

All Peers

MoJ ref: SUB113574

My Lords,

25th March 2024

### COURT TRANSCRIPTS AND THE VICTIMS AND PRISONERS BILL

During Lords Committee Stage of the Victims and Prisoners Bill, an amendment was tabled by Baroness Brinton for the Victims' Code to make provision for a victim to be able to obtain free of charge, on request, a transcript of a trial in which they were involved. Following debate on this issue, I am writing to clarify work to improve access to court transcripts and update you with further details on the one-year pilot to enable victims of rape and other serious sexual offences (RASSO) to request a transcript of Crown Court sentencing remarks free of charge.

#### *One Year Pilot - free sentencing remarks*

We listened carefully to the issues raised in the House regarding the difficulties victims face with current arrangements to access transcripts, including the cost associated with doing so. That is why, as previously mentioned in the debates, a pilot will run for one year and will enable victims of rape and other serious sexual offences (RASSO) to request a transcript of the judge's sentencing remarks, free of charge, in the Crown Court. We expect the pilot to commence from spring 2024.

The application process for the pilot is being designed to be as simple as possible for victims to interact with. They will be able to make requests via an accessible online form, and then will receive a copy of the transcript of sentencing remarks via email or by post, where the application has been approved by the judge. To make the process efficient, the administrative functions will be centrally managed by His Majesty's Courts and Tribunals Service to ensure applications are dealt with consistently and expedited by the Crown Court in which the hearing took place. There may be instances, particularly in historical RASSO cases, where a copy of the audio recording of the hearing is of too poor quality to be transcribed and so the administrative function will seek to ensure the reasons a transcript of the judge's sentencing remarks cannot be provided are appropriately communicated to victims. The potential for this to happen will also be made clear at the point at which victims make the application, to manage victims' expectations. This centralised function will also now administer applications for free sentencing remarks from bereaved families of homicide victims, replacing the paper form which is sent directly to the court. It will be important to understand, through the pilot evaluation, whether this function helps to speed up the service to victims.

In terms of the pilot evaluation, this will seek to test the degree to which free sentencing remarks are helpful for RASSO victims, for example, to help with their recovery. Monitoring take up, and the impacts on victim experience will need to inform decisions on wider provision, as Baroness Brinton's amendment seeks. In doing so, it will also be important to establish the impact on court staff and the judiciary.

In terms of ensuring RASSO victims are aware of the pilot, we will be developing a communication plan to ensure courts, victims support organisations and others are made aware of the opportunity to request a copy of judge's sentencing remarks for free. Officials will seek to work with the offices of the Victims' Commissioner and Independent Advisor to the Rape Review to establish how best to communicate effectively with victims on this pilot, before spring 2024.

#### *Future access to court transcripts*

I noted, with interest, the points made by Peers during the Lords Committee Stage debates regarding the potential to use speech recognition technology/Artificial Intelligence (AI) to reduce the costs incurred when obtaining a court transcript, so that savings can be passed on to all victims of crime. The government is committed to open justice and transparency as a fundamental principle at the very heart of our justice system and it is vital to the rule of law. This principle allows the public to scrutinise and understand the workings of the law, building trust and confidence in our justice system. However, it is important to balance these principles against the significant resource and operational considerations that would result from free access to court transcripts for all victims, as Baroness Brinton seeks through her amendment.

I would like to take this opportunity to set out what victims are able to access and describe the work that is ongoing within the department to broaden access to court transcripts, including transcripts of sentencing remarks.

Judges publish sentencing remarks of public interest cases on judiciary.uk and since 2022, these have been broadcast, as videos, in several high-profile criminal cases. This helps the public understand how our justice system works and see justice being delivered.

In addition, we are also aware that where transcripts of judge's sentencing remarks have been prepared for the Parole Board, Victim Liaison Officers (VLOs) have requested and subsequently been provided with a copy, which has supported victims in the Victim Contact Scheme to prepare their Victim Personal Statement as part of a parole review.

Bereaved family members of victims of homicide can also request a transcript of the judge's sentencing remarks, free of charge and the RASSO pilot will further enhance what can be provided to victims free of charge.

As you may know, any member of the public can also apply to the court for permission to listen to the audio recording of a trial hearing at a suitable court location, free of charge and at judicial discretion. Each application will be considered on its merits including the resource implications in terms of court space and court staff, who needs to be present in the court to operate the recording and ensure any parts of the proceedings not held in public are omitted.

The provision of transcripts and free access to audio recordings all require court and judicial time and resource, which may vary depending on the service level required, transcript size, length of the trial and physical court space (in the case of listening to audio recordings). It is for these reasons that a cost applies to obtaining court transcripts.

With regards efforts to decrease costs which are passed on to the victim through the potential to use speech recognition technology/Artificial Intelligence (AI), there are a number of complexities regarding the introduction of such software in the Crown Courts. The standard for accuracy is extremely high and the costs of such technology, including the sophisticated hardware for recording which would need to be introduced in each court room, is likely to be extremely high.

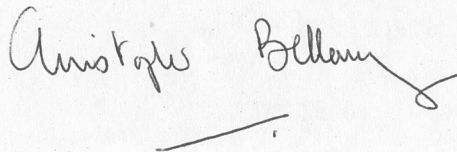
The transcriptions, once generated, require review by HMCTS staff as sensitive information, including personal information and information subject to reporting restrictions, must be manually redacted from transcripts even if the hearing was captured by voice recognition software initially. The transcript must then be reviewed and approved by a judge. This would still divert a significant amount of judicial time, which could otherwise be spent in court.

That being said, officials will continue to keep the potential role of speech recognition software in producing transcripts of hearings, including sentencing remarks, under review, as this technology develops.

To raise awareness of how victims, and others, may make requests for transcripts, officials are looking carefully at the information in the public domain, including within the Victims' Code, and will work with the sector to aid this.

The Government recognises how important it is for victims to be able to engage with criminal proceedings, in a way which helps them to recover and I hope that I have effectively communicated the ongoing work my department is undertaking to help achieve this aim.

I am depositing a copy of this letter in the House library.

A handwritten signature in cursive script that reads "Aristoteles Bellamy". The signature is written in dark ink and is positioned above a horizontal line.

**LORD BELLAMY KC**



