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Access to justice during the COVID-19 pandemic in the UK



**Policy Clinic, Open Justice Centre,
Open University Law School
and
Student Law Office, Policy Clinic,
Northumbria University, School of Law**

Research report for: All-Party Parliamentary Group for Legal and Constitutional Affairs

Research undertaken by: The Open University and Northumbria University

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Introduction

The COVID-19 pandemic has presented many challenges for our legal system. The courts have had to adapt to the unprecedented change in circumstances. One of the most dramatic changes to occur was the introduction of remote court hearings. This report, jointly authored by the Open University and Northumbria University, seeks to explore this transition and the impact it has had on access to justice.

The Open University Policy Clinic is part of the Open Justice Centre. Open Justice provides free legal advice and education to members of the public in a variety of legal areas. In 2019, Open Justice established the Policy Clinic to undertake research on behalf of organisations and charities, aiming to influence policy and law reform. The Northumbria Student Law Office was set up in 1981 and offers free legal advice to members of the public on a range of different areas. The Policy Clinic within the Student Law Office was set up in the 2018/2019 academic year with the aim to undertake research influencing policy and law reform.

We began our research by gathering data from a sample of 80 Crown Courts and 77 County Courts. In addition to this, we conducted fieldwork in the Court of Protection. This involved all members of the team requesting access as public observers to remote hearings. In total, 25 hearings were attended. There was also a review of existing literature surrounding remote hearings. This report will identify the themes arising from our research that have a direct influence on access to justice. We will discuss the findings from our research alongside the existing data, and comparisons will be made between these two data sets. We believe this report is particularly important as we enter a post-COVID-19 world and questions are being raised as to whether the changes that have occurred during the pandemic should be implemented permanently. The aim of this report is to gain an insight into the effect of the pandemic and to assess the practicality of online courts.

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Background and aims of the study

In these unprecedented times, our legal system has had to adapt quickly to accommodate a safer and more distanced approach to hearings without preventing access to justice and, therefore, losing the effectiveness of physical courts. This study explores this balance and seeks to understand whether it has been achieved or whether there is a need for reform.

The Open Justice Court of Protection Project was set up, initially, to promote access to justice specifically in the Court of Protection¹. The need for wider transparency within the courts is an area of concern that the project seeks to highlight². The pandemic created uncertainty with regard to how courts could hold hearings safely, and the subsequent transition to remote hearings raised concerns as to whether the courts could function effectively³.

Due to the advancement of modern technology, previous research has been conducted into online courts. This research has been authored by both legal academics⁴ and government institutions. The focus of the research was to determine the practicality of introducing online courts on a larger scale.

Reports from the Ministry of Justice (MoJ) and HM Courts and Tribunal Service (HMCTS) conducted analysis of participants' experiences when engaging with online hearings. Two reports were published in 2018⁵ that assessed the technological barriers facing remote hearings and attempted to suggest ways in which these could be mitigated. A report from the MoJ in 2018⁶ examined the process of online hearings through the first pilot scheme introduced by HMCTS. The court in focus was the First-Tier Tribunal. Another report⁷ evaluated user experience more generally with regard to accessing HMCTS services. Both reports advised the introduction of remote hearings and the importance of an administrative team⁸ to oversee the infrastructure required to facilitate remote hearings.

The previous research in this area has focused on providing a general overview of remote court hearings, such as what to expect during a remote hearing. This

¹ Open Justice Court of Protection Project, 'About the Project' <<https://openjusticecourtofprotection.org/about/>> accessed 10th March 2022.

² Ibid.

³ William McSweeney, 'Technology, Access to Justice and the Rule of Law. Is technology the key to unlocking access to justice innovation?' [2019] The Law Society.

⁴ Ibid. See also Grainne McKeever, 'Remote Justice litigants in person and participation in court processes in Covid 19' [2022] Modern Law Review and Richard Susskind, 'The technology barriers have been surmounted' [2020] Legal IT Insider.

⁵ Meredith Rossner and Martha McCurdy, 'Implementing video hearings (party to state): A process of evaluation' [2018] Ministry of Justice. See also HMCTS Customer Insight Team 'HM Courts & Tribunals Service Citizen User Experience Research' [2018] Ministry of Justice.

⁶ Meredith Rossner and Martha McCurdy, 'Implementing video hearings (party to state): A process of evaluation' [2018] Ministry of Justice.

⁷ HMCTS Customer Insight Team 'HM Courts & Tribunals Service Citizen User Experience Research' [2018] Ministry of Justice.

⁸ Ibid.

involves gaining access to the hearing, the procedure of the hearing itself and leaving the hearing. The previous research that has been conducted fails to give any specificity on how remote hearings may vary depending on factors such as location and time. Our research adds to the existing literature by firstly compiling and codifying existing literature into an easily accessible document. Secondly, the research explores online courts with the added influence of the COVID-19 pandemic. This report combines both qualitative data and quantitative data.

Ultimately, the results of the study will hopefully assist in deciding whether to continue with the modernisation to online hearings, whether to revert to the in-person approach experienced prior to COVID-19, or whether to implement a hybrid of the two approaches. The recommendations this report will make may form the basis of future law reform in the area. In addition to this, the results and information contained within the report may educate members of the public as well as add to the existing literature in this area. The results of the study will be presented in an easily accessible format for a lay audience.

We focused our research by asking the following questions:

- What were the policy decisions made by the Court Service regarding the move to online hearings?
- To what extent did court hearings move online between 16th March 2020 and 19th July 2021?
- To what extent, if any, have hearings remained online at present?
- To what extent, if any, were the public allowed access to face-to-face hearings between 16th March 2020 and 19th July 2021?
- To what extent, if any, are there any changes or restrictions imposed after this date?
- To what extent, if any, were the public allowed access to online hearings between 16th March 2020 and 19th July 2021?
- In what way, if any, has the public access to court hearings been facilitated?
- To what extent, if any, does the above differ geographically or according to type of court?
- Has the move to online court hearings impacted on public access to justice at all?

Research method

Our research method consisted of three pillars. First, we obtained data and statistics regarding online Crown and County Court hearings during the COVID-19 pandemic. Secondly, we conducted fieldwork by attending Court of Protection (CoP) hearings in order to gain practical experience of virtual courtrooms. Thirdly, we reviewed existing literature on the topic. Each of these pillars will be explained in detail below.

Data and statistics regarding online court hearings

Direct and targeted research was undertaken by sending a Freedom of Information (Fol) request to a sample of 80 Crown Courts and 77 County Courts to obtain figures regarding remote court hearings since the start of the pandemic. We created a standard template letter for the Fol, which was e-mailed to each Crown and County Court (see Appendix A). Our supervising tutors compiled a target list of 80 Crown Courts and 77 County Courts to contact. This list of courts was created by cross-referencing several different sources and checking to see if each court was still active. This resulted in a list that covered the entire population of England and Wales. For each court, we recorded the following contact information: Crown or County Court name, email address and telephone number. The supervising tutors sent all of the e-mails on the students' behalf, using the contact list as a central place to track and compile the responses.

When sending the Fol requests, the period of time for which data was requested spanned March 2020 to July 2021. This period was chosen as it represents the time within which social restrictions were in place in both England and Wales, albeit to varying degrees throughout the 15-month window. The starting point chosen, was the date on which the initial lockdown was announced, by the UK Government (23rd March 2020), and the end point was set at the date on which all restrictions were lifted in England (19th July 2021). As it became clear that official data regarding online hearings was only published from May 2020 to May 2021, we narrowed our research to focus on this period instead.

As the project moved along, it became apparent that it would not be possible to obtain a response from all 80 Crown Courts and 77 County Courts. Given the lack of resources available to the courts, their responses often steered us back to sources already available within the public domain, such as data provided on the GOV.UK website. As a result, we focused our analysis on the officially published data.

Attendance of Court of Protection hearings

In addition to this, both universities have conducted fieldwork examining the experiences of public observers within the CoP. We researched how to attend online CoP hearings in order to add a practical dimension to the data that was obtained for the study. The data was gathered by completing a questionnaire on the various aspects of each hearing. The results of each questionnaire would provide qualitative and quantitative data on the experience of attending hearings. For example, the questionnaire would ask students to rate the audio and video quality of each hearing

on a scale of 1 to 5 points and to give their overall assessment of how accessible the hearing was. The text of the questionnaire can be found in Appendix E. Each student was given a target of attending three hearings (equating to a total of 39 hearings) between January and February 2022. This deadline was then extended to 4th March 2022 to ensure that we had more time to reach our target.

To attend the hearings, we used the following process. First, we referred to the public hearing lists to find suitable hearings. At present, the hearing lists for courts and tribunals are published daily and weekly by HMCTS on GOV.UK. The lists are free to access for members of the public. The lists are updated daily at 4:30pm, and any alterations after this time are telephoned or emailed directly to the parties or their legal representatives. The CoP daily hearing list typically includes the time, judge, case details, case type, time estimate, type of hearing and whether it is open to the public or private⁹. Secondly, we contacted the relevant court to request to sit in on the chosen hearing. To do so, we emailed the relevant CoP or courtofprotectionhearings@justice.gov.uk, or we called the number 020 7421 8718. After this, arrangements were made for requesters to attend. Once the request to attend had been accepted, relevant information for accessing the hearing was sent to the requester, including a link to access the online or telephone platform and a Transparency Order. The Transparency Order is a document that sets out the confidentiality requirements for the hearing, ensuring that the details of the parties to the case are not made public by anyone in attendance. We were required to read this document before attending the hearing. The courts requested that we join the hearings 10 to 15 minutes before they were due to commence, using the link provided via email.

To analyse our findings, we extracted the raw data from each questionnaire, anonymised it and consolidated it into a spreadsheet (see Appendix F). The answers to one question (“Question 20: If any, what other information from the hearing do you wish to disclose for the project?”), which were entered into the questionnaires as free text, were anonymised and compiled as raw data into a separate spreadsheet (see Appendix G). Frequency analyses were conducted for each question to determine the spread of the data. During our analysis, we cross-referenced the results from different questions in order to evaluate potential correlations between different sets of data. The most pertinent data has been extracted and displayed as graphs in the “Results” section of this report.

Examination of existing literature

Finally, an examination of existing literature on the subject was carried out to determine the academic landscape. Consideration of literature was beneficial to understand the breadth of material about COVID-19 and the courts. We also obtained data from a variety of publicly available sources. These included the UK Government (GOV.UK) website, CourtServe and the MoJ website. Based on this research, we consulted a number of PDF documents containing essential data.

⁹ GOV.UK, ‘Royal Courts of Justice daily cause list’ <<https://www.gov.uk/government/publications/royal-courts-of-justice-cause-list/royal-courts-of-justice-daily-cause-list>> accessed 24th April 2022.

Research limitations

The research that we have conducted has some limitations. With regard to the FoI requests, the data we requested was confined to a specific period (namely, 16th March 2020 to 19th July 2021). Although this period is relevant to the COVID-19 pandemic, there is still a brief period after this date where remote hearings were still in effect. Furthermore, there are a series of exceptions that allow courts to deny requests. In addition, as mentioned above, a number of the courts we contacted did not have access to the relevant data, prompting us to redirect our analysis to alternative sources of data.

