

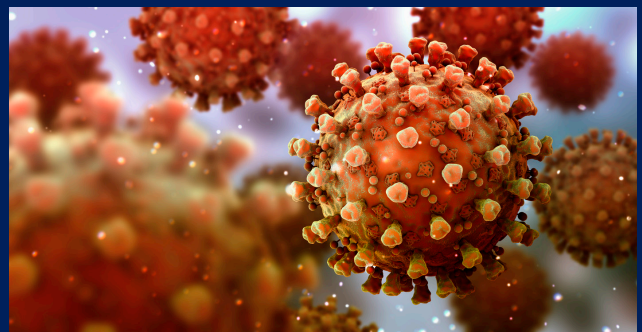
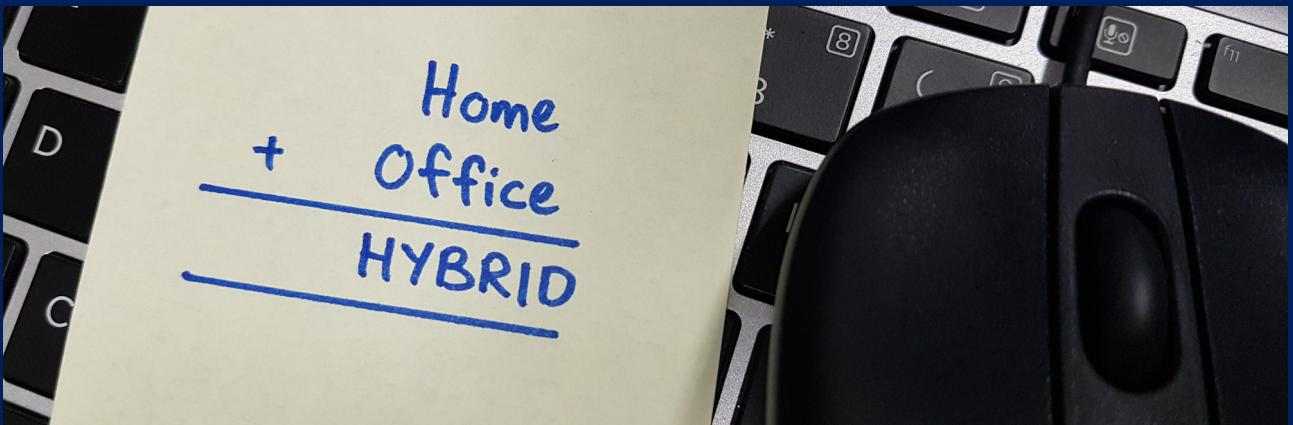


# NISRA

Northern Ireland  
Statistics and Research Agency  
Gníomhaireacht Thuaisceart Éireann  
um Staitistíci agus Taighde

# Northern Ireland Courts and Tribunals Service

Remote and Hybrid Hearings  
A Qualitative Analysis



NISRA Hub Research

September 2022



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## Acknowledgements

The NISRA Hub Research Team would like to take this opportunity to thank all the participants who took part in this piece of qualitative research.

The willingness to take time out from their schedules to provide valuable feedback and contribute is greatly appreciated.

# 1. Background

**As a result of the COVID-19 pandemic, many services usually delivered face to face, such as court, tribunal and parole hearings, had to be delivered either entirely remotely or on a hybrid basis. The Northern Ireland Courts and Tribunals Service (NICTS) are keen to learn from this experience, and build on any benefits gained during the pandemic as it modernises future service delivery.**

The Director of NICTS, the Lord Chief Justice and the Minister for Justice launched a document on 15th March 2021, setting out their joint vision for modernising the courts and tribunals in Northern Ireland.

*The Vision Statement outlines plans for a Digital Strategy setting out how courts and tribunals services will be delivered in the future, “moving from cases mainly being heard in a physical environment to hybrid and virtual environments, enabled by digital solutions and new ways of working”<sup>1</sup>*

*The vision and overarching objectives as stated in the ‘Modernising the Courts and Tribunals in Northern Ireland’:<sup>2</sup>*

**‘Our vision is to deliver independent, fair and effective, modern courts and tribunals which serve the people of Northern Ireland with an innovative, collaborative and responsive administration of justice system’**

**The overarching objectives are to:**

- **Redesign and optimise service delivery models and processes to provide more effective services;**
- **Improve access to justice through further adoption of digital and other online service delivery channels;**
- **Deliver a reconfigured and modernised physical court and tribunal estate to support new ways of working;**
- **Achieve a sustainable financial operating environment for court and tribunal services, the justice system and the wider public sector; and**
- **Support staff, judiciary and key stakeholders to work in a changing environment.**

*The ‘Judicial Modernisation Paper September 2021’ sets out the views of the judiciary on how modern courts will work, to provide just, proportionate and accessible outcomes, where technology can support or enable these changes, and will help inform the NICTS Digital Strategy and plans for delivery going forward.*

