



# GUIDE TO REMOTE COURT HEARINGS

## About this document

To avoid people getting ill from the coronavirus infection, most court hearings are currently being held remotely. This could be either by video link or by telephone. Even after the coronavirus crisis has ended, it is likely that some hearings will still be held this way, at least for the time being.

This document explains what a remote hearing is and how it works. It applies to hearings in the Family Courts. It does not apply to other sorts of courts.

## This document answers the following questions :

1. What is a remote hearing?
2. What is a hybrid hearing?
3. What will happen at the remote hearing?
4. How do I join a remote hearing?
5. Will it cost me anything to join?
6. What devices, apps or software do I need?
7. What if I am worried I won't be able to work the technology
8. Can I have someone with me during the remote hearing?
9. What if I need to speak privately with my lawyer or supporter during the hearing?
10. What if I want a face to face hearing?
11. What if something goes wrong?
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## 1. What is a remote hearing?

A remote hearing is one which is held without the people involved coming to court in person. Instead they join the hearing by telephone or by video link using their phone or another device (laptop or tablet). Sometimes even the judge will be at home rather than in the court building.

Apart from the fact that people are not in the same building, a remote hearing is exactly the same as a hearing where the parties come to court in person and the process is broadly the same. The court has all the same powers and will expect people to treat it just as seriously as a 'normal' hearing.

## 2. What is a hybrid hearing?

A hybrid hearing is a mixture of a remote hearing and a 'normal' hearing. This means that some of the people involved attend the court in person, and some of them join the hearing remotely by video link or phone. A hybrid hearing might happen if one person can't physically get to court or if the courtroom isn't big enough for everybody to fit in whilst keeping a safe social distance.

This can happen in some family cases where there are several parties involved. In some cases, one party might attend the courtroom (or another building) so they can be in the same room as their lawyer, but still join the actual hearing by video link. There are lots of different combinations depending on the type of case and the particular circumstances.

## 3. What will happen at the remote hearing?

When court hearings take place in person in a court building, they do not always start on time because judges often allow parties and their lawyers some flexibility to discuss things before coming into the courtroom. **Remote hearings almost always start on time.** It's really



important that any discussions you or your lawyer want to have with the others involved in the case take place before the start time for the hearing, and that you are ready and waiting at the time the hearing is listed.

It often takes a few minutes for everyone to join the hearing. At the start of the hearing the judge will probably explain that the hearing is being recorded, which also happens for hearings that take place in a courtroom. **It is a criminal offence and a contempt of court for you to record the hearing without permission.** The judge might also explain that the fact that the hearing is being carried out remotely does not change the serious nature or the importance of the hearing. If the hearing is heard in private, meaning that members of the public cannot attend (this is the case for most family court hearings) the judge might check with everybody to make sure that they are on their own and somewhere private.

It can be easy to talk over other people accidentally in a remote hearing, and that can mean that people can get a bit lost. The judge will probably be quite strict in making sure people take turns in speaking, and will ask you not to interrupt. It is a good idea to put yourself on 'mute' (turning off the microphone on your device) except when you are actually talking, so that background noise does not stop people hearing what is being said. It will help to look for the mute function on your device before the hearing, or at the start, so you know how to switch yourself on to mute and back again when you need to speak.

The judge will have a digital copy of all the papers on their device (this is called the 'bundle'). You should make sure that, if possible, you have the bundle or the most important documents accessible to you so that if somebody refers to a particular page or document you know what they are talking about. This can be a bit tricky if you only have one device, so think about how you might best manage that, before the hearing. It's a good idea to have a pen and paper to make notes on, or to have a blank document open on your device to make notes on as you go.

On some video platforms, it is possible for the people involved to share documents on their screens. This can make it easier to follow what is happening, and is useful if someone is finding it hard to find the page or document that somebody else is talking about.

Judges can and do hear evidence from witnesses at remote hearings, and can make final orders. It will be up to the judge in your case to decide whether it is fair and suitable for a particular hearing to be dealt with remotely and, if not, what the alternative arrangements might be. You should tell the court about any difficulties that affect you which they might not otherwise know about.

