



DATE **NOVEMBER 2025**

RESPONSE TO **INDEPENDENT REVIEW OF THE CRIMINAL
COURTS - PART 2**

ISSUED BY **MINISTRY OF JUSTICE**

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ABOUT THE MAGISTRATES' ASSOCIATION

The Magistrates' Association (MA) is an independent charity and the membership body for the magistracy.

We work to promote the sound administration of the law, including by providing guidance, training and support for our members, informing the public about the courts and the role of magistrates, producing and publishing research on key topics relevant to the

magistracy, and contributing to the development and delivery of reforms to the courts and the broader justice system. With over 11,500 members across England and Wales, we are a unique source of information and insight and the only independent voice of the magistracy.

November 2025



INTRODUCTION

1. We appreciate the opportunity to present the views of the Magistrates' Association (MA) to the Independent Review of Criminal Courts on Part 2 of its brief – looking at the efficiency of courts – both the processes internal to courts and the inter-related relationships with partner organisations that have a bearing on the courts.
2. In producing this response, the MA has consulted with our five policy committees, covering all three magistrates' court jurisdictions, local justice area bench chairs, and family and youth panel chairs. Together, this represents significant frontline day-to-day experience. What is clear is the commonality of response across different areas of England and Wales, and across jurisdictions.
3. Although we understand that your review is only focused on criminal courts, we have also included responses covering family courts as well, to provide a full picture. There are significant similarities in experience between criminal and family jurisdictions.

EXECUTIVE SUMMARY

4. Feedback from bench and panel chairs and MA committee members across the adult, youth and family jurisdictions paints a clear and consistent picture: inefficiencies in the magistrates' courts are systemic, predictable and recurring, largely driven by poor case readiness, fragile staffing, and unreliable digital systems. These issues waste court time, undermine confidence and delay justice for victims, witnesses, children and families.

5. Across all jurisdictions, four themes stand out:

(i) Cases are not ready when they reach court

Late or incomplete CPS files, weak early case review, late disclosure, and defence solicitors taking instructions on the morning of court continue to cause late starts, cracked trials and avoidable adjournments. In Youth and Family this problem is magnified: children may wait 12–24 months for their first appearance; safeguarding letters and Section 7 reports often arrive weeks late; and OOC decisions are inconsistent and slow.

(ii) Listing and case progression are not working effectively

Courts experience both *over-listing* (pushing cases out or forcing repeat adjournments) and *under-listing* (benches finishing early while

other courts are overstretched). New specialist lists, including DAPO and Youth, are sometimes left empty at short notice. A lack of proactive trial triage and case progression roles means problems are discovered only on the day. In Family, the absence of case progression officers and ushers leaves legal advisers firefighting rather than managing hearings.

(iii) **Severe staffing pressure across all parts of the system**

Legal advisers, ushers, probation, CAFCASS, social workers and admin teams are all operating below sustainable levels. This drives late orders, missing papers, limited probation capacity for stand-down PSRs, long CAFCASS delays and reduced availability of youth-ticketed staff. In several courts, the day simply cannot run efficiently because the core staff groups are not at the required strength.

(iv) **Technology remains a barrier, not an enabler**

Common Platform is unreliable; laptops are outdated; Word is not available on many devices; digital bundles are incomplete or late; and video links and evidence displays frequently fail. Courts are open to using digital tools and even AI – for example to summarise bundles or improve triage – but only once core systems are stable and fit for purpose.

6. There are also important jurisdiction-specific issues:

Adult Court: repeated late delivery of custody defendants, chronic delays in charging, ineffective witness care, and poor matching of work to available benches.

Youth Court: OOCd inconsistency, slow referral orders, extreme NRM delays, advocates without youth training, and listing practices that create crowded, stressful environments for children.

Family Court: late, overlong and non-compliant bundles; long CAFCASS delays; over-reliance on LiPs without adequate guidance; fragile portal systems; and highly variable capacity to run Pathfinder-style models.

