

Written evidence submitted by the Victims' Commissioner for England and Wales (ATJ0106)

Role as Victims' Commissioner

1. As Victims' Commissioner for England and Wales, I welcome the opportunity to provide evidence to this inquiry '*Access to Justice*'. I am committed to amplifying the voices of victim-survivors to ensure their experiences influence policy and practice across government and criminal justice agencies.
2. My remit is set out in the Domestic Violence, Crime and Victims Act 2004¹, My statutory duties include:
 - promoting the interests of victims and witnesses;
 - taking such steps I consider appropriate with a view to encouraging good practice in the treatment of victims and witnesses;
 - Reviewing the operation of the code of practice issued under section 32.
3. My role is appointed by the Secretary of State for Justice but is independent of government.
4. While I recognise that this inquiry is primarily seeking specialist insight about the operation of legal aid and the future of legal services, I believe it is important to reflect the experiences of victims, and the barriers they are currently facing in accessing criminal justice.

Background – Procedural justice

5. Any consideration of access to justice must consider the needs of victims and examine what justice means to them. For many victims, justice goes beyond a conviction, it is about feeling heard, validated, protected, and being treated with respect- what is often termed as procedural justice².
6. The criminal justice system is entirely dependent on victims remaining engaged in the justice process. A system that prioritises victims and procedural justice is more likely to be effective, trusted, and sustainable. However, focus on convictions and efficiency has meant that often procedural justice is sidelined.

¹ Domestic Violence, Crime and Victims Act, 2004 (Chapter 3). Accessed at: <https://www.legislation.gov.uk/ukpga/2004/28/part/3/chapter/3/crossheading/commissioner-for-victims-and-witnesses>

² According to the [Operation Soteria Survey](#), these aspects were identified as the second highest priority for victims of rape and serious sexual offences, with prevention ranked as the top priority. In contrast, only 56% of respondents considered the conviction of the offender to be the most important outcome, making it the lowest priority among those surveyed [2024 Op Soteria Survey Report II with correction 131124.pdf](#)

7. I will explore procedural justice in my response, in relation to operational issues in the justice process, as well as the vital role special measures, independent advocates, and victim services play in keeping victims engaged in justice. I will also highlight how better use of technology in the justice system can enhance both inter-agency communication, and communication with victims, improving their overall experience.

How does the current state of the legal services and representation market in England and Wales, and associated operating pressures, affect access to justice for clients?

8. I am aware of the significant pressures legal services currently face, including staff shortages, insufficient legal aid funding, and poor remuneration, all amid increasing demand. I am confident the sector will provide a detailed response to this inquiry that reflects those challenges.
9. As Victims' Commissioner, my expertise lies in how operational pressures on legal professionals affect victims' ability to access justice.
10. The court backlog, reaching another record high at 78,329 cases as of June 2025³, continues to exacerbate obstacles to justice, while creating new ones. Indeed, delays place increasing pressure on an already strained system. If no action is taken, it is estimated by March 2029 open cases could reach new heights of 105,000,⁴ thus urgent action is required to address it.
11. With the system in this crisis, victims and witnesses are left in limbo, and for some their cases are now being listed for 2029⁵. Many are losing faith as their trials are repeatedly rearranged⁶, and some are withdrawing their support from criminal proceedings altogether⁷. Rape victims, in particular, face the longest delays⁸, and victim attrition rates in these cases are rising⁹. This is a clear indication, that for many victims, justice, that is both procedural justice and criminal justice, has become inaccessible.

³ [Criminal court statistics quarterly: April to June 2025 - GOV.UK](#) (accessed 25/09/2025)

⁴ [Written statements - Written questions, answers and statements - UK Parliament](#)

⁵ [Bail for six years: Crown court backlog causes trial to be delayed to 2029 | Law Gazette](#)

⁶ In January to March 2025, 26% of cases were rearranged on the day of trial. ([Criminal justice system overview - CJS Dashboard](#))

⁷ Between January and March 2025, 26% of police investigations were closed due to victims not supporting further action, while 16% of prosecutions were halted post-charge because witnesses were either unable or unwilling to continue supporting the case. ([Criminal justice system overview - CJS Dashboard](#))

⁸ At the end of June 2025, for all offences, the mean number of days between receipt at Crown Court and completion was 248 days, but for adult rape offences, it was significantly higher at 421 days ([Criminal court statistics quarterly: April to June 2025 - GOV.UK](#))

⁹ Between January and March 2025, nearly a quarter (24%) of adult rape prosecutions were stopped because the victim no longer supported the prosecution. This was a 16% increase on the previous quarter, and the second highest percentage recorded since the data was first collected in 2015 ([Criminal justice system overview - CJS Dashboard](#))

12. It is clear urgent reform is needed. In this section, I will examine logistical and operational issues in the court system, and measures that improve the victim experience if implemented effectively.

