



LORD CHIEF JUSTICE
OF ENGLAND AND WALES

THE RIGHT HONOURABLE THE LORD BURNETT OF MALDON

Baroness Drake
Chair of the Constitution Committee
House of Lords,
London.
SW1A 0PW

30 June 2022

Dear Baroness Drake,

Follow up on oral evidence session on 18 May 2022

Thank you for your kind words in your letter of 26 May. It is always a pleasure to appear before the Consitutiton Committee.

As you note, there were two matters on which I endeavoured to provide further clarification.

Lord Falconer asked whether I had ‘figures for contested serious sexual violence trials in the Crown Coort as opposed to pleas?’ He asked whether delay had increased and what is the average delay now.

The Ministry of Justice publishes timeliness figures broken down by plea. Looking at these figures for all offences (the first table below) and sex offences (the second table) it can be seen that whilst overall timeliness for sex offences is worse than for all offences (in 2021 this was 317 days compared to 256 days), the comparison by plea is very similar (Guilty Plea in Sex = 202 vs Guilty Plea in All = 218, and Not Guilty Plea in Sex = 427 and Not Guilty Plea in All = 425).

All Offences - Receipt at Crown to Completion - Days												
	All Cases				TEW Cases				IO Cases			
Year	All	GP	NGP	Other	All	GP	NGP	Other	All	GP	NGP	Other
2014	177	152	277	192	165	144	272	187	195	165	281	201
2015	199	169	304	221	188	162	304	218	217	182	304	226
2016	198	163	305	214	189	158	307	213	212	173	304	215
2017	189	154	291	199	177	149	283	194	205	162	298	208
2018	188	155	287	196	178	149	284	192	201	163	290	204
2019	179	145	280	203	164	136	268	193	201	159	291	226
2020	183	161	317	202	171	153	315	198	205	173	318	211
2021	256	218	425	264	240	209	423	258	286	236	426	283

Sex Offences - Receipt at Crown to Completion - Days												
	All Cases				TEW Cases				IO Cases			
Year	All	GP	NGP	Other	All	GP	NGP	Other	All	GP	NGP	Other
2014	229	169	268	223	216	164	262	211	237	174	271	231
2015	247	177	291	229	238	173	288	229	253	181	293	230
2016	240	163	287	230	231	161	288	230	246	166	286	231
2017	240	161	291	224	229	165	283	223	248	158	296	224
2018	247	168	304	225	233	165	295	209	257	171	309	236
2019	222	140	292	218	206	137	280	198	235	143	300	242
2020	220	153	316	225	207	157	306	219	232	149	322	234
2021	317	202	427	287	310	213	425	299	323	190	428	273

If we define serious sex offences as Indictable Only (IO) offences (which will cover rape and serious sexual assaults) we can provide the figures in the penultimate column above (ending 428). They have gone up but no more or less than all IO offences.

I was also asked for information regarding whether there is a specific dataset being collected for the family courts under the new data collection measures put in place.

If I may I draw your attention to the HMCTS Data Strategy (published in December 21 and available via the link below) which sets out HMCTS's plans for data across all jurisdictions. This will also apply to family data.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1039270/HMCTS626_Data_Strategy_v3.pdf

You also asked in your letter:

Are judges adequately equipped to handle public criticism? Do you see a boundary between “fair” and “unfair” criticism? What general support do you provide to the judiciary to enable them to cope with criticism?

Judges are generally well equipped to handle public criticism. Although the increased use of social media has, as we all understand, changed the ease with which one might express a critical view, its proliferation has also meant that much is lost online. One does not need to search the internet for long to find it, but journalists usually understand what is appropriate and what is not. Such criticism as does exist is generally directed towards sentencing. Journalists are generally clear that judges interpret the law according to Parliament and thus report in a way that is clearly sensitive to that.

Some criticism can become unfair. As you know, judges are unable to defend themselves publicly. It is at such moments that we rely on Ministers, and on the Lord Chancellor in particular, to defend the judiciary. As I have said before, his oath requires him to do so, and to do so actively.

In terms of general support for the judiciary, this is something covered within Judicial College training and also our Media Guide. I am confident that there is adequate support through judicial leadership structures and from the Judicial Office, in particular the Press Office.

With best wishes,

A handwritten signature in black ink, appearing to read 'Jon Burnett', written in a cursive style.

THE RT HON THE LORD BURNETT OF MALDON