The Vision within the ‘Judicial Modernisation Paper September 2021’ states:

**‘Modernisation will only be effective in meeting the needs of those seeking justice, where the judiciary, legislature and administration work collaboratively and are properly funded to develop and introduce incremental and synchronised changes, with the support of the legal profession and other justice organisations.’**

*The Northern Ireland Courts and Tribunals (NICTS) recently published its Digital Strategy 2021-2026 following approval by the NICTS Vision 2030 Strategic Oversight Group, whose membership includes the Lady Chief Justice, the Department of Justice Permanent Secretary and the NICTS Acting Director.*

*The strategy, which was developed with staff, judiciary and key stakeholders sets out the ambition and commitment within NICTS to embrace technological advances to deliver future courts and tribunals services, enabled by digital solutions and new ways of working as set out within NICTS overarching Vision Statement.<sup>3</sup>*

This piece of research aims to gain an insight into key stakeholders' experiences to date of conducting business using remote technology.

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<sup>1</sup>*Cited: Judiciary NI – Digital Modernisation*

<sup>2</sup>*NICTS Modernisation Portfolio Vision Statement: Date published: 15th March 2021*

<sup>3</sup>*Department of Justice – NICTS Digital Strategy 2021-2026 - Date published 17th January 2022*

## 2. Our Approach

### 2.1 Methodology

The reported findings are based on feedback from 5 discussion groups and 7 interviews from key stakeholders, a total of 28 participants. Participants were initially recruited through the NICTS.

The discussions took place between June 2022 and September 2022. We aimed to capture a broad spectrum of views and experiences regarding the use of remote and hybrid hearings to conduct court and tribunal business.

The discussion groups were mostly conducted online using MS Teams, with one of the discussion groups held face-to-face.

Following the fieldwork, we conducted a thematic analysis, producing themes (prominent, dominant and common), some of which contain sub-themes.

### 2.2 Limitations

Due to the small sample size, and the qualitative nature of the research, the findings may not be representative of the overall views and opinions of the key organisations.

Discussion groups were facilitated online and therefore a smaller number of participants per group (maximum 6) was recommended to allow each participant the time and space to contribute to the discussion.

### 2.3 Sample

The recruitment sought representation from 16 key stakeholders/organisations. The NICTS issued an invitation to the head of key organisations requesting 1 or 2 representatives from each area, to participate in either the discussion groups or interviews.

Key Stakeholders/Organisations:

- Judiciary
- The Police Service of Northern Ireland (PSNI)
- Probation Board for Northern Ireland (PBNI)
- Public Prosecution Service (PPS)
- Northern Ireland Prison Service (NIPS – PECCS)
- Victim Support
- National Society for Prevention of Cruelty to Children (NSPCC)
- Litigant in Person Reference Group Representative
- The Law Society of Northern Ireland
- The BAR of Northern Ireland
- Health Trusts
- NI Guardian Ad Litem Agency (NIGALA)
- Directorate of Legal Services (DLS)
- Parole Commissioners
- Representation from Tribunals and Appeals

## 3. What people told us

### 3.1 Overview

Covid-19 and the introduction of social distancing measures forced many people to implement new ways of working. During the height of the pandemic, courts and tribunals had to adapt to new ways of working to safeguard the continuation of business.

***‘A remote hearing is one in which judges, parties, legal representatives and/or witnesses (“participants”) do not gather physically at the same location and normally involves some species of video link facility or telephonic mechanism. This is not intended to be an exhaustive definition and the term “remote hearing” will be construed and applied liberally, flexibly and responsively.’<sup>4</sup>***

According to the Court Business Continuity Arrangements in operation at the time of this research<sup>5</sup>

***‘It remains the position that where a court hearing is scheduled or required it will be undertaken remotely unless otherwise directed by the judge, coroner or tribunal member.’***

Remote hearings can be accessed via video or telephone. The NICTS is currently using Sightlink and Cisco Webex (cloud based video conferencing solutions to enable parties to remotely attend hearings). It should also be noted that Video Link has been used in courts to allow participants such as expert witnesses to join a hearing remotely.

### 3.2 Overall Experience

By and large, participants have had a positive experience ‘conducting business’ using remote technology.

***“overall it has been a very positive experience, a great success”***

***“we have had to adapt and we have surprised ourselves”***

“

***remote hearings avoided creating a backlog of cases and for that reason; it was a very positive experience. It required a lot of hard work from everyone involved and I cannot praise them highly enough, it has been a first class experience***

”

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<sup>4</sup>Interim Practice Direction 01-2020 [Rev 2] – Remote Hearings Delivered 17 December 2021

<sup>5</sup>Court Business Continuity Arrangements – updated 5th August 2022





Whilst some participants have been working fully remotely, others have taken a hybrid approach.

