



HM Courts &
Tribunals Service

HMCTS Reform Online Event

Use of remote hearings to maintain justice during the coronavirus outbreak webinar Q&A



Technical/support/IT questions

What equipment is required to participate in a remote hearing?

Q: What equipment is required for a remote hearing?

You can use any device which can connect to the internet with a modern browser, and has a camera and microphone. The minimum internet upload speed is 500kbps, but preferably users will have a minimum of 4Mb/s upload speed to get the best quality. There is [guidance on gov.uk](#) on setting your CVP bandwidth when you join a hearing to get the best performance from the internet bandwidth that you have.

Q: If CVP is compatible with most browsers, why does your guidance promote Google Chrome?

We promote Google Chrome as it provides the full range of CVP functionality. Google Chrome and Edge Chromium provide full functionality, as does Firefox. Safari does not allow full screen sharing (only .pdfs and images), and Internet Explorer does not work at all. Chrome does not work on iPads, but does on Macs. Users can also join with Skype and Teams, but we would advise if possible to join through Chrome or Edge Chromium for full functionality.

Q: Does CVP work on a Macintosh computer?

Yes, but please refer to the [guidance](#) on browsers as this will affect the functionality of CVP.

Q: Can you provide a link so we can test joining a CVP hearing?

There is a test link built into CVP. Users can Enter “test_call” as the Conference Alias or URI when they join a CVP room, in the first dialogue box, or go to the Guest Page (see hearing invite), where they can click on a link. Guidance is available online at:

[Public guidance for joining a CVP meeting \(on gov.uk\)](#)

Q: Does CVP work with 3G or 4G connections, or does it need broadband?

CVP will work over 4G, but users should be aware that they need 4Mb/s upload and download speed for the best experience. This may be costly, even if they are able to get this bandwidth.

How do you avoid/mitigate computer, equipment or system failure?

Q: Have the issues regarding jerky playback when using CVP been sorted?

While we understand that jerky playback is frustrating, it is due to participants not having the enough bandwidth, and therefore not video engine specific. There is, however, some work in progress right now to optimise the network that courts use for CVP, so that they get the best bandwidth and thus experience for users in the courtroom. Users should also set their CVP bandwidth appropriate to their internet speed. [Guidance](#) is available on this on gov.uk.

Q: I have had bad experiences with court microphones – what are you doing to make sure this doesn't continue?

Our Digital Support Officers (DSOs) are available to support hearings, and have been asked to check all the microphones, ensure they are positioned properly, and replace any broken ones. We have discovered that, in some cases, microphones are just switched off, unplugged, or pointing away from the person they are supposed to be picking up.

Q: Are you aware of any issues through BT MeetMe with 0330 numbers? We have recently experienced problems.

We are not aware of any issues, but would like to hear from users who have experienced them so we can remedy. Please contact us on changesomethingthatmatters@justice.gov.uk.

Q: What are you doing to make sure there is better Wi-Fi and bandwidth provided within court buildings, as CVP will not work without these?

As part of the HMCTS Reform programme, we have upgraded the Wi-Fi in all our CFT, Crown and Combined courts. Only 75 Magistrates Courts are still to be upgraded, and in those courts, we advise users to connect to the DOM1 network using a purple cable where they can.

Q: What technical issues are you facing with CVP? Will you be looking for other providers in future who could help resolve these?

As part of the HMCTS Reform programme, we are developing the bespoke Video Hearings Service in close co-operation with the judiciary. This is being tested in the tax tribunal at the moment. We have also solved the previous capacity issues with CVP, and continue to monitor capacity usage.

Are remote hearings recorded? What are the requirements to hear, view or use these sessions?

Q: Are phone hearings recorded?

Where a physical hearing would previously have been recorded, it is still being recorded as a phone hearing. All hearings in the Crown, Civil and Family courts are recorded.

Q: Are video hearings recorded?

Where a physical hearing would previously have been recorded, the audio of a video hearing will be recorded. There is no video recording of CVP as there is no legal requirement for this in any hearing types. Hearings conducted on Skype for Business will have the video recorded.

Q: Can CVP hearings be recorded? Is BT MeetMe required to provide a workaround?

Yes, CVP hearings can be recorded, and the BT MeetMe option is still also available. Recording in Crime will still be done using DARTS, and CVP recording is currently in the middle of being rolled out to Civil, Family and Tribunals.

Q: Are recordings deleted, or are they stored for future use?

Recordings of hearings are stored for the legally required period, which differs per jurisdiction.

Q: Where can the recording be obtained from, and under what circumstances?

Users should contact the court to request a recording or transcript as per the usual process.

Q: Can journalists obtain recordings of hearings?

As with physical hearings, this is a decision for the Judge.

Q: Will transcripts be available for appeals? How do people obtain these?

As with physical hearings, this is a decision for the Judge and follows the standard process.

Q: When video recordings cannot be sent to the court, will the court accept transcripts of witness statements?

This is a decision for the Judges.

Q: How can a client and barrister confer when court is in session with privacy and without being recorded?

At the moment, we are using a workaround whereby users leave the hearing, with the permission of the Judge, and have these conversations by phone. The bespoke Video Hearing Service has functionality to enable these private conversations. Following the phone conversation, they can re-join when they are ready.

Q: In Family cases, are warnings given at the beginning of hearings advising people not to record them?

These warnings are given in all hearings. There is now a warning message on the CVP joining page that it is illegal for participants to record the hearing in any way at all. Judges usually also state it verbally at the start of a video hearing.

