

## Supplementary written evidence submitted by the Victims' Commissioner for England and Wales (CTB30)

### Role as Commissioner

1. As Victims' Commissioner for England and Wales<sup>1 2</sup>, I welcome the opportunity to provide evidence to the Courts and Tribunals Bill Committee. Following my oral evidence session on Wednesday 25 March 2026, this submission expands upon points raised by myself and survivors that attended the Committee session and covers other aspects of the bill that I was unable to raise.
2. My remit is set out in the Domestic Violence, Crime and Victims Act 2004<sup>3</sup>.

### Summary

3. Victims bear the brunt of the court backlogs, with well documented and often devastating consequences. <sup>4</sup> The Committee heard this directly from victims after my evidence session. Their experiences must remain central to justice reform.
4. The Crown Court backlog now exceeds 80,000 cases, yet another record high<sup>5</sup>, with some listed as far ahead as 2030<sup>6</sup>. A letter to the Criminal Bar Association by the DPP highlighted that victim attrition has risen by over 5% in the last 5 years and almost one-third of contested prosecutions now fail for 'victim reasons'<sup>7</sup>.
5. The pursuit of justice has become an endurance test, and victims cannot be expected to carry trauma for years while waiting for trial.
6. Government estimates suggest the backlog could reach 200,000 by 2035<sup>8</sup> without intervention. The Government asserts that structural reform is therefore necessary now, to prevent further deterioration. The system is at breaking point, and my position is that something must be done to better deliver timely justice.
7. The Government's proposals draw on Sir Brian Leveson's analysis, which concluded that efficiency measures alone would not meaningfully reduce pressure on the Crown Court.
8. Many victims I have spoken to, when given a binary choice, would prefer a judge-only trial over waiting years for a jury trial. Victims who attended the Committee session have also

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<sup>1</sup> [Claire Waxman takes office as Victims' Commissioner - Victims Commissioner](#)

<sup>2</sup> [What we do - Victims Commissioner](#)

<sup>3</sup> Domestic Violence, Crime and Victims Act, 2004 (Chapter 3). Accessed at: <https://www.legislation.gov.uk/ukpga/2004/28/part/3/chapter/3/crossheading/commissioner-for-victims-and-witnesses>

<sup>4</sup> [Justice delayed: The impact of the Crown Court backlog on victims, victim services and the criminal justice system - Victims Commissioner](#)

<sup>5</sup> [Criminal court statistics quarterly: October to December 2025 - GOV.UK](#)

<sup>6</sup> [Victims facing 'inhumane' delays for justice as courts crisis mean dozens of trials listed for 2030 | The Independent](#)

<sup>7</sup> [Monday Message 16.02.26 - Criminal Bar Association.](#)

<sup>8</sup> [Modernising Justice: Criminal Courts Reform | Ministry of Justice](#)

written in support of the reforms<sup>9</sup>. However, I recognise that victims are not a homogenous group, and views differ.

9. Thorough scrutiny is essential to ensure these measures deliver meaningful change and maintain access to justice for all.
10. This response sets out my welcome for aspects of the Bill, highlights concerns and potential risks, and identifies steps government must take, both alongside and ahead of implementation, to improve victims' experiences, strengthen delivery of the Victims' Code, and prioritise procedural justice.

#### **CLAUSES 1-7 (LEVESON REFORMS)**

11. As Victims' Commissioner, I am clear that action is needed to prevent future victims from facing years of delay.
12. I broadly support removing the defendant's right to elect jury trial for either-way offences (clauses 1–2) and removing the automatic right of appeal from the Magistrates' Court (clause 7).
13. Over 4,000 cases proceed to the Crown Court solely because the defendant elected jury trial<sup>10</sup>, creating avoidable pressure and potentially increasing the likelihood of victim withdrawal during delays (see Para 4).
14. I am aware of concerns that defendants may exploit the right to elect in cases where Crown Court delays, which can increase uncertainty and distress, can make victim withdrawal more likely.<sup>11</sup> Prolonged delays can also diminish the quality of evidence, with time impacting memory and recall, ultimately undermining the prosecution's case<sup>12</sup>.
15. Mode of trial decisions should rest with the judiciary, ensuring Crown Court resources are reserved for cases requiring them.
16. . I welcome the removal of the automatic right of appeal due to the distress this causes victims. As the Magistrates' Court is not a court of record, unmeritorious appeals trigger a full rehearing, prolonging proceedings and retraumatising victims. Recording proceedings would prevent this and could potentially enable victims access to transcripts, which is currently impossible.
17. I support calls for victims to receive transcripts free of charge, in line with recent Crown Court reforms<sup>13</sup>, and back the aims of the Open Justice For All<sup>14</sup> campaign.
18. Judicial reasoning requirements are welcome and will improve transparency and victim understanding.
19. However, judges must receive guidance on how to provide reasons sensitively, particularly in cases concluding with an acquittal, where victims commonly internalise blame.