Listings

13. In April to June 2025, over-listing accounted for 27.8% of 1668 ineffective trials at the Crown Court¹⁰. Behind this statistic, there are likely hundreds of victims whose access to justice was delayed simply due to a scheduling issue.
14. Listing is a judicial responsibility and function aimed at ensuring cases are heard promptly, by the appropriate judge or bench, in line with the interests of justice and the needs of victims, witnesses, and defendants, while making effective use of available resources¹¹. The Resident Judge is responsible for listing practices at his/her Crown Court centre subject to the supervision of the Presiding Judges of each circuit/region.
15. The scheduling and publication of court listings is primarily the responsibility of HM Courts & Tribunals Service (HMCTS), working under judicial direction. Once listings are confirmed, they are communicated to relevant parties including the Crown Prosecution Service (CPS), defence legal representatives, and witnesses—typically via police run witness care units.
16. Listing types including ‘fixtures’¹², floaters’, fixed-floaters’, ‘backers’¹³ and ‘warned lists’¹⁴ have been developed to maximise court time and prevent the court idling in the event a trial is vacated. However, this leads to over- listing, confusion for victims, and miscommunication in the justice system, compounding the impact of the backlog.
17. Listings are often published late or contain errors, making it difficult for barristers to prepare adequately or for timely communication with victims and witnesses ¹⁵. Indeed, ineffective trials at the Crown Court often result from the prosecution not being ready (10.4%) and the defence not being ready (7.3%)¹⁶.
18. Due to wide judicial discretion, listing practices, vary widely across regions. As Crown Courts operate, to a large extent, independently of each other and under the direction of a resident Judge, it is my understanding that where a local

¹⁰ [Criminal court statistics quarterly: April to June 2025 - GOV.UK](#) (accessed 25/09/2025)

¹¹ [Section 14 of the Crown Court Manual](#)

¹²Fixtures- These are trials with a fixed ‘slot’ in a court room. In theory this means that they should go ahead at the designated date and time.

¹³ Floaters, fixed-floaters, backers- These terms seem to be used somewhat interchangeably and are cases which whilst being given a trial start date do not have an assigned court room or are given an assigned court room but are a backup trial in case the fixture listed in that court room is ineffective. These types of listings will normally require victims to attend at court and wait in the court complex to see if their case is called on.

¹⁴ Warned lists- These are trials that may be called in when another trial is ineffective. The warned list is for a set period usually 2 weeks and victims will need to be on standby because their case could be called at any time within the warned list period depending on how long their trial will likely take. Unless or until their case is called on victims can go about their normal lives.

¹⁵ [Court hearing lists and open justice | The Transparency Project](#)

¹⁶ [Criminal court statistics quarterly: April to June 2025 - GOV.UK](#)

initiative has been proven to improve listing practices, this best practice is not disseminated to other areas.

19. Although I accept that it may not always be possible to replicate best practice across all regions it is vital that any effective or innovative practice is shared and scaled up to all courts where appropriate.

