

Baroness Newlove of Warrington
Victims' Commissioner for England and Wales

Office of the Victims' Commissioner for England and Wales
5th Floor, 70 Petty France
London SW1H 9EX

e: victims.commissioner@victimscommissioner.org.uk

Sir Brian Leveson
Chair of the Independent Review of Criminal Courts

25th September 2025

Dear Sir Brian,

INDEPENDENT REVIEW OF THE CRIMINAL COURTS PART 2

Ahead of the publication of Part 2 of your Independent Review of the Criminal Courts, I'd like to offer some reflections to help ensure that victims' voices remain central. I want to share my views on what should be included in your review, as well as highlight areas that may risk undermining the advancements made on victims' rights.

I would welcome another opportunity to discuss this with you prior to the publication of Part 2.

Part 2 will focus on the efficiency of the criminal justice system. I will always welcome any proposal to improve efficiency but in this context, efficiency must never be at the expense of victim entitlements. I am pleased to see in your Part 1 report you stated your recommendations will not roll back the progress we have made in supporting victims throughout the justice process.

The process of reporting and any subsequent prosecution takes a toll on victims both practically and emotionally. I shared with you my report on the [impact of the Crown Court backlog](#)¹, and my findings still stand. Justice delayed is justice denied. The backlog is having a devastating impact on

¹ ['Justice delayed: The impact of the Crown Court backlog on victims, victim services and the criminal justice system' Victims' Commissioner \(2025\)](#)

victims. They are increasingly withdrawing from the justice process; without victim engagement, justice cannot be served, rendering the system ineffective. My letter of February 2025 is attached for ease of reference.

In this letter, I make the case for measures which improve victim experience. Those are, in my view, integral to improved efficiency.

All too often victim rights are wrongly seen, especially by those in the system, as causing additional delays or as a hindrance to the justice process. Yet one of the most significant sources of inefficiency is victim attrition.

Overall victim attrition remains too high, with 16% of prosecutions stopped post-charge due to victims withdrawing or being unable to support the case². Significant time and resources are lost when victims withdraw their support, with 2.2% of trials in January to March 2025 not going ahead on the day due to the victim or witness no longer supporting the prosecution³.

Rape victims are disproportionately affected by the court backlog. At the end of June 2025, for all offences, the mean number of days between receipt at Crown Court and completion was 248 days, but for adult rape offences, it was significantly higher at 421 days⁴. In addition, in January to March 2025, 21% of adult rape cases were rearranged on the day of trial⁵.

These delays are clearly contributing to increased withdrawal rates. Between January and March 2025, 24% of adult rape prosecutions that were stopped after a defendant was charged were due to the victim no longer supporting or being unable to support the case. This is an increase from 16% in the last quarter, and the second highest percentage recorded since the data was first collected in 2015⁶.

As you acknowledged, rising victim attrition is a failure of the system not only for the victim in the case, but it sets a precedent for other potential victims that the system will fail them too^{7 8}. This is why any focus on addressing the backlog must be on victim engagement and restoring their faith, as without victims' support, the delivery of justice will be greatly diminished.

My research consistently highlights poor communication as a major issue for victims, and this theme recurs across the inefficiencies I've identified. For victims, communication is a cornerstone of procedural justice; it ensures they are treated with respect and feel heard within the justice system, keeping

² [Criminal justice system overview - CJS Dashboard](#)

³ [Criminal justice system overview - CJS Dashboard](#)

⁴ [Criminal court statistics quarterly: April to June 2025 - GOV.UK](#) (accessed 25/09/2025)

⁵ [Criminal justice system overview - CJS Dashboard](#)

⁶ [Criminal justice system overview - CJS Dashboard](#)

⁷ [Shifting the Scales: Transforming the criminal justice response to domestic abuse - The Domestic Abuse Commissioner](#)

⁸ The Domestic Abuse Commissioner found that one of the barriers to engagement with the CJS for DA victims is that 'Victims and survivors have had their own – or have witnessed others' – negative experiences of the criminal justice system' (Barrier 3 p.14)

them engaged in the process. It also often provides a sense of validation that can be as meaningful, if not more so, as a guilty verdict. These positive experiences throughout their justice journey help maintain victims' faith in the system, regardless of the outcome. Without effective communication, inefficiencies, delays and disengagement from the system are inevitable.

