

**To: Kent and Medway Police and Crime Panel**  
**Subject: Criminal Justice System – Update**  
**Date: 16 July 2025**

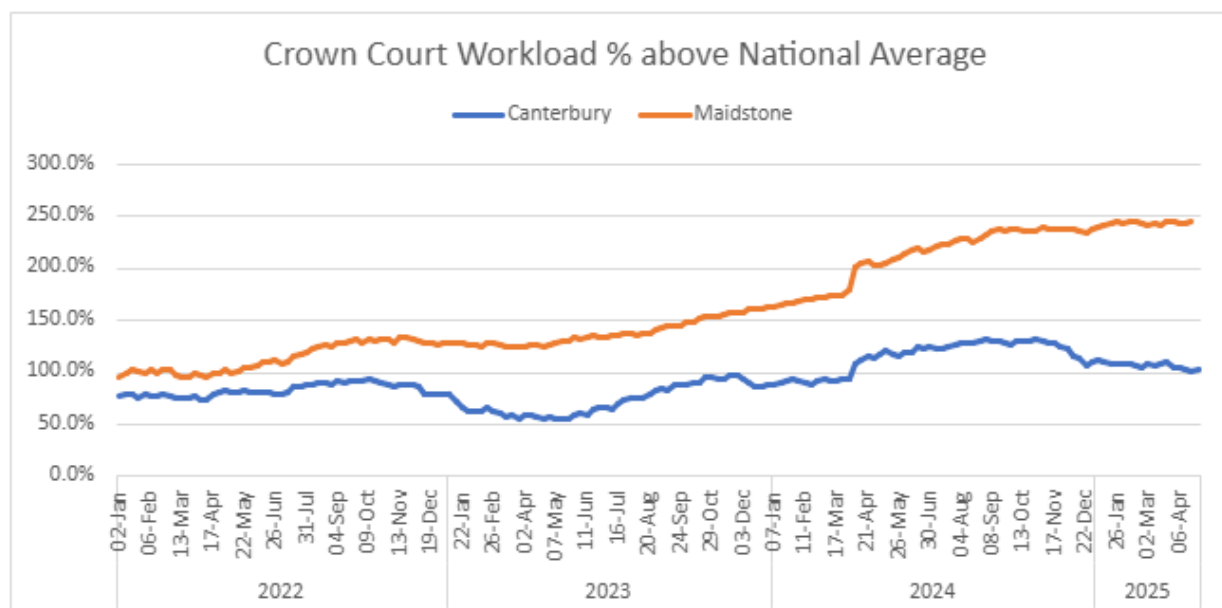
### **Background:**

1. Further to the report that was presented at the 16 July 2024 Panel meeting, this paper provides an update on:
  - the challenges facing the Criminal Justice System (CJS) in Kent; and
  - the work of partners and the Kent Criminal Justice Board (KCJB), chaired by the Police and Crime Commissioner (PCC), to try and address them.

### **Introduction:**

2. For reasons out of local control, the outstanding court caseload continues to increase and is likely to do so for some time, particularly in Crown Court.
3. The PCC has been and remains in regular contact with appropriate Ministers and the Ministry of Justice (MoJ) who recognise Kent's situation and confirm it is a top priority. However, this has not yet resulted in significant action to reduce the backlog.
4. There is a complex mix of capacity, infrastructure and staffing issues contributing to the overall picture and the CJS' inability to flex resource where it is most needed.
5. Outlined in this paper is the following:
  - latest numbers, highlighting the scale of the backlog and a comparison with the national position;
  - reasons why the court backlog and other issues are so great;
  - potential impact on victims, witnesses, and CJS staff; and
  - actions taken.

### **Latest numbers:**



6. Nationally there remains a serious problem, with the number of Crown Court cases still rising and no sign of recovery anytime soon. Historic reasons include the ongoing impact of the COVID-19 pandemic, the Bar strike in 2022, and ongoing staff shortages, particularly in terms of the judiciary and barristers.
7. As of April 2025, Canterbury Crown Court's caseload was sitting at 102% above the national average, while Maidstone's was at 247% above the national average.

