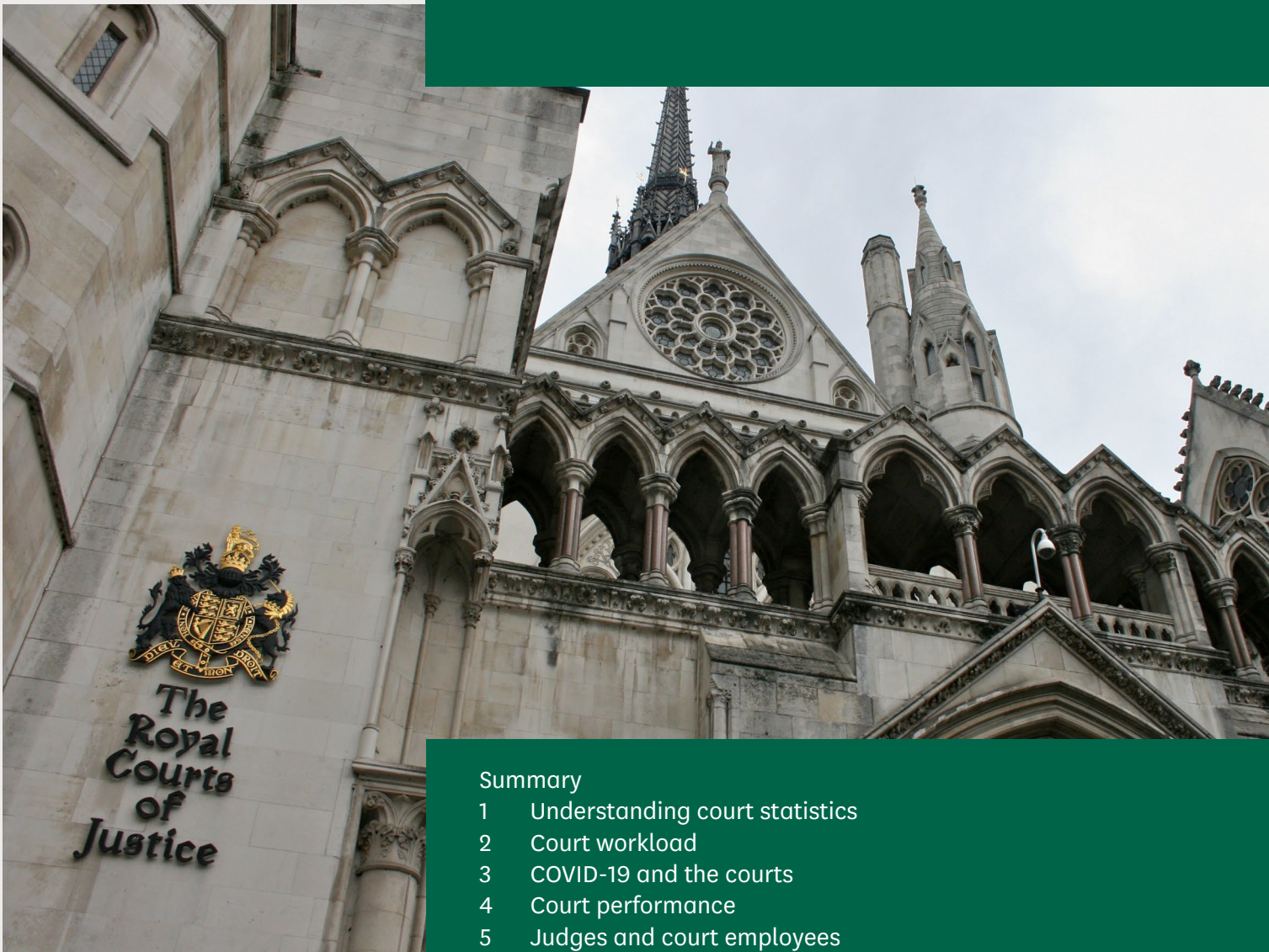


By Georgina Sturge

13 September 2024

# Court statistics for England and Wales



## Summary

- 1 Understanding court statistics
- 2 Court workload
- 3 COVID-19 and the courts
- 4 Court performance
- 5 Judges and court employees
- 6 HMCTS expenditure
- 7 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 before rising in 2021 to a slightly lower level than it had been pre-pandemic.
- In 2023, magistrates' courts in England and Wales received 1.37 million cases and Crown courts received 105,000 cases.
- Both the magistrates' and Crown court have an ongoing backlog of cases, known as outstanding cases. At the end of December 2023, there were 370,700 outstanding cases in magistrates' courts, which was lower than the peak of around 422,000 cases in mid-2020.
- The Crown court had 67,600 outstanding cases at the end of December 2023, which was the highest end-of-quarter total ever recorded.
- In 2023, civil courts received 1.7 million claims and in 2021 (the latest date available) family courts started 266,000 cases.
- Complete tribunal statistics are only available up to 2020/21, in which year 305,000 cases were started. An interim estimate of outstanding cases as of March 2024 put the number at 653,000.

### 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 at magistrates' courts rose in each year between 2010 and 2021. The median waiting time from offence to completion of cases in the magistrates' court in 2023 was 182 days.
- Waiting times for almost all types of civil and family cases were longer in 2023 than five years previously (the exception being financial remedy cases in the Family court).
- 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.

This edition is the first to no longer include a section on court closures. The Library intends to publish a standalone briefing on the courts estate, which will include information on court closures, in due course.

## 1

## Understanding court statistics

Courts and tribunals in England and Wales are the responsibility of His **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.<sup>1</sup>

HMCTS is an executive agency of the Ministry of Justice, which means that it is operationally independent. In 2023-24, HMCTS had annual net expenditure of £1.84 billion and employed 16,422 staff (full-time equivalent).<sup>2</sup>

In 2021-22, the criminal courts handled 1.4 million cases and county courts handled 1.7 million cases, both of which were the highest totals since 2019-20. The latest family court figures are for 2021-22, when 262,000 cases were received. Statistics on the full caseload of tribunals have not been published since 2020-21, when they received 305,000 cases.

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	<a href="#">Civil justice statistics quarterly</a>
Family courts	<a href="#">Family court statistics quarterly</a>
Criminal courts	<a href="#">Criminal court statistics quarterly (court performance)</a>
	<a href="#">Criminal justice statistics quarterly (case outcomes)</a>
Tribunals	<a href="#">Tribunals statistics quarterly (formerly 'Tribunals and gender recognition certificate statistics')</a>

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

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

<sup>2</sup> HMCTS, Annual report and accounts 2023-24, p.53. Includes agency and contracted staff.

statistics are broken down into cases relating to children, divorce petitions, applications for ‘sectioning’ under the Mental Health Act 2005, and probate 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**.<sup>3</sup> 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	<a href="#">HM Courts and Tribunals Service - Annual Report and Accounts</a>
Judiciary composition	Pre-2020: <a href="#">Courts and Tribunals Judiciary - Judicial Diversity</a> 2020 onwards: <a href="#">Ministry of Justice, Judicial Diversity</a>
Crown Prosecution Service statistics	<a href="#">Crown Prosecution Service - key measures</a>

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

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## 2 Court workload

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

### 2.1 Criminal courts

In 2023, magistrates' courts in England and Wales received 1.37 million cases and disposed of 1.34 million.<sup>4</sup> Of the cases received, 82% 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 (224,000 or 16% of the total) were triable-either-way, meaning they could be resolved in either the magistrates' or Crown court. Around 2% (24,000) were initial hearings for indictable offences which can only be resolved by trial at the Crown court.