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<sup>9</sup> [Open Letter on Justice Reform and Delay — Make Yourself Heard](#)

<sup>10</sup> [committees.parliament.uk/oralevidence/16995/pdf/](https://committees.parliament.uk/oralevidence/16995/pdf/)

<sup>11</sup> [committees.parliament.uk/oralevidence/16995/pdf/](https://committees.parliament.uk/oralevidence/16995/pdf/)

<sup>12</sup> [OVC-Crown-Court-backlog-report-10.03.25.pdf](#)

<sup>13</sup> [Free access to sentencing remarks for all victims - GOV.UK](#)

<sup>14</sup> [OPEN JUSTICE FOR ALL](#)

## Concerns around these reforms

### *Impact on the Magistrates Court*

20. Currently the majority of the criminal court's workload is in the Magistrates Court (over 90%).<sup>15</sup> At the end of December 2025, there were 379,437 cases outstanding in the Magistrates Court<sup>16</sup> compared with 80,203 cases outstanding in the Crown Court. Both figures represent record highs.
21. Although the workload and outstanding case load is higher in the Magistrates Court, cases generally take less time, with the average time from charge to completion being 56 days<sup>17</sup>, quicker than the Crown Court average duration from charge to completion of 181 days<sup>18</sup>.
22. These averages include guilty pleas which will be dealt with more swiftly, so it is noteworthy that the time from receipt to completion for a 'not guilty' plea in the Crown Court is 410 days.<sup>19</sup> Unfortunately we have no comparable figure for the Magistrates Court as this data is not published but generally trials dealt with in the lower court are more timely.
23. Recent years have seen measures introduced to increase the Magistrates sentencing powers<sup>20</sup> and the courts have coped with the increasing workload however, any reform which will increase the workload of the lower courts must be accompanied by investment so that they are able to meet the demand. This must include recruitment of more Magistrates. I will be seeking assurances from government about this.
24. I will also be urging government to ensure that efficiency measures address case management, listing practices and seek to reduce the numbers of ineffective trials in the Magistrates Courts. Recent statistics suggest that trial ineffectiveness remains high in both the Magistrates and Crown Courts, with 22% and 26% of listed trials needing to be rescheduled. Reasons for ineffective trials in the Magistrates Court include over-listing (23%) and the defence not being ready (10%) both of which could be addressed by administrative and case management measures.

### *Disproportionate impacts on certain groups*

25. Several VAWG organisations have raised concerns about potential disproportionate impacts on specific groups, particularly Black and minoritised women.<sup>21</sup>
26. I share concerns about disproportionality.
27. Victims of VAWG and other interpersonal crimes are frequently criminalised. This is not acceptable and is an area that government state they are actively seeking to address<sup>22</sup>. The system must get better at earlier identification, diversion, and trauma-informed responses for this cohort to prevent these cases entering the court process.

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<sup>15</sup> [Right to Trial by Jury - Hansard - UK Parliament](#)

<sup>16</sup> [Criminal court statistics quarterly: October to December 2025 - GOV.UK](#)

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.7

<sup>19</sup> Ibid.7

<sup>20</sup> [Increased sentencing powers for magistrates to address prisons crisis - GOV.UK](#)

<sup>21</sup> [VAWG-sector-letter-on-juries-16-March-2026-2.pdf](#)

<sup>22</sup> [Women's Justice Board report - GOV.UK](#)

28. It is important that the potential impact of these reforms on certain groups of victims, particularly women, from a Black and minoritised background are properly considered. Juries are typically more representative of local communities than the judiciary or Magistracy, and this diversity matters.
29. As of April 2025, only 13% of magistrates and 12% of the judiciary were from an ethnic minority background<sup>23</sup>. Strengthening recruitment so benches better reflect the communities they serve is essential.
30. Previous reviews indicate significant discrepancies in conviction rates based on race in the Magistrates Court<sup>24</sup> and Crown Court compared with no significant differences in conviction rates in jury trials<sup>25</sup>. There are also discrepancies in judicial sentencing based on ethnicity, with black and ethnic minority offenders more likely to receive a custodial sentence<sup>26</sup>. Such disproportionality of decision making and a lack of diversity raises concerns for both defendants and victims and risks deepening mistrust among groups already less confident in the justice system.
31. Concerns have also been raised about the robustness of the Government's equalities impact assessment<sup>27</sup>, particularly in light of the findings of the Lammy Review<sup>28</sup> and a stated lack of data which prevents proper consideration of disproportionality.
32. I welcome the announcement of a full independent review and will seek assurances on how government will monitor disproportionality, improve data collection, promote judicial diversity, and ensure impacts on women, working-class people and ethnic minorities are properly understood.
33. Although there is ongoing work across the MoJ and Home Office to strengthen data collection, significant limitations remain. For example, data disaggregated by crime type is not published for the Magistrates' Court, meaning workload and outcomes cannot be fully assessed. Additionally, it is vital data is collected around protected characteristics of defendants and victims.