Crime related Q&A

Q: *Can we have a list of Magistrates Court CVP emails addresses for individual magistrates' courts?*

A: HMCTS provides an email address for each court on 'Court Finder' which can be searched using your web browser. All queries should be directed to the listed email address, they will then help with the Host's contact details for that case. We have a large number of hosts and each host will have their own email address which they will share with participants.

Q: *On Michelle's presentation, it states over 8,000 first appearance hearings using CVP - how many of these were with the detainee appearing remotely?*

A: These are all cases where the remand was undertaken with the defendant at the police station using CVP. We have captured separately as non-CVP remands cases where the defendant appeared at the court house in person since COVID measures were put in place. At the time of the webinar, this figure was just over 3,000.

Q: *What is the proportion of CVP video remand hearings where the defendant is appearing remotely? How can hearing be recorded as being held by video link when the defendant is being transported from police custody in person?*

A: We only ask our Video Hosts to record that an overnight remand was heard by CVP when the hearing is completed in full, with the defendant appearing from police custody. Where the defendant appears from court this is not classed as a remand by CVP.

Q: *As criminal counsel, one of the most frustrating things is that the tech is different in every Crown Court - CVP, Skype etc. They all use different set-ups. When will there be a uniform system across the Crown Courts?*

A: We are working to roll out CVP into every courtroom where there are cameras, microphones and large screen TVs so that in court participants can see / hear what is said using CVP. We have had some courts where we needed to bring in specialist audio technicians to help us with the sound, and currently only have 3 Crown Courts where we cannot

currently sign off CVP usage; we re-visit this weekly. Although CVP is the HMCTS approved solution for video hearings, there may still be occasions when the Judiciary decide that an alternative solution is better suited to that particular hearing.

Q: *Are extended hours being considered to reduce backlog, e.g. 09.00 - 18.00?*

A: Extended hours are being explored as part of the Courts' Recovery Plan with potential sites being identified.

Q: *How will this work for unrepresented defendants?*

A: Unrepresented defendants who have been remanded in custody will be able to have their hearing over CVP, if the Court determines the interest of justice test can be met.

Q: *Appreciate all the hard labour going on in the background. Is there a timescale in place for the non-CPS backlog of work?*

A: Non-CPS work will be included as part of the crime recovery plan, ensuring backlogs can be cleared.

Q: *Are there any plans to allow non-CPS prosecutors access to the Crown Court Digital Case System (DCS)? At the moment any of our cases that go to the Crown Court have to have paper files, as we have been told we cannot have access, despite being a local authority prosecutor.*

A: Access to DCS has most recently been extended to the Probation Service and will also be rolled out to serious fraud office. Subject to a review of this roll out, other non-CPS prosecutors may be on boarded.

Q: *As a County Council Prosecutor, how will this impact on non-CPS prosecutions?*

Q: *Will council officers be able to 'join' the video hearing? If so how will legal representatives take confidential instructions from clients during the hearing?*

A: All prosecutors are able to join CVP hearings if they have access to an internet enabled device. We are seeking to expand the use of CVP to non-CPS prosecutors.

Q: *Could you set up a similar training portal for local authority prosecutors as the defence, please?*

Q: *Local Authorities will need to be supported and on board with CVP in the Magistrates sooner than you might think. We have matters arising involving youths subject to Anti-Social Behaviour Injunctions that might have Powers of Arrest attached. We therefore have youths arrested and produced before the court the following morning. This might also be the case with an adult before the County Court. How can we respond in the meantime?*

A: Training on the use of CVP will be provided to all participants in a hearing. We will be seeking to engage all local authorities to provide their prosecutors with the opportunity to use CVP.

Q: *Will you be involving non-CPS (particularly local authority) prosecutors in your consultation exercise?*

A: CVP has been rolled out across the criminal court estate. Non-CPS prosecutors are able to join a CVP hearing if they have access to an internet enabled device.

Q: *Will the use of online hearings reduce the amount of access that the public has to open court hearings?*

A: Open justice is key tenet of the criminal justice system. Public galleries provide the opportunity to observe criminal court hearings

Q: *Are there any plans to roll out CVP to police station for interviews?*

A: No not currently, but this could be an option in future if the Police request it.

Q: *Can you comment on why police forces are opting out of VRH via CVP? For example, Hampshire, Wiltshire and Dorset in recent weeks?*

A: We have worked closely with police nationally to implement use of CVP across 34 forces since March this year in response to the COVID-19 emergency. We are aware of the longer-term challenges that use of video brings for police, and these relate to funding and capacity issues. HMCTS remains committed to working jointly with the Home Office to address this so that use of video can continue this year.

Q: *It is reported that some 17 police forces have declined to use CVP as it is so labour intensive for PECS and Custody staff to facilitate detainees appearing in the custody suites - how is CVP going to be improved to secure participation for remote hearings?*

A: Out of the 44 police forces in England and Wales, 39 are using video (34 using CVP) to enable defendants to appear remotely from police custody for their remand hearings. We are working closely with police nationally and the challenges they have are not linked to any specific requirement to improve CVP, but relate more broadly to funding and capacity issues.

Q: *Policing incurs a significant additional financial burden for operating Video Remand Hearings, alongside the risk associated with holding and processing defendants. How do HMCTS propose to rebalance these costs associated in what is fundamentally an HMCTS function?*

A: We are continuing to work closely with our colleagues in the Home Office and the Police Digital First Programme to review the costs, and where identified the risks of an overnight remand across all jurisdictions. As this work is ongoing we cannot comment further at this time.