In the same year, Crown courts received 105,000 cases and disposed of 99,000. Nearly two thirds (62%) of cases received were for trials, 32% were cases sent from the magistrates' court for sentencing, and 6% were cases of appeals against decisions in the magistrates' court.

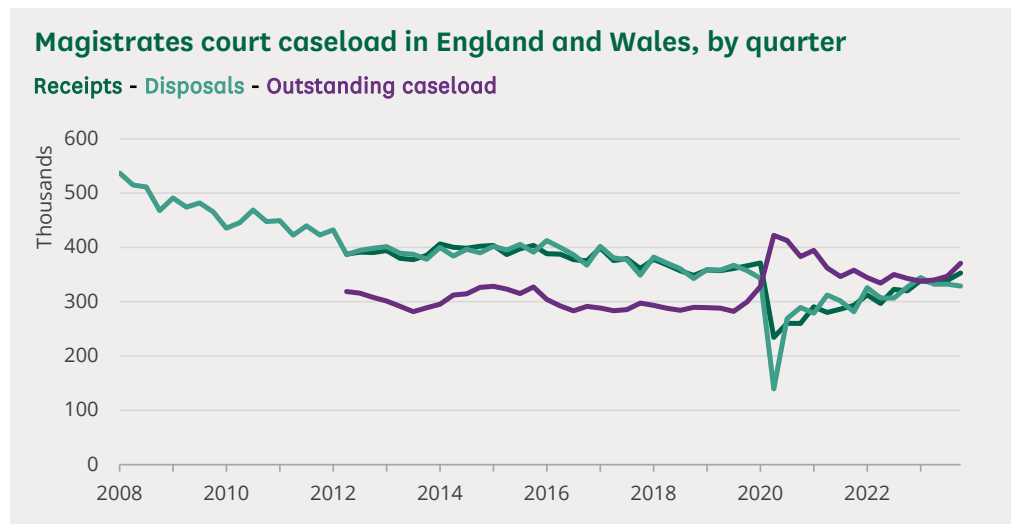
Both the magistrates' and Crown court have an ongoing backlog of cases, known as outstanding cases. At the end of December 2023, there were 370,000 outstanding cases in magistrates' courts, down from the mid-2020 peak of 422,000 cases but up from 300,000 in December 2019, before the COVID-19 pandemic.

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 pandemic. This is covered in section 3.

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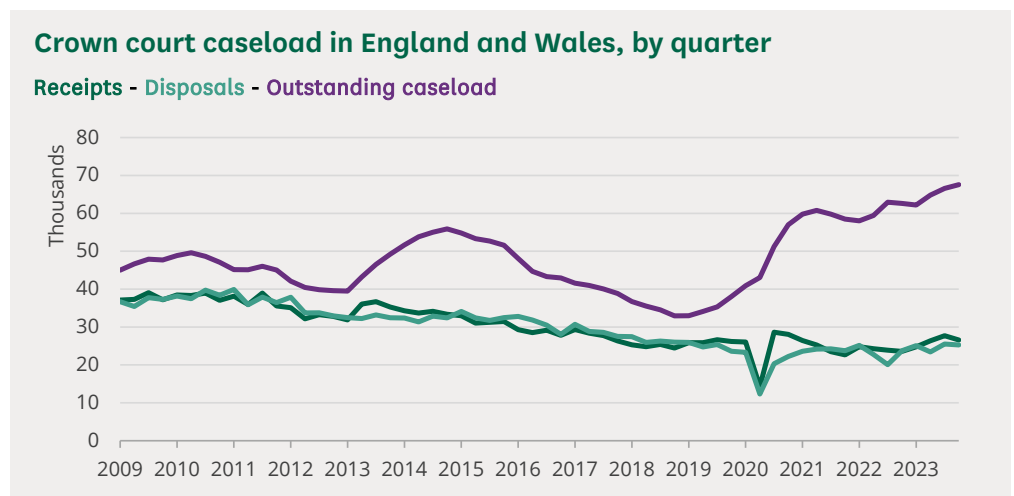
<sup>4</sup> Criminal court caseload statistics are published in the MoJ's [Criminal Court Statistics Quarterly](#).





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

The Crown court had 68,000 outstanding cases as of December 2023, the highest end-of-quarter caseload ever recorded. The number of outstanding cases rose sharply as a result of the pandemic, surpassing its previous peak of 55,000 cases in 2015, and has not returned to its pre-pandemic level. 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 2023, county courts received 1.72 million claims, of which 89% (1.53 million) were claims for money. Only a minority of claims are defended (15% in 2023), with most being settled in the absence of both parties and without the need for a court hearing.

In 2023, 1.06 million 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.

The latest overall data on the caseload of family courts is for 2021, when 266,000 cases were started and 250,000 were disposed of.<sup>5</sup> 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.<sup>6</sup>

## 2. Tribunals

Tribunal statistics are reported by financial year. In the year 2023-24, 376,000 cases were received across all tribunals in England and Wales and 345,000 disposed of. The outstanding caseload at the end of March 2024 was 653,000 cases, which was the highest since 2013-14.<sup>7</sup>

In 2023-24, the Employment Tribunal received 92,000 cases and the Social Security and Child Support (SSCS) Tribunal received 137,000. An overall case receipt figure is not yet available for the Immigration Tribunal due to an issue with HMCTS's system.<sup>8</sup> There are 42 other types of tribunal which collectively received 84,000 cases in 2023-24.

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.