The fieldwork we conducted also carries some limitations. First, we focused our research on the CoP; however, this is just one of the courts in which remote hearings have been in effect. Secondly, the period during which the observations were carried out does not correspond to the full period during which remote hearings were in operation. Thirdly, the sample of hearings that we gathered is a relatively small sample size compared to subsequent data gathered from secondary literature. As a result, we may have omitted any general themes and patterns that have emerged across a larger sample size. Moreover, the hearings were observed in 2022, and this would most likely be a time when any issues that may initially have arisen would be resolved.

As a group, we attended 66% of the target number of hearings. Given more time, we could possibly have attended 100% of the target hearings. However, this proved difficult due to a substantial number of last-minute adjournments to hearings and a limited number of daily cases.

Our examination of existing literature is also subject to several limitations, as it concerns such a contemporary issue. First, the extent of the literature available was limited. Although the wider debate on the modernisation of courts has been ongoing for several years, the transition to remote hearings has not been reported on so widely. In addition, some reports are still yet to be officially analysed and released, and the data publicly available is thus limited.

Results

The research can be divided into the following categories: 1) data resulting from FoI requests; 2) official data regarding remote hearings at Crown and County Courts that has been published on the GOV.UK website; and 3) data collected when attending CoP hearings. The results from each of these categories will now be explained in more detail.

1. FoI requests

When embarking on research, sending FoI requests for data relating to online hearings to a selection of courts appeared to be the most logical place to start. However, the requests that we sent yielded low responses from the courts within the statutory 20-day reply period stipulated in the Freedom of Information Act. This is evidenced by the fact that fewer than half of Crown Courts responded to the request. Of these responses, the majority pointed us towards official data published on the GOV.UK website. As the results from the FoI requests were unsatisfactory, research efforts were instead concentrated on the statistical data sets published by HMCTS¹⁰. The findings from this are discussed directly below.

2. Official data regarding online court hearings published on the GOV.UK website

It is important to note that HMCTS began publishing information regarding the volume of online court hearings in May 2020. The published data reveals several important points. Between May 2020 and May 2021, HMCTS received information on 2,205,354 hearings, of which 1,399,572 hearings were conducted remotely. This equates to approximately 63.5%. The number of remote hearings conducted from May 2020 to September 2020 increased at a steady rate. It can be concluded, therefore, that this was a period of transition from physical court hearings to an online setting. Interestingly, in September 2020, the number of physical hearings increased from 12,916 at the beginning of the month to 18,827 at the end. This can most likely be attributed to the relaxation of COVID-19 rules during this time. In January 2021, the number of face-to-face hearings began to drop, possibly because of the third national lockdown and because lower reporting rates in early January resulted in fewer hearings being reported.

Generally, the data shows that there were more remote hearings conducted than physical hearings. Proportionately, however, there were more remote hearings conducted in the County Courts than in the Crown Courts. From the sample size gathered by HMCTS, 87% of County Court hearings were conducted remotely, whereas only 54% of Crown Court hearings were conducted remotely.

¹⁰ GOV.UK, 'HMCTS weekly use of remote audio and video technologies May 2020 to May 2021' <<https://www.gov.uk/government/statistical-data-sets/hmcts-weekly-use-of-remote-audio-and-video-technologies-may-2020-to-may-2021>> accessed 24th April 2022.

Figure 1: Number of remote hearings conducted from May 2020 to May 2021 by region [data obtained from HMCTS]

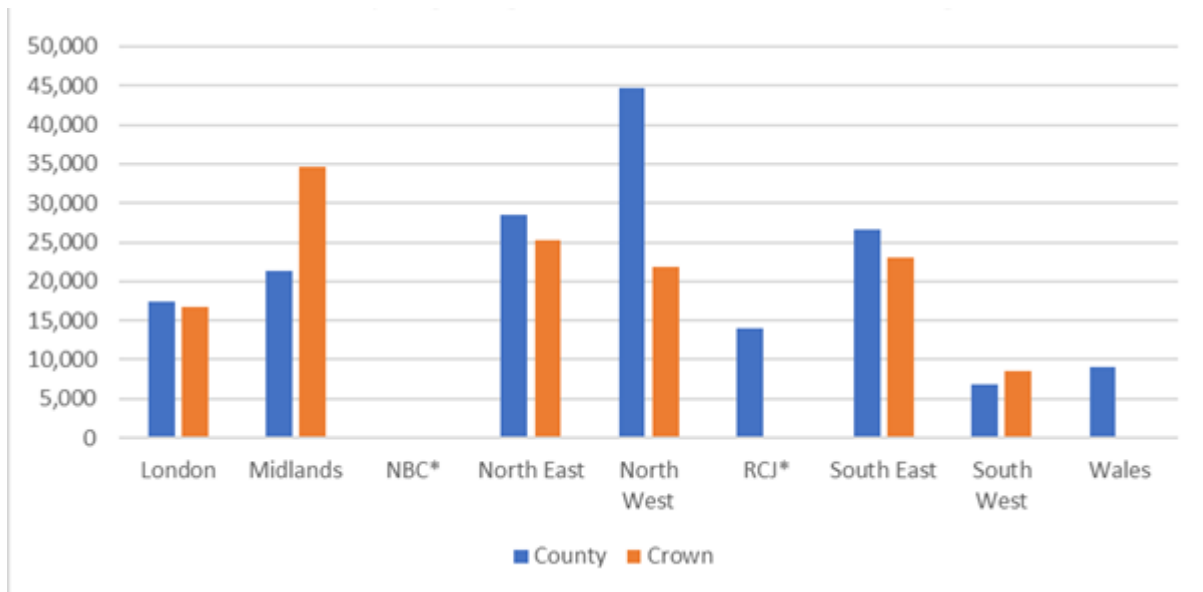
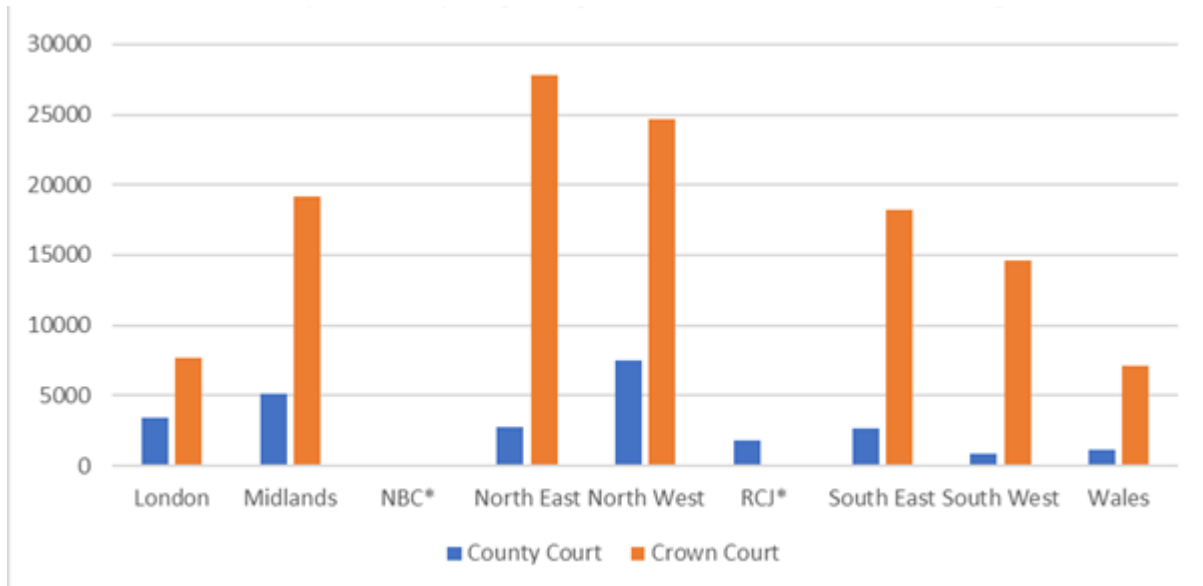


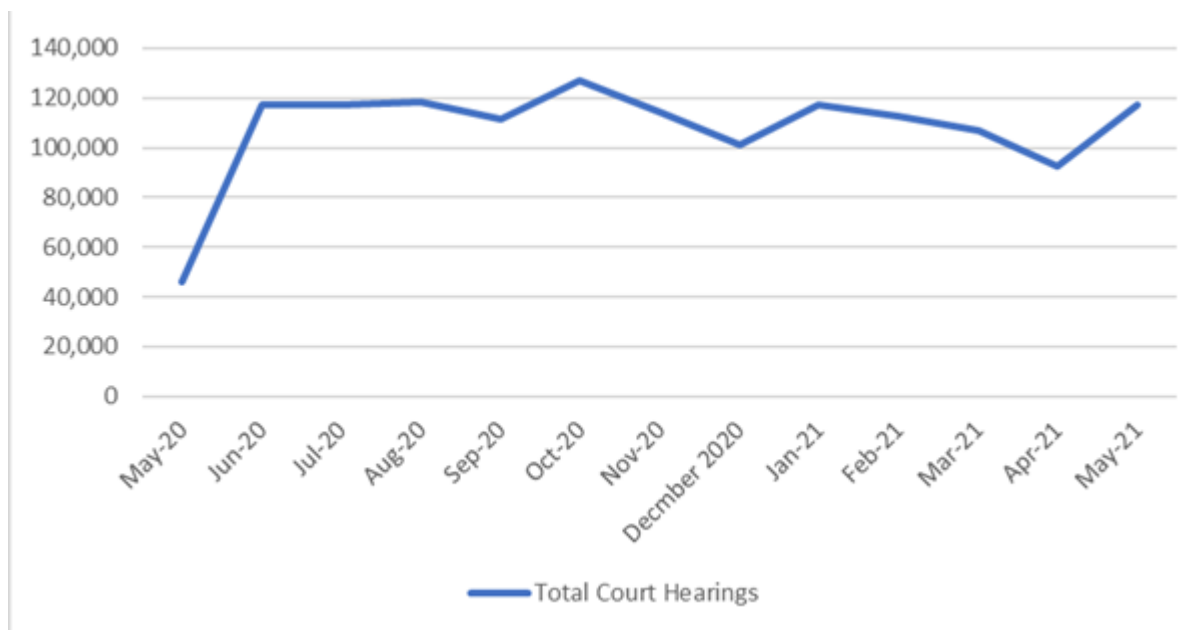
Figure 2: Number of face-to-face hearings conducted from May 2020 to May 2021 by region [data obtained from HMCTS]



***NBC = National Business Centres**

***RCJ = Royal Courts of Justice**

Figure 3: Number of remote hearings by month [data obtained from HMCTS]



3. Data gathered from attendance of Court of Protection hearings

To gain practical experience of online court hearings, we attended remote hearings held by the CoP. Each student completed the same questionnaire of their experiences following the hearings. The data extracted from these questionnaires shows varying results.

The key findings from these questionnaires can be divided into two broad categories: administrative aspects and technological aspects.

