



Department of

**Justice**

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

[www.justice-ni.gov.uk](http://www.justice-ni.gov.uk)

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William Humphrey MBE MLA  
Chairperson  
Public Accounts Committee

via email: [Committee.publicaccounts@niassembly.gov.uk](mailto:Committee.publicaccounts@niassembly.gov.uk)

10 June 2021

Dear Mr Humphrey

**PUBLIC ACCOUNTS COMMITTEE - REQUEST FOR FOLLOW UP INFORMATION  
RE EVIDENCE SESSION ON SPEEDING UP JUSTICE**

Thank you for your letter of 27 May regarding the Committee's request for further information arising from the recent evidence session on speeding up justice. Information regarding each of the follow up queries raised by the Committee is provided below.

Yours sincerely

## 1. To provide reasons, outside of COVID, why the number of cases going to Crown Court have risen by 50%

Official statistics on the number of cases received and disposed of in the Crown Court are published as part of the annual Judicial Statistics publication which is available on the Department's website. The most recent bulletin was published in October 2020 and relates to the calendar year of 2019. A summary of the number of defendants and cases received into, and disposed of in the Crown Court is provided in the table below.

It is worth highlighting that from May 2015 to February 2016, Crown Court cases were affected by a dispute over legal aid which resulted in the legal profession withdrawing their services by refusing to represent legally aided clients in the Crown Court. This had an impact on the number of cases progressed through the Crown Court during that period, and resulted in a backlog of cases to be cleared upon resolution of the dispute.

### Defendants and cases received and disposed in the Crown Court – 2009 - 2019

Year	Defendants committed	Defendants disposed	Cases received	Cases disposed
2009	1,686	1,556	1,329	1,236
2010	1,894	1,581	1,476	1,250
2011	2,110	1,948	1,621	1,486
2012	2,327	2,215	1,742	1,677
2013	2,375	2,591	1,794	1,953
2014	1,998	2,163	1,551	1,688
2015	1,844	1,394	1,492	1,080
2016	1,768	2,025	1,438	1,640
2017	1,510	1,708	1,214	1,408
2018	1,519	1,467	1,237	1,181
2019	1,781	1,587	1,434	1,295

The COVID pandemic has undoubtedly had an impact on Crown Court case volumes. Based on management information, at 1 March 2020 there were approximately 600 cases in the Crown Court. There was then a gradual decline in the active Crown Court caseload, as closures in the magistrates' courts meant that fewer cases could progress to the Crown Court. As magistrates' courts reopened, cases began to move into the Crown Court. At 1 May 2021 there were approximately 875 Crown Court cases, an increase of approximately 275 cases (46%) from 1 March. This increase is as a direct result of restrictions placed on the court system to facilitate Government guidelines in response to the COVID pandemic and work is continuing to recover the system.

## **2. To provide a list of reasons for the number of adjournments in the Crown Court systems, that are now averaging 9 per case, and how this compares to England and Wales?**

The Department and criminal justice partners recognise that a high number of hearings and adjournments is often a consequence of delay in the justice system. However, some adjournments are necessary and should be considered a part of due process and fairness to the defendant and not all adjournments involve the attendance at court of a victim or witness. A recent survey conducted by the Department reported a significant fall in the number of witnesses who reported that they had to attend court on more than one day – from 35% in 2016-17, to 19% in 2019-20.

An adjournment can be recorded by NI Courts and Tribunals Service for a number of reasons. The full list of adjournment reasons are attached at **Annex A**, however it should be noted that more than one reason may be recorded against each adjournment occurrence. This typically also includes recording any hearing in which there is not a final case outcome as an adjournment. For example, where a trial requires 5 days before a decision as to whether or not to convict a defendant, the case is considered to be adjourned at the end of the hearing on each day, apart from the final day.

