



Ministry
of Justice

Annex B

Experimental Statistics:

Legal Representation in the Crown Court, England and Wales

January to December 2014

Ministry of Justice

Ad hoc statistics bulletin

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Introduction

This ad-hoc experimental statistics bulletin presents the result of exploratory analysis towards devising a methodology for identifying the representation status of defendants appearing at criminal courts.

In response to recent public interest in the number of individuals involved in court proceedings without legal representation, work has been undertaken within Justice Statistics Analytical Services, in liaison with HMCTS, to identify this experimental methodology.

For the aspect of cases undertaken within the magistrates' courts, it is not possible to identify a defendant's legal representation status. There is no single field that shows the defendants representation status at a hearing within the Magistrates Management Information System.

For cases heard at the Crown Court, a methodology has been devised using a field in the CREST Management Information System which captures whether an advocate and/or solicitor was present at a defendant's first hearing. The methodology has been used to identify parties at the Crown Court with known legal representation, those known to be without legal representation, and those where representation status is unknown. More detail on the methodology is contained within the technical note later in this document.

The statistics generated from this methodology are presented in the following new tables:

- Table B1 – Advocate and solicitor representation, at first hearing, of defendants dealt with in the Crown Court;
- Table B2 – Representation status, at first hearing, of defendants dealt with in the Crown Court;
- Table B3 - Number of hearings in the Crown Court, by representation status at first hearing.

The statistics are published badged as "experimental statistics" and do not display the National Statistics Logo, as data are still being evaluated and remain subject to further testing in terms of their reliability and ability to meet customer needs.

Representation of defendants at the first hearing in the Crown Court (experimental statistics)

Representation by year

The proportion of defendants dealt with in the Crown Court who are known to have had legal representation¹ has remained stable between 2010 and 2014. During 2014, 94% (89,111) of defendants were represented by a solicitor or advocate at the first hearing whilst 6% (5,561) of defendants had no or unknown representation at first hearing. This compares to 95% and 5% respectively in 2010.

The proportion of defendants represented at first hearing by an advocate only, with no solicitor representation, has increased over the last 5 years. Of those in 2014, 13% (11,339) did not have a solicitor, compared to 2% (2,274) in 2010.

Representation and hearings

In 2014, 30% of represented defendants had two or less hearings, compared with 17% of defendants whose representation was unknown or were known to be unrepresented. Conversely, 17% of represented defendants had six or more hearings, compared with 24% who had no or unknown representation.

¹ Representation is classed as defendants who were known to be represented by an advocate or solicitor at first hearing.

Technical note: Measuring legal representation in the Crown Court

After reviewing a sample of Crown Court record sheets for 2014, it was deduced that information regarding legal representation was collected under the advocate and/or solicitor field. The Crown Court administrative data system CREST MIS was then examined to identify the tables in which this information would be available.

Analysis indicated the most reliable way to investigate legal representation was to first identify whether or not an advocate was present at the first hearing. The assumptions used were as follows:

- If the defendant had a valid advocate name entered or a solicitor record then they were recorded as 'Represented by an advocate or solicitor'.
- If, under the advocate and solicitor details, the defendant is recorded as not represented then they as recorded as 'Not represented by an advocate or solicitor'.
- All other defendants were recorded as 'unknown representation'.

Contacts

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