



HM Courts &
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Sir Geoffrey Clifton-Brown MP
Chair of the Public Accounts Committee
House of Commons
London SW1A 0AA

Sent by email

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Dear Chair,

REDUCING THE BACKLOG IN THE CROWN COURT

Following the Department's oral evidence to the Committee on 9 January 2025, I am writing to provide further information on a number of issues, as set out below. I am also requesting an amendment to the transcript in Annex A.

Remand

The Committee raised questions about the amount of time people spend on custodial remand, and requested data breaking down the number of people on remand who have been held for over six months and also over two years.

Information relating to the total time spent on custodial remand is not centrally held by the Ministry of Justice (MoJ), due to the considerable complexity in interpreting custodial journeys, which may include multiple cases in parallel. Although the MoJ have released estimates in the past, it has since been identified that results from the methodology previously used may no longer be accurate, and on that basis the MoJ cannot continue to use them. The MoJ is, however, working to improve its data and insights around this cohort of prisoners.

Defendants subject to a custody time limit (CTL) may not necessarily have been in custody for the entirety of the pre-trial period. A defendant's bail/remand status can change during the course of a case. While HMCTS has data on CTLs for remanded defendants, this will not include any previous time they may have spent remanded in custody if in the course of their case their bail status changed, or if the CTL was extended. Information on CTL extensions that have been granted is held by the CPS as the agency that makes the extension applications and on whom the legal burden for monitoring and complying with the time limits rests.

The Committee also queried what is being done to prioritise custodial remand cases.

The listing of cases is a matter for the independent judiciary and judges continue to prioritise custodial remand cases due to the statutory obligation to observe custody

time limits. Listing data shows that these cases are being prioritised over other cases in the system. For example, in November 2024, HMCTS data showed 90% of custody trials where the defendant had had a Plea and Trial Preparation hearing were listed for trial within the next six months. This compared to 42.7% of trials where the defendant was on bail.

Nightingale Courts

The Committee asked how many more cases would have been dealt with through the current system if the Department did not have Nightingale courts.

HMCTS implemented temporary Nightingale courts as one of several measures to improve court capacity in response to the social distancing requirements of the COVID-19 pandemic.

These temporary courts gave extra capacity when social distancing measures were in place. This was agreed by the Government at the time as a measure to reduce backlog growth across all jurisdictions. By increasing the capacity of the court estate in this way, it meant the estate could be used more flexibly to allow a range of hearing types to be delivered – within the Nightingale venues but also allowing the core estate to hear complex trial cases. The use of Nightingale courts meant the courts and judiciary had more options to continue to hear cases, and to continue to deliver justice for victims, witnesses and defendants.

The Nightingale courts programme delivered 60 courtrooms by the end of March 2021, reaching 72 by July 2021.

Following the easing of COVID-19 restrictions, HMCTS has continued to operate these temporary courts only where the capacity has been required and where they continue to represent value for money. At present there are 16 Nightingale courtrooms in operation across seven venues, of which nine courtrooms provide Crown Court capacity, and seven courtrooms provide civil & family capacity. Three of the seven venues are located in buildings owned by HMCTS, one is owned by the police and is leased to HMCTS, with the remaining three secured under private hire arrangements.

We do of course keep Nightingale courts under constant review to make sure they meet operational priorities and provide value for money. Reasons for maintaining some sites include wider short-term capacity issues. For example, a key consideration for the extension of Nightingale courts in London was to provide capacity that was lost as a result of the temporary closure of Harrow Crown Court due to the presence of Reinforced Autoclaved Aerated Concrete.

From July 2020 to July 2024 (latest data available) Nightingale courts sat 20,200 days or part days across all jurisdictions, hearing around 81,800 hours of casework. Crown Court work accounted for approximately 52% of those hearing hours which equates to around 10,000 sitting days. If we assume that Nightingale courts disposed of cases at the same rate as the national average over the same period, then overall we estimate that Nightingale courts were used to dispose of around 10,000 Crown Court cases. This accounts for approximately 2.5% of Crown Court sitting days and disposals over the same period. The true figure may be different if the disposal rate for Nightingale venues is substantially different to the national average, for example, reflecting a different case mix. Additionally, these figures are likely to underestimate

Nightingale usage, as it is likely that some court time was recorded under the parent court

Common Platform

The Committee asked several questions on Common Platform. First, the Committee asked why the processing and coding issues were not identified before the new system was rolled out. When Common Platform was first rolled out, there was sample testing of cases to ensure they had been coded correctly. However, this sample did not capture every case pathway that has since been used. While these unusual pathways represent a small proportion of cases, over time they have become more prevalent in the data. By mid-2024, they had become sufficiently large enough to be more easily identified.

