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Magistrates' Courts Defendants Waiting Times on the Day Survey: October 2005

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INTRODUCTION

The magistrates' courts defendants waiting times survey is carried out by magistrates' courts in England and Wales. The survey measures the time adult defendants in criminal cases wait on the days of their hearings. This bulletin presents the results from the October 2005 survey.

KEY FINDINGS

- **Average waiting time has fallen:** The average time defendants had to wait at court before the start of hearings was 69 minutes for October 2005 compared to 71 minutes in April 2005.
- **Proportion of defendants waiting more than one hour remained unchanged:** 41 per cent of defendants waited more than one hour in October 2005 compared to 41 per cent in April 2005.

Waiting Times on the Day Survey

Introduction

Since 2000 this survey has been conducted by magistrates' courts in April and October, having previously been run once each year normally in October. The survey records how long adult defendants in criminal cases wait on the day of the court hearing before their case is heard. More details on the survey methodology can be found in the notes section.

Magistrates' courts (Local Justice Areas or LJAs) record the time at which defendants in criminal cases report to court and the time at which hearings begin. The report time is defined as the time they are required to attend court or the time they actually attend, whichever is later. The difference between the report time and the start of the hearing is taken to be the defendant's waiting time.

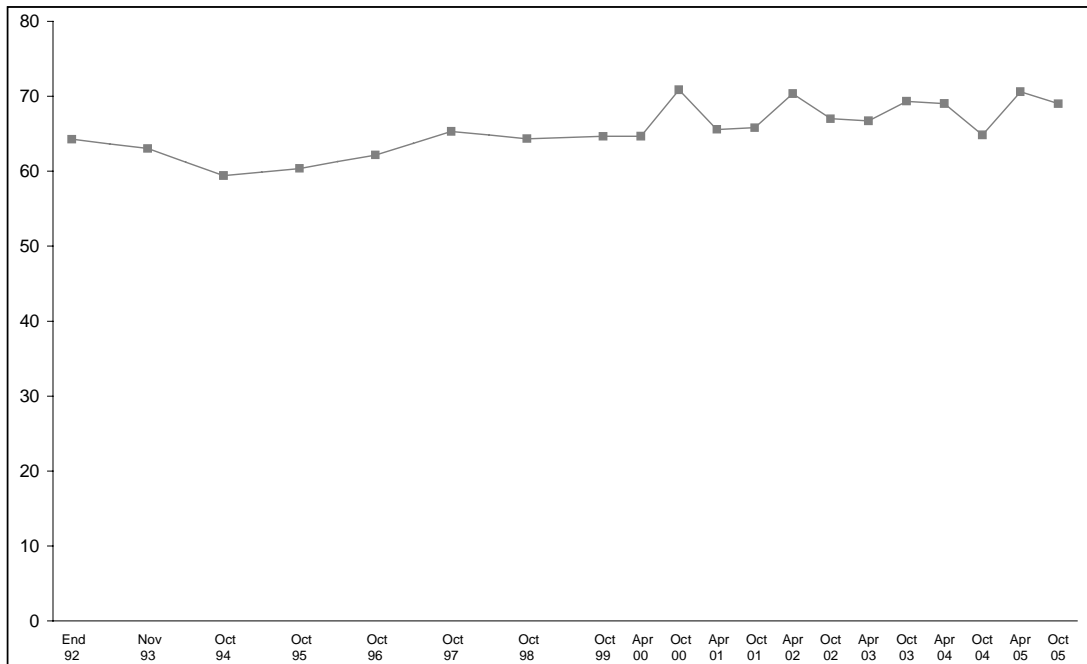
Average Waiting Times

In October 2005 the average waiting time was 69 minutes, as shown in figure 1 and table 1, compared to 71 minutes in April 2005 and 65 minutes in October 2004.

- The proportion of defendants waiting over two hours was 16 per cent in October 2005 compared to 17 per cent in April 2005 and 14 per cent in October 2004.
- The proportion of defendants waiting one hour or less was 59 per cent in October 2005 compared to 59 per cent in April 2005 and 62 per cent in October 2004.
- The proportion of defendants waiting over 1 hour and up to 2 hours increased to 25% in October 2005 compared to 24 per cent in April 2005 and October 2004.