Administrative aspects

As can be seen from the results, approximately two thirds of requests for access to CoP hearings resulted in permission to attend being granted:

Of the requests that were not granted access, roughly half were unsuccessful because the hearing was vacated or adjourned. The figure below provides the data and reasons why access was not given:

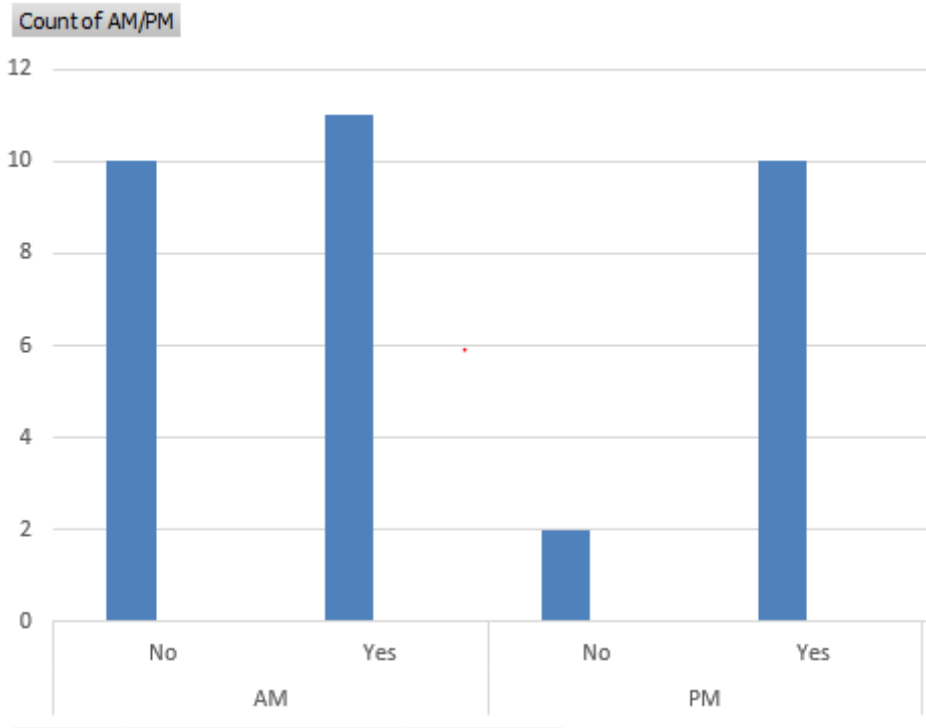
Figure 4: Reasons for unsuccessful requests

If no, what reason given?	
Adjourned	3
No response before hearing	4
Refused access	1
Vacated	4
	12

As adjourned and vacated hearings are not issues specific to online courts, the focus of research is on those requests that were unsuccessful due to other factors. The data gathered shows that access requests were significantly more likely to be successful in the case of hearings held in the afternoons (82% success rate), as compared to hearings held in the mornings (52% success rate):

Figures 5 and 6: Access granted or not granted according to time of day

Number of hearings where access requested	33	Was access granted?	
		Yes	No
		AM hearings	21
PM hearings	12	10	2
	33	21	12



A closer look at this data reveals that once adjourned and vacated hearings are removed, the most common reason for a request to be unsuccessful was a lack of timely response from the court in question. This effect was most pronounced in requests to attend morning hearings. In the case of afternoon hearings, meanwhile, this issue did not pose so many problems.

The data suggests that it is easier overall to gain access to afternoon hearings; potentially due to the time it takes to process each request resulting in delayed or non-existent responses to queries.

The data in Appendix F also shows that, in several instances, it was necessary for students to make follow-up contact with courts in order to ascertain whether their request for access had been received and would be approved. This created extra complexity in the process of accessing the hearings.

In addition, one student reported that they had not been sent the required Transparency Order prior to the hearing, which could have resulted in removal from the hearing at the judge's discretion. The significance of the Transparency Order is explained above on page 7. Another student reported that counsel had requested that members of the public not be permitted to attend the hearing due to the sensitive nature of the case; however, this was overruled by the judge, who granted the student access.

A noteworthy detail from the research is that one judge granted a student access to a private case, demonstrating a higher level of accessibility than was officially required.

Technological aspects

The following graph shows the breakdown of remote hearings held via video conferencing software and via telephone conference:

Figure 7: Method of accessing the online hearing

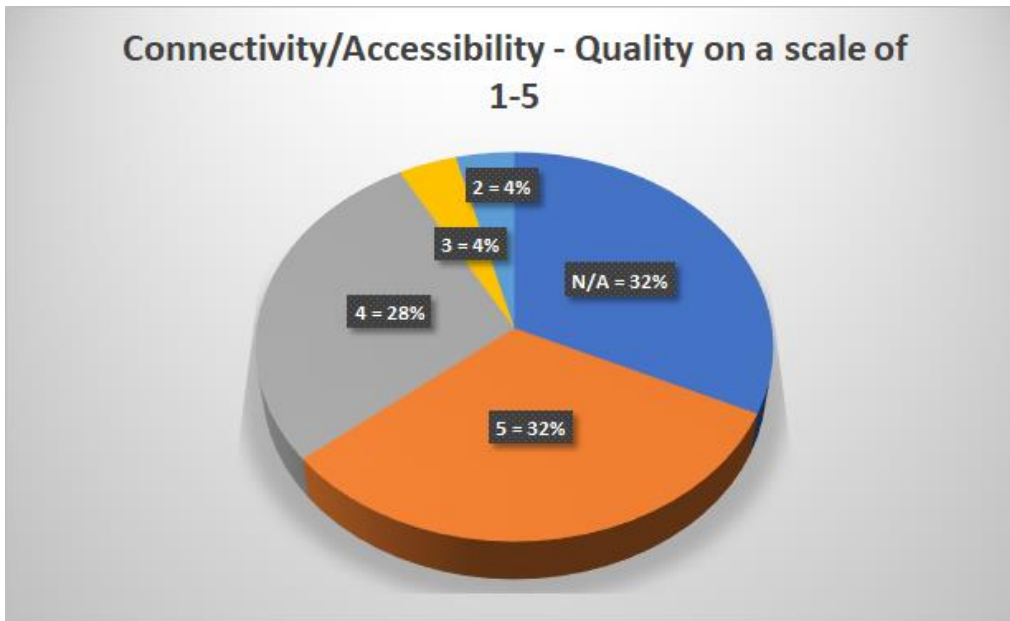


As can be seen, the vast majority of CoP hearings attended during the research phase were held via video conferencing software. Courts are permitted to use a range of remote video solutions to stream hearings, including Microsoft Teams and Cloud Video Platform (CVP)¹¹. However, in terms of the CoP hearings attended for this research, there was a clear bias towards Microsoft Teams (100% of the video hearings we attended).

A major success factor for online hearings is the quality of connectivity. This did not pose any problem for the students undertaking the research, as can be seen in Figure 8 below (where 1 represents lowest quality and 5 represents highest quality). However, it is worth noting that other attendees in hearings did experience some minor connectivity issues, which are not captured in our data.

¹¹ Judiciary of England and Wales, 'Civil justice in England and Wales: Protocol regarding remote hearings', 2 (26th March 2020) <https://www.judiciary.uk/wp-content/uploads/2020/03/Remote-hearings.Protocol.Civil_GenerallyApplicableVersion.f-amend-26_03_20-1.pdf> accessed 10th March 2022.

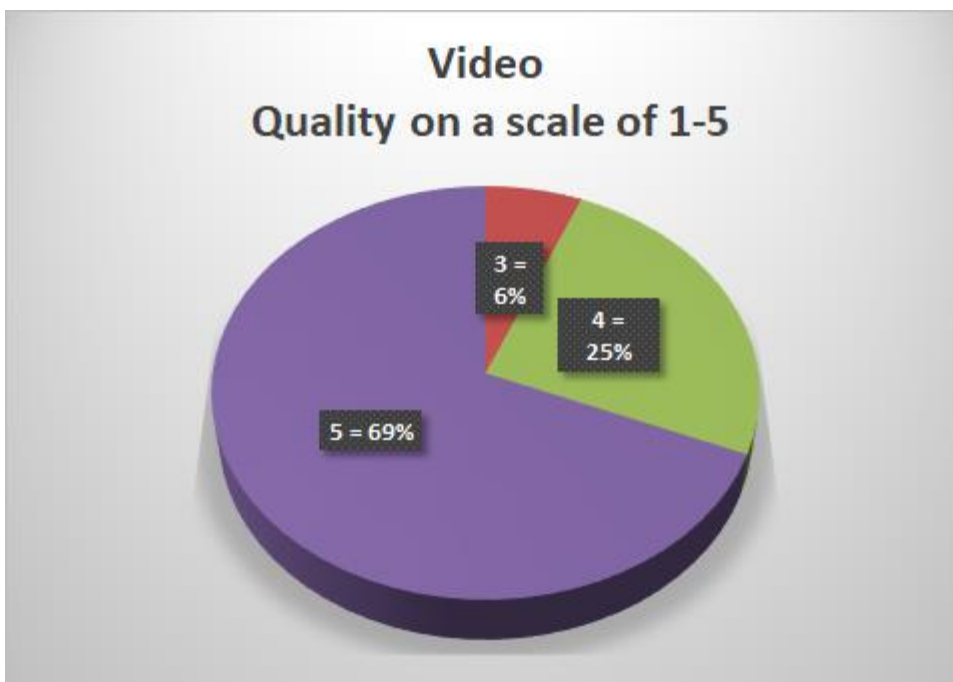
Figure 8: Connectivity quality



Turning to the quality of the audio and video during the hearings, results were generally very positive for hearings held via video stream.

The below pie chart shows the feedback from students on a scale of 1-5, where 1 represents lowest video quality and 5 represents highest video quality:

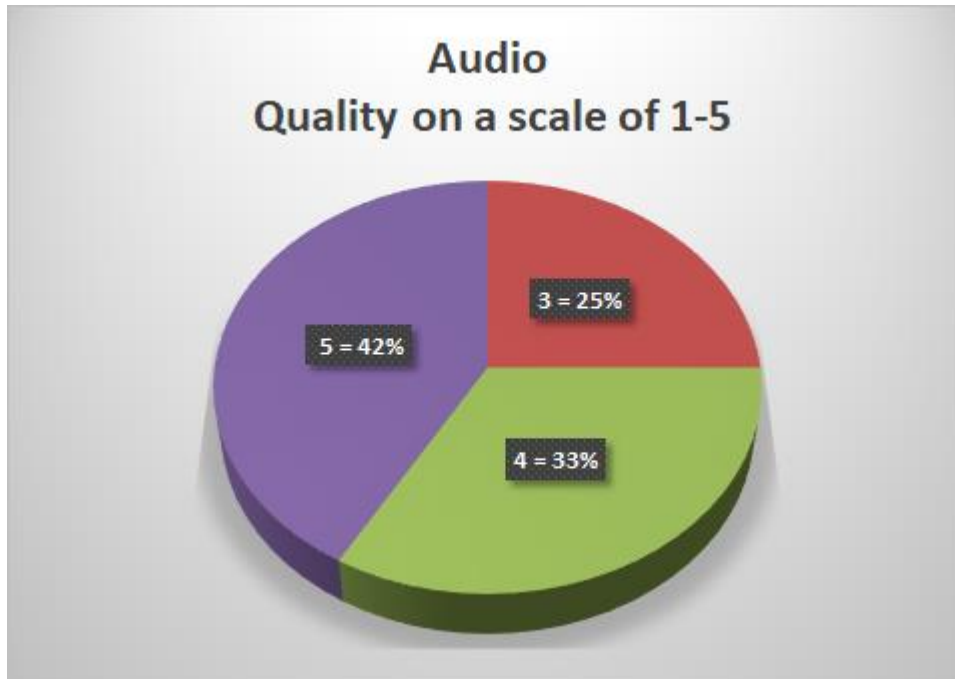
Figure 9: Quality of video



However, the quality of the audio experienced during telephone hearings was notably lower. In particular, one student noted that the lack of visuals resulted in

parties talking over each other, which made the hearing difficult to follow at times. The below pie chart shows the feedback from students on a scale of 1-5, where 1 represents lowest audio quality and 5 represents highest audio quality:

Figure 10: Quality of audio



In general, technological considerations did not result in accessibility issues during any of the hearings we attended. One student even noted that it was encouraging from an accessibility perspective that the court provided a Freephone number to access hearings held via telephone conference. However, it should be noted that one student was informed by court staff that some hearings have to be held by telephone, as arranging streaming via video is significantly more labour-intensive. This indicates that staff capacity can be a limitation for arranging certain forms of hearings. In addition, as telephone hearings were deemed to be of notably lower quality than video hearings, this outcome is undesirable for attendees.