***“hybrid and remote working will relate very differently to the area of law practiced. Three lawyers could have completely different views on remote working depending on the area that they work in the justice system”***

Feedback from the groups suggests some civil cases worked quite well remotely whilst, many family cases benefitted from a more hybrid approach. Criminal cases of a more serious nature tended to work better in a face to face environment.

## **Business Continuity**

There was a real sense of the need to adapt during the pandemic, and the necessity of utilising remote technology to assist with continued access to justice.

***“The main benefit is that it has allowed us to continue hearings. Although the process has not been flawless, it has been very smooth”.***

Those business areas that already operated in a largely paperless environment, perhaps ‘leaned itself nicely’ to remote hearings.

However, there were also some comments how a shift to remote working had created an increase in workload for staff in some areas, mainly in relation to increased administration.

## Remote or In-Person?

Judges decide whether a case is suitable to hold as a remote hearing based on the interests of justice test. It was highlighted by members of the Judiciary that it is not ‘a one size fits all’ approach, but more on a ‘case-by case basis’ and where it is in the interests of justice.

Across the legal domains, consideration is given to the urgency of a hearing and multiple other factors.

According to the latest guidance on remote, in-person and hybrid attendance;

***‘Judges will therefore continue to decide whether participants in each case should attend a hearing remotely or in-person by applying the ‘interests of justice’ test in light of all the circumstances. This is a statutory requirement. The interests of justice are very broad and wider than the circumstances of the individual case and holding an effective hearing. The factors to be considered may vary widely in different courts at different times but will include the nature of the proceedings; the types of parties to the case; whether or not parties have legal representation; the efficient despatch of business overall, the availability of judicial, staff, technical and other resources. Judges will consider, in criminal proceedings for example, the seriousness of the charge, the intention of victims or their families to attend and the amount of public interest, in determining whether it is appropriate for any of the parties or their legal representatives to attend in person or remotely and how involvement of the various parties is to be scheduled during a hearing.’<sup>6</sup>***

However, participants across a number of groups strongly felt the need for a consistent approach and a perception that individual judges have different preferences towards remote hearings.

***“a consistent approach from the judiciary is desperately needed”***

“

***the biggest problem is a lack of consistency across the courts. There does not seem to be a policy about where and when remote hearings are appropriate***

”

***“some judges are receptive to remote hearings whereas others are very reluctant. There needs to be some uniformity in the approach to remote hearings”***

***“some members of the judiciary are not as ready to embrace the technology”***

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<sup>6</sup>Lady Chief Justice’s Office – Guidance On Remote, In-person And Hybrid Attendance 22nd June 2022

There was a sense of the need to work collaboratively going forward, and a suggestion of standardising the approach to technology and communications across the Northern Ireland Civil Service (NICS).

***“all partners in the criminal justice system need to embrace the technology to make it practical; if made permanent, everyone would have to participate in the new process”***

Following discussions across groups, some participants identified areas, whereby they felt remote working could be utilised, such as; prisoner arraignments, pleas and sentences, interviews with detained people, case management reviews, mentions, administrative type decision making, cases that don't have a large amount of documentation, less problematic cases and compensation hearings.

Participants also identified areas where it was felt 'in-person' attendance was required, such as; jury trials, cases that are serious, contentious or dynamic cases, resolutions, complex matters that require oral advocacy.

***“remote hearings do not work well for contentious matters. Delays can cause people to talk over each other, which can descend into chaos. In person, everyone can see who is speaking”***

“

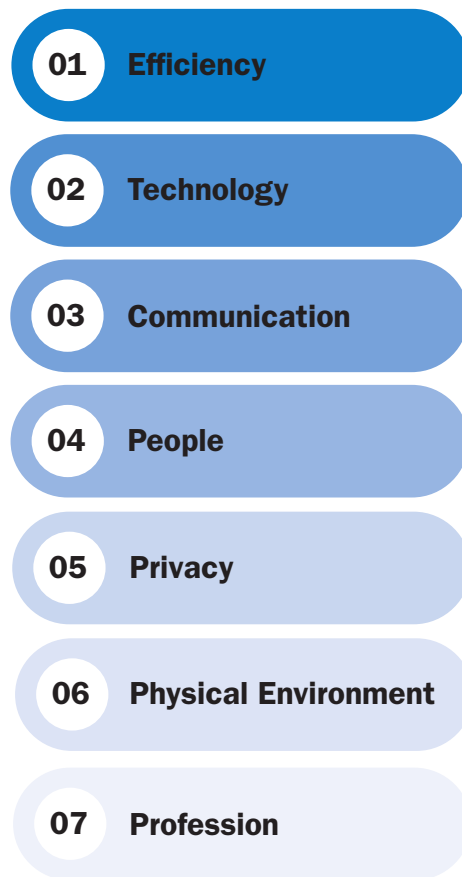
***there is also an assumption lawyers go to court to fight their client's case. However, the courtroom is the last resort, they go to court to resolve the case before the courtroom if possible. This resolution is most effective by being outside the courtroom in person.***