These results can be seen in table 2.

Figure 1: Average waiting time on the day for defendants (minutes), 1992 to 2005



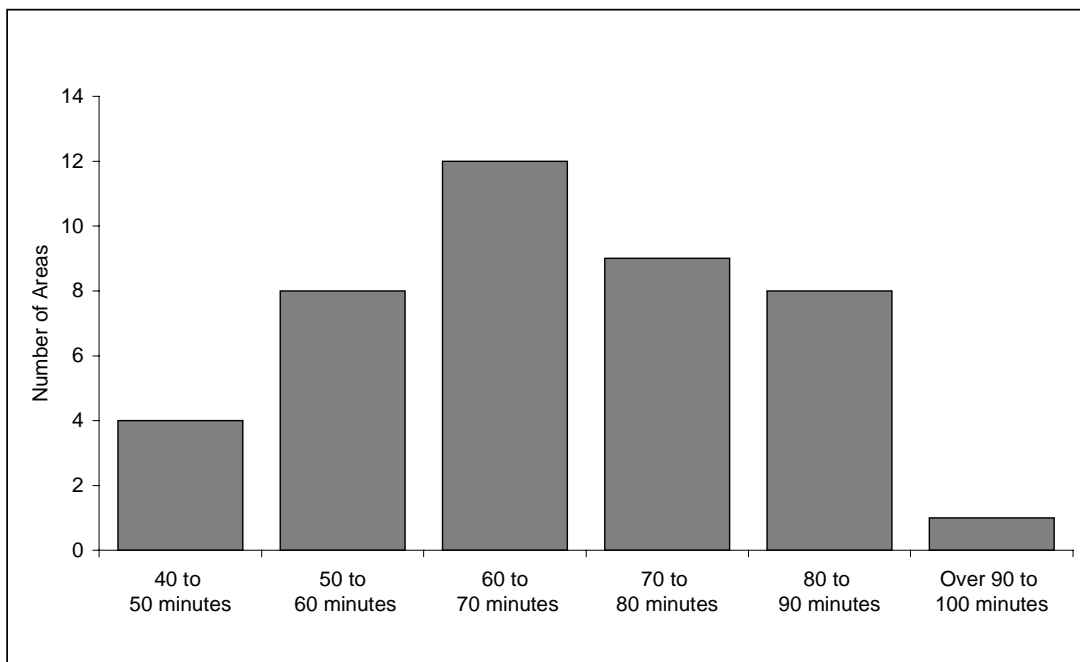
Analysis by Areas

Amongst the Areas the most common average waiting time in October 2005 was between 60 minutes and 70 minutes, as shown in figure 2. Tables 5 and 6 present Area level results with their 95% confidence limits. An apparent change in average defendant waiting time between surveys cannot be said to be true if the confidence intervals overlap. An explanation of confidence intervals is provided in the Notes section.

- In October 2005, defendants waited over an hour on average in 71 per cent of Areas compared to 71 per cent in April 2005 and 63 per cent in October 2004.
- In October 2005, the average time defendants had to wait at court before the start of hearings varied from 40 minutes in Devon and Cornwall to 96 minutes in Cambridgeshire.
- For the October 2005 survey (Table 6) the areas showing an increase in average defendant waiting times when compared to the April 2005 survey are Derbyshire, Durham, Humberside, Leicestershire, Merseyside and South Wales. The areas showing a decrease in defendant waiting times when compared to the April 2005 survey are Avon and Somerset, Bedfordshire, Devon and Cornwall, Gwent, Nottinghamshire, Sussex, Warwickshire and Wiltshire.

- For the April 2005 survey (Table 5) the areas showing an increase in average defendant waiting times when compared to the October 2004 survey are Avon and Somerset, Derbyshire, Dyfed Powys, Essex, Greater Manchester, Lancashire, North Wales, Northumbria, Nottinghamshire, Sussex, Thames Valley, Warwickshire and West Yorkshire. The areas showing a decrease in defendant waiting times when compared to the October 2004 survey are Devon and Cornwall, Durham, Gloucestershire, Lincolnshire and Northamptonshire.

