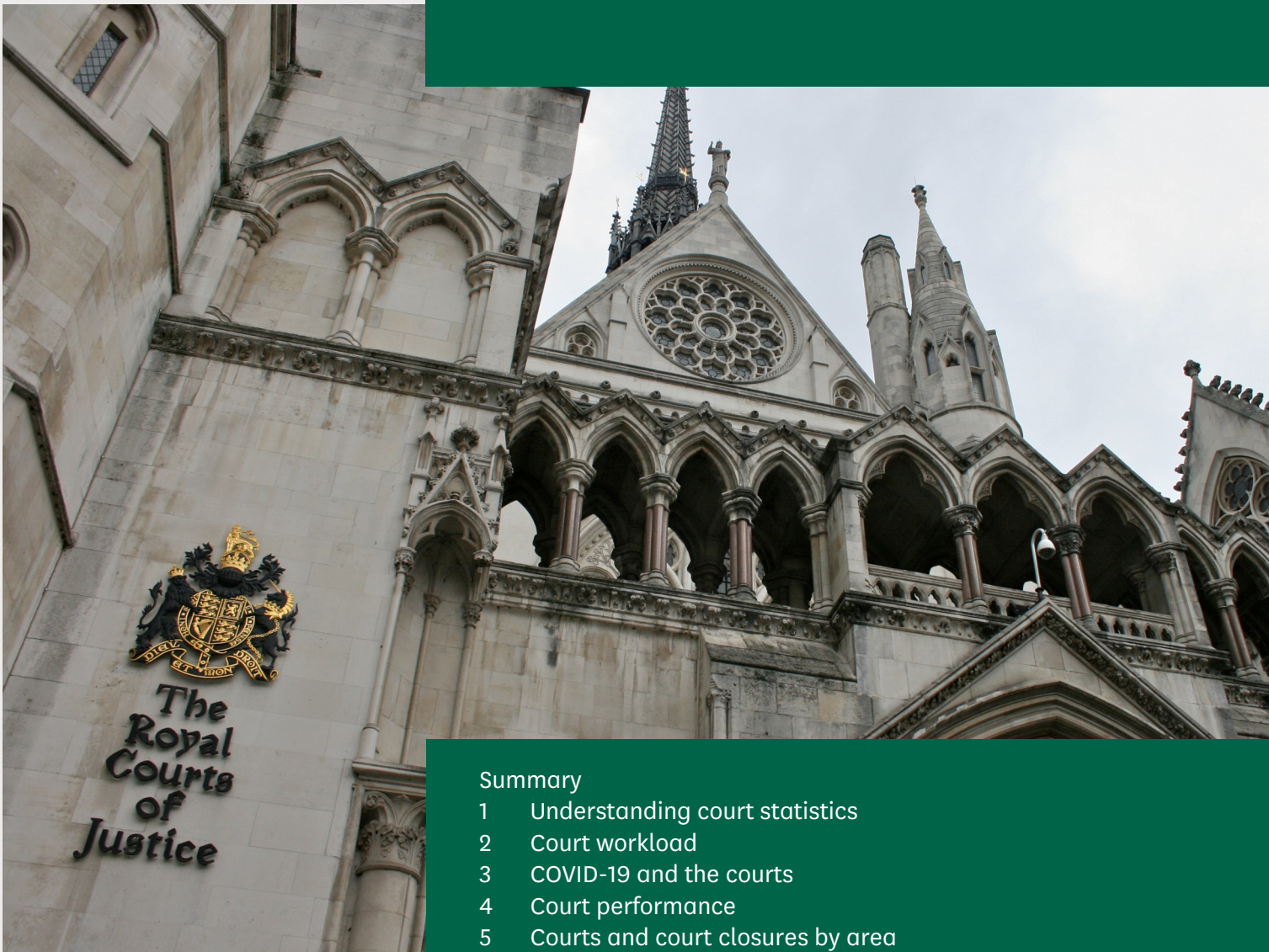


By Georgina Sturge

23 December 2021

Court statistics for England and Wales



Summary

- 1 Understanding court statistics
- 2 Court workload
- 3 COVID-19 and the courts
- 4 Court performance
- 5 Courts and court closures by area
- 6 Judges and court employees
- 7 HMCTS expenditure
- 8 Appendix: Glossary

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Summary

Court statistics for England and Wales are reported separately for different types of court: criminal, civil, and family. These statistics are published quarterly and annually and provide information about caseload and performance by tier of court. Tribunal statistics are also published separately, in a quarterly and annual release.

Caseload:

- The annual criminal court caseload has been steadily declining over the last ten years. In 2020 it fell sharply as a result of the pandemic.
- In 2020, magistrates' courts in England and Wales received 1.04 million cases and Crown courts received 97,000 cases.
- Both the magistrates' and Crown court have an ongoing backlog of cases, known as outstanding cases. At the end of March 2021, there were 395,000 outstanding cases in magistrates' courts, higher than the historical peak of 327,000 in 2015. The Crown court had 60,000 outstanding cases at the end of 2020, surpassing the previous peak of 55,000 at the end of 2014.
- In 2020, civil courts received 1.2 million claims, family courts received 272,000, and tribunals received 304,000 cases.

Court performance

- Criminal court performance has been improving in the long term, with a general increase in the proportion of trials in which a verdict is reached. The pandemic reversed this, with a higher proportion of ineffective trials in 2020 and a far higher than usual proportion of trials being vacated.
- The length of time between offence and completion of a criminal case has risen in each year since 2010. The median waiting time from offence to completion of case in the magistrates' court in 2020 was 189 days.
- Waiting times for all types of civil and family cases were longer in 2020 than five years previously. Tribunal waiting times have fluctuated over the past ten years. In recent years the waiting time for Employment Tribunal and Social Security and Child Support Tribunal cases has lengthened, while it has reduced at the Immigration Tribunal.
- The proportion of parties to a hearing or trial who are unrepresented has risen in recent years in all types of court, which is likely to be a partial result of reforms to legal aid.

This briefing also contains explanations and summaries of the statistics on the composition of the HMCTS workforce and the judiciary and on HMCTS's annual expenditure. It also contains sections on court closures since 2010 and on the impact of COVID-19 on the courts.

1

Understanding court statistics

Courts and tribunals in England and Wales are the responsibility of Her **Majesty's Courts and Tribunals Service (HMCTS)**. Since justice is devolved within the United Kingdom, the equivalent in Scotland is the Scottish Courts and Tribunals Service and in Northern Ireland it is the Northern Ireland Courts and Tribunals Service.¹

HMCTS is an executive agency of the Ministry of Justice, which means that it is operationally independent. In 2020-21, HMCTS had annual gross expenditure of £1.9 billion and employed 16,713 staff (full-time equivalent). In the calendar year 2020, it handled 2.9 million criminal, civil, family and tribunal cases – far fewer than 4.2 million seen on average in each of the previous 5 years.²

Statistics on courts and tribunals are published separately for each type of court. The main publications are listed below, with hyperlinks:

Table 1. Regular statistical publications on courts and tribunals	
Civil courts	Civil justice statistics quarterly
Family courts	Family court statistics quarterly
Criminal courts	Criminal court statistics quarterly (court performance)
	Criminal justice statistics quarterly (case outcomes)
Tribunals	Tribunals statistics quarterly (formerly 'Tribunals and gender recognition certificate statistics')

The main publications in Table 1 contain data on the **number of cases** received by each type of court or tribunal and the **outcome of these cases**.

Depending on the publication, these statistics are broken down by the specific type of case and by other indicators of interest. For example, family court statistics are broken down into cases relating to children, divorce petitions, applications for 'sectioning' under the Mental Health Act 2005, and probate

¹ There are some non-devolved tribunals in Scotland and Northern Ireland which are within the jurisdiction of HMCTS.

² HMCTS [Annual Report and Accounts 2020/21](#)

applications. Within these categories, there are further breakdowns depending on what it is relevant to report.

Court statistics report on **cases received** and **cases disposed**.³ Cases received by a court are those which began in the relevant time period. Cases disposed of are those which end within that. There may be some overlap between these categories, where cases began and ended within the time period, however they should generally be treated as independent from one another.

The publications in Table 1 also each include some statistics on **court performance**. This can include waiting time for a hearing, length of case from start to finish, the effectiveness of cases (whether they result in a verdict or settlement or are abandoned) and the reason for ineffective cases, i.e. those which are abandoned.

The publications can also include **statistics on the participants in a case**, including the plea of the defendant in a criminal trial, whether a litigant has legal representation or is self-representing. Demographic characteristics of parties are sometimes available, including the sex and age of children being adopted, the sex at birth of people receiving a Gender Recognition Certificate, and the sex and ethnicity of defendants in criminal trials.

Two other staple publications relating to the courts system are the Courts and Tribunals Judiciary's *Diversity statistics* and the Crown Prosecution Service's *Key Measures* annual publication, which reports on conviction rates. Lastly, statistics on court costs and staffing are also available in the HMCTS *Annual report and accounts*.

Table 2. Regular statistical publications on other justice-related topics

Courts system cost and staffing	HM Courts and Tribunals Service - Annual Report and Accounts
Judiciary composition	Pre-2020: Courts and Tribunals Judiciary - Judicial Diversity 2020 onwards: Ministry of Justice, Judicial Diversity
Crown Prosecution Service statistics	Crown Prosecution Service - key measures

³ This is different in criminal court statistics, which only report on proceedings once they have been concluded in that particular tier of court.

2 Court workload

This section summarises the data on court workload, by type and tier of court.

2.1 Criminal courts

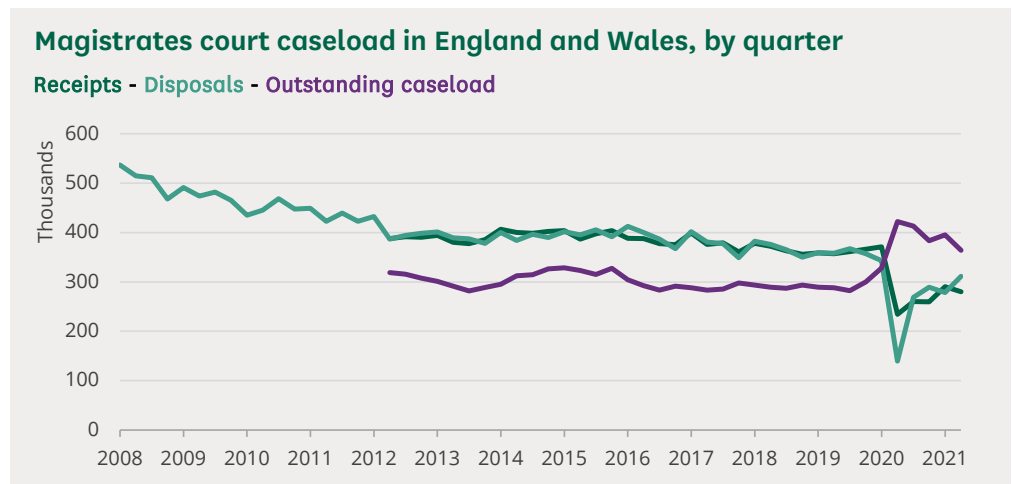
In 2020, magistrates' courts in England and Wales received 1.13 million cases and disposed of 1.04 million.⁴ Of the cases received, 74% were for summary offences or breaches, which can be resolved in a magistrates' court without the need for a trial. Most of the remaining cases (258,000 or 23%) were triable-either-way, meaning they could proceed to trial at the Crown court. Around 3% (29,000) were initial hearings for indictable offences which can only be resolved by trial at the Crown court.