Special Measures: pre-recorded cross examination

20. Special measures are put in place to support vulnerable and intimidated witnesses to give their best evidence.
21. I have recently submitted written evidence to the committee on the importance of section 28 (s.28) in ensuring vulnerable and/or intimidated victims can access justice. As such I will not rehearse the issues I raised in that submission, but I will highlight some of the operational pressures that are contributing to fewer victims being able to access this measure.
22. During the justice committee oral evidence session on s.28¹⁷, the committee heard from a representative of the Criminal Bar Association on the impact of s.28 on barristers. Kama Melly KC reported that as there are few barristers undertaking rape and serious sexual offences (RASSO) work, increasingly they are being asked to undertake a s.28 hearing whilst part way through another rape trial. In effect this means mentally shifting from the middle of one trial straight into the middle of another one, quickly jumping from one set of facts to another. It is obvious why many do not feel they are able to properly perform in such circumstances.
23. Different listing practices across courts can create problems in respect of s.28. For example, some Crown Courts list s.28 hearings only on certain days or at certain times. Whilst this practice appears to be effective at streamlining listings within that court, as barristers work across multiple courts within a circuit this attempt at efficiency is hampered by inconsistencies across different Crown Courts.
24. Due to the backlog s.28 hearings are increasingly held nearer to the trial date. As a result, Judges, who must consider both delays and the likely hearing date, are more likely to deny the measure¹⁸. This refusal is often on the basis that the victim 'may as well give live evidence,' because the delay has already affected recall, or because the hearing can't be scheduled before the trial.
25. It is a logistical and listings failure when s.28 hearings cannot take place at an early point in proceedings. For victims one important aspect of s.28 is that, in contrast to trial dates, adjournments of s.28 hearings are less likely, offering more certainty to victims giving evidence. There is also less likelihood of a victim having to give evidence again once it is recorded for example in the event of a re-trial. Every effort should be made to ensure this remains the case.

¹⁷ committees.parliament.uk/oralevidence/16434/default/

¹⁸ (Criminal Practice Direction V, paragraph 18E.19 and 18E.20)

26. It is also important to recognise that the request for s.28 goes beyond improving victim recall. S.28 supports victims to access justice by offering assurances their needs and safety are the priority of the system, providing an earlier opportunity for victims to focus on their recovery, and enabling them to give their best evidence.
27. As recommended by the Law Commission¹⁹, and as I called for in my recent correspondence to the committee on s.28, access to standard special measures for vulnerable and intimidated witnesses must become an automatic entitlement, so that victims do not have the burden of having to justify their request, and decisions are no longer subject to judicial discretion.

The Court Estate

28. There has been a prolonged period of underinvestment in the court estate, including the sale and closure of buildings. Too many court buildings are currently in a state of disrepair. For example, I am aware Harrow Crown Court has been closed since August 2023 due to the discovery of RAAC²⁰. This places additional pressure on an already overstretched system, and is contributing to judges and barristers considering leaving the criminal justice system^{21 22}.
29. Due to the limited court estate, courts have had to utilise other buildings to try and maximise court time, for example a Crown Court may utilise a court room in a local Magistrates Court. This can exacerbate the communication issues around listings discussed above (para 13 onwards). For example, barristers and others, including victims, may not be advised that the court room listed 'Courtroom 10' in the Crown Court is located in the separate Magistrates Court building.
30. The court estate overall does not currently meet the needs of victims and witnesses. Accessibility issues lead to unnecessary delays, and act as an obstacle to justice. Following my 2023 Victim Survey, I commissioned a Literature Review²³ looking at research into disabled victims' experiences of criminal justice globally. The experiences outlined reflect what I have heard anecdotally from disabled victims in the UK. While the majority of disabled victims of crime do not progress to the court stage of the justice process, the review found that those that do are confronted by further barriers. This includes issues with accessing court facilities, including court rooms themselves.
31. I'm also aware that court infrastructure can hinder the effective delivery of special measures and other victim-focused requirements. This includes:

¹⁹ [Evidence in sexual offences prosecutions – Law Commission](#)

²⁰ [Harrow Crown Court closure: RAAC repairs to take until 2026 | Harrow Times](#)

²¹ [Criminal Bar Association survey: one in three criminal barristers intend to quit | Law Gazette](#)

²² [Judicial system facing looming crisis in recruiting and retaining judges | UCL News - UCL – University College London](#)

²³ [Disabled victims' experiences of criminal justice systems: A systematic literature review - Victims Commissioner](#)

- Independent sexual violence advisors (ISVAs) being unable to support victims during a s.28 or live link hearing despite the victims wishes, due to the size, or the configuration of the video-link room.
- Courts being unable to facilitate victims entering via a separate entrance, risking them seeing the defendant, or their family, before the trial. This includes victims being made to wait in the same security queue as the defendant.
- Inconsistent implementation of updated technology across courts²⁴, which undermines the effective delivery of s.28 and may affect the quality of recorded evidence.