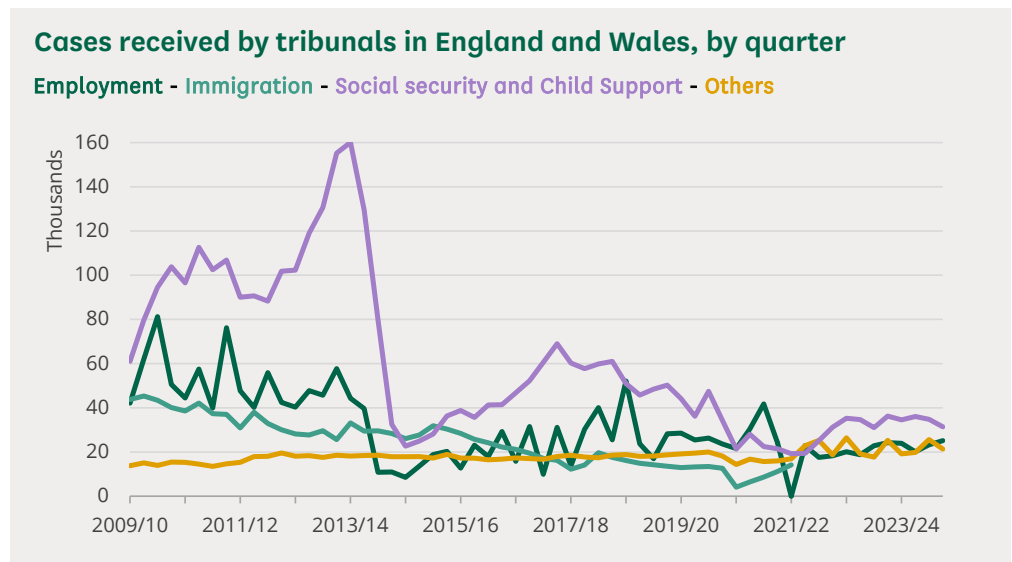
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<sup>5</sup> Some of the data usually published in the Family court statistics is currently paused while a new data management system is being rolled out across courts.

<sup>6</sup> This includes 'Children Act- public law', 'Children Act – private law', and Adoption Act cases.

<sup>7</sup> MoJ, [Tribunal Statistics Quarterly: July to September 2022](#), table S\_4

<sup>8</sup> The notes to the 2021/22 edition of Tribunal statistics says the following: "The overall total for 2021/22 is unavailable due to migration of some tribunals. An 'Interim Total' has been calculated. This is the sum of all the tribunals excluding those tribunals with data missing or incomplete i.e. Upper Tribunal (Immigration and Asylum Chamber). This tribunal is being migrated to a new case management system and will be made available as soon as possible."



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

Note: Immigration tribunal receipts are not published from Q2 2021 onwards.

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.

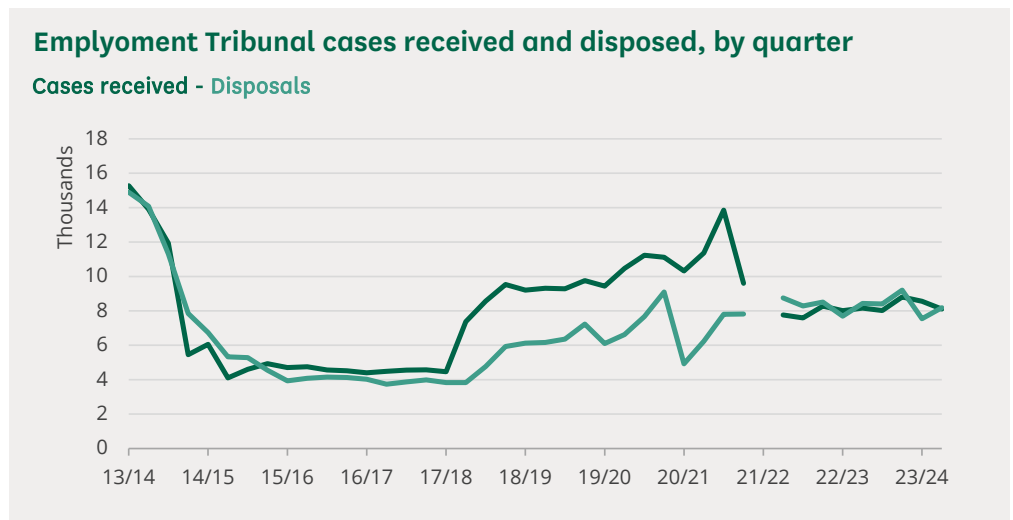
The number of single cases being brought has not returned to its pre-2013 level since fees were removed. There was a spike in cases brought in Q3 2020-21, likely related to the impact of the pandemic and the ending of the furlough scheme on companies and the job market.

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 July 2019, out of around 64,400 people entitled to a refund, roughly 34,400 had so far been reimbursed (54%).<sup>9</sup> The quarterly Tribunal statistics also used to include data on fee refunds, however it is not clear to what extent they covered the full scale of refunding, since they only showed around 22,800 refund payments, as of March 2022.<sup>10</sup>

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

<sup>9</sup> [HC276237](#), 16 July 2019.

<sup>10</sup> MoJ, [Tribunal Statistics Quarterly: January to March 2022](#), Employment Tribunal Fee Refund Tables, table ETFR\_2



Source: MoJ, [Tribunal statistics](#), ET\_1 and ET\_2.

Notes: The Q1 2021/22 data for the Employment Tribunal (ET) is unavailable. The MoJ gives the following reason: “[It] has not been possible to provide the full results from both databases during the case management migration period of March to May 2021 on a consistent basis, and therefore the annual total for 2021/22 cannot be provided.”

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 almost every quarter since the abolition of tribunal fees (2017-18 Q3 onwards), there were more new cases than disposals. As of March 2024, the Employment Tribunal backlog consisted of 450,000 outstanding cases.<sup>11</sup>

<sup>11</sup> MoJ, [Tribunal statistics quarterly](#), table S\_3

## 3 COVID-19 and the courts

### 3.1 Changes to court capacity

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 February 2024, there were 20 premises still acting as Nightingale courts across England and Wales.<sup>12</sup> A further 21 had been in operation at various points but have since closed. The National Audit Office reported in July 2021 that Nightingale courts had provided 72 additional courtrooms by that stage in the pandemic, 53% of which served the Crown court.<sup>13</sup>

### 3.2 The courts backlog

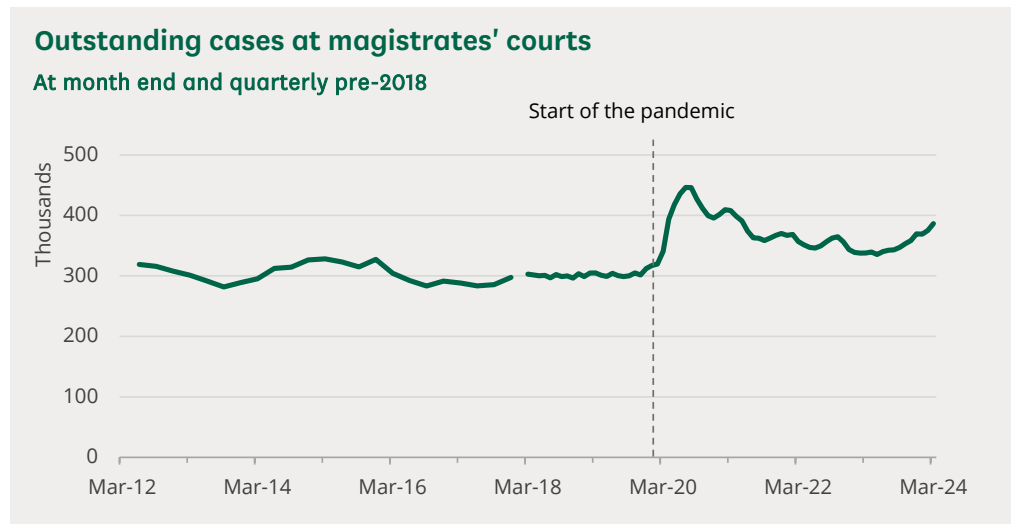
At several points during the pandemic, notably between March and November 2020, more cases were received than disposed at criminal courts, which meant that the number of outstanding cases (the backlog) rose. Weekly management information which was produced during this time shows that the total number 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.<sup>14</sup>

The chart below shows the number of outstanding criminal cases at magistrates courts at month end, according to monthly management figures. In early 2023, the outstanding caseload was brought close to its pre-pandemic level but started to rise again in the latter half of that year.

