# Methodology

## *Performance Tracker 2026: Criminal justice system*

# Criminal courts

### Complexity-adjusted cases received and closed by the crown court (Figures CJS 2.2, 2.10)

We use the same method to adjust complexity for both receipts (cases coming into the court) and disposals (cases closed). This involved three stages:

- Classifying cases into sub-types
- Generating a complexity weighting for each sub-type
- Weighting cases by complexity, anchored to the real number of cases in 2018

#### Case classification

We classified cases into sub-types in line with HMCTS classifications, according to both their case type and offence group, as listed below:

**Case types:**

- Indictable-only for-trial cases
- Triable-either-way for-trial cases
- Committals for sentence
- Appeals
- Unknown

**Offence groups:**

- Violence against the person
- Sexual offences
- Robbery
- Theft offences
- Criminal damage and arson
- Drug offences
- Possession of weapons
- Public order offences
- Miscellaneous crimes against society
- Fraud offences
- Summary non-motoring
- Summary motoring
- Not known
- Other

For 2016–25, data is available for all case types broken down by all offence groups, e.g. a triable-either-way for-trial case for a drug offence, a committal for sentence for a theft offence etc. For 2010–15, committals for sentence and appeals are not broken down by offence groups.

There are an extremely small number of receipts of 'unknown' case type (25 in 2024 and 0 in most years) or of 'other' offence group (under 100 in 2024). Summary for-trial case numbers are also small but are present in the data, despite these not typically being eligible for a crown court trial (c.300 receipts in 2024). For-trial cases when the offence group is recorded as 'not known' are now rare (c.450 receipts in 2024) but were previously much more common (c.2,800 in 2016).[2]

### *Generating a complexity weighting*

We created a complexity weighting for each case sub-type based on the average number of hearing hours they take to be closed. We did this by calculating a weighted average hearing time for each sub-type across 2016–19 and 2023–24. 'This includes all cases closed, whether they end up in a trial, guilty plea or the case being dropped. We then divided that average by the weighted average for all cases to produce the complexity weighting.

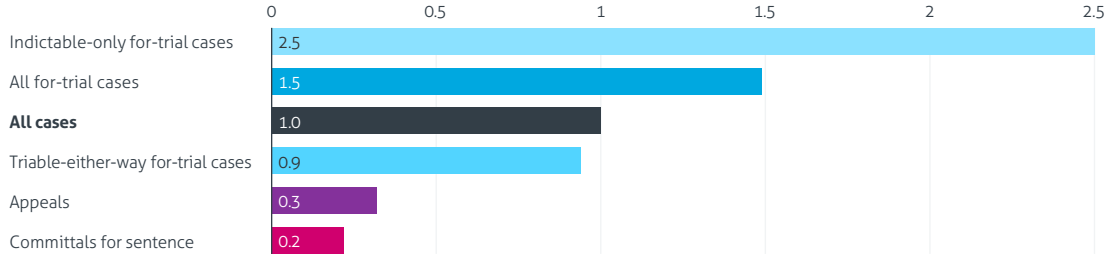
Complexity weighting = [weighted average hearing hours for sub-type across 2016–19 and 2023–24]/[weighted average hearing hours for all cases across 2016–19 and 2023–24]

We chose these years as 2016 is the first year for which revised data is available and we wanted to draw on data across a range of years, while excluding years during the Covid-19 pandemic, which seriously affected the kinds of cases courts were dealing with.

Case type and offence group are not the only determinants of how long a case takes to deal with: a large number of factors like the number of defendants, volume of evidence, age and vulnerability of witnesses or defendants and complexity of legal issues at play may all have a big impact. But case type and offence group do have a big impact on hearing time, especially case type: for example, the average indictable-only for-trial case took 8.7 hours to deal with (across 2016–19 and 2023–24) while the average committal for sentence took just 46 minutes.[3] This makes them reasonable proxies for overall complexity. Figures CJS 5.1 and 5.2 set out the complexity weights of cases by case type and of for-trial cases specifically by offence group. There is minimal variation across offence groups for committals for sentence or appeals.

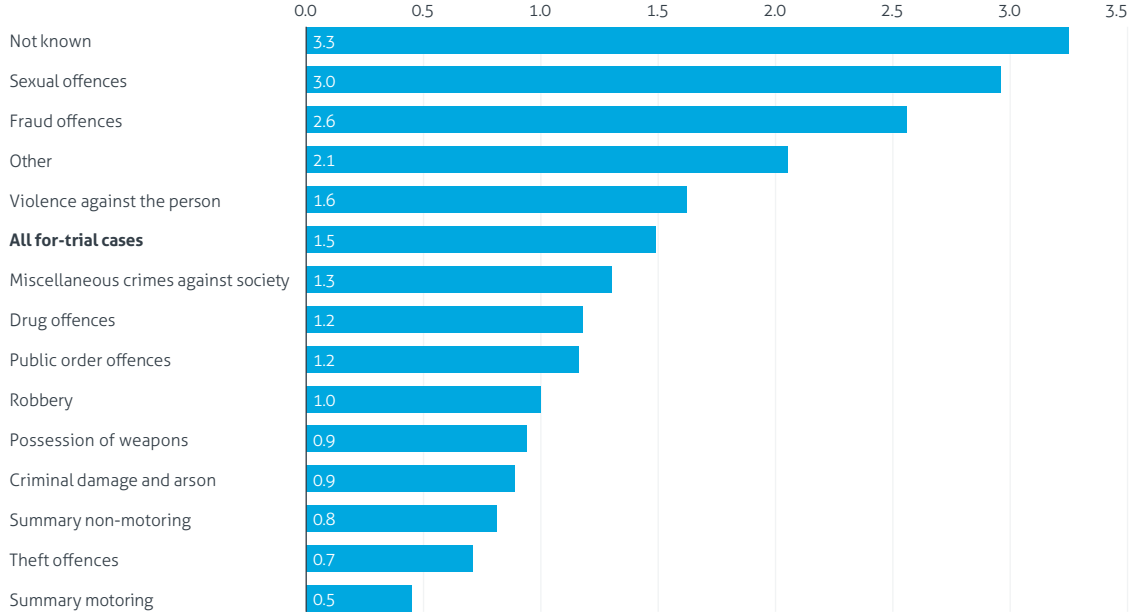
Since data on committals for sentence and appeals is not broken down by offence groups for 2010–15, the average complexity weighting for the offence group is used instead. This has a minimal impact on overall estimates.