Analysis

The results will now be analysed in further detail. From a consideration of secondary literature, barriers that would impede the process of implementing online courts were identified. These barriers include but are not limited to:

- The cost of carrying out remote hearings, such as the software and platforms¹².
- Accessibility; namely, having access to the required technology to attend a hearing, such as a smart device¹³.
- The capability of individuals attending the hearing. This can include the level of technology skill that is required to join the hearing, speak when needed and leave the hearing¹⁴.
- Inequality of resources available, including the time that a legal representative can allocate to a hearing and the devices needed to attend an online hearing.¹⁵

These barriers were compiled into the following categories: intellectual, emotional, practical and attitudinal¹⁶. Following our own fieldwork and examination of available data, we identified similar barriers that influenced the accessibility of remote hearings. These are all factors that we will analyse and aim to resolve in the rest of this report.

We will first examine the findings from our attendance of the CoP hearings, before moving on to analyse the official data on Crown and County Courts.

Analysis of findings from Court of Protection hearings

The results highlighted within this report show that telephone hearings were found to be lower quality overall than video hearings. This suggests that there may be scope to reduce the proportion of remote hearings accessed via telephone and to promote use of video conferencing instead. In addition, the video platforms that are currently in use seem to vary across different courts. Our findings indicate that the CoP is predominantly opting for Microsoft Teams. However, other courts have made greater use of CVP¹⁷. This means that, in order to access hearings at different courts, members of the public may have to familiarise themselves with a new piece of software. Use of a common platform across all court hearings may facilitate access to justice; it could be regarded as more user-friendly if attendees must learn to navigate only one platform, instead of multiple options.

¹² Grainne McKeever, 'Remote Justice litigants in person and participation in court processes in Covid 19' [2022] Modern Law Review.

¹³ Ibid.

¹⁴ (n 5).

¹⁵ (n 3).

¹⁶ Richard Susskind, 'The technology barriers have been surmounted' [2020] Legal IT Insider.

¹⁷ Janet Clark, 'Evaluation of remote hearings during the COVID-19 pandemic' <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040183/Evaluation_of_remote_hearings_v23.pdf> accessed 17th March 2022.

The data also suggests that court staff do not have sufficient time to handle requests, given that requests for morning hearings were less likely to receive a response from the court staff. These communication issues also manifested in other ways. In some cases where hearings were adjourned or vacated, no information on these developments were supplied to the person who had requested access, or the information was not supplied in sufficient time.

Once access was gained, the hearings appeared to run smoothly and were well presented. Due to the use of conferencing technology, people from around the world were able to gain access to the proceedings, as one student observed during a hearing. As a result, such hearings were in fact more accessible to a wider public than face-to-face hearings. This benefit strikes us as important, and it may be worthy of future consideration as the courts increasingly begin to open their doors to in-person hearings.

In December 2021, HMCTS published an evaluation of remote hearings that highlights some of the responses to the transition to virtual hearings¹⁸. The evaluation concluded that “public users who attended hearings remotely had an equal or better experience of their hearing than those who attended in-person”¹⁹. The results of the data that we gathered from our attendance of CoP hearings therefore seem to be in line with more general sentiment regarding remote hearings.

[Analysis of findings from the official data published on the GOV.UK website](#)

The official data will be analysed in the context of the questions determined in our original research plan.

To what extent did court hearings move online between 16th March 2020 and 19th July 2021?

As discussed previously, the majority of Crown and County Court cases were held remotely during this period. However, Figures 1 and 2 above show that there was a disparity between online hearings held in the Crown and County Courts. This could be accredited to several factors. In Crown Courts, for instance, cases are generally accepted to have a higher urgency, especially due to the more complex and serious nature of the offences involved. Another reason is the high volume of cases in the Crown Court.

There may be a reluctance from courts to implement an unprecedented system that may impose further complications on an already burdened system. In addition, there may also be a lack of infrastructure to implement remote hearings in certain settings, i.e. prisons, etc.

¹⁸ The Law Society, ‘Remote hearings’ <<https://www.lawsociety.org.uk/campaigns/court-reform/whats-changing/remote-hearings>> accessed 15th March 2022.

¹⁹ (n 17).

To what extent, if any, have hearings remained online at present?

Between the end of March 2020 and the end of April 2020, the number of hearings held via video or audio connections had jumped from 500 to almost 3,000²⁰. Remote hearings have now become part of a new alternative to attending a hearing in person. Arguably, the pandemic may have been a beneficial catalyst for an evolution in the way in which court hearings are conducted towards more modern practices. Remote hearings have become routine for court staff and legal representatives, especially as the equipment in the courts has now been updated to accommodate these hearings and the technology available in the courts is being updated all the time²¹. For 2022, HMCTS will be transitioning to a new video hearing service. This will include virtual consultation rooms and built-in guidance for court users²².

At present, remote hearings still remain a viable option that offer an alternative to in-person hearings. As rules on COVID-19 have relaxed, in-person hearings have increased, but it is likely that remote hearings will remain. The GOV.UK court hearing listings still offer remote hearings that can be attended by the public. Hearings have not fully transitioned back to physical courtrooms now that COVID-19 restrictions have relaxed.

To what extent, if any, were the public allowed access to face-to-face hearings between 16th March 2020 and 19th July 2021?

On the 23rd March 2020, jury trials were suspended in England and Wales. Subsequently, 157 priority courts were allowed to remain open. Furthermore, members of the public and media were allowed to attend in person, provided it was safe to do so. There was also the introduction of ‘staffed courts’. These courts were not open to the public but were open to court staff. The purpose of these 124 courts was to provide administrative support for remote hearings. Clearly, accessibility to hearings was reflective of the ever-changing circumstances of the pandemic. Namely, when rules were relaxed then there would be more access to physical hearings for the public. Even prior to COVID-19, there was a varying degree of accessibility; this was exacerbated by the pandemic. The specific circumstances of a case would often dictate whether a public presence is allowed. This would not have changed during the pandemic. Where travelling was restricted in England and Wales, legislation did allow for individuals to attend physical hearings, as required by law.

²⁰ Simon Heatley and Charlotte Pender, ‘Remote hearings in the COVID-19 era: another new normal?’ (12 June 2020) <<https://www.charlesrussellspeechlys.com/en/news-and-insights/insights/litigation--dispute-resolution/2020/remote-hearings-in-the-covid-19-era-another-new-normal/>> accessed 24th April 2022.

²¹ Elina Mockevicute, ‘Remote hearings in the time of COVID – the “new normal”?’ (28th July 2020) <<https://www.boyesturner.com/news-and-insights/remote-court-hearings-in-the-time-of-covid-the-new-normal/>> accessed 15th March 2022.

²² (n 18).

To what extent, if any, were the public allowed access to online hearings between 16th March 2020 and 19th July 2021?

Online hearings have been accessible by the public during the COVID-19 pandemic. The format of a remote hearing allows for a more accessible hearing through the removal of constraints such as travel, cost of attending and the inflexibility associated with a physical hearing. However, restrictions still exist that limit the extent to which court hearings can be accessed. Permission must be granted by the court prior to joining hearing. While this restricts accessibility, it does not necessarily prevent access to the hearing. Unlike physical hearings, the public's access to remote hearings has remained consistent throughout the above-mentioned dates. Barriers such as travelling to court or the practicality of attending a hearing are removed, enabling access to a wider public. Although permission must be granted beforehand, the public can gain access to both public and private hearings throughout England and Wales with minimal effort and ease.

The daily hearings list that provides the information required to access a hearing can be used by any member of the public, as it is presented in an easy to navigate manner. The hearings lists are updated daily and give ongoing detail as to the hearings that will be held, enabling users to obtain the information they need to request access. Although an easily accessible and simple platform exists that can be used by the public to access remote hearings, the system itself is not perfect. Issues have arisen regarding the presentation of court listings; for example, some hearings have been listed under incorrect categories, and information regarding how to access the hearing is occasionally missing²³. Such administrative issues can hinder public access to hearings.

The method by which remote hearings are conducted can vary from solely audio, video or both. Thus, hearings are more accessible thanks to a wider range of means. This replaces the traditional approach of solely physical hearings. Remote hearings have not deviated from the principle of accessibility, and the public has access to these hearings as before the pandemic.

²³ Celia Kitzinger [@KitzingerCelia], 'Another thread about problems with open justice in the Court of Protection' [Tweet] (2nd March 2022) <https://twitter.com/KitzingerCelia/status/1499090112382214145?s=20&t=w_3sTRbbOaeVGL07ULHPPA> accessed 24 April 2022.

Recommendations for reform

Based on a synthesis of our results and analysis, we have developed a set of recommendations for possible reform to online court hearings. These are as follows:

1. Remote hearings should remain as a viable option that participants should be able to choose over physical hearings. It would be beneficial to retain remote access to hearings, because this enables observers to access hearings from any location and allows people with restricted mobility to gain access more easily. In addition, removing the need to travel to a physical courtroom reduces costs for members of the public and minimises the amount of leave that they need to take from work.
2. More training on how to access court hearings should be made available for those who are not familiar with technology and with accessing remote hearings in general.
3. The number of platforms used for the remote hearings should be reduced and standardized across different courts. Currently, different courts use different platforms to varying extents. It would be easier for the public if a single platform were in use, as they would not have to learn to navigate multiple solutions.
4. Video hearings when conducted received a more positive review than audio hearings. This would suggest that video hearings should remain, and audio-only hearings should be reserved for a last resort if both physical and video hearings are unable to be held. From our research, all of the phone hearings experienced sound issues, suggesting that improvements are required. The lack of video presence also created difficulties with following the hearing, as it was more challenging to determine who was speaking at any given point. The use of video technology would provide improved accessibility for the end user.
5. It may not be possible to reduce the offering of telephone hearings due to lack of access to equipment or technical issues. If this is the case, a potential solution would be to encourage users to opt for video access wherever possible by mentioning the benefits of video over telephone access²⁴.
6. Better technology functionality should be established for online hearings. The court service could improve the experience for end users by providing breakout rooms for judges and counsel instead of asking observers to leave the session while private discussions are held. Such improvements would provide a better experience for all involved.
7. Hearings lists should be updated for the whole week as opposed to daily. Alternatively, daily hearings lists should be published further in advance than they currently are. Either of these changes would allow for more efficient access to hearings, as the public would be able to make contact with the relevant court further in advance of the hearing.
8. Adjournment of remote hearings should be communicated more effectively to members of the public. A platform could be established on which adjournments are posted, or the daily hearings list should be regularly

²⁴ (n 17).

