

Consultation on changes to MoJ Statistics

2014

Ministry of Justice

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Introduction

This consultation document sets out a number of proposed changes to the validation and presentation of statistics related to criminal courts timeliness statistics.

There will be no loss of information from these changes. However, timeliness totals will be amended to improve data quality and present a more robust measure.

The aim of these changes is to provide a more accurate representation of the time criminal cases spend in the criminal justice system (CJS) and improve the quality and reliability of published statistics.

This consultation will run from 18 December 2014 until 29 January 2015, with a view to provide feedback on responses and clarify proposals in the next edition of Criminal Court Statistics Quarterly.

Users are invited to respond to these proposed changes using the contact details below.

The questions for this consultation are set out in [Annex A](#).

Illustrative tables showing timeliness values following proposed changes are included in the corresponding Excel file and are listed in [Annex B](#).

Enquiries and responses in relation to this consultation should be directed to the address below. Please put 'Consultation Response' in the title of any emails:

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Email: statistics.enquires@justice.gsi.gov.uk

Background

The criminal court timeliness measure is an estimated average of the time criminal cases spend in the CJS, across both magistrates' and Crown tiers of criminal court. Timeliness statistics are published quarterly as part of '*Criminal Court Statistics Quarterly*' and were previously part of '*Court Statistics Quarterly*' (CSQ).

The statistics measure the overall duration in days from offence to completion in the criminal courts, including intermediate stages in that process. 'Offence to completion' refers to the time taken between the date an offence is committed and date of verdict/acquittal of the defendant's case, in either the magistrates' courts or the Crown Court. For defendants whose case is sent to the Crown Court, these statistics measure the entire duration from offence to completion in the Crown Court, including the time the case was initially dealt with in the magistrates' courts before being passed to the Crown Court.

These statistics are sourced from the administrative data systems used in the magistrates' courts and Crown Court, and are produced by linking records. Records are linked based on a combination of variables including given name, middle name, family name, date of birth, sex, postcode, a committal date, and two identifiers: the Arrest/Summons Number (ASN) and Pre-Trials Issue Unique Reference Number (PTIURN).

Previously, statistics on the duration of criminal proceedings in the magistrates' courts had been taken from the quarterly '*Time Intervals Survey*' (TIS), which was based on a sample of cases, namely those which completed during a specified week each quarter.

The TIS was discontinued from June 2011 due to improvements in the quality of timeliness data held on the magistrates' courts' administrative system. This enabled linking between defendants at the magistrates' courts and Crown Court, producing new statistics on the overall timeliness of proceedings in the criminal courts. This improvement was announced on the Ministry of Justice website and initial timeliness estimates were first published on 29th September 2011 (Court Statistics Quarterly Q2 2011).

Reports of the results of the TIS and further information relating to the discontinuation can be found at the link below:

<https://www.gov.uk/government/statistics/time-intervals-for-criminal-proceedings-in-magistrates-courts-ns>

Proposal

We are consulting on proposed changes in relation to published end to end criminal court timeliness statistics, as well as gathering wider information on how these statistics are used and if they are fit for purpose. The consultation questions are set out at the end of this document (see [Annex A](#)).

- 1. Amend validation applied to timeliness estimates by removing existing ten year threshold for Crown Court cases.** This would see the inclusion of longer, historic cases into the timeliness analysis, providing a more accurate picture of criminal justice system (CJS) timeliness.

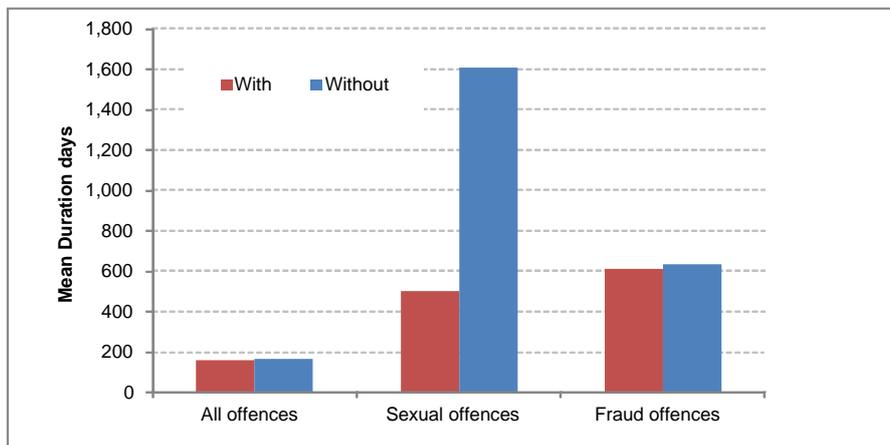
A range of quality assurance measures are applied to the criminal court timeliness data both before and after the matching process. These include ensuring the data are in the correct format and complete, case events follow a logical date sequence and all breach cases are excluded from the analysis.

Additionally the validation excludes cases taking beyond a given threshold to reach completion (from offence to completion). This threshold has been set at ten years (3,650 days) since the initial TIS and removes a small proportion of defendants each year (less than 0.5%). These 'long' cases were assumed to be errors which impacted on average calculations and as a result were removed from the analysis.