32. I understand this is an issue Sir Brian Leveson will be exploring in Part 2 of his independent review. Every effort must be made to ensure the needs of victims are met and inefficiencies in the court process are addressed.

What is the role of supplementary advice services in supporting access to justice?

33. Evidence repeatedly shows that victim services play a vital role in keeping victims engaged in the justice process. These specialist services offer key support to victims, including advocating on their behalf with criminal justice agencies, explaining the justice process and their entitlements, and providing both practical and emotional assistance.

34. My Advocates report found that victims with advocacy support were 49% less likely to withdraw from the criminal justice process²⁵. Similarly, the London Victims' Commissioner's recent report on victim attrition found engagement with support services leads to a decreased likelihood that a victim will withdraw²⁶.

35. However, the integral role of victims' services is often unrecognised by criminal justice agencies, who do not think of them as fellow professionals²⁷. This hinders their work, as when they request information from justice agencies on behalf of victims, they are often ignored. Similarly, advocates are often unable to sit with victims during the court proceedings, despite the reassurance this can offer vulnerable victims at risk of withdrawing. These services should be given the recognition they deserve, and justice agencies should work in partnership with them, and at a minimum respond to their queries and requests.

²⁴ committees.parliament.uk/oralevidence/16435/default/

²⁵ [Victim advocates play "invaluable" role in justice system - new research - Victims Commissioner](#)

²⁶ [The London Victim Attrition Review | London City Hall](#)

²⁷ [Victims-Commissioner-Going-Above-and-Beyond-Mapping-the-Provision-and-Impact-of-Victim-Advocacy-in-the-Criminal-Justice-System-1.pdf](#)

36. While many of the reforms proposed to address the backlog will take time, and money to implement, with no guarantee of improvement, victim services are proven to support victims to access justice and help them to remain engaged.
37. Despite this, services currently face an existential threat, with real terms decreases in funding, increases in National Insurance contributions, and growing caseloads due to the increasing court backlog. This is resulting in the reduction and closure of services that act as a lifeline for victims navigating this chaotic system.
38. Government must provide emergency funding to victim services to ensure their survival during the ongoing crisis²⁸. The financial investment required is relatively modest, yet it has the potential to deliver substantial long-term savings by reducing victim withdrawal and improving engagement with the justice system.

What is the impact of those acting without legal advice and / or representation having on access to justice?

39. I have long called for victims of rape and sexual abuse to have access to independent legal advocates, who can help them to understand their rights, legal processes and advise them in making decisions²⁹.
40. The majority of victims of sexual offences do not engage with the justice system, often for reasons such as fear of not being believed, or being blamed³⁰. For those that do engage, the system too often re-traumatises them, and they are left feeling their voice has not been heard, unlikely to engage again³¹. This is partly because of a disproportionate focus on their credibility throughout the system. When survivors have poor experiences within the justice system, it not only harms them, it also discourages other victims from coming forward or seeking justice themselves³².
41. Where victims are not given access to legal advocates, they are confronted with complex systems, privacy concerns and a lack of information on their routes to appeal/ and or challenge decisions. As a result, victims begin to lose confidence and faith in the system, feeling they are the ones being treated as the criminal, instead of the offender.
42. Access to legal advocates is essential for victims of rape to safeguard their privacy and help them understand and navigate complex data requests, which often arise during the investigation and sometimes court process. These requests can be intrusive and distressing, and legal advocates play a critical role in

²⁸ [Joint letter from the Victims' Commissioner and Domestic Abuse Commissioner to the Prime Minister on the Comprehensive Spending Review](#)

²⁹ [Victims' Commissioner Briefing - Victims and Prisoners Bill April 2024 Report Stage.pdf](#)

³⁰ [2024 Op Soteria Survey Report II with correction 131124.pdf](#)

³¹ [ibid](#)

³² [Shifting the scales - Transforming the criminal justice response to domestic abuse- the Domestic Abuse Commissioner](#)

challenging unnecessary intrusions. Their presence ensures that victims feel supported throughout the legal journey and contributes to more efficient and fair decision-making.

