



## **Public Accounts Committee Call for Evidence – reducing the backlog in criminal courts**

Submission on behalf of:

- HM Inspectorate of Probation
- HM Crown Prosecution Service Inspectorate
- HM Inspectorate of Prisons
- HM Inspectorate of Constabulary and Fire & Rescue Services.

### **Submission**

The four criminal justice inspectorates inspect the work of the Crown Prosecution Service, police forces, prisons and probation services. Each organisation is headed by a Chief Inspector.

The four criminal justice Chief Inspectors welcome this enquiry. However, we urge the Public Accounts Committee to consider Crown Court backlogs in the broader context of an under-funded criminal justice system.

On 19 January 2021, the four criminal justice inspectorates published [a joint report on the impact of the Covid-19 pandemic on the criminal justice system](#). The report outlined a range of troubling issues including highly restrictive regimes in prison and the lack of education provision for children in custody and the community. In particular, we highlighted the unprecedented backlogs in Crown Courts. We noted the impact of these delays on victims and their families, witnesses, defendants and prosecutors. We reported on the ripple effect across all parts of the criminal justice system. We described the situation as “a whole-system problem that requires a whole-system solution”.

At the time of publication, the Crown Court backlog stood at 55,189 cases.<sup>1</sup> In truth, the number of outstanding Crown Court cases had started rising well before the Covid-19 pandemic. In May 2019, there were 32,647 outstanding cases. The volume increased month-on-month all the way through to June 2021, by which time the total number of outstanding cases reached 59,099 (an 80 per cent increase in just over two years).<sup>2</sup>

We are concerned that “justice delayed is justice denied” will be the norm for many years to come. The Victims’ Commissioner Dame Vera Baird has reported a steady increase in the number of cases where victims withdraw before charges are brought; the rate has increased from nine per cent (2014/15) to 26 per cent (2020/21).<sup>3</sup> We agree with her assessment that “Excessive delays in getting cases to trial may only exacerbate this trend.” If fewer people get their day in court – victims and defendants alike – is justice really being served?

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<sup>1</sup> HM Prison and Probation Service. (2021). Management information, figures as at end December 2020.

<sup>2</sup> HM Prison and Probation Service. (2019 and 2021). Management information series.

<sup>3</sup> Victims’ Commissioner. (2021). Annual report of the Victims’ Commissioner 2020 to 2021.

It is worth noting that females are already less likely than males to think the criminal justice system is fair (57.3 per cent versus 63.4 per cent).<sup>4</sup> Crown Court delays are likely to have a detrimental effect on the lives of women and girls who are more likely to be victims of crimes such as rape, sexual abuse and domestic abuse. Inaction could further erode public trust at a time when criminal justice services should be demonstrating their commitment to tackling violence against women and girls.

The government's pledge to recruit 20,000 more police officers will also lead to more arrests and charges. This is likely to increase Crown Court backlogs and add further pressure to the system.

We recognise steps have been taken to increase sitting days and open more Nightingale Courts for socially-distanced hearings. These are positive measures, but are unlikely to bring down the volume of Crown Court cases quickly.

Crown Court delays are, of course, only one symptom of a stretched criminal justice system. As Sir Thomas Winsor noted in his evidence to the [Justice Committee](#) (19 January 2021): "We should also acknowledge that before the pandemic, the criminal justice system was in a severely distressed condition. Criminal defence resources were weak; legal aid rates are at chronically low levels. There were very severe [Crown Court] delays already, decaying buildings, a crumbling infrastructure, understaffing and inadequate resourcing in all sorts of respects, and the pandemic has made things worse."

Therefore, we urge the Public Accounts Committee to consider these delays in the context of a generally under-funded system and the broader, long term impacts of the Covid-19 pandemic. At the time of writing, we await the Budget and Spending Review. All parts of the criminal justice system – including the courts – need substantial and ongoing funding to address many years of underinvestment.

### **Further information**

If you would like further information about this submission or to hear evidence from the four criminal justice Chief Inspectors, please contact Dr Louise Falshaw.

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<sup>4</sup> Office for National Statistics. (2020). Women and the criminal justice system 2019.