<sup>12</sup> Ministry of Justice, '[20 Nightingale courtrooms remain open to boost capacity](#)', Government press release, 16 February 2024

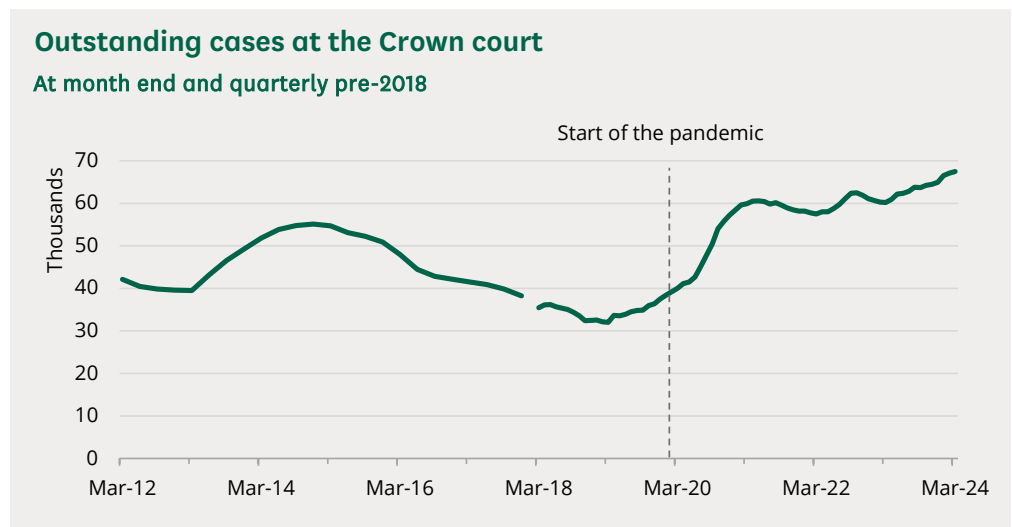
<sup>13</sup> National Audit Office, [Reducing the backlog in criminal courts](#), October 2021, p. 33

<sup>14</sup> HMCTS, [HMCTS weekly management information during coronavirus - March 2020 to May 2021](#), 10 June 2021



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 second half of 2020. In November 2020 it surpassed its previous peak of around 55,000 outstanding cases in 2014. Despite a dip in early 2022, the criminal case backlog had stayed high and reached its highest ever recorded point of 67,500 in March 2024.



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

### 3.3

## Measures to reduce the backlog

### Government analysis and measures taken

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.<sup>15</sup>

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.<sup>16</sup>

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.”<sup>17</sup>

In its response to the Public Accounts Committee’s March 2022 report on reducing the backlog in criminal courts, the Government reiterated the same target.<sup>18</sup> In a progress update provided to the Committee in September 2022, the Government said that,

“While it is a reasonable expectation that all cases should be heard within 6 months of receipt into the Crown Court, the impact of the pandemic has made this more difficult, leading to an unavoidable increase in outstanding cases. The finite capacity in the system is limited by several factors, including judicial capacity and, in some areas, available court rooms.”<sup>19</sup>

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<sup>15</sup> See p.38 of [the report](#). These are estimates which rely on certain assumptions.

<sup>16</sup> See, for example, the Lord Chancellor’s response to Q58 in the Justice Select Committee’s oral evidence on [HC 869 \(‘The work of the Ministry of Justice’\)](#).

<sup>17</sup> [HC904760](#), 14 December 2021

<sup>18</sup> PAC, Government response to ‘Forty-Third Report - Reducing the backlog in criminal courts’, 27 May 2022

<sup>19</sup> Letter from the Permanent Secretary, Ministry of Justice, to the Chair of the Public Accounts Committee, 7 September 2022

The Government's approach was also further outlined in its response to a Justice Select Committee report on court capacity, in July 2022:

“Our plan of action includes removing the limit on Crown Court sitting days in 2021/22, expanding our plans for judicial recruitment to secure enough capacity to sit at the required levels in 2022/2023 and beyond, and extending magistrates' court sentencing powers from maximum 6 to 12 months' imprisonment for a single Triable Either Way offence to allow us to bring criminals to justice more quickly and relieve some of the strain on the Crown Court. These measures will allow us to reduce the backlog more quickly, ensuring offenders are brought to justice faster and reducing waiting times for victims and witnesses.

[...]

“We have extended 30 Nightingale courtrooms including 22 Crown courtrooms beyond March 2022, dependant on local need. We now have around 500 Crown courtrooms available for hearings and trials which is higher than pre-pandemic levels”<sup>20</sup>

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.<sup>21</sup> A figure for 2021/22 is not available, although in the 2021 calendar year 99,855 sitting days were used (the allocation for 2021/22 was 105,000).<sup>22</sup>

Industrial action taken by barristers in the summer of 2022 affected the number of cases progressing through the Crown court, which may have had an impact on the progress of efforts to reduce the backlog.

## National Audit Office report 2024

In May 2024, the National Audit Office (NAO) published a report on its investigation into the MoJ's progress towards reducing the Crown court backlog.<sup>23</sup> It concluded that the ambition to reduce the backlog to 53,000 by March 2025 was no longer achievable. The report stated that,

“The MoJ regularly updates its modelling and projections of future caseload to reflect changes in its underlying assumptions. In April 2023, the MoJ and HM Courts & Tribunals Service (HMCTS) concluded that reducing the Crown Court outstanding caseload to 53,000 by March 2025 was still achievable, based on the lowest projection from three scenarios it modelled, which assumed a lower level of receipts than the other scenarios. While the MoJ confirmed publicly in April 2024 that it remained committed to the ambition, its most recent projection in September 2023 suggested that there could be 64,000 cases in March 2025, 11,000 higher than its projection in October 2021 when the ambition was set.” (p.8)

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<sup>20</sup> House of Commons Justice Committee, [Court capacity: Government Response to the Committee's Sixth Report of Session 2021-22](#)

<sup>21</sup> NAO, [Reducing the backlog in criminal courts](#), October 2021, p.17

<sup>22</sup> MoJ, [Civil justice quarterly January to March 2022](#), table 9.2

<sup>23</sup> NAO, [Reducing the backlog in the Crown Court](#), 24 May 2024



The report noted that although the number of receipts at the Crown court had been lower than anticipated, industrial action by criminal defence barristers in 2022 had resulted in the number of disposals being below this level still.

