

Appendices

# Understanding the impact of COVID-19 on tribunals

The experience of tribunal judges

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## Appendix A: Literature review: Impact of COVID-19 on tribunals

*Suggested citation: Beardon, S. (2020) "Literature Review: Impact of COVID-19 on tribunals" The Legal Education Foundation*

### 1.1 METHODS

#### A. Aims:

The purpose of the literature review was to gather published accounts of the changes that occurred in the tribunal system since the onset of the COVID-19 pandemic. The aim was to assess the impacts of these changes on the tribunals, describe their responses to the situation and identify areas for future focus. The review forms the background to a survey of tribunal judges in the UK, exploring their experiences of remote hearings since the start of the pandemic.

#### B. Scope:

The review sought published information for the period from 19<sup>th</sup> March 2020 (when national social distancing measures were announced) to 31<sup>st</sup> July 2020 (when the survey closed). Evidence was sought which described the changes that had occurred in the tribunals, the measures that had been introduced, and the experiences of participants during this period. A wide ranging web search was conducted, using search engines, academic databases and social media to identify relevant publications. Official reports, news articles and professional blogs were all eligible to include.

### 1.2 RESULTS

#### A. Immediate official responses to the pandemic

In response to the nationwide lockdown measures, a number of changes were introduced to protect public safety and ensure the continued operation of the tribunals where possible. Her Majesty's Courts and Tribunals Service (HMCTS) temporarily closed around half of its buildings to the public, but over 150 buildings remained open throughout the pandemic to conduct essential face-to-face hearings<sup>1</sup>. Some of the buildings that were closed to the public remained open for judges and staff, in order to continue progressing with business and hearing cases remotely<sup>2</sup>. In-person oral hearings were ceased across all chambers for an initial period; however the tribunals leaderships aimed to keep operations going to ensure the continued delivery of justice for the most vulnerable users and a suite of guidance and legislative provisions were issued to facilitate this.<sup>3</sup> The procedure rules for tribunals already allowed for any hearing to be conducted through electronic methods. Amendments were introduced under the Tribunal Procedure (Coronavirus) (Amendment) Rules 2020, enabling tribunals to adapt to the new circumstances.<sup>4</sup> This included allowing decisions to be made without a hearing (on the basis of the papers) where the matter is urgent and a remote hearing would not be reasonably practicable; allowing remote hearings to take place in private if a media representative could not attend, and stipulating that hearings held privately for these reasons should be recorded. The Senior President of the Tribunals

released a Pilot Practice Direction stating that hearings should be conducted remotely ‘where this was reasonably practicable and in accordance with the overriding objective’.<sup>5</sup> Across the courts and tribunals, quick steps were taken to expand the use of technology in order to allow as many hearings as possible to take place remotely.<sup>6,2</sup> HMCTS rapidly expanded audio and video technology capability and began rolling out the ‘Cloud Video Platform’ (CVP).<sup>2</sup> The most urgent cases were prioritised by the judiciary to ensure the most critical cases could be heard, for example those relating to issues of safeguarding, detention and destitution.<sup>1,7,8,2</sup>

#### B. Impacts of the pandemic on tribunal functioning

The Covid-19 social distancing guidelines necessitated a change in the working arrangements of tribunal staff, resulting in administrative challenges for many chambers. HMRC were not able to provide paper bundles because their offices were closed to staff and the public; this meant that some hearings could not proceed where the tribunal could not access the necessary papers.<sup>3</sup> The ability of offices to deal with correspondence and proceedings was reduced, due to staff working remotely and having smaller teams on site.<sup>9</sup> Staff had to adapt to undertaking tasks usually performed by others in order to ensure continued access to justice.<sup>8</sup> Document management was noted as one of the greatest challenges in adapting to remote working, as tribunals operated on a largely paper-based system.<sup>10</sup>