43. Additionally, direct contact with the CPS is limited or, for some victims, non-existent, which means that legal decision making, or legal processes, and outcomes are explained to victims by non-lawyers. Victims often relay confusion about, 'charging decisions', 'plea-bargains' and decisions to discontinue proceedings. Many are also unaware of their right to request a review. I am of the view that legal decisions should be explained to victims by lawyers and not relayed via police staff.
44. Provision of legal advocates for victims of rape was promised in the Government's manifesto, and the scheme has been piloted in London since February 2023³³. This scheme should be rolled out nationally as recommended by the Law Commission³⁴ as soon as possible.

What role is there for digital innovation and data collection in supporting access to justice?

45. My 2023 victim survey³⁵ suggests poor communication is perhaps the single biggest issue affecting victims, and it was a huge factor in victim dissatisfaction in my report on the court backlog³⁶. Victims simply want to be kept informed. By meeting this basic need, we can reduce victim attrition and improve access to justice.
46. Communication issues are exacerbated by perhaps the largest contributor to inefficiencies within the system - multiple agencies that are, for the most part, separate but entirely interdependent.
47. The police, the Crown Prosecution System (CPS) and Her Majesty's Courts and Tribunal Service (HMCTS) each have their own IT systems and their own way of recording outcomes. Although I am aware the Common Platform was developed to ensure smoother case management in the court system, replacing paper-based processes and ageing IT systems³⁷, the platform is reported to serve solely as a shared document storage facility, rather than a way to track and manage cases³⁸. I am aware roll-out has also been difficult and does not appear to have had the desired effect, with each agency still working in silos³⁹.

³³ [Sadiq Khan launches free legal advice service for rape and assault survivors | The Standard](#)

³⁴ [Evidence in sexual offences prosecutions – Law Commission](#)

³⁵ [Annual Victims' Survey 2023 - Victims Commissioner](#)

³⁶ [Justice delayed: The impact of the Crown Court backlog on victims, victim services and the criminal justice system - Victims Commissioner](#)

³⁷ [Modernising courts and tribunals: benefits of digital services - GOV.UK](#)

³⁸ [HMCPSI-HMICFRS-Joint-Case-Building-Inspection-Report-1.pdf](#)

³⁹ [Progress on the courts and tribunals reform programme - Committee of Public Accounts](#)

48. I believe a holistic approach to the case management systems and data collection existing across the justice system would enable swifter inter-agency communication, better identification and tracking of victims, improving procedural justice overall, and in turn, access to justice.
49. Advancements in AI and technology should be able to streamline administrative tasks associated with communication and free up time for the police, CPS, courts and judiciary⁴⁰. I would like to see victims receive timely updates and automated notifications about the justice process, potentially through an app or SMS. This will create a new information source for victims, helping them to navigate the process, and increase awareness of their rights.
50. Furthermore, there is currently no data collected on the reasons why victims withdraw their support for the prosecution. Improved data collection will also enhance understanding of who and who isn't accessing the justice system, and what specific barriers are leading to disengagement.
51. I recognise this level of technological enhancement of the system would take time and large investment to implement. In the meantime, good practice in local areas which exemplify strong inter-agency communication, must be systematically shared across areas, to ensure collaboration is consistent and not varied by region.

If limited funds were available, what would be the priority areas for spending?

52. To improve access to justice, the focus must be on enhancing procedural justice for victims. This will improve the system overall, by promoting consistency, communication and collaboration.
53. To achieve this spending must be prioritised to ensure:
- Specialist victim services continue to provide victims with vital support as they navigate the justice system and beyond, helping them stay engaged.
 - Victims of rape and serious sexual offences can access independent legal advocates to guide them throughout the complexities of the justice process.
 - Consistency across courts processes to prevent regional disparities, improving listing procedures for both the agencies and victims in the system.
 - The court estate is accessible and equipped to meet victims' needs, including separate entrances and waiting areas, and adequate technology to support special measures.
 - Advancements in technology facilitate the streamlining of administrative processes and information sharing between criminal justice agencies, legal

⁴⁰ [AI-in-our-Justice-System-final-report.pdf](#)

representatives and victims of crime.

54. When considering access to justice, it is important to emphasise that without victim engagement, there is no criminal justice system—this must be considered first and foremost.

September 2025