Figure 2: Areas by average waiting time, October 2005

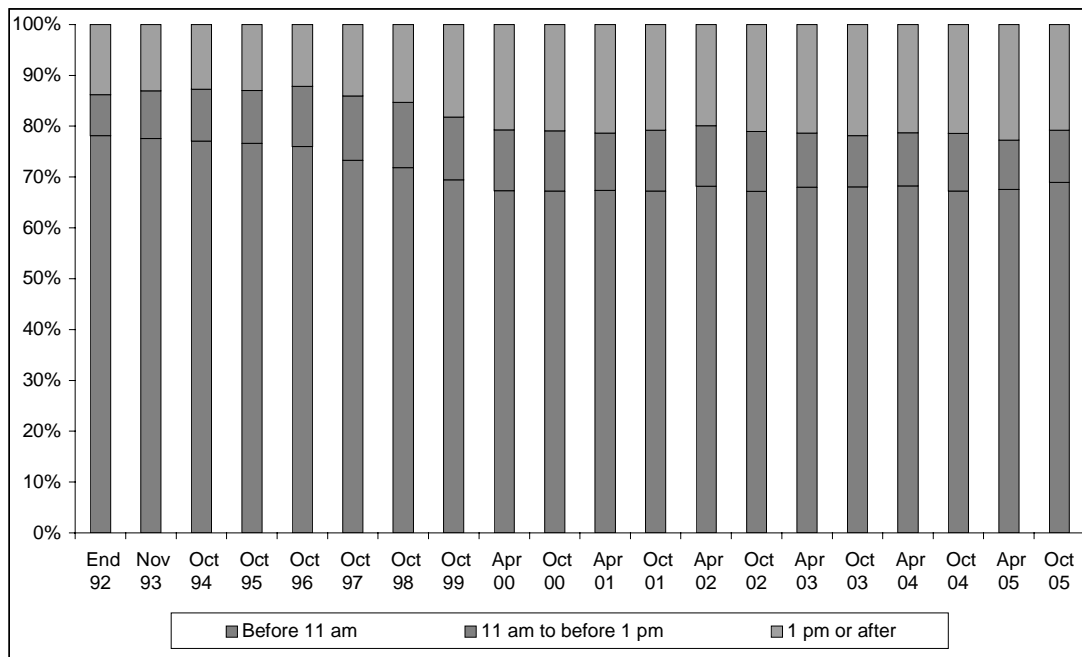


Listing Times

The waiting times on the day survey enables an analysis to be made of the times when defendants in criminal cases report. Figure 3 and table 3 both show the proportion of defendants within the various report times.

- The proportion of defendants reporting before 11am increased to 69 per cent in October 2005 compared to 68 per cent in April 2005 and 67 per cent in October 2004.
- The proportion of defendants reporting between 11am and 1pm was 10 per cent in October 2005 compared to 10 per cent in April 2005 and 11 per cent in October 2004.
- The proportion of defendants reporting at 1pm or after was 21 percent in October 2005 compared to 23 percent in April 2005 and 21 per cent in October 2004.
- The proportion of defendants within the various report times has remained almost unchanged since April 2000.

Figure 3: Proportion of defendants with report times before 11 am, from 11 am to before 1 pm and 1 pm or after, 1992 to 2005