#### **4. How do I join a remote hearing?**

You will be sent joining instructions before the hearing, either by the court or by the lawyer who is organising the connection.

If the hearing is a telephone hearing, this will usually be arranged by the court and they will call you so that you can take part. It is important that you make sure the court has your up-to-date phone number and that you are ready to answer the call when it comes. The court might call from a withheld number (the caller might appear, for example, as 'No Caller ID').

**If you have your phone set to 'Withhold reject', make sure that this is turned off so you do not miss the call.**

Make sure your phone or device is charged or connected to power so that it does not run out of battery during the hearing – video calls can use up battery quickly. If the court is unable to reconnect to you during the hearing, it might carry on without you.

If the hearing is a video hearing, it could be run through one of several different platforms. Whichever platform is used, you will be sent easy-to-follow instructions.

## **5. Will it cost me anything to join?**

It will not usually cost you anything to join a remote hearing. You will need to have a good phone connection for a phone hearing, and a good WiFi internet connection for a video hearing. If you live somewhere with poor phone signal but have WiFi, check if you can switch your phone to 'WiFi calling' so you can connect by phone through your WiFi. If you are relying on 3G or 4G data to take part in a video hearing, it might use up your data very quickly, which can be expensive and doesn't always provide a good enough connection. It is better to find somewhere with WiFi, if at all possible. If your hearing is a telephone hearing, the court will usually call out to you, which means it doesn't use up your phone credit.

## **6. What devices, apps or software do I need?**

The basic requirement is a functioning phone with a reliable connection. Even if your hearing is a video hearing, you can still join by phone, but you will find it much easier to follow if you are able to connect by video. Ideally, you would have one or more internet-enabled devices, so that you can join a hearing by video / internet connection on one, and you can view your documents on another, but many people manage just fine with one device.

If you only have one device, or difficulty accessing the documents yourself, you could ask whether the documents can be shared on screen by someone else as they are being discussed. This may or may not be possible, depending on the platform your hearing is happening on.

There are a number of different video platforms that can be used to run a remote hearing, but most of them work in a very similar way. You might be used to making video calls on Facetime, Skype or Facebook Messenger. The platforms that are used for hearings are very similar to those, but have the ability to join multiple people at the same time.

With some video platforms, you might be invited to download an app, but if you prefer, most platforms allow you to join through your internet browser. CVP is the Court Service's own video platform. It works through a browser and can be used without you needing to download an app (although there is an app if you prefer). Most platforms work best on Google Chrome. If you don't already have it, it is easy to download the Google Chrome browser, just in case.

### **7. What if I am worried I won't be able to work the technology?**

You will be sent instructions before the hearing. If you are worried about getting connected to a video hearing on the day, you could try a test run. You could ask your lawyer to set this up or, if you do not have a lawyer, you could ask the lawyer who has set up the link. CVP is set up by the court and the instructions explain how you can test things out before the hearing. Although lots of people are unfamiliar with the technology, it is pretty easy once you get the hang of it, and the judge and lawyers will be used to helping people sort any glitches out.

If you are going to download an app, it is a good idea to download it in advance and try a test call with a friend beforehand. . This will help you in case there are any problems with the app, or it takes longer than you expected.

### **8. Can I have someone with me during the remote hearing?**

If your hearing is public (most civil cases) there is no restriction on who can be present with you. However, most family cases are not heard in public. They are heard in private.

If your hearing is private (most family cases) **you should be on your own unless the judge gives you permission for someone else to be with you.**

A supporter could be your carer, your IDVA (Independent Domestic Violence Advocate), your social worker or other support / key worker, a family member or friend or a 'McKenzie friend'. A McKenzie friend is a name for someone the court allows to support you in a private hearing, and their role is to sit quietly and take notes, and to give you moral support. McKenzie friends and supporters are generally not allowed to speak on your behalf and must not interrupt the hearing.

