



Women in Criminal Law

Sent by email

womenincrimlawpolicy@gmail.com

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Dear Women in Criminal Law

Thank you for your letter dated 13 November and received today. I am aware you have also written separately to the Chief Magistrate and other Judges, who have asked HMCTS to provide a response.

Firstly, let me apologise for any confusion caused. I can immediately assure you that the planning currently underway in London is in no way a move to introduce extended hours as part of the routine operations of our courts. It is likely that based on the need for urgent planning in a fast-moving and challenging environment, what has been communicated has created some misunderstanding across the defence community. I understand that a message issued by the Legal Aid Agency as part of this urgent planning, whilst accurate in its content, was brief and did not carry the wider context already shared with the criminal justice partners.

Your members will be aware of the significant levels of protest activity in London in recent weeks, with the Armistice Day march and counter-protests bringing an estimated 300,000 people onto the streets of London with policing concerns about risks of disorder being widely trailed in national media. These significant events run alongside the continuing protests of Just Stop Oil who have publicly expressed a determination to cause 'thousands' of additional arrests with the intention of causing disruption to the criminal justice and prison systems.

Of necessity, together with our criminal justice partner agencies, we make strategic contingency plans for such additional pressures but more immediately, with the approval of the judiciary, we may at times need to respond to a sudden and unexpected surge in criminal work by planning additional courts on a temporary basis to fulfil our statutory obligations under the Police and Criminal Evidence 1984 to ensure those detained are brought to court as soon as practicable.

It follows, where there is a sudden surge in criminal work, that all points of the criminal justice system are put under short-term pressure and there is only finite capacity within the system to process significant additional numbers of those detained.

Alongside wider contingency planning, judicial decisions have been made to increase capacity within courts during normal business hours which was the first and most significant response to emerging pressure. Typically, our combined

response would be to create increased capacity to deal with remand prisoners during the normal working day. To this end, London arranged for up to 3 additional remand courts at Westminster, Highbury and Willesden to mitigate against the need to stand up any additional court arrangements. With highly expert and impressive responsiveness, the additional business as usual measures contributed significantly and prevented the need for additional courts. However, further planning on additional capacity was required in case the changes to listing in the day were insufficient.

One way to increase immediate capacity beyond what can be achieved during the day is to seek judicial approval to run additional courts – and the senior judiciary have issued a protocol which is to be used in such emergencies. This requires advance planning and preparation and that means advance liaison with all criminal justice agencies to identify the resource required to stand up this emergency response. Consultation with those involved is required and the Legal Aid Agency are a noted party. However, it should be understood that these are emergency measures and so consultation is necessarily at a fast pace. This work continues and through LAA plans will be constantly reviewed.

Options available to deal with these pressures are additional evening courts, early morning courts, night courts and weekend courts. When making preparations, typically led by HMCTS, plans will be the most proportionate available. Understanding the highly complex and inter-dependent operations of the criminal justice system in these circumstances, with new overnights typically not ready for court until the afternoon following arrest, additional evening courts are perhaps more likely to be seen in contingency planning than Sunday or night courts, which we last saw in 2011 following the London riots, and which led to the introduction of the judicial protocol.

The planning for a potential contingency this week did not result in any additional courts being run – but this remains a possibility and contingency planning continues.

I hope this assures you that no steps have been made to introduce extended court hours as part of an expansion of our business as usual operations. Rather this is an emergency response to a very challenging but temporary position.

Yours sincerely



Nick Goodwin
Chief Executive, HM Courts & Tribunals Service

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Institute of Barristers Clerks
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