### **Reasons for the increase:**

8. In addition to national issues, the scale of Kent's increase can primarily be attributed to three factors:
  - Record levels of work entering the system.
  - Insufficient physical court capacity.
  - Shortages of key staff in HM Courts & Tribunals Service (HMCTS), the Crown Prosecution Service (CPS) and the Probation Service.

### **Work entering the system**

9. Kent Police has more officers than at any other time in its history, resulting in more arrests and charges. The number of charges has risen steadily, particularly over the last 3 years, however with most new recruits now qualified and actively deployed, levels are reaching a new norm which is around 50% higher than pre-pandemic. For the 12-month period to April 2025, the charge rate was 9.8% compared to 8.8% in the previous 12-month period, equating to an increase of 1,293 charges entering the CJS. The rest of the CJS has not kept pace, so there are insufficient court sitting days as well as physical court capacity to meet the volume of receipts entering the system. To support the CJS and swifter outcomes for victims, Kent Police has been promoting and supporting Out of Court Resolutions. In the 12-month period to March 2025, there were 8,489 - a 50% increase on the previous 12-month period (5,652).
10. Following the success of a proportionate file build pilot between Cheshire/Merseyside Police and the CPS, and the sharing of early findings, Kent Police has explored a similar pilot. This relates to the amount of material the police have to put into a casefile in the first instance. Currently, they provide most material at the pre-charge stage, but the pilot would allow essential material only to be provided pre-charge, with additional material only being required once a not guilty plea was entered. This would save a significant amount of time. However, when it became evident that the Cheshire/Merseyside pilot had proceeded without national oversight from CPS to deviate from Directors Guidance (DG), CPS National directed Kent and other forces to pause any pilots until such time as it is approved; this has also been agreed by the National Police Chiefs Council (NPCC). Kent stands ready to proceed with the pilot if and when authorised.

### **Physical court capacity**

11. *Crown Court, Canterbury:* Able to currently use all five courtrooms, Canterbury's caseload remains stable at around double its pre-pandemic level. Canterbury is showing signs of recovery and to assist Maidstone, a temporary 12-month committal pathway change has been implemented (from April 2025) for cases originating from ME13 and ME17 postcodes. These cases will be sent to Canterbury Crown Court, where a County Court room has been temporarily reassigned as an additional Crown Court room.
12. *Crown Court, Maidstone:* The position is significantly different in Maidstone where numbers continue to rise steadily, with significant backlogs causing listings to now run into early 2028. HMCTS accepts that eight courtrooms are insufficient to meet demand and the previous report to the Panel highlighted that a business case had been submitted to build a further two jury courtrooms. The outcome of the business case, including proposals to increase capacity is still awaited; if accepted it would still be some years before new court rooms are fully operational. Following an extended period where the disabled access lift at Maidstone has been inoperable, this has now been repaired, however there remains no disabled access until the courthouse meets Disability Discrimination Act (DDA) compliance.
13. The Maidstone Nightingale Court shut in March 2024 as it frequently remained unused due to a lack of judiciary and other court staff. This remains closed.
14. As Crown Court numbers increase so too does the number of Custody Time Limit cases that must be heard, resulting in cancellations of trial/sentencing work and lengthening delays. These issues remain.
15. *Magistrate Courts:* While at county level there is sufficient capacity, the problem is that it is not aligned to demand. This issue remains.

16. As the busiest court, Medway only has three secure docks and five cells, significantly short of what is required; however there is unused capacity in courts such as Sevenoaks and Margate. Medway's ability to hear crime cases has been further hindered by the closure of Gun Wharf due to the presence of reinforced autoclaved aerated concrete (RAAC) and the need to list extra family and civil work there. Currently, Gun Wharf has reopened but some courtroom space is still being used by Family and Civil courts.