### ***Judicial training and accountability***

34. Victims and advocates report inconsistent understanding of trauma, abuse and vulnerability within the judiciary.
35. There are also broader concerns about limited mechanisms for judicial accountability.
36. Training must be strengthened across the judiciary and magistracy, including on intersectionality and trauma. It is also critical that training improves understanding of the

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<sup>23</sup> [Diversity of the judiciary: Legal professions, new appointments and current post-holders - 2024 Statistics - GOV.UK](#)

<sup>24</sup> [The Lammy Review](#)

<sup>25</sup> [How the jury system really works | COUNSEL | The Magazine of the Bar of England and Wales](#)

<sup>26</sup> [Ethnic Inequalities in Sentencing: Evidence from the Crown Court in England and Wales | The British Journal of Criminology | Oxford Academic](#)

<sup>27</sup> [Equalities\\_statement.pdf](#)

<sup>28</sup> [The Lammy Review](#)

dynamics of abuse, particularly coercive and controlling behaviour and stalking, to ensure these are properly recognised in court.

37. Greater transparency is needed, including through recorded proceedings and judicial reasoning.

### ***Disruption in the system whilst the measures are implemented***

38. These reforms coincide with significant policing changes, including the abolition of PCCs. Government must ensure victims are supported through the transition and agencies are adequately resourced to meet their Victims' Code obligations.

### **Delay in implementation - opportunities to improve victim experience.**

39. As implementation is unlikely before 2028, the intervening period should be used to assess the impact of investment and efficiency measures. These will take time to deliver results, and improving an already overstretched system cannot happen quickly. If backlogs are reduced, the case for structural reform may need to be reconsidered, but this can only be judged over time and is a matter for government.
40. There are good examples of innovative practice in the courts, but this learning is not consistently shared as Courts and the judiciary often work in silos. Effective practice should be shared wherever possible.
41. I am also keen to see the impact of the National Listing Framework, as we know that over-listing greatly contributes to the ineffective trial rates.
42. Procedural justice remains critical in supporting victims and maintaining engagement. This does not require legislative change but a change in culture and practice.  
The broader criminal justice reform programme lacks clarity on how impacts on victims will be assessed and mitigated.
43. The way victims are supported through the system is not working. Dissatisfaction is high<sup>29</sup> and with good reason<sup>30</sup>, the disjointed nature of the system means that victims experiences are impacted by poor joint working and information sharing amongst agencies and often a lack of clarity about which agency is responsible for providing information.
44. Witness Care Units are under-resourced and lack access to key information, while the policing white paper<sup>31</sup> provides no detail on future victim support.
45. Victim support services are vital to sustaining engagement with the justice process but face acute funding pressures, compounded by uncertainty following the abolition of PCCs. Government must urgently set out a sustainable funding and commissioning model and deliver on its VAWG Strategy commitment to a rapid review that secures the long-term viability of specialist support services.

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<sup>29</sup> [Annual Victims' Survey 2024 - Victims Commissioner](#)

<sup>30</sup> [Justice delayed: The impact of the Crown Court backlog on victims, victim services and the criminal justice system - Victims Commissioner](#)

<sup>31</sup> [White paper: From local to national: a new model for policing](#)

46. The consultation on the updated Victims' Code presents an opportunity to improve victim experience, and I am engaging with Government on this. It is also vital that the monitoring measures introduced by the Victims and Prisoners Act 2024 are fully enacted.

47. I will be working with government to ensure that all of these issues are addressed and will be recommending they take a strategic approach to victims.

## **Clauses 8-17**

### ***Clause 8 Previous sexual history evidence***

48. I welcome the higher threshold of "substantive probative value". However, concerns remain about the removal of safeguards that prevented evidence being used to attack a victim's credibility as outlined in EAW's submission to the Committee. These protections should be made explicit in the Bill.

### ***Clause 9 Compensation claims in proceedings for sexual offences***

49. Cross-examination on CICA applications has been used to imply a financial motive. This has discouraged victims from applying and caused many to time out. I strongly support measures preventing this practice.