Crown Court cases brought by way of a police charge have on average a higher number of adjournments than those brought before the court by way of a summons issued following a decision by Public Prosecution Service (PPS) to prosecute. Defendants in charge cases will typically be brought before the court within 28 days of police charging the suspect. Thereafter the case appears regularly before the magistrates' court whilst it is prepared for a committal hearing, where it will be determined whether there is sufficient evidence available to justify sending the case to the Crown Court for trial. Such regular appearances provide the magistrates' courts with the opportunity to seek updates on the progress of the case, and may also provide the court with the opportunity to review the bail / remand status of the defendant. Many of these appearances may be recorded as adjournments.

Summons cases, which take on average longer to complete than charge cases, also have on average fewer adjournments. The nature of these cases in general means that police are not in a position to charge a suspect, and therefore a report is prepared for PPS who will review the evidence and decide whether the test for prosecution is met. These cases therefore only enter the court system after the decision to prosecute has been taken, and the case is generally at an advanced stage.

There are a number of initiatives ongoing at present which are expected to help reduce the number of adjournments. These include the Indictable Cases Process (ICP), key principles of which include early engagement between police and prosecutors and the prosecution and defence which can help to identify the key issues in a case, and the

introduction of Case Progression Officers, which provides additional administrative support to the judiciary to assist in the management of cases.

The Criminal Justice (Committal Reform) Bill which was introduced to the Assembly in November 2020 is also expected to help reduce adjournments as it will allow for all serious cases which can only be prosecuted in the Crown Court to be transferred to that court tier immediately (upon the defendant appearing before the magistrates' court) without the need for a traditional committal hearing. The Bill will also help in those cases which do not initially attract the direct committal process, by removing the option of victims and witnesses being called to provide oral evidence at a traditional committal hearing, thus streamlining the process, and removing the need to secure attendance at court.

The Northern Ireland Audit Office report on Speeding up Justice highlighted the average number of adjournments as a key measure of the quality of the court process. The report referred to a consultation exercise conducted by the Department in 2012 which quoted that an average Crown Court cases was adjourned 6.5 times during its lifespan. Due to changes in the way in which Courts record adjournments, and complexities in the original exercise to determine the average number of adjournments, it has not been possible to provide an up-to-date comparison. However, in order to help analyse trends in average adjournments over recent years the Department developed management information on the total number of adjournments (including those which occurred in the magistrates' courts, prior to the committal of a case to the Crown Court).

#### **Average (median) number of adjournments in Crown Court cases, 2011-12 to 2019-20**

Crown court cases	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20
<b>Median</b>	11.0	11.0	10.0	10.0	11.0	11.0	11.0	10.0	9.0

#### **Average (median) number of adjournments in Crown Court cases, 2019-20**

	Median
<b>Crown Court combined charge and summons</b>	9.0
<b>Crown Court charge</b>	13.0
<b>Crown Court summons</b>	5.0

In England and Wales the average number of adjournments in Crown Court cases is not routinely reported on, however as part of the wider programme of work aimed at speeding up the justice system, the Department plans to take forward further research in this area.

**3. To provide a copy and details of the ‘matrix’ used by the Criminal Justice Board to help speed up justice and a copy of the full associated performance dashboard.**

As part of work undertaken in relation to the draft Programme for Government in 2016 to improve the effectiveness of the justice system (Indicator 38), the Department developed a new headline indicator to measure the speed of the justice system – the average (median) time to complete criminal cases across all court tiers. Beneath the headline indicator, measures were also developed for each court tier (Crown Court, magistrates’ courts and youth courts) and by the method that a case was initiated - either by policing charging a suspect, or through the issue of a summons following a decision by the Public Prosecution Service to prosecute.

This information is reported quarterly in an ‘Average Time Taken to Complete Criminal Cases’ report, which is used by a number of relevant groups including the Criminal Justice Board to help analyse performance. When reported, data is based on internal management information and subject to further validation. An example of this report for the 12 months to quarter 4 2019-20 (i.e. pre COVID) is attached below for the Committee’s information. The comparative report for the 12 months to quarter 4 2020-21 has only recently become available and is currently being reviewed within the Department. It will be forwarded to the Committee next week.

This report is also underpinned by more detailed reporting to help analyse performance by court tier, offence type, court office and by the five key stages of the criminal justice process.