In the same year, Crown courts received 97,000 cases and disposed of 78,000. Two thirds (65%) of cases received were trials, 30% were cases sent from the magistrates' court for sentencing, and 5% were cases of appeals against decisions in the magistrates' court.

Both the magistrates' and Crown court have an ongoing backlog of cases, known as outstanding cases. At the end of March 2021, there were 395,000 outstanding cases in magistrates' courts, slightly up on the number a year previously but down from the mid-2020 peak of 422,000 cases.

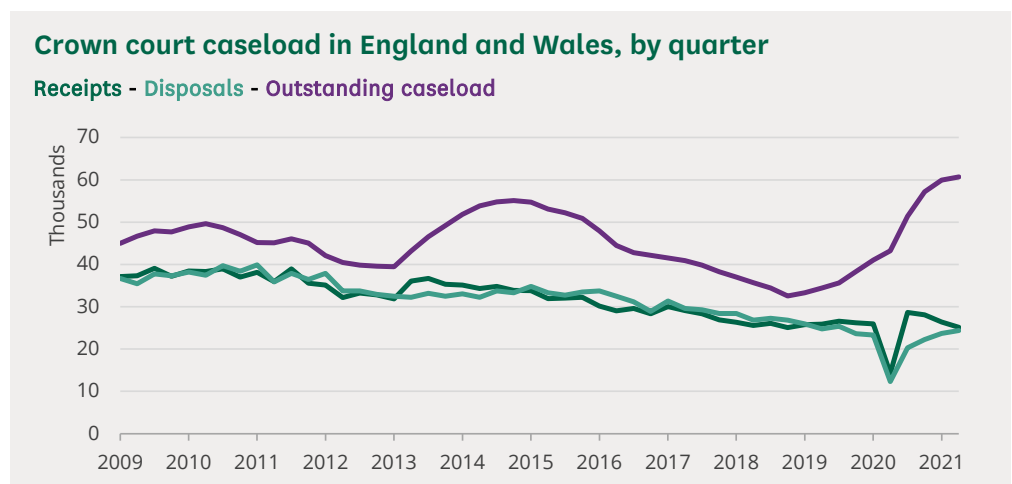
The chart below shows the magistrates' court case turnover and outstanding caseload at the end of each quarter. Note the large reduction in receipts and disposals in 2020 resulting from the COVID-19 pandemic. This is covered in section 3.

⁴ Criminal court caseload statistics are published in the MoJ's [Criminal Court Statistics Quarterly](#).



Source: Ministry of Justice, [Criminal court statistics quarterly](#), table M1

The Crown court had 60,000 outstanding cases as of March 2021, up on the previous year's figure of 41,000. The number of outstanding cases rose sharply as a result of the pandemic, surpassing its previous peak of 55,000 cases in 2015. The chart below shows the Crown court case turnover and outstanding caseload at the end of each quarter.



Source: Ministry of Justice, [Criminal court statistics quarterly](#), table C1

1. Civil courts

In 2020, county courts received 1.30 million claims, of which 89% (1.15 million) were claims for money. Only a minority of claims are defended (19% in 2020), with most being settled in the absence of both parties and without the need for a court hearing.

In 2020, 727,000 judgments were made on claims in county courts. Of the remaining cases received during the year (and previous years), some were dropped by the claimant and some remain outstanding. The outstanding caseload is not included in the published statistics.

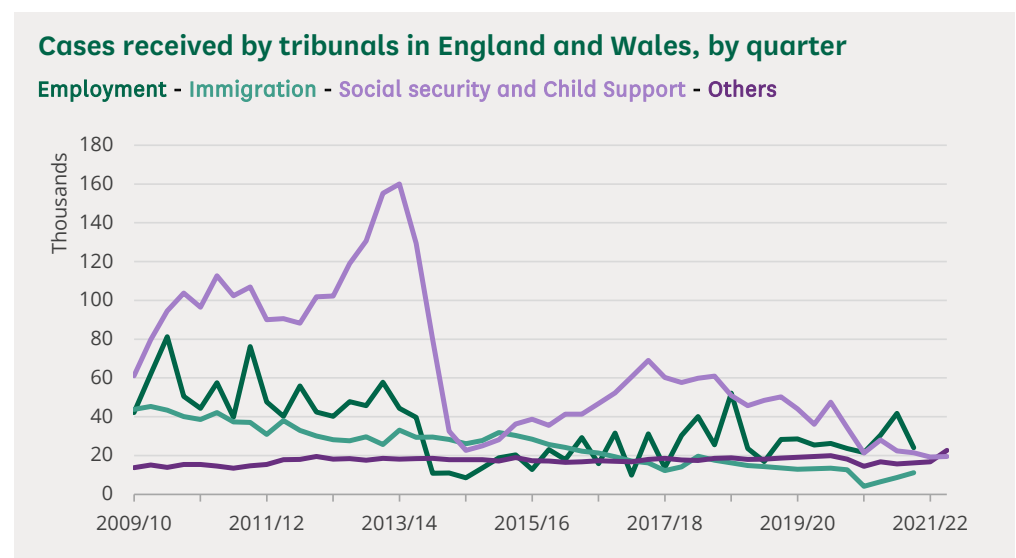
In family courts in 2020, 266,000 cases were started and 223,000 were disposed of. The number of outstanding cases is not published. The largest category of cases in family courts is ‘matrimonial matters’ (43% of cases started in 2020) which includes divorce, annulment and judicial separation. Cases primarily concerning children accounted for 31% of cases received in 2020.⁵

2. Tribunals

Tribunal statistics are reported by financial year. In the year 2020/21, 305,000 cases were received across all tribunals in England and Wales and 266,000 disposed of. The outstanding caseload at the end of March 2020 was 622,000 cases, which was the highest since 2013/14.

In 2020/21, the largest share of cases received was at the Employment Tribunal (39% of receipts or 118,00 cases). This was a change from previous years, when cases received by the Social Security and Child Support (SSCS) Tribunal typically made up the largest share. In 2020/21, the SSCS Tribunal received 93,000 cases, and the Immigration Tribunal received 30,400 cases, which was the lowest annual number on record. There are 42 other types of tribunal which collectively received 63,000 cases in 2020/21.

The chart below shows cases received annually at these types of tribunals. Note that the total peaked at 882,000 cases received in 2012/13, which was driven by a spike in cases at the SSCS.



Source: Ministry of Justice, [Tribunal statistics quarterly](#), tables S1, S2, and S3.

Note: Employment Tribunal and Immigration cases only published up until Q4 2021 while others are to Q2 2021.

⁵ This includes ‘Children Act- public law’, ‘Children Act – private law’, and Adoption Act cases.

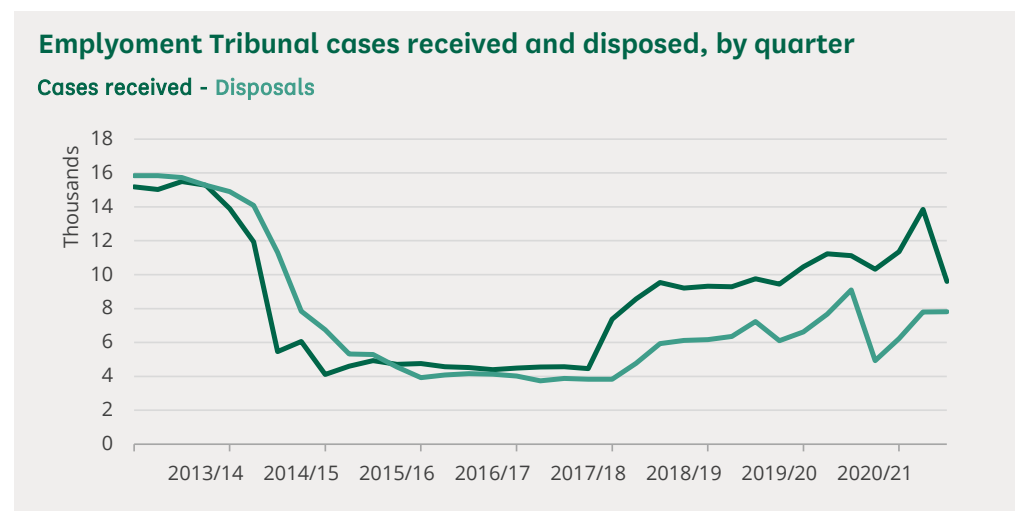
The number of cases at employment tribunals has been affected in recent years by significant policy changes.

The introduction of fees in July 2013 for bringing a case to the employment tribunal resulted in a steep decline in the number of cases. The number of single cases (brought by one person) received per quarter was 64% lower in Q4 2013 than in Q2 2013, before the fees were introduced. After the Supreme Court ruled fees to be unlawful in July 2017, the number of cases increased sharply.

The number of single cases being brought has not returned to its pre-2013 level since fees were removed. There was a spike in cases brought in Q3 2020/21, likely related to the impact of the pandemic and the ending of the furlough scheme on companies and the job market.

The Government has also committed to refunding fees paid during the fee-paying period, so the processing of these refunds has also added to the tribunals' workload. As of March 2021, out of 64,426 people entitled to a refund, around 34,400 had so far been reimbursed (54%).⁶

The Commons Library has a research briefing on the history of [Employment tribunal fees](#).



Source: MoJ, [Tribunal statistics](#), ET_1 and ET_2.

The chart above shows that, in the quarters following the introduction of fees, new cases fell but disposals remained high, suggesting that a backlog was being cleared. However, in every quarter since the abolition of tribunal fees (2017/18 Q3 onwards), there were more new cases than disposals. As of March 2021, the Employment Tribunal backlog consisted of 507,000 outstanding cases.⁷

⁶ [HC276237](#), 16 July 2019; Refund figures since August 2019 taken from 'Employment tribunal fee refund tables' in the January-March Tribunal statistics.

⁷ MoJ, [Tribunal statistics quarterly](#), table S_3

3

COVID-19 and the courts

3.1

Receipts and disposals

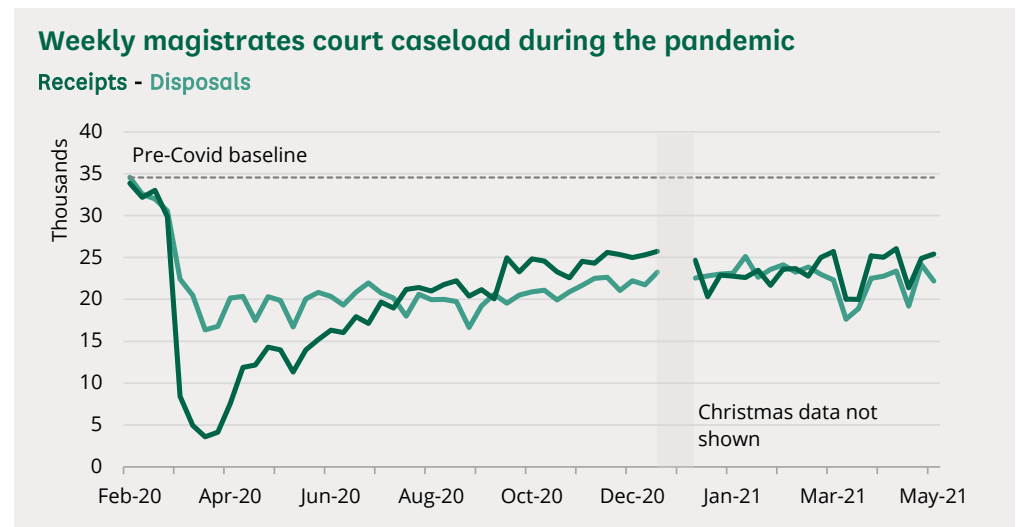
In mid-March 2020, HM Courts and Tribunals Service (HMCTS) had to severely reduce its capacity in order to comply with measures intended to stop the spread of COVID-19. Most courts closed temporarily and those that remained open conducted far fewer hearings than usual. No new jury trials began between 25 March and 18 May.

