



HM Courts & Tribunals Service

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Dr Judith Townend
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Via e-mail: judith.townend@sussex.ac.uk

25 June 2020

Dear Dr Townend

Subject: Open Justice in the Covid-19 emergency

Thank you for your letter of 29th May regarding open justice during the Covid-19 crisis period.

HMCTS is fully committed to supporting open justice and your letter acknowledges the work we have done in the very challenging circumstances of the last three months to maintain this, particularly in respect to media access. However, you believe we need to do more to ensure public access to court proceedings.

As you know, we have been working at pace to increase the capacity of courts and tribunals to use audio and video equipment to support hearings. Some of these hearings are conducted entirely remotely, others are held in a court building with some participants taking part physically, others remotely.

For those hearings held fully remotely, the public can request remote access too and it is the responsibility of HMCTS staff to facilitate this where possible. The guidance on our HMCTS gov.uk site provides information as to how users should make such a request to a particular court. We are aware, however, of the difficulties described in your letter and we will continue to review this guidance in response to feedback from you and others.

Where a hearing is held in a court building, public access has continued to be maintained with specific measures in place to ensure social distancing. As of the start of this week, almost two-thirds of our buildings were open and we are expecting to open the remaining number over the next few weeks. This will enable the public to observe hearings in the same way as before the Covid-19 crisis.

We do recognise, however, that restrictions on travel have made physical attendance difficult or impossible. The public will therefore continue to be able to make a request to the court to observe these hearings remotely in certain circumstances. Such requests are referred to the judges/panel/bench in order that any appropriate direction can be made.

Remote access to jury trials, however, is not permitted for either the public or media. Instead, particular arrangements have been put in place to ensure that those Crown Courts that are able to hold such hearings can accommodate both public and media to observe the proceedings via live-feed to an adjoining room in the court building.

One of the areas of work that we have been engaged on to support open justice is the provision of online lists of forthcoming hearings. The majority of courts and tribunals lists are now available online but we recognise that no such provision is available for Magistrate's Courts. We are, however, working hard to make these lists available online and we hope this will take place soon.

We have been coping with unprecedented circumstances over the last few months and we recognise that not all arrangements in place over this period have worked perfectly. They have, however, enabled us look at how we support open justice in a different light and there are positive lessons we can and should draw, not least in shaping how future elements of the reform programme can enhance transparency and openness in the justice system.

We will want to engage you and others in discussions in this area and – alongside the judiciary and the Ministry of Justice - we will be considering the appropriate structures to do this effectively. In the meantime, I am grateful to you for raising the issues you have and I look forward to further discussion on this essential aspect of the work of our justice system.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Acland-Hood', written in a cursive style.

Susan Acland-Hood
Chief Executive, HM Courts & Tribunals Service