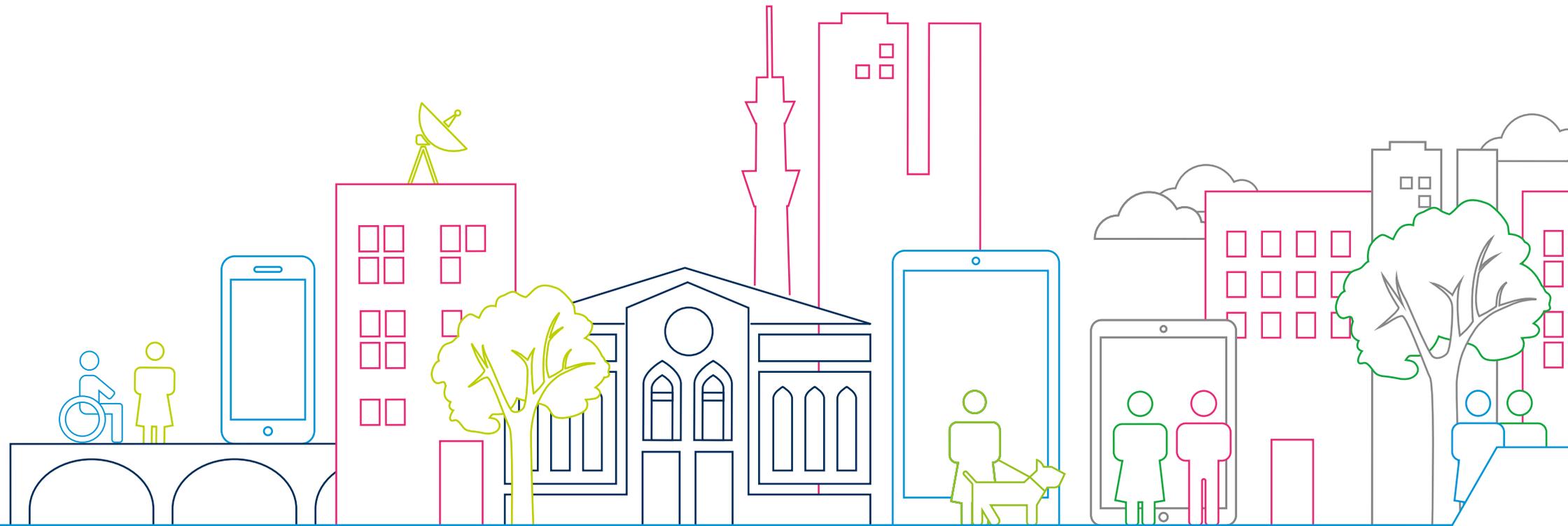




HM Courts &  
Tribunals Service

# Vulnerability Action Plan

October 2021 Update



Justice matters

## Background and our approach

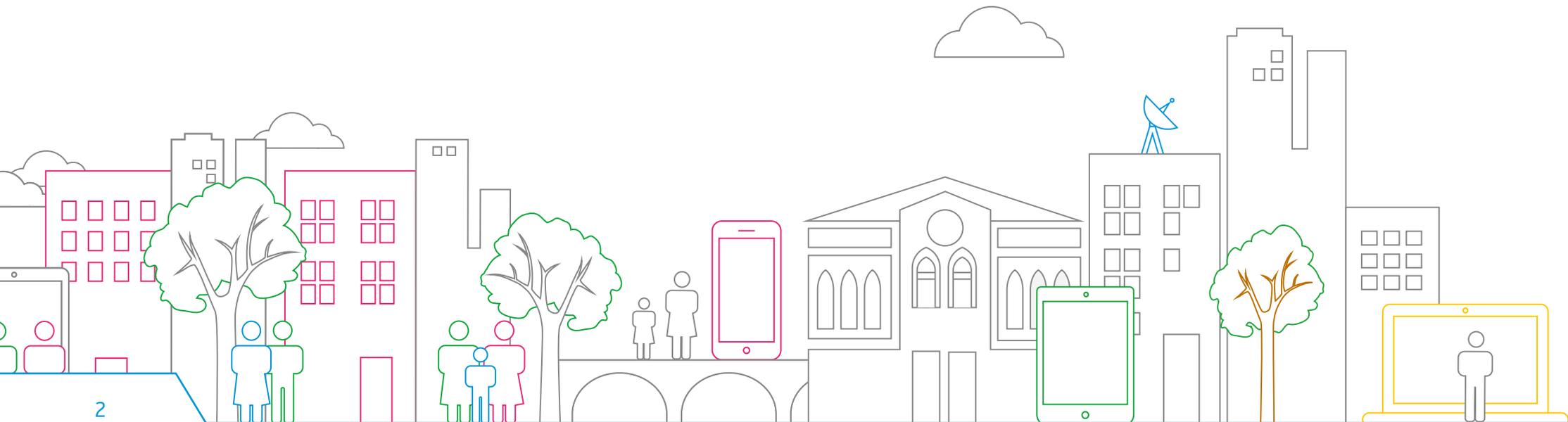
We changed the way courts and tribunals work so they continued to run safely during COVID-19. During this time, it was important that vulnerable people could continue to access the justice system. For us, that meant ensuring court and tribunal users could take part and engage with our new ways of working without being disadvantaged or discriminated against.

