been raised with me is how legal aid funding is accounted for, and how the budget is determined. In practice, the MoJ has very little control over the number of claims submitted for payment. Much of the legal aid fund is demand-led with very few levers to control the budget, other than delaying payments or restricting sitting days to control the number of cases being disposed of across a financial year. The management of the legal aid fund in paying professional fees must be consistent with the needs of victims, witnesses and defendants. The approach must safeguard the principles of justice, and as I have already set out, the legal profession should not have a real term reduction to their salary, through freezing fees, to control budget.

**Recommendation 154:** I recommend that the Ministry of Justice and Legal Aid Agency commit to reviewing legal aid fees and reporting on this on an annual basis from 2027.

## Access to criminal legal aid

66. As mentioned, retention of criminal lawyers goes further than just remuneration and, in this section, I explore how improvements to the fee system can have a positive impact on the wider system within which lawyers operate.

67. In addition to the lack of a regular review of fees, there has been a similar failure to keep under review the threshold at which a defendant will qualify for criminal legal aid. In England and Wales, legal aid pays for advice, assistance and representation in the courts for individuals who require these services, and currently, access to this support is means tested. If a defendant cannot afford to pay for a lawyer, they

can apply for the means test and this process takes into consideration an individual's income, their family circumstances, such as number of children, and their essential living costs, such as mortgage or rent.[414]

68. The lower gross income threshold for legal aid in both courts is currently £12,475. This threshold has been selected with the intention of reducing the administrative burden for applicants, providers and the LAA, by identifying applicants whose gross incomes are low enough that they are overwhelmingly likely to pass the disposable income test. However, the likelihood of a person charged with a crime being ineligible for support is particularly acute in the magistrates' court as the current thresholds, at the higher level, are significantly lower than those in the Crown Court. At present, the upper gross income threshold is £22,325, in the magistrates' court, so in practice anyone whose gross income is above this will be ineligible for support.

69. The current means test thresholds do not reflect inflation and the cost-of-living crisis. Considerable wage inflation means the proportion of the population now eligible for legal aid has fallen. From 2012/13 to 2020/21, the proportion of income taxpayers in England and Wales eligible for legal aid for criminal cases in magistrates' courts decreased by 16 percentage points (53% to 37%).[415]

70. In 2022, the government led a consultation focused on reviewing the means test within the legal aid system.[416] The review focused on the effectiveness of the current means test and sought input from the public on the proposed changes that were aimed at enabling swifter access to justice, and ensuring access to financial support to those that needed it the most. This process for determining whether a defendant qualifies for legal aid is creating delays within the system as people will have concerns in seeking legal advice if they are not sure they can afford it. One of the proposals within the consultation was to increase the thresholds for legal aid eligibility in the magistrates' court, to take into account increases in the cost of living and private legal fees.

71. The consultation proposed increasing the threshold in the magistrates' court to £13,000 and this was largely supported by responses, but there were concerns that the amount was still too low.[417] The MoJ also

414 Criminal legal aid: means testing (Legal Aid Agency, February 2025).
415 Value for Money from Legal Aid (Committee of Public Accounts, May 2024)
416 Legal Aid Means Test Review (MoJ, March 2022).
417 Government response to Legal Aid Means Test Review (MoJ, May 2023).

proposed to increase the upper gross income threshold to £34,950, up from £22,325, in the magistrates' court.[418] Consultation responses were again positive of this increase, stating that it was long overdue, but there were concerns whether it would accurately reflect inflation. MoJ officials are confident that setting the upper threshold to median gross annual income is fair and reasonable, and it creates alignment within the legal aid system, as this would mirror the civil legal aid means test.

72. The government at the time committed to taking these recommendations forward, but the proposal has since been paused by the current government, with changes delayed in implementation to this year.[419] I understand that these delays are in part due to issues with digital systems, and that whilst the LAA is focused on recovery following its cyber security incident, this reform may not be a priority. However, evidence provided in the Thirty-Third Report of Session on the Value for Money[420] from Legal Aid highlights the urgency of this issue. Thresholds are currently based on 2019/20 data sets and there is concern around the impact this is having on access to justice.

73. As the number of people priced out of accessing legal aid increases, this may lead to a greater proportion of unrepresented defendants in the courts. The criminal justice system is constructed upon the assumption that defendants will have access to legal representation. Section 1 of LASPO requires the Lord Chancellor to make available a system of criminal legal advice, assistance and representation. Reports from Transform Justice, the MoJ and the Centre for Public Data provide powerful qualitative evidence that a lack of representation poses material challenges to fairness, efficiency and the integrity of proceedings.[421] Unrepresented defendants have limited understanding of court processes, which affects their ability to navigate and participate effectively in proceedings and can lead to longer hearings, with slower case progression, and a reduced likelihood of early guilty

418 Legal Aid Means Test Review Consultation Outcome (MoJ, May 2023).

419 Value for Money from Legal Aid (Committee of Public Accounts, May 2024).

420 Value for Money from Legal Aid: Thirty Third Report of Session 2023-24 (Committee of Public Accounts, May 2024).

421 Justice denied? The experience of unrepresented defendants in the criminal courts (Transform Justice, April 2016); J. Thomson and J. Becker, Unrepresented Defendants: Perceived effects on the Crown Court in England and Wales – practitioners' perspectives (MoJ, 2019); Understanding the unrepresented: the case for better data on legal representation in courts (The Centre for Public Data, February 2023).

pleas due to poor understanding of the scheme of reduction for early guilty plea. Difficulties with witness cross-examination further compound these issues, all of which impact on the key principles that have guided this Review of fairness and participation.

74. I acknowledge that there is very limited quantitative data available to confirm the number of unrepresented defendants over time or quantify their effect on delays. Without robust evidence, the MoJ cannot adequately ascertain the drivers for unrepresented defendants and their impact on delays in courts, to address the risks posed to timeliness and fairness.

75. Nonetheless, maximising participation is one of core principles underpinning this Review, and I believe increasing the threshold for legal aid to promote better access to those facing financial hardship is necessary, not only to support the most vulnerable in society more effectively but also to reduce delays and the administrative burden for legal professionals. Throughout my engagement, there was a shared sentiment expressed that as many people as possible should be represented in the criminal courts, and I endorse this. Therefore, I recommend that the government increases the lower threshold in both the magistrates' court and Crown Court, and the upper threshold in the Crown Court.

76. This Review is focused on how the criminal court system can be made more efficient, and as with all my recommendations, I believe these recommendations should be implemented as a package. It is important never to lose sight of the defendants at the heart of the process and to ensure appropriate financial support for those who cannot afford representation. To make other reforms without addressing that would be illogical.

**Recommendation 155:** I recommend that the Ministry of Justice increases the lower and upper income threshold limits for criminal legal aid in the magistrates' court to £13,000 and £34,250, respectively, in line with recommendations from the Means Test Review.

**Recommendation 156:** I recommend that the Ministry of Justice collects and publishes data on the number of unrepresented defendants and the impacts on court efficiency.

## Encouraging professionals' early engagement in the case

77. As I set out in Chapter 5 (The Magistrates' Court Process) in Part I, the current legal aid fees system is complex and can create both incentives and disincentives for practitioners – influencing decisions including which cases practitioners take on, and their willingness to engage on cases earlier in the process.

78. An area where this is a particularly pronounced problem is where multiple advocates are instructed on a single case, with each conducting a different stage of the work. I am aware that the remuneration for each is often low, as the single fee is split between however many advocates work across a case. I am also aware that as a result advocates can be significantly out of pocket, particularly junior barristers, and that payment for the work is delayed until completion of the case. Whilst there is a fee – the wasted preparation fee – that exists for instances such as this, and which enables the barrister to recuperate lost earnings, the threshold of hours worked to access this payment is incredibly high.

**Recommendation 157:** I recommend that the Ministry of Justice lowers the threshold for wasted preparation payments. This will see instructed advocates appropriately remunerated for their preparation work and the proportionate distribution of fees earlier in the process, encouraging early engagement and improving case preparation.

79. I believe that appropriately remunerating advocates for their work in the Crown Court and introducing a more proportionate distribution of fees for early engagement will have a positive impact on the workforce. It would encourage advocates to engage in this work earlier on in the process, knowing that if the representation in case changes hands, they will still be remunerated for their work on the case. It will increase the likelihood of better case preparation, with every professional involved striving towards getting it right the first time.

80. Areas of focus of Part I included increasing diversions, the efficacy of PTPHs and how the current fee system creates challenges in the way in which professionals are remunerated in respect of these aspects of the system. There is work underway by the MoJ to harmonise payments between fee schemes and revise the system. I gave my support for its consultation on solicitor fee reform in Part I and their response to the

consultation, issued on 2 December 2025, sets out that they will be implementing a fixed ratio between outcomes across all offence types for basic fees and uplifting basic fees for the lowest paid offence type which are proposals that I supported.[422]

81. To encourage early engagement yet further, I have been made aware that within the system it is possible for a fee to be paid to a duty solicitor who is involved in pre-charge work. My understanding is that this is a largely under-utilised fee, despite funding being available. This small uptake could be a result of a lack of awareness that this fee exists, the perverse incentives for defendants that I reference in Part I or the potential for higher legal aid fee payouts for lawyers if a case progresses.[423]

82. My ambition for this Review is that the adoption of the recommendations will result in a quicker and more efficient progress of cases through the criminal justice system and, with this, solicitors will then be able to process cases more swiftly without concern for when fees will be paid. However, until the reforms take effect and produce a significantly reduced caseload and faster disposal of cases, I recommend that the LAA promotes the pre-charge engagement fee and actively encourages its use more effectively than has been the case to date.

**Recommendation 158:** I recommend that the Legal Aid Agency promotes the pre-charge engagement fee to duty solicitors and actively encourages its usage to facilitate more out of court resolutions.

83. Earlier in this chapter, I emphasised that I have not conducted a detailed review of legal aid as part of this Review and have instead proposed recommendations on areas in which I believe the government should go further to make improvements to the system. Whilst these have focused on encouraging earlier engagement and making improvements to the current system to address remuneration concerns, I hear repeatedly that the timeliness of payments is an issue for solicitors. I have acknowledged these frustrations, but I do have

422 Criminal Legal Aid: proposals for solicitor fee scheme reform (MoJ, December 2025).

423 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), pp. 229–230.

concerns that the current fee structure is not incentivising quality case preparation and is therefore subsequently impacting on the efficiency in the courts.

84. Following my recommendation in Part I to establish the Crown Court Bench Division and the government announcement to implement such a model, the LAA will need to consider how fees will be administered within this new part of the process. Therefore, I believe it is timely and warranted to consider moving to a different payment structure.

85. I consider that the LAA should develop a payment model that is attached to the completion of work at different stages of the justice process. A new model will enable the LAA to spend its money more effectively, in a way that will see the regular remuneration of criminal legal aid lawyers, reduce the risk of perverse incentives, encourage resolution of cases at the earliest possible stage and result in trials that have been better prepared, reducing the likelihood of ineffective trials. In terms of the stages at which payments should be made, I recommend that the LAA considers aligning their new payment model to preparation for the PTPH, the PTPH itself, the trial and on delivery of a sentence.

**Recommendation 159:** I recommend that the Legal Aid Agency implements a new payment system in the distribution of legal aid fees and moves to a staged payment system to incentivise earlier engagement, remunerate lawyers in a more timely fashion and incentivises good performance.

86. My recommendations so far have focused on the appropriate remuneration for criminal lawyers and making sure these payments are timely to address retention concerns, but I am acutely aware of the wide range of other opportunities available to publicly funded legal professionals where they are better remunerated and can diversify their experience, such as family law, immigration law and inquiries.

87. In recent years, the government has significantly increased the number of public inquiries to respond to scandals or areas of concern within society. According to the Institute for Government, since 2005, which saw the implementation of the Inquiries Act, there have been 63 inquiries launched compared to 41 in the 20 years prior. Inquiries

are also taking much longer and since 1997, there have never been fewer than five public inquiries running at any one time. As of January 2026, there are 27 inquiries ongoing or announced – the most ever at one time.[424]

88. Government inquiries require legal representation and the cost of this is governed by section 40 of the Inquiries Act 2005. Fees for inquiries are not based on legal aid rates and, comparatively, the government spends significant sums on legal representation during public inquiries, and they provide stable, long-term and lucrative work to law firms and members of the Bar.

89. For example, the expenditure of the COVID-19 Inquiry on counsel and solicitors since its inception in 2023 has been £48.5 million and on legal costs related to section 40, cumulative costs are currently at £42.9 million.[425] This Inquiry has been extended to run to the end of 2026 and legal costs will continue to increase. Even at the lower end of the spending scale, the Thirlwall Inquiry had spent £2.4 million on legal representation for 2023/24, and the total spend for 2024/25 increased to £8.6 million.[426]

90. The significant earning potential for legal professionals who are engaged on an inquiry places strain on other areas of publicly funded work including the LAA and other legal roles, as those areas cannot compete with such remuneration and there is currently no due regard to other government legal work. To resource these inquiries, barristers are often drawn from the same pool as those that handle criminal trials, and this has an inevitable impact on the legal resource available to the criminal justice system. There is also additional work available for professional disciplines, albeit not publicly funded, that places strain on the resource in the system.

91. I believe that the lack of consistency in the scales of remuneration government is offering for these different areas of work is having a detrimental effect on the overall workforce available in criminal justice. My focus here is to understand the mechanism whereby the level of

424 Public inquiries (Institute for Government, September 2025). Accessed 8 January 2026.

425 UK Covid-19 Public Inquiry: Financial Report to 31 March 2025 (UK Covid-19 Inquiry, January–March 2025).

426 The inquiry into the events and implications following the trial and convictions of former neonatal nurse Lucy Letby of murder and attempted murder of babies at the hospital; Thirlwall Inquiry Financial Report: Financial Year 2024-2025 (Thirlwall Inquiry).

fees for this type of work is set when compared with those set for legal aid work in criminal law. The concern is that practitioners are leaving criminal practice for other types of work, which are also publicly funded, and there is a risk that it will be more difficult to encourage practice in crime which is so essential to the proper functioning of society: this issue requires examination.

92. To improve the retention of criminal lawyers across the professions, it would be beneficial to have an improved understanding of the differing reasons why so many are leaving the workforce, and the challenges they are experiencing. I see examples of such information gathering through the annual Judicial Attitudes Survey. This internally led survey provides helpful insights into the workforce, morale and challenges facing the judiciary.

93. The CLAAB annual report recommended regular data monitoring of the Bar to measure the sustainability of the profession, and to gather more granular data sets to assess the areas of the work at the Criminal Bar requiring most attention in this regard.

94. At present, the MoJ has a data-sharing agreement with the Law Society and Criminal Bar Association to enable the department to gather information on the workforce. In its most recent report, there is high-level solicitor, solicitor advocate and barrister data, providing a helpful overview of the current resourcing within the workforce. I agree with the CLAAB about the value in the regular sharing of more granular data. More specifically, it would be helpful to know whether there are enough barristers and solicitors in the workforce to meet needs across different criminal legal work, diversity within the workforce, the type and volume of work that these legal professionals undertake and whether there is adequate representation of clients and a sufficient number of chambers and criminal legal aid firms.

95. With that in mind, I recommend the MoJ use this existing data-sharing agreement to gather and monitor more detailed Bar and solicitor data for presenting at the CLAAB. The gathering of this data will allow for open and evidence-based conversations with representative bodies on the issues impacting their members and can be used to identify areas of concern within the workforce to enable the LAA to respond accordingly.

**Recommendation 160:** I recommend that the Legal Aid Agency and the Ministry of Justice gather more detailed workforce data on barristers and solicitors, using the existing data-sharing agreement they have with the Law Society and the Criminal Bar Association, to understand the sustainability of the workforce.

## Market Reform

96. So far in this chapter, I have set out changes to legal aid fees, within the existing structure, to remunerate solicitors more effectively and reward quality and timely work. These recommendations are founded on my core principle of getting it right the first time and minimising waste. Furthermore, alongside this I have made recommendations on how to improve the recruitment and retention of criminal legal aid solicitors (and barristers), building and retaining expertise within the criminal justice system.

97. From my engagement, I believe that these steps alone are not sufficient to safeguard the future of the criminal legal workforce. As I have mentioned, the number of duty solicitors and criminal legal aid solicitors has dramatically declined in the last decade (see Figs 10.1 and 10.2). The shortage in the workforce is having an impact on the ability of the criminal courts to operate efficiently and has knock-on effects in many areas of the system examined in this Review that I identify as areas of concern, such as improving the joint working between the defence and the CPS, and more effective PTPHs.

98. Writing this Review, albeit in fairly close proximity to the publication of CLAIR, raises the question whether more fundamental reform is needed. I know that there is appetite for wider reform in the workforce, with proposals focused on market consolidation or moving to remote models, which could involve solicitors providing remote advice in the police station, as I recommend in Chapter 4 (The Police and the Prosecution: Getting It Right First Time) or for court appearances. There were 1,150 criminal legal aid firms across England and Wales in 2023/24, and whilst there are requirements as part of LAA contracts to hold offices in local areas, the sheer number of law firms operating in this space is unsustainable.[427] Working in this way will not allow the workforce to grow and adapt, limiting the ability to take advantage

427 Source: Legal aid statistics quarterly (2025).

of technological advances, consider different models of pay or implement changes to improve the working conditions to improve retention. However, I am aware that any changes of this kind need to be considered very carefully and in collaboration with those practising in the market itself.

99. To achieve a sustainable market, I can certainly see the merit in some form of consolidation, whether this be of work or the firms themselves. What this might look like might depend on the way in which the legal aid framework is organised, which is the responsibility of the Lord Chancellor, and thus falls to the MoJ to determine. I recognise that issues affecting the legal aid market are complex and this Review is not the place to set out (let alone prescribe) solutions. All that I can do is to recommend that the MoJ explores different operating models for legal aid and does so in close collaboration with those impacted by any change that might be made.

**Recommendation 161:** I recommend that the Ministry of Justice works with the legal professions to determine the best operating model of the legal aid market in the light of current conditions.

## The Crown Prosecution Service

100. In addition to the challenges faced by the legal aid defence workforce, I am aware that there are also substantial challenges facing the prosecutions agency workforce. In considering this, my focus will be on the CPS workforce, although I recognise that there are widespread challenges across multiple prosecuting authorities.

101. The workload of prosecutors plays a significant role in the timeliness and quality of charging decisions. Prosecutors in the CPS are tasked with reviewing complex case files and applying the Full Code Test advising on evidence all, while managing high caseloads in the courts too, as I discuss in Chapter 4 (The Police and the Prosecution: Getting It Right First Time).

102. Through the Review's engagement, I have heard that individual prosecutors may be responsible for portfolios of around 200 active cases, which places considerable pressure on their capacity to make

timely and thorough decisions. This volume of work, combined with the need to respond to poor-quality submissions and unrealistic deadlines, can lead to delays and inefficiencies in progressing cases.

103. When prosecutors are stretched, the risk of missed opportunities for early engagement or oversight increases; this has the potential (at present) to generate repeated action plans and slow down case progression. Addressing these pressures through better file quality, improved digital tools and strategic workforce planning is essential to improving the efficiency and fairness of the charging process.

104. The CPS pre-charge caseload reflects the number of suspects awaiting either early advice or a charging decision, or where further investigation is required by the police. In essence, it represents the volume of cases referred to the CPS by the police for a decision. Between Q1 2019 and Q2 2025, this caseload increased by 10.6%, rising from 54,910 to 60,708.[428] This upward trend indicates growing demand on CPS decision-making capacity, which has implications for timeliness and efficiency across the criminal justice system.

105. To meet this demand, the CPS has expanded its workforce, particularly among Senior Crown Prosecutors, who are the group primarily responsible for reviewing cases and making charging decisions. Between the year ending August 2019 and August 2025, the full-time equivalent number of Senior Crown Prosecutors increased by 32.9%, from 1,407 to 1,869.[429] While this represents a substantial increase in capacity, the fact that the pre-charge caseload has still grown over the same period suggests that wider pressures, such as more complex evidence requirements and procedural demands, are negatively impacting productivity and efficiency of the system.

106. In addition to workload pressures, demographic data points to potential future challenges. As of August 2025, 57.5% of Senior Crown Prosecutors full-time equivalents were aged 45 or older, and 28% were aged over 55, indicating an ageing workforce, similar to the duty solicitor workforce.[430] This raises concerns about long-term sustainability, as a significant proportion of experienced prosecutors may retire in the coming years. Without strategic workforce planning

428 Police referral to prosecution by the Crown Prosecution Service (CPS) (criminal justice system delivery data dashboard).

429 Source: CPS Unpublished Management Information.

430 Ibid.

and investment in recruitment and retention, the CPS risks losing valuable expertise, which could further strain its ability to manage growing caseloads and maintain timely charging decisions.

107. All of the factors outlined in this section directly impact on a prosecutor's ability to make effective charging decisions. In Chapter 4 (The Police and the Prosecution: Getting It Right First Time), I deliberately focused on technology as a central theme in impacting charging decisions, as I believe it is one of the drivers to resolving many of the systemic issues and supporting prosecutors in their roles. Modernising digital infrastructure is not just about improving operational efficiency; it is also about supporting the well-being of prosecutors who are managing increasingly complex and high-volume caseloads. As the demands on the criminal justice system continue to evolve, CPS processes must keep pace with this changing landscape.

108. In this chapter, I have commended the CPS 'Go Prosecute' recruitment campaign, to encourage qualified legal professionals back into the workforce, and I commend the efforts of the DPP to build capacity and expertise across the CPS. Inevitably, however, many recruits come from practising defence solicitors and barristers thereby impacting on the cohort available to defend criminal cases. While I have not made specific recommendations for the CPS, I hope that by increasing the number of people entering the criminal legal professions through my recommendations in Part I and in this chapter, I will support the CPS's ability to build capacity without reducing the defence community. My aim is that this increase in overall capacity across the criminal legal system, combined with my proposals for technological solutions to decrease the demands of their work discussed throughout Part II, should support a robust and sustainable workforce.

# The Judiciary

109. So far in this chapter, I have made recommendations focused on improvements to the recruitment and retention of the legal workforce. In this section, I will address similar themes as they relate to the judiciary.

## Magistrates

### Recruitment

110. As set out in Part I of this Review, the magistrates' court handles over 90% of criminal cases, so I will begin by addressing the concerns amongst this workforce.[431] In Part I, I provide a detailed overview of the current magistrates' system, but in summary, magistrates are volunteers who sit a minimum of 13 full days (or 26 half days) for a minimum of five years up to the age of 75.[432] They are not legally trained and are supported in their role by legal advisers – and I explain how they work together earlier in this chapter.

111. The magistrates' court hears charges involving a vast array of offences and, in terms of its trial work, it plays a crucial role in the criminal justice system, dealing with a wide spectrum of cases ranging from minor infractions to more serious offences. The magistrates' court is able to pass sentences including custodial sentences and a range of ancillary orders including specific road traffic penalties and disqualifications. Magistrates are integral to the ultimate purpose of the court system – the delivery of justice.

112. Despite their importance to the delivery of criminal justice, the number of magistrates has gradually declined in recent years, reducing from around 28,300 to 14,600 in the last 20 years.[433] As of 1 April 2025, of the 14,600 magistrates in the workforce, around 900 of these were recruited in the last year. Whilst the number of magistrates has declined, workload remains high with number of receipts in 2024 returning to levels seen before the COVID-19 pandemic, exceeding

431 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025).

432 Ibid, n. 192.

433 Source: Judicial statistics (revised) England and Wales for the year 2005 (Department for Constitutional Affairs, August 2006); Diversity of the judiciary: 2025 statistics (MoJ, July 2025).

those in 2018 but just below the levels in 2019.[434] According to MoJ projections, the demand on the magistrates' court is forecast to rise at a gradually decreasing rate, with demand in the magistrates' court at March 2030 being 9% higher than the level observed in the 12 months to June 2025.[435]

113. I am concerned about this drop in the number of magistrates, and that this workforce will be put under further strain as the number of cases dealt with in the magistrates' courts will rise further following the government announcement to remove the right to elect in its entirety and to increase sentencing powers in the magistrates' court to 18 months for an either way offence. Ensuring a sufficient number of magistrates in the system is not a new problem and it is something that the MoJ is aware of and has been working to address. Whilst this part of the chapter focuses on magistrates, I want to emphasise the importance of my recommendation in Part I to increase appointment to the position as a DDJ(MC) to respond to the expected increase of demand in this court to ensure the court is resourced as a whole.

114. The reduction in the number of magistrates can be attributed to several factors, including the burden placed on magistrates, as volunteers, on their finances and time, the ageing workforce and the overall decline of volunteering rates in today's society.[436]

434 Criminal court statistics quarterly: April to June 2025 (MoJ, September 2025); Criminal court statistics quarterly: October to December 2023 (MoJ, March 2024).

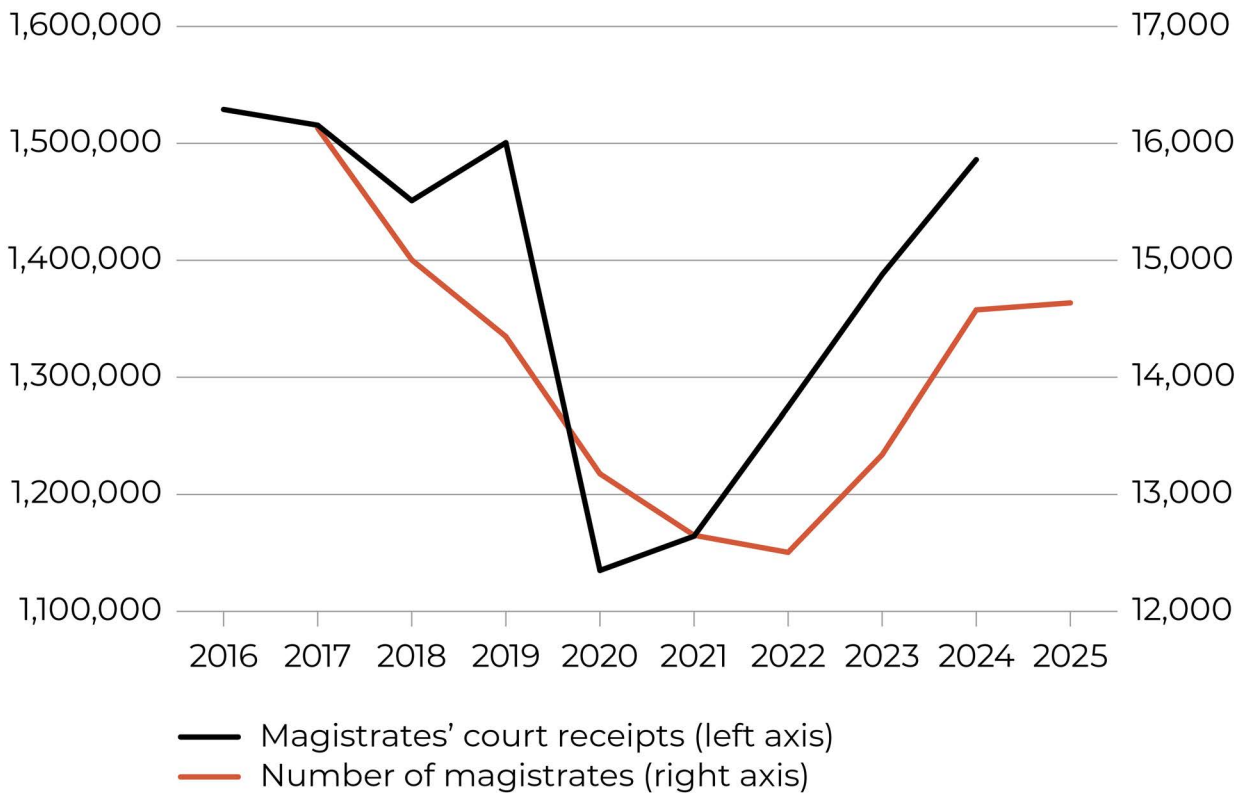
435 Prison Population Projections: 2025 – 2030 (MoJ, December 2025).

436 Community Life Survey 2023/24: Volunteering and charitable giving (DCMS, December 2024).

**Figure 10.5**

**Number of magistrates (right axis) and number of receipts in the magistrates' court (left axis)**

England and Wales, 2016 to 2025




Note that only the first and third quarter are shown.