- updated to provide information on adjournments. Furthermore, a live update system would be beneficial, so that information is always up to date.
9. Improvements should be made to the response times for access requests. Our findings suggest there was an increased chance of a delay in communication if the hearing was held in the morning. Providing swift communication to the end user would not only reduce the number of calls but provide improved access to justice.
 10. Training should be standardised for court staff to allow them to instruct and guide parties more effectively with regard to the process of participating in a virtual hearing. Two types of guidance could be issued by court staff: first, information regarding the technical aspects of attending the hearing (e.g. how to use the online platform, an opportunity to test connectivity, etc.); and secondly, information regarding the customs of the court (e.g. how to address the judge, when and whether to speak during the hearing).
 11. Due to the fact that some HMCTS staff reported feeling “overwhelmed” by the volume of guidance provided, it must be ensured that they are supported and given sufficient time to complete any necessary training courses and familiarise themselves with the guidance²⁵.

²⁵ (n 17).

Conclusion

In conclusion, the research aims were to assess the practicality of online courts and to make recommendations for possible reform. This was achieved by gathering data from a sample of Crown and County Courts. Furthermore, fieldwork was conducted by the Open University and Northumbria University in the Court of Protection. A combined total of 25 hearings were attended over a two-month period. We also reviewed existing literature in this area. Overall, there were more remote hearings conducted in the County Court than in the Crown Court during the pandemic, and the number of physical hearings increased as COVID-19 rules were relaxed.

In some ways, the changes to court proceedings that were necessitated by the COVID-19 pandemic made hearings more accessible to the public. This was because hearings were predominantly conducted online, whereas prior to the pandemic, the majority of hearings were held in person. Barriers to attendance at hearings, such as travel and expense, were removed by the widespread use of virtual hearings. However, areas for improvement have also been identified: the administrative processes involved in accessing hearings remotely could be less onerous for the public, and the technology used for the virtual hearings could be upgraded.

The recommendations we have suggested are that remote hearings should remain as a viable option, but more resources on how to access court hearings should be made available to facilitate this. Court staff should be offered more training to ensure they are confident with their new tasks, while more guidance should be published for members of the public to familiarise them with the processes involved. For 2022, a new video hearings service will be implemented by HMCTS²⁶. The scope of this service is yet to be determined. However, it will hopefully address some of the issues raised in this report, such as the need for separate consultation spaces for legal representatives and the requirement for built-in guidance. We also recommend that the hearings lists should be updated for the entire week as opposed to daily or, alternatively, that daily hearings lists should be published further in advance. Further research should be done to determine the most efficient way to conduct court hearings, both online and in person, in order to maximise accessibility for the public.

²⁶ (n 18).

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Appendices

- Appendix A – Fol requests sent to Crown and County Courts
- Appendix B – Freedom of Information requests sent to Crown Courts
- Appendix C – Text of letters sent to CoP requesting access to hearings
- Appendix D – Court of Protection hearings attended by students
- Appendix E – Text of the questionnaire on CoP hearings
- Appendix F – Consolidated data from Appendix E (CoP hearings)
- Appendix G – Raw responses to Question 20 from Appendix E (CoP hearings)

Appendix A – FoI requests sent to Crown and County Courts

[Your address]

[Town/city]

[Postcode]

[Email]

[Telephone number]

[Court contact details]

To whom it may concern

I am writing on behalf of a research project at the Open University, in partnership with Northumbria University policy clinic, run by the Open Justice Court of Protection (<https://openjusticecourtofprotection.org/>). The report will be presented to the All-Party Parliamentary Group for Legal and Constitutional Affairs. The research focuses on the impact of the pandemic on decisions to move to online hearings, restrictions on face-to-face hearings, and arrangements made for both face-to-face and online hearings.

I therefore write to request the following information under the Freedom of Information Act 2000:

1. The percentage of hearings at your court that have been moved online between 16 March 2020 and 19 July 2021, and the percentage of your hearings that remain online at the current time.
2. Whether the public have been allowed access to face-to-face hearings at your court between 16 March 2020 and 19 July 2021, and whether any changes or restrictions were imposed after this date.
3. Whether the public have been allowed access to online hearings at your court between 16 March 2020 and 19 July 2021, and how this has been facilitated.
4. Any written feedback from members of the public regarding access to the courts during the period from 16 March 2020 to 19 July 2021.
5. Any information regarding the numbers of members of the public accessing court hearings before 16 March 2020, during the period from 16 March 2020 to 19 July 2021, and up to the date on which this request is received.

I would like the above information to be provided to me by email. This is inclusive of any such information that could be deemed sensitive and any feedback for which you may only hold partial documents.

If this request is too wide or unclear, I would be grateful if you could contact me. If any of this information is already in the public domain, please can you direct me to it, with page references and URLs if necessary.

If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the Act. I will also expect you to release all non-exempt material. I reserve the right to appeal your decision to withhold any information.

I understand that under the Act you are entitled to charge a reasonable sum for providing this information, but in the circumstances of the present request, and the fact that the Open Justice Court of Protection Project is a voluntary project run without funding, that the universities have no committed budget, and that all research work will be undertaken on a pro bono basis, I ask that any potential fee be waived.

Appendix A – FoI requests sent to Crown and County Courts

I understand that you are required to respond to my request within the 20 working days after you receive this letter. I would be grateful if you could confirm via email that you have received this request. I would very much welcome the information sought to be provided at the earliest opportunity.

If you have any questions or would like to discuss the project further, then please do not hesitate to contact the Open University Pro Bono clinic on open-justice-policy-clinic@open.ac.uk or the Northumbria University Pro Bono clinic at la.studentlawoffice@northumbria.ac.uk.

I look forward to hearing from you.

Yours sincerely

[Your name]

Appendix B – Freedom of Information requests sent to Crown Courts

Student Allocation	Court Name	Region	Tier	Notes	Email address	Ref	Date Sent	Auto Response	Update Response
Student 1	Aylesbury	Southeast	Third		Enquires.aylesbury.crowncourt@justice.gov.uk	OUCOPOO1	18/12/21		
Student 1	Basildon Crown Court	Southeast		Basildon Combined Court.	Enquires.basildon.crowncourt@justice.gov.uk	OUCOPOO2	18/12/21		
Student 1	Birmingham	Midland	First	Four of the sixteen courts are in a separate building.	Enquires.birmingham.crowncourt@justice.gov.uk	OUCOPOO3	22/12/21	Y	
Student 1	Bolton	Northwest	Third	Shares a building with Bolton County Court.	Enquiries.bolton.crowncourt@justice.gov.uk	OUCOPOO4	22/12/21	Y	
Student 1	Bournemouth	Western	Second	Shares a building with Bournemouth County Court.	Enquiries.bournemouth.crowncourt@justice.gov.uk	OUCOPOO5	22/12/21		Need to make online requests: www.gov.uk/guidance/access-hmcts-data-for-research
Student 1	Bradford	Northeast	Second	Shares a building with Bradford Country Court.	Caseprogression.bradford.crowncourt@justice.gov.uk	OUCOPOO6	22/12/21	Y	
Student 1	Bristol Crown Court	Western	First		Caseprogression.bristol.crowncourt@justice.gov.uk	OUCOPOO7	22/12/21	Y	Sent clarification
Student 1	Burnley	Northwest	Third	Shares a building with Burnley County Court	Enquiries.burnley.crowncourt@justice.gov.uk	OUCOPOO8	22/12/21	Y	
Student 1	Caernarfon	Wales	First	Linked to old Crown Court. A new building	Enquiries.caernarfon.crowncourt@justice.gov.uk	OUCOPOO9	22/12/21	Y	

Appendix B – Freedom of Information requests sent to Crown Courts

				opened on 20 May 09. The new building contains two Crown Courtrooms and two Magistrates courtrooms					
Student 1	Cambridge Crown Court	Southeast	First	Upgraded to first tier status in 2005 after a new court building opened.	Enquiries.cambridge.crowncourt@justice.gov.uk	OUCOPOO10	22/12/21	Y	
Student 2	Canterbury	Southeast	Third	Shares a building with Canterbury Crown court	canterburycrowncourt@justice.gov.uk	OUCOPOO11	22/12/21		
Student 2	Cardiff	Wales	First		Listing.cardiff.crowncourt@justice.gov.uk	OUCOPOO12	22/12/21	Y	
Student 2	Carlisle	Northwest	First	Shares a building with Carlisle Crown court	Balliffs.carlisle.crowncourt@justice.gov.uk	OUCOPOO13	22/12/21		
Student 2	Carmarthen	Wales	Second		swestwalescps@cps.gov.uk.cjsm.net	OUCOPOO14	22/12/21	Email not found	
Student 2	Central Criminal Court	London	Second	The “Old Bailey”	centralcriminalcourt@justice.gov.uk	OUCOPOO15	22/12/21		
Student 2	Chelmsford	Southeast	First		Enquiries.chelmsford.crowncourt@justice.gov.uk	OUCOPOO16	22/12/21	Cardiff	
Student 2	Chester	Northwest	First		enquiries.chester.crowncourt@justice.gov.uk	OUCOPOO17	22/12/21	Email not found	
Student 2	Chichester			Nightingale Court	Enquiries.chichester.crowncourt@justice.gov.uk	OUCOPOO18	22/12/21	Y	
Student 2	Coventry	Midland	Third	Shares a building with	warwickcrowncourt@justice.gov.uk	OUCOPOO19	22/12/21	Y	

Appendix B – Freedom of Information requests sent to Crown Courts

				Coventry Crown court					
Student 2	Croydon	London	Third	Shares a building with Croydon Crown court	croydoncrowncourt@hmcts.gsi.gov.uk	OUCOPOO20	22/12/21	Y	
Student 3	Derby	Midland	Third	Shares a building with Derby Crown court	Enquiries.derby.crowncourt@justice.gov.uk	OUCOPOO21	22/12/21		
Student 3	Doncaster	Northeast	Third	Doncaster Justice Centre South	Enquiries.shffied.crowncourt@justice.gov.uk	OUCOPOO22	22/12/21	Y	Sent to disclosure team
Student 3	Durham	Northeast	Third		durhamcrown@justice.gov.uk	OUCOPOO23	22/12/21		
Student 3	Exeter	Western	First	Shares a building with Exeter County court	Enquiries.exeter.crowncourt@justice.gov.uk	OUCOPOO24	22/12/21	Y	Need to make online requests: www.gov.uk/guidance/access-hmcts-data-for-research
Student 3	Gloucester	Western	Second	The Court is in a 1900 century building described by the local senior judge as “not fit for the 21 st century in any shape or form”	Gloucestercrowncourt@justice.gov.uk	OUCOPOO25	22/12/21		Need to make online requests: www.gov.uk/guidance/access-hmcts-data-for-research
Student 3	Great Grimsby	Northeast	Third	Shares a building with Great Grimsby County court	Enquiries.grimsby.crowncourt@justice.gov.uk	OUCOPOO26	22/12/21		
Student 3	Guildford	Southeast	Third	The court also uses a	contactcrime@justice.gov.uk	OUCOPOO27	22/12/21		