From April, remote hearings were phased in, allowing courts to work through more cases despite court buildings remaining closed to the public. Over the summer, court premises re-opened and HMCTS began to establish additional, temporary 'Nightingale courts' to work through the growing backlog of cases. As of December 2021, there were 28 premises currently acting as Nightingale courts across England and Wales. A further 13 were in operation at various points but have since closed. As of July 2021, Nightingale courts had provided 72 additional courtrooms, 53% of which served the Crown court.⁸

Between the start of the pandemic and the end of May 2021, HMCTS published weekly statistics showing the number of cases received and disposed of at criminal and civil courts. The criminal court figures are not comparable with the main collection of [quarterly criminal court statistics](#) or with the [monthly HMCTS management figures](#) that were being published prior to the pandemic. This is chiefly because the weekly statistics include civil and enforcement cases in addition to criminal cases. The weekly statistics are also not official statistics, since they are drawn directly from management systems without having undergone rigorous checks (as is the case for the quarterly statistics).

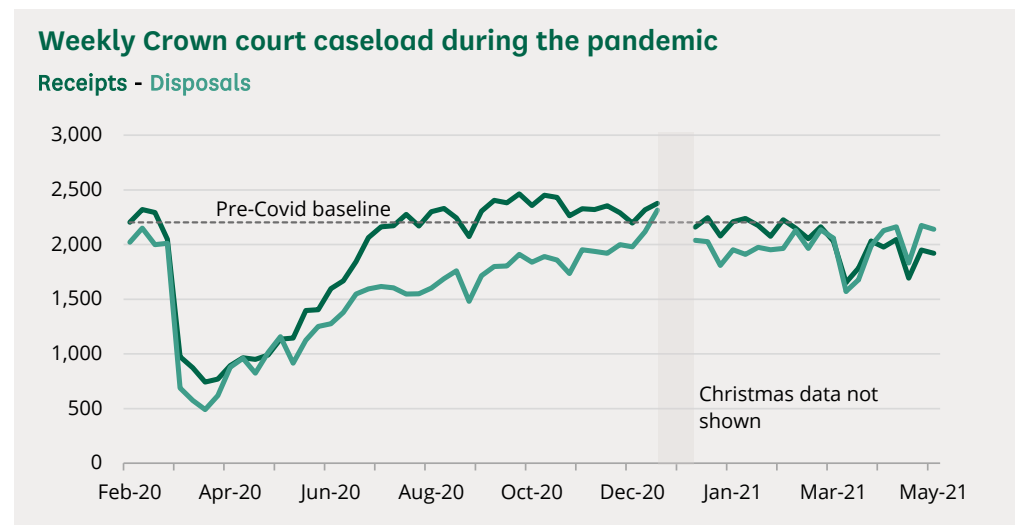
The chart below shows receipts and disposals of cases at magistrates' courts falling sharply at the start of the pandemic. There were more receipts than disposals between March and mid-July, after which point disposals surpassed receipts in almost every week. In the week ending 23 May 2021 (the latest weekly figure published), disposals were at around three quarters (75%) of their pre-COVID baseline.

⁸ National Audit Office, [Reducing the backlog in criminal courts](#), October 2021, p. 33



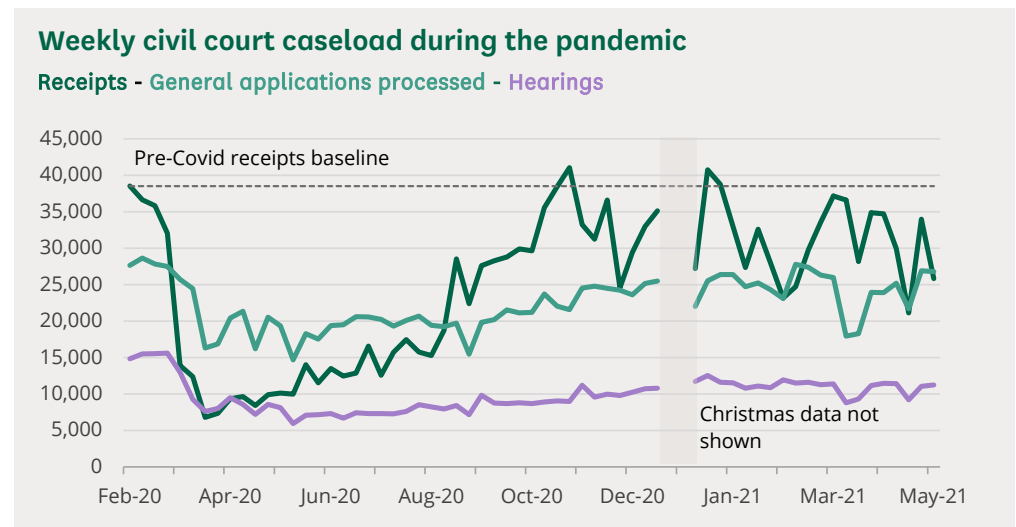
Source: HMCTS, [HMCTS weekly operational management information March 2020 to May 2021](#).

The Crown court caseload experienced a similar fall in both receipts and disposals in mid-March 2020, as shown in the chart below. Between then and the end of November, the number of receipts surpassed the number of disposals in almost every week. Between July and December, the number of cases received weekly by the Crown court was often higher than the pre-COVID baseline.



Source: HMCTS, [HMCTS weekly operational management information March 2020 to May 2021](#).

Civil courts also saw a large fall in weekly receipts of new claims in March 2020. Receipts stayed low until August before rising again to around their baseline level in November, and again in January. This is shown in the chart below. Most civil claims are settled without a hearing, and civil courts were able to process a similar level of general applications throughout the pandemic. The number of hearings fell in mid-March and remained well below its pre-COVID level for the rest of the year and into 2021.



Source: HMCTS, [HMCTS weekly operational management information March to November 2020](#).

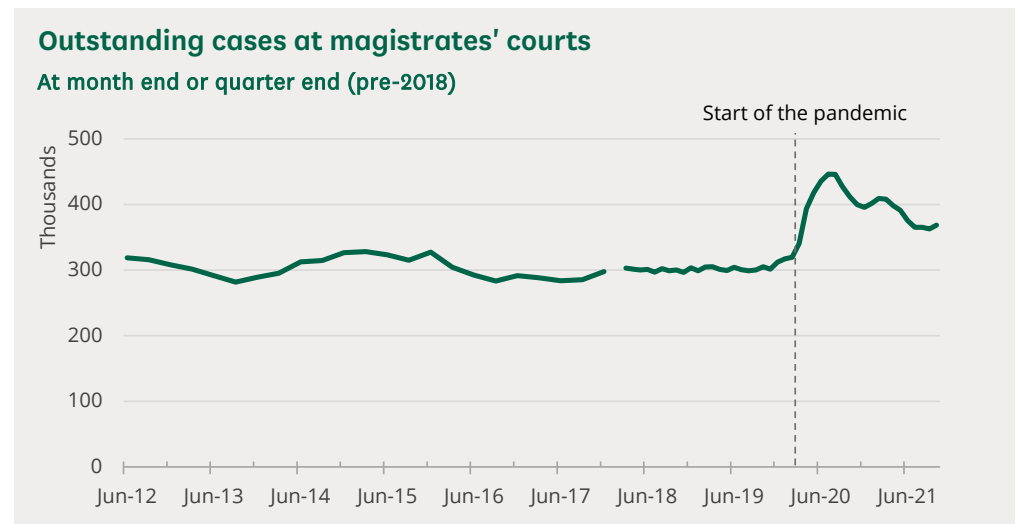
3.2 The courts backlog

In total, more cases were received than were processed in criminal courts between March and November 2020, which meant that the number of outstanding cases rose during this time. The weekly management information shows that the total number of outstanding cases in criminal courts rose from around 446,500 to a peak of 569,400 in July, before falling to 511,000 in May 2021.

The weekly management figures include all cases processed by criminal courts, including civil and enforcement cases dealt with by magistrates. This data series began at the start of the pandemic and it only includes one data point to represent the 'pre-COVID baseline'.

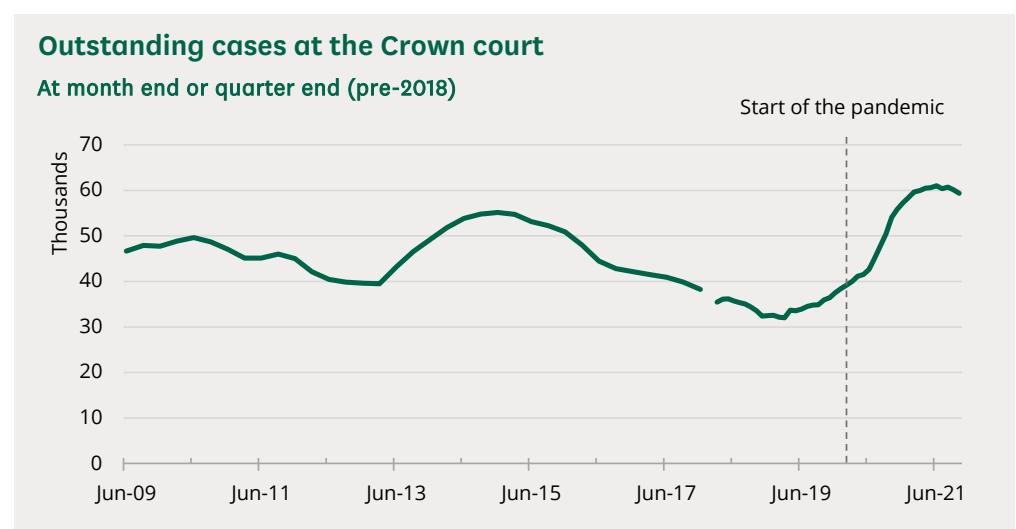
There are separate, monthly management figures which are not comparable because they exclude these types of case but which allow us to examine the size of the courts backlog over a longer period of time.

As the chart below shows, the number of outstanding cases at magistrates' courts rose sharply at the start of the pandemic, to a level not seen in any of the years for which we have data (since 2012).



Source: HMCTS, [HMCTS management information \(monthly\)](#); MoJ, [Criminal court statistics quarterly](#).

The Crown court backlog was already rising prior to the pandemic but this rise became steeper in the latter half of 2020. In November 2020 it surpassed its previous peak of around 55,000 outstanding cases in 2014.



Source: HMCTS, [HMCTS management information \(monthly\)](#); MoJ, [Criminal court statistics quarterly](#).

3.3 Projections

HMCTS figures

In July 2020, HMCTS published an [overview of its response to the COVID-19 pandemic](#), which mapped out its plan for the recovery of court capacity. It was also announced in July that an additional £142 million would be allocated to HMCTS in 2020/21 to “speed up technological improvements and modernise courtrooms.”

HMCTS provided an [update of its response](#) in September 2020. This projected that 333 jury trials would be heard each week by November (compared with

around 100 per week in August and a pre-Covid baseline of 340 per week). There were, in fact, 201 effective or cracked jury trials on average per week in November, according to the [weekly management data](#). There was, however, a much higher number of vacated trials (444 per week on average) than the pre-COVID baseline (292), suggesting that Crown courts might have attempted to start more trials than usual.

