

Ed Humpherson, Director General, Office for Statistics Regulation
By email, 14 February 2025

Dear Ed Humpherson,

We are writing to you with concerns about the lack of official statistics on legal representation in Magistrates' Courts in England and Wales. We have had little success raising these concerns with statistics producers, and are now asking you to intervene.

There is a significant unmet need for data on how many people appear in Magistrates' Courts without legal representation. It is a crucial measure of access to justice.

Research by Transform Justice found that [judges and prosecutors have warned](#) that unrepresented defendants are less able to put the best defence forward. The Magistrates' Association has reported that [90% of magistrates surveyed](#) felt that unrepresented defendants risk having a negative impact on the court process. Reliable information on representation status is also required to understand the impact of legal aid reforms.

Many other stakeholders have called for the Ministry of Justice to publish statistics on representation in the magistrates' courts. These recommendations date back many years and include the [Lammy Review](#) in 2017 and [calls from the Justice Committee](#) in 2021.

We ask that you encourage the Ministry of Justice to publish experimental statistics on:

1. The number of unrepresented defendants in Magistrates' Courts
2. The number of defendants with and without representation, broken down (jointly) by demographic information, court, and offence.

It is our understanding that the MoJ should be able to produce such statistics. The new courts case management system, Common Platform, [records representation status](#) for Magistrates' Courts cases, and has been live in every criminal court in England & Wales since August 2023. The MoJ has also supplied representation data [in response to a Parliamentary Question](#).

As you know, the refreshed Code of Practice for Statistics places a new emphasis on user engagement; we hope you agree that these statistics, for which there is a clear and long-standing need, should be a priority for development.

Thank you for your attention.

Yours sincerely,

Anna Powell-Smith, Centre for Public Data

Penelope Gibbs, Transform Justice

Emma Snell, JUSTICE

Paul Allin, Royal Statistical Society Honorary Officer for Public Statistics