1. Ensure victims' needs are assessed, and justice is accessible to all

Under Right 4 of the [Victims' Code](#), once a crime has been reported, victims have the right to have their needs assessed⁹. If the case progresses to court, the witnesses' needs are assessed again by the police or Witness Care Unit to determine whether they are eligible and would benefit from giving evidence using special measures. Witnesses may also have specific requirements, including the need for an interpreter, a registered intermediary, or an accessible courtroom.

However, too often, victims find that their needs are not identified, and measures are not put in place for them. This can lead to delays in victims giving their evidence on the day of trial, or victims not feeling confident at all, and withdrawing from the system completely.

In my letter sent ahead of Part 1 of your review, I highlighted the importance of ongoing needs assessments during delays in the court process. This is to ensure the impact of these delays on victims' wellbeing is understood, and appropriate support is provided.

We need to consider the role of needs assessments not only as a means of keeping victims engaged, but to prevent delays in court proceedings, by ensuring swift identification and implementation of reasonable adjustments and special measures far in advance of the court date.

Special Measures- section 28

Special measures, such as screens, live link, and pre-recorded cross-examination (section 28 Youth Justice and Criminal Evidence Act 1999) are available to vulnerable and/or intimidated victims to ensure they can provide their best evidence to the court. In my conversations with the victim sector, it is apparent these measures are often not being made available to victims.

In Part 1 of your report you reference [Cheryl Thomas' research](#)¹⁰ when discussing section 28 in the context of ineffective trial rates increasing. Her research suggests pre-recorded evidence impacts the jury's perception of the complainant witness. Her findings have never been peer reviewed nor is the research published.

⁹ [MoJ Victims Code 2020](#)

¹⁰ committees.parliament.uk/writtenevidence/126988/pdf/

This research is highly disputed by the victim sector and [leading academics](#)¹¹, including [Professor Katrin Hohl OBE](#), who has repeatedly emphasised the importance of focusing on the role of section 28 in supporting victims to give their best evidence, not conviction rates¹²¹³. Research shows it delivers on this objective. [The Ministry of Justice's 2023 evaluation](#) of section 28 found witnesses were not only more likely to give evidence, but that they felt that pre-recording had improved the quality of their evidence¹⁴. This is because they did not have to face year long waits before the case got to trial. This also meant that they were able to access therapy earlier. You will be familiar with recent campaigns and policy developments around the use of notes of therapy in rape cases and that fear of cross-examination on the contents of therapy records,¹⁵.

The [Ministry of Justice's 2025 evaluation of pre-recorded evidence](#)¹⁶ also directly refuted Cheryl Thomas' evidence as it found section 28 has no impact on ineffective trial rates, nor does it impact the likelihood of a conviction¹⁷. The Ministry of Justice discussed their findings further in a recent Justice Select Committee evidence session and highlighted the role the measure plays in engaging victims with the Justice system¹⁸¹⁹.

Unfortunately, Thomas' findings are now being proliferated. I am aware they are being used to dissuade victims from using this measure. They are also being used to justify decisions not to offer and/ or apply for the measure and to refuse applications or worse to withdraw the measure even after it has been granted.

I recently approached front-line victim services for their perspectives of this measure and have received responses from Independent Sexual Violence Advisers (ISVAs) and Children's Independent Sexual Violence Advisors (CHISVAs). They told me the important role section 28 plays in enabling vulnerable and intimidated victims to give their best evidence and supporting their recovery process. However, they have observed a decline in provision, driven by the belief that juries view remote evidence less favorably. Even some children, despite being eligible, are being denied access to this measure. For some victims, the prospect of giving live evidence has made them consider withdrawing from the system completely, others that have gone on to give evidence are so overwhelmed on the day they requested multiple breaks leading to further delays. I attach a copy of my written evidence to the Justice Select Committee detailing my findings from these case studies.