Questions and Answers

Q: *I heard that police have said they can't support the plan to roll out use of police stations for overnight arrests to appear remotely. Is this just for youths or for all defendants?*

A: Out of the 44 police forces in England and Wales, 39 are using video (34 using CVP) to enable defendants to appear remotely from police custody for their remand hearings. The aim is to continue using video for remand hearings (including Youths) to support efforts to reduce attendance at Court, where the Judiciary make such a direction.

Q: *Please let the questioner regarding CVP into prison know we have it in Essex, linking my lap top to HMP Chelmsford for prison visits so it is entirely possible.*

A: All reception and training prisons have access to CVP and are able to service the courts using CVP. Work is currently ongoing to move Prison to Court Video Links (PCVL) onto CVP to secure a single operating system.

Q: *What is the future for prison visits? As they are lagging behind: we have hearings without proper access to our clients.*

Q: *Some video suites are operating extended hours of operation and HMPPS has secured significant investment to increase the capacity and number of endpoints in prisons to allow more connections for court hearings and consultations to take place.*

What, if any, liaising with HMPPS has there been as to improving and growing the court-prison video link system?

A: When CVP was rolled out in the Crown Court, each reception prison was engaged in completing a run through of the end to end process so that all participants could test process and connections. HMCTS continue to support HMPPS colleagues to develop the staff in the prison to operate hearings over CVP as we progress PCVL onto CVP. Training and re-settlement prisons also have CVP capacity although the number of endpoints are considerably less than in reception prisons as their focus is different.

Q: *Currently, there are difficulties speaking with the legal advisor, prosecutor and probation services prior to Court hearings. How will this be resolved?*

A: We have just completed a piece of work involving CPS, Probation, Defence and HMCTS looking at how we could ensure these professional conversations can still be undertaken when one or more participant is outside of the court. We will be issuing this guidance shortly.

Q: *Does CVP enable the legal representative to communicate privately with his criminal client? If not, when?*

A: Yes, where you have a hearing scheduled and your client is on remand or serving a sentence, we will look to book in a pre-consultation for you as part of the booking process with the prison. There are some rules around this booking and you will need to validate your identity with photographic ID. This is now fully rolled out in Crown Courts and we have begun rolling out in magistrates'. The Prisons introduced CVP at the same time as HMCTS, as face to face visits are not currently possible.

Q: *I understand that CVP has no scheduling function or ability to allow pre and in hearing consultation between participants and therefore any co-ordination of the remote appearance has to be manually arranged causing delays and confusion... the VEJ/GTL solution that was successfully developed in conjunction with HMCTS allows this and is in place in SE, why is this not being used more widely if it has the bespoke user requirements already built in?*

A: CVP is a video solution and as such does not include any scheduling tool. The basic version of CVP that HMCTS has deployed does allow pre / during and post consultations to be undertaken using the tool. The prisons, in particular, have also introduced CVP across their estate and HMCTS facilitates the arrangement of pre / post consultations on behalf of counsel for hearings where the defendant is on remand. Where a defence / defendant consultation is required mid-hearing, and has been agreed by the Judiciary, we have provided guidance for the CVP Host around how to facilitate this.

This process can also be used for Probation colleagues to hold a consultation, too, and where an interpreter or an advocate is required this is also easily accommodated using CVP.

The exception to the pre-consultation is where the defendant is in police custody and, although the functionality is there to allow these consultations to take place using CVP, it is not something that was in scope, as most forces used a telephony solution for these discussions instead. This could be something that we considered if the Police wanted to add this function, however.

The business as usual process for HMCTS is to create the list within Libra, and this has continued in the VEJ area. The "scheduling" function within GTL does not supersede the Libra listing function - it simply allows the Video Court Administrator (VCA) to move cases from one part of the GTL system into another to create a list of cases where the parties have indicated that they are ready for court. Experience has shown that, irrespective of having this list within GTL, the Video Host has to telephone parties because readiness and availability for court are very different things.

In the future, scheduling will be a feature of the Common Platform as part of our strategic solution.

In terms of the scheduling of pre-court consultations through GTL, the police in Kent obtained feedback from defence advocates which identifies that the fluid nature of court work means availability frequently changes, so pre-booked appointments do not work well and often have to be changed (re-booked). Advocates reported that they prefer to use the telephone to arrange consultations, and many have reverted to this out of choice.

Q: *If I am instructing counsel on a matter, how can he and I give/get instructions e.g. mid hearing? How can I dial into hearing as well as him and speak without being heard by all?*

A: We have provided guidance to our Video Hosts on how this can be done mid hearing to ensure that you can have your conversation privately. The Judiciary will agree a time limit with you before you start your consultation, then the host will mute everyone apart from you and the defendant and move all other video participants into the lobby. Anyone who is appearing from court will be asked to leave the courtroom until

instructed to return. The televisions in the courtroom will also be muted and / or switched off.

When the time limit agreed with the Judiciary has been reached, the host will re-connect and check with you that you are ready to continue with the hearing. If you need more time, the host will liaise with the Judiciary for their agreement. Once your consultation is complete, the host will bring everyone back into the hearing and the TV screens will be unmuted / turned back on.

Q: *My local magistrates' court appears to have an issue with me requiring a pre-hearing conference in a matter being dealt with by CVP, whereas in the crown court as you are aware this aspect is dealt with very easily.*

A: HMCTS have implemented CVP to enable participants to join hearings remotely. Alongside this is the option for defence practitioners to hold confidential consultations with clients using CVP: this is available at both the magistrates' and Crown Courts where their client is remanded to prison.

