



HM Courts &  
Tribunals Service

# Remote hearings - driving efficiencies and flexibility in the court room, England and Wales

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# Introducing Remote Hearings

His Majesty's Court and Tribunal Service commenced upon a £1billion reform programme in 2016 with the aim of modernising the Courts and Tribunals, creating efficiencies and improving the experience for users. The Video Hearings service was created as a pinnacle area of reform, allowing all users across all jurisdictions to attend hearings remotely.

The mode of hearing is a matter for judicial discretion to be determine on a hearing-by-hearing basis. Judges, magistrates, and tribunal panels will consider what is in the best interests of participants (including vulnerable people, defendants, and witnesses) and whether a remote hearing using the VH services is a suitable platform from which to conduct the hearing.

Before a video hearing takes place, a judge is likely to consider, amongst other things:

- the details of the case
- the nature and complexity of the hearing
- any information participants may have provided that could affect the hearing taking place by video

The Video Hearings service is a bespoke, purpose-built service that has been designed in partnership with the Judiciary and in collaboration with stakeholders to ensure it meets the needs of all users.

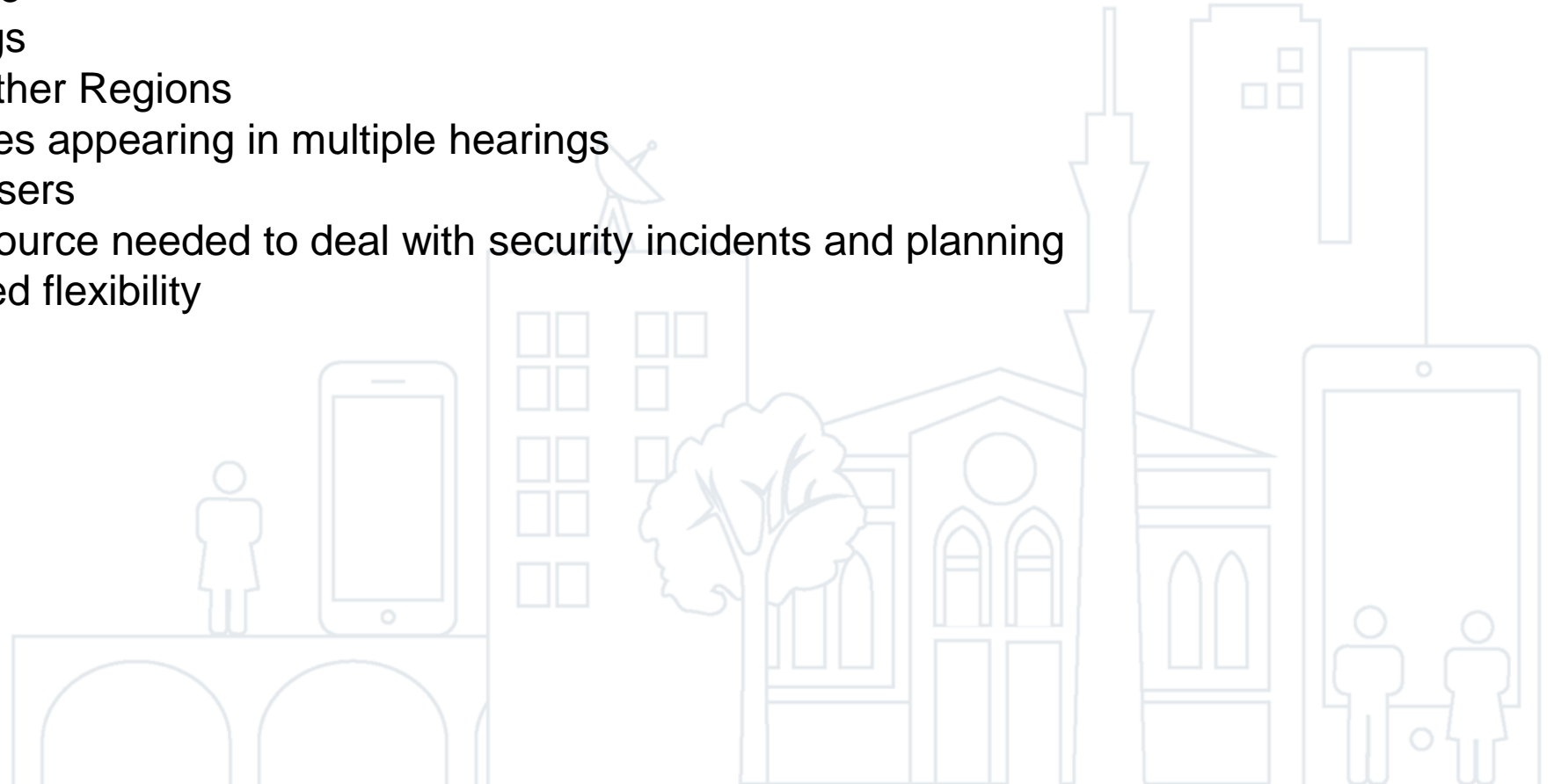
To keep justice going during the Pandemic, HMCTS rolled out an 'off the shelf' videoconferencing solution known as the Cloud Video Platform, with the video engine provided by Pexip. At this time, the VH Service was not sufficiently mature to scale at pace to a national service. Some jurisdictions also used and continue to use MS Teams for hearings.