¹¹ committees.parliament.uk/writtenevidence/128425/pdf/

¹² committees.parliament.uk/publications/48285/documents/252769/default/

¹³ committees.parliament.uk/oralevidence/16434/default/

¹⁴ [Process evaluation of Section 28](#) (2023)

¹⁵ [Briefing on third-party materials, privilege for notes of therapy and legal representation for victims of rape - Victims Commissioner](#)

¹⁶ [Impact evaluation of pre-recorded cross examination - GOV.UK](#)

¹⁷ [Impact Evaluation of Pre recorded Cross Examination for Vulnerable & Intimidated Witnesses](#)

¹⁸ committees.parliament.uk/oralevidence/16435/default/

¹⁹ [Parliamentlive.tv - Justice Committee](#)

Even if Thomas' findings are correct, the fact is special measures including 'section 28' mitigate the often highly traumatic experience of giving evidence, and in doing so, they improve participation.

The categories of victim who can access these measures are either 'vulnerable' or 'intimidated' and frequently highly traumatised by their victimisation, they are, as borne out by the attrition statistics, much more likely to withdraw altogether. An engaged victim who can participate fully in the system will, at the very least, compliment other efficiency measures, so retaining special measures and ensuring they are available for any eligible victim who wishes to utilise them is an efficiency measure.

I am supportive of the [Law Commission's recommendation](#) for special measures to be automatically given to victims when requested²⁰. This will guarantee efficiency in the implementation of special measures, support victims to give their evidence, and ensure they remain engaged in the justice process.

It has been drawn to my attention that in listing trials where evidence has been given using section 28, judges are deprioritising the listing, presumably because the victim, is not 'waiting' to give evidence. Whilst for most victims this is true (although the use of section 28 does not guarantee a victim will not be called during a trial) victims still remain in a state of 'waiting' even though they have done 'their bit'. I can only surmise this is also true of defendants.

Courts should not de-prioritise the case listing because the judge is no longer having to consider the quality of the victim's evidence in listing decisions. The victim is still waiting for the trial and the outcome and for many this wait is still tortuous.

I am also concerned about reports that judges are refusing applications on the basis that the section 28 hearing will happen close to the trial date. This is perhaps based on the Criminal Practice Direction on section 28²¹ which directs them to consider as relevant, the timings of the section 28 hearing (CrimPD V, paragraph 18E.19) and delay (CrimPD V, paragraph 18E.20) when assessing whether to grant the measure.

Although passage of time is a factor in the quality of a victim's evidence, in respect of 'intimidated' witnesses the main consideration under the legislation is how the measure could alleviate stress which would otherwise impact the quality of the evidence. Even where the section 28 hearing happens later in the process, it is still effective in alleviating fear and stress because it reduces uncertainty. Victims know exactly when they will be giving evidence, with

²⁰ [Evidence in sexual offences prosecutions – Law Commission](#)

²¹ [Special Measures | The Crown Prosecution Service](#) - This information was obtained from the CPS guidance as this practice direction is not available online and therefore my office couldn't view it.

virtually no risk of that date being vacated. Once they have given their evidence, they are very unlikely to have to do it again e.g. in the event of a retrial and they can get on with recovering from what has happened to them. I am also troubled to learn that due to shortages of barristers undertaking this work, they are frequently required to undertake a s.28 hearing when part way through another trial. This does not serve the needs of victims, nor the justice system.

This issue is not a fault of the measure itself, but rather a reflection of wider systemic challenges. Any discussion of inefficiencies associated with section 28 or other special measures in Part 2 of your review should focus on court administration, listing processes, staff shortages, as well as the quality of the technology used to facilitate these measures.

Failure to Provide Reasonable Adjustments

My [2023 Victim Survey](#) found that only 30% of disabled respondents were confident in the fairness of the criminal justice system, only 20% were confident in the effectiveness of the criminal justice system and only 20% were confident they could receive justice by reporting a crime. It is too often the case that the justice system is not tailored to meet the needs of this group of victims, rendering it inaccessible. Disabled people are also less likely to see a justice outcome²² despite the fact they are more likely to be victims of crime²³.

Given this disproportionality, ensuring disabled people can engage with the justice system, is vital. Offenders who target disabled people, often do so precisely because of assumed vulnerability and because they believe they are less likely to be prosecuted. When the system fails to prosecute offenders, it not only fails to protect potential future victims, but it also reinforces these assumptions.