In November 2020, HMCTS also published an [overview of recovery in civil and family courts](#), although this did not contain projections.

In October 2021, the National Audit Office published a report, [Reducing the backlog in criminal courts](#), which contained some modelling done by HMCTS of the potential size of the future Crown court backlog. Three scenarios were modelled in July 2021, with the ‘ambition’ scenario predicting a backlog of 48,000 cases by November 2024, the ‘cautious’ scenario predicting 52,000 cases, and the ‘counterfactual’ scenario predicting 72,000 cases by then.⁹

These scenarios take into account not only the possible speed at which cases can be cleared depending on the availability of courtrooms and personnel but also the predicted number of new cases coming in. It is assumed that the recruitment of 20,000 additional police officers will lead to a rise in criminal prosecutions, all other factors being constant.¹⁰

In the Autumn 2021 spending review, the Ministry of Justice received an additional £477 million to reduce the criminal courts backlog. In response to a Parliamentary question, the Parliamentary Under-Secretary of State for Justice stated that, “[this] will allow us to reduce Crown court backlogs caused by the pandemic from about 60,000 today to an estimated 53,000 by March 2025.”¹¹

While, at the time of writing, the Government has not provided an estimated of the number of sitting days planned in order to meet this target, it most closely resembles the ‘cautious’ scenario in HMCTS’s modelling which involved Crown court sitting days increasing to 114,000 per year from 2023-24.

Around 67,300 sitting days took place in 2020-21, against an allocation of 88,600. In 2015-16, when the Crown court was operating at its ‘peak’ capacity, 109,300 sitting days were used.¹²

Institute for Government analysis

The Institute for Government (IfG) carried out [early analysis of the possible impact of COVID-19 on the criminal courts](#) in April 2020, and further analysis

⁹ See p.38 of [the report](#). These are estimates which rely on certain assumptions.

¹⁰ See, for example, the Lord Chancellor’s response to Q58 in the Justice Select Committee’s oral evidence on [HC 869](#) (*‘The work of the Ministry of Justice’*).

¹¹ [HC904760](#), 14 December 2021

¹² NAO, [Reducing the backlog in criminal courts](#), October 2021, p.17

for its [Public Services Performance Tracker 2020](#) and [Performance Tracker 2021](#).

In their 2021 analysis, the IfG also modelled for a range of different ‘demand’ scenarios, in order to take into account the possible impact of police recruitment on the volume of prosecutions.

“Unlimited sitting days in the crown court means that the main constraint is judicial capacity. Such a large backlog could not, on top of meeting new demand, be alleviated in one year. If the criminal courts were to operate at the peak level of 2015/16 (115,000 sitting days) from September 2021, the backlog would be back to prepandemic levels in December 2023; in the low demand scenario, in December 2022. But in the high demand scenario, by 2023/24 even processing as many cases as the criminal courts did in 2015/16 would only be sufficient to meet new demand without making any indent into the backlog.”¹³

They add that,

“When adjusted for the complexity of cases added (which will disproportionately require jury trials), the current backlog is now more than twice what it was before 2020. Finding enough hearing time to process these cases – and to return the backlog to pre-pandemic levels – would require the equivalent of 44% of 2019/20 crown court capacity and will cost £300m for the extra judicial time, staffing and court space.”¹⁴

This estimated cost is in addition to any increase in cost which might be needed to dispose of new cases coming through (i.e. to maintain the backlog in a steady state).

Crest Advisory analysis

In October 2020, Crest Advisory published modelled projections of the possible growth of the criminal courts backlog as a result of COVID-19, in its report, [A perfect storm: why the criminal justice system is facing an existential crisis](#). The main assumptions of the model were that court capacity would return to its pre-COVID level by September 2021 and that police charging would fall in the short-term but rise in the longer term (as a result of the recruitment of additional police officers).

Only triable-either-way and indictable offences were included in the analysis. This means that the majority of cases going through magistrates’ courts, which are for summary offences, were excluded.

The model projected that without an increase in court capacity, the criminal courts backlog would become ‘unmanageable’ by 2024. Crest conclude that court capacity would need to at least double in order to avoid this situation.

The Crest and IfG projections are both limited by the fact that they:

¹³ Institute for Government, Performance Tracker 2021, p.127

¹⁴ Ibid. p.126

- Assume some level of increase in the volume of cases being received by courts in the long-term, as a result of police recruitment. This is by no means guaranteed.
- Base their estimates of the need for additional capacity on historical or current figures for how long cases take to clear. The additional investment in technology this year, and the courts modernisation programme as a whole, are intended to increase the courts' efficiency, meaning previous ratios of expenditure and time to output would no longer be accurate.

4 Court performance

4.1 Effectiveness of criminal trials

Criminal court statistics report administrative information about proceedings, for example, if a listed trial goes ahead on the scheduled day. This is different to reporting on the outcome of trials, i.e. whether or not there was a *conviction*, which are published elsewhere.¹⁵

An **effective** trial or proceeding is one which commences and reaches a conclusion on the date that it was scheduled.

An **ineffective** trial or proceeding does not commence on the due date and will be rescheduled.

A **cracked** trial or proceeding does not commence on the scheduled date and the trial is not rescheduled, as a trial is no longer required. This is usually due to a guilty plea being entered or prosecution being dropped, for example, due to lack of evidence.

A **vacated** trial or proceeding is one which has been removed from the court listing before the date.¹⁶

A trial or proceeding can be vacated more than once but it can only be effective, ineffective, or cracked once.

In 2020, 53% of listed magistrates' court trials were vacated. In other words, for every 10 trials listed on a given day, 5 were rescheduled to a different day. The picture in the Crown court was more extreme, with 164% of listed trials being vacated. This is equivalent to all trials being vacated at least once, and 6 in 10 trials being vacated twice.¹⁷

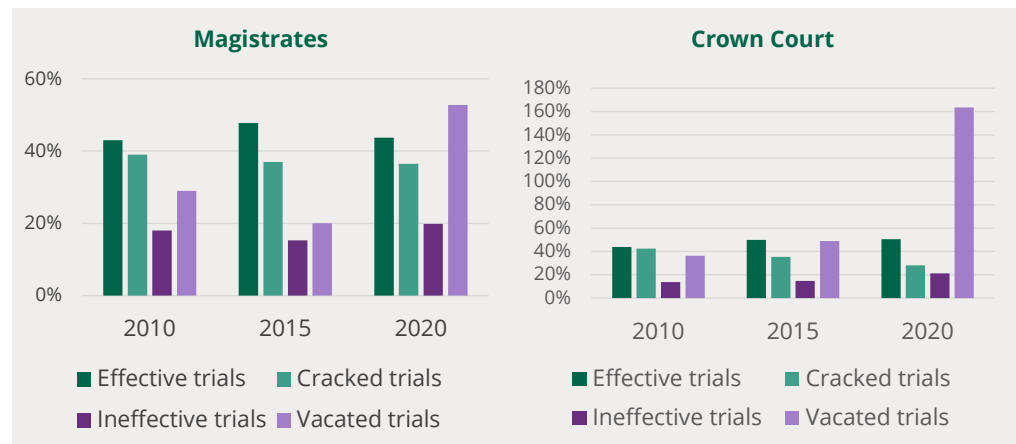
The charts below show the administrative outcome of trials. Both magistrates' and Crown courts saw a slightly higher proportion of effective trials in 2019 than five or ten years previously.¹⁸ Magistrates' courts had fewer and a lower proportion of vacated trials in 2019 than five years previously (21,000 in total compared to 39,000).

¹⁵ The MoJ publishes the outcome of criminal proceedings in its [Criminal Justice Statistics](#) collection (quarterly and annual).

¹⁶ For more examples of how trial outcomes are categorised, see the [Guide to Criminal Court Statistics](#).

¹⁷ Ministry of Justice, [Criminal Court Statistics \(January to March edition\)](#), tables M2 and C2. This is an illustrative example of what could have happened; it could have also been the case that a small number of trials were vacated many times.

¹⁸ Ibid.



Note that trials can be vacated more than once so the four categories here do not sum to 100%.

In the year ending March 2021, the main reason for ineffective trials at magistrates' courts and at the Crown court was 'prosecution availability'.

Key reasons for ineffective trials, by court

England and Wales, 2020-21

Reason	Magistrates		Crown	
	Number	%	Number	%
Defendant absent/unfit to stand	3,278	26%	630	33%
Court administration	2,660	21%	722	38%
Prosecution witness absent	1,273	10%	186	10%
Defence not ready	1,243	10%	151	8%
Prosecution not ready	891	7%	131	7%
Interpreter availability	288	2%	10	1%
Defence availability	274	2%	46	2%
Defence witness absent	187	1%	17	1%
Prosecution availability	124	1%	22	1%
No reason given	2,517	20%	0	0%
Total	12,735	100%	1,915	100%

Source: Ministry of Justice, [Criminal Court Statistics \(January to March edition\)](#): Trial effectiveness at the criminal courts tool

Notes to table: 1) Prosecution not ready covers all trials that are ineffective due to 'Prosecution not ready: served late notice of additional evidence on defence', 'Prosecution not ready: specify in comments' and 'Prosecution failed to disclose unused evidence'.

2) Prosecution witness absent covers all trials that are ineffective due to 'Prosecution witness absent: police', 'Prosecution witness absent: professional / expert' and 'Prosecution witness absent: other'.

3) Defence not ready covers all trials that are ineffective due to 'Defence not ready: disclosure problems' and 'Defence not ready: specify in comments'.

4) Defence witness absent covers all trials that are ineffective due to 'Defence witness absent'. 5) Defendant absent / unfit to stand covers all trials that are ineffective due to 'Defendant absent - did not proceed in absence (judicial discretion)', 'Defendant ill or otherwise unfit to proceed', 'Defendant not produced by PECS' and 'Defendant absent - unable to proceed as defendant not notified of place and time of hearing'.

6) Prosecution availability covers all trials that are ineffective due to 'Prosecution advocate engaged in another trial', 'Prosecution advocate failed to attend' and 'Prosecution increased time estimate due to insufficient time for trial to start'.

7) Defence availability covers all trials that are ineffective due to 'Defence asked for additional prosecution witness to attend', 'Defence increased time estimate due to insufficient time for trial to start', 'Defence advocate engaged in other trial', 'Defence advocate failed to attend' and 'Defendant dismissed advocate'.

8) Court administration covers all trials that are ineffective due to 'Another case over-ran', 'Judge / magistrate availability', 'overlisting (insufficient cases drop out / floater / backer not reached)' and 'equipment / accommodation failure'.

9) Prior to April 2007 the data were collected via the cracked and ineffective trial monitoring forms. Collection via the online HMCTS Performance Database (OPT) began from April 2007. Data prior to April 2007 are comparable with data from April 2007 since only the method of data collection changed not the methodology.

10) A review of ineffective reasons occurred in 2009 and 2012/13 which resulted in some changes to the reasons.

4.2 Waiting times

Waiting times are reported differently by type of court, with some being reported in days and some in weeks.