”

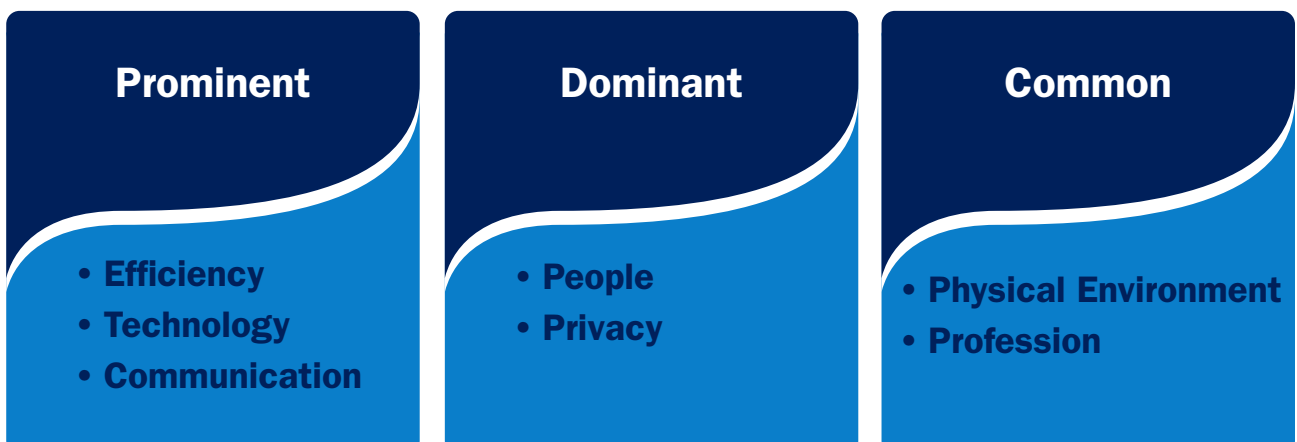
For cases whereby the dynamics may change, it can be easier to send people in and out of the court when in-person, this is more difficult virtually if you have allocated time slots.

## 4. Thematic Overview

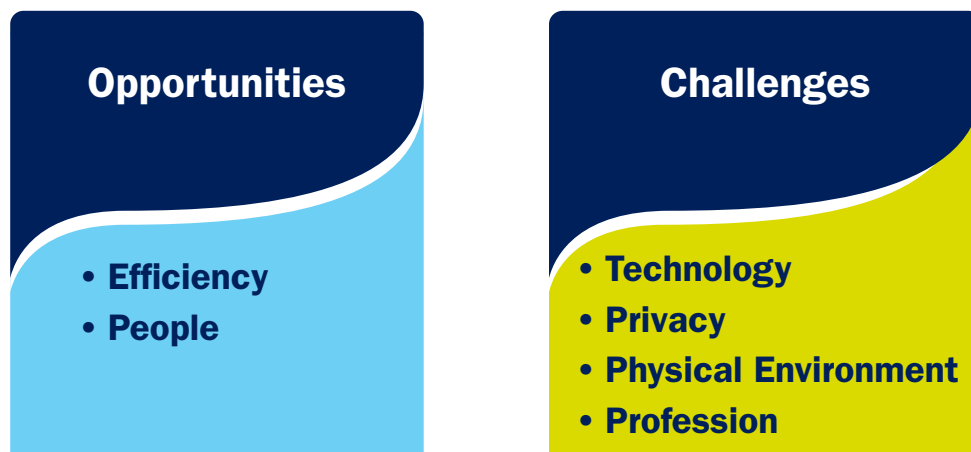
Following discussions with participants on their views and experiences of remote and hybrid working, analysis of the findings highlighted 7 key themes that emerged.



Some themes were prominent across groups, whilst other were considered to be dominant or common.



Opportunities and challenges of utilising a remote/hybrid working approach were highlighted within some of the themes.



Efficiencies relating to reduced travel and less time waiting around court rooms were seen as opportunities to save both time and costs, assisting with levels of productivity and resources. The option for people who are perhaps vulnerable to participate from a familiar environment or the comfort of their own home, was also noted.

There are a number of challenges associated with; technical difficulties, digital accessibility, privacy, the physical court environment and new recruits to some professions.

Communication highlights both challenges and opportunities. A more efficient use of court time when communicating online with remote technology, alongside challenges relating to individuals behaviour and how the formalities of the physical courtroom should be reflected in the virtual environment.