Following my 2023 report, I commissioned a [literature review](#)²⁴. The literature review looks at research into disabled victims' experiences of criminal justice globally. Although many of the findings of the review rely on research conducted outside the UK, the experiences outlined reflect what I have heard anecdotally from disabled victims in the UK. While the majority of disabled victims of crime do not progress to the court stage of the justice process, the review found that those that do are confronted by further barriers:

- Special measures are not consistently accommodated across different courts. For example, screens or video link may not be effectively put in place or facilities may be inaccessible.

²² [Justice for Disabled Victims open letter - Inclusion London](#) & <https://rctn.org.uk/wp-content/uploads/2020/09/Full-Report-Evaluation-of-the-experiences-of-people-with-learning-disabilities-who-report-rape-or-sexual-assault.pdf>

²³ [Disability and crime, UK - Office for National Statistics](#)

²⁴ [Systematic-literature-review-into-Disabled-victims-experiences-of-the-Criminal-Justice-System.pdf](#)

- Courtrooms may be physically inaccessible for some disabled people, such as lifts being out of order or only having stair access to particular areas of the courtroom.
- The language used in court, and the unfamiliar processes are especially difficult for people with learning disabilities to understand, and there is a failure to offer specific support that would make the court process accessible and ensure victims feel supported.
- Deaf victims often face difficulties in accessing interpreters, resulting in delays in setting court dates. Even where interpreters are available, the reliability of translation for deaf victims may be limited by interpreter familiarity with legal jargon.

Ensuring that these needs are identified earlier in the court process, will ensure victims feel more confident throughout their journey in the justice system, are less likely to withdraw, and that unnecessary delays and ineffective trials are avoided.

In Iceland, Rights Protection Officers (RPOs) play a vital role in safeguarding the rights of deaf and disabled individuals. RPOs help facilitate effective communication with police officers and ensure that appropriate procedural and reasonable adjustments are made available during court proceedings²⁵. I believe this is a service we should emulate in England and Wales, giving procedural justice for victims, and efficiency in assessing victims' needs.

Historic underinvestment in important accessibility roles such as intermediaries²⁶ and interpreters continue to cause issues for victims and compounds the court backlog. Although the rates of vacated trials due to the unavailability of interpreters has remained static for years pre-dating the current crisis, with 201 trials being ineffective due to interpreter availability across both magistrates' courts and the Crown Court from April-June 2025²⁷, measures which seek to bolster victim participation such as an uplift in the fees payable to interpreters would see greater availability and therefore, I assume, less trials vacated due to vital assistance being unavailable.

Similarly, the Witness Intermediary Scheme received a total 9,753 requests for Registered Intermediary assistance in 2024, a 6% increase on the previous year. 95.8% of requests for RI assistance were successfully matched, a 6.8% increase on 2023. However, this means that over 400 requests were not matched. While this could be due to the request being cancelled, or the trial being adjourned, it is vital that when a witness requests a registered intermediary, this service is accessible to them.

Witness Summons

²⁵ [‘They Guarantee Understanding Both Ways’: Rights Protection Officers as Facilitators of Access to Justice for Disabled Women](#)

²⁶ [A voice for the voiceless: Provision of registered intermediaries for children and vulnerable victims and witnesses - Victims Commissioner](#)

²⁷ [Criminal court statistics quarterly: April to June 2025 - GOV.UK](#) (accessed 25/09/2025)

In my court report research, I heard cases where victims attempted to withdraw from proceedings due to the impact of delays on their wellbeing. In some cases, victims are advised that if they do not give evidence, they can be compelled to attend by a summons and face arrest if they do not comply. This understandably causes vulnerable victims to feel further distress.

The threat of witness summons should be avoided in all but the most exceptional circumstances. In my report I called for The Crown Prosecution Service to urgently amend their guidance on 'witness summons'²⁸ to reflect that timeliness can affect a victim's wellbeing.

Amended guidance should make clear that the impact of lengthy delays and multiple adjournments on the victim's mental and emotional health must be considered as part of the mandatory risk assessment. Where the victim has a victim advocate, any risk assessment should also seek representations from the advocate. The guidance should also strongly discourage use of a witness summons in circumstances where delay is the only or main factor that has led a victim to withdraw.

This will build trust with the system, rather than cause victims to fear it.

The Court Estate

In Part 1 of your review, you indicated that the Court Estate will be considered further in Part 2. This was related to proposals to consider using community buildings as courtrooms.

There has been a prolonged period of underinvestment in the court estate, including the sale and closure of buildings.