The barristers' action had not been factored into the MoJ's previous modelling on reducing the backlog (from the time of the 2021 Spending Review). In September 2023, the MoJ updated its modelling and projected that the outstanding Crown court caseload could reach 58,500 and 69,500 by March 2025, a central estimate of 64,000.<sup>24</sup>

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<sup>24</sup> Ibid., p.23

## 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.<sup>25</sup>

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.<sup>26</sup>

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

In 2023, 41% or around half of Crown court trials were effective and another 31% were cracked. The picture was more or less the same in the magistrates' court, with 41% of trials being effective and 37% being cracked.<sup>27</sup>

The charts below show the administrative outcome of trials. In both magistrates' and Crown courts, the proportion of trials which were effective declined over the past ten years, while the number of ineffective trials rose.

saw a slightly higher proportion of effective trials in 2023 than five or ten years previously.<sup>28</sup> In 2023, there were around 18,000 vacated trials in magistrates' courts and around 16,000 in the Crown court. This meant that in magistrates' courts the rate of vacated trials to other concluded trials was

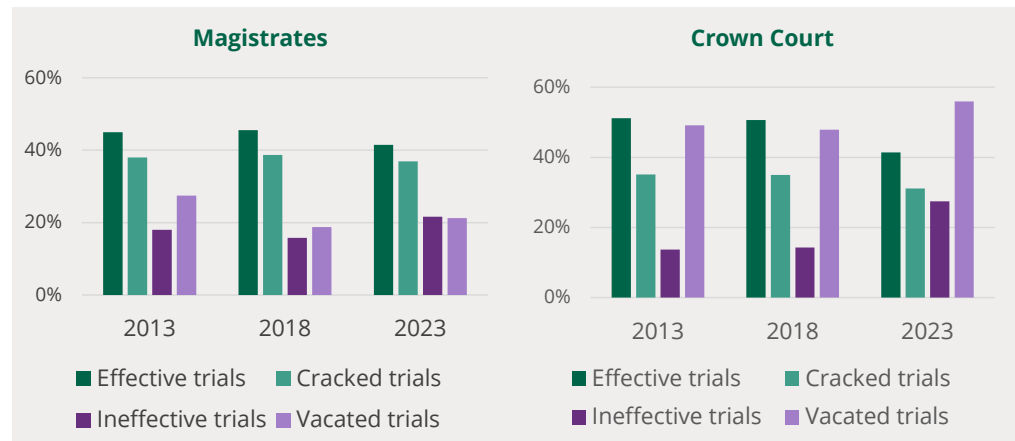
<sup>25</sup> The MoJ publishes the outcome of criminal proceedings in its [Criminal Justice Statistics](#) collection (quarterly and annual).

<sup>26</sup> For more examples of how trial outcomes are categorised, see the [Guide to Criminal Court Statistics](#).

<sup>27</sup> MoJ, [Criminal court statistics](#), tables M2 and C2

<sup>28</sup> Ibid.

0.27 to 1 and in the Crown court it was 0.77 to 1. In 2020, due to the impact of the pandemic, more trials were vacated than concluded.<sup>29</sup>



Note that trials can be vacated more than once and can be subsequently closed as effective, ineffective, or cracked within the same time period, so the 'percentage of trials vacated' here is illustrative.

In 2023, the main reason for ineffective trials at magistrates' courts and at the Crown court was court administration. Within this category the most common specific reasons were 'overlisting (insufficient cases drop out/floater/backer not reached)' and 'another case over-ran'.

Key reasons for ineffective trials, by court				
England and Wales, 2023				
Reason	Magistrates		Crown	
	Number	%	Number	%
Prosecution not ready	1,732	10%	842	11%
Prosecution witness absent	1,764	10%	610	8%
Defence not ready	2,636	15%	927	12%
Defence witness absent	245	1%	25	0%
Defendant absent/unfit to stand	4,503	25%	1,700	21%
Prosecution availability	218	1%	858	11%
Defence availability	619	3%	873	11%
Court administration	5,647	32%	2,064	26%
Interpreter availability	556	3%	62	1%
Total	17,920	100%	7,961	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'.

<sup>29</sup> 17,400 trials were vacated while around 10,700 were closed as effective, ineffective, or cracked.

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.<sup>30</sup> They show that for all criminal cases, in 2023:

- There was a median wait of 129 days between an offence being recorded and someone being charged;
- There was a median wait of 32 days between a defendant being charged and the first court listing;
- There was a median time of 182 days between the offence being reported to the completion of the case.

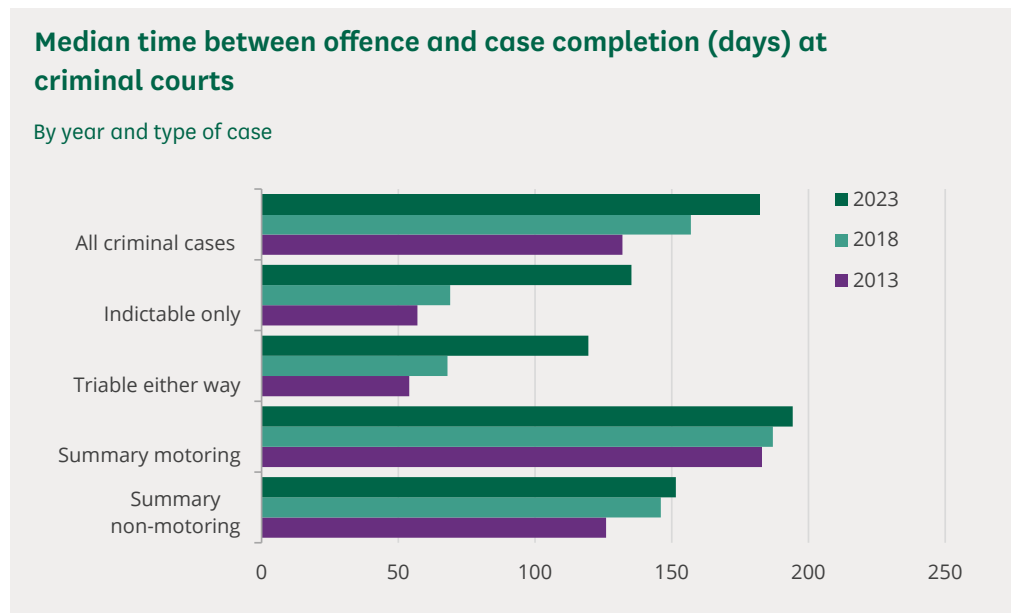
The length of criminal cases differs by the type of offence (summary, indictable, or triable-either-way) since this determines whether it can be heard at the Crown court. As the chart below indicates, indictable and triable-either-way cases, which generally proceed to the Crown court, take less time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

Note that most Magistrates' court cases (72% in 2023) 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 2013 and 2023. This appears to be driven by an increase in the length of time between offence and charging (the 'pre-court' stage).