Your supporter might be in the same location as you during the hearing or they might join the hearing from somewhere else. If the hearing is private the judge might want your supporter to confirm that they understand that they must keep things private, before the hearing goes ahead.

Anyone who does attend a hearing to support you should remain silent throughout.

If possible, any children should be safely occupied, out of earshot and supervised in another room during the hearing. This is particularly important if it is a family matter about them.

If you would like someone to support you at your remote court hearing you should let the court know about this in advance. You should tell the court :

- The case number of your case,
- who your supporter is,
- what their role is or their relationship to you,
- how they can be contacted (email and phone).

This will allow the court to make arrangements for them to join the hearing, even if they are in a different location from you, and the judge can decide if they are allowed.

You can still ask the judge about a supporter at the start of the hearing if you haven't been able to do it before, but it's better to do it in advance.

## **9. What if I need to speak privately with my lawyer or supporter during the hearing?**

If you have a lawyer or supporter, you could discuss with them the best way of communicating during a remote hearing. Normally you could whisper to your lawyer in the courtroom, but in a remote hearing you could use WhatsApp, or email, or a separate video link or phone call to communicate privately as things happen. The best solution will depend on your particular circumstances. On some platforms, it is possible to set up a private 'room' where a party can have private discussions with their lawyer or supporter (sometimes called a breakout room). The judge or the person organising the hearing might be able to set that up for you.

## **10. What if I want a face to face hearing?**

If you think your case needs to be held face to face for any reason you should raise this with the court. The judge has to make a decision on a case by case basis depending on:

- the nature of the case and the specific hearing
- the particular needs of the people involved
- what is safe and practical.

If you have a disability that makes a remote hearing impractical or unsuitable, or if you need an adjustment to be made so that you can participate, you should contact the court, explaining the difficulty and what you think might help to make things work better for you.

## **11. What if something goes wrong?**

It is important that you understand what is happening during the hearing, so if you are struggling to see, hear or follow, you should let the judge know at the time. You can do this by speaking, putting your hand up or (on some platforms) pressing a button to raise a 'virtual' hand. Remember that, on some platforms, the judge might not be able to see everyone's face at the same time so if your hand does not attract their attention you may



need to interrupt. You could say ‘I’m sorry to interrupt but I can’t hear’. If there is background noise, the judge may ask everyone who is not speaking to mute their microphones.

Sometimes people get cut off from a hearing part way through. Usually the people left behind will get a notification telling them you have gone, so they will either try and rejoin you or wait for you to dial back in. It is a good idea to keep your joining instructions to hand throughout the hearing so that you know where to find them if this happens. If your internet connection goes down, it might be possible for you to join by telephone, so if possible you should alert someone in the case of what the problem is so that they can tell the judge and try and sort it out. You should not worry that you will be in trouble because of connection problems.

## **12. What happens after the hearing?**

The court will produce an order which records the outcome of the hearing, and will send everyone involved a copy of the order. If there are lawyers involved they will often prepare the order for the judge, and your lawyer will send you the order once it has been approved. The order might not reach you straight away, so it's a good idea to make a note of things the court has asked you to do, the date you have to do them by and the date of the next hearing, especially if you don't have a lawyer to remind you.

## **13. Where can I find out more?**

The Courts and Tribunals Service (HMCTS) have produced a **Guide on Joining Court Hearings by Video Call or Phone**, which you can read here :

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/876566/Guide\\_on\\_joining\\_court\\_hearings\\_by\\_video\\_call\\_or\\_phone\\_27\\_March\\_2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876566/Guide_on_joining_court_hearings_by_video_call_or_phone_27_March_2020.pdf)

HMCTS have also produced a **Guide to How to join Cloud Video Platform (CVP) for a video hearing** :

<https://www.gov.uk/government/publications/how-to-join-a-cloud-video-platform-cvp-hearing/how-to-join-cloud-video-platform-cvp-for-a-video-hearing>

**McKenzie Friend Guidance** – this explains what a McKenzie Friend is and what they can do :

<https://www.judiciary.uk/publications/mckenzie-friends/>