### **Staffing**

17. In the last financial year Kent recruited two new Circuit Judges. Whilst there is still a national shortage of Judges (exacerbating the shortage in barristers), HMCTS is continuing to recruit, with a campaign currently underway. With regard to sitting days, as of April 2025, HMCTS reported there is the ability to sit to capacity within the Crown Courts.
18. Judges have significant input into where they work, and so the system is reliant on enough choosing to work in Kent. Unfortunately, Kent has been short over the last two years with Crown Court utilisation averaging around 75%. This year is much better as HMCTS have secured more Recorders to backfill for a shortage in Judges and so utilisation is currently over 95% (yet caseload numbers continue to rise). This level of utilisation is excellent and demonstrates that there is simply insufficient capacity within Kent to deal with demand.
19. In Magistrates Courts, Kent continues to experience difficulties in recruiting and retaining key staff, with shortages of Legal Advisors, Lawyers, and Probation Service staff limiting the number of courts that can be run.
20. Many Kent based staff/recruits opt to work in London to receive the London Allowance. The PCC has previously recommended that a Southeast Allowance be paid to break the constant cycle of failed recruitment campaigns and staff shortages. However, with no funding available the recommendation has not been progressed by those in authority.
21. Despite signs of improvement, staffing in Kent Probation remains lower than that required at Probation Officer grade. Mid Kent (Maidstone and Tunbridge Wells) in particular are experiencing lower than required staffing levels in the court team. They are currently training sentence management staff in pre-sentence report writing and exploring a hybrid model between its courts and community offices.
22. Where possible, Probation Service Officer staff are being deployed for case management to assist with workload.

### **Impact on victims and staff:**

23. The PCC continues to meet with and receives regular correspondence from victims concerning the impact of trial delays, which usually includes multiple date cancellations. Many are truly heartbreaking.
24. Many victims feel unable to move on with their lives while their court case drags on. There is anger and frustration at repeated delays, a feeling of being let down, and that justice is not being served. For many, their health and wellbeing are adversely affected and for the most vulnerable this can be extremely serious and on occasions life changing.
25. The PCC has a statutory responsibility for commissioning support services for victims of crime in Kent, regardless of whether that crime has been reported to the Police. In 2024/25 there were 26 organisations funded by the PCC to deliver around 40 different services to victims, including specialist support for children and young people, therapeutic services, trauma counselling, sexual abuse, and domestic abuse specialist support. These services supported 83,889 victims during 2024-25, with 80,927 reporting the crime to the police prior to engagement with support.
26. Caseloads continue to increase for victim services, particularly Independent Domestic Violence Advisers (IDVAs) and Independent Sexual Violence Advisers (ISVAs), where average caseloads are between 21-25 and 51+ respectively. The reasons for the increase are the complexity of cases and delays within the CJS. Feedback from services on why victims/witnesses are withdrawing from the CJS or not reporting to the police include:

- Minimising the abuse, or belief that reporting will escalate the abuse.
- Coercive control leading to victims blaming themselves for the abuse which may be exacerbated by the CJS using victim blaming language. Some clients have reported being told directly that they 'caused' the abuse, 'should have known better', 'should have reacted differently' or that it is a 'civil' issue as it relates to child arrangements, so victims feel they are 'stupid' or 'dumb'.
- Challenges in reporting and engaging with the CJS, particularly in relation to sexual abuse.
- Lack of trust in the police and courts, and that they will not be believed due to previous experiences (e.g. being provided inappropriate advice by the police, feeling that they will not keep them safe or being pressured to support a prosecution).
- Lack of response, or long response times from the police.
- Lack of updates including from the CPS, and continuity of police officers.
- Fear of the process (e.g. giving evidence and of facing the suspect in court).
- Being re-traumatised by the CJS.
- Fear of retaliation, further violence or intimidation from the suspect, their family or associates.
- Impact of family court proceedings on children, and some services reporting an increase in clients being advised to withdraw by their solicitor if going through a divorce due to fear of it impacting on finances.

27. The Kent Police Victim and Witness Care Unit (VWCU) also supports victims and witnesses by ensuring they are kept updated throughout the court process. However, because of trial delays their caseload has increased with contact having to be maintained for much longer, necessitating an increase in resourcing of 5 staff funded until April 2026. VWCU workloads are now at 122 cases per member of staff, 61% higher than pre-pandemic levels. Whilst overall volumes have remained consistent, the increase in receipts is preventing any reductions. The VWCU also reports increased levels of anger from victims and that keeping them on board with a prosecution is becoming more difficult as they grow tired of waiting and want to move on with their lives, often leaving defendants to walk free. Despite this, and due to the VWCU's exceptional work ethic and revised processes, Kent is below the national average court discontinuance rate due to witness issues.

