



HM Courts &  
Tribunals Service


# COVID-19: Overview of HMCTS response

July 2020



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HM Courts & Tribunals Service

HM Courts & Tribunals Service is an agency of the Ministry of Justice. It operates on the basis of a partnership between the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals

## Background: The challenge of COVID-19

The Covid-19 pandemic has imposed unprecedented challenges on the justice system. It required rapid changes to ensure essential work continued, and we will need continued creativity and flexibility throughout our recovery.

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In public statements in the early stages of the pandemic the Lord Chancellor, The Rt Hon Robert Buckland QC MP, and the Lord Chief Justice, The Rt Hon Lord Burnett of Maldon, said that it was of vital importance that the administration of justice did not grind to a halt as a result of the pandemic and the lockdown measures imposed to control it.

*“Our immediate aim is to maintain a service to the public, ensure as many hearings in all jurisdictions can proceed and continue to deal with all urgent matters”*

[Lord Chief Justice, statement on 17 March 2020](#)

*“Despite an unprecedented public health emergency, the Prime Minister and I are clear that our courts across England and Wales have a critical role to play and should go on sitting.”*

[Lord Chancellor, statement on 18 March 2020](#)

Enormous efforts have been made across the justice system to make this happen, despite the constraints. As a result, our Courts and Tribunals have been able to sustain more work than most comparable jurisdictions elsewhere – many of which shut down almost entirely during lockdown.

We are already part-way through delivering the ambitious HMCTS Reform Programme (“Reform”). The vision for Reform is set out in [Transforming Our Justice System](#), a joint statement by the Lord Chancellor, the Lord Chief Justice and the Senior President of Tribunals. The progress we have made to introduce online access to services through Reform has made a substantial difference in maintaining the operation of the courts and tribunals, enabling more work to continue where Reform is more advanced, and underlining the wider value of Reform in supporting a more resilient and adaptable service.

Judges, staff and our partners across the justice system have shown great creativity and resilience in designing and adopting new ways of working, including in running remote hearings. Audio and video technology has long played a part in courts and tribunals and has provided particular support during the coronavirus outbreak. We have increased the capacity of our existing systems, and introduced new capabilities.

As important as responding to the crisis in the immediate term is our recovery in the short- and medium-term. The challenges in doing so effectively are just as great, and our ability to run hearings and manage work throughout the Covid period will make a difference to people across the country who have cases that need to be heard so that they can secure justice. This document sets out our general approach to recovering, which will require continued collaboration and flexibility in the face of an unpredictable environment to operate in. Governance of our response to Covid-19 is ultimately through the HMCTS Board and final decisions are made by the Lord Chancellor, Lord Chief Justice and Senior President of Tribunals in line with their statutory responsibilities.

Looking to the future, we are committed to evaluating and learning from the steps we take. This will allow us to improve them while recovery is underway, and also to consider which measures we might take forward into longer term plans for the development of the courts and tribunals. As always, the interests of justice will lie at the heart of our approach.

**This document provides an overview of HMCTS response to COVID-19 – we will publish more information on jurisdictional plans in coming weeks, and we will continue to publish MI performance data regularly**

## Phase 1: Emergency response

In March and April we put in a place a range of measures to protect court users, judges and staff, and to ensure essential work was carried out.

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- We supported judicial decisions about **prioritisation of cases** and case-types to make sure the most urgent and important cases could be heard. In the **criminal courts**, priority was given to hearings related to custody, detention and bail, and urgent applications for matters such as terrorism and domestic violence. **In the civil, family and tribunals jurisdictions**, urgent work included applications to suspend warrants of possession, injunctions and orders dealing with issues of care, abduction, emergency protection and debt, and also work on mental health, immigration bail and SSCS.
- At the end of March, **157 priority court and tribunal buildings were selected to be kept open for essential face-to-face hearings**. The other 124 other court and tribunal buildings were closed to the public and either kept open for judges, staff and representatives of agencies needed to support video and telephone hearings and progress cases without hearings ("staffed courts") or temporarily closed ("suspended courts").
- We rapidly expanded **audio and video technology** capability, enabling judges to conduct remote hearings to a far greater degree. We opened up Skype for Business functionality to allow it to be used for hearings, significantly increased our capacity for teleconferences using BTMeetMe and began the roll-out of the 'cloud video platform' (CVP).
- Throughout this period, **reformed services have continued online**, including **Social Security and Child Support (SSCS), Immigration and Asylum Chamber (IAC), Probate, Divorce and Online Civil Money Claims service**, for claims of up to £10,000. We have accelerated IAC reform so that 90% of all IAC appeals can be submitted and concluded online. We have also modernised fee taking and in some cases waived fees to support access to justice.
- **All frontline HMCTS staff and contractors were deemed essential workers**. We worked quickly to ensure all staff and contractors, particularly those in vulnerable categories had access to the right information and support. Additional laptops have been procured to enable more of our staff to work from home when this is possible for the role they carry out in line with government guidance. Rota working has been implemented across sites so that staff can socially distance while at work.
- We established **new forms of engagement with partners and stakeholders** to supplement existing arrangements. Routine forums with legal professional bodies and public user representatives moved online and have been supplemented by more regular and more focused engagement. This has enabled us to work collaboratively with partners across the justice system to adapt to new ways of working
- We've worked with the judiciary to **implement practice directions and the emergency Coronavirus Act (2020) legislation** which underpins our emergency response.