For **criminal trials**, statistics on the length of time between different points in the case are published in the MoJ's Criminal Court Statistics.¹⁹ They show that for all criminal cases, in 2020:

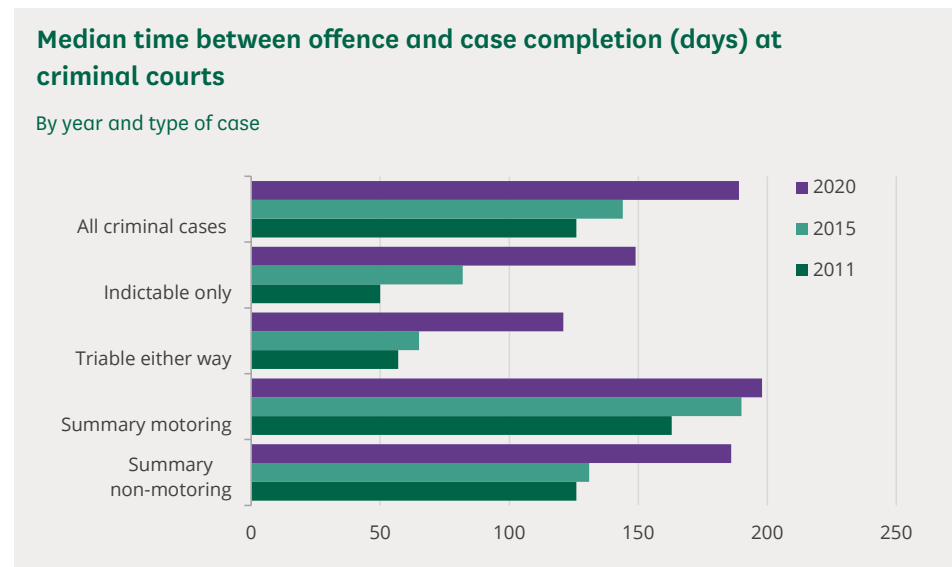
- There was a median wait of 122 days between an offence being recorded and someone being charged;
- There was a median wait of 35 days between a defendant being charged and the first court listing;
- There was a median time of 189 days between the offence being reported to the completion of the case.

The length of criminal cases differs by the type of offence (summary, indictable, or triable-either-way) since this determines whether it can be heard at the Crown court. As the chart below indicates, indictable and triable-either-way cases, which generally proceed to the Crown court, take less time to complete, on average.

Note that most Magistrates' court cases (63% in 2020) are completed at their first hearing because they are for summary offences which are, on the whole, not complex cases.

The median length of time between offence and completion rose between 2011 and 2020. This appears to be driven by an increase in the length of time between offence and charging (the 'pre-court' stage).

¹⁹ MoJ, [Criminal court statistics](#), table T2



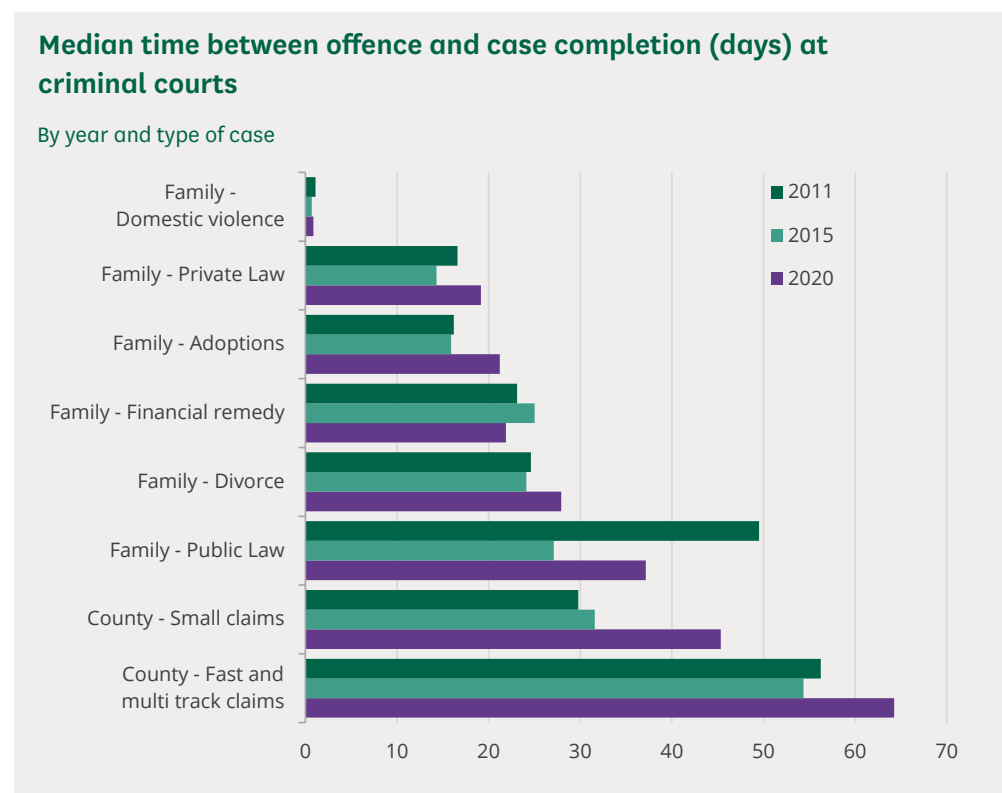
Statistics on waiting times at **civil courts** are available for all activity in family courts and for defended claims in county courts.²⁰

In county courts in 2020, there were 45,200 trials/hearings (most claims are undefended or withdrawn so do not proceed to trial) for all claims. For small claims, there was an average of 45 weeks between the issuing of a claim and a trial/ hearing. For fast-track and multiple claims, the equivalent was 64 weeks.²¹

The time between the start of a case and its first definitive disposal in family courts differs substantially by type of case, with domestic violence cases being the quickest to go to trial. As the chart also shows, there has been little change in most categories since 2011, the exception being for public law cases involving children at family courts, where the lifespan of a case almost halved.

²⁰ MoJ [Civil justice statistics quarterly](#): table 1.5; MoJ [Family Court Statistics Quarterly](#), table 10

²¹ It is not stated in the published statistics whether 'average' refers to the mean or median. As such, the figures may not be directly comparable with the average (median) times shown for criminal courts and for tribunals.



Waiting times at **tribunals** are reported in the MoJ's Tribunals Statistics as the age of case at clearance, for cases cleared in a given financial year.²² These are categorised into bands of a certain number of weeks '*or less*'. These figures are provided by tribunal type for a selection of tribunals.

As the chart below indicates, average (median) waiting times at employment tribunals reduced between 2011/12 and 2015/16, due to backlog-clearing during the fee-paying period, but then rose again by 2020/21.

During the same period, the average age of an Immigration and Asylum Tribunal case at the time of its clearance more than tripled.

²² MoJ [Tribunals statistics, table T1](#)



Source: MoJ [Tribunals statistics, table T1](#)

4.3 Legal representation

At criminal trials, almost all defendants have legal representation (barrister or solicitor-advocate) and solicitor representation. In 2020, 99.9% of defendants in **Crown court** cases had advocate representation at their first hearing, and 94% had advocate *and* solicitor representation.²³

In **county court** proceedings, most claims are undefended, meaning that there is no need for legal representation. Of *defended claims* in 2020, in 57% both parties were represented by a solicitor, in 16% neither party was represented, and in the remainder one party was represented. Unspecified money claims were the most likely to have both parties represented (96%).²⁴

At **family courts** in 2020, in 25% of proceedings both parties were represented by a solicitor and in another 38% neither was represented. The proportion of cases in which neither party was represented has risen in recent years from 17% in 2011.

Divorce and private family law cases saw the biggest change. In 2011, 30% of divorce cases and 48% of family law cases had both parties represented; in 2020, these figures were 15% and 21% respectively.

At domestic violence proceedings in 2020, both parties were represented in 11% of cases, compared with 18% in 2011. In 25% of cases, neither party was represented in 2020, compared with 12% in 2011.²⁵

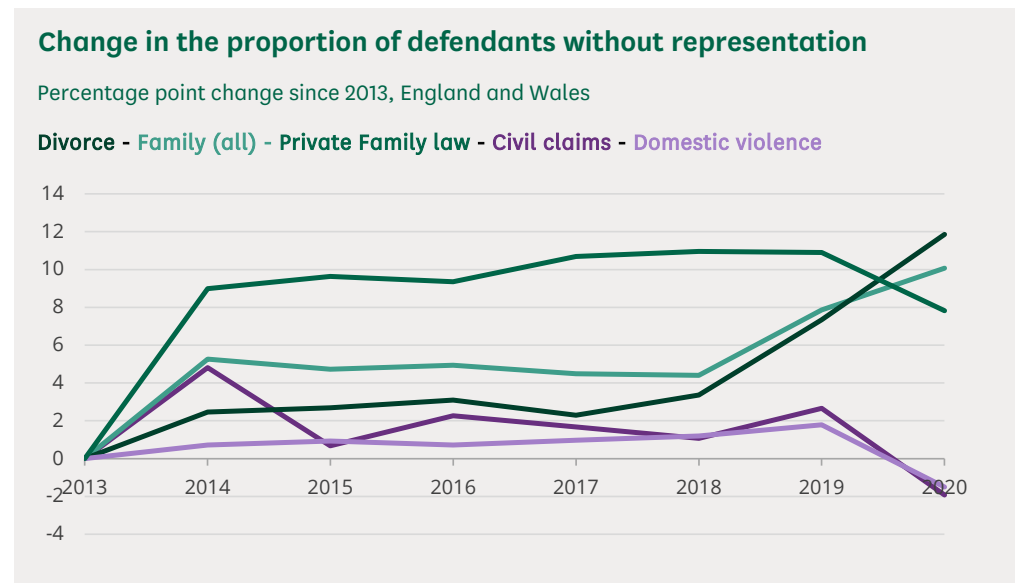
The chart below shows the change since 2013 in the proportion of defendants in county and family court hearings *not* represented by a solicitor. In

²³ MoJ [Criminal court statistics bulletin: January to March \(Annual figures\) \(main tables\)](#); AC8a and AC8b

²⁴ MoJ [Civil justice statistics quarterly](#), table 1.6

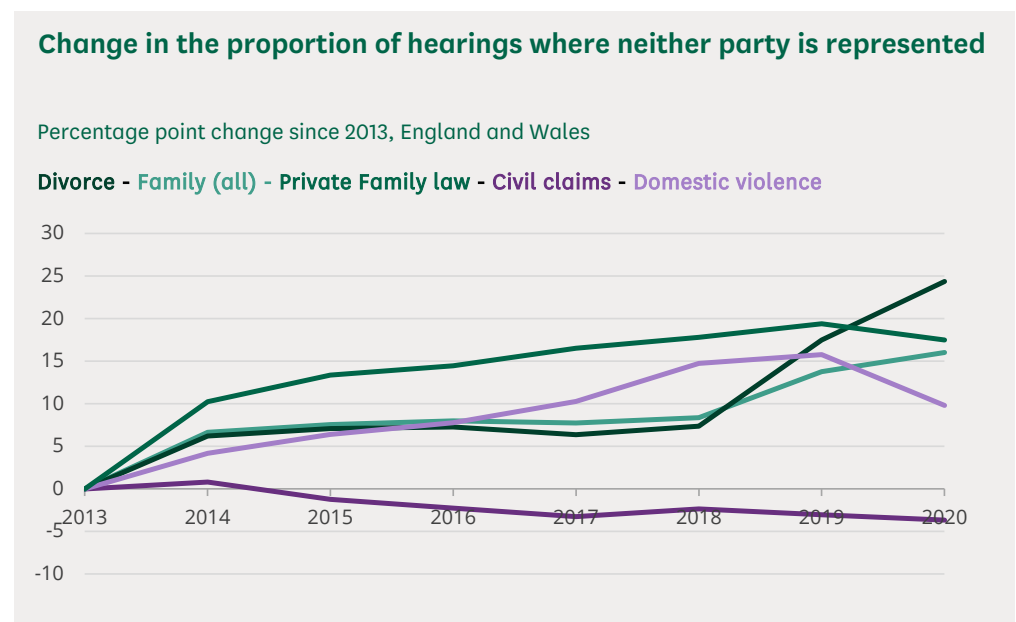
²⁵ MoJ [Family Court Statistics Quarterly](#), table 10

defended county court cases and in all categories of family cases, the proportion without legal representation has risen.



