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Justice Select Committee

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Dear Justice Select Committee,

Written Submission from the Victims' Commissioner for England and Wales to the Justice Select Committee about the Governments recently announced criminal court reforms.

1. Thank you for inviting me to provide you with written evidence ahead of the Justice Committee evidence session on 13th January in respect of the governments recently announced criminal court reforms.
2. As I step into my new role as Victims' Commissioner, I know that rights on a page are not enough. A law can promise access to justice and support, but only a functioning court system can deliver it.
3. Most people expect a justice process that is swift, fair, and supportive. The reality is a shock to the system. To be a victim today is to discover that the moment you report a crime, you are effectively entering a waiting room – waiting for a court date that feels like it will never arrive.
4. I have sat with victims facing trial dates listed as late as 2030. It is not just the agonising wait that victims endure; it is the constant drumbeat of uncertainty, adjourned hearings, and the inability to recover from their trauma because the process simply won't let them.

5. The Crown Court backlog has just reached another record high, with 79,619¹ cases outstanding at the end of September 2025, a quarter of which have been outstanding for more than 1 year.
6. We ask a lot from victims, and these waits for justice are placing a huge pressure on them. This wait can contribute to victims withdrawing from the process. Between April and June 2025 16% of all cases were stopped, after a defendant was charged, because the victim no longer supported the prosecution². My London Victim Attrition Review also found 40% of victims withdrew from the justice process before a charging decision was made, and delays were found to be a contributing factor. This figure was even higher for victims for adult rape (69%)³.
7. The review also heard how, in early conversations with police, victims felt deterred from continuing their case, with the uncertainty that their case would progress and the very prospect of lengthy delays acting as a barrier to accessing justice⁴. Although this review included data from London only, in my conversation with victims, it is clear that this experience is not isolated to this region.
8. I am sure we are all in agreement that the sheer scale of the challenge means that action must be taken.
9. Sir Brian Leveson proposed some radical solutions to this problem – it seems that the government is proposing to go further than those suggestions – although it is difficult to scrutinise these proposals as there has been no written response.

Sir Brian Levesons Proposals

10. Although some of Sir Brian's proposals have raised concerns in certain sectors – I felt many of them had merit.
11. I feel that the creation of a Crown Court Bench Division (CCBD) – consisting of a Judge and two magistrates - would be a useful measure that could allow cases to be heard more quickly. Sir Brian used, what he believes is, a conservative estimate that would result in a time saving of 20%.⁵

¹ [Criminal court statistics quarterly: July to September 2025 - GOV.UK](#)

² [Criminal Justice System - All metrics - CJS Dashboard](#)

³ [The London Victim Attrition Review | London City Hall](#)

⁴ [The London Victim Attrition Review | London City Hall](#)

⁵ [Independent Review of the Criminal Courts - Part 1](#)

12. I am also supportive of recommendation 21, to replace the automatic right to appeal from the magistrates' courts with grounds of appeal that are similar to those available from the Crown Court to the Court of Appeal.
13. Although he estimates that in 2024 only 0.4%⁶ magistrates court decisions were appealed – this translates into over 1000 cases that were sent to the Crown Courts for the case to be re-heard. With those victims having to face further prolonged waits and to have to face the trauma of the entire case being retried for a second time.
14. This can lead to further attrition with victims not being able to face the additional waits and further trauma and, as Sir Brian notes, many of these appeals are not contested as victims and witnesses withdraw.
15. According to the Independent Review of the Criminal Courts, replacing the automatic right of appeal from the magistrates' court to the Crown Court would require magistrates' courts to have their proceedings recorded, which they currently do not. As a court of record, victims could then request access to transcripts - a change I have long called for. Sentencing transcripts are greatly valued by victims as they help them understand the justice process and why decisions have been made, supporting them to cope and recover from the crime.
16. I would therefore welcome the introduction of recording magistrates' court proceedings, as it would introduce a greater level of transparency in the magistrates' courts system. This change is particularly important as more cases with greater sentence lengths will be heard in magistrates' courts. However, it is unclear from the Deputy Prime Ministers response if that would be enacted as part of his proposed reforms.

What is being proposed?

17. The government has proposed a number of measures but in general these seem to go further than was suggested in the Independent Review of the Criminal Courts. However, these announcements are light on detail and restricted to a statement to Parliament.⁷
18. The government has yet to issue a written response to Leveson, nor has it published a white paper on these intended reforms. The DPM told the Justice Committee that a formal written response would be published in 'the spring'.

⁶ [Independent Review of the Criminal Courts - Part 1](#)

⁷ DPM's Oral Statement, 2 December 2025: [Written statements - Written questions, answers and statements - UK Parliament](#)

19. The lack of a formal written response means these measures are unclear and are liable to change. For example, the Deputy Prime Minister indicated that appeals to the Crown Court would be 'limited to points of law'⁸. Yet, Minister Sackman said on 11th December that appeals would not be limited to points of law, but that, 'appellants will continue to have the right to appeal convictions and sentences received in both magistrates' courts and the crown court.'⁹
20. This lack of certainty makes it difficult to comment fully on the government's proposals.
21. I would ask that the committee attempt to gain some clarity on when a written response is likely to be forthcoming.