Over the past 3 years, the VH Service has expanded into 16 sites across the Civil, Family and Tribunal jurisdictions. More recently we have started testing in the Criminal jurisdiction with national roll out planned to commence from the summer of 2024.

# Benefits to Remote Hearings (Flexibility and Efficiency)

There are a multitude of benefits to a hearing being held remotely – some examples are detailed below:

1. Prisoners do not have to travel to the Court
2. Efficient use of Estate
3. Reduction in backlogs
4. Judges supporting other Regions
5. Benefits for Advocates appearing in multiple hearings
6. Benefits for Public Users
7. Less money and resource needed to deal with security incidents and planning
8. Hearings can be listed flexibility



# Legislation - Criminal Jurisdiction



[Sections 51 to 56 of the Criminal Justice Act 2003](#) (CJA 2003) allow for those taking part in criminal proceedings to do so remotely using 'live links' where it is in the interests of justice to do so. These provisions have been significantly amended as of 28th June 2022. Separate powers are available in respect of extradition proceedings under [sections 206A to 206C of the Extradition Act 2003](#).

The court may make, vary or rescind a live link direction of its own volition or an application by a party to the proceedings. A party may only apply to vary or rescind a direction if there has been a material change of circumstances since the direction was given or last varied ([section 52\(1\) and \(6\) CJA 2003](#)). In deciding whether to make, vary or rescind a live link direction, the court must consider ([section 51\(5\) and \(6\)](#) and [section 52\(5\) CJA 2003](#))

In March 2020, the Coronavirus Act introduced temporary provisions to extend the circumstances in which live audio and video links can be used in criminal proceedings. The 2020 Act expired in March 2022, and these provisions have been included in the Police, Crime, Sentencing and Courts Act 2022 with effect from 28th June 2022. The prohibitions and limitations on the use of video and audio hearings imposed by the 2020 Act have been shown to be unnecessary and these have since been repealed. The new measures recognise the importance of allowing courts greater flexibility in how audio and video technology is used both now and in the future.

Section 51 Criminal Justice Act 2003 (as substituted by the Police, Crime, Sentencing and Courts Act 2022 with effect from 28 June 2022) enables courts to require or permit a person to take part in eligible criminal proceedings through a live link (“a live link direction”), including at preliminary hearings, trials (whether summary or on indictment), sentencing, appeals and other identified types of hearing (see section 51(3)). 2. This statutory guidance is provided by the Lord Chief Justice pursuant to section 51(5) of the 2003 Act. It should be read with the Act, Criminal Practice Directions 3N: Use of live link and telephone facilities and the extracts from the Equal Treatment Bench Book that deal with live links.

## Legislation – Civil, Family and Tribunals



Practice Direction 23A supplements the Civil Procedure Rules, Part 23 and under para 6.1 permits for a hearing to be held in person, remotely or partially remotely, in accordance with arrangements or required under any enactment.