Figure CJS **5.1 Complexity weighting of crown court cases by type**




Source: Institute for Government analysis of MoJ, 'Criminal court statistics quarterly: April to June 2025'. Notes: Based on data from 2016–19, 2023 and 2024. See Methodology for details of complexity calculation.

Figure CJS **5.2 Complexity weighting of crown court for-trial cases by offence group**




Source: Institute for Government analysis of MoJ, 'Criminal court statistics quarterly: April to June 2025'. Notes: Based on data from 2016–19, 2023 and 2024. See Methodology for details of complexity calculation.

The complexity weighting is fixed and does not change across years. This means it does not capture changes in complexity within a given sub-type over time. For example, the average hearing time for a triable-either-way sexual offence for-trial case has gone from 7.8 hours in 2016 to 6.4 in 2024. For the same reason, it does not capture any changes in complexity that affect all cases equally. Instead, it reflects how the overall make-up of cases has changed. However, there is not much evidence that there have been significant changes to case complexity within case sub-types, with changes in average hearing hours over the period generally fairly small.

How a defendant pleads in a for-trial case has the biggest impact on how long it takes to deal with, but we did not adjust for changing plea rates for two reasons. Firstly, plea rates are only known once a case has been completed, so cannot be used to adjust receipts. Secondly, plea behaviour is also affected by how the court system is operating, and so should not be thought of as an indicator of the level of demand entering the system, which is what we were principally interested in.

Finally, it is important to note that the complexity weighting only accounts for hearing hours in court, and not how long it takes to review the evidence, build a case file or otherwise prepare for trial. While there is likely to be a strong relationship between time in court and preparation out of court, some cases are likely to involve disproportionately more time for lawyers outside the courtroom – such as domestic abuse or sexual offences that involve applications for special measures for victims.* If these cases are increasingly common, that would increase the overall workload for criminal lawyers and may have knock-on implications for courts.

### *Weighting cases by complexity*

We created a complexity-adjusted value for receipts and disposals for each sub-type by multiplying the actual number of receipts and disposals by the complexity weighting for that sub-type. We then summed these sub-types to create complexity-adjusted totals for each case type and an overall total for all cases. Finally, we adjusted the complexity-adjusted number of cases to equal the actual number of cases in 2018, to provide an anchor point.

We chose 2018 because it was a year in the middle of our data series unaffected by the pandemic, and in which the average case complexity weighting was already close to zero, so the required adjustment was fairly small. However, the specific index year selected has no impact on the trends in the complexity-adjusted figures.

## Complexity-adjusted outstanding cases in the crown court (Figure CJS 2.1)

We used a different method to model the complexity of outstanding cases. This is because jury trials were disproportionately likely to be delayed during the pandemic, so outstanding cases (cases in the 'backlog') are more likely to require jury trials than the average case. Jury trials are more complex and require much more hearing time in courts, so adjusting for this allows us to better compare the current backlog with pre-pandemic levels.

The number of outstanding cases (the 'backlog') is the cumulative difference between cases entering the court system (receipts) and cases completed ('disposals') each quarter. We adjust for the greater complexity of the backlog in several stages:

- We calculate a pre-pandemic baseline for the proportion of case receipts that result in a jury trial by dividing the number of trials by the total number of disposals. This is based on data from Q2 2019 to Q4 2019 and we include both effective trials (those that go ahead as planned and result in a verdict) and cracked trials (those that are cancelled on the day of the listing and not rescheduled, for example because of a late guilty plea or discontinued prosecution).

* Special measures are additional support or protection for victims or witnesses testifying in court, such as recording a cross-examination in advance or giving evidence via video link. The CPS has to apply to the court for permission to use special measures, which are then decided on by the judge. See Victim and Witness Information, 'Special measures', UK Government, no date, retrieved 16 October 2025, https://victimandwitnessinformation.org.uk/the-court-process/special-measures

- We assume that the proportion of cases coming into the crown court that end up as jury trials is the same as before the pandemic and use this to estimate the number of jury trial receipts. We then subtract the number of jury trial disposals to estimate the number of outstanding jury trials. We use the same process to calculate outstanding non-jury trial cases, by subtracting other disposals from estimated non-jury trial receipts.

- We calculate a complexity value for jury trial cases by dividing [trial cases share of total hearing time] by [trial cases share of total cases]. We multiply the number of outstanding cases by this complexity value. We repeat this process for non-jury trial cases, calculating a separate complexity value by dividing [non-jury trial cases share of total hearing time] by [non-jury trial cases share of total cases] and multiplying it by the number of outstanding non-jury trial cases. We then add them together for a total complexity-adjusted increase in the backlog.

- Even before the pandemic, outstanding cases were more complex than the average of all cases processed. We adjust for this to make our backlog consistent with the pre-Covid backlog. We calculate a complexity value for pre-pandemic backlog cases by dividing [average hearing time of pre-pandemic backlog case mix] by [average hearing time of all pre-pandemic cases]. We multiply this by the complexity-adjusted increase in the backlog for a comparable complexity-adjusted backlog figure.