Victims Commissioner

Reinstate the Courts Inspectorate

Courts and Tribunals Bill 2026

The Victims' Commissioner for England and Wales, Claire Waxman OBE, is calling for the reinstatement of the Courts Inspectorate through an amendment to the Courts and Tribunals Bill.

An independent Courts Inspectorate would provide robust oversight of Crown Court and Magistrates' Court performance, helping to identify systemic inefficiencies, improve transparency and accountability, and support efforts to reduce delays. It would also assess how effectively courts deliver for victims and witnesses, ensuring that victims' experiences are recognised as a core measure of performance.

The Inspectorate would examine:

- **Delivery of Victims' Code** rights by HMCTS and partner agencies
- The extent to which **trauma-informed practice** is embedded within courts
- The **adequacy of court facilities**, including provision for vulnerable victims and witnesses and technology in court.
- **Communication and coordination** between courts and criminal justice agencies, including listing practices
- **Court performance data, data quality, and transparency**
- **Court capacity**, including judicial, magistracy, legal profession, and staffing resources

The Inspectorate would not interfere with judicial independence or challenge judicial decisions.

With powers to make recommendations requiring a formal Government response, the Inspectorate would provide an early-warning mechanism to identify emerging problems before they become entrenched. By driving greater transparency, consistency, and accountability, it would help ensure that both court reform and backlog reduction efforts deliver meaningful improvements for victims and the wider justice system.

The Case for Reform

The Courts and Tribunals Bill presents an important opportunity to tackle record court backlogs and improve the efficiency of the justice system. **However, reform will only succeed if its implementation is subject to effective and consistent scrutiny and accountability.**

There is currently a significant gap in the criminal justice inspection landscape. While police, prisons, probation, and the CPS are all independently inspected, there is no dedicated body responsible for assessing court performance. As delays have grown and pressures intensified, the absence of independent oversight has limited transparency and reduced opportunities to identify and address problems before they become systemic.

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A reinstated Courts Inspectorate would provide an **independent mechanism to assess court performance, capacity, and reform delivery**. It would help identify inefficiencies, promote good practice and ensure emerging challenges are addressed at an early stage.

The Inspectorate would play a key role in driving trauma-informed practice across the courts. By assessing how courts support victims and witnesses, identifying good practice and highlighting areas for improvement, it would help ensure victims are treated with dignity and respect throughout the justice process.

The Inspectorate would also help drive greater consistency across the court system. Victims' experiences should not depend on where their case is heard, yet significant variation remains in court facilities, communication practices, the delivery of Special Measures and the extent to which courts operate in a trauma-informed way. Independent inspection would help ensure more consistent standards and stronger accountability.

At a time of significant court reform, independent oversight is essential. Reinstating the Courts Inspectorate would strengthen transparency, improve accountability and help ensure efforts to reduce backlogs deliver meaningful improvements for victims and the wider justice system.

"A Justice Committee Report called for the re-establishment of a Courts Inspectorate, saying that the arguments for its closure had not stood the test of time, something recommended by Lord Brian Leveson.

I was proud to support the Victims Commissioner with this campaign and table an amendment at Report Stage of the Courts and Tribunals Bill to introduce an Inspectorate once more, providing improved scrutiny of the Courts estate and helping to avoid ending up with the failing system we see today in the future."

- Jess Brown-Fuller MP

Background

The HM Inspectorate of Courts Administration was set up in 2003 to inspect the systems that support the Crown, County and Magistrates' courts in England and Wales. It ceased operation in 2010, as the inspectorate was found to not represent "good value for money".

Previous recommendations

The Victims' Commissioner, Claire Waxman, has long called for the reinstatement of the Courts, including while she was London Victims' Commissioner[1].

A number of other agencies and figures have also called for the inspectorate's reinstatement, only for the recommendation to be rejected.

[1] The Court System - London Victims' Commissioner Policy Paper

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Justice Select Committee, **Court Capacity report (2022)**

The Justice Select Committee called for a Courts' Inspectorate to be created to increase accountability and transparency in the "creaking" justice system, as even in 2022[2], the case load in the Criminal Courts increased. The committee also challenged previous points raised by government that other bodies play a role in inspecting courts, making clear the need to address the "significant gap within the inspection regime." **At the time of the Inquiry, the Crown Court backlog stood at 58,818 outstanding cases (December 2021**).