Source: MoJ Diversity of the judiciary, 2025 statistics; Criminal court statistics quarterly, July to September 2025; Criminal court statistics quarterly, October to December 2023

115. The recruitment and induction of magistrates is overseen by the Lord Chancellor's Advisory Committees on Justices of the Peace. They are non-advisory departmental public bodies, made up of volunteers, which carry out functions on behalf of the Lord Chancellor. There are 23 Advisory Committees across England and Wales, and they hold two functions, one of which is recruitment. They determine and oversee recruitment cycles at the local level.

116. I am aware that there is interest from many members of the public in becoming a magistrate, with successful recruitment campaigns taking place. Over 4,000 applications have been made in each of the last three financial years and there was a peak of more than 2,000 appointments being made in 2023/24.[437] However, one of the main issues with capitalising on this interest is the length of the recruitment and induction process; furthermore, there are several factors that exacerbate the length of time that elapses between application and approval to sit.

117. First, vacancies for magistrates are published locally, often only once a year, and the recruitment window varies in length. This can result in an interested prospective magistrate 'just' missing the deadline and being required to wait up to 12 months before they can apply again, assuming they remain interested. Often the localised recruitment rounds do not align with national recruitment campaigns, and this can create missed opportunities if people are unable to apply or are unclear on when the next recruitment round will be.

118. The current process for forecasting the number of magistrate vacancies is convoluted and further exacerbates recruitment challenges due its rigidity. The process to determine recruitment involves a mathematical calculation based on the average number of sittings by magistrates per Bench in the previous years, the anticipated size of the Bench and the planned sessions in the coming years. This considers recruitment already approved, known retirements and an allowance for unexpected departures. Forecasting recruitment targets in this way does not complement a rolling recruitment model and can lead to periods where no recruitment takes place followed by periods where there is the need to recruit as many magistrates as possible. Such an approach can lead to benches having a disproportionate number of magistrates in a particular age group. With increasing workload, the number of magistrates will need to increase in coming years and this needs to involve a steady recruitment: we need to move away from a position of feast or famine.

437 Diversity of the judiciary: 2023 statistics (MoJ, September 2023); Diversity of the judiciary: 2024 statistics (MoJ, December 2024); Diversity of the judiciary: 2025 statistics (MoJ, July 2025).

119. Second, I have heard anecdotally that some applicants report that the current process, from application to being appointed, can take almost a year. This is made up of observing courts, interviews, and completing the relevant checks before appointment is formalised. Even after this lengthy process, commencing sitting can be further delayed dependent on when training courses are run. If a new magistrate then completes training shortly after the court rota is published, which is every six months, this can result in newly qualified magistrates having to wait several months before they appear in the court rota to sit. The length of the process, and exactly what it entails, is not made clear to prospective applicants and there is a disconnect around expectations.

120. I see an urgent need for change within the current system to create a regular and more time efficient process for recruitment and induction of magistrates. However, the variation at local levels on how long things take, and the lack of a centralised approach, makes it difficult to make changes to the process. A centralised approach could facilitate rolling recruitment, make it easier to forecast capacity needs and streamline the number of people who are involved in the recruitment process.

121. The MoJ has designed a programme of work, with linked projects, that focus on increasing the number of magistrates through enhancing the end-to-end recruitment process for magistrates, as well as support and recognition. The first pillar of this programme is focused on attracting and recruiting new magistrates, and those from diverse backgrounds, in required and sustainable numbers. To understand what will work to remove barriers to recruiting more magistrates, the MoJ launched a pilot of a reformed recruitment process in November 2025 across three priority areas (South West, North West and South East). These areas will be used to test the efficacy of the changes in increasing throughput, improving timeliness and identifying and addressing capacity challenges.

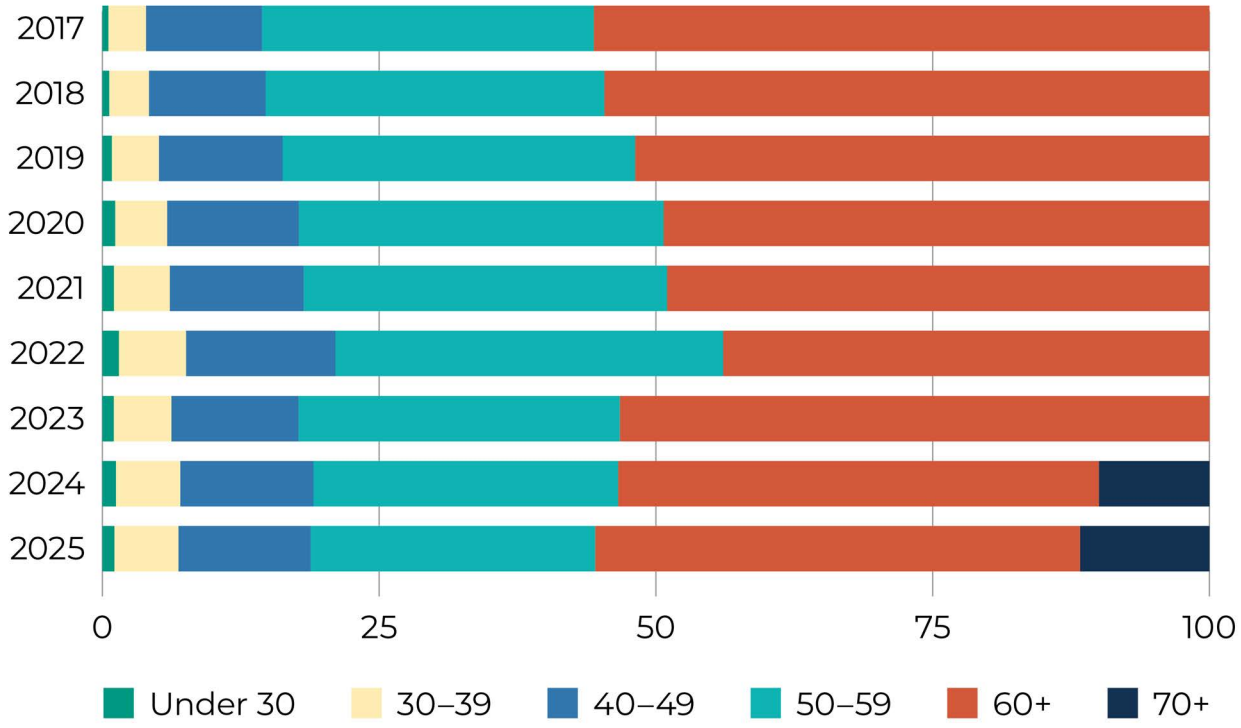
122. The pilot will seek to demonstrate the efficacy of the proposed changes to the recruitment process and identify where it might be streamlined. This includes the recruitment schedule and moving to more regular recruitment cycles that are standardised across the country to increase opportunities to apply; reducing the number of people involved in the pre-interview and interview process to expedite these stages and see swifter recruitment; and removing qualifying tests to minimise delays to appointment.

123. As demonstrated in Figure 10.6 below, in 2025, over 50% of current sitting magistrates were aged over 60. As some of these magistrates are more likely to be retired from their careers, this enables them to sit significantly more than their younger peers and often more than the minimum number of days. Not only does this present the same challenges I referenced in relation to the legal workforce, such that in ten years a significant proportion of those will stop volunteering, but the efforts to recruit younger magistrates must have due consideration to their availability. They will be managing their employment and caregiving responsibilities, and this will impact their ability to sit at capacity, as well as at short notice. I have also heard anecdotally of instances where some employers are reluctant to allow their employees to sit as magistrates, and this raises concern when it comes to building the magistracy.

**Figure 10.6**

**Percentage of magistrates in post in each age group on 1 April of each year**

England and Wales, 2017 to 2025




As of 2024, the 60+ category became 60-69 and a 70+ category was added.

Source: MoJ Diversity of the judiciary, 2025 statistics

124. I am encouraged by the efforts already being taken by the MoJ to meet the demand for magistrates and its forward planning on the recruitment of additional magistrates to meet anticipated demands arising from implementation of recommendations in Part I of this Review. However, as the MoJ strives to recruit a more age diverse magistracy, it must take into account differing volunteering patterns of younger magistrates in any forward planning.

**Recommendation 162:** I recommend that the Ministry of Justice continues efforts to address the challenges in attracting and recruiting magistrates, with solutions addressing the speed at which the recruitment process moves and how often recruitment takes place. I urge the Ministry of Justice to act on findings from the pilots with expedition to recruit the required number of magistrates as quickly as possible.

125. Alongside increasing the size of the magistracy, they must be operating as efficiently as possible when sitting, with existing magistrates able to prioritise their time appropriately.

126. To sit as a magistrate, applicants must undertake a thorough training and induction process which is in place to ensure that a lay person is equipped with the skills and knowledge required to sit in the magistrates' court. They are not required to become legally trained but instead are expected to focus on building their craft as a member of the judiciary. This training is agreed collaboratively between HMCTS and the Judicial College, but is delivered by HMCTS and, for magistrates, supported by DJ(MCs). It is an essential part of the process as it prepares appointees to become effective magistrates and guarantees the quality of the magistracy. As such, the training should not be rushed.

127. Magistrates training takes between 15 and 18 months to complete, and the process is broken down into various stages. Before sitting, magistrates undertake Core Training (which aims to welcome them to court and equips them with the digital skills and understanding of IT systems) and they sit in court with their mentor. In the first year of sitting, they continue to engage with the mentor and reflect on experiences and undertake e-learning to deepen their understanding

of court processes, including diversity and equal treatment, the Probation Service and developing specialist knowledge on areas such as modern slavery, domestic abuse and neurodiversity. Throughout this period, magistrates build and consolidate their experiential learning and then undertake an appraisal.

128. In order to facilitate the induction of new magistrates, sitting magistrates are expected to support interviews (if on the Recruitment Advisory Committee) and offer their time to mentor and induct people into the role, often acting as a mentor for up to 18 months. This is a valuable part of training, but with the drive to recruit high numbers of magistrates and to maximise the capacity of existing magistrates, this should not become a block to recruitment. Consideration must therefore be given to how magistrates are inducted and whether the current model for how existing magistrates are involved in the induction and training process is sustainable and fit for purpose.

129. I also believe that there is merit in reviewing the job description of a magistrate and the additional responsibilities they take on. At present magistrates are appraised every four years, with Presiding Justices appraised every two years, and this is carried out by other magistrates who are trained and approved as appraisers.[438] Magistrates can also apply to become members on the various committees that support the administrative processes of the magistracy, such as the individual Recruitment and Conduct Advisory Committees. In these roles, they provide important support to the Lady Chief Justice and Lord Chancellor in their joint responsibility for judicial recruitment and discipline involving magistrates.

130. These additional responsibilities take up valuable volunteering time and are most likely being taken on by magistrates who are more committed to their role, further stretching their capacity. Whilst I am appreciative of their contributions and would not wish to see changes which remove meaningful and developmental aspects of the role, which in turn might support retention, I also recognise the impact this may have across the system on court capacity. The role of the magistrate is primarily the responsibility of the Lady Chief Justice, and I therefore direct my recommendation to her office to continue

438 Magistrates' training (Magistrates' Association).

to work with the MoJ to consider what could be done to ease the pressures in appointed roles to free up capacity in the magistracy and to be more efficient in using the members to their maximum capacity.

**Recommendation 163:** I recommend that the Senior Judiciary continue working closely with the Ministry of Justice as it aims to reform the role of magistrates, including how they are trained, inducted into the magistracy and the nature of the roles.

131. I am reassured by the existing work of the MoJ to enhance the end-to-end recruitment process by looking at how recruitment can be streamlined and reformed ahead of anticipated increased workload demands in the magistrates' court. I also recognise the long standing role of localised Advisory Committees in their organisation of recruitment and carrying out their functions on behalf of the Lord Chancellor. However, I believe there is more to be done in terms of modernisation – in particular, I would urge consideration of a national model for recruitment to increase efficiency and improve recruitment, induction and training.

132. The current pilot being run by the MoJ provides an opportunity to review how the system operates and make improvements. Whether this is by moving to a more centralised, national, approach to forecasting of recruitment or simply minimising the number of advisory committees, the MoJ should not shy away from change. The magistracy has existed since the Justice of the Peace Act came into effect in 1361 and has gradually evolved to meet the needs of the society it serves.[439] Advisory Committees were set up to create fairness within the magistracy by removing appointments through personal connections. As more modern ways of working are embraced, the MoJ also needs to adapt.

439 History of the magistracy (Magistrates' Association).

## Retention

133. The recommendations focused on recruitment and building capacity in the magistracy need to be supported by efforts to improve their retention. This is policy that I advance in this chapter in relation to others who work in the criminal justice system. In relation to the magistracy, there has been a shift in the period of time people are prepared to serve, with reasons varying from time commitment, changing attitudes to volunteering or as a consequence of not feeling valued.

134. When magistrates were asked why they volunteer, those who responded to a survey conducted by the Magistrates' Association said they are proud of being part of a public service, and they cited a strong sense of civic-mindedness and their sense of duty to give back to the community as the most important reasons for why they volunteer. 98% agreed with the statement, 'I provide an important service to my community by being a magistrate.'[440] The magistracy is clearly made up of those committed to public service, and if more is not done to retain them, this will impact adversely on the capacity of the wider system and contradict recruitment efforts. Furthermore, as long as qualified magistrates continue to play a core role in the induction of new magistrates, without enough of them to support the training of new recruits, it will create bottlenecks within the recruitment process, and the court will not see benefits from enhanced recruitment efforts.

135. One way to improve the retention of magistrates is to consider how to reward and recognise them for their services to society. I understand that the responsibilities for reward and recognition are split between the government and the Judicial Office, with government holding responsibilities for expenses and the Judicial Office owning policies around recognition. However, I believe there needs to be a joint approach to recognising the contribution of magistrates.

440 It shouldn't cost to volunteer (Magistrates' Association, 2022).

136. The 2022 report from the Magistrates' Association 'It shouldn't cost to volunteer' found that 73% of respondents reported that being a magistrate had created some level of financial cost to them and 57% said that sitting as a magistrate in March 2022 left them more out-of-pocket than it did a year earlier.[441] External factors can contribute to this, such as rising transport costs, but the general sentiment is that the current expenses system does not reflect the actual cost of volunteering.

137. HMCTS has a legal duty to ensure public funds are administered properly and appropriately under the Courts Act 2003. Magistrates' expenses were last updated in 2021 and, in 2024, Lord Ponsonby, the then Parliamentary Under-Secretary of State in the MoJ, committed to another review of magistrates' expenses, initially due in 2025 but now anticipated for 2026. I know that the MoJ is preparing a consultation on updating the Magistrates' Expenses Policy, and I am confident that it understands the importance of appropriate compensation for magistrates to aid their retention and support.

138. I do not want to interfere with the ongoing work to produce this consultation and subsequently amend magistrates' expenses. However, I am keen to make this process easier. Section 15 of the Courts Act 2003 prescribes the categories of expenses that magistrates are eligible to claim, such as travel and subsistence. This is set out in primary legislation and as a result limits the ability to make timely amendments to expenses to respond to the needs of magistrates. To increase flexibility and ease in making such changes, I would encourage the MoJ to consider moving this into secondary legislation. This would allow for more flexibility in amending the expenses regime in the future, should it be required, as the nature of magistrates' work evolves.

**Recommendation 164:** I recommend that the Ministry of Justice moves the power found in primary legislation detailing volunteer expenses into secondary legislation to allow more flexibility when making changes to magistrates' expenses, enabling faster responses to changes in expense requirements.

441 Ibid.

139. Of magistrates who have considered resigning before the mandatory requirement age of 75, 66% reported not feeling valued as their main reason for considering doing so.[442] One example of the ways in which recognition differs for magistrates than other public servants is on the reward of long service medals. When you compare the recognition of public servants, magistrates are the only major group of public sector volunteers who do not receive a long service medal. They receive a certificate at ten, 20 and 30 years of service, but, for example, St John Ambulance volunteers receive a medal after ten years' service plus a bar every five years thereafter, gilded and gold, and town criers receive a medal after 25 years' service.[443] Some professionals receive this reward even in salaried roles, and whilst there are other ways to recognise the contributions in the public sector, there is a clear recognition gap for magistrates.

140. I understand that recognition of this nature is a judicial function, and that Judicial Office would be aware of the importance of making sure magistrates feel seen and appreciated for their contribution. However, to align with the current programmes of work at the MoJ to build capacity within the magistracy, I urge the Judicial Office to consider how they can recognise more effectively the contributions of magistrates to aid in their retention within the workforce.

**Recommendation 165:** I recommend that Judicial Office considers how best to recognise the contributions of magistrates.

141. It is important that the magistrates' courts reflect the communities where they operate, particularly ensuring that magistrates themselves mirror the diversity of local communities. I believe links to local communities can be retained, striving to be more efficient with time and standardised approaches to create more consistency whilst also continuing to ensure fair and equal access.

442 Ibid.

443 Magistrates Matter (Magistrates' Association) (2025).

## Fee-Paid and Salaried Judges

### Recruitment

142. In Part I, I recommended that the MoJ should aim to increase the number of sitting days to 130,000 when that is possible (bearing in mind funding, alongside the capacity across the criminal justice system) in order to maximise the effectiveness of proposed reforms. I also recommended that this take place alongside legislative change to implement the Crown Court Bench Division. To meet this expectation, the judiciary must be fully resourced and equipped to deal with the increase in throughput of cases as efficiently and effectively as possible. Internal MoJ recruitment figures indicate that targets in relation to the recruitment of the judiciary (especially the fee-paid judiciary) are largely being met.[444] I know that this is not without challenge and there are improvements that can be made to recruitment processes to make this easier and more straightforward.

143. Within the judiciary sitting in the criminal courts, and for the purpose of this section of the chapter, I will be referring to DJ(MC) and Circuit Judges in salaried positions, and DDJ(MC) and Recorders as their fee-paid counterparts.

144. When comparing fee-paid judges and salaried judges, fee-paid roles can often be seen as more attractive than salaried roles. Fee-paid judges (constituting a flexible resource, deployed to specific regions to fill gaps) can continue in private practice, are granted greater flexibility on their work schedule and are paid according to the number of sitting days worked.[445] Salaried judges, whilst they have job security and are based in one location, are generally unable to return to private practice and regularly sit on more complex cases as they can support longer trials, whilst also managing leadership and administrative responsibilities. Furthermore, because of legal challenge, fee-paid and salaried judges now receive the same benefits including pensions, so in purely financial terms there may be few benefits to a salaried position.

444 Recruitment targets change year on year in response to the number of vacancies and are determined by the Lord Chancellor.

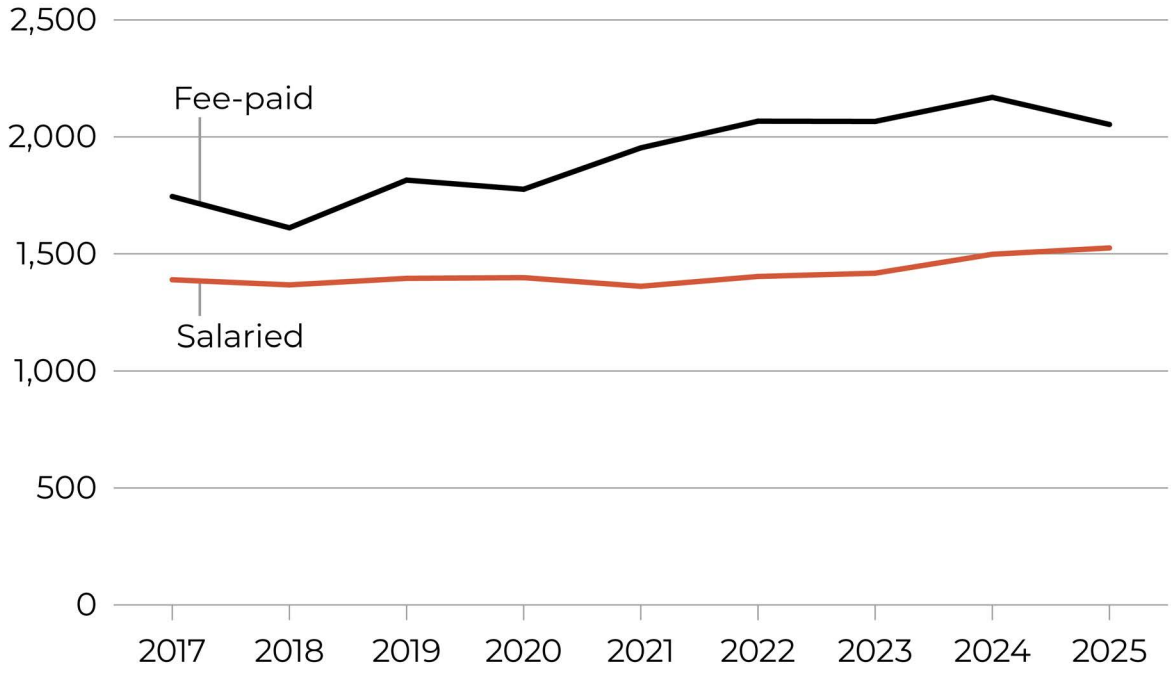
445 Up to a maximum of 150 a year, per current SPJ guidelines for 2025/26.

145. The impact of this on the number of salaried court judges is clear. It has increased almost 10% between April 2017 and April 2025, while fee-paid judges have increased by over 17.5% in the same period (see Figure 10.7).[446]

**Figure 10.7**

**Number of fee-paid and salaried judges in post as of April of each year**

England and Wales, 2017 to 2025




Source: MoJ Diversity of the judiciary, 2025 statistics

446 Diversity of the judiciary: 2025 statistics (MoJ, 2025).

146. The attractiveness of salaried positions was recently explored by Dr Sophie Turenne from the University of Cambridge in her 2025 report 'Motivations to apply for salaried judicial office'.[447] Dr Turenne found that whilst pay is an important factor and should be considered as part of the offer for a salaried judge, there are other critical areas of concern that should be addressed as part of a whole package. This includes stagnant potential in salaried roles, perceived increased workload, challenges with working part-time hours, uncertainty of the location of deployment and long recruitment processes.

147. In May 2025, the Lord Chancellor commissioned the Senior Salaries Review Body (SSRB) to undertake a Major Review of the Judicial Salary structure.[448] A Major Review by the SSRB was last commissioned in 2018, and these exercises provide an opportunity to examine the fundamental issues affecting judicial pay with input and consultation from core representatives to ensure proposals are well informed. The findings of the Major Review are due to be submitted to the Lord Chancellor in November 2026, and recommendations are likely on key issues such as recruitment shortfalls, attractiveness of judicial offices and organisation and leadership.

148. Whilst, obviously, I do not know what the Major Review will recommend, I am confident from its Terms of Reference that it will provide practical solutions to the issues I have been made aware of through engagement in this Review.[449] This includes: geographical and role-specific recruitment challenges; having due consideration to the additional responsibilities of salaried judges in their leadership roles; the perceived increased workload; and considering the role of fee-paid judges and how they support the administrative function of the courts in which they sit.[450]

447 Motivations to apply for salaried judicial office (MoJ, February 2025).

448 Major Review of the Judicial Salary Structure (Review Body on Senior Salaries, May 2025).

449 Major Review of the Judicial Salary Structure: Terms of Reference (MoJ and Senior Salaries Review Body, May 2025).

450 In my view, as a matter of practice, part-time judges do not generally try cases of the same gravity or complexity as full-time judges and (to encourage applications for full-time appointment) should be subject to a maximum number of days in all jurisdictions. There is much to be said to reverting to the general principle that 80% of work in the Crown Court should be tried by full-time judges and 20% by fee-paid judges.

149. However, ahead of the publication of the Major Review, I take the opportunity to highlight other areas of concern that have been shared with me throughout my engagement for this Review. This primarily relates to the overall process for filling judicial vacancies, from the point of hiring through to retirement.

150. As mentioned in Dr Turenne's report, the length of the process involved in judicial recruitment is seen as a deterrent for some who might be considering applying for salaried office. Reflections from members of the judiciary in the report included comments about the length of the process, with most finding the time taken excessive.[451] The Judicial Appointments Commission's (JAC) time indicator for medium to large recruitment exercises, is up to 30 to 50 weeks from the close of applications to recommendations to the appropriate authority.[452] In addition to the length of time taken to recommend a candidate for a position, I have been made aware of the challenges that then arise in a new judge taking up their post. Successful candidates will have existing commitments and will need to give notice and finish existing work before sitting in their new role and consider geographical relocation.

151. The delays in filling vacancies impacts on a court's ability to operate at its full potential. It creates additional pressures on operational staff to adjust schedules and consider listing consequences, and it impacts on the judiciary whose workloads will increase whilst the court waits for vacancies to be filled. I believe there are improvements that can be made to the recruitment process, moving towards a more flexible model that sees regular and more timely recruitment.

451 Motivations to apply for salaried judicial office (2025).

452 Judicial Appointments Commission Annual Report and Accounts 2022-2023 (Judicial Appointments Commission), p. 18.

152. As well as the overall length of time for recruitment, the deployment system and geographical uncertainty that comes with considering a salaried position is a deterrent to prospective judges. I understand that the Major Review may consider this process, however one area that is of particular interest to me is the implementation of a 'waiting list' system to manage judicial appointments. At present, geographical information on vacancy adverts can be vague and if a successful applicant cannot take up post in the available region for whatever reasons, they would be required to go through the recruitment process again if they wanted a judicial post in the future.

153. It is important to give due consideration to the location of roles as this factor has a significant impact on the likelihood of applications being made by some candidates. Prospective applicants will likely have roots in a specific area with their friends and family nearby and children in local schools, and it is a demanding expectation that someone would uproot their life, at pace, to take up a new position in a new area or to travel considerable distances away from the family home during the working week.

154. A 'waiting list' system would enable those who have been successful in the judicial appointment to decide whether to take up an available position at that time, should it work for their personal circumstances, or have their information held for a set period of time to allow them to wait for a more convenient vacancy to arise. It would also support the smooth running of courts as there would be a readily available pool of successful applicants on which to draw to fill upcoming vacancies. Although it is a matter for the JAC, it is my view that those placed on the 'waiting list' should not be required to apply when the next competition starts (which is both demoralising and could create resentment); they should be permitted to take up a post which is not, perhaps, their preferred destination, in the period before the next competition concludes.[453]

155. In the implementation of such a system, the Judicial Office should carefully consider how to place boundaries around such a scheme so that it is not exploited and does not have unintended

453 Although for the reasons set out in para. 154, it is obviously desirable to place successful candidates in a preferred location, it is not unusual for those who apply for new jobs to have to move location. The choice would obviously be for the candidate waiting on the list. Applications to move to their preferred location can then be considered by the senior judiciary in due course.

consequences. I am cognisant of the implications this may have on areas where there are particular challenges in recruitment, such as the South East and North East, as this would essentially add more choice to the process, but I believe in these areas there should be a more tailored approach to recruitment to address long-standing challenges.

156. Looking to the other end of the term of judicial office, the retirement process can also create challenges to the recruitment of sufficient judges for each area. There is no required notice period that judges must give should they wish to retire. Whilst there are guidelines related to pensions, there is no standardised process around giving notice from an operational aspect. I hear anecdotally that there can be some predictability of movement within the senior judiciary, particularly when seeking promotion or when nearing the retirement age. However, I understand that this latter point is harder to gauge now that the retirement age has increased from 70 to 75. The number of judges leaving who are aged 70 and over rose from 52 in 2022/23 to 64 in 2024/25 and compared to the recruitment rate there are consistent shortfalls in meeting the vacancy numbers.[454]

157. Although some judicial appointments are made to those who are under 40 years of age, in April 2025 nearly 68% of all court judges[455] were over 50 (see Figure 10.8).[456] To apply for a salaried role in the judiciary, significant experience is required and as a result this may result in applications from those further along in their career. Furthermore, in taking on a salaried role, it is generally not possible to return to private practice, and the decision to seek full time office carries with it a consideration of the financial consequences which, for a high-earning practitioner may not be attractive earlier in their career. With this in mind, there needs to be consideration to the older judiciary and how long they will stay in their roles.

454 Source: Diversity of the judiciary: 2023 statistics (MoJ, September 2023); Diversity of the judiciary: 2025 statistics (MoJ, July 2025); Data to inform 2026 review of judicial salaries - Judicial Appointments Commission (September, 2025).