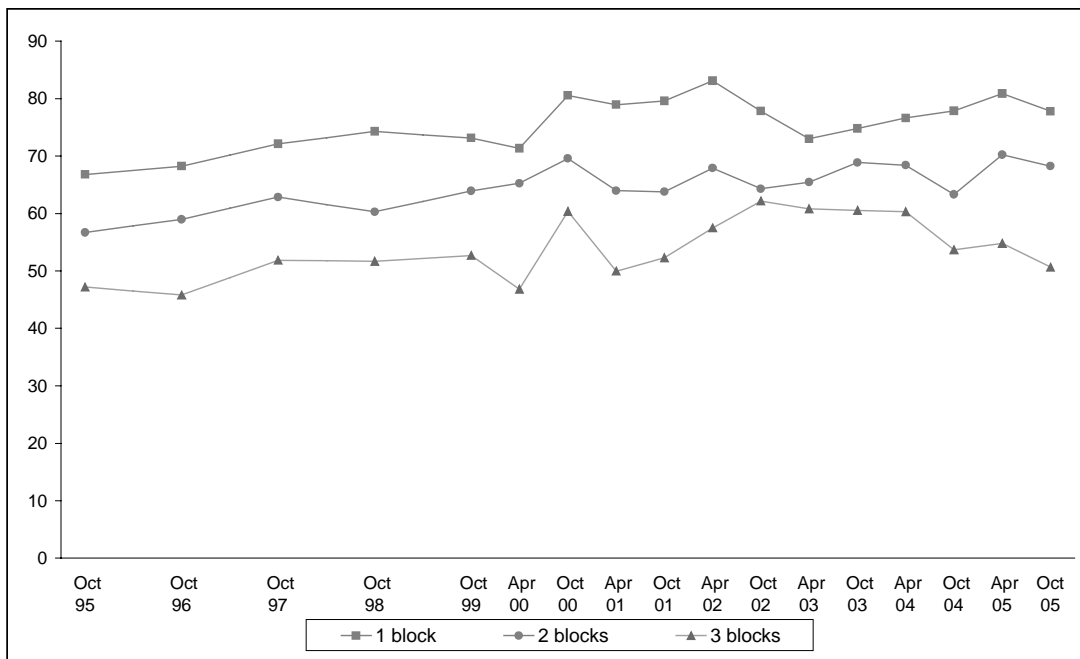


The results of different listing practices used by the LJAs are shown in figure 4 and table 4. There are three possible blocks during which defendants can report: before 11 am, from 11 am to before 1 pm and 1 pm or after (the same as the intervals used in figure 3). For the purposes of this analysis the number of blocks used in a LJA is defined as the number of these time periods which contained report times for more than 15 per cent of defendants.

- In October 2005, the average waiting time for defendants in LJAs which under this definition used one block was 78 minutes. This compares with 68 minutes for LJAs using two blocks and 51 minutes for LJAs using all three blocks.
- The proportion of LJAs that made use of just block 1 was 28 per cent in October 2005 compared to 25 per cent in April 2005 and 21 per cent in October 2004. The percentage of LJAs using two blocks increased to 63 per cent compared to 62 per cent in April 2005 and 63 per cent in October 2004.
- The proportion of LJAs that made use of 3 blocks decreased to 8 per cent in October 2005 compared to 10 per cent in April 2005 and 13 per cent in October 2004.

(1) LJAs with sample sizes less than 20 are excluded from the analysis shown in the graph.

Figure 4: Average waiting time on the day for defendants (minutes), by number of reporting blocks LJAs used, 1995 to 2005⁽¹⁾



Detailed Results⁽¹⁾

(1) Individual figures may not sum to totals due to rounding.

Waiting times on the day survey

TABLE 1: Average time defendants had to wait at court before start of hearings, 2001 to 2005

	Minutes and numbers									
	Apr 01	Oct 01	Apr 02	Oct 02	Apr 03	Oct 03	Apr 04	Oct 04	Apr 05	Oct 05
Average time	66	66	70	67	67	69	69	65	71	69
Number of defendants	28,475	28,176	29,398	30,322	28,985	27,129	30,051	26,203	28,510	27,362

TABLE 2: Proportion of defendants waiting one hour or less, over 1 hour and up to 2 hours and over 2 hours before start of hearings, 2001 to 2005

	Percentages									
	Apr 01	Oct 01	Apr 02	Oct 02	Apr 03	Oct 03	Apr 04	Oct 04	Apr 05	Oct 05
One hour or less	61	61	59	60	61	59	59	62	59	59
Over 1 hour and up to 2 hours	24	24	24	25	24	25	25	24	24	25
Over 2 hours	15	15	17	15	15	16	16	14	17	16

TABLE 3: Defendants analysed by report time, 2001 to 2005

	Percentages									
	Apr 01	Oct 01	Apr 02	Oct 02	Apr 03	Oct 03	Apr 04	Oct 04	Apr 05	Oct 05
Before 11 am	67	67	68	67	68	68	68	67	68	69
11 am to before 1 pm	11	12	12	12	11	10	10	11	10	10
1 pm or after	21	21	20	21	21	22	21	21	23	21