Q: *Our local mags courts are saying CVP is not working and therefore only physical hearings are proceeding. The issue is lack of technology in courts.*

A: The use of CVP in the court room is a judicial decision and an application needs to be made for their consideration and, where appropriate, their approval. To support the Judiciary, we have been clear in our intention to roll out CVP rooms to every court room across Crown and magistrates' court where there is a Justice Video System (the TV that connects to prison), microphones and sufficient audio. We have already rolled out 900 CVP rooms with a further 300 to go across Crime, with every Court now having at least 2 CVP rooms allocated to it.

CVP has been rolled out to all open magistrates' courts who are listing Crime hearings, with just 9 remaining outstanding.

All Crown Courts have CVP, apart from 3 Crown Courts and 3 satellite Crown Courts: those 6 courts require third party attention for either audio or building maintenance.

Questions and Answers

Q: *Can CVP be linked to the Court Store or CCDCS, as one system?*

A: We are adding the CVP room and contact details to DCS for cases where CVP is being used in a Crown Court but there is no corresponding solution in the magistrates' court. Instead, the court staff will email participants the connection details. Although we will stipulate if a hearing is by CVP on Court Store, we will not publish the connection details as this is public facing and an application is required if a participant wants to join by CVP. This includes members of the public and / or the press.

Q: *Can you use CVP to ensure that certain participants remain in view simultaneously - i.e. judge/s, counsel presenting, witness - previous experience of Pexip suggested it could only show most recent speakers whereas you might want a number of key participants in view simultaneously.*

A: The PEXIP solution offers a number of viewing options and the Judiciary can select the view they want for each hearing. We do suggest the best view for staff to use, which takes into account the fact that you can 'spotlight' a participant so they remain on the screen throughout. In Crime, we recommend that this is the defendant, although if a British Sign Language interpreter is attending then we would suggest instead that they are 'spot lit'. The Host can also select different views for the guests and other hosts so that the Judge could have a 4-way equal split at all times on their screen: 1 spotlighted participant and the 3 most recent speakers.

Q: *I use CVP in the criminal court. Its functionality works well using Google Chrome but not the other browsers and my local training included this. I have experienced loss of functionality using Edge. I query why other browsers are being advertised as working well when they don't?*

A: In Crime, we have been very clear that Google Chrome is in our opinion the best browser to use. This is included in all of the guidance that we have produced for all participants.

If the capacity is up to 100, why do some crown courts limit the number of participants on a CVP hearing?

Participants appearing on video – whether by CVP or by any other solution – is a Judicial decision and requires an application to be made. In terms of capacity, CVP can comfortably handle 100+ attendees, although we would not recommend this for a hearing as not all participants can be seen on the screen at these volumes.

Q: *Is CVP ready for full trials in the magistrates' courts now?*

A: The use of CVP for any hearing is a Judicial decision. We can confirm that, where the Judiciary have considered applications and approved some participants to attend by CVP, it has been successfully used in part to enable some Trials to be undertaken in both magistrates' and Crown court.

Q: *Can Appropriate Adults be considered for CVP where vulnerable persons are in custody, INSTEAD of a physical attendance, or even in cases of urgency in authorising various processes?*

A: The Appropriate Adult service is available for those in police custody during the investigation process and particularly for police interviews. It does not extend to them assisting someone during a court hearing. The police custody units have members of liaison and diversion who are NHS employees and can assist with assessing suitability for a defendant with physical or mental health difficulties appearing via the video link. Liaison and diversion have been engaged in the rollout of CVP throughout and can join proceedings via CVP if required.

Q: *At a recent socially distanced hearing in court, the suspect's family members were placed in the jury seats (as a public gallery) directly staring into the face of the victim whilst giving her evidence. Can we be assured this will never happen again?*

A: When a witness gives evidence via video link the camera is moved to show only those participating in the proceedings and asking questions at the relevant time.

Q: *How will vulnerable and intimidated witnesses be shielded from the public view online?*

A: The manner in which the witness gives their evidence is a matter for the court. Most special measure directions do not include shielding the witness from the public gallery. There are no plans to stream proceedings. Courts remain open for the public to attend and observe in the public gallery.

Q: *In the Magistrates' Court, the Coronavirus Act brings all fines enforcement into remote hearing remit, if it is 'in the interests of justice.' Lots of vulnerable users, without access to duty help, may struggle. How does this feed into an assessment of interests of justice? How are courts ensuring access to duty help?*

A: The duty solicitor scheme extends to fine defaulters at risk of custody. The vulnerability of the defendant and the risk of imposing a custodial sentence (immediate or suspended) must be considered before a remote hearing is ordered. If there is a real risk of custody, the defaulter will have access to their solicitor of choice or the duty solicitor.

Q: *The 2020 Equal Treatment Bench Book states, "72. Young witnesses and those with some disabilities may struggle to communicate across the video link. In such circumstances the judge and the advocate asking questions may move to the live link room and sit with the witness who can then communicate directly."*

A: The Court will have regard to the age of the witness, the proposed location and any other relevant information when deciding the appropriate way for a young person to give evidence. The use of the Cloud Video Platform provides alternative means by which evidence can be given.

Q: *Victims of serious crimes who have had special measures agreed may require that their face is not shown in open court - how will this be dealt with in terms of video hearings?*

A: If an order is made for the witness not to be seen, then the witness's camera will be disabled. The witness can still see other participants in the hearing and be heard by the court.

