

Matt Ford  
Matt.Ford@crimeandjustice.org.uk

data.access@justice.gov.uk

19 March 2020

Dear Mr Ford,

**Freedom of Information Act (FOIA) Request – 200220015**

Thank you for your request dated 20 February 2020 in which you asked for the following information from the Ministry of Justice (MoJ):

**Could you please tell me what progress has been made on establishing a system which records homicide cases brought under the joint enterprise doctrine which can enable regular statistics on joint enterprise to be produced, as recommended by the House of Commons Justice Committee in the Fourth Report of Session 2014-15, Joint Enterprise: follow-up report?**

**If it has been established, does it record:  
the number of cases in which any joint enterprise prosecutions are brought for murder and manslaughter?  
the number of defendants in each case charged as primary and secondary participants?  
the number charged with each offence and with lesser offences?  
the number of prosecutions which result in convictions for each offence as a primary or secondary offender?  
the number of appeals brought against conviction and/or sentence and the number of those which are successful?  
a breakdown by age, ethnicity and gender of those prosecuted?  
Further, has the Ministry of Justice commissioned research to produce this information retrospectively from case management files for the five years prior to the publication of the Justice Committee's report in 2014?**

Your request has been handled under the FOIA and the answer to your questions should be covered in the response below.

The Ministry of Justice only collects information on how many defendants are prosecuted and convicted for each offence in any given year. Information is not collated centrally on whether a prosecution or conviction relied on the law of joint enterprise, a common law doctrine that would apply to all offences.

The Department is considering whether it would be possible to collate this data as a result of wider digitalisation taking place within the HM Courts & Tribunals Service as part of its Court Reform Programme. Specifically, consideration is being given to whether this data could be collated as part of the Common Platform, a criminal justice digital case management system, which will bring together all the relevant information about a criminal case from beginning to end. It will ultimately replace many existing HMCTS systems, and enable access to relevant

case information for the Crown Prosecution Service, police, other prosecutors and defence practitioners. The Common Platform case management system will be trialled in a small number of locations in England and Wales later this year.

### **Appeal Rights**

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

[data.access@justice.gov.uk](mailto:data.access@justice.gov.uk)

Disclosure Team, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Polly Newman  
Criminal Courts Policy

Matt.Ford@crimeandjustice.org.uk

data.access@justice.gov.uk

Date 1 October 2020

Dear Mr Ford,

**Freedom of Information Act (FOIA) Request – 200904033**

Thank you for your request received on the 4 September 2020, in which you asked for the following information from the Ministry of Justice (MoJ):

**Further to my request 200220015 on 20 February 2020, could you confirm whether the Ministry of Justice has decided to include information about whether a prosecution relied on the doctrine of joint enterprise in the Common Platform digital case management system currently under development? ...Is the Common Platform still due to be trialled in four pilot areas at the end of this year? In which areas is the trial taking place?**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds the information that you have requested and I have provided it below.

The Common Platform (CP) is being rolled out nationally across England and Wales from September 2020 initially at Early Adopter sites starting with Derby and Chesterfield Magistrates Court and Derby Crown Court. Derby and Chesterfield will be followed by other regionally Early Adopter sites as follows (order still to be confirmed):

- Bristol Magistrates' Court and Bristol Crown Court
- Guildford Magistrates' Court / Staines Magistrates' Court and Guildford Crown Court
- North Tyneside, Mid and South-East Northumberland, Newcastle and Berwick Magistrates' Courts, and Newcastle Crown Court
- Warrington Magistrates' Court and Chester Crown Court
- Croydon Magistrates' Court and Croydon Crown Court
- Llanelli Magistrates' Court and Swansea Crown Court

Common Platform will record progress and outcome of a criminal case from the start of prosecution to sentence, appeal etc. This will include circumstances where two or more defendants are charged with the same offence. However, there will be no means to specifically capture data on whether the prosecution have relied on the doctrine of joint enterprise in presenting their case, which is also the current practice for both HMCTS and CPS.

## **Appeal Rights**

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

[data.access@justice.gov.uk](mailto:data.access@justice.gov.uk)

Disclosure Team, Ministry of Justice

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

**Ian Matthews**

Common Platform | HMCTS Crime Programme / Courts & Tribunals Development  
Directorate (main switchboard telephone number: 020 3334 3555)



Ministry  
of Justice

Disclosure Team  
Ministry of Justice  
102 Petty France  
London  
SW1H 9AJ

Matt.Ford@crimeandjustice.org.uk

data.access@justice.gsi.gov.uk

18 June 2021

Dear Mr Ford

**Freedom of Information Act (FOIA) Request – 210524032**

Thank you for your request dated 24 May 2021 in which you asked for the following information from the Ministry of Justice (MoJ):

***Further to the response to my request 200904033 on 1 October 2020, could you tell me whether there have been any updates? I.e. could you confirm whether the Ministry of Justice has decided to include information about whether a prosecution relied on the doctrine of joint enterprise in the Common Platform digital case management system currently under development?***

Your request has been handled as a request for information under the Freedom of Information Act 2000.

I can confirm the MoJ holds all of the information that you have requested which is provided below.

As you have indicated, you asked a similar question in October 2020, to which our response was:

*Common Platform will record progress and outcome of a criminal case from the start of prosecution to sentence, appeal etc. This will include circumstances where two or more defendants are charged with the same offence, however there will be no means to specifically capture data on whether the prosecution have relied on the doctrine of joint enterprise in presenting their case, which we understand is also the current practice for both HMCTS and CPS.*

We can confirm that the circumstances have not changed since then. Where a case on Common Platform involves one or more joint offenders, it will appear on the same Unique Reference Number (URN) with the outcome for each defendant being resulted in accordance with the finding of the court, and this will include the conviction.

Common Platform includes the capability for judges to record their reasons for the decision, however there is no defined prompt for joint enterprise. If there was to be an appeal against the conviction/sentence, Common Platform caters for those reasons to be available as part of the case materials for the appeal court.

More information on Common Platform can be found here:

<https://www.gov.uk/guidance/hmcts-services-common-platform>

For your information, since your last request in October 2020 we have now rolled out to all seven Early Adopter sites and since March 2021 we have also commenced national roll out of Common Platform in Magistrates' Courts and Crown Courts across England and Wales. Common Platform is now live in 57 courts (16 Crown Courts and 41 Magistrates' Courts).

You can find out more about criminal courts as they go live here:

[HMCTS Common Platform: participating criminal courts - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/hmcts-common-platform-participating-criminal-courts)

## **Appeal Rights**

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

[data.access@justice.gsi.gov.uk](mailto:data.access@justice.gsi.gov.uk)

Disclosure Team, MoJ, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely,

HMCTS Strategy and Change Directorate