### **Actions taken**

28. Despite the issues, it is important to recognise and acknowledge the work of local teams to continue delivering the most efficient and effective system possible under the most extreme circumstances. Without the excellent relationships built across all agencies which has seen them pull together as one under the control of the KCJB, Kent would be in a far worse position than it is.

29. Through the KCJB, system partners have recently been brought together in a facilitated workshop, designed to give the space and time to identify and assess key issues and barriers within the system, and to initiate programmes of collaboration and improvement in specific areas. A further workshop focusing on victims and witnesses is planned for early July 2025. The KCJB Manager will work closely with, and facilitate a programme management approach on behalf of partners, with the KCJB regularly monitoring progress and the wider impact of this work.

30. Four initial improvement workstreams have been identified as follows:

- **Recalls** – where the current capacity issues are creating repeat demand and there is an unsustainable service model.
- **Out of Court Resolutions (OOCR)/Diversions** – where a need has been identified to focus on effective diversion/rehabilitation at first point of contact, and to widen engagement and use of OOCR.
- **Timely production of prisoners at court/prisoner transport** – to improve fulfilment of the national contract requirements and reduce the knock on effect of delays on different CJS partners (e.g. late court sittings, ineffective hearings, reduced time for defendants with counsel).
- **Updates and information to victims** – to improve the information provided by the courts so victims receive more timely updates with an appropriate level of detail.

31. The issue with Maidstone Crown Court capacity has been known for years and Kent has been sending cases with a DA postcode to Woolwich since 2016. HMCTS is looking at other work that can be sent out of area. Whilst some non-victim cases were previously sent to Dorset, this is no longer happening. In addition to cases from ME13 and ME17 postcodes being temporarily sent to Canterbury, London Courts have availability to take cases from across the South East, with the likelihood of some cases from Kent being dealt with in Southwark and Blackfriars (Nightingale court) on a case-by-case basis for trial.

32. Through partnership working communication between the CPS and Kent Police during the trial/hearing process has been improved to ensure queries can be dealt with expeditiously, reducing case delays. From June 2025, livestreaming communications between the CPS, Kent Police Criminal Justice Unit (CJU) and VWCU will be rolled out.
33. A number of Legal Advisor trainees are now qualified and will start to take courts in the coming months. It is hoped that with work entering the system seemingly levelling out, Kent will start to see a reduction in Magistrates work in the early autumn.
34. The Kent, Surrey and Sussex region of the Probation Service launched a new set of quality measures with a focus on improving the quality of work at the court stage; this includes a focus on getting the right outcomes at court through interventions such as electronic monitoring and other stand-alone requirements.
35. The Probation Service has launched 'Impact', an initiative which focuses certain offenders on completing requirements within the first couple of months of sentence (with exceptions). In addition, it continues to undertake 'RESET', an initiative that suspends contact with people on probation after two thirds of their order or licence (with exceptions).
36. The PCC continues to engage with Ministers and the MoJ/HMCTS setting out the case that something needs to be done as the Crown Court caseload volume continues to increase and the gap between Kent and the national average widens. Following the facilitated workshops there is now greater awareness of action needed over the next 12 months, and the PCC will formally be writing to Ministers to seek their support.
37. On behalf of partners, the KCJB Manager is also monitoring the progress and outcomes of national developments. Of particular note at this time are:
- the Independent Sentencing Review (proposed publication May 2025);
  - the Independent Review of the Criminal Courts (proposed publication of options for long-term reform late spring 2025); and
  - recently proposed plans to change the amount of time some prisoners will serve following recall to prison (to be implemented by September 2025).
- Also of interest is the potential impact of the abolition of NHS England on the commissioning and provision of local/regional health and support services linked to the CJS.

**Recommendation:**

38. The Kent and Medway Police and Crime Panel is asked to note this report and agree to a further update at their 21 July 2026 meeting.