Q: *How are the Courts dealing with the following issues in a remote environment: coaching/ interference of witnesses appearing via video link & individuals recording the session when attending remotely?*

Q: *How will it be ensured that witnesses are able to access support such as from an IDVA/ISVA during remote hearings?*

Q: *How will the court know witnesses are safe, secure and not under any outside influence while giving evidence?*

Q: *Where a witness is giving evidence in a criminal trial from home, who else should be present at that location to ensure that the witness is not being coached or reading from a script?*

Q: *Witnesses giving evidence from home: is it correct that it is HMCTS responsibility to facilitate that? there have been some instances where police officers have had to "chaperone/babysit" the witness. this is clearly poor practice.*

A: There are no plans for witnesses to routinely give evidence from unsupervised locations, thereby ensuring their evidence is not interfered with and they can access appropriate support

Q: *How will the experience be measured for witnesses giving evidence remotely? Are there plans for a survey to help understand overall experience and identify areas for improvement?*

A: The use of audio and video enabled hearings will be evaluated and participants invited to give their feedback around the process and procedures. Learning will be taken from this feedback to identify areas for service improvement.

Questions and Answers

Q: *Are there any differences or exceptions for youth courts?*

A: There are different considerations for children and young people facing criminal proceedings appearing via video link. Additional guidance has been produced to assist the courts in assessing suitability. This guidance has been produced by HMCTS and the Youth Justice Board, with input from other criminal justice agencies.

Q: *Are there general variations between how hearings are conducted depending on the court? E.g. does the administrative court generally adopt a different approach to others?*

A: The way that CVP is used to enable participants to appear by video across the jurisdictions is the same, but each jurisdiction will still follow its own judicial practice guidance.

Q: *Will a national collaborative team be established to roll out the cross-CJ adaptations, learn lessons and develop for the long term?*

A: We already have a team in place that works collaboratively and shares lessons and best practice on the introduction of CVP, and this team will remain in place for the foreseeable future.

Sign Language/ Interpreters

Q: *What provisions are made in remote hearings to make sure that British Sign Language interpretation or lipspeakers are available for deaf or hard-of-hearing people?*

A: The process for booking interpreters has not changed, except that it is made clear in the description how the hearing will proceed. If there are any difficulties in making the booking, our contracted service provider can be contacted to assist.

Q: *How is BSL interpretation provided in video enabled hearings?*

A: Where the hearing is held on CVP, the interpreter will be 'spotlighted' which means that they will remain on screen as one of the main video streams. This allows the other participants to clearly see them at all times. Depending on the length of the hearing, more than one interpreter may be requested, and they will rotate to take breaks. They usually contact the court beforehand to run through the process, however if the interpreter needs a break they should ask the Judge for one as they would normally.

Q: *Do you provide appropriate adjustments so deaf people are not left with a 'not the worst-case scenario' experience?*

A: HMCTS have reasonable adjustment guidance that staff can use to support deaf people. This includes guidance such as the use of video instead of telephone, the provision of non-spoken interpreters, and encourages the use of plain language.

Q: *Have you consulted with BSL interpreters on video hearings? Are refresh rates and framing appropriate for a visual, 3-dimensional language?*

A: Our contracted supplier, Clarion, was involved in early testing with both Skype and CVP. Most of our courts and tribunals are now moving to CVP which provides a better experience for users. As with all video conferencing technology, we do experience some issues, especially where a participant may have insufficient bandwidth or WiFi. If a BSL interpreter is experiencing issues in a particular case, they should let the Judge know.

Q: *How are BSL interpreters accommodated in Family Courts?*

A: Refer to the answer provided at question two.

Q: *Are there plans to introduce subtitles in video hearings? The video frame rate isn't smooth enough to allow lipreading.*

A: This is not currently on our roadmap, but we have captured it as a feature request and are meeting with our supplier to see if this is functionality the intend to deliver in the future.

Q: *Is it possible to have a mixed remote/in-person hearings? Some deaf people will need an interpreter present in the courtroom to properly translate.*

A: In some cases this is possible – these hearings are often referred to as 'hybrid' or 'video-enabled'. Where this is required, an application should be made to the court or tribunal for consideration. [is that correct?]

Q: *What happens if there is a poor connection, so interpreters (spoken language or sign language) can't translate?*

A: In these cases they should let the Judge know so the Judge can consider alternative options.

Q: *Telephone hearings are particularly difficult for deaf people or those with hearing loss. Can these be replaced with videoconferencing so there can be a BSL interpreter?*

A: We have advised venues that hearings involving deaf parties should be by video and not by telephone. The choice of hearing channel is ultimately a judicial decision, but if a hearing has been booked in a manner that will not work for deaf people, or those with hearing loss, they should contact the court or tribunal to discuss this.

Questions and Answers

Q: *What is the provision for deaf people who need qualified lipspeakers?*

A: BSL interpreters are sometimes used inappropriately: if lipspeakers are not provided when needed, non-sign language users may not get a fair trial. If this service is not already provided, the Association of Lipspeakers can help.

Our service provider Clarion provides lipspeakers.

Q: *Lipspeakers need to identify needs before the hearing begins – they need an opportunity to confer with the deaf or hard of hearing person beforehand so they can provide the right support. Is this provided?*

A: Where possible we will book ten minutes before the hearing start time to allow this to happen. If this hasn't happened it can still be facilitated by asking the clerk or Judge before the hearing starts, or at the start of the hearing. This will usually be facilitated by moving the parties who need to consult into the video room so they can consult. This may require other parties to 'leave' the CVP hearing room if the hearing was starting, and a clerk may need to remain present so they know when to return all parties to the room and get the Judge.