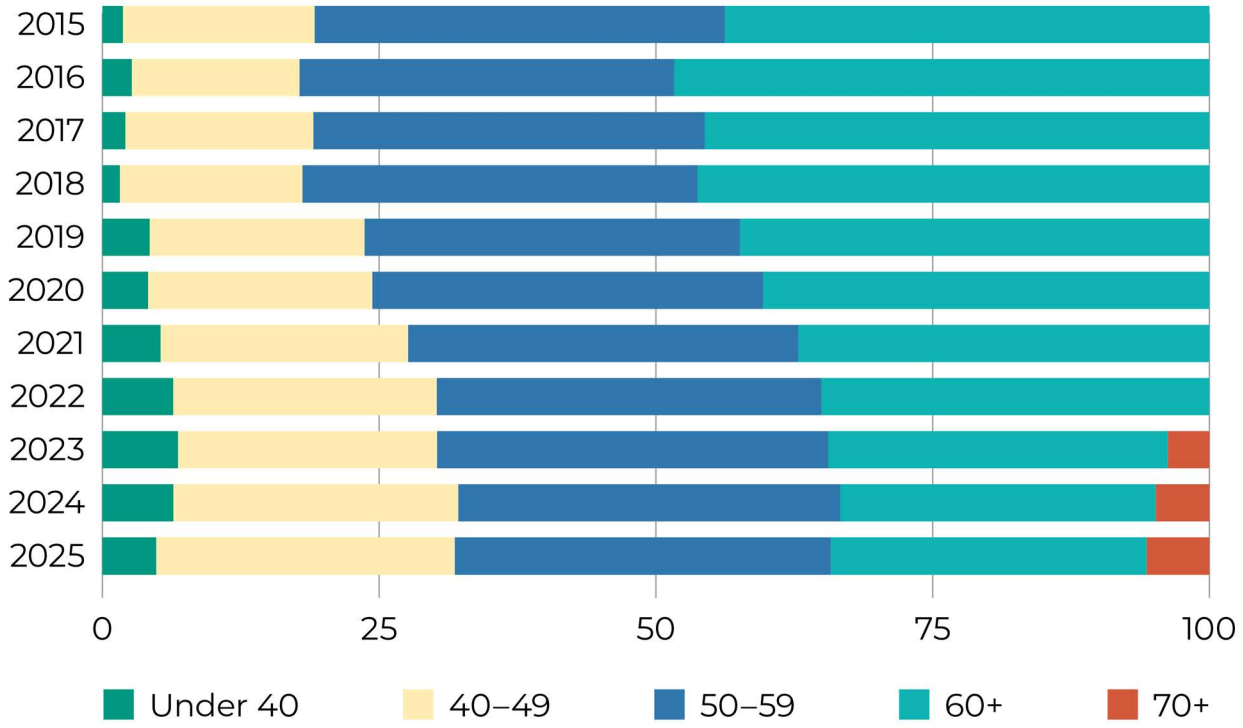
455 This includes Heads of Division; Court of Appeal Judges; High Court Judges; Deputy High Court Judges; Judge Advocates; Deputy Judge Advocates; Masters, Insolvency and Companies Court Judges; Costs Judges; Deputy Masters; Deputy Insolvency and Companies Court Judges; Deputy Costs Judges; Circuit Judges; Recorders; District Judges (County Courts); Deputy District Judges (County Courts); District Judges (Magistrates' Courts); Deputy District Judges (Magistrates' Courts).

456 Diversity of the judiciary: 2025 statistics (2025).

**Figure 10.8**

**Percentage of judges in post grouped by age**

England and Wales, 2015 to 2025




As of 2024, the 60+ category became 60-69 and a 70+ category was added.

Source: MoJ Diversity of the judiciary, 2025 statistics

158. In relation to retirement, the inconsistency of the requirement for notice can create challenges in forecasting and responding to recruitment needs. However, making a recommendation on how this process could be improved is not straightforward. The way in which JAC recruitment processes operate, and how local courts develop their 'bids' to fill vacancies, means the wider recruitment process needs to be considered as there is no value in requiring notice if it does not align with the bidding process or when recruitment campaigns are launched.

159. I have reflected on the operational challenges that exist with the JAC process at the beginning and end of the judicial career, from recruitment to the retirement process, and set out how they interact with each other. I would encourage the JAC to review its current processes so they are less onerous and time-consuming during the application stage, and encourage the Judicial Office to consider

how implementing a required notice period could support effective recruitment forecasting. Further to this, there is a wider issue and responsibility for the JAC to think about how to ensure regularity of timetabled recruitment rounds, adequate resource and opportunity around the country, and better deployment. As the JAC welcomes a new chair in 2026, I look forward to seeing how they take forward these recommendations, and what they do with the appointments process more widely.

160. Even more difficult is the notice given by judges of their intention to take leave. Most will discuss arrangements with their court administrators well in advance to ensure that appropriate arrangements can be taken to arrange cover. As I understand it, however, there is no requirement to do so. In my view, there should be.

**Recommendation 166:** I recommend that the Judicial Appointments Commission reviews recruitment processes, moving towards a more flexible model by 2027 (allowing for current recruitment campaigns to end) to facilitate better forecasting of resources within courts.

**Recommendation 167:** I recommend that the Judicial Office implements required notice periods on retirement for the judiciary, working closely with the Judicial Appointments Commission in the design and implementation of this period to account for wider recruitment processes. Suitable notice should also be required in relation to the taking of leave.

161. Once judges are recruited, it is essential that they are deployed as effectively as possible to meet the needs of courts. I am aware that for one category of fee-paid judge this is a significant issue. Not only are there insufficient numbers of DDJ(MC)s, which I believe needs to be addressed, but the central deployment of DDJ(MC)s also creates challenges on local resource. It has consequences on the capacity of the courts, and I believe this system could operate more efficiently.

162. At present, the Senior District Judge (Chief Magistrate) holds responsibility for the deployment of DDJ(MC)s. Considering the relatively low numbers of DDJ(MC)s (88 across England and Wales as of 1 April 2025), this makes sense and allows for equal distribution of this resource across the country when a DJ(MC) is unable to sit.[457] However, this pool of judicial resource is the only one not to be overseen at a regional level. This limits a local area's ability to respond to individual needs, for example if they wish to run a 'blitz' court.[458] The consequences of this limitation are made more apparent when response must be made to acute spikes in demand, such as local protests or changes in policing priorities. I have heard anecdotally that it can be difficult to respond to such demand when there is no control at the local level on how to obtain more resource.

163. As I have mentioned several times in this chapter, there is the substantial likelihood of increased demand on magistrates' courts should the government implement my recommendations from Part I (and if, as announced, they go further by removing the right to elect, that increase is inevitable). I am aware of ongoing work between the MoJ and JAC focused on the recruitment of DDJ(MCs) to meet existing demand. Should these efforts be successful, this will increase the timeliness with which the work of the magistrates' court can be resolved. However, there is also a need to increase the capacity of the cadre of DJ(MC)s who play a vital role in supporting the operation of the magistrates' court (as well as performing an important role in prison adjudications).

164. With that in mind, I believe there also needs to be whole-systems approach to making changes to how these judges are deployed. This would include having due consideration to how funding is allocated to the Senior District Judge (Chief Magistrate) to determine sitting days between fee-paid and salaried judges and what the consequences would be to regionalising deployment (at least in part) to ensure equitable access to resource across the country. Furthermore, the consequences on court staff should be considered, especially in the light of the challenge faced by legal advisers having to fulfil the roles of court associates.

457 Ibid.

458 A blitz court is the name given to listed sessions using courtrooms to deal with accumulated cases and dispose of the open caseload – Blitz court – ICLR.

**Recommendation 168:** I recommend that the Judicial Office works with the Senior District Judge (Chief Magistrate) to review the deployment process for District Judges and Deputy District Judges (Magistrates' Courts) and implements a model that more effectively balances local needs and appropriate national oversight.

## Retention

165. For current salaried judges, recent surveys show a decline in well-being. The experienced and expert legal professionals are key to the operation and efficiency of a courts, and I want to ensure they feel supported in their roles to enhance their well-being and retention.

166. The Annual Report on Senior Salaries from 2024 found that the number of judges wanting to return to private practice has increased from 23% in 2014 to 39% in 2024 and 70% of fee-paid judges report their workload to be 'manageable' compared to 48% of salaried judges.[459] When this is broken down by role, Circuit Judges report the most stress.[460] I am also aware of the significant impact hearing repeated RASSO cases can have on the well-being of judges as a result of vicarious trauma.

167. In addition, and of great importance, there has been a marked increase in security concerns amongst the judiciary and there is the serious issue of personal attacks.[461] There are a range of robust judicial security standards, policies, and procedures in place to protect judicial office holders inside of court, outside court and online, and HMCTS works jointly with Judicial Office and the police to deliver these. Despite this, the Judicial Attitudes Survey from 2024 found that 39% of judges were worried about safety, compared to 27% in 2022. Furthermore, the number of judges concerned about their safety outside court has also risen, from 19% in 2022 to 26% in 2024.[462] In her recent appearance at the Justice Select Committee, the Lady Chief Justice, highlighted the work being undertaken by HMCTS to improve the physical safety of court buildings, but monitoring social media and online abuse is

459 Forty-Seventh Annual Report on Senior Salaries – Report no. 98 (Review Body on Senior Salaries, May 2025).

460 Motivations to apply for salaried judicial office (2025).

461 Forty Seventh Annual Report on Senior Salaries – Report no. 98 (2025).

462 UK Judicial Attitude Survey (2024) (University College London Judicial Institute, February 2025).

particularly difficult to control.[463] Over £20 million in additional funding in 2025/26 has been allocated to a programme of works to further strengthen the existing court security arrangement and the MoJ and HMCTS are working with the Security Taskforce, commissioned by the Lady Chief Justice to consider opportunities for further improvement. It is imperative to consider how the judiciary are supported and protected in their roles.

168. I have already highlighted the Major Review of the Judicial Salary Structure in this chapter as a vehicle to address wider challenges in the roles of salaried judges and made suggestions on whether consideration should be paid to make improvements to these roles. I feel that the next area to address is the need to provide improved support to those in salaried positions.

169. When taking on a senior judicial position, such as that of Resident Judge (RJ) of a court centre, there are additional leadership responsibilities and requirements of the role, including oversight of court business, monitoring court performance and liaison with key criminal justice partners. Taking on such a position must be appropriately remunerated and I know that the SSRB will be considering remuneration and leadership as part of its upcoming Major Review.[464] The Judicial College has responsibility for inducting a new RJ and, on taking up the position, new RJs are often supported by an experienced judge based elsewhere. The Judicial College offers a cross-jurisdictional programme on leadership for newly appointed judicial leaders in the courts. This takes place over three one-day courses and is aimed at understanding the role and the environment that they work in. This training is focused primarily on the behavioural competencies of leadership, and not the tasks they might be required to undertake such as listing and overseeing the running of court.

463 Oral Evidence Session with the Lady Chief Justice (Justice Committee, November 2025).

464 Terms of Reference for the Major Review of the Judicial Salary Structure (2025).

170. I have heard anecdotally, and know all too well from my experience as Senior Presiding Judge and President of the Queen's Bench Division (as the post then was), that an engaged RJ has a positive impact on the smooth running of a court. Currently, there is inconsistency in how they are inducted and their subsequent ability to manage a court effectively. Whilst operations managers can support with training new RJs, I believe the Judicial College should provide more specific training for this purpose and consider how it can design and deliver training of a more bespoke nature that addresses the particular needs of judges in these important roles.

171. Ensuring the judiciary is well trained in their roles is essential. I believe there is also a need for more detailed training on how data and management information tools can be used by judges in overseeing court operations. In addition, there is a need for training on the RJ role in attending and observing Local Criminal Justice Boards (LCJBs), in ensuring that the judicial perspective is available to those seeking to ensure a joined-up approach to criminal justice.[465]

172. Additional Judicial College training should be made available to support the implementation and uptake of the digital system I recommend in Chapter 7 (Preparing for First Hearing and Ongoing Case Management) that supports accountability of the professions. In particular, the judiciary need to be familiar with avenues by which they can escalate concerns to the LAA where there is evidence of legal professionals' poor compliance and/or adherence to directions and poor timeliness. To ensure further join up with my recommendations from this Review, training on listing would also be worthwhile, especially if the government chooses to implement my recommendation on a national listing framework, as discussed in Chapter 6 (Listing and Allocation of Workload).

465 See para. 111 in Chapter 3 (One Criminal Justice System) on governance and the operation of the Local Criminal Justice Boards.

173. Whilst I recognise that there will be some local areas which tailor the induction of new RJs to their local ways of operating, and that some RJs will be experienced in that role, I believe there needs to be a consistent approach taken nationally to maximise the effectiveness of every RJ can have in these important roles. This will set the tone for each court, set clear expectations for operational staff, and contribute to less regional variation in court operation.

174. To deliver on this recommendation, I understand responsibility is split between the Judicial Office, as the training facilitators, and HMCTS as the operational leads. There needs to be a joint approach to consider this training package, and I would also recommend that training be made available more regularly. On my recommendations related to JAC processes, I noted that one barrier to judges sitting at capacity is how quickly they can access the training they are required to undertake in order to begin sitting having been appointed. Training is not offered on a sufficiently regular basis and can cause delays. With that in mind, the implementation of such an induction training scheme should be made available in a timely manner to prevent a further barrier to efficient recruitment processes.

**Recommendation 169:** I recommend that the Judicial College, in collaboration with His Majesty's Courts and Tribunals Service, reviews training resources for newly appointed Resident Judges, with particular focus on the oversight of court processes, to support their induction and ensure the smooth running of Crown Courts.

175. I have been impressed throughout the Review by the advances of AI and the applications I have seen of these tools in operation. I am keen to promote their cautious and principled use in supporting the day-to-day running of the courts, subject to the principles and safeguards I set out in the Introduction. To be crystal clear, I am not suggesting replacing any judicial decision-making in relation to cases by an AI tool. To illustrate how AI tools can both improve the rate at which the judiciary can administer cases and support retention efforts, I discuss the integration of AI tools in Chapter 3 (One Criminal Justice System).

**Case Study W: Integrated AI Tools for the Judiciary**

HMCTS have recently begun a pilot of an AI assistant on judiciary devices. The assistant seeks to integrate a suite of AI tools with various functionalities, such as summarisation and anonymisation, into a singular user-friendly interface. As the functionalities are used by the judiciary in their day-to-day operations, the aim of integrating them into a singular interface is to improve the efficiency of judicial case preparation by streamlining workflows and preventing the need to switch between different platforms to utilise different AI tools.

Currently a summarisation tool is only accessible from the interface, however future iterations are expected to incorporate anonymisation and other features. At the time of writing this Review, formal evaluation of the pilot's impact remains ongoing.

Integrating demonstrably effective and trustworthy AI tools with different functionalities into a unified interface can significantly enhance judicial efficiency. By reducing administrative burdens, accelerating access to relevant precedents, and supporting informed decision-making, such technology was shown through this case study to help alleviate workload pressures and improve job satisfaction, thereby contributing to the retention of the judiciary.

176. The implementation of any new technologies should be complemented by training to support the judiciary in understanding and using any new tools. Furthermore, before adoption, the tools should be demonstrated to be fit for purpose and to offer tangible improvements on the day-to-day role, not create more burden.

177. I have highlighted throughout this chapter the value of supporting those in, or stepping into, senior judicial positions, and this support should cover both short-term training needs and longer-term career development. It is essential that there are career routes available to the judiciary to allow them to take on more leadership roles and continue to develop professionally. Creating attractive career routes will support efforts to ensure appropriate resourcing within the judiciary and support retention.

178. Taking on a salaried position comes with increased oversight and responsibility within courts, but it is not always seen as an attractive role considering pay and flexibility in comparison to fee-paid roles. However, as I mentioned, the Major Review of the Judicial Salary Structure will be exploring this in more detail, and I am interested to see what it proposes that could make salaried positions more attractive to promote a career in these roles. When I was a judge, joining the judiciary was seen as a prestigious career step and it is important it continues to be seen as such.

179. Those in judicial positions have obtained their role through years of hard work and there are only a set number of roles available in the highest ranks of the judicial hierarchy, which means people are often in post for a long time. It is important that roles remain interesting and enjoyable, and that there is a sense of development for those who are particularly ambitious – especially considering a younger appointment and the retirement age now sitting at 75 years old.

180. I am also aware of the need to diversify the routes by which people enter judicial roles. These include, for example: increasing opportunities for CILEX lawyers in the judiciary to sit as recorders; and creating opportunities for legal advisers to work across the prosecution and defence to allow lawyers to diversify their experience and work their way up the judicial ladder to take on DJ(MC) positions.

181. I believe that hard working and high-performing judges should be rewarded with opportunities to progress their career. As the number of senior roles is limited to the number of courts and the current hierarchy, it would be helpful to understand what judges would like to see in terms of support and career progression within this structure. An independent national survey should be conducted to help the Judicial College and the JAC focus their efforts on initiatives that judges want to see, and if there are repeated themes that come out of this survey such as ensuring consistency in the length of time a person can sit as a RJ or creating opportunities for joint roles, I would encourage these suggestions to be taken forward. There is, in my view, greater scope for a more integrated approach between the JAC and the Judicial College.

182. The JAC need to be encouraging the very best lawyers to join the judiciary, and making sure their processes are set up to appoint the best candidates. Different routes into and careers within the judiciary

will appeal to different people at points in their career. For younger practitioners, there is scope to take on a fee paid role as a DDJ(MC) or Recorder. This may lead to them taking a salaried judicial post in due course and to them making progress through the judicial ranks. Creating such opportunities for career progression may have a positive impact on the diversity of the judiciary, as younger lawyers maybe be more likely to consider this avenue earlier in their careers and creating this flexibility may also support retention. However, it also needs to be borne in mind that not all salaried judges could, or indeed, would wish, to progress to more senior judicial appointments as experienced members of the Judiciary are essential in every court. As the Major Review of the Judicial Salary Structure explores challenges with the attractiveness of these roles, I want to see targeted efforts to create sustainability once lawyers have joined the judiciary.

183. This part of the chapter makes recommendations focused on improving the recruitment process, to increase flexibility and support the senior judiciary, and as these representative bodies consider different ways of working, it provides an opportunity to go further and think creatively about the wider operating model.

**Recommendation 170:** I recommend that the Judicial Appointments Commission and the Judicial College survey sitting judges to understand barriers to career progression and understand their support needs to develop a career pipeline within the judiciary.

## Resourcing the Broader Criminal Justice System Workforce

184. Finally, I will explore how the adoption of specific digital tools will ensure the broader workforce across the criminal justice system is fully resourced. In the introduction I defined efficiency as 'the proportionate and effective use of time and resources to ensure expeditious preparation and fair resolution of criminal cases'. A fully resourced workforce is central to achieving this aim and throughout this chapter, I make recommendations targeted at improving the recruitment and retention procedures for the legal workforce and judiciary to achieve this. However, the workforce goes beyond the legal workforce and judiciary, and I now turn to the wider operational workforce including administrative staff, court ushers and other essential roles.

185. In Part I of this Review, I discussed the workforce crisis in the criminal justice system today and noted how the workforce is relatively less experienced than it once was.[466] Whilst successive governments have made welcome investments in the recruitment of police officers in recent years, police forces are now inevitably less experienced overall due to higher levels of entry-level officers. For example, the proportion of police officers across all forces with less than five years of service has increased from 14% in March 2016 to 32% by March 2025.[467] HMICFRS further reports that across frontline policing teams, new and inexperienced staff with limited practical experience are being managed by equally inexperienced supervisors.[468] Similar concerns exist within the CPS and HMCTS. For example, in the CPS staff turnover increased from 5.1% in 2020/21 to 8.6% in 2024/25.[469] HMCTS, despite recent improvements, also continues to face a 12.2% attrition rate for core operational staff in grades AA/AO in July 2025.[470]

186. In my view, this combination of growing proportions of entry-level staff, relatively high levels of staff attrition and an increasingly complex justice system have significantly eroded operational knowledge. When experienced staff leave, workforces lose not only their technical skills but also their deep institutional understanding that is often undocumented. Entry-level staff, whilst capable, understandably require time and training to reach the same level of proficiency.

187. This apparent overall loss of operational knowledge is compounded by the changing nature of the system. As I discussed in Part I, criminal cases are also becoming increasingly complex both procedurally and in terms of the astonishing proliferation of digital technologies now used.[471] Whilst technology developments, such as the widespread adoption of digital systems, have undeniably improved the potential to improve the operation of the criminal justice system, in order

466 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), p. 56.

467 Police workforce, England and Wales: 31 March 2025 (second edition) (Home Office, October 2025).

468 PEEL 2021/22: Police effectiveness, efficiency and legitimacy – An inspection of the Metropolitan Police Service (HMICFRS, September 2022), p. 44.

469 Crown Prosecution Service – Annual Report and Accounts 2024–2025 (CPS, July 2025), p. 73.

470 Written questions, answers and statements – Courts: Staff (UK Parliament, September 2025).

471 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), pp. 37–78.

for the efficiency gains they offer to be maximised, workforces must possess the appropriate operational knowledge to use these systems effectively.

188. In other words, efficiency in the criminal justice system depends not only on staffing levels but also on the knowledge and confidence of those people. There is, in this respect, a clear mismatch between current workforce skills and the demands of a modern, digital criminal justice system – one that poses several challenges to the system's overall efficiency.

189. A key efficiency challenge arising from limited operational knowledge relates simply to the time lost as workforces search for answers. The submissions I have received detail instances of HMCTS staff having to consult colleagues during legal proceedings on how to operate Common Platform owing to unfamiliarity with the system. Although guidance exists, its length and complexity hinder its usability in practice, with staff reportedly spending up to ten minutes locating instructions and subsequently defaulting to colleagues and digital chats for support. When staff frequently interrupt their peers to seek guidance, it disrupts workflow and diverts attention from their own tasks. These interruptions reduce the productivity and cause delays in the throughput of cases. One case study from the HMCTS Common Platform Knowledge Genie evaluation showed that in one afternoon a legal adviser had to spend nearly 25 minutes amending charges on Common Platform, this affected at least three other pending cases.[472]

190. A further efficiency challenge is the increased risk of errors when operational procedures are misunderstood, or out-of-date information is used.[473] Operational procedures across the criminal justice system are designed to guarantee fairness, consistency and legal integrity. Ensuring workforces understand and can adhere to procedures and guidance guarantees that every case is managed fairly and appropriately.

191. Deviations from the orthodox procedures, whether due to staff oversight, inexperience or lack of understanding, compromise the legitimacy of legal proceedings, leading to the postponement and collapse of cases. For example, the Justice Committee's 2018 report

472 Source: HMCTS unpublished data on 'Knowledge Genie' evaluation.

473 How the right content can support significant business change (MoJ, January 2016).

on the disclosure of evidence in criminal cases notes several instances of operational procedures on the disclosure of evidence not being followed and criminal cases collapsing as a result.[474]

192. In my view, it is evident that the efficiency of the courts is increasingly undermined by the mismatch between workforce knowledge and the growing digitalisation of the criminal justice system. This disconnect results in wasted resources, including valuable court time, and must be addressed if the system is to function more effectively. Therefore, to address this, I recommend the continued development and broad adoption of AI-enabled operational knowledge tools, tailored to the distinct needs of constituent partners within the criminal justice system.

193. Operational knowledge tools are searchable platforms that enable users instantly to improve their understanding and awareness of operational procedures. These tools have access to relevant guidance and offer users immediate, consistent and accurate access to operational guidance, enabling them to perform their duties with greater efficiency and confidence. Trials of such tools are underway across the criminal justice system, and I endorse their continued refinement and implementation to enhance operational confidence, minimise process failures and expedite case progression.

194. For example, the Review received a demonstration of HMCTS's generative AI knowledge assistant pilot for frontline court staff using Common Platform.[475] The tool automatically accesses over 300 complex guidance documents to deliver succinct summarisations and step-by-step instructions in response to natural-language queries by staff, complete with source citation. Once scaled and evaluated, the aim is to have the tool available on Common Platform for a seamless user-experience. Early evaluations by HMCTS indicate notable improvements in the speed and accuracy of case administration. Users have reported saving an average of ten minutes processing time per case, as they are not delayed searching guidance or seeking advice.

195. Similarly, the Review has been informed of an operational knowledge tool called the 'College of Policing Assistant' developed by the College of Policing, which is currently being trialled in the Rochdale division of Greater Manchester Police. I provide Case Study G on the use of this

474 Disclosure of evidence in criminal cases (Justice Committee, July 2018), p. 5.

475 AI action plan for justice (MoJ, July 2025), Section 2.1.2.

tool in Chapter 4 (The Police and the Prosecution: Getting It Right First Time). The tool is a secure chat assistant with access to 1,600 certified documents including CPS guidance, legislation and authorisation professional practice from the college. It enables officers to input natural-language queries and automatically receive specific answers, accurate summarisations of guidance and instructions for next steps with source citations. Early anecdotal evaluation has been positive with users reporting reductions in both reliance on supervisors and the time it takes to find and understand complex or unfamiliar legislation as well as a reduction in applications requiring rework due to errors.

196. Further, in response to release of prisoners in error, the government has committed £10 million for the implementation of new AI-powered operational knowledge tools for frontline staff. The tools will aim to support accurate calculation of sentences and accelerate upgrades to the paper-based error-prone systems, in which prison staff currently wade through more than 500 pages of guidance.[476]

197. In my view, operational knowledge tools will have a transformative role in improving the efficiency of the criminal justice system. Their widespread adoption will enable staff across the system easily to access, and accurately apply, operational guidance, significantly reducing delays caused by limited operational understanding and reliance on colleagues. This will improve the efficiency of the courts by rationalising the nature of work for operational staff, increasing their capacity and ultimately accelerating case progression.

198. Furthermore, these tools will play a crucial role in reducing procedural errors and variability within the criminal justice system, which often arise when staff have differing levels of operational knowledge. By standardising guidance and instructions, these tools reduce the influence of subjective judgement and personal interpretation. For instance, police officers in different forces seeking criminal law guidance would receive largely similar summaries and instructions. In other words, operational knowledge tools act as a digital safety net, ensuring that less experienced staff can perform duties with a high degree of accuracy and consistency. This consistency improves overall efficiency by reducing the resources and court time wasted as a result of procedural errors and inconsistencies.

476 Deputy Prime Minister announces new measures to bear down on releases in error and keep public safe (MoJ and HMPPS, November 2025).

199. As I acknowledge in Chapter 2 (Context), tools that utilise AI can be prone to hallucinations in which they generate false or misleading information. For this reason, I recommend human oversight is essential when utilising these tools. Given the different budgetary pressures, priorities and operational requirements across the criminal justice system, I recommend that each agency investigates its own tailored operational knowledge tool. I also recommend that each agency develops and offers training to its staff before mandating use.

**Recommendation 171:** I recommend the use of artificial intelligence tools that are targeted to improve the operational skills and knowledge of workforces across police forces, the Crown Prosecution Service, His Majesty's Courts and Tribunals Service and His Majesty's Prison and Probation Service.

## Conclusion

200. Throughout this chapter, I have highlighted the importance of having a well-resourced legal and judicial workforce. There is no doubt that over the 55 years that I have been involved in the law, the role of the judge has changed dramatically. Not only has the law and the procedure become much more complex, and the consideration given to each and every decision requiring greater input and explanation, but judges have also been required to move into proactive case management at a time when the pressure on the legal profession has increased and the time available to complete work diminished. The mix of cases has also changed. All this has to be reflected in the way people can be encouraged to train the specialism of the criminal law and the retention of those who have embarked on that career. In addition, there is a need to ensure that there is a sufficient pool of experienced practitioners to move into the judiciary and take up the most challenging positions in a system that is critical for the functioning of democratic society.

201. I have set out recommendations that will improve the recruitment of different professionals and build capacity in these workforces, alongside recommendations that focus on how to retain them to guarantee long-term resource more effectively.

202. The chapter considers the specific challenges impacting on the retention of legal advisers, and calls for pay parity and creating options to diversify experience and specialisation based on individual interests and to create a clearer career pipeline for these professionals. For criminal legal aid lawyers, I urge the government to think creatively about recruitment and how to attract more people to this area of work, through incentivising law firms to support trainees, utilising CILEX lawyers more effectively and considering family-friendly policies for better retention.