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<sup>30</sup> MoJ, [Criminal court statistics](#), table T2



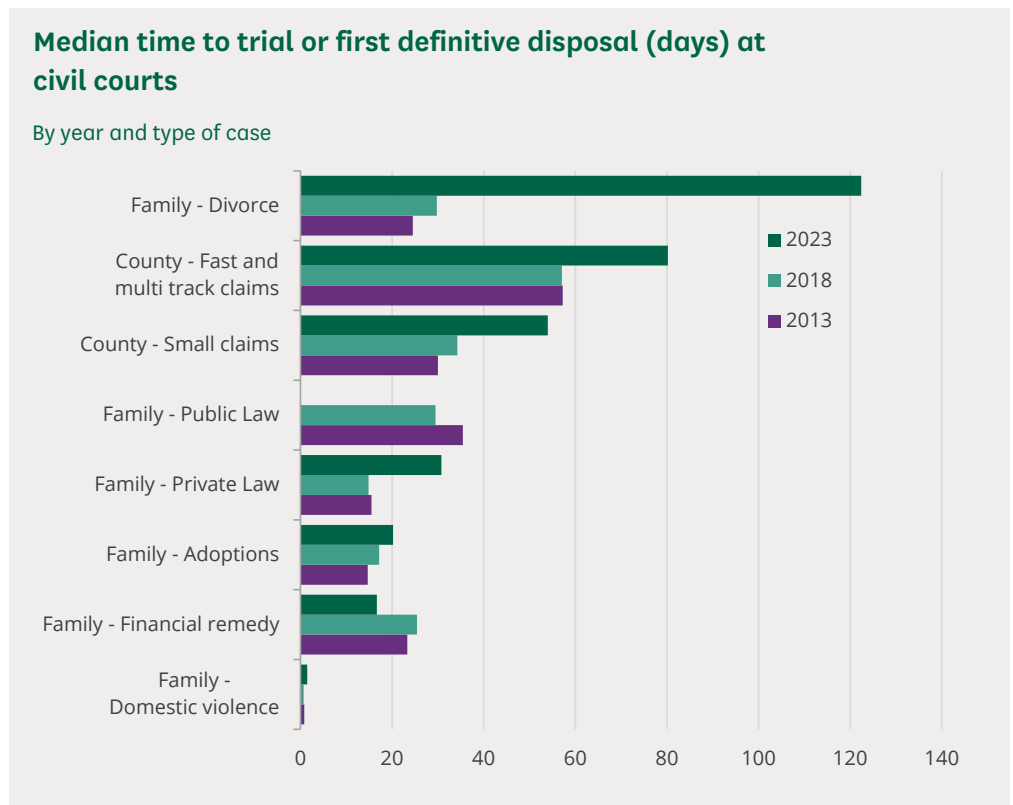
Statistics on waiting times at **civil courts** are available for all activity in family courts and for defended claims in county courts.<sup>31</sup>

In county courts in 2023, there were 53,500 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 54 weeks between the issuing of a claim and a trial/ hearing. For fast-track and multiple claims, the equivalent was 80 weeks (one year and eight months).<sup>32</sup>

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 reach a definitive disposal. As the chart also shows, where the average time to disposal has changed it has tended to have lengthened, with divorce cases now taking four times as long, on average, than in 2013.

<sup>31</sup> MoJ [Civil justice statistics quarterly](#): table 1.5; MoJ [Family Court Statistics Quarterly](#), table 10

<sup>32</sup> 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.

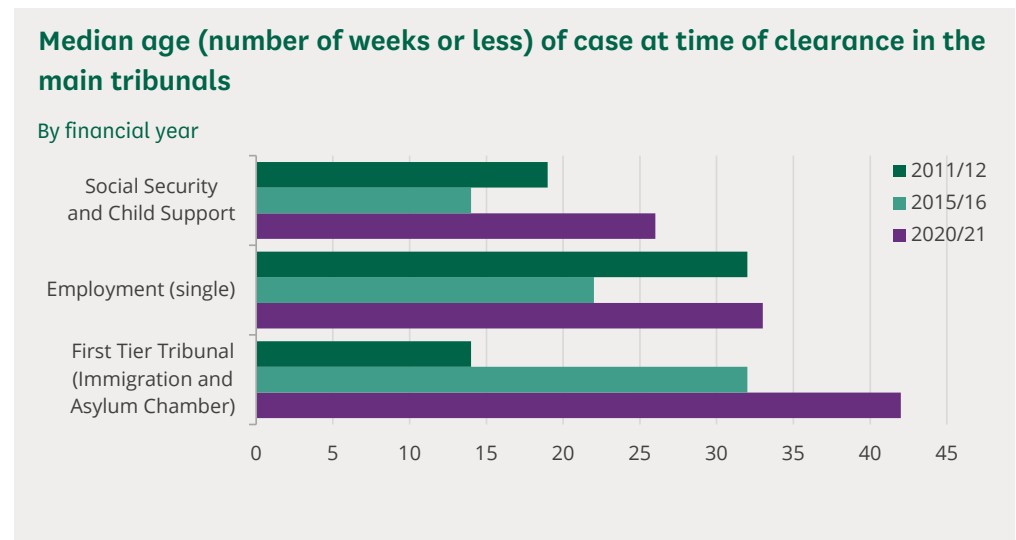


Waiting times at **tribunals** are reported in the MoJ’s Tribunals Statistics as the age of case at clearance, for cases cleared in a given financial year.<sup>33</sup> These are categorised into bands of a certain number of weeks ‘*or less*’. These figures are provided by tribunal type for a selection 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. Comprehensive figures for later years have not yet been published.

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

<sup>33</sup> 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 2021, 100% of defendants in **Crown court** cases had advocate representation at their first hearing, and 93% had advocate *and* solicitor representation.<sup>34</sup> Figures for more recent years have not yet been published.

In **county court** proceedings, most claims are undefended, meaning that there is no need for legal representation. Of *defended claims* in 2023, in 49% both parties were represented by a solicitor, in 16% neither party was represented, and in the remainder one party was represented. Damages claims were the most likely to have both parties represented (92%).<sup>35</sup>

At **family courts** in 2023, in 21% of proceedings both parties were represented by a solicitor and in another 33% neither was represented. The proportion of cases in which neither party was represented has risen in recent years from 23% in 2013.

Divorce and private family law cases saw the biggest change. In 2013, 25% of divorce cases and 33% of family law cases had both parties represented; in 2023, these figures were 14% and 19% respectively.