Any review of the court estate must include consideration of measures designed to support all court users including victims and their 'supporters'. These include:

- Accessible court buildings and courtrooms for disabled users.
- A separate entrance for prosecution witnesses.
- Separate waiting rooms that support the work of the Witness Service.
- Access to the building for Witness Service staff, including volunteers, when the court opens to prevent unnecessary delays.
- Facilities to support the use of all special measures, including separate rooms for live links and pre-recorded evidence.
- Sufficient staffing capacity.

It may be necessary to expand the court estate as too many court buildings are currently in a state of disrepair. For example, I am aware Harrow Crown Court has been closed since August 2023 due to the discovery of RAAC. This places additional pressure on an already overstretched system.

²⁸ <https://www.cps.gov.uk/legal-guidance/witnesses>

It is vital that if a community building is used as a courtroom, for non-administrative hearings, it is set up to accommodate the needs of victims and witnesses who may be required to attend. This includes ensuring that the measures cited above are all in place.

These essential requirements must not be overlooked, as without them, the building will be unable to effectively fulfil its function as a courtroom.

Additionally, we have heard many examples of poor communication around listings, which have resulted in Counsel (and others) attending the wrong court building²⁹, it is vital that any increase in capacity is accompanied by considerable improvements in communication across the system, see below.

2. Improve Inter-agency Communication and Case Management

Case management systems

My victim surveys suggest poor communication is perhaps the single biggest issue affecting victims. It was a huge factor in victim dissatisfaction in my report on the court backlog. It is also a central issue in my upcoming 2024 Victim Survey.

Communication issues are exacerbated by perhaps the largest contributor to inefficiencies within the system, namely multiple agencies that are, for the most part, separate but entirely interdependent.

The police, the Crown Prosecution System (CPS) and Her Majesty's Courts and Tribunal Service (HMCTS) each have their own IT systems and their own way of recording outcomes. Although I am aware the Common Platform was developed to ensure smoother case management in the court system, replacing paper-based processes and ageing IT systems³⁰, the platform is reported to serve as a shared document storage facility, rather than a way to track and manage cases³¹. I am aware roll-out has also been difficult and does not appear to have had the desired effect, with each agency still working in silos³².

There are examples of good practice in local areas which exemplify good inter-agency communication, which I hope you are able to identify in your review. These practices must be shared across areas, to ensure collaboration is consistent and not varied by region. There also needs to be systems in place to facilitate sharing of good practice.

²⁹ [Courts in crisis: The struggle for justice in one English town - BBC News](#)

³⁰ [Modernising courts and tribunals: benefits of digital services - GOV.UK](#)

³¹ [HMCPSI-HMICFRS-Joint-Case-Building-Inspection-Report-1.pdf](#)

³² [Progress on the courts and tribunals reform programme - Committee of Public Accounts](#)

I understand that technology and artificial intelligence are in scope of Part 2 of your review. I believe a holistic approach to the case management systems existing across the justice system would enable swifter inter-agency communication, better identification and tracking of victims, and improve the support provided to victims overall.

The advancements in AI should be able to streamline administrative tasks, and free up time for the police, CPS, courts and judiciary³³. This includes how information is shared between agencies, and how records are kept. One of the key issues underpinning poor victim communication is a lack of information sharing between agencies. Information sharing is complicated by the fact the system is made up of separate but interdependent organisations, each with its' own duties towards data subjects. Data protection legislation was never intended to prevent logistical information sharing which could improve inter-agency working and communication with victims.

Single Point of Contact

I previously shared with you my reoccurring research findings regarding the problems victims face relating to communication. My 2024 victim survey, yet to be published, demonstrates this issue is ongoing; for victims facing lengthy waits for their trial date, the lack of communication leaves them feeling forgotten by the system.

I have asked the inspectorates to carry out a joint review of communications with victims to ensure contact is timely, accurate, and trauma informed. They have agreed and I look forward to the outcome.

In a complex system, with multiple agencies involved, victims often do not know where to turn and what each agencies' responsibilities are. As it stands the majority of communication with victims and victim care 'sits' with the witness care units (WCU), located within and staffed by the police. The Government considers these units a 'single point of contact' for victims and witnesses. However, this is not the experience of victims. I have heard of incidents where victims receive no regular contact from witness care, their needs are not adequately assessed, and they are not even kept informed of key logistical details, such as the court date.

