



Department of  
**Justice**  
An Roinn Dlí agus Cirt  
Máinnystrie O tha Laa  
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29 March 2022

**REFERENCE: FOI\22\14**

Dear Madam

Thank you for your request for information dated 28<sup>th</sup> February 2022 and detailed below:

*'I would like to make a request for information using the Freedom of Information Act.*

- 1. Please provide the most up to date figures for the length of time taken for a case to be dealt with in:  
(a) magistrate's court – charge case & summons case  
(b) crown court – charge case & summons case*
- 2. Please provide figures for the median length of time taken for cases to be dealt with in all courts over the past two years – 2019/20 & 2020/21.*
- 3. What is the longest waiting time for any case to be dealt with over the past three years 2019/20; 2020/21 & 2021/2022 to date – please provide details of the type of case (ie offence type, type of court & length of wait)*
- 4. What is the longest time a case has taken to progress through the crown court over the past three years 2019/20; 2020/21 & 2021/2022 to date.*



5. *Please provide a breakdown of figures for processing times by offence category highlighting which types of offences have the longest waits & which have the shortest waits.*
6. *Please provide an explanation as to why processing times are so low in NI when compared to other parts of the UK.*
7. *What steps are being taken to improve waiting times?*

*I have cc'd colleagues Chris Page & Chrissie McGlinchey in this. Please include them both in all responses.'*

## **RESPONSE**

The Department has considered your request and can advise that it has determined that questions (1) – (5) fall within the remit of the Freedom of Information Act as these constitute requests for recorded information. The response to these questions is provided below:

Case processing time statistics are published on an annual basis on the DoJ website and reports for the years 2019/20 and 2020/21 are available at the following link <https://www.justice-ni.gov.uk/topics/prosecution-and-conviction-statistics>. However, figures from the bulletins available at this link have been provided in this answer, against each of points requested.

As finalised figures for case processing times for cases completed at courts in 2021/22 are not due to be published until late summer 2022, figures have been provided for the 12 months up to the end of December 2021 (Q3 2021/22). Information for Q3 2021/22 is therefore provisional and may be subject to change.

The Freedom of Information Act 2000 gives you two rights of access when you write to us asking for information. You have the right to know whether we hold recorded information falling in scope of your request, and you have the right to receive this recorded information subject to cost limit or exemption. These rights may only be overridden if the information you are looking for is covered by an exemption in the Act.



In relation to the provision of data relating to length of time taken for individual cases, the Department takes the view that Section 40 (2) applies. While the Department does hold data on the length of time taken for cases to be completed at individual case level courts as part of its datasets, the Department takes the view that to provide this information at individual case level could lead to the identification of individuals and that information at this level is exempt from disclosure under Section 40(2) (Personal information) of the Freedom of Information Act 2000.

The Data Protection Act 2018 prohibits the release of personal data that relates to third parties which could, if released, identify the third party to whom it relates. Disclosure would contravene the first principle of the Data Protection Act, in that the data would be processed unfairly and none of the conditions in Article 6 of the General Data Protection Regulation are met to authorise lawful disclosure.

Section 40 (2) provides an absolute exemption and there is no requirement for the completion of a public interest test.

As information on individual cases cannot be provided, information on the number of days in which 50% (the median), 80% and 90% of cases have been completed, which gives an indication of the outer bounds of case processing times for the majority of cases, has been provided.

Figures included in Tables 1 to 3 provide information as outlined above, in relation to queries.

- 1. Please provide the most up to date figures for the length of time taken for a case to be dealt with in:*
  - (a) magistrate's court – charge case & summons case*
  - (b) crown court – charge case & summons case*
- 2. Please provide figures for the median length of time taken for cases to be dealt with in all courts over the past two years – 2019/20 & 2020/21.*



3. *What is the longest waiting time for any case to be dealt with over the past three years 2019/20; 2020/21 & 2021/2022 to date – please provide details of the type of case (ie offence type, type of court & length of wait)*
  
4. *What is the longest time a case has taken to progress through the crown court over the past three years 2019/20; 2020/21 & 2021/2022 to date.*

**Table 1: Time taken for cases dealt with at all courts, 2019/20, 2020/21 and 2021/22 Q3**

Offence Reported date to Court Disposal date	2019/2020	2020/2021	2021/2022 Quarter 3 (provisional)
Median number of days taken	149	193	220
Number of days by which 80% of cases completed	335	396	524
Number of days by which 90% of cases completed	519	561	706