## Phase 2: Rapidly recovering our operations

In our initial response we worked with the judiciary to support them in prioritising the most urgent and important matters. We are now working with the judiciary to increase the volume of hearings conducted across all jurisdictions with the aim of getting back to and then above pre-covid levels in each jurisdiction.

It is clear that while physical distancing restrictions remain in place, we will not be able to work 'as normal': fewer court and tribunal hearing rooms can be used, and cases cannot be listed as efficiently as usual (because the court estate cannot safely accommodate pre-Covid levels of use), and we cannot safely have all staff working in their normal locations. We will continue to reflect wider government advice on issues relating to physical distancing and other restrictions in our operational plans and changes to guidance will affect how quickly we are able to recover.

Judges, staff and users have therefore been working closely together as we have developed some more radical steps which we will need to implement to be able to recover our operations, and to ensure people will continue to be able to seek and secure justice through the courts and tribunals.

We are planning a range of measures across jurisdictions, including to:



Reopen all courts and tribunals which have been closed to the public, in compliance with public health guidance and ensuring that we have sufficient staff to support all physical and remote hearings. We will reopen most sites during June and all remaining sites will be opened in July.



Review and implement measures to ensure we support vulnerable users during COVID-19. Our four priorities for this are: (1) Vulnerable people have the **support** they need to access and participate in the justice system (2) Services are **accessible** for vulnerable users during COVID-19 (3) **Signposting** which meets the needs of vulnerable people (4) Collate evidence and **identify COVID-19 impacts** on users



Explore options for **extended operating hours** to increase capacity



Increase the use of **audio and video technology** for more and new types of hearings, subject to the interests of justice



Deploy **laptops** to all our staff so that many can work flexibly to support case activity



Use **other buildings as courts** to increase capacity



Further rollout of **Cloud Video Platform (CVP)** and new hardware to improve the quality of video hearings



Support judges to **list in ways that make full use of the space** we can safely use and maximise use of fee paid judiciary



**Install screens and other physical modifications** in our existing estate



Find new, increasingly efficient ways of organising **video lists**



Support **Alternative Dispute Resolution** for cases where it is appropriate

We will also keep under review further options that will enable more hearings to take place whilst social distancing restrictions remain in place

# The building blocks to recovery

	June	July	August	Autumn and beyond
Physical capacity	Commence reopening of staffed and suspended courts			
		Complete reopening all staffed and suspended courts		
		Install screens and other physical modifications in our existing estate		
		Review total available capacity across courts and tribunals and maximise use of space for hearings in all jurisdictions in line with public health guidance		
	Survey the market for additional venues to increase capacity			
			Start to operate in some alternative C&T venues	
			Roll out to more alternative venues	
		Start to have extended operating hours of courts to increase the number of sittings.		
		Expand extended operating hours to support Covid-19 recovery		
Technology	Testing new recording functionality in Cloud Video Platform (CVP) is extended to Civil and Family jurisdiction			
	Roll out CVP recording to Tribunals, enabling greater user of CVP across all Tribunals settings			
	Ensure that more than 70% of staff have access to laptops, enabling them to work from home			
	Expand pilots in Online Civil Money Claims to an additional eleven county courts			
		Complete CVP roll out into all Crown and Magistrates courts		
		Make CVP more widely available across Civil and Family jurisdictions		
		Introduce HMCTS video hearings service pilot (part of the Reform Programme) in Tax and Property Tribunal Chambers		
			Reform Programme-led delivery of national rollout of new online case management system replacing Ethos for Employment Tribunals	
		Reform Programme-led delivery of end to end online service for Universal Credit claims in SSCS		
		Reform Programme-led recommencing roll out of the new online public law service so that we can progress care and supervision cases online		
People capacity <small>(Judiciary, staff and partners)</small>	Increase staffing to ensure sufficient capacity for remote hearings, extended operating hours and operating from new sites			
	Maximise judicial capacity, including the full use of fee paid judiciary			
	Engage with key partners on ability to step-up hearings as we expand capacity			
			Support the judiciary where appropriate to review listing business priorities	
			Recommence possession cases following expiration of the current stay	
		Lift the current pause on bailiffs and criminal enforcement		