Q: *There is an issue with not being able to pin or spotlight more than one person at a time. A BSL interpreter will disappear from the screen if another person speaks. Can the video host pin both the interpreter and deaf participant?*

A: In CVP hearings one participant can be pinned, and court and tribunal staff are advised to spotlight the interpreter.

Q: *Please consider repositioning video screens. When these are too high up, the deaf person cannot see what is being interpreted or lipspoken, and the interpreter risks neck strain.*

A: We will pass this feedback onto our estates team.

Q: *How do BSL interpreters get support if they are having technical or practical issues translating a hearing?*

A: The hearing notice provides a helpline number for anyone having issues, or if the interpreter knows the court or tribunal, they can contact them directly. If they are connected and having trouble they should raise their concern with the judge.

Q: *What support is offered in remote hearings for people who need a spoken language interpreter?*

A: Interpreters are booked as they would be for an in-court hearing. Where a hearing is held over CVP, the interpreter is asked to translate over the video call, and should let the Judge know if they need more time to provide translation.

Q: *How do interpreters connect, and what equipment do they need?*

A: For hearings conducted over CVP, they will need a good WiFi connection and an internet browser. More detailed information is available on gov.uk. [add in hyper link]

Q: *How do you make sure interpreters can see/hear everyone involved?*

A: The judge will lead proceedings and will ensure that the interpreter is able to see and hear everyone they need to. If an interpreter experiences any issues during the hearing they should let the Judge know. If they are cut off and are unable to rejoin they should contact the helpline.

Q: *How can interpreters ask for clarification if needed?*

A: They should ask the Judge.

Vulnerable people/ witnesses

Q: *How do you make sure that vulnerable people are not affected negatively by being involved in remote hearings? Are there permanent plans to continue with remote or hybrid trials? We have found this medium is detrimental to vulnerable witnesses' ability to give the best evidence.*

A: Audio and video technology have long played a part in the justice system and is now proving crucial to us in maintaining a functioning justice system during the pandemic. We have swiftly expanded our use of technology so that we can hold more video and audio hearings across all jurisdictions, subject to judicial discretion.

Users can inform the courts of their needs, and the judge, if appropriate, will change the method of hearing, adjourn it or make reasonable adjustments to ensure that all parties can participate.

Q: *Will possession hearings take place remotely, and if so, how will litigants in person take advice from the Duty Housing Advisors or conference with the claimant's representatives?*

A: Work is ongoing to finalise the arrangements that will be in place for the expiration of the possession stay and we will be in touch shortly with further information.

Q: *I am concerned about the welfare of vulnerable witnesses, who may not wish to be seen on screen in court.*

A: Audio and video technology provides another route to justice, but it may not be suitable for everyone. In the pre-hearing process we establish whether video is suitable and provide reasonable adjustments for vulnerable users.

Q: *What devices do witnesses need for remote hearings? How are these managed? How do witness bundles work with remote hearings? Are witnesses expected to have their own devices to access electronic witness bundles?*

A: Full guidance on how to join remote hearings, including the equipment needed, is available online: <https://www.gov.uk/guidance/how-to-join-telephone-and-video-hearings-during-coronavirus-covid-19-outbreak#joining-by-cvp-skype-or-bt-meet-me>

Court users should tell us if they need support to join the hearing or if there's a reason they cannot join, such as:

- no access to a computer or mobile device
- no access or limited access to the internet
- a disability that means you need help with the video hearing

Q: *What plans are there for carrying out research on the impact/efficacy of using remote hearings for vulnerable defendants?*

We also want to understand the full impact of hearings on different user groups. HMCTS are therefore reviewing the use of remote hearings to identify 'pain points', which we can quickly address to improve current processes.

Following this, we intend to conduct a broader evaluation, involving analysis of monitoring data, quantitative surveys and qualitative interviews. The findings of the evaluation will inform our use of audio and video technologies in the slightly longer-term; helping us to address issues around user experience, the administration of and staff support for hearings, technology and audio-video quality standards.

Questions and Answers

Q: *How can the Witness Service provide emotional and practical support to witnesses in remote hearings? Will training or simulation exercises in remote hearings be available to help the Witness Service support vulnerable witnesses? Please raise awareness that the Witness Service can support victims of domestic abuse in remote hearings, especially when unrepresented. This should be done when a case is listed so victims can access support.*

A: We are happy to engage with the Witness Service (and other intermediaries) and provide awareness sessions on what CVP and how it works so they can support witnesses the best way possible. This would allow for a fuller discussion on how the Witness Service can provide emotional and practical support to witnesses in remote hearings.

It's really important that witnesses are referred to Witness Service or Victim Support (for those in London) in advance of the hearing. In that way, volunteers / supporters can provide support before and after the hearing. This might be by a phone or video call – similar to how Crown Prosecution Service is engaging with witnesses. (Pre-court) familiarisation visits may also take place ahead of the trial and information available on gov.uk is being enhanced to increase familiarity with the video technology.

We are also planning to reword hearing notices so that any special arrangements needed can be identified earlier in proceedings so that vulnerable and potentially intimidated witnesses needing support can be identified sooner. This requires judicial input and is under way.

Training is also being produced for staff to underline the need to support witnesses and all vulnerable users in video hearings. The learning covers reasonable adjustments, special measures, taking a broad view of accessibility and inclusion, and aiming to deliver high levels of support to all our users.