**Table 2: Time taken for cases dealt with at Crown Court, 2019/20, 2020/21 and 2021/22 Q3**

Offence Reported date to Court Disposal date	Crown Charged			Crown Summonsed		
	2019/20	2020/21	2021/22 Quarter 3 (provisional)	2019/20	2020/21	2021/22 Quarter 3 (provisional)
Median number of days taken	410	470	524	861	939	977
Number of days by which 80% of cases completed	603	699	771	1,305	1,389	1,479
Number of days by which 90% of cases completed	783	905	967	1,655	1,733	1,919



**Table 3: Time taken for cases dealt with at adult magistrates' courts, 2019/20, 2020/21 and 2021/22 Q3**

Offence Reported date to Court Disposal date	Adult Magistrates' Charged			Adult Magistrates' Summoned		
	2019/20	2020/21	2021/2022 Quarter 3 (provisional)	2019/20	2020/21	2021/22 Quarter 3 (provisional)
Median number of days taken	72	122	114	178	212	261
Number of days by which 80% of cases completed	155	266	251	357	423	560
Number of days by which 90% of cases completed	222	360	366	527	588	727

Table 4 overleaf, provides information in relation to the fifth query regarding processing times and offence categories.

5. *Please provide a breakdown of figures for processing times by offence category highlighting which types of offences have the longest waits & which have the shortest waits.*



**Table 4: Time taken for cases dealt with at all courts by main offence type, 2019/20, 2020/21 and 2021/22 Q3**

	<b>Median Days taken in 2019/20</b>	<b>Median Days taken in 2020/21</b>	<b>Median Days taken in 2021/22 Q3 (provisional)</b>
<b>Violence Against the Person</b>	219	267	287
<b>Sexual</b>	698	581	712
<b>Robbery</b>	374	413	475
<b>Theft</b>	196	239	285
<b>Burglary</b>	256	308	336
<b>Criminal Damage</b>	158	206	223
<b>Drugs</b>	166	229	237
<b>Possession of Weapons</b>	160	237	259
<b>Public Order</b>	123	174	210
<b>Motoring</b>	119	153	169
<b>Fraud</b>	356	485	566
<b>Miscellaneous</b>	250	338	304
<b>Total</b>	149	193	220

**Notes:**

1. Figures relate to the number of calendar days between the listed dates for each table. Court recess dates are not taken into account.
2. Figures for 2019/20 and for 2020/21 relate to cases disposed at court during the time period specified. Each period is a financial year, running from 1st April to the following 31st March.
3. Figures for 2021/22 Q3 are provisional and relate to the 12 months up to the end of December 2021.
4. Figures relate to cases brought on behalf of the PSNI, Harbour and Airport police or the National Crime Agency in Northern Ireland that resulted in a court disposal.
5. Figures do not include cases where the case was dismissed but a caution was administered (though these cases are included for Cases dealt with at Crown Court), fixed penalty registrations, penalty notices for disorder or cases resulting from a breach of a court order. Successful youth engagement cases were also excluded.
6. In some cases, dates relating to offence reported date have been adjusted to equal the date defendant charged/informed. This is because these cases were likely to



originally have been fixed penalty cases which resulted in a prosecution, where the fixed penalty process had not been successful. No date for the start of the prosecution process is available from management data in relation to these cases.

7. Figures for 2019/20 and 2020/21 have been taken from the annual Case Processing Time bulletin, available at:

<https://www.justice-ni.gov.uk/publications/case-processing-time-criminal-cases-dealt-courts-northern-ireland-202021>

In relation to the remaining two questions, as these do not constitute requests for actual recorded information, the response to these questions is provided outside the department's obligations under the Freedom of Information Act.

6. *Please provide an explanation as to why processing times are so low in NI when compared to other parts of the UK.*

- In many respects Northern Ireland's criminal justice system is unique compared to our neighbouring jurisdictions. Although there are many areas of commonality, the criminal justice system in Northern Ireland has evolved against a different backdrop regarding the security context within which it operates. A report by the Northern Ireland Audit Office in 2018 acknowledged views from PSNI regarding the unique historical and political context in which it and other justice organisations in Northern Ireland operate. The impact of this history on how cases are investigated and progressed through the criminal justice system is still evident today.
- The Criminal Justice Review of 2000 and the Justice Act (NI) 2002 were pivotal in reshaping the criminal justice system we have today. They changed how offences were prosecuted and made changes affecting courts, judicial appointments, youth justice and victims and witnesses and so on. The 2002 Act led to the establishment of the Public Prosecution Service in 2005, and provided that it conducts all criminal proceedings which are instituted by police in Northern Ireland. Up to this point, police conducted the vast majority of cases in the magistrates' courts. These changes further defined the Northern Ireland system as distinct and different from other jurisdictions.