203. As mentioned, the purpose of this Review is not to analyse the legal aid market, but I do make recommendations where I believe the government should make improvements to the current system. In particular, ensuring criminal legal aid lawyers are appropriately remunerated will support their retention and impact on early engagement in cases.

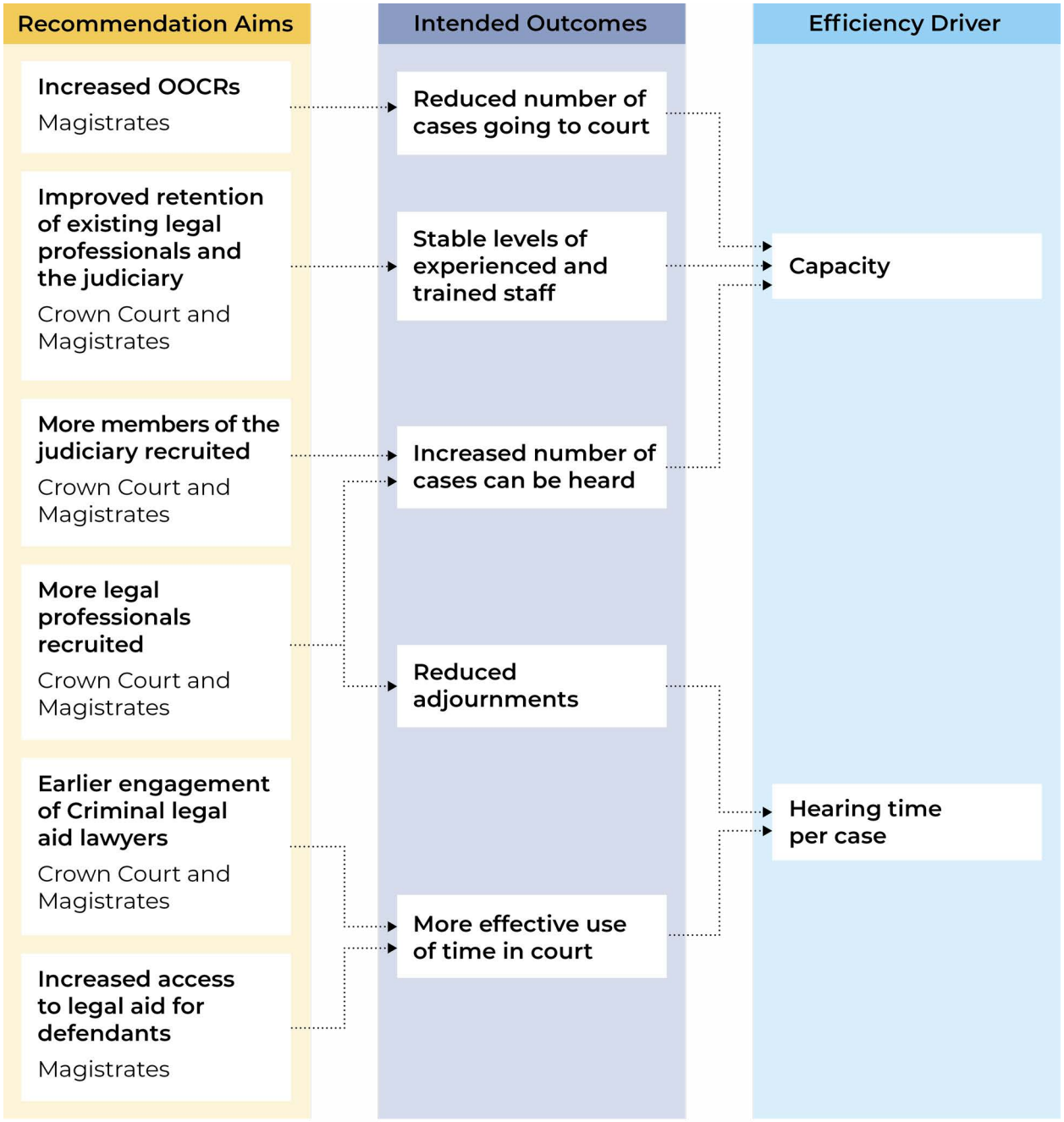
204. With regards to the judiciary, I also make recommendations to create efficiencies in the recruitment process, making it a smoother and more flexible model to respond to capacity needs. The issue surrounding the attractiveness of a salaried role is a serious concern to me, and I am reassured that the Major Review of the Judicial Salary Structure will seek to address similar concerns that I have identified from my engagement. I recommend the government take forward my proposals that consider the attractiveness of different roles, creating career pathways and providing better support for those in judicial roles.

205. I have presented a range of recommendations that should be implemented as a package properly to resource these workforces. I acknowledge at the beginning of this chapter the challenges of the fiscal climate and how that may impact on the implementation of some of my recommendations. However, I believe the arguments I have made throughout this chapter demonstrate just how urgently investment is needed and that doing nothing is not an option, in order to avoid system failure. There will be no point in making changes elsewhere in the court system if there are not enough legal and judicial professionals to carry out the work of the courts.

206. The recommendations I present in this chapter are designed to target the key metrics which drive changes to the magistrates' and Crown Court efficiency – most prominently sitting-day capacity which is affected by judicial and/or courtroom capacity.

**Figure 10.9**

**Policy map visualising the intended aims of recommendations presented in Chapter 10**




Many of the recommendations in this chapter affect pre-court cross-system efficiency drivers, which are not included in this policy map

207. Figure 10.9 demonstrates in pictorial form how the recommendations aims are intended to influence outcomes in the system and effect the key efficiency metrics. This diagram should be used as an illustrative framework to assess the potential impact of these recommendations noting that there are other operational and cultural factors that influence efficiency which are not captured.

208. If delivered as intended, these recommendations can provide a framework within which decisions can be made as necessary on the best way to retain legal and judicial professionals. In turn, this will ensure that the court has a stable level of experienced and trained staff, which will help to increase sitting-day capacity in the medium to long term. I also make recommendations on approaches to recruit more legal and judicial professionals which could help to increase the number of cases that can be heard and reduce adjournments that are caused by the unavailability of legal professionals. If successful, recommendations about increasing the number of OOCRs will help to increase capacity in the long-term by reducing the number of cases going to court in the first place. Finally, the recommendations in this chapter also aim to make more effective use of time in court, for example through increasing access to legal aid for defendants and encouraging earlier engagement of criminal legal aid lawyers. Making more effective use of time in court will help to reduce the total active hearing time per case by reducing time taken to prepare for cases.

# Chapter 11

Broader Justice Issues

# Chapter 11 – Broader Justice Issues

## Introduction

1. This chapter brings together a set of important cross-cutting issues that, while not primarily about efficiency, do nevertheless have an impact. They feature at many different stages of the criminal justice system and merit close attention. The issues and factors that I have identified from engagement throughout the Review are: the court estate, Problem-Solving Courts (PSCs), mental health, substance misuse, women, children, and RASSO. Addressing these are fundamental to ensuring a justice system that respects and accommodates the vulnerabilities and needs of all who come into contact with it whilst still delivering timely and fair outcomes. This commitment to fairness also requires continued efforts to address disproportionality in decision-making and treatment within the system as discussed in Chapter 1 (Introduction).[477]

2. Reforms to the criminal justice system aim to deliver whole system improvements, with both short and longer-term impacts on efficiency. They offer immediate gains through more effective participation and, over time, reductions in reoffending and improvements in rehabilitation. Each of these matters is significant enough to warrant their own review and several of them have already been the subject of multiple reviews. I will not, therefore, attempt to repeat those findings, which often cover wider societal issues than the impact on the criminal justice system. However, each also has a direct bearing on operational performance and system resilience, therefore addressing them is essential to improving efficiency, reducing delays and ensuring consistent and fair delivery of justice. Beyond the operational gains that strong initiatives in these areas can achieve, there is also significant potential to tackle wider social challenges. Their importance is such that the government and other criminal justice agencies should actively champion and invest in these initiatives.

477 This discussion is not intended to be exhaustive. I have not discussed race here, as this topic – examined in depth in the Lammy Review (2017) led by the Rt Hon. David Lammy MP – requires consideration on a broader canvas than this Review permits.

3. The court estate is under-maintained, and ill-suited to modern demands. It requires a long-term, strategic approach to ensure capacity, resilience and facilities that reflect the needs of a modern justice system. This topic is one on which I have received a significant volume of submissions during my engagement; these have demonstrated how the appalling state of the courts can impact on the number of courtrooms or cells available in any one day. The reform strategy must also prioritise accessibility for all, ensuring that court buildings are inclusive and equipped to meet the needs of people with disabilities and other vulnerabilities.

4. PSCs provide a constructive model for tackling the root causes of offending. By combining judicial oversight with multi-agency support, they reduce reliance on short custodial sentences and improve rehabilitation outcomes, as demonstrated in early initiatives such as the North Liverpool Community Justice Centre. However, they should be applied proportionately – reserved for defendants whose complex needs genuinely require this intensive approach, ensuring that resource-heavy, problem-solving approaches are used where they add the greatest value.

5. Mental ill-health among people who come into contact with the criminal justice system remains a challenge across agencies and processes, yet responses are fragmented and inconsistent. Without early intervention and coordinated action across health, education and justice, individuals are drawn deeper into the system when timely support could have diverted them.

6. Women and children make up a small proportion of those before the courts. Women charged with an offence are more likely than men to self-report with mental health problems,[478] substance misuse and money worries, often compounded by caregiving responsibilities and trauma.[479] With 76% of women in prison self-reporting mental health problems, the scale of unmet need highlights the importance of tailored, trauma-informed support.[480] Prevention, early intervention

478 I am aware that this should now be referred to as 'mental ill-health' and that is my preference, but note the need to accurately reflect research on the matter. Where I refer to research or surveys in this chapter, I will use the term referred to in that research or survey.

479 Source: Women and the Criminal Justice System 2023 (MoJ, January 2025).

480 Source: A review of health and social care in women's prisons (NHS England, November 2023).

and diversionary measures are key to reducing reoffending in children, but diversion from formal disposals is currently inconsistent and more needs to be done to address the causes of offending by children in an effort to avoid them becoming persistent adult offenders locked in a cycle of crime.

7. Finally, I turn to RASSO cases which pose persistent and unique challenges, with longer trial durations, acute delays and complex disclosure issues which I have set out in Chapter 2 (Context). They demand sensitive handling to secure justice for the parties involved and to maintain public confidence. I have referenced the challenges concerning RASSO throughout the Review where relevant but, in this chapter, I will be considering the issue more holistically.

8. These issues and factors are integral to the ability of the system to deliver justice that is both timely and fair. While this chapter offers a small number of targeted recommendations, it also underscores the need for the government, community and criminal justice partner agencies to give these issues broader, strategic focus and commit to long-term investment.

## Estates

9. In Chapter 2 (Context), I highlighted the long-term decline of the court estate and days lost due to maintenance issues. While the number of days lost is not significant – only around 2% of Crown Court courtroom capacity is lost each year due to planned or unplanned estate maintenance[481] – the poor condition of the estate makes operations more inefficient. Not every facility in the court estate is in disrepair. An assessment of condition was conducted to inform an Office of Government Property (OGP) calculator, which rated 86% of the estate as unsatisfactory or poor and this is already affecting delivery.[482] The operational risk facing the court and tribunals estate is significant, and growing, as each incident results in disruption to sittings, reduces listing predictability, physical capacity, damages judicial and staff morale, and impacts on public confidence.

481 Source: Crown Court backlogs (Public Accounts Committee (March 2025)).

482 With thanks to HMCTS for its submission to this Review.

10. A clear theme emerging from my engagement with professional court users, as well as the 'Report into day-to-day Issues Experienced by Criminal Barristers in the Crown Court in England & Wales', produced by the Criminal Bar Association's C-21 Working Group is the need for substantial investment in the Crown Court estate.[483] This spans essential maintenance through to major renovation of dilapidated buildings and, where required, the construction of purpose-built court centres capable of accommodating modern, multi-handed and complex trials.

11. Across the system, there is a depressingly consistent picture of an estate that is increasingly costly to maintain yet visibly deteriorating. Many older courts, designed for trials in the Victorian or Edwardian eras, can no longer manage the volume, duration or complexity of today's cases, nor the range of court users they now serve. This issue is not confined solely to historic buildings as a significant portion of the HMCTS estate is 40 to 50 years old or holds heritage status and are still extremely costly to maintain.[484] Even some comparatively modern courts were constructed for a very different era, when the number of defendants, victims, witnesses (including vulnerable witnesses needing specialist facilities), advocates and court staff was significantly lower. As a result, the delivery of justice is underpinned by an estate that is struggling to meet contemporary demands and is overdue for strategic, sustained reinvestment.[485]

12. Maintenance issues regularly render courts unusable, and the current cost of the maintenance backlog stands at approximately £1.3 billion, a result of historic underinvestment.[486] HMCTS staff spend considerable time compensating for maintenance issues, such as manually relaying messages when tannoy systems fail. However, beyond the obvious impact, the condition of the estate also undermines efficiency in less measurable ways. In Chapter 10 (The Judiciary and Legal Workforce),

483 The Criminal Bar Association C-21 Working Group, A report into day-to-day Issues Experienced by Criminal Barristers in the Crown Court in England and Wales in 2021 (Criminal Bar Association, 2022).

484 Maintaining public service facilities (National Audit Office, January 2025); Public Accounts Committee – Oral Evidence: Crown Courts Backlog (House of Commons, January 2025); and with thanks to HMCTS for its submission to this Review.

485 A Report into Day-to-Day Issues Experienced by Criminal Barristers in the Crown Court in England & Wales in 2021 (2022).

486 Source: Written questions and answers – Courts: Repairs and Maintenance (UK Parliament, October 2025).

I explored how the poor conditions affect the recruitment and retention of members of the judiciary and legal professionals and subsequently impact capacity in the courts to manage cases.

13. Matters as mundane as excessive courtroom temperatures and basic hygiene standards not being met, such as clean and safe toilets,[487] all impact on sitting days and court efficiency as they take time and attention away from court proceedings. This was emphasised at great length throughout my engagement. While HMCTS does track the performance of contracted cleaners and it appears strong, their performance should be kept under constant review to ensure that standards are retained and exceeded because it has been a constant complaint relayed to me during this Review.

14. I have considered what is already being done to meet these challenges. HMCTS is midway through its 2021 to 2031 estates strategy which is aimed at improving the condition, capacity, value for money and sustainability of the estate's buildings.[488] For the financial year 2025 to 2026, HMCTS received a 28% increase in resource (including maintenance) and major capital funding, rising from £116 million to £148.5 million.[489] This uplift has provided some breathing space for HMCTS to consider larger strategic projects and proactive repairs. Until now, the approach has been reactive, with operational leads prioritising only the most urgent fixes. Staff know that the backlog of repairs is so long that smaller issues are unlikely to be dealt with, and what starts as a small problem can grow and reach crisis point. For example, replacing roofs only after they fail rather than planning preventative work. Despite the lack of funding for non-urgent fixes, court staff continue to highlight issues as they know that the longer maintenance is delayed, the more money the fix often costs.

15. Court and tribunal buildings are the essential infrastructure through which justice is delivered, and their unreliability now directly threatens key reforms. Many of the recommendations in this Review will reshape the requirements for the court estate after 2031, and they depend on stable and predictable operational capacity. This is particularly true for recommendations on video hearings and those which redistribute caseload from the Crown Court to

487 A Report into Day-to-Day Issues Experienced by Criminal Barristers in the Crown Court in England & Wales in 2021 (2022).

488 HMCTS Estates Strategy (HMCTS, November 2022).

489 Source: HMCTS Annual Report and Accounts 2024–25 (HMCTS, July 2025).

magistrates' court. A more forward-looking and radical estate strategy is needed. Such a strategy should consider collaboration with other criminal justice estates, such as examining police stations, custody suites or police headquarters for options to add court capacity and have due consideration to the use of civic spaces and more flexible use of space between magistrates' and Crown Courts.

16. The HMCTS strategy should be supported by an increase in funding for maintenance. This funding should be long-term and stable to reduce the maintenance backlog gradually. It is important to note that the estate does not require the full £1.3 billion immediately to address the maintenance backlog; some level of backlog will always exist, and spending on maintenance should be balanced against other priorities to ensure efficient use of resources.

17. For this strategy, HMCTS will need to establish a clear view of the current capacity of the court estate and to forecast the potential capacity in the long term, as any estate strategy will take time to implement. There are opportunities to expand criminal court capacity now, as I am aware that some criminal court spaces are being used for civil, family or tribunal work. Tribunal and some civil cases do not have the same security requirements as criminal cases and should therefore use suitable office space or other local buildings. HMCTS should assess whether to adapt those courts back for criminal work and use other buildings for non-criminal work.

**Recommendation 172:** I recommend that His Majesty's Courts and Tribunals Service publishes a post-2031 estate strategy, which should consider the impact of recommendations from both parts of this Review. To support this, it should review and publish how the criminal estate capacity can be maximised to take account of the recommendations from both parts of this Review.

**Recommendation 173:** I recommend that the government commissions an inspection of the courts, delivered in line with the mechanism for inspection of courts administration as outlined in Chapter 3 (One Criminal Justice System), to provide independent assurance on the physical court estate and identify areas for improvement.

## Problem-Solving Courts

18. PSCs were established as a mechanism for dealing with individuals who enter the criminal justice system with complex needs which can be met with the assistance of targeted help and specialist support within the community. These courts aim to use engagement with the justice system to motivate and provide accountability for people who engage with support. This can address personal, social and structural factors that lead to offending or involvement in care proceedings, improving long-term life outcomes.[490]

19. The North Liverpool Community Justice Centre (NLCJC), launched in 2005 as the first of its kind in England and Wales, was an innovative model integrating a magistrates' court with local services to deliver swift justice and tackle the root cause of offending. I understand that it had the ability to call on the assistance of a wide range of specialist support in mental health, alcohol and drug misuse, domestic abuse, welfare and housing. However, the centre closed in 2014 following mixed findings on cost-effectiveness and impact.[491] Despite its ambition, it was significantly under-utilised, costly to operate and showed no clear evidence of reducing reoffending compared to traditional courts, raising clear value-for-money concerns.[492, 493] Alternatively, a different problem-solving approach was piloted in an existing magistrates' court in Salford which ran while the NLCJC was operating. Salford did demonstrate that a problem-solving approach could be achieved within the fabric of the estate and in a proportionate way by training a District Judge and magistrates and listing cases within a courtroom for one day per week.

20. It is reported that in 2023, more than 60 problem-solving court approaches operated across England and Wales, providing intensive supervision with specialist focus areas including mental health,

490 Problem Solving Courts (Parliamentary Office of Science and Technology, July 2023).

491 The listing of the work is now done in a dedicated Complex Case Court within the Sefton magistrates court building, presided over by a District Judge with stakeholder support from Liaison & Diversion and the Probation Service. North Liverpool Community Justice Centre: Analysis of re-offending rates and efficiency of court processes (MoJ, July 2012).

492 Impact Assessment on Her Majesty's Courts and Tribunals Service proposals on the proposed closure of North Liverpool Community Justice Centre (NLCJC) (MoJ, July 2013).

493 Response to the proposal on the future of North Liverpool Community Justice Centre (MoJ and HMCTS, October 2013).

misuse of drugs and alcohol, and domestic abuse.[494] They provide a rehabilitative approach by engaging judges and multi-agency teams with the requisite knowledge and experience in the continual supervision and support of individuals. Case studies indicate variations in practice, with some courts focusing on intensive judicial oversight, others on therapeutic support and some delaying sentencing to incentivise progress.[495] I have no doubt that PSCs should therefore be deployed selectively, focusing solely on those defendants for whom such intensive intervention will deliver the greatest benefit.

21. In September 2020, the government's 'A Smarter Approach to Sentencing' White Paper highlighted PSCs as a central mechanism for addressing offenders' individual needs, with the aim of reducing reoffending and strengthening rehabilitation across the justice system.[496] Building on this framework, the MoJ's policy translated into pilots targeting individuals at risk of short custodial sentences – typically facing up to two years in custody and ineligible for community orders – and applies a problem-solving approach combining enhanced judicial oversight with multi-agency support. Each case involves regular review hearings and tailored intervention, including substance, drugs and alcohol misuse treatment and women-specific services. Compliance is incentivised through a structured reward for the offender, with responsive sanctions for non-compliance and coordination managed by a dedicated court officer.[497] This contrasts with other PSCs, where approaches vary: some prioritise therapeutic support or community-based services, while others delay sentencing to encourage progress.

22. The pilot seeks to reduce reliance on short prison terms, improve compliance and rehabilitation, and strengthen confidence in community-based alternatives. Interim findings show positive signs in terms of engagement and delivery though the full impact evaluation is not expected until 2028.[498] International evidence suggests that

494 Source: Problem Solving Courts (Parliamentary Office of Science and Technology, July 2023).

495 Problem-solving courts: A guide to practice in the United Kingdom (Centre for Justice Innovation, 2025).

496 A Smarter Approach to Sentencing (MoJ, September 2020).

497 Process evaluation of Intensive Supervision Courts pilot – Interim report (MoJ, 2024).

498 Ibid.

PSCs may have some positive impact on reducing reoffending, with some examples demonstrating a strong, direct relationship between specialist courts and reductions in reoffending.[499]

23. Each initiative is an admirable addition to the attempts being made to assist in the rehabilitation of those who commit crime. Not only are there benefits for the offender and society more widely; there can be efficiency gains for the system in the medium to long term. To realise these benefits, timely access to rehabilitation and support programmes is critical as delays risk individuals being drawn back into the same negative influences that are likely to drive reoffending. It is essential that interventions are swift in addressing practical barriers such as unstable accommodation and harmful environments, particularly for individuals affected by substance misuse or domestic abuse. Equally, positive reinforcement plays a vital role in recognising an offender's progress and incentivising compliance strengthens engagement. Local community leadership also matters: deputy mayors (where they exist) have the convening power to bring together the relevant services through LCJBs, ensuring coordinated responses that maximise impact.

24. At present, every hour of court time taken up reviewing such cases is a trade-off against disposing of other judicial work and reducing the open caseload. Nevertheless, these efforts are a valuable part of the system if the time taken in investing in these individuals helps to reduce the risk of reoffending. The Manchester and Salford Women's Problem-Solving Court provide a clear illustration of effective practice. By listing dedicated thematic sessions for half a day each week and focusing on carefully selected cases based on where PSCs could be most effective, it ensures judicial time is used efficiently while delivering targeted interventions that improve outcomes for women at risk of short custodial sentences.[500]

---

499 The United States has the Red Hook Community Justice Court, which has resulted in adult offenders being 10% less likely to commit new crime than offenders who were 'processed in a traditional courthouse'. The Red Hook Community Justice Centre: Research Findings (Centre for Court Innovation, 2013); M. Miller, E. Drake and M. Nafziger, What works to reduce recidivism by domestic violence offenders? (Olympia: Washington State Institute for Public Policy, January 2013). Australia has drug courts which show a lower likelihood to reoffend in the long term – Outcomes Evaluation of the Drug Courts in Victoria (KPMG, December 2023).

500 It is to be hoped that the impact of the reforms introduced as a consequence of the Independent Sentencing Review chaired by the Rt Hon. David Gauke will reduce this problem in any event.

25. This structured approach demonstrates the potential of problem-solving principles when applied with precision and consistency, particularly in addressing and providing specialist support for complex needs such as mental health and substance misuse, which often underpin offending behaviour. I encourage models which bring key parties together regularly and in a proportionate way to develop these models and initiatives. To build on this, I recommend that the government assess the need and value of PSCs to determine where they can give the greatest impact.

**Recommendation 174:** I recommend that the government evaluates the case for problem-solving courts regionally, guided by a national framework to ensure consistency, enable impact measurement, and inform resource allocation.

## Mental Health

26. Throughout my career, I have been very conscious of the enormous impact that mental ill-health has on every facet of the criminal justice system. This includes victims, as highlighted in Part I of this Review, Chapter 2 (Problem Diagnosis), whose mental health is impacted not only by the alleged crime itself, but the delays for their case to be heard serve only to exacerbate it further – disrupting lives, impeding recovery from trauma and, in some cases, causing severe deterioration. The Review's extensive engagement and visits to police forces, CPS areas and courts nationwide has served to emphasise that this has become an even more acute matter across the criminal justice system. According to His Majesty's Chief Inspector of Prisons annual report survey of adult men's and women's prisons, across England and Wales, 56% of prisoners self-reported having a mental health problem.[501] An inspection from the then Criminal Justice Joint Inspection in 2021, found that thousands of people with a mental illness are coming into the criminal justice system each year but their needs are being missed

501 Source: HM Chief Inspector of Prisons for England and Wales: Annual Report 2024-25 (HMIP, July 2025).

at every stage.[502, 503] It is essential that resources are made available to deal with suspects, defendants and offenders who need mental health support. I have discussed some aspects of mental health support at the point of arrest in Chapter 4 (The Police and Prosecution: Getting It Right First Time). Here, I focus on the wider aspects of the criminal justice system.

27. A fundamental problem facing the system as a whole is that it is routinely required to respond to acute mental ill-health needs without an integrated framework that links those in need with those who can provide the appropriate clinical support. The police, as first responders, routinely encounter people whose primary needs are clinical rather than criminal, yet their processes do not provide consistent access to specialist support at the point of crisis. As cases progress through the system, these structural gaps persist. The CPS and courts must make decisions about individuals with mental ill-health, yet the absence of consistent national standards, specialist pathways and timely assessments leads to delays and results in regional inconsistencies.[504] Support in prisons remains inconsistent and under-resourced, leaving gaps in rehabilitation and continuity of care that compound the challenges faced. The result is a fragmented system, where inadequate support for those with mental ill-health perpetuates a 'revolving door' effect, trapping individuals within the system rather than supporting their recovery.

28. Addressing this challenge therefore requires action on two fronts: first, ensuring that individuals with mental ill-health can move through the system in a way that accommodates their needs without undermining system efficiency, this goes for victims awaiting the date their case can conclude and for defendants awaiting their trial; and, second, recognising the wider societal responsibility on government to strengthen mental health provision in the community so that fewer people reach crisis point in the first place. To ensure effective cross-government leadership on mental ill-health and justice, I have

502 Criminal justice system failing people with mental health issues – with not enough progress over the past 12 years (Criminal Justice Joint Inspectorates, November 2021).

503 Sir David Latham, Mental health and fair trial (JUSTICE, 2017). The Executive Summary notes long-standing concern about prevalence of mental ill-health in the criminal justice system and systemic failure to identify and respond to these needs across all stages of the criminal justice system.

504 Ibid. This report advocates for nationwide street triage and Liaison and Diversion screening to prevent reliance on custody officers for vulnerability identification.

recommended in Chapter 3 (One Criminal Justice System) that the Secretary of State for Health and Social Care should become a standing member of the National Criminal Justice Board (NCJB).

29. This system-wide concern is by no means new. The Bradley Report which looked at people with mental health problems or learning disabilities in the criminal justice system, in 2009, rightly highlighted the necessity for mental health and social care services to be involved at every stage of the criminal justice process, advocating strongly for preventative and early intervention services for vulnerable children and adults.[505] I note that in 2016 the Law Commission made a recommendation to modernise the way the law deals with defendants with mental ill-health and their fitness to plead.[506] The government did not act on this recommendation.

30. The message was echoed from the perspective of the health agencies in the 2018 Independent Review 'Modernising the Mental Health Act', which made it clear that people in need of mental healthcare should not be channelled into the criminal justice system, which is a system neither designed nor equipped to address their needs.[507] The present situation can be anticipated to worsen as the prevalence of common mental health conditions in England has surged, rising from 17.6% in 2007 to 22.6% by 2023/24,[508] with COVID-19 accelerating demand, driving referrals up 38% from pre-pandemic levels[509] and record numbers in secondary care.[510] The current trajectory may be unsustainable, as it is evident that attempts by successive governments have failed to tackle mental ill-health as an underlying cause of crime and the impacts of mental ill-health in the criminal justice system thereafter.

31. In my view, it is imperative that there is comprehensive investment in mental health services in communities. Such investment holds the potential not only to reduce, but to prevent, the disproportionate

505 The Rt Hon. Lord Bradley, The Bradley Report (April 2009), p. 124.

506 It is worth noting that court processes are sometimes antiquated. In this scenario, applying law from the 1860s. See Unfitness to Plead – Volume 1: Report (Law Commission, January 2016).