7. Across all the evidence, magistrates express the same view: efficiency cannot be delivered solely through process tweaks or digital pilots. The foundations—case readiness, staffing, listing discipline and technology that works—must be strengthened first. Where those foundations exist (Pathfinder courts, strong local YJS partnerships), the improvement in timeliness is immediate and striking.

ADULT COURT

8. Feedback from bench chairs, committee members and panel chairs paints a consistent picture of an adult jurisdiction hampered by weak case preparation, unbalanced listing, fragile staffing and unreliable technology. The same problems recur across regions, with significant consequences for timeliness and confidence in the courts.

(i) Cases not ready and courts starting late

The strongest theme is that too many cases are not ready to be heard at the listed time:

- CPS files are not reviewed early enough; disclosure is late or incomplete; and court prosecutors often have limited authority and must adjourn to seek instructions.
- Police delays in charging and poor plea anticipation (GAP/NGAP) routinely lead to offenders being sentenced for later offences before earlier ones ever reach court.
- Defence solicitors frequently arrive at the courtroom start time with multiple clients and limited time to take instructions; in trials, meaningful discussions often happen only on the morning of the hearing, driving day-of-trial plea changes.
- Probation capacity for on-the-day and short-notice PSRs is seriously constrained, forcing adjournments of four weeks or more.

The result is chronic late-starting courts, repeated adjournments and a sense that much of the day is spent waiting for others to be ready.

(ii) Listing, case progression and last-minute cancellations

Listing and case progression are seen as core structural weaknesses:

- Systematic *over-listing* of trials and GAP/remand courts leads to cases being pushed out by custody or priority work, or to very late finishes. Support for victims and witnesses, particularly in DA cases, is undermined by repeated adjournments.
- Under-listing also occurs, with some “blitz” courts going home at lunchtime despite trial delays elsewhere.
- New or specialist trial lists (e.g. DAPO courts) have been cancelled or left empty at the last minute, leaving benches and legal advisers sitting with no substantial work while other courts are under pressure.

- There is little proactive trial triage; many trials still crack on the day due to late case review, missing interpreters or unresolved issues. Bench members repeatedly call for a Crown Court-style case progression process, with clear responsibility in CPS and courts.

Several contributors emphasise that better real-time matching of work to available benches – and smarter use of those already listed before issuing urgent rota pleas – would immediately reduce waste.

(iii) Production of defendants, witnesses and interpreters

Operational failures around attendance create major inefficiencies:

- Late delivery of custody defendants, both for in-person and video-link hearings, is a persistent problem; in some cases it has prevented full-day trials from being completed.
- Defence access to clients in cells is slowed by shortages of GeoAmey staff and limited interview space.
- Witness non-attendance remains common; CPS witness care is not consistently checking or reminding witnesses in the days before trial.
- Interpreter provision is fragile, with agencies cancelling within 24 hours and leaving no time to find alternatives. Some cases have been adjourned multiple times for this reason.

These issues waste court time, damage victim and witness confidence and contribute directly to cracked and ineffective trials.

(iv) Acute staffing gaps across the system

Across almost every area, courts report that they are “running on fumes”:

- Legal adviser shortages cap the number and range of court sessions that can sit, cause last-minute court cancellations and limit SJP capacity. Magistrates in some areas travel elsewhere for sittings, displacing local colleagues.
- Ushers, list callers and legal admin teams are stretched, constantly firefighting rather than managing lists and files strategically.
- Probation is severely under-resourced: on-the-day reports are often impossible; PSRs are significantly delayed; availability of unpaid work and treatment requirements is shrinking in some regions.

There is a strong sense that efficiency gains will not be realised until there is a realistic plan to recruit, train, pay and retain these key staff groups.