Sources: MoJ, [Family Court Statistics Quarterly](#), table 10; [Civil justice statistics quarterly](#), table 1.6

The second chart, below, shows the change in the proportion of cases in which neither party (claimant nor defendant) is legally represented.



Sources: MoJ, [Family Court Statistics Quarterly](#), table 10; [Civil justice statistics quarterly](#), table 1.6

This proportion has risen in all categories of family court case but has fallen since 2014 for defended county court cases. Note that the scale of this chart is different to the previous one and that there has been close to a doubling in the proportion of private law cases (involving children) at the family court in which neither party is represented.

5

Courts and court closures by area

Since 2010, the court and tribunal estate has changed significantly. Based on the available information, between 2010 and 2019,

- **162 magistrates' courts** have closed, out of 323,
- **90 county courts** have closed, out of 240,
- **18 dedicated tribunal buildings** have closed, out of 83,
- **17 family courts** have closed, out of 185,
- **8 crown courts** have closed, out of 92.

In total 295 court facilities (the individual services listed above) closed during this time.²⁶

These numbers may not tally with those reported elsewhere because some sources count the closure of *premises* and others count the closure of services in a given location.

5.1

Pre-2010

The Labour government closed 125 magistrates' courts between 1997 and 2009²⁷ although it opened 25 new ones over the same period. This represented a closure of around one in five magistrates' courts.²⁸ Labour also closed 24 county courts between 1997 and 2008.²⁹

In October 2009, the Labour government announced the closure of one more county court and consulted on the closure of another, along with a further 20 magistrates' courts. The then Justice Secretary, Jack Straw, confirmed in March 2010 that those magistrates' courts would close, but postponed a decision on the remaining county court.³⁰ In the event, Kenneth Clarke, then Justice Secretary under the Coalition government, announced that this too would close.³¹

²⁶ Source: Ministry of Justice, personal communication: Please note that these numbers may not tally with those reported elsewhere because some sources count the closure of *premises* and others count the closure of services in a given location.

²⁷ [HC Deb 20 October 2009 cc1373-1374WA](#)

²⁸ This is based on an estimate of there having been 497 courts in 1997, leading to a net change of -21% in the total number. See [HC 295941, 5 Nov 2009](#).

²⁹ [HC Deb 5 February 2009 c1401W](#)

³⁰ [HC Deb 18 Mar 2010 c73WS](#)

³¹ [HC Deb 23 June 2010 c15WS](#)

5.2

Magistrates' court closures analysis

Using information from HM Courts and Tribunals' Service (HMCTS), it is possible to estimate how the impact of the court closures differs by geographical location. The following maps provide an illustration of the impact of the closures on distance to *Magistrates' courts*.

In advance of the closures, HMCTS conducted an analysis of the impact of closures on distance to the nearest court from local areas. The maps presented on the following pages show a simplified estimation of these distances, since they show the distance in a straight line between an area and a court, rather than by road or rail. Nonetheless, the maps show give a broad indication of the areas where distance to the nearest Magistrates' court has increased the most.

Notes: It is assumed that people living in a certain area would be most likely to have used the original court that was closest (in the event that they would have to attend court). This will not have always been the case because courts operate within Local Criminal Justice Board (LCJB) areas and these boundaries have not been taken into account. The 'receiving' court of a closed court was supplied by HMCTS. Note that in some cases there were multiple receiving courts for a closed court but, in this analysis, the first listed receiving court only has been used.

Interpreting these maps

Small areas within England and Wales (Output Areas (OAs)) have been colour-coded by their distance from the nearest Magistrates' court. A darker shade (of green, if being viewed in colour), indicates a longer distance. These distances are calculated in a straight line from the population-weighted centre of each OA to the nearest court.

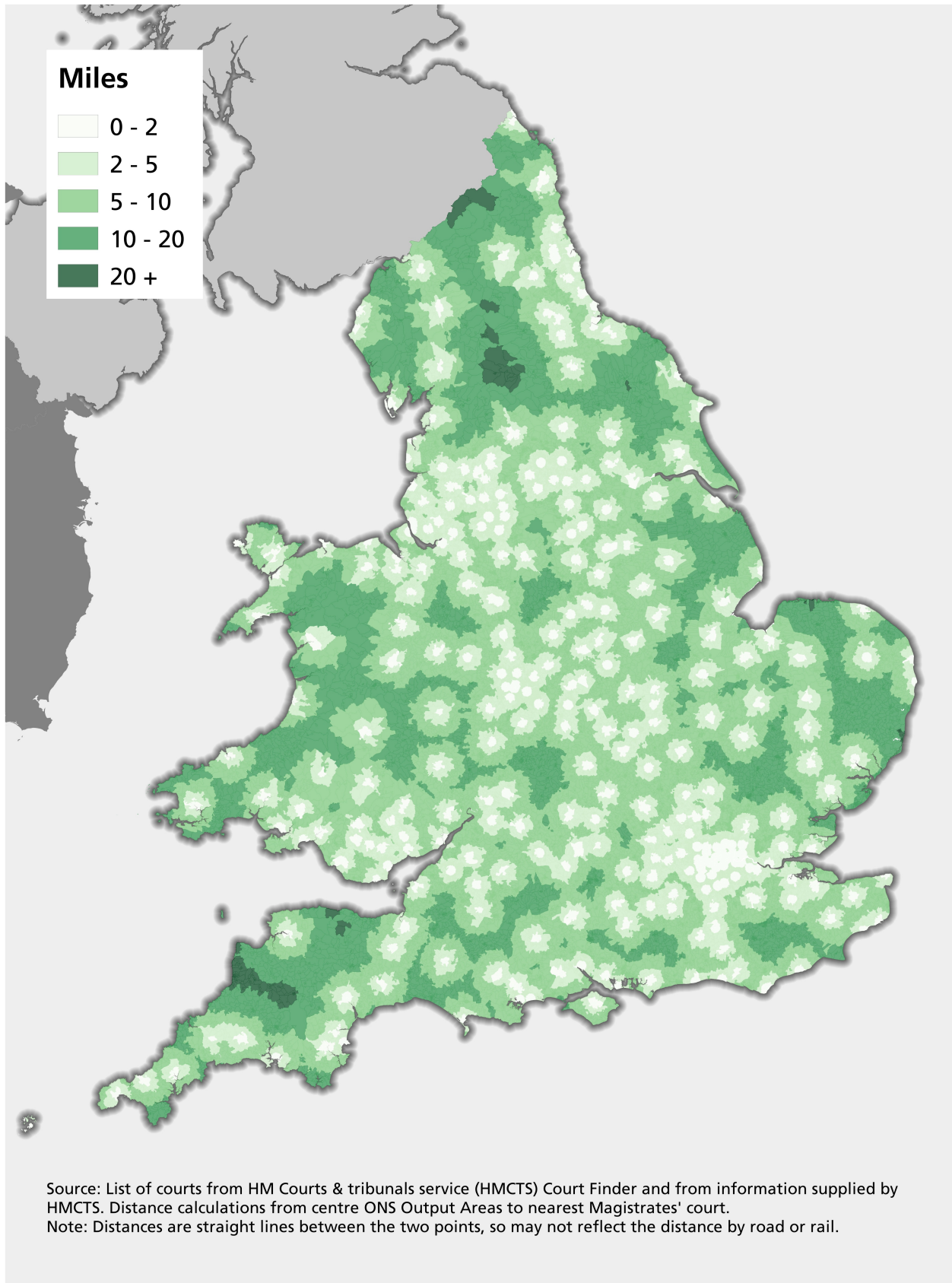
The first map shows the Magistrates' court estate in 2010, before the wave of closures. There are very few areas where the distance, in a straight line, to the nearest court was 20 miles or more.

The second map uses the same colour-coding scale and shows the situation in 2018, after the court closures. There are many more patches of the darkest shade of green, indicating that the number of places with a distance of 20 miles or more to the allocated Magistrates' court has increased.

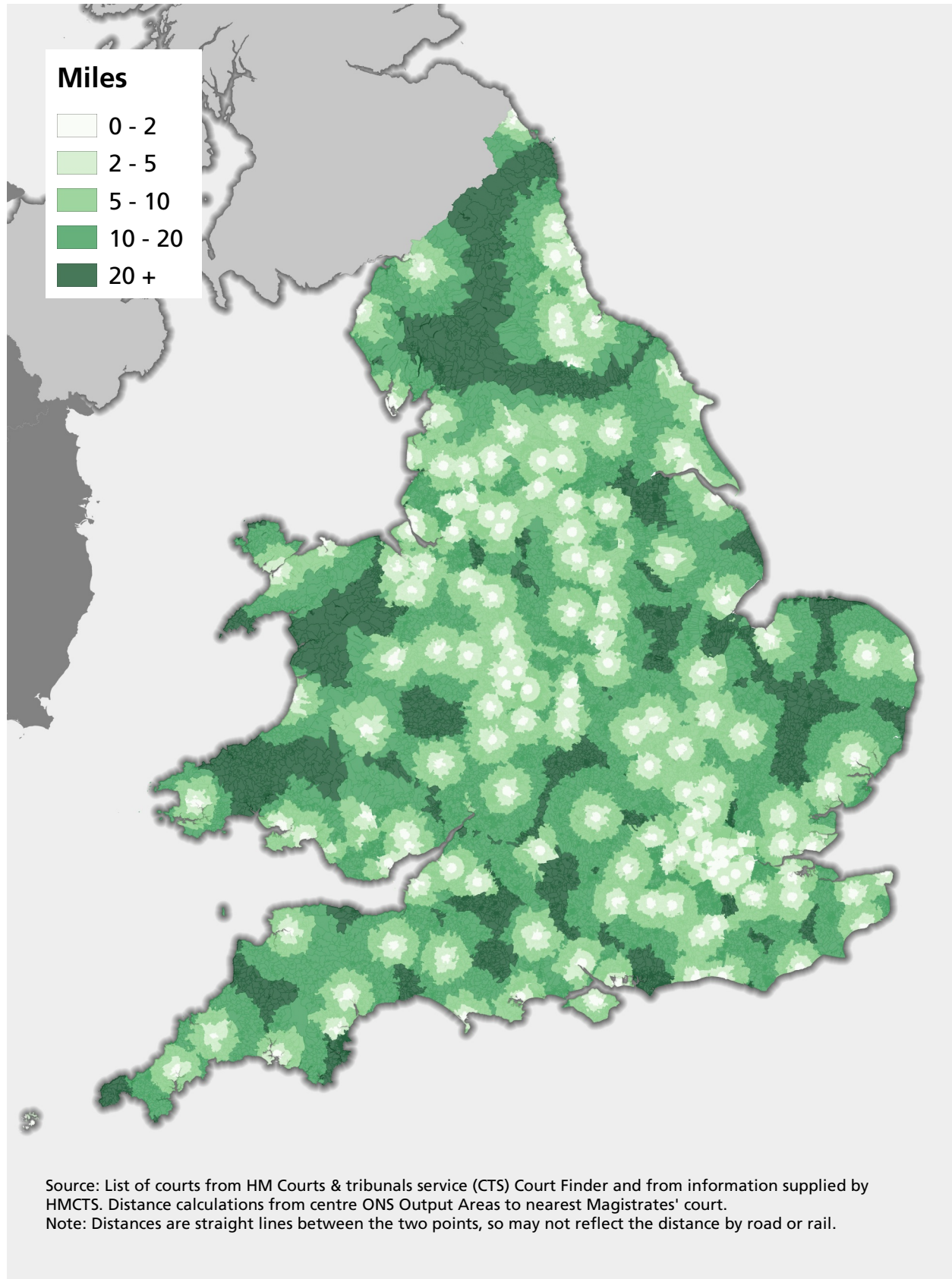
In reality, these boundaries are fuzzier, as there are factors other than where a crime takes place, or where a victim lives, which determine the court to which a case is allocated.