507 Modernising the Mental Health Act: Increasing choice, reducing compulsion (DHSC, December 2018), p. 32.

508 Source: Adult Psychiatric Morbidity Survey: Survey of Mental Health and Wellbeing, England, 2023/4 (NHS England, November 2025).

509 Source: NHS Activity Tracker: Mental health sector (NHS Providers, June 2025).

510 Source: Mental Health Bulletin, 2023-24 Annual report (NHS England, October 2024).

impact of mental ill-health across the criminal justice system. The key lies in providing timely, effective support at the earliest opportunity, rather than waiting until an offence has occurred and the individual has already entered the criminal justice system. I discussed in Chapter 3 (Diversions), from Part I of this Review, about how diversion and OOCRs can support addressing factors like mental ill-health. I emphasise again that this challenge cannot be confined to the remit of criminal justice agencies alone. Overall, it demands a coordinated, cross-government approach, involving not just the police and courts (and HMPPS, though not in scope of this Review), but also the NHS, the Department of Health and Social Care, the Department for Education and the voluntary sector.

32. Drawing on my engagement with NHS England, I note the importance of healthcare for patients in the criminal justice system, which should be delivered to the same standard as that available in the community. There is a need to prioritise early screening and establish full healthcare pathways in custody and courts to address the growing complexity of mental ill-health, while preventing the misuse of custody as a place of safety. I welcome the government's announcement on 9 January 2026 to pilot NHS staff attending probation team meetings with offenders, to screen for mental health and drug or alcohol abuse and make referrals, transforming community care.[511] To tackle health disparities, services must target specialist support for vulnerable groups. Therefore, I urge the government to treat mental ill-health as a matter of utmost urgency and priority. It is essential that a comprehensive, cross-government strategy be developed to address mental ill-health in the community and its impact on the criminal justice system.

**Recommendation 175:** I recommend that the government develops a comprehensive cross-government strategy on mental ill-health and its impact on the criminal justice system. This should include mental ill-health where it relates to defendants, victims and witnesses.

511 A. Bawden, Thousands of offenders in England to get health support at probation meetings (The Guardian, January 2026).

## Substance Misuse

33. A similar concern is the gap between needs and provision in the criminal justice system which is obvious when considering substance misuse and its links to mental ill-health. As Dame Carol Black highlighted in her Independent Review of Drugs,[512] the provision of services exposes a disconnect between mental health and substance misuse services and hence the support for those at risk of offending. Responsibility for mental health lies with the NHS, while substance misuse services are commissioned by local authorities, creating a structural divide for individuals whose needs span both areas. Offenders with co-occurring mental ill-health and substance misuse often struggle to access support because services are not designed to work seamlessly together; in many cases, they are turned away from mental health provision unless they are already drug or alcohol free. This split in commissioning leads to fragmented referral pathways and limits the availability of appropriate interventions. As a result, courts are frequently unable to draw on the full range of Community Sentence Treatment Requirements (CSTRs), even where they would be the most effective option.

34. There are already strong multi-agency partnerships in place or being established in many areas related to substance misuse. One example is, a 'Combatting Drugs Partnership' (also known as 'Drug Partnership Boards') which brings together action and oversight across three priorities of the ten-year drugs strategy.[513] These exist throughout England (with equivalent 'Area Planning Boards' in Wales), bringing together the police, Department for Work and Pensions, Department for Education and local community organisations. Research has shown that trauma and mental ill-health are the drivers and accompaniment of much addiction, and that treatment should be commissioned together.[514] The boards are therefore of particular interest as an opportunity to address the inherent link between drug misuse and mental ill-health, despite their remit not currently extending to mental health services and support.

512 Dame Carol Black, Review of drugs part two: prevention, treatment, and recovery (DHSC, August 2021).

513 Drugs strategy guidance for local delivery partners (Home Office, June 2022, last updated January 2024).

514 Review of drugs part two: prevention, treatment, and recovery (2021).

35. The partnership boards provide a useful model and show the benefits of collaborative governance, particularly when addressing substance misuse that could lead to lives of crime. I do not suggest a dedicated mental health partnership board as I anticipate that the content of discussions and actions could duplicate the work of the existing Drug Partnership Boards. However, there is merit in extending the remit and membership of these boards to include representatives from the judiciary in the magistrates' courts and the Probation Service (part of HMPPS). Their inclusion would strengthen the boards' ability to address the intersection of health, justice and rehabilitation.

36. I therefore recommend that the remit of the Drug Partnership Boards be expanded to include mental health, ensuring that the police, NHS authorities and local authorities work together to address complex needs that often underpin offending behaviour. More collaborative leadership across interlinked services should facilitate joint commissioning of treatment where drug misuse and mental ill-health are co-occurring.

37. The membership of the boards should be extended to include representatives from local criminal courts and the Probation Service, as there will no doubt be an increase in community sentences if the Independent Sentencing Review's[515] proposals come in to effect, to ensure that mental ill-health needs of offenders where associated with substance misuse can be addressed and individuals directed to receive the support they require. Extending such partnerships to work across all criminal justice agencies would create a genuinely end-to-end system approach and ensure more consistent outcomes across the criminal justice system. In Chapter 3 (One Criminal Justice System), I have talked about strengthening LCJBs. These boards and Drug Partnership Boards have similar attendees, including the police, the NHS and PCCs.[516] This will help interconnection between local initiatives on criminal justice and the drugs and mental health strategies led by the Drugs Partnership Board. I acknowledge that the following recommendation, while important, will not by itself address the breadth and complexity of mental ill-health, and that further reform is required.

515 Independent Sentencing Review: Final report (MoJ, May 2025, last updated July 2025).

516 National Guidance for Local Criminal Justice Boards (March 2023); Guidance for local delivery partners (HM Government, June 2022), Appendix 3.

**Recommendation 176:** I recommend that the remit of the Drug Partnership Boards is expanded to include mental health provisions. Their membership should also be expanded to include representatives from magistrates' courts and the Probation Service (part of His Majesty's Prison and Probation Service).

## Women

38. Women comprise a relatively small proportion of those within the criminal justice system, yet their needs are often complex and distinct. In 2023, women represented around 22% of individuals dealt with by the criminal justice system and 16% of arrests made by the police. There is a need for tailored gender-responsive interventions and problem-solving approaches that address specific vulnerabilities.

39. There are, beyond doubt, marked gender-based disparities within the criminal justice system. Women in custody are more likely than men to self-report complex needs including mental health problems, physical disabilities and substance misuse. They also declare socio-economic challenges, including housing insecurity, financial instability and caregiving responsibilities. These realities cannot be ignored; they underline the need for responses that are proportionate, sensitive and informed by the circumstances of those affected.[517] Some of these vulnerabilities are reflected in safety outcomes. In the year ending March 2024, the number of individuals who self-harmed per 1,000 prisoners was 341 for women and 146 for men. The number of instances of self-harm per self-harming individual was over three times as high for women as men at 16.4.[518]

40. Typically, the offences committed by women are less serious, and where custodial sentences are imposed, they are generally shorter. In the year ending June 2025, the average custodial sentence length for women offenders was 10.9 months compared with 20.1 months for male offenders.[519] In 2024, the sentencing guidelines were adapted to add pregnancy and the postnatal period as a mitigating factor for sentencing.[520] In addition, the Prison Reform Trust (PRT) published a

517 Source: Women and the Criminal Justice System (MoJ, January 2025).
518 Ibid.
519 Source: Criminal Justice System statistics quarterly: June 2025 (MoJ, October 2025).
520 Sentencing pregnant women and new mothers (Sentencing Council, April 2024).

valuable report on 'International good practice' exploring alternatives to imprisonment for women in custody, including 'women's centres and one-stop-shops, community residential alternatives, and small units designed to accommodate women offenders'.[521] Both the sentencing guidelines and the PRT research reinforce the case for proportionate, gender-responsive interventions that address underlying vulnerabilities and provide credible alternatives to custody for women.

41. As set out in Chapter 3 (Diversions), Part I of this Review, diversionary measures remain critical; and they must be complemented by imaginative alternatives to custody that reflect the complex circumstances faced by women. This is particularly important for those who struggle to comply with community requirements due to caring responsibilities or lack of stable accommodation, which can lead to unnecessary imprisonment. Although women (and young people) represent a smaller proportion of those in custody, it is imperative to note that their needs are acute, and services are stretched; it is therefore essential that innovative provision receives greater consideration and investment.

42. Consideration should also be given to expanding community-based facilities for women as an alternative to custody, particularly for those on remand or serving short custodial sentences. This approach aligns with the MoJ's 'Female Offender Strategy Delivery Plan'[522] – overseen by the Women's Justice Board[523] – which aims to: reduce women's entry into the criminal justice system; limit the use of short of custodial sentences; and improve rehabilitation through gender-responsive, community-based interventions. The plan prioritises trauma-informed, multi-agency support for complex needs such as mental health, substance misuse, housing and caregiving responsibilities alongside improving custody conditions and resettlement. It reflects the principles underpinning PSCs for women by combining judicial oversight with holistic support and initiatives like Hope Street therefore exemplify the potential of residential provision as a credible alternative to custody.

521 International good practice: alternatives to custody for women offenders (Prison Reform Trust and the Pilgrim Trust, September 2013).

522 Female Offender Strategy Delivery Plan 2022 to 2025 (MoJ, January 2023, last updated 21 March 2024).

523 Women's Justice Board.

43. Hope Street is a residential centre in Hampshire established by the charity 'One Small Thing' that is designed as a trauma-informed alternative to custody for women. It offers staffed accommodation in eight self-contained flats where women – and, where appropriate, their children – can live in a safe homelike environment with 24/7 support. Alongside this, Hope Street includes a community hub with a café, therapy suits, consultation rooms and shared spaces to foster connection between residents, practitioners and the wider community. The centre provides tailored therapeutic interventions addressing the underlying causes of offending – such as trauma, substance misuse, mental health and domestic abuse – through counselling, movement and sensory-based activities. Structured programmes include unpaid work placements, accredited courses and vocational training to support rehabilitation. Its model includes supported move-on housing, helping women transition into supported housing with continued outreach for them and their families, promoting reintegration and reducing the risk of reoffending.[524]

44. The current lack of appropriate community provision for women severely limits the courts' ability to impose effective, rehabilitative sentences. Too often, custody is used not because it is the most suitable option, but because there are very few alternatives available. Strengthening community-based support would provide the courts with meaningful alternatives that meet women's needs and reduce demand on the wider system.

**Recommendation 177:** I recommend that the Ministry of Justice expands funding for community-based facilities for women as an alternative to custody.

524 Hope Street: One Small Thing.

## Children

45. In the year ending March 2024, children aged 10–17 accounted for approximately 8% of arrests, with just under 8,300 first-time entrants and an average of 430 children in custody.[525] Although these figures represent a relatively small proportion of the overall criminal justice population, the needs of these children are acute and multifaceted. Their involvement in the system presents distinct challenges that demand a holistic and preventative approach, focused on addressing underlying vulnerabilities and reducing risk of escalation into adulthood.

46. While the number of children in custody reached a historic low in the year ending March 2025, those who remain present with complex needs. They are, on average, more likely to have lower levels of educational attainment and be identified as vulnerable during childhood.[526] More than half (52%) of looked-after children born in the academic year 1993 to 1994 who attended school in England had a criminal conviction by the age of 24 years compared with 13% of children who had not been in care.[527] Addressing these challenges requires sustained investment and a holistic approach not only by all criminal justice agencies but also by across the whole of government to tackle the underlying drivers of offending. Failure to invest in system-wide early intervention will continue the cycle of offending well into adulthood. A decade has passed following Charlie Taylor's 'Review of the youth justice system', which concluded that more needed to be done to prevent offending, more effective diversion schemes for children who offend were required and the courts needed to prioritise cases involving children.[528] Whilst progress has been made, more work is needed to address the underlying causes and risk factors behind why children offend, and more training for criminal justice agencies is needed to reduce the significant inconsistency in how children are dealt with when they do offend.[529]

525 Source: Youth Justice Statistics: 2023 to 2024 (Youth Justice Board, January 2025).

526 Note: vulnerable is defined as those classed as a child in need or a child looked after. Source: The education and social care background of young people who interact with the criminal justice system (Office for National Statistics, May 2022).

527 Ibid.

528 C. Taylor, Review of the Youth Justice System in England and Wales (MoJ, December 2016).

529 Youth Justice Statistics: 2023 to 2024 (Youth Justice Board, January 2025).

47. Prevention of first offending and reoffending remains the central aim of the youth justice system. The Youth Justice Board's 'child first, offender second' principle rightly prioritises diversion from the formal criminal justice system whenever possible, minimising stigma from contact with the system. In Part I of this Review, I dealt with OOCRs for adult offenders and recommended the adoption of a similar and consistent national approach.[530] For children, it is even more important that more work is done to promote diversion from court, and this should be done consistently across all police force areas, as the available evidence, though limited, suggests it may be one of the more effective mechanisms for reducing further offending.[531]

**Recommendation 178:** I recommend standard training for police officers to ensure better administration of Out of Court Resolutions for children. This should be delivered through the collaborative efforts of the College of Policing and the Law Society, underpinned by central administration through the Local Criminal Justice Boards.

48. As set out in Chapter 3 (One Criminal Justice System), I have recommended that the Secretary of State for Health should sit on the NCJB and the Secretary of State for Education should be invited to attend the Board on an ad hoc basis to ensure that the needs of children are understood and addressed in a coordinated way.

49. Turning to the courts, most children between 10 and 17 years old are tried in the Youth Court. This is an adapted magistrates' court; it is closed to the public, with automatic reporting restrictions and specially trained judges using language understood by children. A separate sentencing framework applies to under 18s, and the Youth Court can provide a maximum custodial sentence of 24 months (Detention and Training Order). There is no jury in the Youth Court, children are tried either by three lay magistrates or a DJ(MC).

530 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025), p. 92, Recommendation 2.

531 The effectiveness of diverting children from the criminal justice system: meeting needs, ensuring safety and preventing reoffending – HMIP.

50. The September 2025 Youth Court Bench Book notes that 'children should be tried and sentenced in the youth court wherever possible. Only very few offences cannot be tried and sentenced in the youth court.'[532] If sentencing powers are not sufficient, magistrates can send children to the Crown Court for sentence following conviction. If a child is jointly charged with an adult, the child should be tried summarily unless in interests of justice for both the child and the adult to be committed to the Crown Court for trial.

51. Feedback from magistrates during the course of this Review highlights that delays are particularly harmful for children and undermine the principle of timely justice. Delays are caused by inconsistent out-of-court disposals, slow referral orders and a shortage of youth-trained professionals. The average number of days taken from offence to completion for youth cases is at the highest level on record and stands at 225 days, despite the prioritisation of youth cases in listing.[533] This means that a child may offend, wait months for a hearing, turn 18 and be convicted as an adult.

52. When passing sentence, the court must follow the specific Sentencing Council guidelines to reflect the defendant's age at time of the offence; the criminal record framework, however, provides no mitigation based on age or discretion to do so. The criminal record and the period of rehabilitation, pursuant to the Rehabilitation of Offenders Act 1974, is dictated by the age of the offender at the time of conviction rather than time of offence. I am concerned that any delay in hearing a child's trial, due to the open caseload, results in them being subject to a criminal record that may take longer to be spent, meaning it will have to be disclosed for longer if that person is, for example, applying for certain types of jobs. The result is that, both in absolute numbers and as a percentage of those convicted, young people are being penalised simply because of the delay in hearing their case.

**Recommendation 179:** I recommend that the government reviews the current legislative policy for rehabilitation periods of criminal records applicable to defendants who committed offences when they were under 18, irrespective of their age at conviction.

532 Youth Court Bench Book (Judicial College, September 2025).

533 Source: Youth Justice Statistics: 2023 to 2024 (2025).

## Rape and Serious Sexual Offences (RASSO)

53. As I set out in Chapter 2 (Context), I recognise the unique challenges faced by RASSO victims. The early guilty plea rate[534] for adult rape has been consistently lower than the overall rate for all crime combined. The time taken from arrival at the Crown Court to completion is also higher for these offences.[535] Additionally, there is a higher rate of defendants on bail for sexual offences than other offences.[536] These factors combine to produce delays that are particularly acute with a median value of 364 days from charge to completion in the Crown Court for adult rape cases compared to 179 days across all crime cases, in Q3 2025.[537] Many of the recommendations in this Review should benefit RASSO cases as well as the wider caseload, for example by encouraging early engagement in cases to reduce the likelihood of adjournments. There are also some topics on which I have made reference to specific challenges in RASSO cases throughout this report.[538]

54. In Chapter 5 (Disclosure), I examine the challenges around disclosure, and I am aware of the particular challenge of disclosure requests in RASSO cases, where third-party material is often involved (including medical and counselling records). The current approach and challenges it poses are outlined in detail in the Law Commission's report.[539] My recommendations in Chapter 5 (Disclosure) are designed to ensure that disclosure is both proportionate and timely. In particular, a challenge I have heard through my engagement is the impact of late disclosure requests in RASSO cases, causing adjournments and elongating trials. To address this, I have considered incentives in terms of dedicated and prompt payments. In addition, I have considered the adoption of something akin to the statutory model in Scotland by which the courts secure compliance with pre-trial disclosure obligations. This is set out in full in Chapter 5 (Disclosure) but in short this would prevent new issues from being raised at trial where they could have been disclosed at or before the PTPH, subject to the

534 That is, defendants who plead guilty before a trial starts.

535 Source: Criminal Justice System – All metrics (criminal justice system delivery data dashboard).

536 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

537 Ibid.

538 Evidence in sexual offences prosecutions: a final report (Law Commission, July 2025); Crucial reforms to give rape victims a fairer trial (MoJ, December 2025).

539 Evidence in sexual offences prosecutions: a final report (2025).

overriding discretion of the trial judge to allow such matters to be raised in the interests of justice. I recognise that this may be seen by some as a radical step. I do not make a firm recommendation on this, but I invite the LCJ to consider whether this may be a necessary step to incentivise earlier engagement in cases and secure compliance with existing obligations.

55. Whether this particular approach is adopted or not, I see a clear need for robust judicial management of RASSO cases, in terms of the timing and proportionality of disclosure requests, as well as the cross-examination of witnesses. In their report 'Living in Limbo', Rape Crisis cited cases of 'improper introduction of previous sexual history evidence during "cross-examination", and the "weaponisation of victim/survivors" third-party material, including applications to the Criminal Injuries Compensation Authority (CICA), to suggest that survivors are lying'. This type of cross-examination is problematic, and I am aware that the recent Law Commission report seeks to address some of these issues. It is generally irrelevant since it seeks to suggest that the fact that someone has made a claim for compensation to which they may be entitled is probative of their likely veracity at trial. Not only is it irrelevant, but it is also profoundly distressing for witnesses. In addition, it is, of course, an unnecessary use of court time and judges must be sufficiently trained and empowered to manage this effectively. In Chapter 5 (Disclosure), I also specifically make a recommendation for further work to promote consistency in how the multiplicity of existing guidance is applied and interpreted around matters of disclosure in RASSO cases, and for enhanced training for the police and CPS staff on these issues.

56. As well as its examination of issues around disclosure, the recent Law Commission report addresses many other issues arising in RASSO cases in detail, making specific recommendations about the evidential threshold, and the admissibility of evidence, including sexual behaviour evidence (SBE). The report also recommends that legal practitioners involved in sexual cases undertake training on myths and misconceptions about sexual offence complainants and offences. I am pleased to see that the government has responded to some of the recommendations, including its intention to introduce a new higher

admissibility threshold that will protect further against divulging the sexual behaviour of the complainant, and restrict further the use of prior allegations made by the complainant as evidence.[540]

57. Listing for RASSO cases is also an issue that has been raised during the course of my engagement in this Review. Given the higher proportion of RASSO defendants who are on bail, cases are often not prioritised over custody time limit cases (where defendants are on remand in prison). This is an issue that compounds the delays already present in the system. In Chapter 6 (Listing and Allocation of Workload), I have made a recommendation for a national listing model, introducing national consistency and transparency for how cases are listed. I have proposed that it is a matter for the judiciary to develop the detail of this model but ask them to consider specifically how prioritisation should work and the use of fixed date trials, particularly for RASSO cases. In Chapter 9 (Hearing Processes), I also consider the use of pre-recorded evidence (for both ABE and section 28 pre-recorded cross-examination)[541] and make recommendations to improve the quality and efficiency of the way in which these types of interviews are conducted and played back to the courtroom.

58. In Chapter 10 (The Judiciary and Legal Workforce), I set out the challenges facing the legal sector workforce and capacity in the judiciary, and I understand that there is a particular shortage of appropriately qualified RASSO lawyers and judges. In a 2024 survey of barristers conducting RASSO work, 64% of prosecutors said at renewal they will not be reapplying to be on the RASSO list, and 34% of defence RASSO barristers said they no longer want to conduct these cases.[542] Half of all those surveyed pointed to poor well-being as the cause for refusing RASSO work.[543] I recognise the toll that participating in these types of cases can take on the mental health of professionals, and this is exacerbated if there are fewer judges and lawyers qualified to handle them, leading to high workloads. My recommendations in Chapter 10

540 Crucial reforms to give rape victims a fairer trial (MoJ, December 2025).

541 Youth Justice and Criminal Evidence Act 1999, ss 23–27.

542 Although the cab-rank rule obliges barristers to take cases in which they are instructed, this is subject to various exceptions including that 'you are not authorised and/or otherwise accredited to perform the work required by the relevant instruction; or … you are not competent to handle the particular matter or otherwise do not have enough experience to handle the matter'. The BSB Handbook, C29.

543 Source: CBA Survey of RASSO Criminal Bar Capacity (Criminal Bar Association, February 2024).

(The Judiciary and Legal Workforce) are aimed at increasing the number of lawyers and judges overall through better recruitment and retention, and my aim is that this will in turn increase the number of RASSO-qualified lawyers and judges.

59. Whilst I hope that many of the recommendations in this Review will make a significant difference in RASSO cases, I recognise that there is more to do. The recent Rape Crisis report, 'Living in Limbo', outlines the challenges still facing rape victims attributable to the court open caseload.[544] It highlights many of the systemic issues I have identified here, including barrister and judge availability and the need to improve trial effectiveness, and how these specifically impact RASSO cases. In particular, it draws out the traumatic experience of victims waiting for long periods for trials, often only to then find they are adjourned, and the impact this has on their mental well-being and their lives.

60. There has already been considerable effort made to improve understanding and treatment of RASSO cases in the criminal justice system. The previous government's End-to-end Rape Review was an important step in improving the way that rape cases are dealt with by the justice system, setting out an action plan for improving accountability, providing necessary support for victims, transforming the way the CPS and the police investigate and prosecute cases, and improving the victim's experience at court. Operation Soteria was a core catalyst for much of this: this is a joint programme to develop a new National Operating Model and improve operating practices for the investigation and prosecution of rape by the police and CPS. This work has made significant progress in the process to charge, and there is now an increase in the volume of cases getting to court, with 20% more receipts for sexual offences in the Crown Court in 2024 compared to 2016.[545] It is right, therefore, that the system pays particular consideration to the efficiency of how these cases are dealt with after charge, given their increasing prevalence in the caseload.

544 Living in Limbo (Rape Crisis England & Wales, November 2025).

545 Source: Criminal court statistics quarterly: April to June 2025 (MoJ, September 2025).

61. I believe that there needs to be further targeted, cross-system work to improve efficiencies in rape cases, particularly after charge, by partners across the system including the CPS, the judiciary, and HMCTS. This work should identify the systemic issues and barriers specific to rape cases to secure timely justice through further research, as well as considering how to maximise the benefits of previous reforms (including Operation Soteria and the Rape Review). It should also consider the themes of this Review and how to apply them specifically to rape cases, including encouraging early engagement in cases and effective case management. Through this approach, partners should identify actions for targeted improvements in these cases. Through cross-system collaboration focused on improving efficiencies in rape cases, this should result in improvements not only for victims in rape cases but also on efficiency across the system.

**Recommendation 180:** I recommend that judges and all others involved in criminal justice, including the Crown Prosecution Service and His Majesty's Courts and Tribunals Service, collaborate on targeted cross-system initiatives to improve efficiency in rape case handling, informed by research into systemic barriers and building on previous reforms like Operation Soteria, and report on measurable outcomes.

## Conclusion

62. The cross-cutting issues brought together in this chapter – PSCs, mental health, women, children, RASSO and the court estate – are not simply operational considerations: they are fundamental to the ability of the courts to deliver justice that is timely, fair and effective. Each of these areas has been the subject of extensive discussion and, in some cases, multiple reviews, which reflects their complexity and significance. I have not sought to repeat those findings here, but it is clear that their impact on the criminal justice system cannot be overstated. They shape performance, resilience and public confidence, and they influence whether justice is delivered in a way that meets the needs of victims, witnesses, defendants and society as a whole.

63. PSCs demonstrate the potential of innovative approaches to tackle the root causes of offending, reducing reliance on short custodial sentences and improving rehabilitation outcomes. Mental health remains a persistent challenge, with fragmented responses that too

often allow individuals to fall through the cracks, deepening their involvement in the system when timely intervention could have diverted them from it altogether. Women and children, though a smaller proportion of those before the courts, present complex needs that demand tailored, trauma-informed responses; needs that remain largely unmet despite clear evidence of their importance. RASSO cases continue to face acute delays and procedural challenges that undermine confidence and require sensitive handling. And the court estate, under-maintained and ill-suited to modern demands, threatens the system's capacity and resilience at a time when both are urgently needed.

64. These issues are interconnected and cut across agencies, criminal processes and government departments. Addressing them is not only essential for improving operational efficiency and reducing delays, it also offers an opportunity to tackle wider social challenges and deliver justice that is genuinely responsive to the needs of those it serves. While I have set out my overarching thoughts and a small number of targeted recommendations, these should be seen as a starting point. The government and its partner agencies must go further – championing these priorities, investing in solutions and driving coordinated, long-term action. Without that commitment, the ambitions outlined in this Review will remain aspirations rather than being achieved.

65. Although victims and witnesses are not addressed as a stand-alone topic, many of the recommendations in this Review will influence their experiences within the justice process. References to their role and needs appear throughout this Review with the proposed changes having a direct impact on them. I welcome the government's recent announcement of additional investment to strengthen support for victims and witnesses across the justice system,[546] and equally support the new Violence Against Women and Girls strategy which reinforces this commitment by prioritising the safety and confidence of victims and witnesses.[547]

546 Deputy Prime Minister to Announce 'Swift and Fair Justice' (MoJ, December 2025).

547 New VAWG strategy will leave offenders with nowhere to hide (Home Office and MoJ, December 2025).

# Annex A – Glossary

**Achieving Best Evidence (ABE) interview**

A structured process for interviewing vulnerable witnesses in criminal cases, ensuring evidence is gathered in a way that is fair, reliable and compliant with legal standards.

**Acquittal**

Where a person has been found not guilty of the charges against them. This occurs when the prosecution fails to prove the case beyond a reasonable doubt, leading to the defendant being cleared of all legal responsibility for the alleged crime.

**Active Case Management**

The process by which judges and parties proactively manage cases to minimise delay and expense.

**Adjournment**

The formal suspension or postponement of a court hearing or trial to a later date or time, ordered by the court. It may occur for reasons such as allowing more time for case preparation, witness availability or resolving procedural issues.

**Adjusted Disposal Rate**

A measure comparing the actual disposal rate of a court with an expected rate, adjusted for the complexity of cases (e.g. proportion of not guilty pleas). It is used to assess underlying efficiency beyond headline disposal rates.

**Application Programming Interface (API)**

A set of rules and protocols that allows different software applications to communicate with each other. APIs define how requests and responses should be structured, enabling systems to exchange data or functionality without needing to understand each other's internal workings.

**Artificial intelligence (AI)**

A branch of computer science focused on creating machine-based systems that can perform tasks typically requiring human intelligence. There are a wide range of AI techniques and sub-fields within the general field of AI, including 'generative AI' which uses learning models to generate content based on the data on which it has been trained. More generally, AI systems process input data to generate outputs – such as summaries, chronologies, predictions, recommendations or decisions – that influence physical or virtual environments. They may operate with varying levels of autonomy and can adapt after deployment. This Review focuses on using AI to augment, not replace, human decision-making.

**Better Case Management form (BCM form)**

A formal case management questionnaire completed when cases are sent from the magistrates' court to the Crown Court. The BCM form records plea indications, trial issues, areas of agreement and interpreter needs, and sets a timetable for case progression prior to the Plea and Trial Preparation Hearing (PTPH) in the Crown Court.