(v) Technology and digital tools – foundations not yet right

Courts are willing to use technology, but the basics are not yet dependable:

- Common Platform is widely seen as clunky and slow; real-time resulting by LAs keeps benches waiting after complex cases and reduces the number of matters concluded each day.
- Magistrates often lack reliable, up-to-date laptops with locally installed MS Word and robust connectivity. Many simply want hardware and software that consistently work.
- Video links and evidence presentation systems are unreliable; glitches and incompatibility delay hearings and make it harder to view material on bench laptops.

There is cautious interest in AI and automation – for example trial triage, transcription or automated text/email reminders to defendants about court dates and conditions – but only once core systems are stable, secure and properly supported.

(vi) System design and “front-end” Pressure

Several comments highlight issues at the system’s front end:

- Inconsistent diversion and out-of-court disposal practices can sometimes feed unnecessary cases into the courts and vary widely between areas.
- Lack of experienced case progression roles in both courts and CPS means no one consistently “owns” keeping cases on track.

Across the feedback, magistrates stress that without a properly staffed, well-prepared and realistically listed system, individual reforms and pilots will continue to be undermined – and the same inefficiencies will keep reappearing.

YOUTH COURT

9. Overall, magistrates report that many of the same systemic problems seen in the adult jurisdiction – delays, inconsistent case progression, fragile staffing and weak technology – also affect the Youth Court. However, these issues are magnified by the age and vulnerability of the children involved, and by the complexity of youth justice processes such as out-of-court disposals (OOCs), referral orders and the National Referral Mechanism (NRM).

(i) Delays and out-of-sequence cases – worse impact for children

Delays from offence to charge and from charge to first hearing are a dominant theme, but the consequences are much sharper for children:

- Youth cases routinely reach court 12–24 months after the offence; in some areas this is “not uncommon” and includes serious sexual cases.
- Children often appear for older offences *after* they have already been sentenced for more recent ones, undermining the logic of progressive sentencing and making it harder for them to connect behaviour and consequence.
- Police practices, such as routinely bailing youth cases for three months at a time and slow forensic/phone analysis, are seen as key drivers.

Several contributors argue for a specific **time limit for youth cases** (e.g. 6–12 months) and prioritisation of youth files within police/CPS, given the developmental impact of delay.

(ii) Out-of-court disposals and referral orders – confusion, delay and structural flaws

OOCs and referral orders are a major youth-specific source of inefficiency:

- Decision-making on OOCs is inconsistent between forces (“postcode lottery”), with serious matters sometimes diverted and trivial ones charged; benches then adjourn for OOC consideration, wasting court time and subjecting children to unnecessary hearings.
- Referral orders often start very late due to difficulties recruiting and running panels. Children can be back in court for further offences before any intervention has begun.

- There is perceived overlap between **conditional cautions and referral orders**, with little clarity about progression from diversion to court.

Several youth magistrates suggest a **new, simple, low-level community order** that can be proposed by YJS and decided by the bench – avoiding panels and enabling swift, proportionate first-time responses, more akin to a “child-appropriate community order”.

(iii) NRM and exploitation cases – repeated adjournments

NRM decisions are a specific youth bottleneck:

- Youth courts report long delays for NRM “conclusive grounds” decisions, sometimes 500+ days, leading to repeated adjournments where “nothing happens” and everyone must come back.
- This is experienced as particularly harmful: families struggle with repeated attendance; children disengage from the process; and timeliness statistics worsen.

Some benches are experimenting with “virtual lists” or “sine die” adjournments, where cases are paused until an NRM decision is received, but this remains ad hoc. There is strong support for **fast-track NRM processes for children**.

(iv) Advocates, youth training and court culture

A very youth-specific concern is the quality and mindset of professionals in youth work:

- Many defence and some prosecution advocates are seen as not understanding youth court principles – advising “no comment” interviews that block diversion, pushing unnecessary not guilty pleas, or adopting unduly aggressive styles with children in the dock.
- Where non-youth-trained adult benches or PJs handle youth or 18–21 year-olds (e.g. in mixed lists), they are perceived as noticeably harsher on bail and sentencing than youth specialists.
- Shortages of youth-ticketed LAs and DJs limit the number of youth courts that can sit and can trigger late DJ reservations of lists, cancelling or displacing youth benches with minimal notice.