The third map shows the location of Nightingale criminal courts alongside current and closed Magistrates' courts.

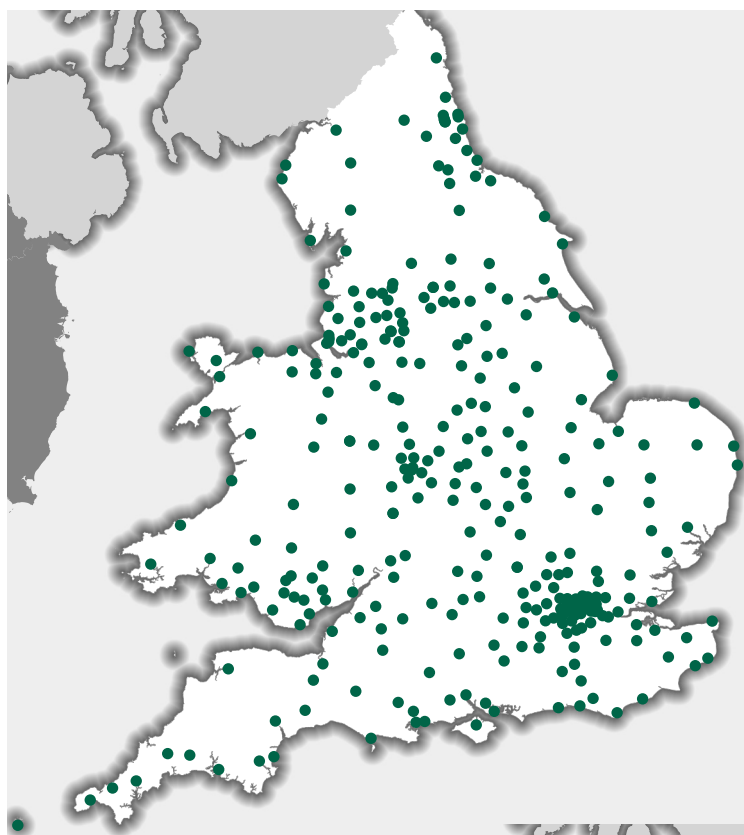
Distance from output area to nearest Magistrates' courts, England and Wales: 2010.



Distance from output area to nearest Magistrates' courts, England and Wales: 2019.



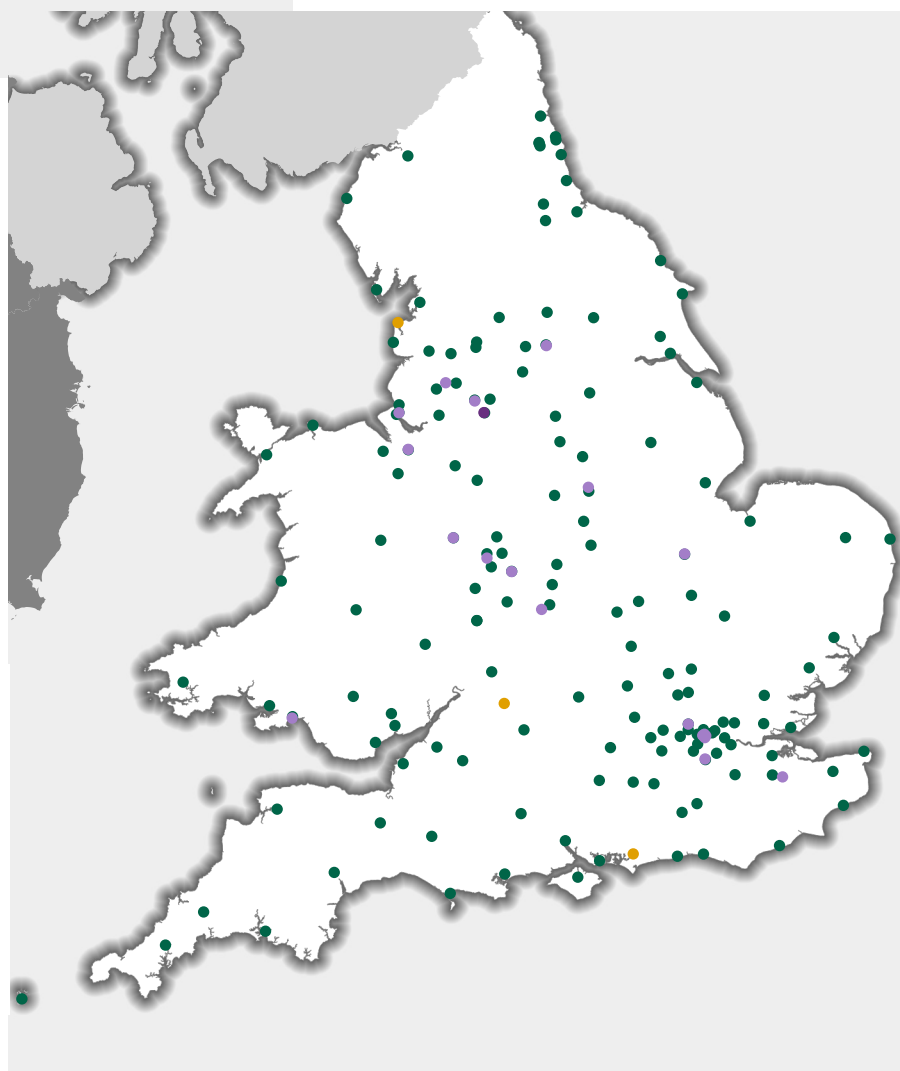
Magistrates' courts in 2010



Magistrates' courts and Nightingale criminal courts in 2021

Legend

- Open
- Open, also Nightingale expansion court
- Nightingale court - open
- Closed but re-opened as Nightingale Court



6

Judges and court employees

6.1

Number of employees

The total number of HMCTS employees is published as an annual average of employees (full-time equivalent) in HMCTS's Annual Report and Accounts.

In 2020/21, there were 16,713 FTE staff at HMCTS, of whom 2,218 were contractors or agency staff (13% of the total). This was the second highest proportion of contract/ agency staff in any of the years for which data is available.

Even taking into account the rise in the number of contract/ agency staff, the total number of employees fell by 20% between 2010/11 and 2019/20. The table below shows the year-on-year change in both types of staff.

HM Courts and Tribunals Service staff					
Annual average, England and Wales					
Year	Permanently employed staff	Annual change (%)	Agency and contract staff	Annual change (%)	Total
2010/11	20,392	..	385	..	20,777
2011/12	19,433	..	271	..	19,704
2012/13	17,587	..	682	..	18,269
2013/14	16,999	-3%	830	22%	17,829
2014/15	16,162	-5%	871	5%	17,033
2015/16	15,209	-6%	1,077	24%	16,286
2016/17	14,269	-6%	1,480	37%	15,749
2017/18	13,841	-3%	2,034	37%	15,875
2018/19	14,177	2%	2,042	0%	16,219
2019/20	14,041	-1%	2,223	9%	16,264
2020/21	14,495	3%	2,218	0%	16,713

Source: HM Courts and Tribunals Service Annual Report and Accounts, various years

The number of magistrates, judges, and employees at tribunals also fell during this period. The table below shows the annual number of employees in each category.³²

³² Note that Magistrates are volunteers rather than employees.

Magistrates, judges, and HMCTS staff in post

Annual average, England and Wales

	Magistrates	Judges (courts)	Tribunal judges and non-legal members	HMCTS total staff
2010/11	29,270	3,598		20,777
2011/12	25,155	3,694	5,661	19,704
2012/13	23,401	3,621	5,518	18,269
2013/14	21,626	3,452	6,084	17,829
2014/15	19,634	3,238	5,543	17,033
2015/16	17,552	3,202	5,283	16,286
2016/17	16,129	3,134	4,913	15,749
2017/18	15,003	2,978	4,825	15,875
2018/19	14,348	3,210	4,975	16,219
2019/20	13,177	3,174	5,107	16,264
2020/21	12,651	3,314	4,845	16,713

Source: HM Courts and Tribunals Service Annual Report and Accounts, various years; Courts and Tribunals Judiciary [Judicial diversity statistics](#), various years

Notes: a) HMCTS permanent staff includes contract/ agency staff.

b) Magistrates do not generally work full-time so the number shown here is overall number in post, rather than full-time equivalent (FTE). For other categories, FTE is shown.

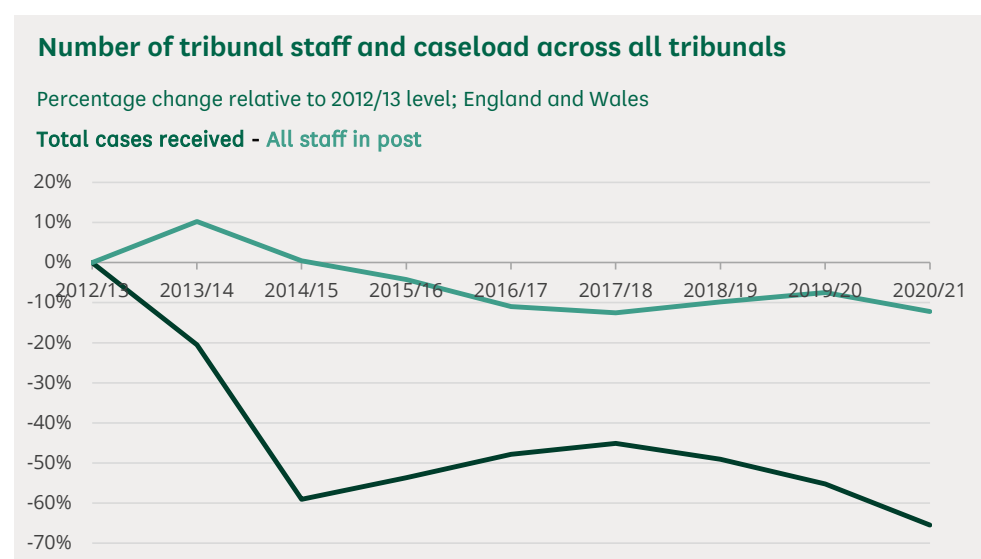
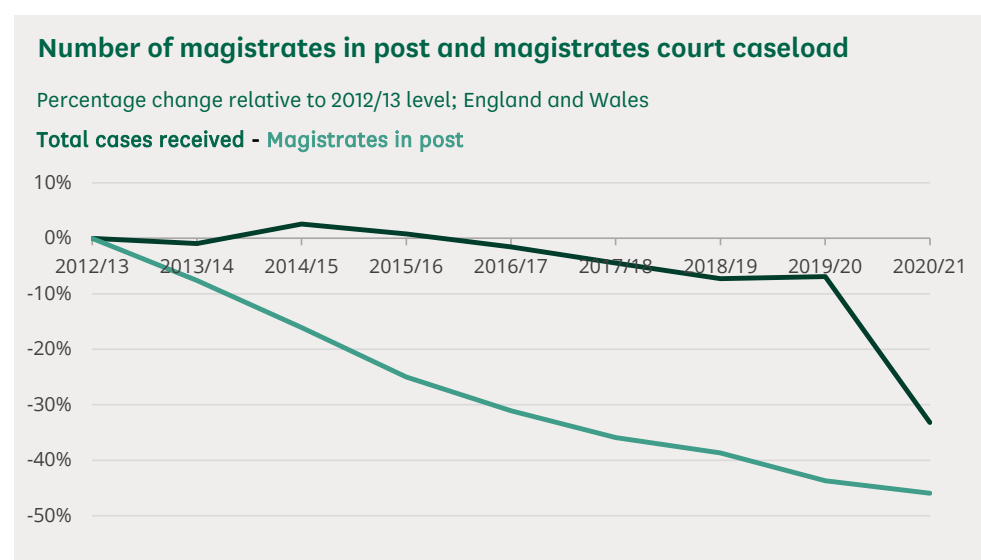
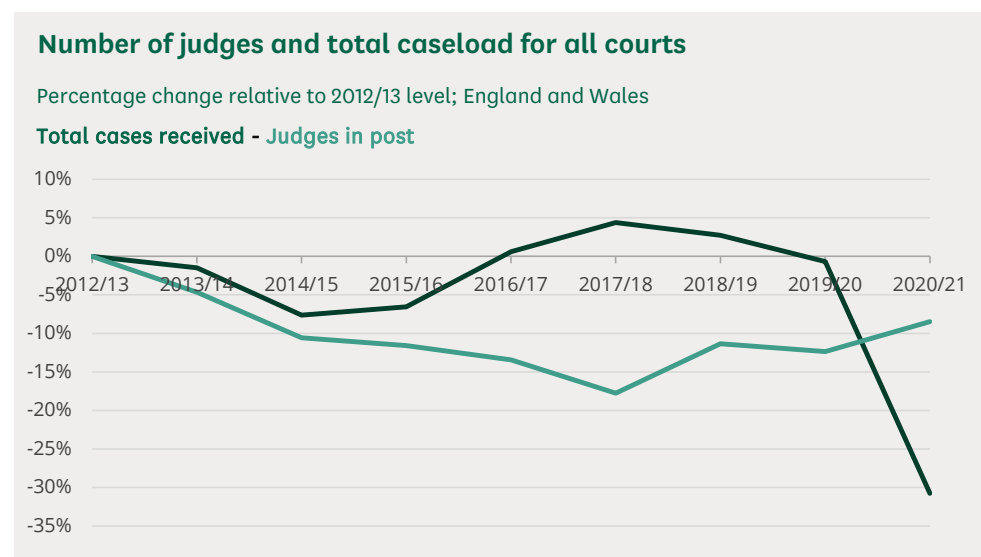
Between 2012/13 and 2020/21:

- the number of magistrates in post fell by 46%,
- the number of court judges (FTE) fell by 8%,
- the number of judges and non-legal members at tribunals fell by 12%.

Note that the overall caseload of HMCTS rose over this period, driven by a rise in cases at magistrates' and civil courts, then fell to the same level as 2012/13 in 2019/20. During the pandemic in 2020/21 it fell to a much lower level than usual.³³

The following charts show the change in the number of judges, magistrates, and tribunal staff alongside the change in the caseload of each tier of court in which these employees operate.

³³ This is calculated using the number of cases received during the financial years 2012/13 and 2018/19 (MoJ [Civil justice statistics quarterly](#), [Criminal court statistics quarterly](#), and [Tribunals and gender recognition statistics quarterly](#)). This does not include cases outstanding at year end because a) this would mean some cases are double-counted, and b) civil courts outstanding caseload figures are not available.



The number of judges and magistrates had fallen more steeply than the number of cases in the respective courts in which they operate (and indeed,

the total number of cases at all courts was higher between 2016/17 and 2020/21 than in the base year, 2012/13). The number of tribunal staff, which includes judges, has fallen less sharply than the tribunals caseload.

6.2

Diversity

Judicial diversity statistics have been published since 2000 (pre-2020 by the [Courts and Tribunals Judiciary](#) and from 2020 onwards by the [Ministry of Justice](#)). They report on the number and proportion of judges by sex, ethnicity, age, professional background, and whether they are salaried or fee-paid.

In 2020/21:

- 34% of judges were female, compared with 14% in 2000/01.
- 8% of judges were Black, Asian and minority ethnicity (BAME) compared with 2% in 2000/01.³⁴ The proportion of BAME people over 18 years of age in England and Wales was 12% in 2011 and 9% in 2001.³⁵
- 37% of judges were 60 years or older, compared with 41% in 2011/12.

Diversity statistics on Magistrates are also published by the Courts and Tribunals Judiciary but are only available from 2012/13 onwards.

In 2020/21:

- 56% of Magistrates were female, compared with 52% in 2012/13.
- 12% of Magistrates were BAME compared with 8% in 2012/13.
- 49% of Magistrates were aged 60 years or older, compared with 55% in 2012/13.

HM Courts and Tribunals Service (HMCTS) publishes statistics on the gender and ethnicity of its workforce in its *Annual report and accounts*.³⁶

The MoJ publishes statistics showing the ethnicity of defendants in criminal proceedings, specifically the number of out of court disposals, prosecutions, convictions, and the type of sentences received by the gender or ethnicity of the defendant, per calendar year.³⁷ Ethnicity can also be 'not stated' or 'not applicable': in practice, a large share of observations have 'not applicable' in the ethnicity field.

³⁴ This is the proportion of Judges who declared their ethnicity.

³⁵ Census data, accessed via [Nomisweb](#).

³⁶ HMCTS [Annual report and accounts 2020/21](#)

³⁷ MoJ, [Criminal Justice System statistics](#). Ethnicity statistics are to be found in the 'Outcomes by offence data tool' in the Annual statistics (the December edition).

7

HMCTS expenditure

Information about the finances of HMCTS is published in the Ministry of Justice's [Annual report and accounts \(latest 2020/21\)](#). Planned expenditure in the coming year(s) is published in HM Treasury's [Main Estimates](#).

Her Majesty's Courts and Tribunals Service (HMCTS) had its annual resource DEL reduced by around 30% between 2010-11 and 2015-16. In 2016-17, annual resource DEL almost doubled and has been at an annual level of around £1.6 billion since then. Capital DEL was reduced from 2010-11 onwards and cut completely in 2013-14 and 2014-15. Since 2015-16 it has risen again with a planned investment of £1 billion to reform and modernise the courts system.

The table on the following page shows resource and capital department expenditure limit (DEL) (out-turn), by year and planned spending for 2021-22. Note that the Government allocated a further £477 million in the October 2021 Spending Review to reduce the backlog in criminal courts. This is not shown in the table as it is not clear whether this amount is all ear-marked for HMCTS.

HMCTS Department expenditure limit (DEL) and plans

Annual figures

	Cash £ million	Real £ million at 2019-20 prices	Annual real terms change £ million	Annual real terms change %
Resource DEL				
2010-11	1,092	1,278		
2011-12	1,091	1,258	-20	-2%
2012-13	1,203	1,360	102	8%
2013-14	1,028	1,136	-224	-16%
2014-15	944	1,031	-105	-9%
2015-16	833	905	-126	-12%
2016-17	1,565	1,662	757	84%
2017-18	1,577	1,646	-16	-1%
2018-19	1,662	1,702	56	3%
2019-20	1,835	1,835	132	8%
2020-21	1,866	1,749	-85	-5%
2021-22 (plans)	2,026			
Capital DEL				
2010-11	146	171		
2011-12	27	31	-140	-82%
2012-13	50	57	25	82%
2013-14	0	0	-57	-100%
2014-15	0	0	0	0%
2015-16	16	17	0	0%
2016-17	131	139	122	708%
2017-18	111	116	-23	-16%
2018-19	170	174	58	50%
2019-20	133	133	-41	-23%
2020-21	288	270	137	103%
2021-22 (plans)	459			

Source: MoJ [Annual report and accounts 2020/21](#) and [2014-15](#); HM Treasury, GDP Deflators June 2019

Notes: These figures are taken from the 2018-19 and 2014-15 MoJ Annual Reports. Comparison before 2014-15 is not on a consistent basis.

The main estimate for 2019-20 shows the different Resource DEL figure of £1,674 million and Capital DEL of £177 million.

8

Appendix: Glossary

Civil

Civil Cases

Cases that do not involve family matters or failure to pay council tax. These cases are mainly dealt with by county courts and typically relate to debt, the repossession of property, personal injury, the return of goods and insolvency. Particularly important, complex or substantial cases are instead dealt with in the high court

Fast Track Cases

If a claim is defended, the “fast track” is for complicated cases with a claim value of over £10,000 (or £1,000 for personal injury and housing disrepair cases) and up to £15,000 for proceedings issued before 6 April 2009, otherwise £25,000.

Multi-track Cases

If a claim is defended, the “multi track” is for the most complex cases which are not allocated to the small claim or fast track.

Small claim Cases

If a claim is defended, the “small claims track” is for less complex cases, which have claim values of up to £10,000 (or £1,000 for personal injury and housing disrepair cases).

Tribunals

Caseload outstanding

The number of cases outstanding at the end of the period and still waiting to be dealt with to completion.

Disposal

A disposal is the closure of a case when work has ceased to be done. This can be through a claim being withdrawn, settled, dismissed or being decided at a hearing.

Employment Tribunal single and multiple claims

Claims to the Employment Tribunal may be classified into two broad categories – singles and multiples. Multiple cases are where two or more

people bring cases, involving one or more jurisdiction(s) usually against a single employer but not necessarily so, for instance in TUPE cases, and always arising out of the same or very similar

Hearing

The hearing is a meeting at which the tribunal panel considers evidence (either orally or paper based) and reaches a decision (where the decision may be to adjourn or to agree a final outcome). If the hearing is adjourned and restarted, it counts as one hearing.

Receipt

Volumetric term covering the acceptance of a case by a HMCTS Tribunal. Also known as a 'case' for Employment Tribunals.

Withdrawal

The applicant/claimant/appellant ceases action either before or at the hearing.

Criminal courts

Appeal

A formal request to a higher court that the verdict or ruling of a court be overturned.

Cracked trial

A trial that does not go ahead on the day as an outcome is reached and so does not need to be re-scheduled. This occurs when an acceptable plea is offered by the defendant or the prosecution offers no evidence against the defendant.

Dismissed

Appeals given a final result of 'Refused'

Disposal

The end result of a trial at court. In this publication the disposals of interest are sentences, but other disposals are possible, for example where there is no finding of guilt and the defendant is acquitted.

Effective trial

An effective trial in the magistrates' courts is a trial that commences on the day it is scheduled and reaches a verdict. For the Crown Court, a trial is effective once a jury has been sworn in, regardless of whether they go on to reach a verdict.

Indictable offences

These refer to either triable-either-way or indictable only offences.

Indictable only

These offences are the most serious breaches of the criminal law and must be tried at the Crown Court before a judge and jury. These ‘indictable-only’ offences include murder, manslaughter, rape and robbery.

Ineffective trial

A trial that does not go ahead on the scheduled trial date due to action or inaction by one or more of the prosecution, the defence or the court and a further listing for trial is required.

Triable-either-way

These offences may be tried either at the Crown Court or at a magistrates’ court. These offences include criminal damage where the value is £5,000 or greater, theft, burglary and drink driving. Triable only on indictment and triable either way are frequently amalgamated to form indictable offences.

Summary offences

These offences are usually heard only by a magistrates’ court. This group is dominated by motoring offences, for some of which fixed penalties can be issued, but also includes typically less serious offences such as common assault and criminal damage of up to £5,000.

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