Investigations undertaken to review the current threshold have shown that it is wrongly excluding accurate 'long' cases from the Crown Court – around 95% of excluded cases sampled were legitimate 'long' cases. The majority of the excluded cases complete at the Crown Court and the impact of the threshold is less prevalent at magistrates' courts. As a result the proposal relates only to cases which complete at the Crown Court.

The threshold has disproportionately impacted certain offence types more than others, namely sexual offences and fraud offences.

Chart 1 - Mean duration from offence to completion with and without applied threshold, all courts, Q3 2014



It is evident that the current threshold is underestimating the time cases spend in the CJS on average. This applies particularly to the duration between an offence being committed to charge or laying of information in the magistrates' court.

The proposed removal of the threshold for cases completing at the Crown Court cases would improve the validity of the measure and better reflect the reality of case within the CJS. Additional validation related to defendants' date of birth and timeliness calculations are planned to be incorporated to further strengthen reliability and seek to account for 4% of sampled cases that were correctly excluded under the existing threshold.

2. Remove mean durations as a measure of average end to end timeliness and present the median as the sole average.

As a result of the proposed changes to the timeliness validation it is anticipated that changes to the presentation of the timeliness statistics will be required.

Currently the average timeliness calculations are published using both mean and median measures. However, the proposed removal of the current threshold will see the inclusion of a small number of longer cases, greatly altering the distribution of the timeliness data.

Currently both mean and median estimates are published.

Table 1 – Mean duration in days from offence to completion with (mean1) and without (mean2) applied threshold, Q3 2014-12-15

	Mean1	Mean2	<i>Difference</i>
magistrates' courts	149	161	+12
Crown Court	312	445	+133
All court	161	169	+8
Sexual offences	504	1,609	+1,105
Fraud offences	613	634	+21

Table 2 – Median duration in days from offence to completion with (median1) and without (median2) applied threshold, Q3 2014-12-15

	Median1	Median2	<i>Difference</i>
magistrates' courts	143	143	0
Crown Court	221	225	+4
All court	151	151	0
Sexual offences	323	376	+53
Fraud offences	400	404	+4

As shown above the mean would be greatly inflated by a small number of longer cases and would no longer be considered the most robust and reliable measure of average timeliness.

The median time provides a measure of the middle point in the distribution of time taken, with half of cases taking less than the median time and the other half of cases taking longer. Since the distribution of the time taken

includes both a large number of cases with a relatively shorter time between offence and completion, and a small number of longer-running cases, the median provides a useful measure for understanding how long cases typically take to process.

As shown in the tables above, the median is less impacted by the presence of a small number of extreme values and is a more representative estimate of the average timeliness.

Illustrative tables showing timeliness estimates in the same format as published with proposal 1 and 2 applied can be found in corresponding Excel file and are listed in Annex B – the corresponding table references for Criminal Court Statistics Quarterly are included in the index for information.

Annex A: Consultation Questions

On proposal 1: Amend validation applied to timeliness estimates by removing existing ten year threshold for Crown Court cases.

1. Do you agree that the current validation 'cut off' should be removed for cases completing in the Crown Court?
2. Do you agree that revised data based on amendment validation routines should be produced?

On proposal 2: Remove mean durations as a measure of average end to end timeliness and present the median as the sole average.

3. Do you agree that the median is the preferred average for the criminal court timeliness measure?

General feedback on published criminal court timeliness statistics

4. Do you use the published tables?
5. Do you use the 'CSV' files that accompany the publication?
6. Do you use the 'Open Justice' website?
7. Do you find the information you want easily on the Gov.uk website?
8. Is there any new timeliness information that you would like to see included in the publication(s). If so, please provide details.

Please provide answers and any other comments on the content or structure of these publications please provide feedback to:
statistics.enquires@justice.gsi.gov.uk.

Please entitle your email 'Criminal Court Statistics Quarterly – timeliness consultation feedback'

Responses to the consultation will be accepted until 29 January 2015.

Annex B: List of Accompanying Tables and CSV

Accompanying this consultation are the following tables:

Table 1	Average time from offence to completion, percentage of proceedings completed at first listing and average number of hearings for all criminal cases at the magistrates' courts by initial plea, England and Wales, 12 months ending September 2014
Table 2	Average number of days taken from offence to completion for all criminal cases at the magistrates' courts in England and Wales, 12 months ending September 2014
Table 3	Average number of days taken from offence to completion for all summary cases at the magistrates' courts in England and Wales, 12 months ending September 2014
Table 4	Average number of days taken from offence to completion for criminal cases in England and Wales, 12 months ending September 2014
Table 5	Average number of days taken from offence to completion for Crown Court criminal cases in England and Wales, 12 months ending September 2014
Table 6	Average number of days taken from offence to completion for all criminal cases by offence group, in England and Wales, Q3 2014

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statistics.enquiries@justice.gsi.gov.uk