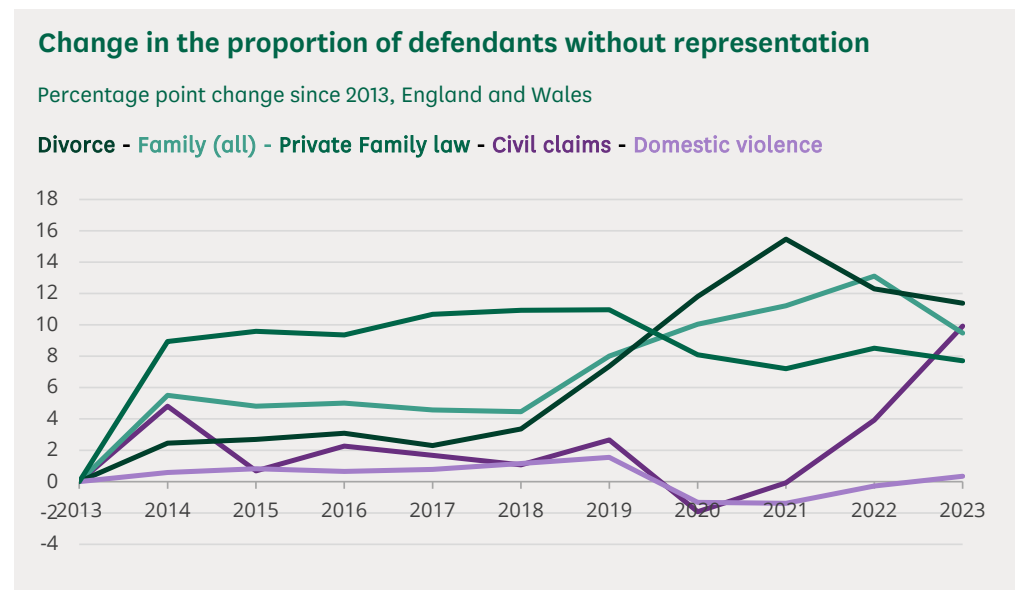
At domestic violence proceedings in 2023, both parties were represented in 8% of cases, compared with 10% in 2013 (and 17% in 2011). In 26% of cases, neither party was represented in 2023, compared with 15% in 2013.<sup>36</sup>

<sup>34</sup> MoJ [Criminal court statistics bulletin: January to March \(Annual figures\) \(main tables\)](#): AC8a and AC8b. This excludes cases where advocate and/or solicitor representation was unrecorded.

<sup>35</sup> MoJ [Civil justice statistics quarterly](#), table 1.6

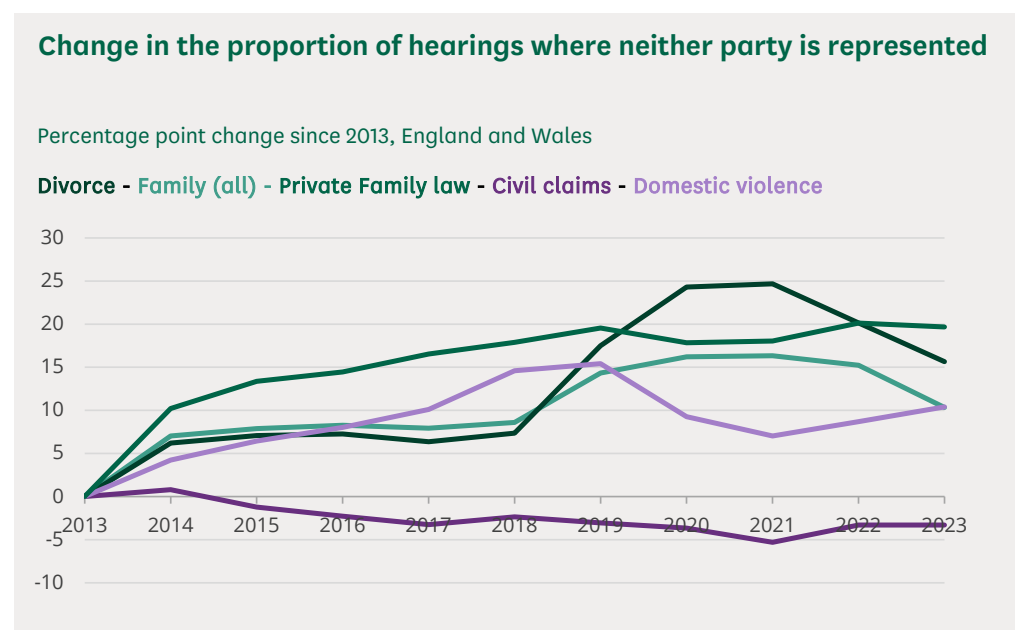
<sup>36</sup> MoJ [Family Court Statistics Quarterly](#), table 10

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 defended county court cases and in all categories of family cases except for domestic violence, 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.



## 5 Judges and court employees

### 5.1 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 2023-24, there were 16,422 FTE staff at HMCTS, of whom 1,933 were contractors or agency staff (12% of the total). This represented a reduction in agency staff compared with recent years although the number was still higher than ten years previously.

Even taking into account the rise in the number of contract/ agency staff, the total number of employees was around 21% lower in 2023-24 than in 2010/11. 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	
2021/22	14,935	3%	2,381	7%	17,316	
2022/23	14,544	-3%	2,223	-7%	16,767	
2023/24	14,489	0%	1,933	-13%	16,422	

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

The number of magistrates, judges, and non-legal members at tribunals also fell during this period. The table below shows the annual average daily number in each category since 2010-11.<sup>37</sup>

<sup>37</sup> Note that Magistrates are volunteers rather than employees.

## Magistrates, judges, and non-legal tribunal members 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		20,392
2011/12	25,155	3,694	5,661	19,433
2012/13	23,401	3,621	5,518	17,587
2013/14	21,626	3,452	6,084	16,999
2014/15	19,634	3,238	5,543	16,162
2015/16	17,552	3,202	5,283	15,209
2016/17	16,129	3,134	4,913	14,269
2017/18	15,003	2,978	4,825	13,841
2018/19	14,348	3,210	4,975	14,177
2019/20	13,177	3,174	5,107	14,041
2020/21	12,651	3,314	4,845	14,495
2021/22	12,506	3,470	5,036	14,935
2022/23	13,340	3,483	4,978	14,544
2023/24	14,576	3,667	4,746	14,489

**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 2022-23:

- the number of magistrates in post fell by 43%,
- the number of court judges (FTE) fell by 4%,
- the number of judges and non-legal members in tribunals fell by 9%.

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.<sup>38</sup> The full courts caseload figure is not available for the years 2021-22 onwards due to an issue with the tribunals and family court data.