There is strong support for **better training on child-specific practice** for police, advocates and adult PJs, and for ensuring that youth remands and serious youth cases are handled by youth-trained decision-makers.

(v) Sentencing tools and panel capacity

Magistrates are frustrated by the narrow range and structure of youth sentencing options:

- First-time court appearances overwhelmingly default to referral orders, even where benches feel a Youth Rehabilitation Order (YRO) with clear conditions would be more appropriate.
- Panels and referral order structures are struggling to recruit and to commence programmes promptly, further weakening their credibility.
- Some benches report that the more serious and complex cases are increasingly reserved to DJs, limiting youth magistrates' opportunities to maintain competence and reducing panel morale.

There is appetite for **a broader menu of community-based sentences for guilty pleas**, designed and delivered in partnership with YJS but with clearer judicial input into conditions, and for revisiting rules on who can sit as a Youth PJ.

(vi) Production, listing and youth-friendly practice

Youth-specific operational issues echo the adult court but with added consequences:

- Late production of youths in both magistrates' and Crown Court, and limited YOT capacity for on-the-day reports, mean unnecessary second "scary days in court" and sentencing by a different bench.
- Listing youth at a single time (e.g. all at 10:00) creates crowded, stressful waiting areas. Staggered time slots (10:00, 11:00, 12:00) are suggested as a simple fix.
- There are concerns about the lack of local authority representatives in some areas for looked-after children, and about sterile cell environments and waiting spaces that are ill-suited to children.

Some benches report comparatively **good practice and relationships with YJS**, efficient listing and supportive list callers – showing that where the system invests in child-centred processes, youth courts can and do run more smoothly than adult.

(vii) Prevention, education and "child first"

A strong theme that is largely absent from the adult feedback is prevention and the wider environment:

- Many children arriving at court have histories of school exclusion and vulnerability to exploitation; magistrates see poor educational provision as a driver of offending.
- There is support for properly funded, systematic prevention work in schools (e.g. JP-led programmes on grooming, knife crime and exploitation) and for keeping children in education or meaningful alternatives as a core crime-reduction strategy.

Across the responses, youth magistrates emphasise that **time runs faster in a child's life**. The same inefficiencies seen in adult courts – delay, poor coordination, weak tech – are experienced more acutely by children and risk undermining both rehabilitation and confidence in the system, unless youth-specific reforms and a genuine “Child First” approach are built into any wider court reform programme.

FAMILY COURT

10. Across the Family Court, magistrates report some of the same structural issues seen in Adult and Youth jurisdictions – delays, under-resourced admin teams, unreliable technology – but the impact is shaped by the unique dynamics of private law conflict, safeguarding requirements, public law caseloads and the fragility of CAFCASS and local authority services. Several regions also note that Pathfinder (in Wales and parts of England) has transformed timeliness where implemented.

(i) **Bundles, papers and pre-hearing preparation – the most consistent frustration**

While paperwork and documentation are an issue in all jurisdictions, in Family bundles are **the single biggest efficiency blocker**:

- Bundles are regularly **late, incomplete, unindexed, excessively long** or non-compliant with PD27A (particularly for LiPs).
- Position statements often arrive the night before or morning of the hearing, requiring re-reading and delaying progress.
- Family magistrates report heavy, repetitive reading loads due to duplication in statements and historic material.
- In private law cases, bundles commonly exceed 500–600 pages – often filled with WhatsApp screenshots, old allegations and irrelevant materials.

Poor preparation from parties is compounded by **under-trained or overstretched admin teams**, meaning orders, directions and filed documents are sometimes not circulated, served or uploaded in time.