Staff in witness care units told my researchers in interviews carried out as part of my court report that they are unable to fulfill their role due to a lack of information, poor IT systems and unmanageably high caseloads³⁴. Staff burn out is high, as the backlog means staff have ever expanding caseloads; one witness care officer informed my team that there were 140 cases pre covid to around 220 cases at the time they were interviewed, a 57.1% increase³⁵. With

³³ [AI-in-our-Justice-System-final-report.pdf](#)

³⁴ [Justice delayed: The impact of the Crown Court backlog on victims, victim services and the criminal justice system - Victims Commissioner](#)

³⁵ [Justice delayed](#)

the teams under such pressure, with little infrastructure to support them, it is easy for victims to get missed, and mistakes to get made.

Communicating listing decisions to victims and witnesses relies on a chain of communication; from the court to the CPS to the WCU and then to the victim or witness. Victims are often the last to know and any failure in any of these communication links undermines the chain and ultimately leads to poor communication.

My court report highlights instances of failures in communicating court listings, which have meant that victims are informed at very short notice that a trial has been vacated or worse that they have only been informed upon arrival at court.

In April to June 2025, 113 Crown Court cases were ineffective due to the absence of a prosecution witness³⁶. Every effort must be made to address this figure, and if this was the result of an administrative error, the solution should be simple, and the issue swiftly addressed – ensure victims are given the correct information as soon as possible.

I want to see investment in and an enhancement of the role of WCUs, ensuring they are equipped with the necessary access, resources, and authority to effectively fulfil their critical function as the central liaison between agencies. This includes having access to systems across agencies, and regular routes to contact with CPS.

Direct contact with the CPS is limited or, for some victims, non-existent which means that legal decision making, or legal processes, and outcomes are explained to victims by non-lawyers. Victims relay confusion about amongst other things, 'charging decisions', 'plea bargains' and decisions to discontinue proceedings. Legal decisions should be explained to victims by lawyers and not relayed via police staff. I explore this further below.

I am also keen to see whether the case co-ordinator role currently being piloted by the MoJ could be extended to ensure that responsibility for communicating listing decisions to victims 'sits' within HMCTS, albeit that the reasons for the decision and next steps should still be communicated by the WCU.

These measures would help ensure that communications with victims are efficient, and administrative errors that lead to delays in the system are avoided.

Transparency

When I speak to victims, it's clear transparency across the justice system matters to them. Technology can support agencies in delivering this

³⁶ [Criminal court statistics quarterly: April to June 2025 - GOV.UK](#) (accessed 25/09/2025)

transparency, supporting victims to remain engaged with the system, without compromising efficiency.

Victims simply want to be kept informed. By meeting this basic need, we can reduce victim attrition. I would like to see victims receive timely updates and automated notifications about the trial process, potentially through an app or SMS. If such a system exists within the NHS, where patients receive notification of appointments and test results via an app, can this be replicated in the justice system? This will ease the administrative burdens placed on agencies, and create a new information source for victims, helping them to navigate the process, and increase awareness of their rights.

During the sentencing hearing, victims are unlikely to absorb the sentence, let alone understand what the sentence means in practical terms. I have long called for victims to have access to sentencing remarks, so that they can absorb the sentence and ask for clarification in their own time. To make this process simpler for victims, these remarks need to be published publicly after trial.

Victim Services

While these technological and logistical developments will take time, evidence repeatedly shows that victim services play a vital role in keeping victims engaged in the justice process. These services can represent victims concerns to criminal justice agencies via advocates e.g. ISVAs, prompt updates, and support victims to understand the justice process.

My [Advocates report](#) found that victims with advocacy support were 49% less likely to withdraw from the criminal justice process³⁷. Similarly, the [London Victims' Commissioner's recent report on victim attrition](#) found engagement with support services leads to a decreased likelihood that a victim will withdraw³⁸.

However, the integral role of victim's services often goes unrecognised by criminal justice agencies. This hinders their work, as when they request information from justice agencies on behalf of victims, they are often ignored. Similarly, advocates are often unable to sit with victims during the court proceedings, despite the support and reassurance this can offer the most vulnerable victims at risk of withdrawing.