Victims' Commissioner, Baroness Newlove, **Justice Delayed (2024)**

Recommendation 13 of the previous Victims' Commissioner's report called for the reinstatement of the Courts Inspectorate. The report found that many of the issues identified by the former Court Inspectorate in its 2007/08 joint review of victims' and witnesses' experiences remained evident in 2024, demonstrating the persistence of longstanding shortcomings within the court system. It concluded that a reinstated Inspectorate could play a vital role in identifying inefficiencies, driving improvements in court performance, and monitoring victims' experiences to ensure compliance with the Victims' Code. **At the time of the report's publication, the Crown Court backlog stood at 73,105 outstanding cases (September 2024).**

Sir Brian Leveson, **Independent Review of the Criminal Courts Part 2 (2026)**

Sir Brian Leveson highlighted in his independent review the lack of a single body responsible for inspecting the courts, resulting in inconsistent oversight. He highlighted in particular the role a Courts Inspectorate could play in ensuring the broader and focused inspection of HMCTS's performance and administration of the courts, which looks specifically at the court estate, timeliness and bottlenecks to delivery. Recommendation 53 proposed a mechanism to examine His Majesty's Courts and Tribunals Service's operation of the courts, without impeding on independent judicial decision-making. He proposed 3 options: a thematic joint inspection via the Criminal Justice Joint Inspection; through reporting and audit by the National Audit Office or by reinstating His Majesty's Inspectorate of Court Administration.

The Crown Court caseload now stands at 80,829 (June 2026).[3]

In the absence of focused scrutiny, the backlog has been continuing to grow, despite calls for oversight and greater accountability as early as 2022.

But inspection of the courts is not just in support of reducing the backlog.

The Crown Court ineffective trial rate is 25%. Over a three-month period that is 1,919 trials that did not go ahead on the scheduled trial date and had to be relisted.

The London Victim Attrition Review found 146 charged cases every month result in non-conviction due to a victim withdrawing, with many victims citing delays and concerns about court as a key factor in their decision.

There are a wide range of issues which plague the court system, and inspection is crucial to understanding these and providing evidence-based proposals.

[2] Justice committee calls for a courts' inspectorate
[3] Criminal court statistics quarterly: April to June 2026 - GOV.UK

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Government response to recommendations

In response to these recommendations, Government has consistently argued that the work of courts and tribunals is already scrutinised by numerous parliamentary committees and inspectorates, including through joint inspectorate work[4]. Government has also referenced HMCTS internal systems and management processes as a form of oversight[5].

Given the clear need for greater oversight and scrutiny, this response is not adequate, and the Commissioner urges Government to reconsider their position.

The Government appears to rely on existing audit and parliamentary scrutiny mechanisms rather than addressing the recommendation for a dedicated means of examining HMCTS's operation of the courts. We would welcome consideration of more regular and consistent oversight of HMCTS, rather than reliance on periodic reviews or one-off inspections.

- The Government Internal Audit Agency provides internal assurance, not independent inspection. It works for government organisations rather than as an external inspectorate. Its primary purpose is organisational governance and risk management.
- The Justice Select Committee scrutinises the policy, administration and expenditure of the Ministry of Justice and associated bodies. It conducts thematic inquiries and parliamentary scrutiny but do not routinely inspect court operations. They cannot provide continuous operational oversight.
- The Public Accounts Committee examines whether public money has been spent economically, efficiently and effectively. It focuses on value for money and financial accountability rather than the day-to-day operation of courts or user experience. It also does not conduct inspections
- The National Audit Office examines economy, efficiency and value for money. It does not act as an operational inspectorate focused on court users' experiences or day-to-day performance. NAO reviews tend to be thematic or time-limited studies. Even where they examine HMCTS, they are not a substitute for a standing inspection regime with ongoing monitoring
- Existing inspectorates such as HMICFRS, HMCPSI and HMI Probation may examine aspects of court performance, but the courts are not their primary focus and they do not offer consistent oversight. While the police, CPS and probation services benefit from dedicated inspection regimes, there is no equivalent body responsible for providing comprehensive oversight of the courts.
- The PHSO can investigate individual complaints about HMCTS, but this is based on individuals raising them. They do not provide independent thematic inspections.

[4] Government response to the Independent Review of the Criminal Courts - GOV.UK
[5] it supported the use of existing inspectorates to scrutinise how criminal justice agencies deliver for victims, including through strengthened inspection powers under the Victims and Prisoners Act 2024.

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"Inspection is about identifying what works well, what needs to improve, and providing transparency; and when the Courts Inspectorate was abolished in 2010 the ability to inspect the whole of the criminal justice system was diminished.

Independent scrutiny through inspection produces evidence-based findings, and it should be seen as a solution and not a challenge."