**Capacity (court capacity)**

A metric used to measure efficiency throughout the Review, defined as the total number of sitting days allocated to courts each year through the Concordat process. The Concordat process considers multiple elements of system capacity, including physical court facilities, judicial availability and the capacity of legal professionals.

**Case Management System (CMS)**

CMS is an IT system for case management which is used by the CPS. Through links with police systems, CMS receives electronic case material.

**Case progression**

The process of moving a legal case forward, from its initial stages (investigation, filing) through to a resolution, such as a trial is 'case progression'. It involves managing the case efficiently and effectively, ensuring timely completion of necessary steps and keeping all parties informed, including the court, lawyers and those involved in the case. Many courts engage Case Progression Officers whose responsibilities include ascertaining from the parties their readiness for trial.

**Case Progression Officer (CPO)**

Their role in the Crown Court is to oversee case progression and a proposed role in magistrates' courts (from this Review) is to oversee listing and case prioritisation.

**Certificate of Trial Readiness**

A formal document confirming that a case is ready to proceed to trial, completed and signed by the instructed trial advocate.

**Charging decision**

In a criminal case, where there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge, and it is in the public interest to prosecute, a decision to charge is made. Depending on the type and seriousness of the offence committed, this decision is made by the police or the CPS. The police can make an immediate charging decision even if the above criteria are not met, if the suspect is in custody and the police do not intend to grant bail. Several conditions need to be satisfied for the police to do so.

**Cloud Video Platform (CVP)**

The primary software platform used in the criminal justice system to facilitate remote participation in hearings. CVP allows participants to join hearings from their own devices and includes features such as private breakout rooms, though with some limitations.

**Collapsed trial**

A criminal trial that ends prematurely without a verdict, usually because the prosecution discontinues the case or the court rules there is no case to answer – often due to insufficient or missing evidence. Can also be due to the jury being discharged for some other reason before the conclusion of the trial.

**Common Platform**

Common Platform, developed by HMCTS, is an IT system which allows the police, judiciary, solicitors, barristers and criminal justice agencies to access and edit case information.

**Concordat process**

Negotiation between the judiciary and the MoJ on funding for HMCTS and the judicial office. In relation to HMCTS, it is often expressed in relation to crime by reference to the number of sitting days.

**Court Exception Report Submission (CERS)**

Reports submitted by HMCTS and PECS suppliers to record and display the impacts on court business due to service delivery failures, such as delays in producing defendants at court.

**Cracked trial**

A trial that does not proceed on the day as an outcome is reached and so does not need to be rescheduled. This occurs, for example, when an acceptable plea is offered by the defendant or the prosecution offers no evidence against the defendant (i.e. drops the charges).

**Criminal Practice Directions**

Judicial guidance from the Lady Chief Justice setting out principles for listing and case management. The Criminal Practice Directions have the force of law.

**Criminal Procedure Rules (CrimPR)**

The CrimPR are a statutory instrument used to provide detailed guidance on the way all aspects of a criminal case are managed as it progresses through the criminal courts in England and Wales. The rules (which are drawn up by a committee of judges, and other agencies involved in criminal justice) apply in all magistrates' courts, the Crown Court and the Court of Appeal (Criminal Division).

**Custody time limit (CTL)**

The statutory time limit for keeping a defendant in custody awaiting trial. The time limit may be extended by the court in certain circumstances.

**Deepfake**

A video, image or audio recording that has been digitally alternated or generated to appear authentic.

**Digital jury bundle**

An electronic collection of documents and evidence relevant to a trial provided to jurors on digital devices (such as tablets), replacing traditional paper bundles. Digital jury bundles aim to improve efficiency, reduce delays and ensure all jurors have access to the same materials.

**Disposal rate**

The number of cases which are concluded by a court (a 'disposal') per session.

**Early Guilty Plea (EGP)**

A plea entered at the earliest stage, attracting sentence reductions under Sentencing Council guidelines.

**Either way offence**

These are offences that can be heard either in a magistrates' court or a Crown Court. These are more serious than summary cases and include offences such as dangerous driving, theft and handling stolen goods.

**Fee-paid judge**

A professional lawyer who in addition to practising law in some capacity has also been appointed a part-time judge, paid for each day they sit rather than a fixed salary. There is a limit on the number of days in any one year on which they can sit.

**Final Review Hearing**

A hearing shortly before trial to ensure that the case is ready for trial, bringing together the relevant practitioners before the judge to confirm that all information and reports on the case are available, and providing an opportunity to resolve outstanding issues.

**Hearing time per case**

A metric used throughout the Review to measure efficiency, defined as the total active hearing time associated with each case: from being charged, through preliminary hearings, to the final disposal with a guilty plea or verdict, and sentence in the event of a conviction. This is distinct from offence to completion timeliness. Hearing time per case excludes the time between any hearings or trials.

**Hearing time per sitting day**

A metric used throughout the Review to measure efficiency. It measures the total amount of time actively spent hearing cases per day in the Crown Court. It does not account for any non-hearing time before, between or after hearings when the courtroom is occupied, such as when the court is waiting for a defendant to arrive or during the jury empanelling process. It should be noted that time between hearings may also be usefully spent dealing with administrative and case management tasks.

**HMCTS Framework Agreement**

The constitutional agreement outlining the governance, financing and operation of His Majesty's Courts and Tribunals Service (HMCTS), reflecting the partnership between the Lord Chancellor, Lady Chief Justice and Senior President of Tribunals.

**Indictable only**

Indictable only offences are the most serious offences, such as murder and rape, which must be heard in 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 (e.g. missing evidence or critical witness), the defence (e.g. lack of availability of barristers or the defendant) or for court/administrative reasons including not having enough jurors, judge unavailability or equipment failure.

**Intensive disclosure regime**

A procedural framework recommended for the most serious or complex cases, involving additional pre-trial procedures and hearings to manage disclosure issues early. This was recommended in the Independent Review of Disclosure and Fraud Offences (Fisher, 2025). The government had not responded to the Disclosure Review at time of publication.

**Judicial Executive Board**

A senior leadership body of the judiciary in England and Wales, chaired by the Lady Chief Justice, responsible for directing and managing the work, welfare, deployment and governance of the judiciary. It meets regularly to support the Lord/Lady Chief Justice in executing their statutory and constitutional responsibilities

**Legal advisers**

Lawyers who advise magistrates on legal points, practice and procedure in the Magistrates' court.

**Liaison and Diversion Services**

NHS-commissioned services that identify individuals with vulnerabilities – such as mental ill health issues, learning disabilities or substance misuse problems – at their first point of contact with the criminal justice system. These services provide screening, assessment and referrals to appropriate health or social care, and can divert individuals away from the justice system where suitable.

**Listings**

The schedule of cases due for hearing in a court. The listing of cases is a judicial act and is mainly organised with the authority of the senior judge of each court through an official of His Majesty's Courts and Tribunal Service (HMCTS) known as the listing officer.

**Multi-Agency Public Protection Arrangements (MAPPA)**

A statutory framework in England and Wales designed to assess and manage the risk posed by certain sexual, violent and other dangerous offenders in the community. MAPPA brings together the police, Probation Service and Prison Service as the core Responsible Authority in each police force area, with a duty on other bodies (such as children's and adult social care, health services, housing authorities and immigration enforcement) to cooperate by sharing relevant information. Agencies identify eligible offenders, jointly assess the nature and level of risk they present, and implement coordinated risk management plans. It is a framework for managing offenders who pose a risk to the public.

**Nightingale courts**

Additional temporary courts created in England and Wales to support recovery following the COVID-19 restrictions and suspension of jury trials.

**Off-contract booking (interpreter)**

The process of arranging interpreter services outside the main MoJ contract (with thebigword) when the contracted provider cannot fulfil a request. This often results in higher costs and potential data protection concerns.

**Open caseload**

The open caseload refers to all open cases. An open case is a case where a defendant faces prosecution for any offence and that case has not yet had a final result recorded.

**Partially remote hearings**

A court hearing in which some or all parties, except the judiciary, participate remotely via video or audio link, while the judiciary remains physically present in the courtroom. Public observation is still possible in person in the courtroom.

**Plea and Trial Preparation Hearing (PTPH)**

This hearing takes place in every case in the Crown Court and is often the first hearing after the magistrates' court has sent the case or the Crown Court or the defendant has elected Crown Court trial. Its purpose is twofold: to take a plea from the defendant, and to ensure that all necessary steps are taken in preparation for trial or sentence and that sufficient information has been provided for a trial date or sentencing hearing to be arranged.

**Police charging decision**

The process by which police officers determine whether to charge a suspect with an offence. The police are authorised to charge certain offences under defined circumstances, such as summary only offences, shop theft and either way offences with anticipated guilty pleas suitable for trial in the magistrates' court. These decisions must comply with the Code for Crown Prosecutors, applying both evidential and public interest tests.

**Pre-charge**

The stage in a criminal investigation before a formal charge is brought against a suspect. During this phase, police gather evidence, seek early advice from the CPS and prepare case files for a charging decision under the Director's Guidance on Charging (DG6). It ends when the CPS or police decide whether to charge, take no further action or apply an alternative outcome.

**Pre-sentence report (PSR)**

A report prepared by the Probation Service to assist the court in deciding an appropriate sentence for an offender who has been convicted. It provides information about the offender's background, circumstances and risk factors, as well as recommendations for sentencing options. PSRs aim to support informed, fair and proportionate sentencing decisions and may be delivered in written or oral form, depending on the case and urgency.

**Presiding judge**

A High Court judge allocated to one of the six Circuits for a period of four years; at any one time, each Circuit has two presiding judges save for the South East Circuit (which includes London) which has four.

**Presiding justice**

A magistrate who leads a Bench in the magistrates' court.

**Pre-trial review (PTR)**

Additional hearings to manage case progression and readiness for trial.

**Public interest immunity**

A small category of exceptionally sensitive material that need not be disclosed because a judge concludes that to do so could harm the public interest.

**Rape and serious sexual offences (RASSO)**

A legal framework and set of offences encompassing rape and other serious sexual crimes. The national operating model for RASSO is a victim-centred, suspect-focused, context-led approach designed to improve investigations and prosecutorial outcomes. The CPS also maintains a strategic 'RASSO 2025' plan focusing on ensuring the right person is prosecuted for the right offence.

**Rebuttable presumption material**

Introduced by the Attorney General's Guidelines on Disclosure, this refers to categories of material that are generated during the course of an investigation which are almost always likely to contain relevant material (and therefore must be scheduled) and which will often contain information which may undermine the prosecution case or assist the defence case (and so will usually be disclosable). Prosecutors and investigators are required to presume these items will be disclosable; that 'presumption' can be 'rebutted' with a considered application of the disclosure test under the Criminal Procedure and Investigation Act 1996.

**Receipts**

The number of new cases received by a court within a specific period, typically measured monthly or annually. In criminal courts, receipts represent the inflow of cases into the system and are a key metric for understanding caseload trends and workload management.

**Recorder**

A part-time fee paid judge in England and Wales. Recorders typically preside over cases in the Crown Court and sometimes in the County Court, usually (but not invariably) handling less complex or serious matters.

**Remand**

Refers to individuals being held in prison until the next hearing (remanded in custody) or released with or without specific conditions (remanded on conditional or unconditional bail).

**Remand population**

Individuals held in custody awaiting trial or sentencing rather than released on bail.

**Resident judge**

A resident judge is typically a senior judge, often holding the position of a Circuit Judge, who carries the responsibility for the overall management and efficient running of a specific Crown Court centre. This includes handling case listings, judge deployment and various administrative tasks. Essentially, they act as the head judge for that location. Sometimes, they might also hold the title of 'Recorder', and be the Recorder of the regional area for that court, e.g. the Recorder of Liverpool.

**Restorative justice**

A mechanism for providing the opportunity for those harmed by a crime and the person responsible for causing the harm to share how the crime has affected them.

**Rule of law**

The principle that all institutions, individual's and governments are subject to and accountable to laws that are fairly applied and enforced.

**Safer Streets Mission**

The Safer Streets Mission is a government initiative aimed at reducing serious harm and increasing public confidence in policing and the criminal justice system.

**Salaried judges**

A salaried judge is generally a full-time judge (although there can be salaried part-time judges). Since 1995, such judges have been appointed to preside over cases in courts or tribunals by the King (or, in some cases, the Lord Chancellor) following a recommendation by the independent Judicial Appointments Commission.

**Section 28**

Special measure allowing vulnerable witnesses to pre-record their evidence which is then played at trial.

**Single Justice Procedure**

A legal process in England and Wales that allows summary, non-imprisonable offences to be dealt with by a single magistrate, on paper, without a prosecutor or defendant present. Defendants submit a plea online or by letter. However, the defendant retains the right to request to have their cases heard in a full magistrates' court hearing in open court if they wish.

**Sitting day**

A day when a court is in session, meaning judges or magistrates are actively hearing cases. The number of sitting days allocated each year helps determine how many cases can be processed within the judicial system.

**Statutory consultation**

A formal process required by law in which a public body seeks views from specified stakeholders or the public before making certain decisions or implementing policies. The purpose is to ensure transparency, accountability and informed decision-making. Statutory consultations are mandated by legislation and typically include defined timeframes, methods for gathering feedback and obligations to consider responses before finalising decisions.

**Statutory disclosure regime**

The legal framework which governs the process of sharing relevant material between prosecution and defence under the Criminal Procedure and Investigation Act 1996.

**Statutory footing**

A legal basis established by statute (an Act of Parliament) that gives an organisation, body or function formal authority and powers under the law. When something is placed on a statutory footing, it means its existence, responsibilities and duties are legally mandated rather than voluntary or discretionary.

**Summary offences**

The less serious offences such as most motoring, minor public order and assault offences, which can only be dealt with in the magistrates' courts.

**Technology Assisted Review (TAR)**

An AI-driven tool used to improve disclosure processes in cases involving large volumes of documents. TAR uses continuous active learning to refine document prioritisation, enabling reviewers to efficiently identify relevant material for disclosure.

**Transforming Summary Justice (TSJ)**

A programme and framework aimed at improving efficiency in magistrates' courts.

**Unit cost (cost per disposal)**

The average financial cost incurred by the court to resolve a single case, including staff, judicial and other operational expenses. It is used to assess productivity and cost efficiency in the justice system.

**Unrepresented defendants**

An individual, company or organisation which has no legal representation from a solicitor or barrister at trial.

**Vacated trial**

A scheduled criminal trial that is removed from the court listing and will not proceed on the original date. This occurs when the trial cannot go ahead as planned, often due to reasons such as: case resolution before trial (e.g. guilty plea, withdrawal of charges); adjournment to a later date because of evidential, legal or logistical issues; or court resource constraints (e.g. lack of judge or courtroom availability).

**Verification Report**

A concise report piloted by HMPPS that provides short, focused advice to the court in low-complexity cases where there are no significant rehabilitative needs. It is used in cases that do not require a full pre-sentence report, and considers whether a punitive sentence only, such as unpaid work, curfews, exclusion zones, alcohol monitoring or fines, are suitable. It does not assess rehabilitative needs. The report supports quick sentencing, often at first hearing, and takes less time to complete, allowing probation staff to focus on more complex cases.

## Acronyms and Abbreviations

**ABE**
Achieving best evidence

**AGFS**
Advocates' Graduated Fee Scheme

**AGGD**
Attorney General's Guidance on Disclosure

**AGO**
Attorney General's Office

**AI**
Artificial intelligence

**API**
Application programming interface

**BCM**
Better case management

**BVLS**
Book a Video Link Service

**CCBD**
Crown Court Bench Division

**CCIG**
Criminal Courts Improvement Group (previously the Crown Court Improvement Group)

**CILEX**
Chartered Institute of Legal Executives

**CJAG**
Criminal Justice Action Group

**CJJI**
Criminal Justice Joint Inspection

**CLAAB**
Criminal Legal Aid Advisory Board

**CLAIR**
Independent Review of Criminal Legal Aid

**CMS**
Criminal Management System

**CPIA 1996**
Criminal Procedure and Investigations Act 1996

**CPO**
Case Progression Officer

**CPS**
Crown Prosecution Service

**CrimPR**
Criminal Procedure Rules

**CRIS**
Criminal Record Interactive Search

**CSTR**
Community Sentence Treatment Requirement

**CTSC**
Courts and Tribunals Service Centre

**CVP**
Cloud Video Platform

**DAVE**
Digital Audio Video Evolution

**DDJ(MC)**
Deputy District Judge (Magistrates' court)

**DG6**
Director's Guidance on Charging

**DHSC**
Department of Health and Social Care

**DJ(MC)**
District Judge (Magistrates' court)

**DLRM**
Decommissioning and Legacy Risks Mitigation

**DMD**
Disclosure Management Document

**DPA 2018**
Data Protection Act 2018

**DPP**
Director of Public Prosecutions

**ECHR**
European Convention on Human Rights

**EMS**
Electronic Monitoring System

**FCMH**
Further Case Management Hearing

**FCT**
Future Casework Tools

**FRH**
Final Review Hearing

**GAP/NGAP**
Guilty anticipated plea/Not guilty anticipated plea

**GDPR**
General Data Protection Regulation

**HMCPSI**
His Majesty's Crown Prosecution Service Inspectorate

**HMCTS**
His Majesty's Courts and Tribunals Service

**HMI Prisons**
His Majesty's Inspectorate of Prisons for England and Wales

**HMI Probation**
His Majesty's Inspectorate of Probation

**HMICA**
Her Majesty's Inspectorate of Court Administration

**HMICFRS**
His Majesty's Inspectorate of Constabulary and Fire & Rescue Service

**HMIP**
His Majesty's Inspectorate of Probation

**HMPPS**
His Majesty's Prison and Probation Service

**HMT**
His Majesty's Treasury

**HO**
Home Office

**IDPC**
Initial details of the prosecution case

**IDR**
Intensive Disclosure Regime

**IFS**
Institute for Fiscal Studies

**JAC**
Judicial Appointments Commission

**KPI**
Key performance indicator

**LAA**
Legal Aid Agency

**LASPO**
Legal Aid, Sentencing and Punishment of Offenders Act 2012

**LCJB**
Local Criminal Justice Board

**LGFS**
Litigators' Graduated Fee Scheme

**LJA**
Local justice area

**MAPPA**
Multi Agency Public Protection Arrangements

**MCQ**
Magistrates' Court Qualification

**MG**
Manual of Guidance

**MoJ**
Ministry of Justice

**NAO**
National Audit Office

**NCJB**
National Criminal Justice Board

**NDIP**
National Disclosure Improvement Plan

**NPCC**
National Police Chiefs' Council

**NSA**
National Security Adviser

**OCJR**
Office of Criminal Justice Reform

**OGP**
Office of Government Property

**OIC**
Office in the case

**OMU**
Offender Management Unit

**OOCR**
Out of court resolution

**PACE**
Police and Criminal Evidence Act 1984

**PACFS**
Prepare a Case for Sentence

**PCC**
Police and Crime Commissioner

**PCVL**
Prison to Court Video Link

**PECS**
Prisoner Escort and Custody Services

**PET**
Preparing for effective trial

**PRT**
Prison Reform Trust

**PSA**
Public service agreement

**PSC**
Problem-solving courts

**PSO**
Probation Service Officer

**PSQ**
Police Station Qualification

**PSR**
Pre-sentence report

**PTPH**
Plea and Trial Preparation Hearing

**RASSO**
Rape and serious sexual offences

**RJ**
Resident Judge

**RTCC**
Real Time Case Conversation

**RUI**
Release under investigation

**SBE**
Sexual behaviour evidence

**SFO**
Serious Fraud Office/serious further offences

**SJP**
Single justice procedure

**SPJ**
Senior Presiding Judge

**SSRB**
Senior Salaries Review Body

**TSJ**
Transforming Summary Justice

**UDs**
Unrepresented defendants

**VAWG**
Violence against women and girls

**VCC**
Video Conferencing Centre

**VR**
Verification Report

**YJCEA**
Youth Justice and Criminal Evidence Act 1999

# Annex B – Terms of Reference

## Context

The Crown Court caseload has risen substantially over recent years for complex reasons including the pandemic and an increase in the number of cases coming before the courts. The scale of cases entering the courts is now so great that, even with the Crown Court sitting at a historically high level, this would not be enough to make meaningful progress on reducing the open caseload and bring down waiting times. Doing so will require bold thinking on the most appropriate and proportionate ways of dealing with cases before the courts, as well as increases in the efficiency of our criminal courts.

Some of these issues have been considered previously, both in Lord Justice Auld's 2001 review of the criminal courts and Sir Brian Leveson's 2015 report Efficiency in Criminal Proceedings. Most recommendations from the latter were implemented by 2016, but in light of increasing caseloads and the changed context since the pandemic, it is right that these issues are examined afresh.

The Lord Chancellor has therefore commissioned an independent review of the criminal courts which will consider the merits of longer-term reform and, with agreement of the Lady Chief Justice, review the efficiency and timeliness of processes (including those of partner agencies) in cases through charge to conviction/acquittal.

## Purpose

The purpose of this review is to produce options and recommendations for a) how the criminal courts could be reformed to ensure cases are dealt with proportionately, in light of the current pressures on the Crown Court, and b) how they could operate as efficiently as possible. This should include consideration of the processes of partner agencies where they impact the criminal courts. The review should lead to a more efficient criminal court system and improved timeliness for victims, witnesses and defendants, without jeopardising the requirement for a fair trial for all involved.

## Scope

The review should consider:

a. Longer-term options for criminal court reform, with the aim of reducing demand on the Crown Court by retaining more cases in the lower courts. This could include:

   i. The reclassification of offences from triable either way to summary only.

   ii. Consideration of magistrates' sentencing powers.

   iii. The introduction of an Intermediate Court.

   iv. Any other structural changes to the courts or changes to mode of trial that will ensure the most proportionate use of resource.

In relation to these reform options, the review should consider:

   i. The impacts any changes could have on how demand flows through the criminal courts.

   ii. The potential impacts of any structural changes on the fairness of proceedings, particularly the impact on court users such as witnesses and defendants, and how these could be mitigated where necessary.

   iii. The necessary enabling processes to ensure the most effective implementation of the options, for example the allocations process.

   iv. The implications for appeal routes of the various options.

   v. Necessary changes to thresholds and mode of trial within relevant offence types.

   vi. The sequencing of any changes – for example, whether they should be brought in via a phased approach.

b. The efficiency and timeliness of processes through charge to conviction/acquittal. This should include:

   i. Consideration of how processes through charge to conviction/acquittal could be improved to maximise efficiency. This includes looking at the processes of the courts but also those of partner agencies in the criminal justice system which affect the efficiency of the criminal courts.

ii. Consideration of how effectively previous recommendations – including those contained within the 2015 review Efficiency in Criminal Proceedings – have been implemented and if more could be done for these to successfully increase efficiency within the criminal courts.

iii. Consideration of previous recommendations within the current context of challenges facing the criminal courts, and how these might be updated or built upon.

iv. Consideration of how new technologies, including artificial intelligence, could be used to improve the criminal courts.

In addition to the above, the review should make any other recommendations to tackle the open caseload that emerge as a result of reviewing the options and evidence. The review should consider what can be learned from best practice in other jurisdictions and international comparators.

The review should not consider wider cross-system efficiencies where they do not relate to the efficiency of the courts. Although, as outlined above, the review will consider processes of partner agencies which affect the efficiency of the criminal courts.

It is important that this review complements other work that is currently ongoing which aims to improve the criminal courts. For example, the work of the Criminal Courts Improvement Group will continue, focusing on short-term, operational improvements that can continue to be made whilst the independent review is underway.

As part of the review, relevant partners across the criminal justice system will be consulted and engaged to ensure any subsequent recommendations are both operationally viable and consider other ongoing or planned work to improve efficiency.

The review will respect the different roles and responsibilities of the executive and the independent judiciary in relation to the criminal courts.

The options and recommendations provided should take account of the likely operational and financial context at the time that they may be considered and implemented.

# Annex C – Acknowledgements

I would like to thank the following people, in each case listed in alphabetical order, for their meaningful contributions over the course of this Review, for their written submissions and for their time meeting with me and my team.

## Ministers

- Alex Davies-Jones MP, Parliamentary Under Secretary of State for Victims and Tackling Violence Against Women and Girls (VAWG)
- Rt Hon. Lord Hermer KC, Attorney General
- Sarah Jones MP, Minister of State for Policing and Crime
- Rt Hon. David Lammy MP, Deputy Prime Minister, Lord Chancellor and Secretary of State for Justice
- The Baroness Levitt KC, Parliamentary Under-Secretary of State for Justice
- Rt Hon. Shabana Mahmood MP, Secretary of State for the Home Office
- Sarah Sackman KC MP, Minister of State for Courts and Legal Services
- Rt Hon. Keir Starmer KCB KC MP, Prime Minister of the United Kingdom
- Rt Hon. Wes Streeting MP, Secretary of State for Health and Social Care

## Individuals

- Richard Atkinson, President, The Law Society of England and Wales
- Dr Marc Bailey, Forensic Science Regulator
- Lord Bellamy KC
- Dame Carol Black GBE, Independent advisor to the UK government on drugs
- Kirsty Brimelow KC, Chair of the Bar Council
- Rt Hon. Lord Burnett of Maldon

- Rt Hon. Alex Chalk KC
- Sir Andy Cooke KPM, His Majesty's Chief Inspector of Constabulary and Fire and Rescue Services
- Phil Copple, Former Chief Executive, His Majesty's Prisons and Probation Service
- Kate Davies, NHS England
- Lucy D'Orsi CVO, KPM Chief Constable, British Transport Police
- Rt Hon. Lord Justice Edis
- Tony Edwards
- Dr Jo Farrar CB OBE, Permanent Secretary, Ministry of Justice
- Emma Fenn
- Emma Fielding, Chair of the Young Bar
- Professor Sir Anthony Finklestein
- Rt Hon. Lord Justice Fraser
- Rt Hon. David Gauke, Chair, Independent Sentencing Review
- Phil Golding, Chief Executive, The Association of Police and Crime Commissioners
- Judge Paul Goldspring, Senior District Judge (Chief Magistrate)
- Nick Goodwin, Chief Executive, His Majesty's Courts and Tribunals Service
- Professor Katryn Hohl OBE
- Martin Jones CBE, His Majesty's Chief Inspector of Probation
- Hon. Mr Justice Johnson
- Riel Karmy-Jones KC, Chair, Criminal Bar Association
- Hon. Mrs Justice Knowles
- Catherine Larsen KPM
- Professor Penney Lewis, Law Commissioner for Criminal Law
- Sir Peter Lewis
- Cat Little CB
- Sir Andy Marsh KPM, Chief Executive Officer, College of Policing

- Barbara Mills KC, Chair, The General Council of the Bar
- Claire Murdoch, Chief Executive, Central and North West London NHS Foundation Trust
- Carrie Ord, Berkshire Healthcare NHS Foundation Trust
- Dame Lynne Owens DCB KPM, Deputy Commissioner, Metropolitan Police Service
- Stephen Parkinson, Director of Public Prosecutions
- Amy Rees CB, Homes England
- Howard Riddle CBE
- Anthony Rogers, Chief Inspector of His Majesty's Crown Prosecution Service Inspectorate
- Lousia Rolfe, OBE National Police Chiefs' Council
- Dame Antonia Romeo DCB, Permanent Secretary, Home Office
- Sir Mark Rowley KPM, Commissioner, Metropolitan Police Service
- The Hon. Sir John Saunders
- Lord Sedwill GCMG, FRGS
- Andy Slaughter MP, Chair, Justice Select Committee
- Lord Thomas of Cwmgiedd
- Claire Waxman, Victims' Commissioner

## Organisations

- Accenture
- Association for Police and Crime Commissioners
- Axon Enterprise
- Cabinet Office
- CILEX
- College of Policing
- Criminal Bar Association
- Members of the Criminal Courts Improvement Group
- Members of the Criminal Justice Action Group

- Members of the Criminal Justice Board
- Members of the Criminal Justice Joint Inspectorate Group
- Criminal Law Solicitors' Association
- Crown Office and Procurator Fiscal Service
- Crown Prosecution Service
- Department of Health and Social Care
- Department of Justice New Zealand
- Department for Science, Innovation and Technology
- Financial Conduct Authority
- General Council of the Bar
- GEOAmey
- His Majesty's Courts and Tribunals Service
- His Majesty's Crown Prosecution Service Inspectorate
- His Majesty's Inspectorate of Constabulary and Fire and Rescue Services
- His Majesty's Prisons and Probation Service
- His Majesty's Treasury
- Home Office
- Hope Street
- Independent Review of Disclosure and Fraud Offences
- Institute for Government
- Judicial Office
- JUSTICE
- Justice Select Committee
- Law Commission of England and Wales
- Law Society of England and Wales
- The Lighthouse
- Mayor's Office for Policing and Crime
- Metropolitan Police Service

- Ministry of Justice
- National Police Chiefs' Council
- Serco
- Serious Fraud Office
- Transform Justice
- Westminster Legal Policy Forum
- Members of the Women's Justice Board

I also want to thank the late Baroness Newlove for her engagement with the Review. I am certain her tireless work and advocacy for victims over the years will be continued and I hope the recommendations of the Review strengthen the system's ability to deliver timely and just outcomes for victims.