The Committee asked what confidence the Department had in the reliability of Common Platform. I can confirm that we have a high level of confidence in its reliability due to the extensive work we have undertaken to ensure significant improvements in quality, stability, and technical delivery of the platform.

We closely monitor defects and major incidents affecting Common Platform. A defect refers to any incident where the platform deviates from the agreed design and in a way that negatively affects the user. A major incident refers to an event where multiple users experience a degradation in users at the same time.

Over the last 12 months we have seen a significant improvement in the number of defects currently affecting Common Platform and the number of defects introduced by releasing new features. We have also seen a significant reduction in the number of major incidents over the last 12 months and year-on-year since 2023.

We have also introduced a new approach to user testing whereby new features are tested much more thoroughly with users before they are released. This allows us to ensure they will land smoothly in the criminal courts at the point of release.

Data Quality in the Crown Court

The Committee asked why it took so long for the issues with Crown Court data to be identified and rectified.

Once we had identified the issue, we needed to conduct a cause analysis to understand the root of the problems. This covered operational processes, digital build and the coding used to process the data. For each issue identified, time was required to develop and test solutions to address it.

The time taken has meant that we can be confident that we have resolved the root causes of the issues. This is demonstrated by the external assurance that was conducted, which stated that “The MoJ can have a significant level of confidence in the Crown Court caseload statistics”.

The Committee asked what more is being done to ensure the accuracy of Crown Court data and how long this would take to implement.

We are now developing a set of data quality reports that will help us identify and correct issues in the Crown Court data. These include, for example, older records or those that may not have had all their information updated within the target timescale

following a hearing. Work on these reports has already started and we expect to deliver and start using the first set of reports before the end of March 2025.

The Committee asked what confidence the Department had in the accuracy of caseload data in other parts of the criminal justice system. The external assurance review of the process and methods used to produce Crown Court caseload statistics concluded that the MoJ can have a significant level of confidence in the Crown Court caseload statistics.

We made a further improvement to the measurement of the magistrates' caseload data in the December statistics publication. This followed work HMCTS has been undertaking to modernise its data and management information (MI). During that work, HMCTS found evidence that the magistrates' courts open caseload data had been overstated. This was due to a variety of issues identified in the data derived from the legacy case management system, Libra. This revision represents an improvement in methodology, and an improvement in accuracy of the magistrates' caseload data.

There are a small number of additional cohorts of legacy cases that are continuing to be investigated for remedial action and so the magistrates' open caseload may be further revised in future.

Prisoner Escort Custody Services

The Committee raised a question regarding Prisoner Escort Custody Services, specifically asking about the cut-off time for Serco to deliver prisoners before incurring a penalty.

Court start times are determined by the judiciary and HMCTS. Each court has agreed court operating hours (these vary but are typically between 10:00 and 17:00). Suppliers are required to deliver defendants to court so they are ready at the intended starting times. While most of the listings will be for 10:00-10:30, there are examples of listing later in the afternoon.

PECS suppliers' performance is measured through contract delivery indicators (CDIs). There are two primary CDIs related to court delivery: CDI 14 measures suppliers' failure to staff a dock, and CDI 15 measures suppliers' actions resulting in a prisoner not being available for court.

A delay means an instance where a court is prevented from commencing its planned business at the intended start time, or it has no other business that can reasonably be rescheduled to undertake, resulting in one or more parties being inconvenienced and/or delayed.

Service Points (financial remedies) are incurred in respect of the prisoner either being unavailable or late for the commencement of the relevant court proceedings where this unavailability results in a delay of more than 15 minutes in court proceedings. Service points are applied for each period or part period of 15 minutes where the PECS suppliers are responsible for the delay.

Geographical Variation

At question 58, the Permanent Secretary committed to send a link to the data delivery dashboards in relation to a question on geographical variation of the

backlog. This can be found here: <https://criminal-justice-delivery-data-dashboards.justice.gov.uk/>

I hope the Committee finds these answers useful. Please do contact officials should you need further clarification.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N Goodwin', with a stylized initial 'N'.

Nick Goodwin

Chief Executive, HM Courts & Tribunals Service

Annex A - Amendment to transcript

- 1) Q77: The reference to 2024 violence receipts should be 9,000 not 10,000, which means the comparison to 2016 is only a near doubling not actual doubling. We have made the suggested corrections to the transcript below.

Jerome Glass: *I know. It is, mercifully, quite a low number. It is interesting that if you look at violence cases overall, for example, there has been a dramatic shift. In fact, I would say that it has been the most pronounced shift over the last 10 years in terms of receipts into the Crown court. In 2016, for example, there were 5,000 receipts per quarter against an overall number of 30,000-ish, whereas in 2024 the number was ~~10,000~~ 9,000 against an overall 30,000-ish. It has **near** doubled. That is a massive shift in terms of where the police are and what is coming into the system.*