- Anthony Rogers, HM Chief Inspector of the Crown Prosecution Service Inspectorate

Victim Experience

Lee first reported allegations of abuse in September 2021. Following a lengthy investigation, charges were brought in March 2024. A trial listed for March 2026 was vacated shortly before it was due to begin and relisted for May 2028 due to court capacity issues. In July 2026, Lee gave evidence through Section 28 special measures, which has been recorded for use at trial.

The prolonged delays have had a significant impact on Lee's wellbeing, working life and ability to plan for the future.

Lee works to amplify survivors' voices and encourage reform of the justice system. He has made the following call:

“I have a few things I would like from this Bill. I would like to see:

- *A credible plan to reduce waiting. I would ask Peers to demand clear milestones, sufficient resources and public reporting. I would ask how ministers will demonstrate that the reforms actually reduce prolonged waits.*
- *Accountability for avoidable adjournments. Reasons should be recorded, recurring failures identified and responsibility assigned for fixing them. Victims should receive prompt explanations.*
- *Consistent communication and support. Victims need a clear point of contact, realistic updates and support through repeated delays.*
- *Victims’ experiences as a measure of performance. I would suggest you test every proposed reform against a straightforward question: will this reduce the time victims spend waiting, improve how they are treated, and make someone accountable when the system fails them?”*

A Courts Inspectorate would help deliver the accountability Lee is calling for. It could independently monitor progress in reducing delays, identify and report on the causes of avoidable adjournments, and assess how effectively criminal justice agencies work together to keep victims informed and supported throughout proceedings. By placing victims' experiences at the centre of inspections, it would help ensure that reforms are judged not only by operational performance, but by whether they reduce waiting times, improve victims' experiences and drive accountability when the system falls short.

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Q&A

Will the Courts Inspectorate pose a challenge to judicial Independency?

- The Inspectorate will have a very clear defined remit that focuses on the administration of courts, not the decisions made by the Judiciary, maintaining their independence.

Would listing be in the Court Inspectorate's remit?

- While listing is a function of the Judiciary, HMCTS does play a role in communicating listing decisions and updating systems.
- For example, in relation to the new listing framework, case coordinators play a role in determining case readiness to inform listing decisions. This is something the inspectorate can look at.
- The Inspectorate would also look at the key causes of ineffective trials.

The inspectorate was previously found a waste of resource, would this not be the case again?

- The inefficiencies in court that have been overlooked for so long are a greater waste of resource. An inspectorate could help identify inefficiencies and ensure better value for money in court processes.
- It will also ensure that other inspectorates, such as HMCPSI, can focus their resources on their remit.

Would the Courts inspectorate look at other courts e.g. family courts and civil courts?

- The amendment, as drafted, establishes an Inspectorate for the Criminal Courts only. Given the significant challenges facing the criminal courts, it is likely that this would be the inspectorate's initial focus. However, consideration should be given to how oversight could, in time, be extended to other jurisdictions, including the family courts.

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The Amendment

To move the following Clause—

"Inspectorate of Criminal Court Administration

(1) The Lord Chancellor may appoint such number of inspectors of criminal court administration as he considers appropriate.

(2) Inspectors under this section are collectively known as "His Majesty's Inspectorate of Criminal Court Administration" ("the Inspectorate").

(3) The Lord Chancellor must appoint one of the persons so appointed to be His Majesty's Chief Inspector of Criminal Court Administration.

(4) The Lord Chancellor may make to or in respect of inspectors of court administration such payments by way of remuneration, allowances or otherwise as he may determine.

(5) It is the duty of the Inspectorate to inspect and report to the Lord Chancellor on—

(a) the administration and operation of the system that supports the carrying on of the business of—

(i) the Crown Court, and

(ii) the magistrates' courts;

(b) the efficiency, effectiveness and accessibility of those courts and their services, having particular regard to the experience of witnesses and victims.

(6) Any report under subsection (5) must make recommendations to the Lord Chancellor in respect of subsection (5).

(7) The Lord Chancellor must lay before Parliament —

(a) any report under this section within one month of receiving it; and

(b) his response to the recommendations of a report within six months beginning on the day on which the report in question is laid.

(8) A response under subsection (7)(b) must describe—

(a) any action the Lord Chancellor proposes to take, and

(b) where the Lord Chancellor does not propose to take any action, a reason why he proposes not to take action.

(9) The Lord Chancellor may not issue any direction to the Inspectorate in relation to its duty under subsection (5).

(10) The Lord Chancellor may by regulations make further provision about the Inspectorate."