Case processing  
times infographic -

# Average Time Taken to Complete Criminal Cases

from the date the incident is reported to disposal at court

Q4 2019-20 (provisional)



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The median time taken for a case to be disposed at court from the date the incident was reported, across all courts

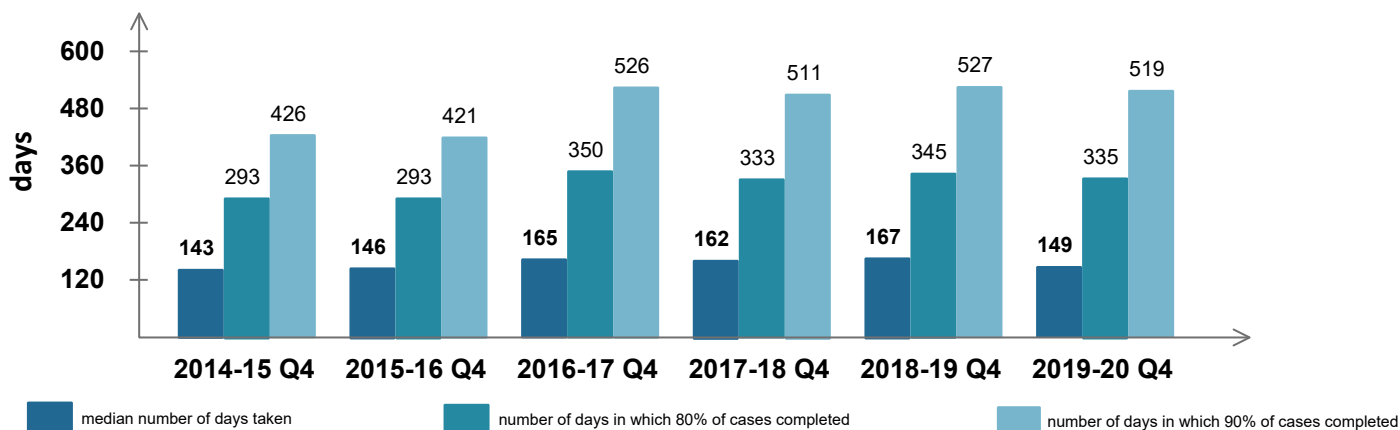
**149 days**

This is a **decrease of 5 days (3.25%)** from the previous quarter, Q3 2019-20 (154 days) but still higher than the 2014-15 baseline (143 days)



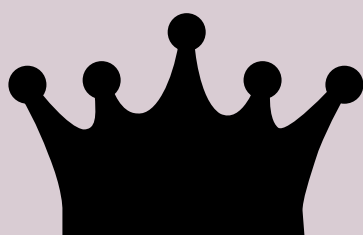
## Overall Trends

Time taken for cases to be disposed



## Case and Court Breakdown

### Crown Court



charge cases:  
**410 days**  
(up 6 days)



summons cases:  
**862 days**  
(up 22 days)



### Adult Magistrates' Courts



charge cases:  
**72 days**  
(up 1 day)



summons cases:  
**179 days**  
(down 6 days)



### Youth Magistrates' Courts



charge cases:  
**117 days**  
(up 4 days)



summons cases:  
**242 days**  
(down 12 days)



**4. To provide details of the number of court hearings per year; the cost of running the courts per year; the cost of holding a Crown Court hearing per hour; and to provide details of the number of hours lost per year due to adjournments.**

Details of the number of sittings, the total sitting time for the Crown Court, and the annual final budget allocated to the Northern Ireland Courts and Tribunals Service in each of the last four years are listed in the tables below. Data is not available regarding the hourly cost of holding a Crown Court hearing, and the number of hours lost per year due to adjournments.

**Crown Court Sittings and Total Crown Court time, 2017 - 2020**

Year	Number of sittings	Total time (hours)
2017	2536	6485:34
2018	2448	5874:14
2019	2521	5979:19
2020 <sup>[P]</sup>	1569	3133:35

[P] Provisional Figures

Crown Court sittings refer to a sitting where any Crown Court business is heard. Total Crown time includes all time spent on Crown business. High Court Judges & county court judges sit on Crown business. Source: ICOS.

