Judiciary of England and Wales

Domestic Abuse Best Listing Practices Guidance

Executive Summary



Overview

The Domestic Abuse Best Listing Scheme provides an expedited listing and case-management pathway for suitable domestic abuse cases in the Magistrates' courts and Crown Court. It operates within the existing National Listing Framework and uses established court procedures to support the fair and timely resolution of cases. Inclusion in the Scheme does not determine a case's Priority Tier, which must continue to be decided in accordance with the Practice Direction on Listing in the Criminal Courts.

The Scheme is intended to reduce avoidable delay, provide greater certainty for victims and defendants, and support effective use of criminal justice resources. Its success depends on early identification, proper preparation, robust judicial case management and consistent collaboration between the Police, Crown Prosecution Service, Defence, HMCTS, Probation and the judiciary. All are expected to make every hearing count, identify and resolve issues proactively, communicate effectively and provide valid reasons for any adjournment.

This guidance will apply to all cases falling within the Scheme charged on or after 4 January 2027.

Cases within the Scheme

The Scheme applies to suitable domestic abuse cases involving a single defendant. In the Magistrates' courts, it applies to all otherwise relevant cases, whether the defendant is on bail or remanded in custody, and trial length does not determine eligibility. In the Crown Court, it applies only where the defendant is on bail and the anticipated trial will last no more than three days, excluding jury retirement time.

Relevant offences may include violence, controlling or coercive behaviour, breaches of protective orders, harassment and stalking, public order offences, criminal damage, specified financial or other domestic abuse-related offending, and certain forms of image-based abuse. Sexual offences, cases involving more than one defendant, custody cases and Crown Court cases expected to last more than three days are excluded.

The judiciary retains discretion to include or remove a case where appropriate. A case may be brought within the Scheme at the first appearance in the Magistrates' court or at the PTPH if its domestic abuse context becomes clear at that stage. Suitability must remain under review throughout the proceedings, particularly where complexity or the volume of evidence may make expedited case management inappropriate. Where a case is sent from the Magistrates' court to the Crown Court, its eligibility for continued inclusion must be reassessed against the Crown Court criteria.

Early identification and preparation

The Police must apply the correct domestic abuse and vulnerability markers on the Common Platform when a suitable case is charged. The CPS must also identify suitable cases at the pre-charge or charging stage and allocate a specific lawyer. The Police and CPS should maintain an ongoing dialogue to ensure that cases are identified and flagged consistently.

Where a suitable case has not been identified before charge, the Bench or legal adviser should ensure that it is flagged and included when appropriate. Defendants must be informed that their case is within the Scheme, and this must be recorded on the PET form and the Common Platform.

Magistrates' court

The Scheme applies to all otherwise relevant cases proceeding in the Magistrates' court, whether the defendant is on bail or remanded in custody. A case should not cease to be included solely because the defendant is remanded in custody during the proceedings.

The first hearing is a substantive case-management hearing rather than a formality. The parties must be prepared to address plea, allocation or sending, the issues in dispute, witness requirements and any outstanding applications. If the case remains in the Magistrates' court, the PET form should be completed and a trial date fixed. Every effort should be made to list the trial within 8 to 12 weeks of the first hearing.

Where a case is sent to the Crown Court, the parties must assist the court in completing a comprehensive BCM form. This should clearly identify the issues in the case, victim vulnerability, anticipated special measures, outstanding disclosure and the expected timetable for service.

Crown Court

In the Crown Court, the Scheme applies only to otherwise relevant cases where the defendant is on bail and the anticipated trial will last no more than three days, excluding jury retirement time.

Scheme arrangements should be reflected in each participating Crown Court centre's Court Listing Plan. The PTPH should take place within four weeks of sending. The court should identify the real issues, allocate the appropriate Priority Tier, determine whether the trial should have a Fixed or Flexible Date, and consider whether judicial continuity, early reservation or a PTR would assist.

The CPS must serve the indictment and the balance of its case seven days before the PTPH. Where controlling or coercive behaviour is charged, the CPS must provide a detailed addendum identifying the personal connection, the alleged controlling or coercive acts, the serious effects relied upon and the supporting evidence.

Any Crown Court trial should be concluded within 12 to 14 weeks of the PTPH. A PTR should be used where judicial intervention is likely materially to assist trial readiness, resolution or effective case management. Applications, witness arrangements, victim attendance, special measures, evidential issues and prospects of resolution should be addressed before the trial date wherever possible.

Victim safety and participation

Victim safety and protection are fundamental to the Scheme. The defendant's bail or custody status, any bail conditions where applicable, and other protective measures must be considered at every relevant stage. The Police and CPS should keep victims informed, monitor engagement and identify support needs, including the need for specialist services.

A Victim Personal Statement is voluntary and should be addressed sensitively and responsively. Vulnerability, special measures and relevant information from IDVAs or ISVAs should be recorded on forms where appropriate. Whenever proceedings conclude, the CPS should consider applying for protective measures, and the court should enquire whether such measures are sought.

Operational expectations

In practical terms, the Scheme requires:

- accurate identification and flagging from the outset;
- continuity of case ownership and representation where possible;
- early service of evidence and applications;
- comprehensive completion of PET, BCM and PTPH documentation;
- active monitoring of victim engagement and support needs;
- rigorous scrutiny of adjournment requests;
- timely resolution discussions between the parties;
- readiness to sentence promptly following a guilty plea; and
- continued judicial oversight of whether the case remains suitable for the Scheme.

The overriding objective is not simply to list domestic abuse cases more quickly, but to resolve appropriate cases fairly, safely and effectively through early preparation, clear accountability and robust case management.

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