Q: *If we have witnesses who are reluctant to attend civil court, should we make a formal application to the judge to deal with the hearing remotely?*

A: It is a Judicial decision as to whether a case should be heard face-to-face or remotely. If for any reason a Judge believes the case is not suitable to take place remotely, then they would not make such an order.

If there are circumstances the Judge is not aware of when making that decision, and the parties feel a case isn't suitable to proceed in the chosen way, they should contact the Court. These applications usually attract a fee; however fees can be waived on a case by case basis where there are exceptional circumstances. A request for a hearing to take place by alternative means because of reasons relating to the pandemic are likely to be considered exceptional circumstances.

How is the decision taken on whether a hearing will be held remotely or live in court? Some child witnesses struggle with live links.

The decision as to how a hearing is conducted is a matter for the judge, magistrates or panel, who will determine how best to uphold the interests of justice. In considering the suitability of video/audio, judges will consider issues such as the nature of the matters at stake during the hearing; any issues the use of video/audio technology may present for participants in the hearing, having regard to individuals' needs; and any issues around public access to or participation in the hearing.

Q: *During cross examination in family court, will a perpetrator of domestic abuse be visible to the victim during hearings or can special measures be applied from a technological perspective?*

A: The judge, magistrates or panel will take into account the needs of the users when deciding whether a hearing should be held remotely and how the technology should be used.

Other

Q: *Will possession hearings be taking place remotely and if so, how will Litigants in Person take advice from the Duty Housing Advisors or Conference with the Claimants' Representatives?*

A: Work is ongoing to finalise the arrangements that will be in place for the expiration of the possession stay and we will be in touch shortly with further information.

Q: *What assessment has HMCTS made of the Equality and Human Rights report and recommendations that raises concerns about the participation of some groups of disabled people in the Criminal Justice System? Where can Human Rights and Equality Assessments be viewed?*

A: HMCTS has reviewed the interim report from the Equality and Human Rights Commission on the treatment of disabled defendants in the in the Criminal Justice System. Some actions that have been rapidly implemented in response to the COVID-19 crisis may have had a disproportionate impact on specific court user groups. HMCTS has identified a number of mitigating actions that have either already been put in place or will be developed further to minimise this impact; these include hearing notices to inform service users how to access or let HMCTS know they are unable to join remote hearings, staff guidance highlighting the importance of reasonable adjustments, additional phone line support via the Courts and Tribunals Service Centres, development of data collection to monitor trends and impacts, working with stakeholder groups who support users to help identify where user groups are being significantly impacted or disadvantaged, additional guidance being added to GOV.UK but also looking into how guidance can be issued in alternative ways to support those in the digital exclusion groups, working with the advice sector to signpost users to guidance.

HMCTS will continue to review processes and staff resources to ensure that court users have the guidance and support required to assist them accessing services in a suitable way.

Q: *Why haven't you scaled up the previous Video Hearings Project instead of launching CVP?*

A: The HMCTS Reform Project to design a Video Hearings service was well under way in March, but this was not ready to be used at sufficient scale. Cloud Video Platform (CVP) was in use in some Tribunals and elsewhere in MoJ and provided the best option at pace to respond to the COVID-19 pandemic. Work continues under the Reform Programme to deliver the video hearings service, which uses a version of CVP designed specifically for court and tribunal hearings and which comes with a package of support for users before, on the day of, and during their hearing.

Q: *How do you prevent any 'contamination' of hearings over CVP?*

A: CVP has virtual meeting rooms which are ring fenced with a number of secure features which ensure there is no contamination of hearings over CVP.

Each CVP Room has a Host Pin and optionally a Guest Pin (the Judge will usually decide if a pin is required depending on the hearing type),

Each participant will enter the lobby and will be asked to wait until such time as the Host unlocks the Room and allows participants into the meeting room,

At the start of the meeting, the Host can lock the Room so that no unwanted participants gate crash into the meeting (if a valid person turns up after the meeting has started, the Host can bring that person into the meeting selectively),

If inadvertently an uninvited person turns up then the Host has the ability to either disconnect or push a participant to the lobby,

Guest pins provide additional security and ensures that only invited participants attend. Guest pins can be changed for each CVP meeting.

Questions and Answers

In a recent case, both parties were legally aided and had to pay call charges for a telephone hearing. Can the court make unrepresented parties pay for calls?

If a party is unable to bear the cost of dialling into a hearing, they should let the court or tribunal know (or ask their representative to) so that they party can be dialled into the hearing instead.

Q: Does HMCTS gather feedback from journalists on their experiences of remote hearings?

A: We have gathered feedback on remote hearings from journalists through our media engagement group, using their experience to shape our approach to managing these hearings.

We are committed to promoting media access to the work of courts and tribunals.

For physical hearings, even when many of the participants join remotely, accredited media will continue to have access to dedicated press seats as reflected in [current HMCTS media guidance](#) although current arrangements will follow wider public health advice relating to social distancing.

Where accredited journalists wish to report on proceedings remotely then they should put in a request to the relevant court as set out above. There have been some early [examples where courts have enabled the media to have remote telephone and video access to hearings](#). This is not available for criminal jury trials.

Special arrangements are being put in place for criminal jury trials in the Crown Court including the use of a second courtroom linked by closed circuit TV to enable the media and others to watch proceedings while maintaining social distancing.

Q: How can the public attend open court hearings remotely?