### ***Clause 10 Evidence about previous false complaints relating to sexual offences***

50. I supported the campaigning of Centre for Women's Justice, EAW, Rape Crisis, IMKAAN and Rights of Women on reforms preventing non-prosecuted previous allegations being used to undermine victims. False allegations are rare, and victims of sexual violence are often multiply victimised.

51. I am very pleased that government are addressing this damaging practice through legislation.

52. The wording of subsection 6(a) should be amended to avoid excluding non-reported incidents, which are extremely common as per EAW's submission to the Committee.

### ***Clause 11 Evidence of propensity to commit offences involving domestic abuse***

53. I welcome enshrining the R v Balazs precedent in legislation. However, wording should be clarified to explicitly include sexual abuse, ensuring courts recognise the link between domestic and sexual offending as per EAW's submission to the Committee.

## **Clauses 12 'Use of Screens', 13 'Witness to be accompanied while giving evidence', 14 'Exclusion of persons from court' and 16 'Application of special measures to Victim Personal Statements'**

54. I welcome all of these measures which will make the process of giving evidence easier for victims.

### **Clause 15 Editing of video recorded cross-examination and re-examination**

55. I note that Government are enacting a Law Commission recommendation<sup>32</sup> which seeks to clarify/formalise what is already in the Criminal Practice Directions and Procedure rules.
56. I am aware that the editing of pre-record cross-examination (s.28) is already undertaken and can be done to edit out inadmissible evidence, and lengthy periods of delay.
57. Clarifying current practice is sensible, but victims must be informed when edits are made and why. I will seek further assurances on how this is handled.

### **Clause 17 Welfare of the child: repeal of presumption of parental involvement**

58. I also welcome Clause 17, which removes the presumption of parental involvement, and I pay tribute to campaigner Claire Throssell for her extraordinary bravery and determination in the face of unimaginable grief and pain. This is a vital step towards addressing the challenges victims face in the family court system, and an important acknowledgment that, for too long, children have been placed in unsafe arrangements with abusers.
59. To deliver real change, this reform must be accompanied by reform in other areas of the family justice system and a fundamental shift in culture and practice across the system. I am in favour of wholesale reform via a Family Justice Bill, and I will continue to engage with government on this.

### **Recommended additional measures**

#### **Automatic entitlement to special measures**

60. I would also like to see Government enact the Law Commission's recommendation<sup>33</sup> that complainants in sexual offence cases be automatically entitled to special measures, subject to availability and fairness.
61. In addition, I am aware that in Scotland a notification process has been introduced for certain standard special measures, under which victims are automatically entitled to them unless there is a good reason for them not to apply. Standard measures include the use of screens and the provision of remote evidence. Other measures, such as pre-recorded evidence, continue to require an application and judicial approval. I would urge the Government to consider adopting a similar approach.
62. This would significantly alleviate the administrative burden associated with special measures applications and reduce court time spent considering them. It would also ensure that, where 'non-standard' measures are sought, victims are not required to prove that the measure would improve the quality of their evidence, thereby shifting the focus away from procedural hurdles and towards enabling effective participation in the justice process.

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<sup>32</sup> [Evidence in sexual offences prosecutions: a final report – Law Commission](#)

<sup>33</sup> [Evidence in sexual offences prosecutions: a final report – Law Commission](#)

### ***Reinstate the Courts Inspectorate***

63. I am keen to see improved oversight through reinstating His Majesty's Inspectorate of Court Administration to improve oversight, identify inconsistencies, and drive better practice across the courts. This was a call I have previously made alongside my predecessor, Baroness Newlove and was recommended by Sir Brian Leveson.

### ***Specialist Rape Courts***

64. Victims of rape are particularly impacted by the backlogs and by the criminal justice system more broadly. The duration between the case being received and completed at Crown Court is particularly high for rape offences, an average of 429 days compared to an average of 259 days for all offences<sup>34</sup>.

65. Specialist rape courts which expedite rape cases and ensure a trauma-informed approach via training and adaptations to the court environment could help lessen the impact of the system on victims.

66. I have been calling for specialist rape courts since 2022 and was pleased that the government made a commitment to this in their Manifesto<sup>35</sup> and I would be keen to see government make good on this commitment.

67. Whilst I would welcome the creation of specialist courts to alleviate the burden of the system on victims, it would need to be taken in addition to the other measures government are proposing.

13 April 2026

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<sup>34</sup> Calculated mean average -[Criminal court statistics quarterly: October to December 2025 - GOV.UK](#)

<sup>35</sup> [Take back our streets – The Labour Party](#)