## Members of the Public

In addition, I have received submissions from judges, justices of the peace and members of the public whom I do not list individually but acknowledge and also thank for their interest in the work of the Review and their contribution.

# Annex D – Independent Review Team

I would like to thank all members of the Review Team who have assisted me from first to last and whose effort has extended far above and beyond the call of duty.

| | |
|---|---|
| Aisha Afzali | Balal Ali |
| Lucy Atkinson | Jamie Barnett |
| Mufida Begum | Isobel Bochel |
| Catherine Bucknell | Daniel Cain |
| Katharine Chapman | Andrew Clark |
| Sarah Connor | Rosina Costello |
| Elle Dawson | Simran Dinas |
| Lana Dolan-Rathmell | Steven Eames |
| Helen Evans | Imogen Farthing |
| Rebecca Harris | Natasha Henry |
| Lucia Ive | Scott Kennard |
| Razina Khan | Tom Lark |
| Maria Madsen | Polly Newman |
| Ed Pyle | Weronika Rakowska |
| David Rapley | Amy Rhoads |
| Bradley Rose | Owen Seaton |
| Isaac Sheppard | Alexis Sotiropoulos |

| | |
|---|---|
| Georgia Stainforth | Tom Stevens |
| Joy Teddy-Jimoh | James Templeman |
| Clare Toogood | Jannah Uzma |
| Anna Webb | Beth Weir |
| Colin Wright | |

# Annex E – Technical Annex

## Scenario Analysis

### Introduction

1. Throughout this Review, a comprehensive set of recommendations have been made that will impact efficiency in the courts. It has not been possible to measure the impact of each recommendation in this Review due to the high volume of recommendations and the complex interactions of their impacts. Instead, throughout the report, a set of key efficiency metrics have been identified which drive efficiency in the courts. Each of these can be described and influenced by numerous more granular metrics, illustrated by the mapping diagrams at the end of each chapter. By grouping them in this way, these key efficiency metrics can be used as a framework for assessing changes to efficiency in the courts. This Technical Annex outlines these key metrics and, for each court, sets out a series of scenarios that seek to explore, illustratively, the changes needed in those metrics to bring down the open caseload by 2030/31.

2. The goal of this exercise is not to provide an assessment of the expected impact of the recommendations made in the Review, but rather to show what level of improvement in efficiency measures need to be achieved to start bringing down the open caseload. The analysis then compares those changes to historic performance to assess feasibility. It is worth stating that seeing a reduction from 2030/31 onwards should not be perceived as a 'good' outcome for the criminal courts – this would still mean increases in the overall caseload until this point.

3. It is also worth noting upfront that whilst the system remains under as much stress as it is currently, my judgement is that it is not possible to deliver a wide-ranging programme of reform that delivers significant efficiency gains. Inefficiency is both a symptom and a cause of the rising caseload, as the pressure caused by a high caseload inevitably leads to failures in the system. In such a challenging operating environment, the breadth of change I am proposing here will not succeed. In order to achieve the full impacts from my efficiency recommendations, the government must also take steps to reduce

the pressure in the system. Implementing the structural reforms recommended in Part I of this Review is the only way to create an environment whereby it may be possible to achieve essential further savings from efficiency measures.

## Efficiency Metrics

4. As set out in Chapter 2 (Context) and throughout this Review, the key metrics identified that drive changes to Crown Court efficiency are: hearing time per sitting day; hearing time per case; and sitting day capacity:

   a. Hearing time per sitting day (HT/SD) measures the time that hearings are actively happening within the five available hours of a sitting day.

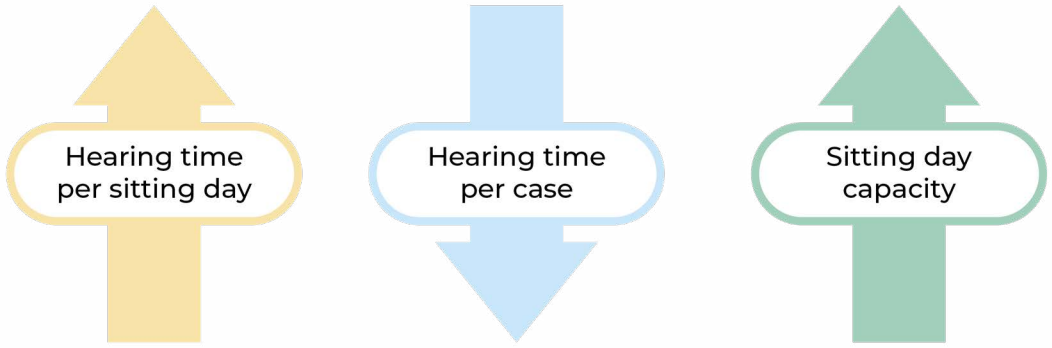
   b. Hearing time per case (HT/C) is the total active hearing time associated with each case, across all hearings and measured at the end of court proceedings.

   c. Sitting-day capacity refers to the maximum number of days that courts could potentially operate in a year, largely determined by the number of allocated sitting days annually. There are separate sitting day allocations for the magistrates' and Crown Courts.

5. Current trends in these metrics and contributing factors of each are discussed in detail in Chapter 2 (Context). Figure 12.1 below shows the desired direction of change of the key metrics to improve efficiency in the court system.

**Figure 12.1**

**Desired direction of change of the key metrics to improve efficiency in the court system**



6. Although similar metrics impact efficiency in the magistrates' court, due to the way sessions are listed and reported, it is not possible to track hearing time per sitting day or hearing time per case in the same way as in the Crown Court. This is primarily because in the magistrates' court cases are listed in bulk for a total session, therefore management information on how much time was devoted to each case in a session is not collected. Instead, the key metric that is used for scenario analysis in this chapter is disposals per sitting day. This measures the average number of cases completed per sitting day and is tracked separately for Single Justice Procedure (SJP) and non-SJP work. These metrics should increase (drive up) with improved efficiency. Further detail on how this metric is calculated can be found in Chapter 2 (Context), and details on limitations with interpreting this metric can be found in the detailed assumptions and caveats section below. I use hearing time per sitting day (HT/SD) and hearing time per case (HT/C) for the Crown Court to provide a more granular assessment of efficiency in the Crown Court.

7. Across each of the chapters, the recommendations I have made are mapped to the above key efficiency metrics with policy maps providing a visual summary of their intended impact. These policy maps are intended to illustrate aims rather than establish causal or quantitative effects. It is important to consider the interplay of the recommendations, and to note that there are other positive impacts not mapped to these metrics, such as increased staff morale and improvements to pre-court activity, which could contribute to longer term improved efficiency.

8. To understand the scale of the challenge, the analytical team have carried out analysis of various scenarios including 'turning point' analysis, which takes the system as it is currently expected to operate as a baseline, and then calculates the level of change required in the above key efficiency metrics for the open caseload to reduce within five years. This analysis is not designed to quantify the impact of individual recommendations, but illustratively to explore the progress that could be made in the magistrates' and Crown Courts through improved efficiency, and the scale of the challenge in terms of clearing the current open caseload.

## Methodology

9. The MoJ has published projections for the Crown Court open caseload[548] and magistrates' caseload[549] which are also used here, as they have been made available to the Review team by the MoJ and HMCTS. In this analysis, these projections are used as the 'baseline', whereby no adjustments have been made for the potential impacts resulting from Part I of this Review, nor for any increases in the number of sitting days allocated to courts above what is assumed in baseline projections. Keeping the productivity levels unchanged from the baseline assumptions, this approach shows what the open caseload would be if no changes are made, in a 'do nothing' scenario.

10. Although sitting-day capacity improves throughput and is a target measure of the recommendations set out in this Review, for the purpose of this analysis it is assumed that sitting-day capacity remains at the baseline levels allocated to the courts in the MoJ caseload projections. Where some recommendations in this Review do impact on capacity (e.g. additional judges), this is expected to be in the longer term. See Part I for an exploration of the impact of additional capacity on the outstanding Crown Court caseload.

11. From the baseline, key efficiency metrics (hearing time per sitting day, hearing time per case for the Crown Court and SJP and non-SJP disposals per sitting day for the magistrates' court) are then adjusted to understand what impact this may have on the open caseload. From this, it is possible to identify the values that the metrics need to reach to see a decline in the open caseload within five years, and before financial year 2030 to 2031. It is then possible to assess whether reaching those levels is achievable or operationally realistic in the current system. This approach isolates the impact of efficiency rather than resource expansion (increasing sitting-day capacity).

548 Source: Prison Population Projections: 2025 to 2030 (MoJ, December 2025).

549 Unpublished Magistrates Caseload Projections 2025/26 – 2029/30, HMCTS, MoJ. For further detail refer to 'Magistrates' court caseload projections methodology' section below.

12. Comparisons with historic metric levels should not be interpreted as achievable targets or as expected impacts of this Review's recommendations. As set out in Chapter 2 (Context) and Problem Diagnosis in Part I of this Review, the criminal justice system now operates in a fundamentally different context from the pre-COVID-19 period, when there were fewer police officers, fewer arrests, lower incoming receipts, a smaller open caseload and a court system fundamentally working under less pressure.[550] Given the current structures of the courts, without the structural changes recommended in Part I to ease pressure and reduce the open caseload, it is unlikely that efficiency levels comparable to those seen before COVID-19 can be realised.

13. The following key assumptions apply:

    a. All turning point scenarios assume a five-year gradual improvement profile is needed for metrics to reach the required level, details of this assumption can be found in the section 'Scenario Analysis – Detailed Assumptions and Caveats'.

    b. Baseline scenarios do not include the impacts of Part I, which are expected to increase the volume, and may increase the complexity, of cases in the magistrates' court. The baseline modelling does not consider the effects of any changes to legislation or operational processes that could impact efficiency.

    c. Baseline scenarios make assumptions about how the court prioritises work. If the court were to prioritise more complex cases, the required level to reach turning point would likely need to be higher.

    d. Each scenario assesses the efficiency metrics independently and does not look at interactions of changes to both metrics. Combining the impacts across both metrics would require speculative assumptions about the relative strength of impact on each metric and how the metrics might influence one another.

550 The Rt Hon. Sir Brian Leveson, Independent Review of the Criminal Courts: Part I (MoJ, 2025).

## Outputs – Crown Court

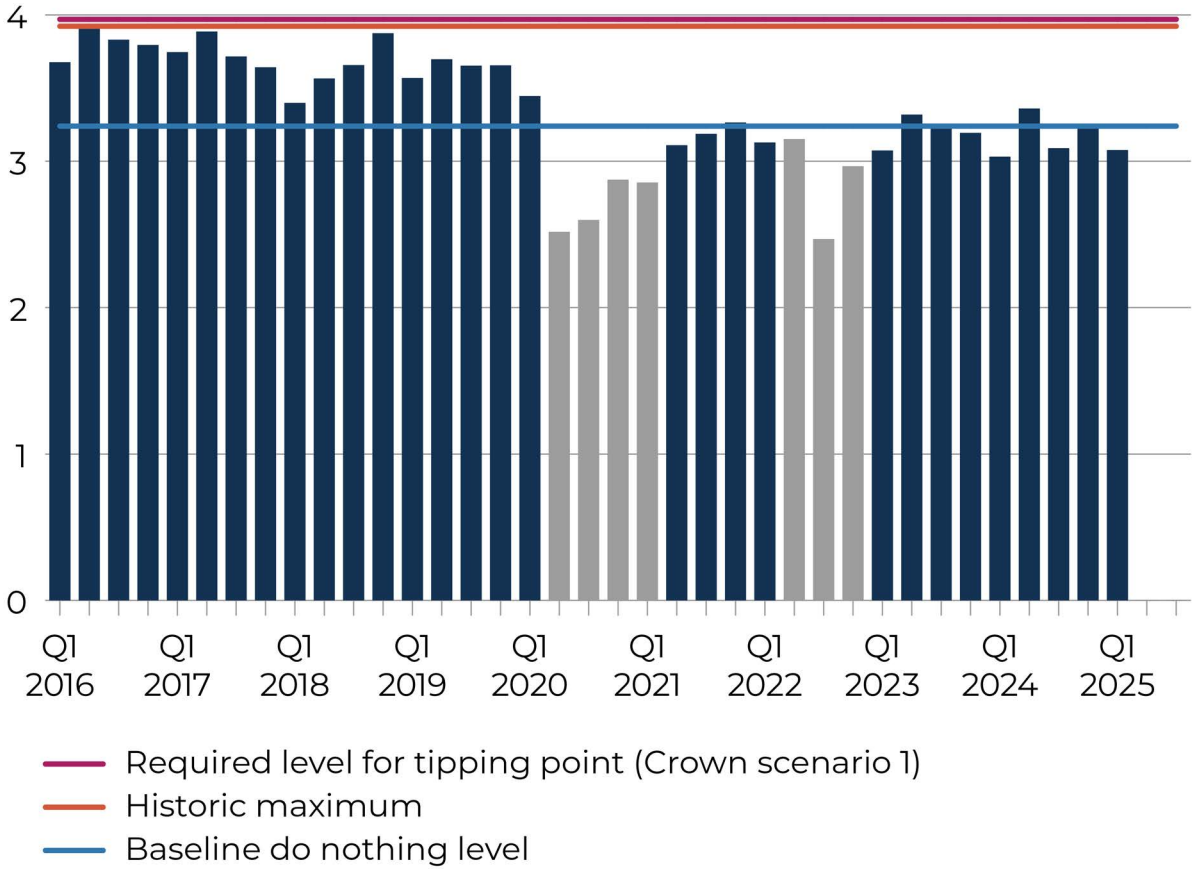
### Scenario C1 (adjusting HT/SD only until turning point reached)

14. Keeping hearing time per case in line with current baseline levels in the MoJ's caseload projections, hearing time per sitting day would need to increase by 44 minutes above current levels, reaching 3 hours and 58 minutes by 2030/31 for the system to achieve the turning point within five years and a sustained decline of the open caseload from this point. Figure 12.2 shows historic levels of the hearing time per sitting day metrics.

**Figure 12.2**

**Historic levels of hearing time per sitting day, historic maximum and level required to reach turning point in scenario C1**

England and Wales: 2016 to 2025




Grey bars show outliers excluded due to Covid-19 (Q2 2020 - Q1 2021) and CBA industrial action (Q2 2022 - Q4 2022)

Source: Criminal court statistics quarterly, July to September 2025; HMCTS Management Information, 2025

15. In the current system, reaching a hearing time per sitting day of 3 hours 58 minutes (increasing 44 minutes above current levels) is highly optimistic. The metric was closer to this level throughout 2016, however, it was not sustained for many quarters and decreased even before the COVID-19 period. The highest recorded value was 3 hours 55 minutes per sitting day in Q2 2016. The context of the Crown Court was very different in 2016, with the open caseload at a much lower level (between 43,000 and 48,000 in 2016 compared to 80,000 in Q3 2025)[551] and as set out in Chapter 2 (Context), lower incoming receipts and a different case mix.

### Scenario C2 (adjusting HT/C only until turning point reached)

16. Keeping hearing time per sitting day constant at the current baseline level requires an 18% reduction to hearing time per case across all case types to achieve a turning point within five years. This is the equivalent of reducing indictable only cases by 98 minutes, either way cases by 38 minutes, appeals by 13 minutes and sentencing cases by eight minutes, on average.

17. An 18% reduction in time taken on average across all cases is highly optimistic and not a realistic expectation given the current operating environment. Since 2016 (excluding the COVID-19 period), the greatest reduction from baseline levels have been 6% for indictable only cases, 21% for either way cases, 6% for appeals and 10% for sentencing cases and 12% overall.[552] Figures 12.3a to 12.3d show historic trends of the hearing time per case metric, outlining current levels (baseline), historic minimums (using an annual rolling average and excluding the COVID-19 period) and level required to meet turning point in Scenario C2.[553]

551 Source: Criminal court statistics quarterly: July to September 2025 (MoJ, December 2025).

552 Ibid.

553 Ibid.

18. It should be noted that recent values of this metric (from Q3 2024) for either way and indictable only cases are lower than the baseline and include the historic minimum of the time series. This does not mean courts have been running more efficiently recently. In Chapter 2 (Context), this trend was discussed, and it was shown that when hearing time per case was broken down by plea or case type, hearing times have in fact increased for all categories except 'dropped' which will be, in part, driving this change. For example, guilty plea cases rose from 1.5 to 1.9 hours, and not guilty plea trials increased from 14.9 to 16.7 hours from 2016 to 2024. The overall reduction is therefore driven by a shift in prioritisation of which cases to dispose of, with courts handling proportionally more committals for sentence and dropped cases, which are less time- and resource-intensive. Therefore, recent hearing times do not reflect the more complex cases remaining in the open caseload.

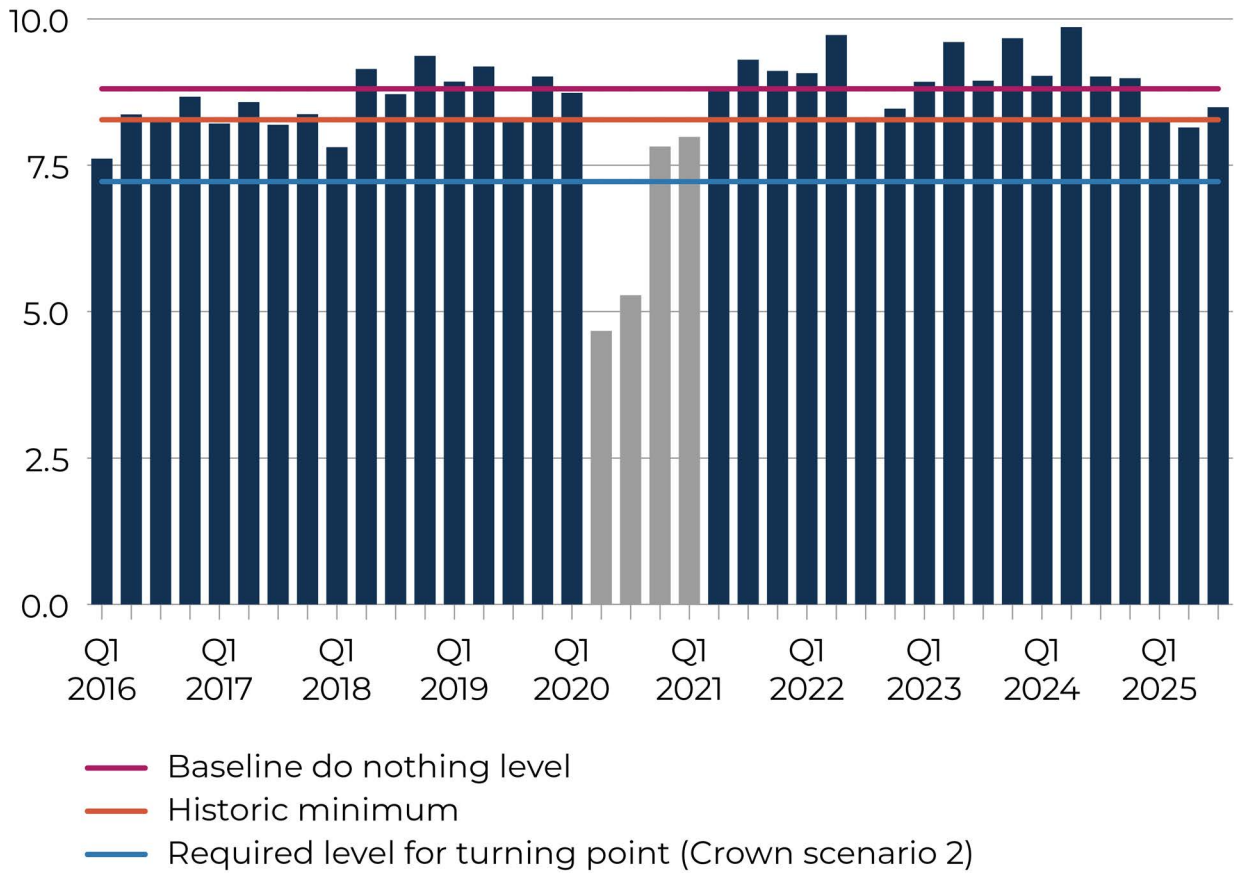
19. The baseline average hearing time per case used in the MoJ's caseload projections are not in line with current levels, but instead they are derived from average hearing times from 2018/19, based on an assumption that cases disposed of in this period are more reflective of cases left in the open caseload.

20. While this analysis does not account for the impacts of Part I, it is important to note the interdependencies of impacts of the Crown Court Bench Division (CCBD) recommended in Part I, which is likely to reduce hearing time per case for either way cases due to the time savings for hearings without a jury. Therefore, if a CCBD is introduced, there will be even less scope to further reduce hearing time per case for the cohort of cases heard in the CCBD.