(ii) Severe strain on CAFCASS and local authorities

Unlike adult or youth courts, the Family Court depends heavily on CAFCASS and children's services – and this is a major point of failure:

- Section 7 reports are routinely late, with wait times of 16–23 weeks in some areas.
- Safeguarding letters are sometimes not ready at FHDRA, rendering hearings ineffective.
- CAFCASS attendance at court (once routine) has declined sharply; some FHDRA days run without any CAFCASS officer present.
- Local authorities and CAFCASS “play ping-pong” over who will complete assessments, causing further delay.
- High sickness levels, vacancies and turnover mean children face long periods with unresolved safety, contact or welfare concerns.

The result is more adjournments, more drift and poorer outcomes for children.

(iii) Listing, admin capacity and courtroom support

Several inefficiencies mirror problems in the adult courts but hit differently in Family:

- **Lack of ushers/list callers** leaves legal advisers managing parties in corridors, handling special measures, troubleshooting CVP and fielding inappropriate requests for “legal advice”.
- Listing delays mean children can experience months more without contact between hearings; progress made at one hearing is often lost by the next.
- Some courts list direction hearings for 90 minutes or two hours to “build in LA admin time”, resulting in **light lists and wasted magistrate capacity**.
- Orders are frequently delayed or not served in time, leading to non-attendance and adjournments.

Where Pathfinder is in place, several of these problems are reduced – demonstrating the value of structured case progression – but Pathfinder

courts still report late files for “decision” hearings and frequent cancellations due to lower hearing volumes.

(iv) 4. Issues specific to private law

Family magistrates highlight a set of inefficiencies unique to private law disputes:

- Many LiPs treat the court as a **mediation service**, bringing disputes that should have been resolved through MIAM or early negotiation.
- Poor-quality statements from LiPs (unfocussed, repetitive, accusatory) cause delay and distract from the child’s needs.
- Non-molestation applications are increasing, sometimes made without legal advice, with wide variation in threshold and inconsistent evidence – leading to unmeritorious cases clogging lists.
- Lack of guidance for parties on how to prepare statements or use evidence sensibly. Some regions have produced videos and guides; courts would benefit from national equivalents.

Magistrates emphasise that better triage, mandatory ADR/mediation where safe, and clearer public guidance would reduce unnecessary applications.

(v) Public law issues and limited judicial allocation

A smaller but important set of concerns relates to public law:

- The target is for only around 16% of public law work to be allocated to magistrates under current guidelines, with some areas not even meeting this, limiting their contribution and causing avoidable delays waiting for judges.
- Cases agreed in principle between parties still wait weeks for a judicial hearing when magistrates could have concluded them swiftly.
- Shortage of trained youth/family LAs and judges can lead to inconsistent availability across regions.

Magistrates feel they could safely take on **more first hearings and uncontested matters** to reduce backlog and deliver faster outcomes for children.

(vi) Technology problems – basic tools still not fit for purpose

Many family-specific issues relate to digital systems:

- Laptops lack locally installed **MS Word**, making it difficult to produce structured, shared reasons or to complete appraisals/mentor documents.
- The **public law portal** is described as clunky, slow and prone to crashing during pre-court reading; real concern that the **new private law portal** will repeat these flaws.
- Incomplete access to private law files (unlike public law) means magistrates rely on emailed bundles that may be outdated, duplicated or missing documents.
- Remote hearing equipment is unreliable, especially for vulnerable and child witnesses.

While there is interest in targeted AI tools—e.g. automatic bundle summarisation, identifying duplicated text, highlighting key issues, or helping case progression—magistrates are clear that **existing systems must be stabilised first**.

(vii) Wider systemic issues

A set of broader cultural and structural concerns also emerges:

- Family justice is widely described as **underfunded**, with morale low across HMCTS, CAFCASS and local authorities.
- Communication with magistrates is overwhelming but often ineffective: key information is lost among large volumes of irrelevant emails.

A few areas report **positive exceptions**, particularly where Pathfinder has been implemented or where admin teams and CAFCASS maintain strong local partnerships – demonstrating that the right investment and structures can markedly improve outcomes.