The report will now explore each of the themes in more detail.

#### **4.1 Efficiency**

This was a prominent theme across the groups. Efficiencies attributed to remote and hybrid working practices included time, travel, transport, staff resources and productivity as well as financial efficiencies, such as 'savings to the public purse'.

***“There are many positives to using Sightlink. Saving time is a fantastic benefit”***

Working remotely meant there was less 'waiting around courts' and a real sense that it saved time for all parties involved including people that perhaps are harder to reach, have busy lifestyles or caring responsibilities. People could continue with their working day or their daily activities.

Reduced travel time was also considered to be of great benefit, some of the parties involved may have had a distance to travel to attend court sittings.

***“...previously I would often had to drive an hour and a half for a 5 or 20 minute hearing”***

***“litigants from overseas can now sign into court remotely. Traditionally they would have had to travel to Northern Ireland or just receive a briefing from the lawyer after the proceedings”***

There are also a number of efficiencies working remotely and not having to transport prisoners or detained people:

***“From a policing perspective, transporting detained people to custody suites in court would have previously required transporting the prisoner with a crew of officers. Now they can appear via Sightlink, saving fuel, time and resources”***

Some participants also highlighted the personal benefits of working remotely. The time that is being saved travelling or waiting around courts provides an opportunity to be more productive.

***“It has been beneficial from a personal perspective. If I am working in the office, I can be more productive if a case is adjourned. This would not be the case if I was at a courthouse when the adjournment took place”***

“

***from the solicitor and client’s point of view, it has made things more flexible. With less time out of the office, it is also good for productivity..... it saves a lot of travelling for solicitors, as they would often have to travel out of their jurisdiction prior to the pandemic***

”

Some participants noted benefits to ‘processes’ related to working remotely

***“you can deal with people’s cases more quickly. The cases can be listed without relying on venues being available”***

***“very quick turnaround on cessation of contact case. Application was lodged on Thursday, heard on Tuesday. Application is easier, there is a quick turnaround and didn’t affect job as majorly as it would have (in terms of time off work etc.)”***

Less paper based communication was noted as a positive for both ease of viewing documents and also in relation to the environment and climate change. Information usually paper based is now often sent online, this does not only save on paper but also at times costs relating to postage.

***“there were also postal savings, as notices were sent via email rather than paper copies”***

It was also felt by some participants that remote working may perhaps help alleviate some of the pressures on some professions, such as social workers, where time saving is so important.

***“social workers struggled with the demands of attending court three times a week..... with significant staffing pressures, it is important that we can monopolise our time. We can be available to appear in different courthouses in the same day if we are attending remotely”***

## **4.2 Technology**

Technology was a prominent theme across most groups - this theme relates specifically to Technical Difficulties and Digital Accessibility.

### **4.2.1 Technical Difficulties**

There were mixed views across the participants in terms of their experience of using remote technology, with challenges relating mainly to technical difficulties.

Whilst it was acknowledged by some participants that there may have been some initial difficulties with technology, it was felt that there have been improvements since the start of the pandemic.

***“now that the custody suites are familiar with the remote technology, it runs very smoothly”***

***“remote technology has worked fantastically at the crown court for the past few years”***

However, some participants have felt that the technology ‘can be fallible at times’ and ‘not sophisticated’.

***“I have experienced significant technical issues in terms of connectivity, especially in larger group sessions where the bandwidth is stretched”***

“

***problems with technology occur, sometimes people cannot connect and hearing proceeds in their absence. These appeals can then be set aside and have to be re-listed***

”

***“there are problems with the existing technology with both sound and vision on a weekly basis. This needs to improve to ensure the link is consistently audible”***

Some participants also referred to issues with the Wi-Fi within Laganside Courts as well as the inability to see everyone on the screen at the same time.

***“the platform is very poor, the camera is focused on the judges’ head and other images are small at the bottom”***

***“one issue is that Sightlink can only show one view. Namely either the judge or a full view of the courtroom. If it were possible to see a view of the judge and the court room at the same time that would increase the efficacy of remote advocacy”***

The functionality of queuing was also raised, when the camera is turned off you are put to the back of the queue.





#### 4.2.2 Digital Accessibility

A number of participants also highlighted issues around people being able to access technology and those that may be digitally excluded.

Some people may not have access to digital means; be able to afford devices such as laptops and phones and/or internet access within their homes. Others may be disadvantaged based on the area in which they live and the speed of broadband that is available.

***“remote hearings rely on technology from both ends. In more remote areas, people do not have access to high-speed broadband and this can cause significant problems. In addition, some of the most vulnerable in society may not have the technological knowledge to access remote hearings properly”***

There are also some people that might struggle with technology, such as older people, those that have visual or hearing impairments or learning difficulties.

***“ people with hearing difficulties or who are not digitally literate can have problems ”***

Consideration is also needed for those people that may need an interpreter or who be self-representing.