A: Open justice is a fundamental principle in our courts and tribunals system, and will continue to be so as we increase the use of audio and video technology. In considering the use of telephone and video technology, the judiciary will have regard to the principles of open justice, as they do now. As now, judges may determine that a hearing should be held in private if this is necessary to secure the proper administration of justice. A range of measures will continue to support the principle of open justice:

Access to open hearings if/where a public gallery is available, or a third party may join the hearing remotely

Transcripts for hearings in those jurisdictions where they are available now. Any party or interested person is able request a transcript. Judges may direct that the transcript be made available at public expense where appropriate

With the permission of the judge, an audio recording of a hearing can be made available to be listened to in a court building

With the permission of the judge, in jurisdictions where this is already done, the notes of the hearing can be made available on request

Publication of the outcome of High Court and Court of Appeal hearings, orders or results

Publication of courts and tribunals lists, in most instance online

Access to hearings and information to accredited media, such as the provision of listing and results information in magistrates' courts via email

Requests from the media and others to observe a hearing remotely should be made to the court in advance to allow for inclusion during the hearing set-up. Please [contact the court](#). This is not available for criminal jury trials in the Crown Court.

Q: What criteria are used for choosing whether to have remote or in-person hearings, and are these in use in the family court and in tribunals?

A: The decision as to how a hearing is conducted is a matter for the judge, magistrates or panel, who will determine how best to uphold the interests of justice. In considering the suitability of video/audio, judges will consider issues such as the nature of the matters at stake during the hearing; any issues the use of video/audio technology may present for participants in the hearing, having regard to individuals' needs; and any issues around public access to or participation in the hearing.

Q: Can we have a simpler listing protocol?

A: Listing is a judicial function, rather than for HMCTS. In the civil and family Courts, Judges are aspiring to 'triage' their lists two weeks before the hearing date, to allow the administration to contact the parties with the new hearing details – ie CVP, telephone, or face to face. This may also include a revised time estimate if the hearing is now audio / video.

In criminal courts listing is managed at local court level to ensure the best use of court time and resources.

HMCTS are working on smarter listing to ensure parties are given dedicated hearing times, whereby previously cases would have been listed in blocks to maximise Courtroom efficiency.

Q: Will a Statement of Truth be acceptable instead of a sworn affidavit?

A: HMCTS does not have any discretion to accept a statement of truth instead of a sworn affidavit, as the process is set out in the procedural rules and any related regulations. Court users should therefore continue to comply with the current rules and regulations.

In Crime, a witness statement must be verified by a statement of truth, without which the court may direct the evidence to be inadmissible.

Q: How should a court receive digital bundles, especially if they are too large to send as PDFs?

A: Bundle sizes should not be (and are not) as far as I am aware a determining factor in how a case should proceed. Email size limits are 25MB

HMCTS is testing new systems for bundles to be managed. The Document Upload Solution (championed by Andrew Wright) is being trialled in Wales ET, Newcastle and Birmingham County Courts and the Property Chamber. It is hoped we can widen rollout of this in a few weeks which will support solicitors and parties in filing both civil and family bundles (for those not already using systems such as egress, and caselines in family)

Q: Will breakout rooms be available on CVP for taking instructions in private? Is there a guarantee that these conversations will not be recorded?

A: CVP provides the ability to manage hearings through the use of functions such as waiting rooms, where participants are held before being admitted into the room by the clerk. Consultations can be managed in a couple of ways – parties can either request time for these and manage them outside of the CVP room, they can ask to have the use of the CVP room alone – although a clerk may need to remain in the room so they know when to bring other parties and the judge back, and in some cases we will make available an additional CVP room which can be used for consultations. Staff are instructed to ensure no private consultations are recorded.

Q: When will local authorities be included? Will there be an opportunity to be involved - to make comments - at an earlier stage?

A: The application process will remain the same, however the hearing could take place remotely, subject to judicial discretion. Where the Council's advocate appears by video, any conversation around payment arrangements will need to take place in advance of the hearing date.

Q: Where is CVP available?

A: All civil and family courts have access to CVP. All Crown Courts have access, with the exception of a few.

The RCJ has access.

The majority of tribunals now have access.

Q: What will happen in the future? Will CVP remain the norm?

A: Audio and video technology have long played a part in the justice system and is now proving crucial to us in maintaining a functioning justice system during the pandemic. We have swiftly expanded our use of technology so that we can hold more video and audio hearings across all jurisdictions, subject to judicial discretion. We are clear that remote hearings provide another avenue to justice, but may not be suitable for everyone.

Questions and Answers

Separately, as part of the HMCTS reform programme, we are developing a bespoke video hearings service. The video hearings service was the subject of an independent evaluation by the London School of Economics (LSE) from March 2019 to March 2020. The evaluation was published in July.

Q: *Where can your management information be seen? Is it publicly available?*

A: HMCTS publish weekly management information during the coronavirus outbreak, available here: <https://www.gov.uk/government/collections/hmcts-weekly-management-information-during-coronavirus-outbreak>

Q: *How will CVP training and guidance be made available?*

A: HMCTS is finalising professional user training which has been developed with support from the Family Law Bar Association. This will be available to all professional users and third parties such as local authorities.

HMCTS have run training sessions for many professional users and third parties and continue to do so upon request – The Law Society, CAFCASS, CUA, Local Authorities, Insolvency Service.

National guidance is sent to all parties when notice of a CVP hearing is produced.

In addition we are enhancing the guidance available on gov.uk and hope work with the voluntary organisations such as the Witness Service and Support Through Court to help familiarise those who support individual participants in video hearings.



HM Courts & Tribunals Service

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