We focussed on identifying and understanding any impacts for our vulnerable users as a priority and worked to clarify what we needed to do to support them. We put in place processes to understand the actual and potential impacts on our users and created the 'Vulnerability Action Plan' to coordinate work. We reviewed our approach and put in place help or alternative solutions where possible for our users.

In our HMCTS Recovery Plan we identified four main priority areas to help support vulnerable users during COVID-19:

- Vulnerable people have the **support** they need to access and participate in court and tribunal services
- Services are **accessible** for vulnerable users during COVID-19
- **Signposting** which meets the needs of vulnerable people
- Collate evidence and **identify COVID-19** impacts on court and tribunal users.

We used research with our vulnerable users and feedback from staff to add actions to our plan. We also talked with our Public User Engagement forums and other stakeholders to review and inform our plan.





## What we've done so vulnerable people have the support they need to access and participate in court and tribunal services

### Cross jurisdictional

- Set up a remote hearings technical support line for professional and public users
- Introduced a new process for remote hearings so intermediaries, spoken and non-spoken interpreters can provide services to support users
- Designed and introduced a technical solution to protect vulnerable users in fully videoed hearings using Cloud Video Platform. This prevents users seeing each other while still being able to see the judge and legal professionals
- To help our staff to improve their knowledge and confidence in supporting remote hearings we produced guidance:
  1. to answer questions by phone from users, training call handlers to know about assistive technologies and how to support users to access remote hearings
  2. on how to set up a test clinic for users who have technical difficulties with Cloud Video Platform. This allows issues to be addressed in advance of hearings
- Updated and improved guidance on GOV.UK to prepare users and reassure them about coming to a court or tribunal or giving evidence during COVID-19

### Crime

- Made it possible for vulnerable victims and witnesses to give pre-recorded evidence at all Crown Courts (section 28 roll out). Expanded the pilot of this special measure to a further four courts for a subset of intimidated victims and witnesses including cases involving sexual violence and modern-day slavery
- Ensured Liaison & Diversion, intermediaries, solicitors, interpreters and other supporters could be accommodated to support vulnerable defendants
- Worked with the court-based Witness Service to ensure witnesses were supported during COVID-19 by moving from in person meetings to a telephone service, where witnesses could still receive information on what to expect when they visited court. Communication was also increased on GOV.UK and social media channels explaining what COVID-19 safety provisions were in place for witnesses
- Trained enforcement teams to identify and respond to vulnerable user needs and send information about support available with enforcement letters

### Civil, Family and Tribunals

- Improved information for victims of domestic abuse, including new leaflets on how to apply for an emergency non molestation or occupation order without the other party being aware, and providing details on what happens after a non-molestation or occupation application is submitted
- Created a new process for supporters to join remote hearings and published guidance on GOV.UK
- Continued to facilitate a remote Digital Support pilot for people needing assistance to access online services who cannot access it face to face.



## What we've done to ensure services are accessible for vulnerable users during COVID-19

### Cross jurisdictional

- Published a range of information and guidance on GOV.UK, including step by step user instructions on joining remote hearings directly, and how to get support
- To help our staff to improve their knowledge and confidence in supporting vulnerable users, we produced guidance:
  1. to help staff assess equality impacts of changes they are making in response to COVID-19
  2. on effective communication with people wearing face coverings to support users with disabilities who rely on lip reading or seeing someone's face clearly to communicate
  3. on the use of plexiglass and polycarbonate screens in our buildings, to specifically consider the needs of users with disabilities
  4. to support users with disabilities who join remote hearings
  5. on all aspects of Cloud Video Platform to support users joining remote hearings