***“lack of access to remote-based interpreters for private consultation and failure of courts to reflect this by allowing time for consultation via a closed Sightlink”***

***“those digitally excluded and self-representing are at a disadvantage”***

### **4.3 Communication**

A prominent theme across most of the groups partaking in the research was communication. Whilst the use of remote technology to communicate was generally viewed as advantageous for many of the participants, some highlighted a number of challenges for those people communicating when they are not in the same physical space.

Some participants felt there has been a more efficient use of court time communicating online with remote technology, and less need to ‘hang around court’.

***“from a personal point of view, it allows all my working day to be spent on work, not travelling or hanging around court”***

Some individuals stated they believed there was also more collaboration and communication in advance of court.

“

***There is a lot more productive legal consultation in advance of hearings. Previously this would have been impromptu and done in a corner of the courthouse beforehand. People are better prepared now***

”

There are also benefits to specific groups of people such as prisoners, where remote technology has allowed them to communicate virtually with a wider range of people.

#### **4.3.1 People’s behaviour during virtual hearings**

Some participants felt that when communicating online during virtual court proceedings, the solemnity of court was at times lost. Reference was made to individuals using their mobile device to sign into Sightlink from a variety of locations, or appearing onscreen dressed in their pyjamas. There may be a number of distractions during a remote hearing taking place at home, such as the level of noise or people eating food. It was felt this was less likely to happen in face to face hearings, so sometimes the seriousness of the situation seemed less when communicating using remote technology.

Concerns relating to people’s behaviour within the virtual environment were raised mainly by members of the legal profession. A sense of the formalities, etiquette and in general how people should conduct themselves during a court sitting can be lost remotely.



***“the physical sight of a courtroom can give client’s perspective and let them know the seriousness of a situation. They may not have this perspective if they are attending from home”***

There can be challenges with non-verbal communication remotely, especially if limited to a small screen or perhaps the angle of the camera.

***“body language can be harder to assess remotely, you need to see people sitting in front of you.....there is no substitute for having a person sitting beside or sitting feet away from the judge”***

#### **4.3.2 Interactions during a hearing**

It was felt by some individuals that remote hearings have the potential to leave people feeling isolated. There is a sense that it’s perhaps easier to build a rapport with someone in-person. It can sometimes be difficult for the client and solicitor to interact during a remote hearing, ‘not being able to lean over and chat to the client’ as they would be able to ‘in-person’. There is a need for virtual break out rooms to help assist with communication.

***“a huge diminution in the quality of client care available when clients are remote/separate from their lawyers, as well as issues of taking instructions etc. during hearings”***

***“challenge being able to communicate timelessly during a hearing”***

Lack of face-to-face human interaction can potentially result in misinterpretations, especially in instances where the dynamics of a case has changed.

“

***in dynamic cases, it can be difficult to handle where things change constantly. Instead of talking with colleagues face to face, a lot of correspondence is through email and vital information can be missed***

”

Another point raised was ability to drill down and ask questions, this can be more difficult in a virtual hearing.

It was felt by a few participants that it can be difficult dealing with large volumes of evidence or logistical difficulties sharing physical evidence when not in-person.

A point also raised was the difficulty in sharing information, if remote communication is via a telephone call.

Issues around communicating sensitive information and the impact it may have on people at home if they were hearing a difficult message remotely without any support, were noted. Some emphasised the importance of managing remote hearings sensitively going forward.

***“for example cases that involve domestic violence can have victims sitting with the perpetrator”***

***“some parents are struggling with the new processes and many hearings are proceeding without a parents statement”***

Conversely, it was also noted that for some discussing personal details such as intimate medical information, online is a more user friendly format for individuals who can do this from the comfort of their own home. This reiterated a point raised throughout the discussions, in that where possible individuals should be offered ‘choice’ in how they access justice.

***“It would be good for people to have a choice in the type of hearing they want moving forward”***

The importance of face-to-face communication was discussed by some participants, and it was felt in certain situations there was no replacement for face to face contact.

***“as my team provide a social work service it is important to still provide face-to-face services to maintain our high standards”***

## 4.4 People

This was a dominant theme across some groups. Some of the participants highlighted a number of points relating to the potential impacts on specific groups of people utilising remote technology and physically appearing in a court room. It was felt that the court can be an intimidating place for some.

### 4.4.1 Vulnerable People, Young People, Victims and Witnesses

There was a real sense these groups should have an opportunity to have their say in an environment that they feel comfortable, reducing nerves and anxiety, especially for young people.

A young person seeing a defendant on Sightlink or perhaps in court can cause anxiety and stress. Some participants felt quite strongly that young people should be kept out of court buildings

***“keeping children out of the court buildings which are adult focused, reduces anxiety in children and is a positive factor”***

A young person has a choice to use a remote evidence centre (REC) or court.