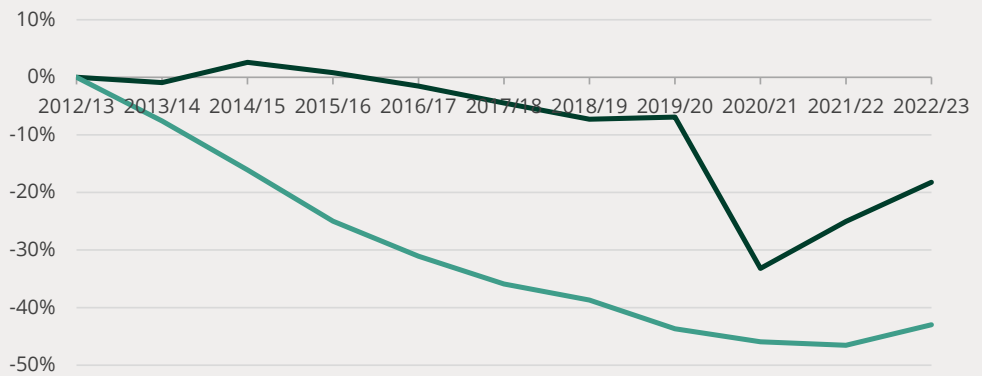
The following charts show the change in the number of judges, magistrates, and tribunal staff alongside the change in the caseload of each tier of court in which these employees operate.

<sup>38</sup> 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.

### Number of magistrates in post and magistrates court caseload

Percentage change relative to 2012/13 level; England and Wales

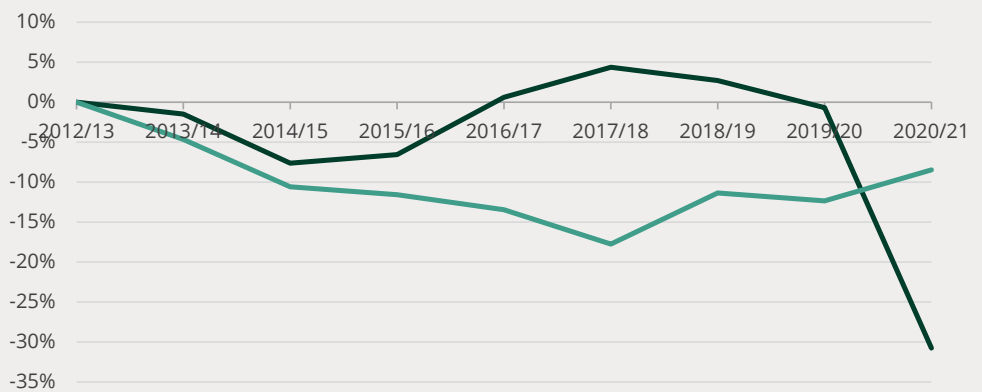
**Total cases received - Magistrates in post**



### Number of judges and total caseload for all courts

Percentage change relative to 2012/13 level; England and Wales

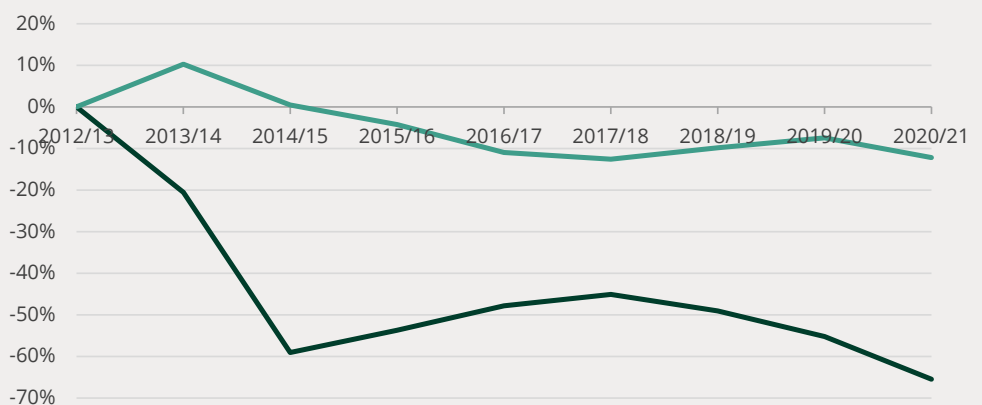
**Total cases received - Judges in post**



### Number of tribunal staff and caseload across all tribunals

Percentage change relative to 2012/13 level; England and Wales

**Total cases received - All staff in post**



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.

## 5.2

## 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 2023-24:

- 38% of judges were female, compared with 14% in 2000/01.
- 9% of judges were Black, Asian and minority ethnicity (BAME) compared with 2% in 2000/01.<sup>39</sup> The proportion of BAME people over 18 years of age in England and Wales was 16% in 2021, according to the Census.<sup>40</sup>
- 33% 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 2023-24:

- 57% of Magistrates were female, compared with 52% in 2012/13.
- 13% of Magistrates were BAME compared with 8% in 2012/13.
- 43% 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*.<sup>41</sup> 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.<sup>42</sup> Ethnicity can also be 'not stated' or 'not applicable': in practice, a large share of observations have 'not applicable' in the ethnicity field.

<sup>39</sup> This is the proportion of Judges who declared their ethnicity.

<sup>40</sup> ONS, [Ethnic group by age and sex in England and Wales \(23 January 2022\)](#), table 3.

<sup>41</sup> HMCTS [Annual report and accounts 2022-23](#)

<sup>42</sup> 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).

## 6

# HMCTS expenditure

Information about the finances of HMCTS is published in the Ministry of Justice's [Annual report and accounts \(latest 2022-23\)](#). 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-£1.9 billion since then (in real terms, 22 prices). 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 2023-24. Note that the Government allocated a further £477 million in the October 2021 Spending Review to reduce the backlog in criminal courts.

## HMCTS Department expenditure limit (DEL) and plans

Annual figures

	Cash £ million	Real £ million at 2022 prices	Annual real terms change £ million	Annual real terms change %
<b>Resource DEL</b>				
2010-11	1,092	1,277		
2011-12	1,091	1,253	-23	-2%
2012-13	1,203	1,357	104	8%
2013-14	1,028	1,138	-219	-16%
2014-15	944	1,032	-106	-9%
2015-16	833	905	-127	-12%
2016-17	1,565	1,661	756	84%
2017-18	1,577	1,648	-14	-1%
2018-19	1,662	1,702	54	3%
2019-20	1,835	1,835	133	8%
2020-21	1,866	1,770	-65	-4%
2021-22	2,040	1,951	181	10%
2022-23	2,117	1,897	-54	-3%
2023-24 (plans)	2,103	1,774	-123	-6%
<b>Capital DEL</b>				
2010-11	146	171		
2011-12	27	31	-140	-82%
2012-13	50	56	25	82%
2013-14	0	0	-56	-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	49%
2019-20	133	133	-41	-23%
2020-21	288	273	140	105%
2021-22	483	462	189	69%
2022-23	210	188	-274	-59%
2023-24 (plans)	175	148	-40	-21%

**Source:** MoJ [Annual report and accounts 2022-23](#) and [2014-15](#); HM Treasury, [GDP deflators at market prices, and money GDP June 2024 \(Quarterly National Accounts\)](#)

**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.

# 7

## 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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