For example, a Children's Independent Sexual Violence Advisor (CHISVA) told me of a case where they were not allowed to sit with the child victim in the live link room during the cross-examination process despite the child's repeated requests. It was only when the child had repeatedly struggled during the cross-examination becoming increasingly distressed, that the Judge finally agreed to let their CHISVA sit with them. However, at this point the child

³⁷ [Victim advocates play "invaluable" role in justice system - new research - Victims Commissioner](#)

³⁸ [The London Victim Attrition Review | London City Hall](#)

already felt they had failed to give their best evidence, they felt they had let everyone down including other victims.

It is unacceptable that a child's experience of the system left them feeling they had failed when this simple accommodation could have made a significant difference to that child's ability to participate in the system, to the quality of their contribution to the process and crucially to their wellbeing.

Consideration must be given to how victim services are recognised by justice agencies. Advocates have told my researchers that they felt criminal justice system partners do not consider them as professionals³⁹. These services should be given the recognition they deserve, and justice agencies should work in partnership with them, and at a minimum respond to their queries and requests.

Despite their vital role in supporting victims, victim services currently face an existential threat, with real terms decreases in funding, increases in National Insurance contributions, and growing caseloads due to the increasing court backlog. This is resulting in the reduction and closure of services that act as a lifeline for victims navigating this chaotic system.

While many of the reforms proposed to address the backlog will take time, and money to implement, with no guarantee of improvement, victim services are keeping victims engaged and facilitate communication between victims and criminal justice agencies.

This is why it is essential the Government provides emergency funding to victim services to ensure their survival during the ongoing crisis. The financial investment required is relatively modest, yet it has the potential to deliver substantial long-term savings by reducing victim withdrawal and improving engagement with the justice system.

3. Develop a uniform listing system

I am pleased to see the listing process will be considered in Part 2 of your review. As indicated in my previous letter, not only is listing a source of inefficiency in the system overall, but it is also a source of confusion and frustration for victims.

In April to March 2025, over-listing accounted for 27.8% of ineffective trials at the Crown Court⁴⁰. I realise listing types including 'fixtures', floaters', fixed-floaters', 'backers' and 'warned lists' have been developed to maximise court time and prevent the court idling in the event a trial is vacated, but they are confusing for victims, who are often unsure of whether their trial will take place, and all too frequently these listing types result in multiple adjournments.

³⁹ [Victims-Commissioner-Going-Above-and-Beyond-Mapping-the-Provision-and-Impact-of-Victim-Advocacy-in-the-Criminal-Justice-System-1.pdf](#)

⁴⁰ [Criminal court statistics quarterly: April to June 2025 - GOV.UK](#) (accessed 25/09/2025)

This is particularly problematic in cases involving vulnerable and intimidated witnesses, such as RASSO cases.

In listing practices, there is wide judicial discretion and regional variation. In my previous letter to you I called for uniformity of listing practice across England and Wales, and reductions in over listing.

Court complexes operate, to a large extent, independent of each other and under the direction of a resident Judge. Where a local initiative has been proven to improve listing practices, there is currently no means of disseminating this best practice. It is vital that any effective or innovative practice is shared and scaled up to all courts where appropriate.

This will not only improve efficiency in the court system but also improve the victim experience.

4. The Victims' Voice

In Part 1 of your review, you indicated that several of the areas below may be explored further in Part 2. I believe the following issues warrant your consideration as you examine these areas in relation to improving efficiency in the justice process.

Legal advocates

I want to reiterate my calls for victims of rape and sexual abuse to have access to independent legal advocates, who can help them to understand their rights, the courts process and advise them in making decisions.

Access to legal advocates is essential for victims of rape, not only to safeguard their privacy, but also to help them understand and navigate complex data requests, which often arise during the investigation and sometimes court process. These requests can be intrusive and distressing, and legal advocates play a critical role in challenging unnecessary disclosures. Their presence ensures that victims feel supported throughout the legal journey and contributes to more efficient and fair decision-making.

Legal advocates for victims of rape were included in the Government's manifesto, and the scheme has been [piloted](#) in London since February 2023. This should be rolled out nationally as recommended by the Law Commission⁴¹ as soon as possible.

Charging decisions

In Part 1 of your report, you reference issues relating to overcharging and undercharging of certain offences.