***“A REC can improve their experience, improve a child’s level of anxiety, they are a fantastic addition’***

“

***I have seen tangible positive outcomes for people who have used REC centres, hopefully it will be a choice for all young people***

”

Vulnerable people and/or those with a disability may find it easier to be in a familiar environment or a solicitor’s office where they can feel more comfortable. For face-to-face hearings the logistics of travelling to a court building, finding parking and attending a court can cause difficulties.

However, it was also acknowledged some vulnerable people may struggle with technology and may benefit from guidance and support with this.

It can also be very stressful for victims for example if their abuser is in court. In some cases ‘Special Measures’ can be put in place to help witnesses provide their evidence – such as providing evidence in another room, outside the courtroom, via a TV link.

Consideration should also be given to those people with caring responsibilities, again ensuring they have access to justice that best suits their needs.

## 4.4.2 Prisoners

Arraignments, pleas and sentences can be performed remotely which means prisoners do not have to be transported to courts, in special vehicles with special crew staff. As well as less waiting around courts for both staff and prisoners which allows both parties to continue with their daily activities. A sense of perhaps 'less stress overall' and potential welfare benefits for those parties involved.

## 4.5 Privacy

Issues around privacy in the remote environment was a dominant theme across some groups. It is generally not possible to see everyone who is in the room in a court sitting online, individuals can join anonymously and links to court sittings can also be shared. The fact that individuals can take screen recordings and photography during remote court proceedings is a cause for concern.



***“It will be necessary for a system to be put in place to better identify participants and give explicit guidance on conduct to those who seek to join the court remotely.....The present system, which enables widespread access by anonymous individuals, has the potential to negatively impact the solemnity of the proceedings and also affords those with a nefarious interest in the proceedings to observe proceedings with impunity”***



To allow for a greater degree of privacy, access to venues such as hubs/libraries where laptops are provided and assistance available if required was a suggestion. This could help retain the benefits of remote sittings such as reduced travelling time and cost, but allow for better security measures to be put in place.

Some participants felt online hearings offered a greater degree of privacy, compared to the traditional model of the court room.

***“Remote hearings may be better for confidentiality. Previously in Court, as there are not enough consulting rooms many private conversations were held in corridors”***

It was noted that remote hearings also have an advantage from a safety point aspect. Protecting the safety of staff and participants is of great importance.

***“The remote facility is also a good way of hearing cases with people whose papers suggest they may be potentially violent. These cases would previously have been listed at courthouses, where security would be available. Now these cases are feasible for remote hearings, meaning the potentially violent individuals cannot harm anybody physically”***

## 4.6 Physical Environment

The physical environment was a common theme across certain groups.

Some participants felt that some physical aspects of court buildings were not ideal, in terms of capacity, availability and the level of privacy that is offered.

“

***court custody areas are not designed for the footfall that goes through them now***

”

***“a practical problem with returning to face-to-face hearings is there are only two purpose build venues in Northern Ireland for tribunals and only one floor per hearing at these venues can be used”***

“

***remote hearings may be better for confidentiality. Previously in Court, as there are not enough consulting rooms, many private conversations were held in corridors***

”

It was also acknowledged by some of the participants that some of the courts are old buildings. There was a sense of almost weighing up, are or will these buildings be ‘fit for purpose’, are they worth repairing or perhaps would it be better investing the money into the technology and infrastructure moving forward.

Alternatives to appearing in court may be exploring the use of municipal buildings or hubs for accessing remote technology, Remote Evidence Centre’s are currently used, mainly by young people.

## 4.7 Profession



This was a common theme across members of the legal profession and social workers with discussions relating mainly to the new entrants to these professions.

Some participants from the Bar raised concerns around the reduced opportunities for young barristers to form connections, network, gain experience and establishing themselves within their profession.

***“.....we need young barristers to get the exposure in court to gain experience and become proficient in their area”***

“

***traditionally young barristers would have networked with solicitors by doing last minute work, experienced solicitors can do this last minute work remotely now. This eliminates the chance of getting future work through networking***

”





Whilst some participants within the social work profession also recognised the importance of new professionals gaining experience with the court.

***“there are staffing problems, as many new recruits have no experience of appearing in Court. New social workers will need this experience for when in-person hearings reconvene”***

In addition, there was a comment relating to work life-balance

***“work-life balance issues arising from remote working practices as highlighted in the recent Bar Library membership survey – constant availability, unreasonable expectations of availability or workload”***

However, there was a real sense of positivity from the discussions with some of the judicial participants relating to new recruits to the profession.

***“.....the younger profession are passionate and they are invested”***

In general, there is a perception that younger people today are tech savvy, a new generation and perhaps more willing to embrace new ways of working using technology.