- There are some other significant differences between the justice systems across these islands. For example, in relation to Crown Court processes, Northern Ireland is the only jurisdiction on these islands that retains a traditional committal process at which victims and witnesses can be called to provide oral evidence in order to determine whether the case should be sent to the Crown Court for trial. The Assembly recently passed legislation which will help streamline the committal process and bring Northern Ireland more into line with England and Wales.
- Not only are the systems different but how we actually report on timeliness also differs. Due to varying reporting arrangements it is not possible to make an exact comparison of average case processing times between England and Wales and Northern Ireland. This is due to respective reporting models using a different starting point – England and Wales use the date of offence, whilst in NI we use the date that an incident is reported to or detected by police.
- Despite the challenges, the Department and its justice partners recognise the importance of ensuring that the justice system is capable of resolving cases as swiftly as possible, whilst at the same time protecting the rights of everyone involved.

#### 7. *What steps are being taken to improve waiting times?*

- Tackling delay remains one of the biggest challenges facing the criminal justice system and is a key priority for the Department. The Criminal Justice Board, which brings together the key justice agencies to provide collective leadership and strategic oversight to the work of the criminal justice system, meets regularly and discusses the timelines in the justice system and seeks regular updates on the ongoing Speeding Up Justice work programme. The Criminal Justice Board is chaired by the Justice Minister and its membership includes the Lady Chief Justice, the Director of Public Prosecutions, the Chief Constable and the Department of Justice's Permanent Secretary.





- The Speeding up Justice Programme Board, which brings together key justice partners, and is overseen by the Criminal Justice Board, oversees work to tackle delay and the wider work programme to speed up the system. This work programme includes 5 strands – performance reporting; working in partnership; legislation; research and analysis; and improvement projects. A team of economists was recruited to lead on research and analysis.
- There have been significant developments on work to speed up the justice system. Prior to the Covid-19 pandemic, case processing time data showed measures taken by the Department to reduce avoidable delay were having a positive impact. The average time taken to complete criminal cases improved for five successive quarters - from 169 days in 2018-19 to 149 days at the end of 2019-20. The fastest it had been in five years (since the start of 2016-17) and faster than in 2011-12 (the earliest we have data for).
- In order to gain a better understanding of delay, the Department has developed a performance framework for measuring delay. Improved performance reporting sits at the centre of efforts to understand delay and target interventions effectively. Small targeted interventions have been the main drivers for change to date.
- Although overall case processing times had been improving prior to the pandemic, tackling delay in the Crown Court is more challenging. A very significant step taken to reduce delay has been the introduction of the Criminal Justice (Committal Reform) Act (Northern Ireland) 2022. The Act, which received Royal Assent on 7 March, contributes towards the delivery of a number of Departmental commitments, and will help to speed up some of the most serious cases heard in the Crown Court. When fully implemented, the Act will help fast track certain cases to the Crown Court by allowing them to bypass the committal process entirely, and improve the experience of victims and witnesses on their journey through the criminal justice system.
- The Department is also committed to taking forward the recommendations arising from the recent report by the Public Accounts Committee and the Programme



Board will oversee work to deliver them alongside other aspects of the wider work programme.

- The Department, in conjunction with the Judiciary, also facilitates regular Crown Court Cases Performance Groups (CCCPGs), which bring together key stakeholders with a view to identifying causes of delay in the Crown Court and seeking to identify ways in which these can be resolved.
- The Department is also working to deliver on a number of recommendations made in various inspection and scrutiny reports which have considered the issue of delay, including Sir John Gillen's report in 2019 into the law and procedures in serious sexual offences.
- Like many other areas of public service, COVID has had a significant impact on efforts to speed up the justice system and has resulted in significant backlogs in the court system, which will take time to clear.
- Ongoing work on the various initiatives aimed at reducing delay will depend on the resources available to aid recovery of the justice system.

I hope that this response fully addresses the questions you have raised in your request. However if you are dissatisfied with the response to questions (1) – (5), you may request an internal review within two calendar months of the date of this letter. If you request an internal review please do so in writing stating the reasons to the address above.

If following an internal review you were to remain dissatisfied you may make a complaint to the Information Commissioner and ask the Commissioner to investigate whether the DOJ has complied with the terms of the FOIA. You can write to the Information Commissioner at:



Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

The Commissioner will not investigate a complaint unless an internal review procedure has been carried out.

Further details on the role of the Information Commissioner and the handling of appeals can be found at: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Yours sincerely

**DoJ Records & Information Manager**