⁴¹ [Evidence in sexual offences prosecutions: a final report – Law Commission](#)

I do not want to see charges being made, only for the case to be dropped at court due to insufficient evidence. This, of course, contributes to delays in the system, and unnecessary disappointment for victims.

However, I do not want to see any focus on overcharging lead to the rolling back of investigation models that have improved the criminal justice response to victims, for example Operation Soteria in respect of rape⁴². These models ensure scrutiny of the offender remains the centre of the investigation, prompts early engagement with the CPS, and ensures victims' rights and needs are central to the process. This improves not only victims' experiences but also inter-agency working and communication. Increased charging in this context should be applauded for the improved work of these teams, and the model should be emulated in other criminal investigations.

Victims also regularly tell me about their confusion regarding charging decisions and the role of CPS. Currently, victims have little direct engagement with CPS. When I have previously raised this with officials, they advised it would lead to inefficiency. However, where a charging decision is made by the CPS, I struggle to see how a short conversation with a victim to explain the charging decision would cause any significant delay in the justice process. What the conversation would lead to is the victim feeling valued by the justice system.

As you consider charging in Part 2 of your report, I urge you to reflect on how victims are engaged in discussions related to charging decisions. It is essential that they feel included in the process and recognised as a priority.

OOCRs

As I have previously stated, to ensure the court backlog crisis is addressed as quickly as possible, the recommendations from Part 1 of your report must be implemented swiftly. The backlog cannot keep growing, as this would ultimately lead to the collapse of the justice system.

However, I must reiterate the need to involve victims in the conversation. For some victims, justice may not necessarily involve a prosecution, conviction and a sentence, and an out of court disposal may be the resolution they are seeking or if not, a resolution that they are content with.

But when criminal justice agencies are considering out of court resolutions, victims must be consulted, their victim personal statement considered, and their views heard. This will ensure victims feel they remain part of the justice process, and they have been listened to.

⁴² Operation Soteria was launched by the Home Office in June 2021 as a core action in the UK Government's End-to-End Rape Review to help deliver the ambition to more than double the number of adult rape cases reaching court by the end of this Parliament [Operation Soteria – Transforming the Investigation of Rape](#) [Operation Soteria Bluestone Year One Report \(accessible version\)](#) - GOV.UK

Remand

In reference to Part 2 of your review, you indicate that remand procedures may be considered. You note the presence of risk aversion within police when determining whether a defendant should be placed on remand. I also acknowledge your recognition of the need to remand certain defendants into custody to protect public safety.

However, with the Government's recent policies to control the prison population causing concern amongst victims, including the 28-day fixed term recall⁴³ I feel as Victims' Commissioner I have to reiterate the importance of ensuring the safety of victims in relation to any remand decisions.

As part of the early release plans, government committed to ensuring violent, sexual offenders would not be released. However, I have been informed of many incidents where victims' abusers have been released, much to their dismay.

In addition, I regularly hear from victims that while an offender is on bail, they regularly breach their conditions, with no consequences. As you know, breaches of bail are not a standalone criminal offence. This leaves victims questioning the effectiveness of the justice system in ensuring their safety. This issue was highlighted in the [Centre for Women's Justice's super complaint](#)⁴⁴.

In making decisions regarding placing a defendant on remand, the views of the victim and risk must be factored. Adequate action must also be taken if bail conditions are breached, to ensure victims' safety.

Conclusion

The criminal justice system is entirely dependent on victims remaining engaged in the justice process. Any consideration of efficiency must, first and foremost, take into account the needs of victims. Efficiency and victims' rights are not in conflict; rather, they are mutually reinforcing. A system that prioritises victims and procedural justice is more likely to be effective, trusted, and sustainable.

Change takes time, and it is therefore vital in the meantime that procedural justice, and support for victims remains the priority.

If you need any further information from me, please let me know.

As these issues are of interest to so many victims, I am placing a copy of this letter on my website.

⁴³ [Victims' Commissioner raises concerns over early release changes for recalled offenders - Victims Commissioner](#)

⁴⁴ [Super-complaint_report.FINAL.PDF](#)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Helen', followed by a long, sweeping horizontal flourish.

Baroness Newlove LLD (hc) DCL
Victims' Commissioner for England and Wales