Appendix B – Freedom of Information requests sent to Crown Courts

				courtroom at Guildford magistrates court for two weeks a month.					
Student 3	Harrow	London	Third		harrowcrowncourt@justice.gov.uk	OUCOPOO28	22/12/21	Y	
Student 3	Hove Trial Centre Crown Court				Listing.lewes.crowncourt@justice.gov.uk	OUCOPOO29	22/12/21	Y	
Student 3	Inner London Crown Court	London	Third		inerlondoncrowncourt@justice.gov.uk	OUCOPOO30	22/12/21	Y	
Student 4	Ipswich	Southeast	Second		Enquiries@ispswich.crowncourt.gsi.gov.uk	OUCOPOO31	22/12/21		
Student 4	Isleworth	London	Third		isleworthcrowncourt@hmcts.gsi.gov.uk	OUCOPOO32	22/12/21		
Student 4	Kings Lynn	Southeast	Third		enquiries@norwich.crowncourt.gsi.gov.uk	OUCOPOO33	22/12/21		
Student 4	Kingston upon Hull	Northeast	Third	Shares a building with Kingston upon Hull County Court	enquiries@kingstonuponhill.crowncourt.gsi.gov.uk	OUCOPOO34	22/12/21	Y	
Student 4	Kingston upon Thames	London	Third	The Court has been designated to hear terrorism trials as a backup if Woolwich Crown Court is unable to hear a particular trial	kingstoncrowncourt@hmcts.gsi.gov.uk	OUCOPOO35	22/12/21		
Student 4	Leeds Crown Court	Northeast	First	Shares a building with	customerenquiries@leeds.crowncourt.gsi.gov.uk	OUCOPOO36	22/12/21	Y	

Appendix B – Freedom of Information requests sent to Crown Courts

				Leeds County Court.					
Student 4	Leicester	Midland	Second	Shares a building with Leicester County Court.	Leicester.enquiries@leicester.crowncourt.gsi.gov.uk	OUCOPOO37	22/12/21		
Student 4	Lewes Crown Court	Southeast	First	Shares a building with Lewes County Court; the court has ten courtrooms, split between Lewes, Brighton and Hove.	Listing.lewes.crowncourt@justice.gov.uk	OUCOPOO38	22/12/21	Y	
Student 4	Lincoln	Midland	First	The court is based in Lincoln Castle	Lincoln.general@lincoln.crowncourt.gsi.gov.uk	OUCOPOO39	22/12/21	Y	
Student 4	Queen Elizabeth II Law Courts, Liverpool	Northwest	First	Shares a building with Liverpool Youth Court	customerenquiries@liverpool.crowncourt.gsi.gov.uk	OUCOPOO40	22/12/21	Y	
Student 5	Luton	Southeast	Second		Enquiries.luton.crowncourt@justice.gov.uk	OUCOPOO41	22/12/21	Y	
Student 5	Maidstone	Southeast	Second	Shares a building with Maidstone County Court	maidstonecrowncourt@justice.gov.uk	OUCOPOO42	22/12/21		
Student 5	Manchester (Crown Square)	Northwest	First		Customerservice.manchester.crowncourt@justice.gov.uk	OUCOPOO43	22/12/21	Y	
Student 5	Manchester (Minshull Street)	Northwest	Third	Ten courtrooms in the main building with a further two at Stockport Magistrates Court	Office.manchestermishullstreet.crowncourt@justice.gov.uk	OUCOPOO44	22/12/21	Email not found	

Appendix B – Freedom of Information requests sent to Crown Courts

Student 5	Merthyr Tydfil	Wales	Second	Combined building with the County and Magistrates Courts.	Enquiries.mythytydfil.crowncourt@justice.gov.uk	OUCOPOO45	22/12/21		
Student 5	Mold	Wales	First	Shares a building with Mold County Court	Enquiries.wrexham.countycourt@justice.gov.uk	OUCOPOO46	22/12/21		
Student 5	Newcastle upon Tyne	Northeast	First	Shares a building with Newcastle Upon Tyne County Court	Enquiries.newcastle.crowncourt@justice.gov.uk	OUCOPOO47	22/12/21	Y	
Student 5	Newport (Isle of Wight)	Western	Third	Combined building with the County and Magistrates Courts.	Enquiries.newportiw.crowncourt@justice.gov.uk	OUCOPOO48	22/12/21		
Student 5	Newport (Gwent) Crown Court	Wales	Second	The three Court rooms are administered from Cardiff Crown Court	Results.cardiff.crowncourt@justice.gov.uk	OUCOPOO49	22/12/21	Y	
Student 5	Northampton Crown Court	Midland	Second	Shares a building with Northampton County Court	Enquiries.northampton.crowncourt@justice.gov.uk	OUCOPOO50	22/12/21		
Student 6	Norwich	Southeast	First	Shares a building with Norwich County Court	Enquiries.norwich.crowncourt@justice.gov.uk	OUCOPOO51	22/12/21		
Student 6	Nottingham Crown Court	Midland	First	Shares a building with Nottingham County Court	Enquiries.nottingham.crowncourt@justice.gov.uk	OUCOPOO52	22/12/21	Y	

Appendix B – Freedom of Information requests sent to Crown Courts

Student 6	Oxford	Southeast	First	Shares a building with Oxford County Court	Enquiries.oxford.crowncourt@justice.gov.uk	OUCOPOO53	22/12/21		
Student 6	Peterborough	Southeast	Third	Shares a building with Peterborough County Court	Enquiries.cambridge.crowncourt@justice.gov.uk	OUCOPOO54	22/12/21		
Student 6	Plymouth	Western	Second	Shares a building with Plymouth County Court	Enquiries.plymouth.crowncourt@justice.gov.uk	OUCOPOO55	22/12/21		
Student 6	Portsmouth	Western	Third	Shares a building with Portsmouth County Court	portsmouthcrown@justice.gov.uk	OUCOPOO56	22/12/21		Need to make online requests: www.gov.uk/guidance/access-hmcts-data-for-research
Student 6	Preston Crown Court	Northwest	First		Enquiries.preston.crowncourt@justice.gov.uk	OUCOPOO57	22/12/21	Y	
Student 6	Reading	Southeast	Second	Pressure of work means that some cases are moved to Oxford Crown Court for hearing	Enquiries.reading.crowncourt@justice.gov.uk	OUCOPOO58	22/12/21		
Student 6	Salisbury	Western	Third	Shares a building with Salisbury County Court	Enquiries.salisbury.crowncourt@justice.gov.uk	OUCOPOO59	22/12/21	Y	
Student 6	Sheffield	Northeast	First	Shares a building with Sheffield County Court	Enquiries.sheffield.crowncourt@justice.gov.uk	OUCOPOO60	22/12/21	Y	

Appendix B – Freedom of Information requests sent to Crown Courts

Student 7	Shrewsbury	Midland	Second	Shrewsbury Justice Centre	Enquiries.shrewsbury.crowncourt@justice.gov.uk	OUCOPOO61	22/12/21	Y	
Student 7	Snaresbrook	London	Third		snaresbrookcrowncourt@justice.gov.uk	OUCOPOO62	22/12/21	Y	
Student 7	Southampton	Western	Third	Shares a building with Southampton County Court	southamptoncrown@justice.gov.uk	OUCOPOO63	22/12/21	Y	Need to make online requests: www.gov.uk/guidance/access-hmcts-data-for-research
Student 7	Southend	Southeast	Third	Shares a building with Southend Magistrates Court	Enquiries.basildon.crowncourt@justice.gov.uk	OUCOPOO64	22/12/21		
Student 7	Southwark	London	Third			OUCOPOO65	22/12/21		
Student 7	St Albans	Southeast	Second	Must hold additional hearings at Cheshunt magistrates court and Watford County Court due to pressures of work.	Enquiries.stalbans.crowncourt@justice.gov.uk	OUCOPOO66	22/12/21		
Student 7	Stafford	Midland	First	Shares a building with Stafford County Court	Enquiries.stafford.crowncourt@justice.gov.uk	OUCOPOO67	22/12/21		
Student 7	Stoke-on-Trent	Midland	Third	Shares a building with Stoke-on-Trent Magistrates Court	Enquiries.stokecrowncourt@justice.gov.uk	OUCOPOO68	22/12/21	Email not found	

Appendix B – Freedom of Information requests sent to Crown Courts

Student 7	Swansea	Wales	First	Also administers the courts at Carmarthen and Haverfordwest	Enquiries.swansea.crowncourt@justice.gov.uk	OUCOPOO69	22/12/21		Need to make online requests: www.gov.uk/guidance/access-hmcts-data-for-research
Student 7	Swindon	Western	Third	Shares a building with Swindon County Court	Enquiries8@justice.gov.uk	OUCOPOO70	22/12/21	Y	Sent to team
Student 8	Taunton	Western	Third	Shares a building with Taunton County Court	Enquiries.taunton.countycourt@justice.gov.uk	OUCOPOO71	22/12/21	Y	Sent to team
Student 8	Teeside	Northeast	First	Teeside Combined Court Centre	Enquiries.teeside.countycourt@justice.gov.uk	OUCOPOO72	22/12/21	Y	
Student 8	Truro	Western	First	Shares a building with Truro County Court	Enquiries.trurocrowncourt@justice.gov.uk	OUCOPOO73	22/12/21	Y	
Student 8	Warwick	Midland	First	Warwick Justice Centre	warwickcrowncourt@justice.gov.uk	OUCOPOO74	22/12/21		
Student 8	Winchester Crown Court	Western	First	Shares a building with Winchester County Court	General.winchester.crowncourt@justice.gov.uk	OUCOPOO75	22/12/21	Y	
Student 8	Wolverhampton	Midland	Third	Shares a building with Wolverhampton County Court	Enquiries.wolverhampton.crowncourt@justice.gov.uk	OUCOPOO76	22/12/21		
Student 8	Wood Green	London	Third		woodgreencrowncourt@justice.gov.uk	OUCOPOO77	22/12/21		
Student 8	Woolwich Crown Court	London	Third		woolcrowncourt@justice.gov.uk	OUCOPOO78	22/12/21		

Appendix B – Freedom of Information requests sent to Crown Courts

Student 8	Worcester	Midland	Second	Shares a building with Worcester County Court. Administers a satellite crown court at Hereford	Enquiries.worcester.crowncourt@justice.gov.uk	OUCOPOO79	22/12/21		
Student 8	York	Northeast	Second		Enquiries.york.crowncourt@justice.gov.uk	OUCOPOO80	22/12/21	Y	

Appendix C – Text of letters sent to CoP requesting access to hearings

[Your address]
[Town/city]
[Postcode]

[Email]
[Telephone number]

[Court contact details]

To whom it may concern

I am writing on behalf of a research project at the Open University, in partnership with Northumbria University policy clinic, run by the Open Justice Court of Protection (<https://openjusticecourtofprotection.org/>). The report will be presented to the All-Party Parliamentary Group for Legal and Constitutional Affairs. The research focuses on the impact of the pandemic on decisions to move to online hearings, restrictions on face-to-face hearings, and arrangements made for both face-to-face and online hearings.

