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|  | **Our Reference:** 508-16 FOI 107697 |  | October 2016 |

**Freedom of Information Request**

You asked for the following information from the Ministry of Justice (MoJ):

**‘I am making this request under the provisions of the Freedom of Information Act 2000.**

**The Ministry of Justice produce quarterly Criminal Court Statistics and Table C3 provides details of ineffective Crown Court trials. The column "defendants absent/unfit to stand covers:**

**6) 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'.**

**I would be most grateful to receive data covering quarter 1 to quarter 4 for the years 2009.2010,2011,2012,2013, 2014 and quarter 1 for 2016:**

**(a)the number of defendants absent where trial did not proceed due to judicial discretion**

**(b) the number of defendants absent when the trial did not proceed due to the defendant being ill or otherwise unfit to proceed**

**(c) the number of defendants absent when the trial did not proceed because the defendant not produced by PECS and**

**(d) the number of defendants absent when the trial did not proceed because the defendant was not notified of place and time and hearing.**

**I would hope that the information would be readily available to the department and would involve a reordering of spreadsheet data. I a conscious though that you may challenge this request on cost limit grounds. In which case I would welcome from you an indication of which ( or the number of years) that you would be able to provide the information I require that would be within the cost limit.**

**I look forward to hearing from you and trust that you will confirm receipt.’**

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

I can confirm that the department holds the information that you have asked for regarding ineffective trials due to the reasons that you listed relating to the defendant being absent. However, the information held is exempt under section 21 of the FOIA because it is reasonably accessible to you, and I am pleased to inform you that you can access it via the following link.

<https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-april-to-june-2016>

The data presents the number of trials that are ineffective due to ‘defendants absent/unfit to stand’ broken down into its sub categories of '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'. It can be found in the ‘Criminal Courts listings transparency’ file, which you can access via the above link to our latest publication, this file shows the quarterly breakdown from Q1 2010; data prior to this date is unavailable.

Section 21 of the FOIA exempts disclosure of information that is reasonably accessible by other means, and the terms of the exemption mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

You can find out more about Section 21 by reading the extract from the FOIA and some guidance points we consider when applying this exemption, attached at the end of this letter.

You can also find more information by reading the full text of the Act, available at <http://www.legislation.gov.uk/ukpga/2000/36/contents>.