**Figure 12.3a**

**Hearing time per case for Crown Court indictable only cases (hours)**

England and Wales: 2016 to 2025



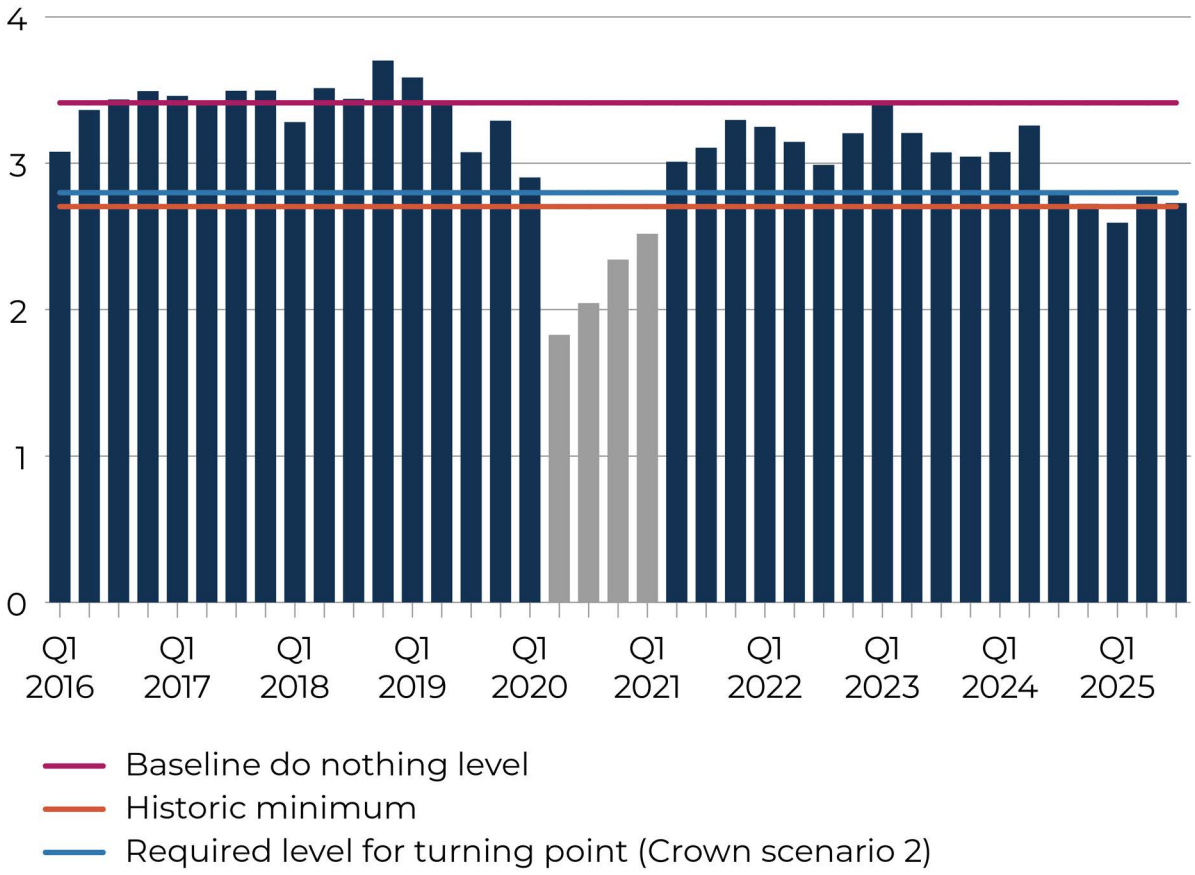

Grey bars show outliers excluded due to Covid-19

Source: Criminal court statistics quarterly, July to September 2025

**Figure 12.3b**

**Hearing time per case for Crown Court triable either way cases (hours)**

England and Wales: 2016 to 2025



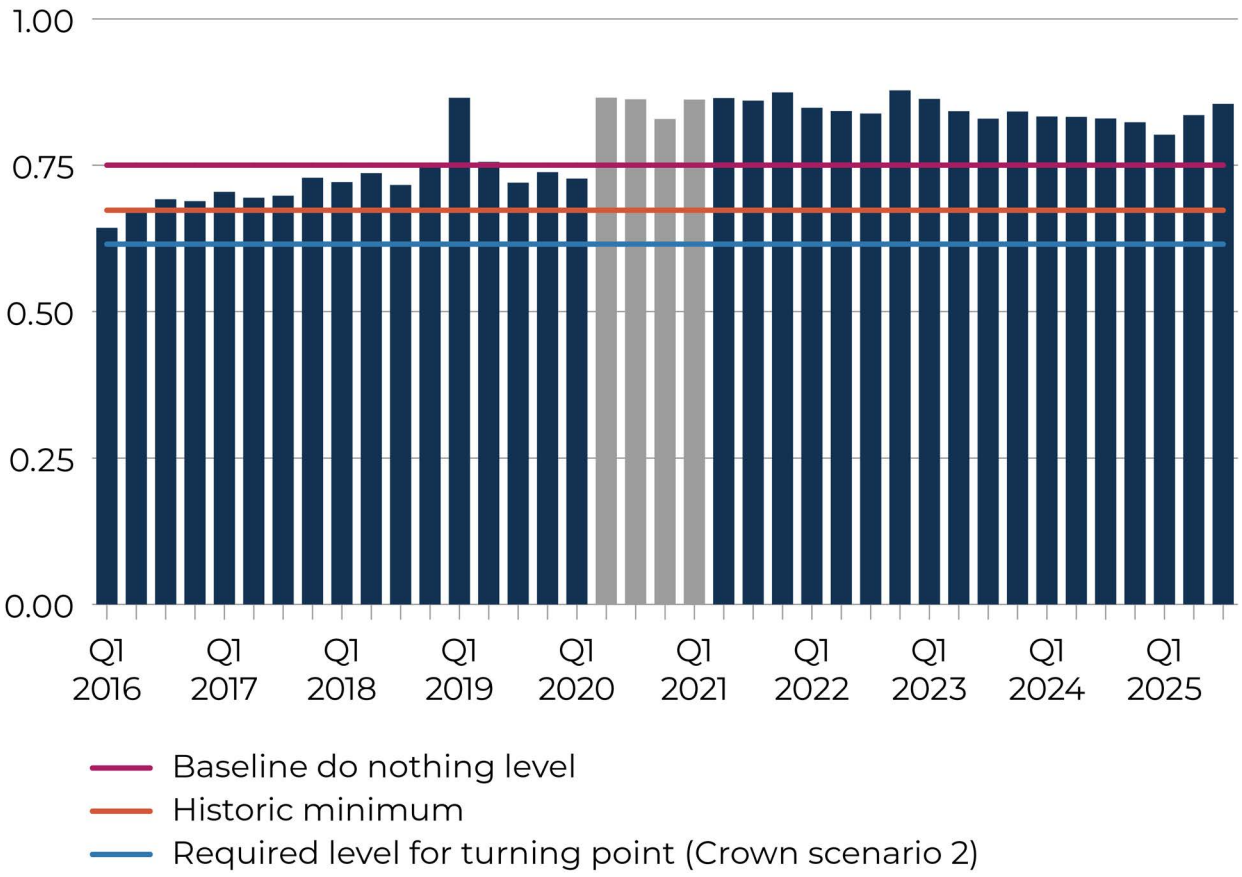

Grey bars show outliers excluded due to Covid-19

Source: Criminal court statistics quarterly, July to September 2025

**Figure 12.3c**

**Hearing time per case for Crown Court committals for sentence (hours)**

England and Wales: 2016 to 2025



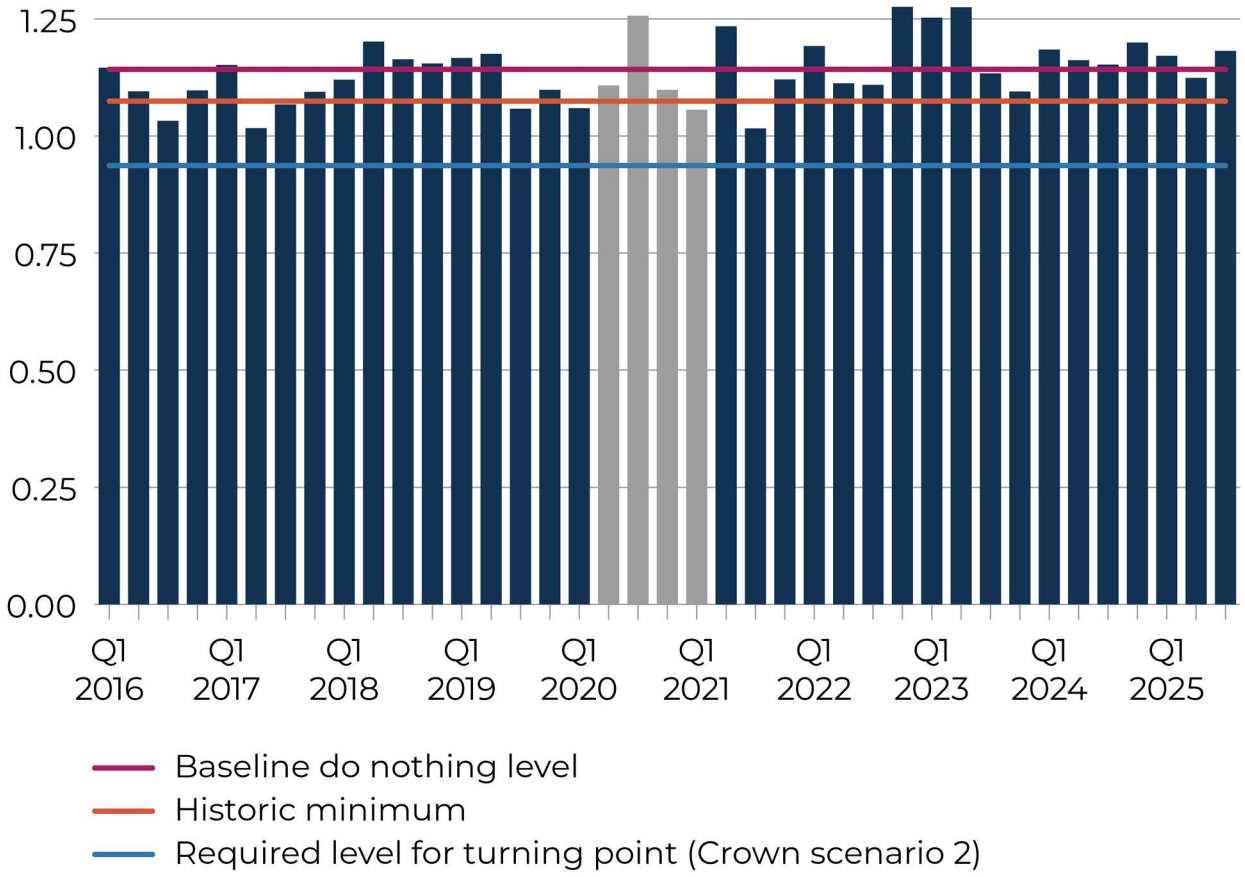

Grey bars show outliers excluded due to Covid-19

Source: Criminal court statistics quarterly, July to September 2025

**Figure 12.3d**

**Hearing time per case for Crown Court appeal cases (hours)**

England and Wales: 2016 to 2025




Grey bars show outliers excluded due to Covid-19

Source: Criminal court statistics quarterly, July to September 2025

21. Table 12.1 can be used to contextualise what the reductions to time per case are in relation to the length of hearings associated with each case. For example, a 25-minute reduction to indictable only guilty plea cases is equivalent to removing, on average, an entire hearing from the case. This does not imply that simply removing an entire hearing from cases is achievable, as this would need to be delivered on all cases, many of which do not have sufficient hearings for this to be possible. Moreover, a 25-minute reduction to indictable only cases is far less than is needed to see a reduction in the open caseload before 2030/31.

**Table 12.1**

**Average number of hearings and average length of hearings associated with each case in Q3 2025**

| | Case type | Average number of hearings per case | Average length of hearings (minutes) |
|---|---|---|---|
| Indictable Only | All cases | 6 | 81 |
| | Guilty Plea | 5 | 25 |
| | Dropped | 5 | 21 |
| Either Way | All cases | 5 | 35 |
| | Guilty Plea | 5 | 20 |
| | Dropped | 4 | 16 |
| Appeal | All cases | 2 | 34 |
| Committals for Sentence | All cases | 2 | 24 |

Source: Criminal court statistics quarterly, July to September 2025 (MoJ, December 2025).
Note: The average length of a hearing will be skewed for cases with trials (not guilty pleas) as these hearings take the most time.

## Outputs – Magistrates' Court

### Scenario M1 (SJP disposals per sitting day)

22. Keeping current non-SJP disposals per sitting day constant at current baseline levels (eight per day), an increase of SJP disposals per sitting day from 60 to 240 cases per day would see the system reach turning point within five years (by 2030/31). As set out in Chapter 2 (Context), whilst the magistrates' court disposes of relatively more SJP cases, these are far quicker than non-SJP cases, hence the large increase needed in SJP cases alone to bring down the caseload.

### Scenario M2 (non-SJP disposals per sitting day)

23. Keeping current SJP disposals per sitting day constant at current baseline levels (60 per day), an increase of non-SJP disposals per sitting day from eight to nine cases per day would see the system reach turning point within five years (by 2030/31). Since 2022, the disposals per sitting day for both scenarios M1 and M2 have not been achieved (see Table 12.2) and is unlikely to be feasible without significant changes to SJP and non-SJP processes.

24. These scenarios are incredibly optimistic, or in fact entirely unrealistic for the SJP scenario (M1), given the current crisis in the courts. It should also be noted that impacts from recommendations in Part I of this Review may affect efficiency in the magistrates' court. Implementing policy changes from Part I could increase the work required to deal with non-SJP criminal cases, particularly sentencing hearings and trials – the most complex types of work handled in the magistrates' court. Without operational changes, the potential increased complexity of work in the magistrates' court, owing to reforms resulting from Part I, could reduce non-SJP disposals per sitting day further, creating additional challenges to achieve the disposal per sitting day modelled in these scenarios.

**Table 12.2**

**Historic sessions, disposals and disposals per sitting day for SJP and non-SJP cases**

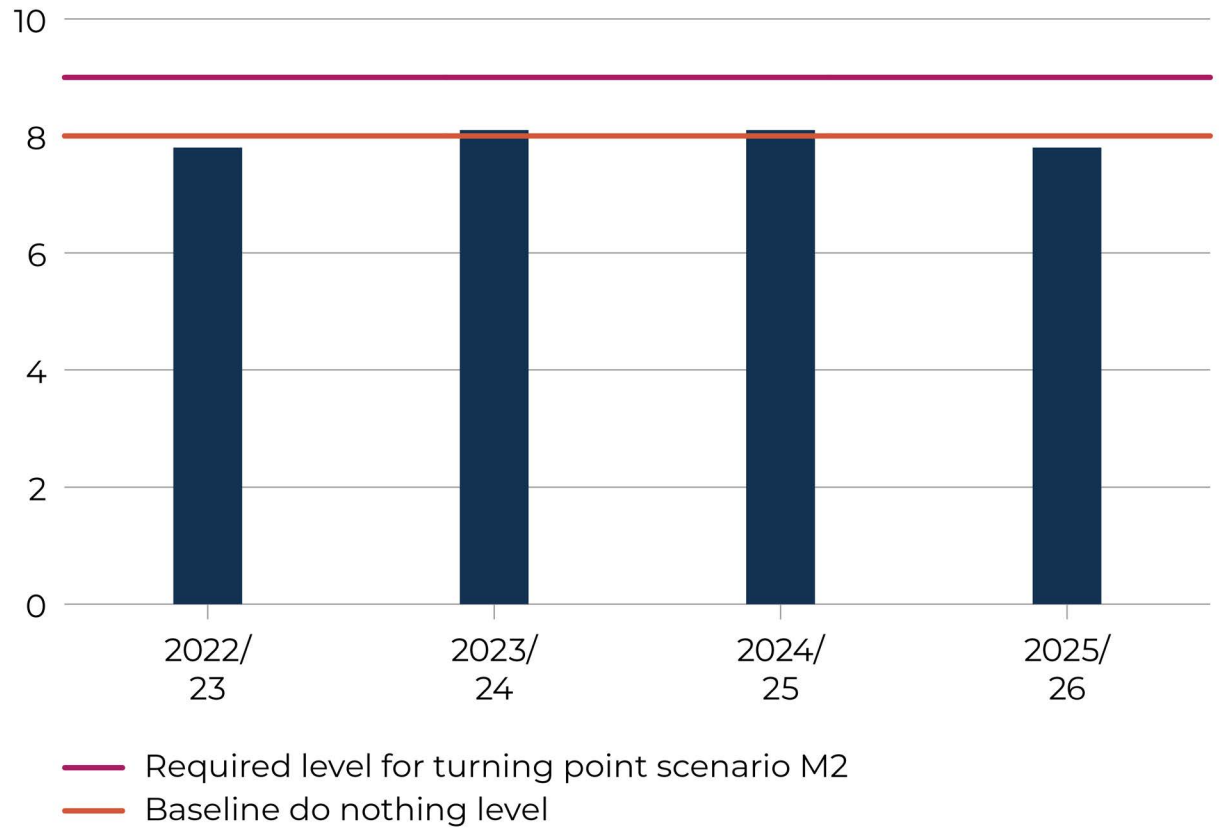
| | SJP | | | Non-SJP | | |
|---|---|---|---|---|---|---|
| | Number of Sessions | Number of Disposals | Disposals per sitting day | Number of Sessions | Number of Disposals | Disposals per sitting day |
| 2016/17 to 2021/22 | Reliable data is not available for these years due to changes in how SJP and non-SJP are recorded, and the roll-out of a new case management system | | | | | |
| 2022/23 (Jul-Mar) | 19,300 | 571,500 | 59.2 | 143,000 | 557,300 | 7.8 |
| 2023/24 | 27,300 | 824,000 | 60.3 | 186,900 | 760,400 | 8.1 |
| 2024/25 | 31,100 | 845,000 | 54.3 | 191,800 | 780,000 | 8.1 |
| 2025/26 (Apr-Sept) | 17,100 | 401,000 | 46.9 | 98,800 | 383,700 | 7.8 |

Source: HMCTS Unpublished Management Information. Note: the number of sessions and disposals in both 2022/23 and the most recent year is lower due to each being a partial year, however the disposal per sitting-day measures are comparable. Figures are rounded to the nearest hundred.

**Figure 12.4a**

**Historic levels of non-SJP disposal rates and non-SJP disposal rates of baseline and scenario M2**

England and Wales, 2022/23 to 2024/25, Projections start at 2025/26

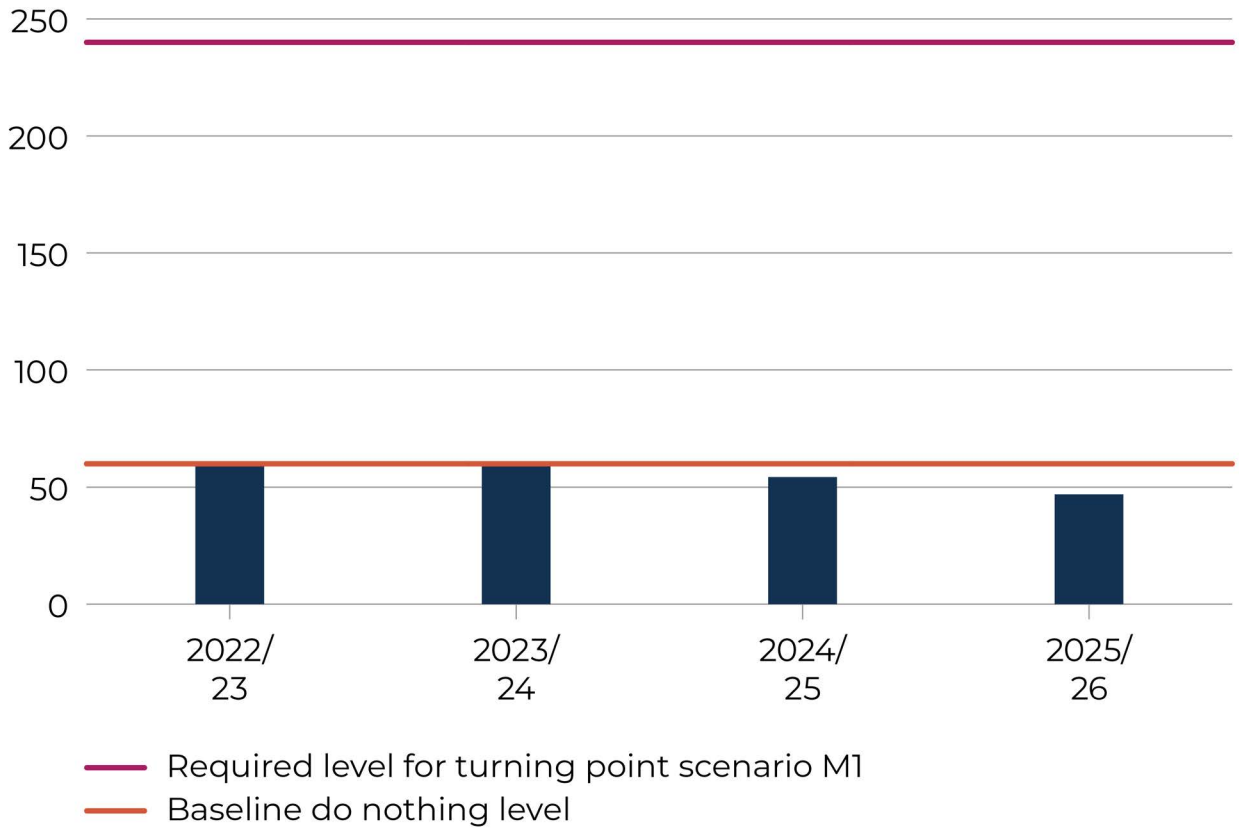



Source: Magistrates' caseload projections 2025/26 to 2030/31, HMCTS

**Figure 12.4b**

**Historic levels of SJP disposals per sitting day and SJP disposals per sitting day of baseline and scenario M1**

England and Wales, 2022/23 to 2024/25, Projections start at 2025/26




Source: Magistrates' court open caseload projections (not yet published)

## Discussion of Scenario Analysis

25. The Crown Court turning point analysis presented here makes it clear that, given the scale of the crisis and increasing open caseload, radical and immediate changes are needed to turn the corner and begin reducing the Crown Court open caseload within a five-year period. The efficiency changes needed to merely bring the caseload down after five years of it continuing to rise are huge and highly optimistic. Comparing the changes needed to historic levels should not be interpreted as an achievable target. Given the significantly higher pressures the courts are working with now, full efficiency gains from the breadth of recommendations in this Review will not be achieved without urgent implementation of structural

recommendations from Part I. More importantly, it is crucial to recognise that simply reaching turning point, where the open caseload begins to decline within five years, should not be seen as a success. During this period, new cases will continue to be added to the Crown Court open caseload, which is predicted to exceed 100,000 by November 2027.[554] While a reduction of the open caseload from this level would be an encouraging indication of progress, it does not mean that the courts have fully recovered and victims, witnesses and defendants will continue to face long delays.

26. The magistrates' court turning point analysis paints a similar picture and reinforces the scale of the challenge; incredibly optimistic increases to current levels of efficiency are needed to reduce the magistrates' court caseload. Given that SJP work is already processed at speed with a high throughput, unrealistic high percentage improvements to this metric are needed to change open caseload outcomes. A comparably larger caseload projection may be more manageable for magistrates' courts than for the Crown Court (the magistrates' court current open caseload represents the equivalent of approximately one quarter's worth of receipts, whereas the Crown Court open caseload represents over half a year's receipts).[555] However, this analysis reflects a system prior to any recommendations from Part I of this Review being implemented, where it is possible a higher volume and increased complexity of cases will arrive in the magistrates' court. It is therefore essential that improvements in efficiency within the magistrates' court are accompanied by increased sitting day capacity to stabilise and reduce the open caseload.

27. Overall, analysis in this chapter demonstrates that, whilst crucial to the overall recovery of system, efficiency changes alone are not enough in the scale of the current crisis, and so policy reforms along with additional capacity are essential. The policy recommendations in Part I provide foundational shifts needed to address systemic issues that efficiency improvements alone cannot resolve. Implementing both Part I and Part II recommendations as a matter of urgency will help ensure not only that the caseload decreases and a quicker pace, but that this is sustained over time, and the courts can be resilient against future pressures.

554 Source: Prison Population Projections: 2025 to 2030 (MoJ, December 2025).

555 Source: Criminal court statistics quarterly (2025).

## Scenario Analysis – Detailed Assumptions and Caveats

28. The Crown Court baseline used in the scenario analysis in this chapter is the central caseload projection used by the MoJ. The following assumptions are pertinent to the analysis presented in this Review:

    a. Hearing time per sitting day is calculated as the average of the total number of hearing hours in a period related to a disposal, out of the total number of sitting days in that same period. It is assumed that the baseline hearing time per sitting day is 3 hours and 14 minutes per sitting day.

    b. Time per case is calculated as the sum of all hearings associated with a case. Average hearing times from 2018/19 are used as baseline hearing times for projections, as the hearing times over this period are more reflective of the cases remaining in the open caseload.

    c. MoJ caseload projections have been updated since Part I of this Review and therefore will be different from those used for impact modelling in Part I.

29. Impacts from Part I of this Review have not been included in the baseline scenario, and the full extent of impacts has not been modelled on efficiency measures in the Crown Court. Further, impacts of Part I on magistrates' court central projections could increase both the volume and complexity of cases in the magistrates' court, which would require a further increase to the 'turning point' values of SJP and non-SJP disposals per sitting day stated.

30. To reflect how long it takes for efficiency improvements to reach their full impact in the court system, the following gradual ramp-up profile is used:

**Table 12.3**

**Ramp up profile for efficiency impacts to reach their full impact with suggested reasoning**

| Year | Proportion of efficiency change met | Interpretation |
|---|---|---|
| 0 (25/26) | 0% | Year of Review and parliamentary decisions. |
| 1 (26/27) | 0% | Very few recommendations implemented in first year post Review. Early pilots. No impact on metrics due to lag of cases coming through the system and being seen in the data. |
| 2 (27/28) | 15% | Lower impact due to lag in data, and that wider system changes are needed before full impacts are met. |
| 3 (28/29) | 30% | Mid–implementation of recommendations. |
| 4 (29/30) | 65% | Acceleration of recommendations implemented, and impacts seen. |
| 5 (30/31) | 100% | Full impact. |

31. Therefore, any outputs stating that HT/SD or HT/C must reach a certain level to achieve a turning point assume these levels are only reached after the five-year period.

32. This profile recognises both that efficiency changes take time to implement practically, and that there is a lag until impacts are reflected in key metrics. Efficiency measures will not immediately affect HT/SD or HT/C once they are introduced; broader cultural and systemic changes are needed, and current circumstances such as backlogs, prison capacity pressures and case mix create a feedback loop that slows improvements to efficiency.

33. This is acknowledged to be an optimistic view of the speed at which efficiency could improve; if efficiency recommendations are delayed in implementation, or if the open caseload continues to increase and symptoms associated with the volume of the open caseload do not change in this timeframe, the turning point figures may be different.

34. All turning point outputs assume there is no change to the current system.

    a. Although capacity is considered one of the key metrics which drives efficiency, the turning point analysis assumes no changes to capacity above what is used in the baseline caseload projections.

    b. It is assumed that courts sit two 2.5-hour sessions (five hours) a day. This analysis does not look at a situation where additional time is added to a sitting day.

    c. All scenarios assume case prioritisation, case split and severity remains the same over time. This is unlikely to hold if, for example, recommendations from Part I are introduced.

35. In reality, this may not be the case. For example, a decrease in HT/C could lead to greater volumes of cases being dealt with each day, and therefore an increase to downtime between hearings which could in fact lead to a decrease in HT/SD.

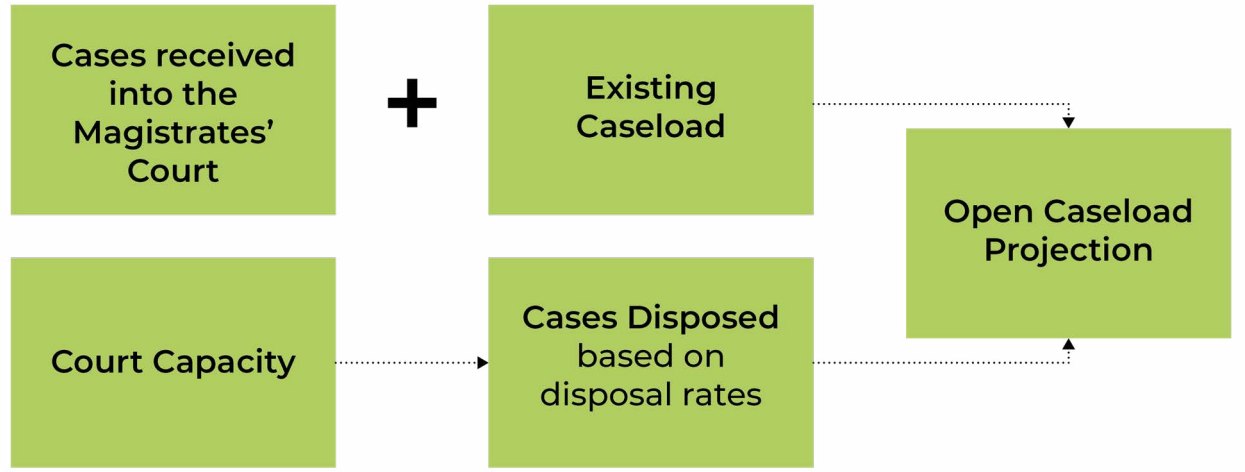
36. Magistrates' court baseline projections of incoming demand for future years are based on MoJ's demand forecasts for criminal work. Non-criminal work (including any civil, enforcement or warrant applications cases dealt with in the magistrates' court) are assumed constant, which may not reflect future changes.

37. Disposals per sitting day in the magistrates' court rates also do not account for case complexity, meaning improvements in efficiency could be masked by shifts in case mix. These limitations should be considered when interpreting trends, and assessing the feasibility of, achieving higher disposals per sitting day.

## Magistrates' Court Caseload Projections Methodology

**Figure 12.5**

**Key components of magistrates' court open caseload projection modelling**




38. The modelling of incoming demand (which is based on three plausible scenarios which have been agreed between the MoJ, the Home Office and the CPS and details of which were published as part of the prison population projections[556] in December 2025), provide figures for expected criminal receipts in the magistrates' court. However, these projections cover criminal work arising from prosecutions (85% of total demand) and therefore do not capture all new work which must be processed by the magistrates' court. HMCTS modelling extends these projections to include cases received in other categories of work (mainly civil and enforcement work). This looks at recent receipts in these categories and assumes demand remains at this level.

39. The model takes the projections of defendants entering court (court receipts) and separates them into two groups: cases that can be handled through the Single Justice Procedure (SJP) and those that cannot. It then applies historical disposal rates to each group to estimate the volume of work that will need to be completed. Finally, the model uses estimates of court capacity to determine how much of this work can realistically be handled (i.e. the number of cases that can be disposed of).

556 Source: Prison Population Projections: 2025 to 2030 – GOV.UK.

40. The open caseload projection is then a function of these receipt and disposal projections based on a stock-flow model. The predicted receipts are added to the current open caseload and predicted disposals are taken off. The open caseload in period t+1 is equal to the open caseload in period t plus the receipts in period t+1 minus the disposals in period t+1. The magistrates' court open caseload projection is shown in Table 12.4 below.

41. There is inherent uncertainty in this projection, and the actual future open caseload is likely to deviate from the estimate. These projections do not include the impact of policies which are yet to receive parliamentary approval and therefore the open caseload projections for courts do not include any impacts from Part I of this Review nor the Sentencing Bill. Other key uncertainties include the expected future demand into courts (receipts), the route that cases will take through the system and future court capacity and productivity.

**Table 12.4**

**Annual projections of magistrates' court open caseload covering criminal, civil and enforcement work[557]**

| Date | Low | Central | High |
|---|---|---|---|
| 31 March 2025 | 365,000 | 365,000 | 365,000 |
| 31 March 2026 | 425,000 | 425,000 | 425,000 |
| 31 March 2027 | 502,000 | 602,000 | 660,000 |
| 31 March 2028 | 540,000 | 775,000 | 910,000 |
| 31 March 2029 | 541,000 | 938,000 | 1,166,000 |
| 31 March 2030 | 543,000 | 1,114,000 | 1,442,000 |

557 The figures presented here for March 2025 are higher than figures published in Table M1 of Criminal Court Statistics as those figures only cover criminal caseload and these also include civil and enforcement workload. The low, central and high scenarios reflect the three plausible demand scenarios.

## Ineffective Trial Groupings

42. There are many reasons recorded for ineffective trials. The MoJ published data sets out 29 reasons.[558] For the purposes of this Review, I have aggregated these 29 individual reasons into nine groups which I believe represent the various drivers. These grouping used are:

    a. Readiness of prosecution includes: 'Prosecution not ready – served late notice of additional evidence on defence' and 'Prosecution not ready – other'.

    b. Readiness of defence includes: 'Defence not ready – disclosure problems (inc. late alibi notice)' and 'Defence not ready – other'.

    c. Availability of defendants includes: 'Defendant absent – did not proceed in absence (judicial discretion)', 'Defendant absent – unable to proceed as Defendant not notified of place and time of hearing', 'Defendant ill or otherwise unfit to proceed' and 'Defendant not produced by prisoner escort custody services'.

    d. Availability of prosecution witnesses includes: 'Prosecution witness absent – police', 'Prosecution witness absent – professional/expert' and 'Prosecution witness absent – other'.

    e. Availability of defence witnesses includes: 'Defence witness absent'.

    f. Availability of prosecution includes: 'Prosecution advocate engaged in another trial' and 'Prosecution advocate failed to attend'.

    g. Availability of defence includes: 'Defence advocate engaged in another trial' and 'Defence advocate failed to attend'.

    h. Over-listing includes: 'Overlisting (insufficient cases drop out/ floater/backer not reached)'.

    i. Other includes all remaining reasons.[559]

558 Criminal court statistics (MoJ, October 2025).

559 This includes: 'Prosecution increased time estimate – insufficient time for trial to start', 'Defence increased time estimate, insufficient time for trial to start', 'Another case overran', 'Prosecution failed to disclose unused evidence', 'Defence asked for additional prosecution witness to attend', 'Defendant dismissed advocate', 'Judge/magistrate availability', 'Equipment/accommodation failure', 'Insufficient jurors available', 'Outstanding committals in a Magistrates' Court', 'Outstanding committals in other Crown Court centre' and 'No interpreter available'.

To note, these are different from the groupings used in the National Audit Office March 2025 report 'Reducing the backlog in the Crown Court'.[560]

560 Source: National Audit Office, Reducing the backlog in the Crown Court (MoJ and HMCTS, March 2025).