To further my research and as part of the project, I politely request access to the following hearing via Judge [insert name here] with case number [insert case no. here] taking place on [insert date here] at [insert time here]. If accepted please could you tell me how to gain access, my phone number is [insert phone no. here].

Thank you very much in advance for taking the time to review my request.

Kind regards

[insert name here]

Appendix D – Court of Protection hearings attended by students

Hearings	Student 1	Student 2	Student 3	Student 4	Student 5	Student 6	Student 7	Student 8
1st Hearing	1369731	S21.Deprivation of liberty	13461065	COP vacated	1386522	S.21 deprivation of liberty	137780T	13582321
Time	10:30	11:40	10:30	10:30	12:30	10:30	10:30	14:00
Judge		Beckley	Keehan	Beckley	Berkley	Beckley	Arbuthnot	Arbuthnot
Date	4.3.22	21.1.22	24.1.22	24.1.22	22.2.22	21.1.22	25.1.22	28.01.22
2nd Hearing	13887142	S16 Health & Welfare	13733439		13883164	13721997	1378613T	13582321
Time	15:00	2:00	10:30		10:30	2:00	11:00	10:30
Judge		Beckley	Eldergill		Arbuthnot	Swart	Arbuthnot	Beckley
Date	4.3.22	21.2.22	1.3.22		23.2.22	3.3.22	25.1.22	22.2.22
3rd Hearing		S.21 Dep of liberty	11998400			13883164	13721997	13582321
Time	2:00	10:00	10:30		10:30	10:30	11:45	9:30
Judge	Maryland	Lloyd-Jones	Eldergill		Brown		Hilder	Mullins
Date	3.3.22	7.2.22	3.3.22		4.3.22	1.3.22	24.1.22	2.3.22

Appendix E – Text of the questionnaire on CoP hearings

Open Justice Questionnaire

The following questions regard information gathered on the accessibility of online court of protection hearings. If any questions do not relate to the hearing you attend please put N/A.

1. What was the date, time, judge and case details of the hearing you attended?
Comments =
2. When contacting the Court of Protection to arrange observing a hearing, how fast was the response you received?
Comments =
3. Was your hearing adjourned? And if so was this communicated to you effectively?
Comments =
4. What information did the court of protection need before access to the hearing was granted?
Comments =
5. Was this information easily obtainable?
Comments =
6. Was the hearing you attended via telephone or video call?
Comments =
7. What was the process of obtaining access to the hearing?
Comments =
8. Did any issues arise within this process?
Comments =
9. How clear was the sound of the hearing?
Comments =
10. If relevant, how clear was the video quality of the hearing?
Comments =
11. Could any changes be made to the quality of the sound, video or both?
Comments =
12. How long was the hearing you attended?
Comments =
13. Could you please provide a brief summary of your hearing? (one or two sentences)
Comments =
14. During the hearing did any issues arise with regards to connectivity?

Appendix E – Text of the questionnaire on CoP hearings

Comments

15. How did the student leave the hearing?

Comments =

16. Did any issues arise when leaving the hearing?

Comments =

17. How would you rate your experience of online court hearings from 1 to 5? (1 being not accessible to 5 being completely accessible)

Comments =

18. How would you rate the overall sound quality of the hearing from 1 to 5? (1 being not accessible to 5 being completely accessible)

Comments =

19. How would you rate the overall video quality of the hearing from 1 to 5? (1 being not accessible to 5 being completely accessible)

Comments =

20. If any, what other information from the hearing do you wish to disclose for the project?

Comments =

Appendix F – Consolidated data from Appendix E (CoP questionnaire)

Question	Student 1	Student 1	Student 1	Student 2	Student 2	Student 2	Student 2	Student 2	Student 3
Date	3-Mar-22	4-Mar-22	4-Mar-22	21-Jan-22	21-Jan-22	21-Jan-22	7-Feb-22	7-Feb-22	4-Feb-22
Times	14:00	10:30	15:00	11:40	14:00	14:00	11:35	10:00	10:30
AM/PM	PM	AM	PM	AM	PM	PM	AM	AM	AM
How fast was response?	Had to chase	Didn't receive response	01:15	02:00	02:00	02:00	01:00	No data provided	
Were you granted access?	No	No	Yes	Yes	Yes	Yes	Yes	No	No
If no, reason	Vacated	No response						No response before hearing	No response
Did you have to chase the court?	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes
Yes/No/Not sure	Yes	No response	No	No	No	No	No	Yes	
If yes, reason	No I had to ring to find this out.	Did not receive any information back from court and didn't chase	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	No data provided	
Was this information easily obtainable?	No data provided	No data provided	No data provided	Yes	Yes	Yes	Yes	No data provided	
What was the process of obtaining access to the hearing?			Emailed with attached letter then provided with link to hearing				Telephone and provided access code		

Appendix F – Consolidated data from Appendix E (CoP questionnaire)

Question	Student 3	Student 3	Student 3	Student 3	Student 3	Student 3	Student 3	Student 4	Student 5
Date	21-Jan-22	21-Jan-22	22-Feb-22	22-Feb-22	25-Jan-22	25-Jan-22	25-Jan-22	24-Jan-22	
Times	10:30	14:00	10:30	15:00	10:00	11:15	11:15	10:30	
AM/PM	AM	PM	AM	PM	AM	AM	AM	AM	
How fast was reponse?								No data provided	
Were you granted access?	No	Yes	Yes	Yes	No	Yes	Yes	No	
If no, reason	No response					Adjourned		Vacated	
Did you have to chase the court?	Yes	No	No	No	No	No			
Yes/No/Not sure								Yes	
If yes, reason								No data provided	
Was this information easily obtainable?								No data provided	
What was the process of obtaining access to the hearing?									

Appendix F – Consolidated data from Appendix E (CoP questionnaire)

Question	Student 6	Student 6	Student 6	Student 6	Student 7	Student 8	Student 8	Student 8
Date	3-Jan-22	24-Jan-22	4-Mar-22	3-Mar-22		3-Mar-22	3-Mar-22	3-Jan-22
Times	10:30	10:30	11:30	10:30		11:30	14:00	10:30
AM/PM	AM	AM	AM	AM		AM	PM	AM
How fast was reponse?	Very fast	00:45	02:00	Received response after the hearing had started		01:00	Same day	No data provided
Were you granted access?	Yes	Yes	Yes	No		Yes	Yes	No
If no, reason				No response before hearing				Vacated
Did you have to chase the court?								
Yes/No/Not sure	No	No	No	Yes		No	Yes	Yes
If yes, reason	Not applicable	Not applicable	Not applicable	didnt received a reponse until an hour after the hearing		Not applicable	Received an email within the same day i contacted the courts.	No data provided
Was this information easily obtainable?	Yes	Yes	Yes	No data provided		Yes	Yes	No data provided
What was the process of obtaining access to the hearing?	Emailed with attached letter	Emailed with attached letter	Emailed with attached letter					

Appendix F – Consolidated data from Appendix E (CoP questionnaire)

Question	Student 9	Student 9	Student 10	Student 10	Student 10	Student 11	Student 11	Student 11
Date	24-Jan-22	25-Jan-11	17-Feb-22	28-Feb-22	28-Feb-22	7-Mar-22	22-Feb-22	23-Feb-22
Times	11:45	16:05	15:30	14:00	14:30	10:30	12:30	10:30
AM/PM	AM	PM	PM	PM	PM	AM	PM	AM
How fast was reponse?	Had to chase	Had to chase	had to chase and given details via email 35 mins before hearing	within one hour	1 and haf hour after emailing	02:30	3	02:30
Were you granted access?	No	Yes	Yes	Yes	No	No	Yes	Yes
If no, reason	Adjourned				Refused access	Adjourned		
Did you have to chase the court?								
Yes/No/Not sure	Yes	No				Yes	No	No
If yes, reason	i had no reply or notification until i rang them .	Not applicable				Information sent promptly by email as reply to my request for access.	Not applicable	Not applicable
Was this information easily obtainable?	No data provided	Yes				No data provided	Yes	No data provided
What was the process of obtaining access to the hearing?								

Appendix F – Consolidated data from Appendix E (CoP questionnaire)

Question	Student 12	Student 12	Student 12
Date	2-Mar-22	28-Jan-22	22-Feb-22
Times	09:30	14:00	10:30
AM/PM	AM	PM	AM
How fast was reponse?	02:00	01:30	Had to chase
Were you granted access?	Yes	Yes	Yes
If no, reason			
Did you have to chase the court?			
Yes/No/Not sure	No	No	No
If yes, reason	Not applicable	Not applicable	Not applicable
Was this information easily obtainable?	No data provided	Yes	Yes
What was the process of obtaining access to the hearing?	Emailed	Emailed	Emailed

Appendix F – Consolidated data from Appendix E (CoP questionnaire)

Question	Student 1	Student 1	Student 1	Student 2	Student 2	Student 2	Student 2	Student 2	Student 3
Did any issues arise within this process?	They didn't respond	N/A		No	No issues arose, had to wait for around 10 minutes for start.	No issues arose within this process			N/A
Video/telephone	No data provided	No data provided	Video	Telephone	Video	Telephone	No data provided		
How would you rate the overall sound quality of the hearing from 1 to 5? (1 being not accessible to 5 being completely accessible)	N/A	N/A	5	4	4	3			
How would you rate the overall sound quality of the hearing from 1 to 5? (1 being not accessible to 5 being completely accessible)	No data provided	No data provided	5	4	4	3	No data provided	N/A	
Replaces Q.9 but also includes any notes from Q18	No data provided	No data provided	Very clear	Sound was perfect	Sound of the hearing was acceptable	Judge was heard fine but some of the counsel weren't easy to hear /not terrible but could do with improving	No data provided		
How clear was the sound of the hearing?	N/A	N/A	Very clear	Sound was perfect	Sound of the hearing was acceptable	Judge was heard fine but some of the counsel weren't easy to hear			N/A

Appendix F – Consolidated data from Appendix E (CoP questionnaire)

Question	Student 3	Student 3	Student 3	Student 3	Student 3	Student 3	Student 3	Student 4	Student 5
Did any issues arise within this process?	N/A	No issues arose during this process.	Other parties had connectivity issues that slowed down hearing	No issues arose during the process	N/A	No issues arose, had to wait for around 10 minutes in lobby.			
Video/telephone								No data provided	
How would you rate the overall sound quality of the hearing from 1 to 5? (1 being not accessible to 5 being completely accessible)									
How would you rate the overall sound quality of the hearing from 1 to 5? (1 being not accessible to 5 being completely accessible)	N/A	5	4	3	N/A	4		No data provided	
Replaces Q.9 but also includes any notes from Q18								No data provided	
How clear was the sound of the hearing?	N/A	Very clear	Sound variable. Judge/counsel clear, parties to case not.	Variable quality. Sometimes parties spoke over each other.	N/A	Slight delays to audio. Some info had to be repeated.			