TABLE 4: Average waiting time for defendants analysed by number of reporting blocks LJAs used and proportion of LJAs in each block, 2001 to 2005⁽²⁾

	Minutes									
	Apr 01	Oct 01	Apr 02	Oct 02	Apr 03	Oct 03	Apr 04	Oct 04	Apr 05	Oct 05
1 block	79	80	83	78	73	75	77	78	81	78
2 blocks	64	64	68	64	65	69	68	63	70	68
3 blocks	50	52	57	62	61	61	60	54	55	51

(2) Defendants in LJAs with sample sizes less than 20 are excluded from the analyses shown in the tables.

(3) Figures do not sum to 100 per cent because some LJAs have been excluded due to low sample sizes (see also note 2).

	Proportions of LJAs in each block ⁽³⁾									
	Percentages									
	Apr 01	Oct 01	Apr 02	Oct 02	Apr 03	Oct 03	Apr 04	Oct 04	Apr 05	Oct 05
1 block	25	26	27	27	28	25	25	21	25	28
2 blocks	60	60	60	60	59	61	63	63	62	63
3 blocks	11	12	11	12	10	11	11	13	10	8

TABLE 5: Average time defendants had to wait at court before the start of hearings and 95% confidence limits for defendants waiting times, by Area. ⁽¹⁾

	April 2004			October 2004			
	Average	Lower 95% confidence limit	Upper 95% confidence limit	Average	Lower 95% confidence limit	Upper 95% confidence limit	
(1) The notes section contains an explanation on 95% confidence limits.	Avon and Somerset	59	55	63	66	60	71
	Bedfordshire	86	79	94	71	65	77
	Cambridgeshire	80	74	87	88	82	94
	Cheshire	53	50	57	57	52	61
(2) Dorset did not return any data for the April 2005 survey.	Cleveland	52	39	64	43	38	47
	Cumbria	58	52	65	60	54	66
	Derbyshire	68	60	75	60	53	67
(3) Gwent did not return any data for the October 2004 survey.	Devon and Cornwall	45	41	49	56	52	59
	Dorset ⁽²⁾	48	41	54	44	39	49
	Durham	66	61	70	65	60	70
	Dyfed Powys	77	69	85	63	56	70
	Essex	63	57	70	55	49	60
	Gloucestershire	84	77	90	68	61	74
	Greater Manchester	66	63	69	54	51	57
	Gwent ⁽³⁾	69	63	76	-	-	-
	Hampshire and Isle of Wight	88	84	93	69	65	74
	Hertfordshire	70	64	76	82	74	90
	Humberside	66	60	72	52	48	57
	Kent	67	62	72	73	67	80
	Lancashire	64	60	67	56	52	60
	Leicestershire	60	54	65	66	61	72
	Lincolnshire	65	61	69	79	71	87
	London	71	68	73	69	66	71
	Merseyside	54	52	57	54	51	57
	Norfolk	73	68	78	61	56	67
	North Wales	78	73	83	61	57	65
	North Yorkshire	82	76	87	79	73	85
	Northamptonshire	70	62	78	65	57	73
	Northumbria	52	48	55	49	45	52
	Nottinghamshire	55	52	58	63	59	67
	South Wales	51	47	56	46	42	50
	South Yorkshire	58	54	62	59	55	64
	Staffordshire	77	72	81	71	66	76
	Suffolk	67	60	74	48	42	54
	Surrey	77	72	82	75	68	83
	Sussex	86	81	91	72	68	76
	Thames Valley	79	73	85	69	64	74
	Warwickshire	74	66	82	68	61	74
	West Mercia	79	73	86	79	73	86
	West Midlands	81	78	84	77	74	80
	West Yorkshire	67	63	70	54	51	57
	Wiltshire	76	70	83	74	68	81
	All England and Wales	69	68	70	65	64	66

TABLE 6: Average time defendants had to wait at court before the start of hearings and 95% confidence limits for defendants waiting times, by Area. ⁽¹⁾