Administrative case management reviews were introduced by the Lord Chief Justice as part of the coronavirus contingency arrangements in 2020. This has resulted in Judges investing significant time reviewing cases and making directions or orders administratively (where appropriate), and this has continued even as courts have resumed to support business recovery. This extra time is not recorded on the courts operating system (ICOS), and therefore is not reflected within the sittings times published within this table.

**Northern Ireland Courts and Tribunals Service (NICTS) budget, 2011 - 2021**

Year	Net Resource DEL £m	Net Capital DEL £m
2017-18	47.5	1.1
2018-19	49.5	3.7
2019-20	54.3	4.9
2020-21	62.7	3.1

For information, the increase in the NICTS net budget from 2017-18 to 2020-21 is due to a number of factors including, for example: increased pension costs; pay and price inflation costs; legacy inquest unit costs; and additional funding to cover income pressures as a result of COVID-19,

The DoJ Economics Unit had sought to begin costing delay across the system in a staged approach, beginning with NI Courts and Tribunals Service. However, this work

was paused as it will require significant operational input which was not available due to the existing and ongoing business pressures caused by COVID.

In parallel, the Courts Modernisation Programme will seek to undertake cost per service work as part of its portfolio of work. This too has been delayed by COVID, again due to the inputs required from operational staff whose time has been prioritised to deal with COVID responses, but it is hoped that when this work is in a position to resume it should provide a more robust basis upon which a cost of delay could be estimated.



## Annex A

### Criminal adjournment reasons

Prosecution	Defence	Court
<p><b>MDR:</b> Not Ready – Medical</p> <p><b>FOS:</b> Not Ready – Forensics</p> <p><b>FIN:</b> Not Ready – Fingerprints</p> <p><b>PHO:</b> Not Ready – Phone Analysis</p> <p><b>DIR:</b> Not Ready – Direction</p> <p><b>GEN:</b> Not Ready – General</p> <p><b>TFX:</b> To Fix a Date</p> <p><b>DAD:</b> Diversionary/Alternative Disposal</p> <p><b>AWE:</b> Arrest Warrant Executed</p> <p><b>VIC:</b> Victim Absent</p> <p><b>WIT:</b> Witness Absent</p> <p><b>APA:</b> Appeal Adjourned</p> <p><b>APL:</b> Applications</p> <p><b><u>Cracked (Dealt With)</u></b></p> <p><b>IEW:</b> Insufficient Evidence: Withdrawn</p> <p><b>WAW:</b> Witness Absent: Withdrawn</p>	<p><b>GEN:</b> Not Ready – General</p> <p><b>MDR:</b> Not Ready – Medical</p> <p><b>TFX:</b> To Fix a Date</p> <p><b>SOL:</b> Defendant’s solicitor failed to appear</p> <p><b>DEF:</b> Defendant Absent</p> <p><b>WIT:</b> Witness Absent</p> <p><b>DLR:</b> Dismissed Legal Representative</p> <p><b>APA:</b> Appeal Adjourned</p> <p><b>APL:</b> Applications</p> <p><b><u>Cracked (Dealt With)</u></b></p> <p><b>COP:</b> Change of plea</p> <p><b>GPA:</b> Guilty Plea on Alternative Charge</p>	<p><b>SEI:</b> Security Incident</p> <p><b>CMT:</b> Case Management</p> <p><b>TFX:</b> To Fix a Date</p> <p><b>ICT:</b> Insufficient Court Time</p> <p><b>ADD:</b> Additional Day Required</p> <p><b>TRI:</b> Ongoing Trial</p> <p><b>PST:</b> Pre-Sentence Reports</p> <p><b>YCO:</b> Youth Conference</p> <p><b>RJS:</b> Reserved Judgment/Sentence</p> <p><b>DFS:</b> Deferred Sentence</p> <p><b>APL:</b> Applications</p>