### Remote Observation

From 28th June 2022, courts and tribunals have had the powers to allow the media and other members of the public to observe hearings remotely. s198 of the Police, Crime, Sentencing and Courts Act 2022 inserted s 865A into the Courts Act 2003 with the regime being implemented by the Remote Observation and Recording (Courts and Tribunals) Regulations 2022. These provisions repeal and replace temporary regulations that permitted remote observations of hearings during the Pandemic.

# Features and Functions of the Video Hearing Service



The video hearing service is designed so that HMCTS staff can book fully remote or hybrid hearings which may require a timed slot with one or more participants and/or multi day hearings.

Feature	Note
Court rules and Declaration 'Do Not Record' included in the user journey	Court rules explained to the participant before entering the hearing and requires a participant to digitally sign a declaration to show they have understood the rules. This removes the need for the Judge or Clerk to verbally explain the Court rules within the hearing, saving time.
The recording of proceedings	Participants will see a warning that the hearing will be recording in the waiting room. In the VH waiting room, the judge can see whether the hearing is being recorded or not. VH recordings are available to HMCTS staff for retrieval when a request has been received from a participant / general public/ media. Recordings can only be provided with Judicial approval. This introduces efficiencies within the administration of hearings as recordings do not have to be processed by Operational Staff.
Participant journeys	The service is designed with different participant roles that of a : Judge, panel member, lawyers, witness, interpreters, court users, with links for prisons for custodial cases, public observers and media reports. These user groups therefore receive a tailored user experience based on their needs, reducing contact with HMCTS to request support.
Participants can join audio only from telephone	VH is accessible from iPads and smartphones/other tablets. By default, VH also anonymises participants joining via telephone, by displaying their telephone number as a set of asterisks followed by the last 2 digits of their number. If the Judge is content with a participant joining using the telephone, this allows for the hearing to go ahead reducing backlogs and waiting times. It also introduces flexibility for the user in their choice of how to access and engage with their hearing.
Guidance embedded in user journey and self test	VH guidance is available on the internet and forms part of the user journey. VH has a camera and microphone check, and an inbuilt connectivity check which is performed while an orientation video plays to the user.
Private waiting area	VH has a waiting room for each hearing, which also shows information about the hearing (e.g., time, hearing status, other participants). VH provides consultation rooms that can be used by participants directly from the waiting room either pre or post the video hearing.

# Features and Functions of the Video Hearing Service continued...



Feature	Note
Judge/Panel/Participant consultation room	VH provides a consultation rooms within the platform which can be used for Judges to consult with Panel Members, or for participants to hold conversations before the hearing, during pauses and after the hearing has concluded. Once the hearing starts or resumes, participants are automatically pulled into the hearing from consultation rooms. This allows for all participant interaction to take place on the service, removing the need for users to move between devices/services), or for participants to travel to be together for in person consultations.
Audible alert and countdown prior to hearing start	Alerts user to the fact the hearing is about to start and allows user to prepare themselves to be brought into the hearing. This mitigates against any delays which might occur if users are distracted/are not ready to appear.
Changes to participants can be added at any time	Participants, including Judges, can be changed or added at any time, including after the hearing start time. This design accommodates last minute changes to the hearing without the hearing needing to be adjourned to wait for the Judge or Participant to travel to the Court or Tribunal. It also allows for efficient use of Judge resource – if a Judge needs to be found at short notice, a Court can seek support from outside the Circuit.
Start of a hearing	When the judge or clerk presses ‘start hearing’ all participants, except for those joining as a witnesses to the case are pulled into the hearing. Ushers and/or Clerks do not have to search the Court and Tribunal buildings for participants to inform them that their hearing is starting. The Judge and Clerk can see from the participant list who is signed in and ready to join the hearing, they can therefore make informed decisions about when to start the hearing.
Interpreter supported – multi language simultaneous translation	In VH there is currently 1 room for 1 client and 1 interpreter to be present. The enhancement of this feature is subject to further technical development