	April 2005			October 2005			
	Average	Lower 95% confidence limit	Upper 95% confidence limit	Average	Lower 95% confidence limit	Upper 95% confidence limit	
(1) The notes section contains an explanation on 95% confidence limits.	Avon and Somerset	85	79	91	66	61	71
	Bedfordshire	85	76	95	59	49	68
	Cambridgeshire	89	82	95	96	89	104
	Cheshire	61	56	66	70	64	76
(2) Dorset did not return any data for the April 2005 survey.	Cleveland	51	46	56	46	41	52
	Cumbria	51	44	58	60	53	66
	Derbyshire	73	68	78	85	79	92
	Devon and Cornwall	47	44	51	40	38	43
	Dorset ⁽²⁾	-	-	-	49	42	56
	Durham	49	45	53	59	56	63
	Dyfed Powys	78	70	86	88	78	99
	Essex	68	64	72	60	55	65
	Gloucestershire	40	32	48	49	41	58
	Greater Manchester	72	69	76	77	73	82
	Gwent	78	70	87	58	51	65
	Hampshire and Isle of Wight	78	71	85	80	74	86
	Hertfordshire	81	76	87	77	72	83
	Humberside	54	49	60	60	55	66
	Kent	81	75	88	83	77	89
	Lancashire	70	67	73	75	71	79
	Leicestershire	63	58	69	86	79	93
	Lincolnshire	57	51	62	66	60	71
	London	69	66	71	70	67	73
	Merseyside	52	48	55	68	65	71
	Norfolk	70	65	75	66	60	71
	North Wales	74	69	80	74	68	81
	North Yorkshire	68	61	74	67	62	73
	Northamptonshire	49	43	54	56	50	63
	Northumbria	58	54	62	62	58	65
	Nottinghamshire	73	68	79	52	45	60
	South Wales	43	39	47	52	49	56
	South Yorkshire	67	62	71	66	63	69
	Staffordshire	77	72	81	68	63	73
	Suffolk	49	43	54	55	48	61
	Surrey	77	70	83	87	81	92
	Sussex	90	84	95	76	72	81
	Thames Valley	86	80	92	82	76	88
	Warwickshire	101	92	111	77	68	87
	West Mercia	93	84	101	82	76	88
	West Midlands	83	80	86	82	78	85
	West Yorkshire	60	57	63	60	57	63
	Wiltshire	83	76	91	60	54	67
	All England and Wales	71	70	71	69	68	70

Notes

Introduction

1. In 2000 for the first time magistrates' courts in England and Wales conducted two surveys of defendants waiting times on the day, previously being carried out annually since 1991. In 2005 the waiting times on the day surveys were conducted in the week beginning 25 April and 10 October at Local Justice Area (LJA) level.
2. The survey was originally set up by the Home Office. With the transfer of responsibility for magistrates' courts to the Department for Constitutional Affairs (previously the Lord Chancellor's Department) the survey also moved to the DCA, although the Home Office continued to provide support for the analysis of results up to the 1994 surveys.

History of the waiting times on the day survey

3. For the waiting times on the day survey, LJAs are asked to record the time at which the defendant was required to arrive (or the time the defendant actually arrived, whichever is later) and the time the case actually started for all adult criminal cases during the sample period. Exceptionally in cases where the hearing is postponed for another day no details are recorded. The information is requested for each courtroom in a LJA for two consecutive days or six consecutive court sittings, whichever is the greater. Since the 1993 survey LJAs have been asked to record information on at least 40 defendants and should normally carry on recording until this has been achieved. Since 1994 courts have been asked to undertake the survey in October. Before this, in 1993 the instructions were to undertake the survey in November and for the 1992 survey courts were asked to undertake the survey before January 1993.
4. Changes to the 1991 survey instructions means that the 1991 figures are not directly comparable with later years. The change affected the way the report time was collected. In 1991 courts were asked to merely collect the time defendants were asked to arrive but from 1992 onwards the survey has asked for the later of defendants' report or arrival time. This change will have reduced recorded waiting times.
5. The waiting times results in this bulletin differ from those published in 1997 and earlier years (covering 1996 and earlier surveys) in that custody cases have been dealt with differently in the analysis. In the analysis for results published in 1997 and earlier years custody cases were treated as having zero waiting time: the idea being that defendants in custody cases did not lose any free time while they waited for their case to be heard. Before 1996 courts were asked to record if a defendant was in custody by marking the form appropriately but from 1996 onwards a separate tick-box was added to the form for