# Our approach reflects the challenges in each jurisdiction

Criminal	Civil	Family	Tribunals
<p>The Crown Court has been particularly affected by the Covid-19 pandemic due to the challenges of conducting jury trials while maintaining social distancing although we have begun to recommence these where we can safely do so. More radical action will be needed to get back to pre COVID-19 capacity and start reducing the number of outstanding cases. Work is underway which will help us get back to full capacity in the Magistrates Court</p>	<p>Civil receipts have dropped sharply, as many of those who make bulk claims (often utility companies chasing unpaid bills) have suspended their activities; disposals also dropped as we reduced in-person hearings, though thousands of audio and video hearings have taken place. The Business and Property Court has maintained administrative performance throughout and has no backlogs outside standard turnaround times.</p>	<p>In Family, the most urgent cases continued to be heard throughout, by whatever means necessary; rapid research has then helped to inform practice in which cases can justly be done remotely, and which need all or some parties to attend in person.</p>	<p>Many Tribunals have been able to switch to online and video working as an ongoing part of our response to ensure access to justice for all users, which has limited the impact. For example, our reforms in the Immigration and Asylum Chamber have allowed all parties to work online.</p>
<p><b>We are currently focusing on:</b></p>	<p><b>We are currently focusing on:</b></p>	<p><b>We are currently focusing on:</b></p>	<p><b>We are currently focusing on:</b></p>
<p>Restarting jury trials in more courts each week</p>	<p>Increasing listing for cases across county courts</p>	<p>Increasing capacity for physical hearings so that complex contested cases not suitable for hearing remotely are heard. These hearings may be fully attended in person, or may be 'hybrid' (where some parties attend and the remainder engage remotely) to support social distancing</p>	<p>Accelerating planned reforms that will help manage cases more effectively during Covid-19 in the Employment Tribunal and Employment Appeal Tribunal</p>
<p>Continuing to prepare cases intensively so that wherever it's in the interests of justice, cases can be resolved rapidly without a full trial</p>	<p>Testing the use of Cloud Video Platform so that all courts are covered by the end of July</p>	<p>Encouraging uptake of online channels for Divorce and Probate where possible</p>	<p>Using flexibilities introduced for Tribunals through temporary rules and emergency practice directions by the Senior President. This includes cross-assignment of judges across the first tier Tribunal, provisions relating to recording and remote hearings and provisions to allow for more appeals to be heard on the papers</p>
<p>Continuing to increase listing in Magistrates' Courts to hear full range of work in line with the listing guidance issued by the judiciary</p>	<p>Working with the judiciary, Ministry of Justice, Ministry of Housing, Communities and Local Government and third sector representatives to plan recommencing of possession cases in August</p>		
	<p>Transfer some costs assessments to the Legal Aid Agency (following consultation)</p>		<p>Establishing a pilot of the HMCTS video hearings service in the First tier Tribunal Property and Tax Chambers</p>

The judiciary have published advice and guidance across all jurisdictions in response to the pandemic [here](#), including listing priorities and new practice directions

## Phase 3: Completing our recovery and looking to the future

The third phase of our response is focused on completing our recovery. We will also make sure that we learn lessons from what has happened in our response to the Covid-19 pandemic in order to build in additional resilience to our operating model. The Covid-19 pandemic has reinforced the importance of Reform and modernisation of the justice system, as those services which have already been modernised proved more resilient to the challenges.

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We will continue the broad range of measures to increase capacity to handle more work and hear more cases than the volume coming in, in order to reduce backlogs and waiting times to a sustainable level. This is likely to happen at different times in particular jurisdictions.

We will also look to the future - the unprecedented nature of this public health emergency has required us to adopt new ways of working without the preparation that would normally take place, and under conditions that have not previously been tested. We need to continue to ensure that technology recently introduced or expanded works effectively for all participants in court or tribunal proceedings. It is clear that some changes will be time-limited and will stop with the end of the pandemic, while others may be useful in the longer term. We will:

- Listen to feedback from judges, staff and users to improve the way we work in the short term, and gather data and other evidence to support continuous improvement. Surveys conducted after the first weeks of the pandemic have already resulted in some adjustments.
- With the judiciary, review the measures we put in place to respond to Covid-19 to identify which should be adopted and/or adapted in the longer-term. Final decisions will be made by the Lord Chancellor, Lord Chief Justice and Senior President of Tribunals in line with their statutory responsibilities for the effective governance, financing and operation of HMCTS.

Implementation of the courts and tribunals Reform Programme is continuing alongside the pandemic response. The lessons learned will help inform the next phases of modernisation, building on the existing principles and plans, and making best use of the incredible work done to keep the courts and tribunals operating, in the best interests of justice, throughout the pandemic.



## Annex: further information

The judiciary have published advice and guidance across all jurisdictions in response to the pandemic [here](#), including listing priorities and new practice directions.

For transparency, [Management Information](#)\* used by HMCTS for understanding workload volumes and timeliness at a national level during coronavirus (COVID-19) is being published.

In the coming weeks, all remaining courts and tribunals buildings will be reopened. The [courts and tribunals tracker](#) is regularly updated to show which buildings are open. Every site has gone through a thorough [risk-assessment](#) to ensure it is Covid-secure.

We are planning to open additional temporary courts in order to increase our capacity and will publish details in due course.

We will be publishing more detailed plans for criminal courts and for civil, family and tribunals jurisdictions in the coming weeks. These will be available on gov.uk. We are also reviewing and implementing measures to ensure all vulnerable users are supported effectively to ensure they can access services and participate fully in hearings. This action plan will also be available on gov.uk.

\*Management information is taken from our systems to inform daily operational decisions. It is not the same as official statistics, which are subject to more rigorous standards of analysis.



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