### Crime

- Created a remote link site booking process and agreed a cross Criminal Justice Service protocol and roles and responsibilities to support preparation for hearings
- COVID-19 safe operating process developed for remote link sites for vulnerable victims and witnesses to give pre-recorded evidence (section 28)
- Developed a process to safely resume jury trials during COVID-19, becoming one of the first global jurisdictions to do so
- Produced guidance to help staff support jurors with disabilities

### Civil, Family and Tribunals

- Introduced a new form filling reasonable adjustment service to support Social Security and Child Support users with disabilities

### Crime and Family

- Produced staff guidance on providing special measures during COVID-19 for criminal and family hearings



## What we've done to introduce signposting which meets the needs of vulnerable people

### Cross jurisdictional

- Through engaging with our Public User Engagement (PUE) groups and conducting research to understand user needs, we have reviewed support options and improved the way we signpost people to the support that will help them
- Produced staff guidance and training to ensure we meet the needs of users at risk of harm

### Civil, Family and Tribunals

- Enabled our contact centres to provide details of the 'Support Through Court' phoneline so our users can get additional support for civil and family cases
- Improved GOV.UK information for domestic abuse victims on getting an injunction and how to get help to apply online



## What we've done to collate evidence and identify COVID-19 impacts on court and tribunal users

### Cross jurisdictional

- Started collecting protected characteristics (equality) data for our users. In Reform services this is requested as part of the application or response and for remote hearings it's in a feedback survey
- Started to analyse our own data to understand if there were any changes in those using our services because of COVID-19 and national restrictions
- Worked with external organisations including the third sector and academics to understand the impact of COVID-19 on vulnerable users and get early evidence of impacts on them. This included a survey with our Public User Engagement Group members asking about the support services they offer and impacts of COVID-19 on our users
- The Legal Support team in the Ministry of Justice has worked to better understand changing legal advice needs, along with the demand for advice and support from third sector services
- Continued engagement with external stakeholders to gather feedback on new guidance, products and processes and to understand challenges users experience

- Carried out research to understand the needs of people at risk of harm and our current service to identify ways to improve it
- Implemented review of remote hearings, which included observing hearings and interviewing participants. This informed improvements we made to the way we facilitate remote hearings such as enabling simultaneous interpretation in Cloud Video Platform hearings and improved layout options for British Sign Language (BSL) interpreters and intermediaries
- Conducted work to understand and evaluate remote hearing practices implemented during COVID-19 and make recommendations for use of remote hearings in the longer term. The findings of the evaluation will inform our use of audio and video technologies, helping us to address issues around user experience, staff administration and support for hearings, technology and Audio Visual (AV) quality standards

### Crime

- Assessment of Temporary Operating Hours (COVID-19 Operating Hours) pilot to inform the design of the policy, including undertaking Public Sector Equality Duty considerations and public consultation

## Looking to the future

We're now developing and extending this essential work into a longer-term Vulnerability Action Plan for HMCTS which we will publish on GOV.UK.

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This will support our aim to make the courts and tribunals accessible for all, including our most vulnerable users so they can take part and engage with our services effectively.

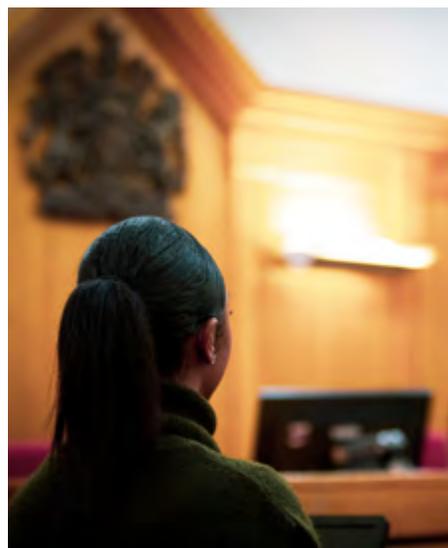
We'll support vulnerable users as we deliver services during COVID-19 recovery and in our future reform work<sup>1</sup>.

We're also developing ways to define and measure access to justice. This will help us understand issues in the same way across HMCTS and the Ministry of Justice.

We will keep talking with external stakeholders and partners and through our Public User Engagement Groups to get feedback and understand issues.

If we find negative impacts on vulnerable people using our services, we'll take steps to fix them.

As we do this, we'll work in partnership with staff in the Ministry of Justice and other government departments when needed.



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<sup>1</sup> <https://www.gov.uk/guidance/the-hmcts-reform-programme>



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