Appendix F – Consolidated data from Appendix E (CoP questionnaire)

Question	Student 6	Student 6	Student 6	Student 6	Student 7	Student 8	Student 8	Student 8
Did any issues arise within this process?	No	No	No			No.	No.	
Video/telephone	Video	Video	Video	No data provided		Video	Video	No data provided
How would you rate the overall sound quality of the hearing from 1 to 5? (1 being not accessible to 5 being completely accessible)	5	5	5			4	4	
How would you rate the overall sound quality of the hearing from 1 to 5? (1 being not accessible to 5 being completely accessible)	5	5	5	No data provided		4	4	No data provided
Replaces Q.9 but also includes any notes from Q18	very good	very good	very good	No data provided		Very clear.	Very clear.	No data provided
How clear was the sound of the hearing?	very good	very good	very good			Very clear.	Very clear.	

Appendix F – Consolidated data from Appendix E (CoP questionnaire)

Question	Student 9	Student 9	Student 10	Student 10	Student 10	Student 11	Student 11	Student 11
Did any issues arise within this process?	No	No	No	No	N/A	n/a	Yes - access info sent after hearing had started	No
Video/telephone	No data provided	Video				Telephone	Video	Video
How would you rate the overall sound quality of the hearing from 1 to 5? (1 being not accessible to 5 being completely accessible)	N/A.	4	3	4	N/A	n/a	5	5
How would you rate the overall sound quality of the hearing from 1 to 5? (1 being not accessible to 5 being completely accessible)	No data provided	4				No data provided	5	5
Replaces Q.9 but also includes any notes from Q18	No data provided	Clear. / again i would rate mine.				No data provided	Very	Very
How clear was the sound of the hearing?	N/A.	Clear.	Clear	Clear	N/A	n/a	Very	Very

Appendix F – Consolidated data from Appendix E (CoP questionnaire)

Question	Student 12	Student 12	Student 12
Did any issues arise within this process?	No	No	No
Video/telephone	Telephone	Video	Video
How would you rate the overall sound quality of the hearing from 1 to 5? (1 being not accessible to 5 being completely accessible)	3	5	5
How would you rate the overall sound quality of the hearing from 1 to 5? (1 being not accessible to 5 being completely accessible)	3	5	5
Replaces Q.9 but also includes any notes from Q18	OK, not as good as MS Teams	The sound was good and clear	Very good
How clear was the sound of the hearing?	OK, not as good as MS Teams	The sound was good and clear	Very good

Appendix F – Consolidated data from Appendix E (CoP questionnaire)

Question	Student 1	Student 1	Student 1	Student 2	Student 2	Student 2	Student 2	Student 2	Student 3
How would you rate the overall video quality of the hearing from 1 to 5? (1 being not accessible to 5 being completely accessible)	N/A	N/A	5	N/A	4	No video			N/A
Replaces Q.10 but also includes any notes from Q19	N/A	N/A	Very clear	Not relevant	Video quality perfect	Not relevant			N/A
Q11 - Yes/No	No data provided	No data provided	No	No	No	Yes		No data provided	
Q11 - Suggestions	No data provided	No data provided	Not applicable	Not applicable	Not applicable	Teams is better, no background noises etc		No data provided	
Q14 - Yes/No	No data provided	No data provided	No	No	No	No		No data provided	
Q14 - Information									
How would you rate your experience of online court hearings from 1 to 5? (1 being not accessible to 5 being completely accessible)	No data provided	No data provided	5	4	4	3		No data provided	No data provided

Appendix F – Consolidated data from Appendix E (CoP questionnaire)

Question	Student 3	Student 3	Student 3	Student 3	Student 3	Student 3	Student 3	Student 4	Student 5
How would you rate the overall video quality of the hearing from 1 to 5? (1 being not accessible to 5 being completely accessible)	N/A	5	4	N/A	N/A		5		
Replaces Q.10 but also includes any notes from Q19	N/A	Good	Clear	N/A	N/A				
Q11 - Yes/No								No data provided	
Q11 - Suggestions								No data provided	
Q14 - Yes/No								No data provided	
Q14 - Information									
How would you rate your experience of online court hearings from 1 to 5? (1 being not accessible to 5 being completely accessible)	No data provided	5	5	4	2		5	No data provided	

Appendix F – Consolidated data from Appendix E (CoP questionnaire)

Question	Student 6	Student 6	Student 6	Student 6	Student 7	Student 8	Student 8	Student 8
How would you rate the overall video quality of the hearing from 1 to 5? (1 being not accessible to 5 being completely accessible)	5	5	5			4	4	
Replaces Q.10 but also includes any notes from Q19	very good	very good	very good			Very clear.	Very clear.	
Q11 - Yes/No	No	No	No	No data provided		No	No	No data provided
Q11 - Suggestions	Not applicable	Not applicable	Not applicable	No data provided		Not applicable	Not applicable	No data provided
Q14 - Yes/No	No	No	No	No data provided		No	No	No data provided
Q14 - Information								
How would you rate your experience of online court hearings from 1 to 5? (1 being not accessible to 5 being completely accessible)	5	5	5	No data provided		4	4	No data provided

Appendix F – Consolidated data from Appendix E (CoP questionnaire)

Question	Student 9	Student 9	Student 10	Student 10	Student 10	Student 11	Student 11	Student 11
How would you rate the overall video quality of the hearing from 1 to 5? (1 being not accessible to 5 being completely accessible)	N/A.	5	3		N/A	n/a	5	5
Replaces Q.10 but also includes any notes from Q19	N/A.	Clear	Clear, other parties had issues	Mostly clear	N/A	Not relevant	Very	Very
Q11 - Yes/No	No data provided	Yes				No data provided	No	No
Q11 - Suggestions	No data provided	Perhaps better equipment				No data provided	Not applicable	Not applicable
Q14 - Yes/No	No data provided	Yes				No data provided	No	No
Q14 - Information		A little on the other parties side.						
How would you rate your experience of online court hearings from 1 to 5? (1 being not accessible to 5 being completely accessible)	2	4				No data provided	5	5

Appendix F – Consolidated data from Appendix E (CoP questionnaire)

Question	Student 12	Student 12	Student 12
How would you rate the overall video quality of the hearing from 1 to 5? (1 being not accessible to 5 being completely accessible)	N/A	5	5
Replaces Q.10 but also includes any notes from Q19	Not relevant	Clear	Very good
Q11 - Yes/No	No	No	No
Q11 - Suggestions	Not applicable	Not applicable	Not applicable
Q14 - Yes/No	No	No	No
Q14 - Information			
How would you rate your experience of online court hearings from 1 to 5? (1 being not accessible to 5 being completely accessible)	4	5	5

Appendix G – Raw responses to Question 20 from Appendix E (CoP questionnaire)

	If any, what other information from the hearing do you wish to disclose for the project?
Student 2	Only issues to make it more professional would be to get rid of background noises such as laptops etc
Student 2	Would be ideal for the public viewers to have a short brief online as to what the case is about whilst still keeping the names private as well as the counsel's summaries at the start just to help them understand more easily.
Student 2	Not enough information to understand what was actually happening within the hearing.
Student 3	Although I did not encounter any issues in attending the hearing. Minor issues regarding connectivity did interfere slightly with the hearing, this only happened once and no issues after the individual re-joined occurred.
Student 3	The judge told both parties of my presence and that the purpose was to review accessibility of online court hearings. Both parties consented to my attendance. An interpreter was present at the hearing for one of the parties. The difficulties of using an interpreter paired with miscommunication by parties exacerbated the issues of accessibility. The hearing was difficult to follow and the quality of the sound varied at times.
Student 3	The hearing was adjourned which meant I could not obtain the relevant information required for the project. However, the adjournment was effectively communicated to me via email but failed to state when the hearing would be taking place in the future.
Student 3	At the beginning of the hearing I was told to turn on my camera and microphone to confirm that I understood the transparency order that was sent to me and that I could confirm that no one else was in attendance of the hearing.
Student 8	As the hearing was adjourned, the decision of this came after key discussions of costs and other important factors. The adjournment was decided after the judge felt that the other party had to be present.
Student 9	Communication is to be improved even if it was some sort of automated response from the courts admin. And it is just evident that the workload is very high due to the backlog of covid, and the effect is hitting the public, parties involved and the courts hard due to these circumstances.
Student 9	Just that a transparency order needs to be thought about and rightly so due to the cases and their sensitivity, but more research into the procedures of these hearings would have been good to understand better the process. Rather than learn from mistakes. Luckily I had heard of the transparency order as I was asked about it by the judge.
Student 10	From contacting the Court of Protection hearings to observing while the hearing took place, the experience was fairly straight forward. Gaining information such as the Judge's name, date, case details etc was also easy. Contacting the Court of Protection hearing via their contact number was not too time consuming either. I was informed, that since the hearing I requested to observe was a private one, it was up to the Judge to decide whether an observer was allowed to be present during it. Giving a reason for my attendance helped as the Judge already knew my reason for observing. I was asked to turn my camera on while the Judge explained that everything discussed within the hearing was strictly confidential. I was required to turn my sound off for the duration of the hearing. Two individuals did experience connectivity issues, they were asked to leave and re-join the hearing. This did not solve the issue, which caused some of the information to be repeated for the parties, that missed anything that could be of importance. Once the hearing had come to an end, I was not asked to leave the hearing before or after the other parties. Everyone including the Judge left the hearing at the same time.

Appendix G – Raw responses to Question 20 from Appendix E (CoP questionnaire)

	If any, what other information from the hearing do you wish to disclose for the project?
Student 10	From emailing the Court of Protection hearings to observing while the hearing took place, the experience was straight forward. Gaining information such as the Judge's name, date, case details etc was also easy. At the beginning of the hearing, the Judge mentioned that there was an observer amongst them (me). Although I was not required to turn my camera on while the Judge spoke to me, I was reminded that everything discussed with in the hearing was to remain strictly confidential and that note taking relating to the case was not allowed. One individual did experience slight connectivity issues, it was resolved when the individual left the hearing and then re-joined. Although some of the information had to be repeated, it only happened one time during the hearing. Once the hearing had come to an end, I was not asked to leave along with the Judge, allowing the opposing parties to discuss the relevant matters confidentially.
Student 10	Although I was unable to attend the hearing listed above, an interesting thing to perhaps note is that for my second hearing which also took place on the 28 th February 2022, I emailed the Court of Protection an hour before I received a response- I was granted permission to observe that hearing. For the hearing mentioned in this questionnaire, I emailed an hour and a half before I got a response stating I would be unable to join as the administration time to set this up ahead of the hearing taking place is too short. However, the email stated that the Judge was notified of my interest to observe the hearing, and that I could review the Court of Protection hearings list for the hearings taking place the net day, should I wish to sit in an alternative hearing.
Student 12	good that the court provide a freephone number for dial in
Student 12	Transparency order needs drafting. Counsel had agreed main points prior to hearing. Main point of the hearing to set out timetable for next steps. Consistent counsel recommended when agreeing next date for March.
Student 12	I was surprised to be granted access as it was a private case.