courts to record that a defendant was in custody. The new box resulted in a much greater number of defendants being recorded as in custody – which since custody defendants were treated as having zero waiting time depressed the overall reported average. From bulletin 3/99 onwards the results (including all previous years' presented) relate to the full recorded waiting time for all defendants including those in custody. This also has the advantage of better reflecting the overall time that non-defendant parties to cases, for example, the police, lawyers and witnesses wait.

6. For the block analysis in this bulletin the number of reporting blocks used by a LJA is defined as the number of the time periods (before 11 am, from 11 am to before 1 pm and 1 pm or after) which contained report times for more than 15 per cent of defendants in that LJA. This is the same methodology as used in all bulletins since bulletin 3/99. All previous analyses required more than 20 per cent of defendants.

Quality and completeness of the data

7. The waiting times on the day collection forms are returned to Business Information Division at Her Majesty's Courts Service. The forms are processed electronically by data inputters and the Economics and Statistics Division at the Department for Constitutional Affairs then checks the computerised records for consistency and corrects them where necessary.
8. LJA level results have been disseminated to local areas. These are available upon request from the contact listed in paragraph 16.
9. In the text and tables, figures may not sum exactly to totals because the numbers in this bulletin have been rounded independently of each other.

Confidence Intervals

10. The average time a defendant has to wait on the day of hearing is calculated from a sample of the total number of defendants. The sample is one estimate of the total number of defendants and different samples would produce different average waiting times. The only way to obtain the true average waiting time for all defendants would be to measure the waiting time for each defendant. However we can use the sample to estimate the likely range within which the 'true' average waiting time is likely to fall. This can be done by calculating 95% confidence intervals, which are the range in which the true value is likely to fall, where 'Likely' is taken to be 95% of the time. The values at each end of the confidence interval are confidence limits. The size of confidence intervals is dependent on the size of the sample: the larger the sample size the narrower confidence interval, and hence the more precise the sample average waiting time can be considered to be.

11. In the context of the defendant waiting times analysis, the 95% confidence interval is the range of values within which the actual average defendant waiting time for all defendants is likely to fall. An apparent change of the average defendant waiting time between surveys cannot be said to be 'true' if the confidence intervals overlap.

Proportion of LJAs making returns and sample sizes, 2001 to 2005

	Percentages and numbers									
	Apr 01	Oct 01	Apr 02	Oct 02	Apr 03	Oct 03	Apr 04	Oct 04	Apr 05	Oct 05
Proportion of LJAs making returns	95	94	94	98	97	95	93	94	95	96
Number of defendants	28,475	28,176	29,398	30,322	28,985	27,129	30,051	26,203	28,510	27,362

Further information

12. Information Bulletin 3/97 (covering all surveys to 1996) was the first bulletin produced on the magistrates' courts waiting times on the day surveys by the Department for Constitutional Affairs. It includes a list of references to previous publications both containing results and related to the setting up of the survey. Information Bulletin 3/99 covers results from the 1997 and 1998 surveys, 2/2000 covers 1999 surveys, 1/2001 covers 2000 surveys and 1/2002 covers 2001 surveys. Statistical Bulletin 1/2003 covers the 2002 surveys, 1/2004 covers the 2003 surveys, 1/2005 covers the 2004 surveys, 2/2005 covers the April 2005 survey and 1/2006 covers the April 2006 survey
13. The Home Office Research Bulletin No. 38 (1996): User satisfaction and waiting times in magistrates' courts – written by Patricia Morgan – provides analysis of earlier surveys.
14. This bulletin has been prepared by the Economics and Statistics Division at the Department for Constitutional Affairs and the Business Information Division at Her Majesty's Courts Service. Comments on this publication or suggestions would be welcomed. If you have any enquiries about figures in this bulletin or wish to request further analysis of the data (a fee may be charged) contact Stephen Ho at the address below:

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