## 5. Key Areas for Consideration

As a result of the COVID-19 pandemic, the stakeholders in this research, like many others, had to adapt to new ways of working.

Whilst improvements have been made in many areas since the beginning of the pandemic, participants discussed some areas where there are opportunities for development going forward with remote/hybrid working.

This included the need for more evaluation to assess the impact of remote hearings on the individuals involved, more data collation by NICTS (particularly on victims and witness) to provide an evidence base of what is or maybe is not working so well.

Areas for development included technology, infrastructure and a focus on accessibility for all.

### 5.1 Technology

- Improve Wi-Fi throughout the entire court estate, to cope with increased demand and ensure consistency of service.
- An information video for members of the public showing a fictitious remote court sitting to provide an indication of what their hearing may look like.
- Protecting privacy for all involved in remote court proceedings, guidance at the start of hearing stating no sharing links or photography/recording of court proceedings.
- Explicit on-screen guidance provided to participants detailing conduct expected during the hearing, so that the formalities of the courtroom are not lost during remote court sittings.
- More information provided when people sign in such as the name of the judge and court number, this would help avoid unnecessary questions from individuals when they sign in.
- Online portal for papers to be filed so they can be viewed all together.
- Increase the online process in areas where it's appropriate.
- Improvements in Sightlink to provide multiple views as opposed to a view of either the judge or the courtroom.
- Double screens/monitors so that court hearing can be viewed on one screen, while electronic document bundle can be observed on the other.
- Technology which allows for private discussions between parties (breakout rooms) during court proceedings or provides an easy way to get in touch with another participant without interrupting the court
- A standardised approach to the technology across NICS, with a few platforms and the different technologies brought closer together.
- Consistency of training, for example PSNI officers stated PPS prosecutors have received the training whereas independent prosecutors are not as knowledgeable about the technology.
- Consideration given to the impact of prolonged screen time on users.

## 5.2 Accessibility

- A hybrid option where panel members can engage face to face and discuss evidence, but claimants can remain in the comfort of their own home if they choose to.
- More assistance particularly for vulnerable clients, who may require assistance with both current and future technology.
- Train volunteers to assist with technology to help provide evidence remotely.
- Provisions for those who may be digitally excluded, whether that be due to vulnerability, age, financial status, WI-FI access....
- Widen criteria for use of Remote Evidence Centre's, so that more people can avail of the facility.

## 5.3 Infrastructure

- More investment in alternative permanent venues with secure internet connection, to allow for hybrid sittings.
- To explore the use of municipal buildings and look more creatively at what other spaces can be utilized, ensuring they are accessible for all.
- Retain Remote Evidence Centre's (REC) as a choice for more groups of people.
- Upgrade to court buildings where required.

## 6. Conclusion

Overall, many participants in the research reported a positive experience of remote working to date, and were hopeful many of the benefits of remote working will continue in a future hybrid approach.

***“we have been encouraged that we can do things differently”***

There was a wide view that remote court sittings were generally more suited to certain domains, and to cases which are less problematic or largely document based. For more complex cases requiring substantial oral advocacy, there was a common view that there was no substitute for face to face hearings. However, it was acknowledged that it is difficult to 'set a gold standard for every case' and that it is not a 'one size fits all' approach.

The concept of Choice was common in many of the groups, whether that be for the client or their legal representative.

“

***Discretion should be afforded to the individual practitioner as to whether to appear remotely or in person. The practitioner will best understand the needs of their client, themselves and the firm***

”

In general, the wider court system is seen by some participants as currently 'not fit for the future'. The need to adapt as a result of the COVID-19 pandemic is seen as a 'stepping stone' to a more modern service. In today's world where the majority of things are conducted virtually, some feel court service should be 'evolving the business' to do more things online.

Remote technology was an essential tool for all involved in the court system during the pandemic. It enabled cases to progress and helped avoid huge backlogs.

While improvements have been made since the start of the pandemic, some participants still thought the technology was not 'sophisticated enough' or 'up to standard' and that there was a lack of technological consistency between different courts.

***“Some courts need to be upgraded to be able to play CCTV and body worn evidence remotely, there is still a bit of work to be done in this regard”***

In terms of modernising the service there was reference to both the technical risk and resource risk, both need to be managed to allow for smooth operation.

***“We can build technology but there is not enough people to look after it. It needs to stay in healthy state for operation”***

Going forward there are improvements to be made in areas such as technology and infrastructure. From September 2022 in courts and hearing rooms, safe occupancy limits are based on social distancing measures of 1m, which will facilitate more footfall in these areas.

However, it is recognised that we do live in a modern world where many things can be done virtually.

***“It is an exciting time, although we need the energy, the drive and the funding to do it right”***

Within the NICTS, the pandemic has perhaps just accelerated the process of doing things differently.





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