The Victims' Commissioners concerns

22. I am very concerned about the delays in the courts, and I am concerned about the impact these delays are having on victims.
23. We are past the point of sticking plasters. 'Business as usual' is no longer an option for a system this broken. We need bold, radical decisions now, because every day we hesitate, the queue grows longer, and more victims walk away – leaving offenders to act with impunity and the public feeling less safe.
24. While I agree that something must be done it is not fully clear what these measures will achieve: How will they impact victims? What benefits will be felt? We have yet to see the modelling data that has been used to make these decisions so currently that is all unknown.
25. It would be useful to understand when that data might be released.
26. My worry is what is happening in the here and now? Any changes implemented are going to take time to take effect.
27. So, my question is what are we doing for victims now, to support them and to hold them in the justice system?
28. Victims support services are vital at keeping victims engaged in the criminal justice process. Yet they have been facing a crisis point for many years. They simply do not have the resources to continue to hold the numbers of victims awaiting trial in the system and the longer they wait the more it increases the organisations workload and waiting lists.¹⁰

⁸ DPM's Oral Statement, 2 December 2025: [Written statements - Written questions, answers and statements - UK Parliament](#)

⁹ [Get a grip - by Joshua Rozenberg - A Lawyer Writes](#)

¹⁰ [OVC-Crown-Court-backlog-report-10.03.25.pdf](#)

29. I am also concerned about measures that can be perceived as inefficient but are vital to victims, vital in allowing them to engage with the justice system, measures such as section 28 (S.28).
30. Published data¹¹ indicates that use of s.28 peaked in 2023 with 1,944 cases and 2,477 witnesses utilising the measure and has reduced in the last year.
31. My predecessor, Baroness Newlove, gave evidence to this committee about the reports she had received of victims being dissuaded from utilising s.28, and refusals of the application and the measure being withdrawn despite it being granted earlier in the proceedings. Reports I have also heard.
32. Much of the debate on this measure centres around conviction rate, but I would like to remind the committee that this measure allows victims to access justice, for those victims who would not be able to participate fully in the process without them.
33. This measure was designed so these vulnerable and intimidated victims and witnesses could give their evidence at the earliest opportunity, so that evidence was less impacted by the passage of time. Additionally, following a s.28 hearing, victims can access therapeutic services earlier, avoiding the threat of their therapy notes being used to undermine their case, supporting them in their recovery process.
34. Although we know that increasingly s.28 hearings are taking place weeks, months and sometimes years after the Plea and Trial Preparation Hearing (PTPH), it is important to remember that this slippage of time is related to the ongoing issues with the courts backlog and should not be conflated with the measure itself.
35. S.28 removes some of the uncertainty for victims as they are provided with a fixed date to provide their evidence and improves victims access to justice. It should not be forgotten that these measures can help to keep victims engaged in the system.
36. I note that following the hearing on S.28 the Justice Committee recommended that the Ministry of Justice developed a 'method for collecting data on s.28 applications, grants and refusals'; It would be useful to understand any progress that is being made in this area.

What Should the End-State of Courts Reform look like?

37. A justice system where:

¹¹ [Volume of Section 28 recordings by year - GOV.UK](#)

- Delays are significantly reduced, with trials listed within reasonable, predictable timeframes.
- Victims are able to stay engaged, supported by strong victim services and trauma-informed court practices.
- Reforms are evidence-led and transparent, supported by published modelling and proper scrutiny.
- The court system has sufficient capacity — through CCBd or other structural measures — to sustainably manage caseloads.
- Victim-centred measures (such as S.28) are safeguarded and accessible across England and Wales, and courts are equipped with the technology needed to facilitate the measures.
- Victims are allowed to give evidence from remote witness centres, reducing the trauma that vulnerable witnesses can feel about participating in the criminal justice process.
- Confidence in justice is restored, ensuring offenders are held to account and victims feel respected, prioritised, and safe.

38. I would urge the government to remember that victims' rights cannot be realised without a functioning, timely, and victim-centred court system. Current delays are so severe that they are undermining access to justice, public confidence, and public safety.

39. The Deputy Prime Minister rightly says the victims voice is being lost and he is keen to centre the victim in this issue which I welcome. However, the government must demonstrate what it is doing to support victims in the meantime, to keep them engaged while they wait for any measures to take effect.

40. For without active engagement and participation from victims there will be no functioning justice system. Offenders cannot be brought to justice, and the public cannot be kept safe. This must be at the forefront of all our minds.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'C. Waxman', written in a cursive style.

Claire Waxman OBE
Victims' Commissioner for England and Wales