The extent of the impacts have varied across tribunal chambers. In general terms, disposals in the First-tier Tribunal and Upper Tribunal have fallen due to the restrictions in face-to-face hearings; however, receipts have also fallen as the activities of the first-tier agencies (such as the Home Office and Department for Work and Pensions) have declined.<sup>11</sup> Caseloads in many chambers have therefore remained relatively static. The Health, Education and Social Care chamber has been particularly successful in managing its caseload and has been operating at normal capacity through the use of remote hearings<sup>11</sup>. However, issues with backlogs have developed in some other areas. The Employment Tribunal has not seen the same reduction in receipts: receipts have risen (with more expected) and disposals have reduced, leading to deteriorating waiting times.<sup>11</sup> Waiting times in the Employment Tribunal were already considerable before Covid-19,<sup>12</sup> and there has been a rise in the number of outstanding cases since the beginning of the pandemic.<sup>13</sup> While the picture varies across the country, overall cases are progressing slower than before.<sup>14</sup> HMCTS has reported difficulties getting technology engaged in the Employment Tribunals<sup>13</sup>, which may have affected ability to dispose of hearings remotely. In the Immigration and Asylum chamber, the outstanding caseload has remained broadly static with reductions in both receipts and disposals; however, very few substantive appeals are being concluded and timeliness is expected to deteriorate.<sup>11</sup> There has been a sharp fall in caseload in the Social Security and Child Support Tribunal as disposals have continued, outstripping the reduced volume of receipts; however, caseload has begun to increase again as DWP activity has resumed.<sup>11</sup>

### C. Adaptation and the responses of tribunals

The tribunals have remained open for business during the pandemic and hearings have continued at around half of pre-pandemic volumes overall, through the use of remote hearings and other measures.<sup>11</sup> Tribunal buildings are mostly now open again to the public for face-to-face hearings.<sup>15</sup> The changes in the various jurisdictions are described below.

#### C1. Employment Tribunals

The Tribunal Presidents of England & Wales and Scotland issued joint guidance on the conduct of remote hearings during the pandemic, aimed at maximising the number of hearings through the creative use of all means available.<sup>16</sup> The guidance strongly encouraged the use of electronic communication methods to conduct hearings of all kinds. A Frequently Asked Questions sheet was also produced addressing routine queries, to ensure consistency of approach and save staff time.<sup>17</sup> This document now includes a ‘road map’ for the Employment Tribunals, setting out the Presidents’ aspirations for how the number and type of hearings can be increased over the course of 2020.<sup>17</sup> Case management hearings have been able to proceed largely as normal by telephone.<sup>10</sup> The adoption of video technology in the Employment Tribunals has accelerated during the pandemic, with many putting in place video conferencing for remote hearings<sup>14</sup>. Hundreds of hearings are taking place each week using the CVP.<sup>11</sup> Judicial mediation is also being used successfully as an alternative to formal hearings;<sup>10,18</sup> this has helped to reduce hearing times and address some case backlog.<sup>7</sup> Other measures are being put in place by HMCTS to improve productivity, including recruitment of new tribunal judges and caseworkers, and roll-out of the Employment Case Management (ECM) System.<sup>11</sup>

#### C2. Health, Education and Social Care chamber

In the Special Education Needs and Disability Tribunal, remote hearings were already being piloted as part of a vision to improve the service for users and expand existing capabilities.<sup>11</sup> Remote working has been important in Special Education Needs and Disability for a long time, addressing limited access to physical space and facilitating access for users with disabilities. The pandemic initiated a move to fully digital working, going paperless with documents and increasing their use of remote hearings. No hearings were postponed during the pandemic, and the backlog of cases (from previously postponed hearings) has also been cleared. Feedback is showing that remote hearings are less daunting for participants<sup>7</sup> and more young people are participating than before.<sup>11</sup>

The Mental Health Tribunal has adapted quickly to new ways of working and continued conducting hearings using remote means, prioritising urgent cases.<sup>8</sup> Nearly all cases have been listed and are mainly taking place by video rather than telephone, as this is felt to be more appropriate for the types of cases being heard.<sup>8</sup> Changes were made to standard procedures under the Pilot Practice Direction issued by the Senior President of Tribunals; this included ceasing pre-hearing examinations due to the health-risks involved, and having a single judge make every decision (rather than a panel) unless inappropriate for a

particular case.<sup>19</sup> Concerns have been raised about panel decision-making having been abandoned in mental health cases.<sup>20</sup>

### C3. Immigration & Asylum chamber

Receipts to the Immigration and Asylum chamber had fallen significantly due to reduced Home Office activity. Disposals had also fallen, and those going ahead have mainly comprised administrative actions rather than substantive appeals.<sup>11</sup> The numbers of bail applications being made remotely has increased.<sup>7</sup> Video hearings commenced in the First-tier Tribunal in the week beginning 25<sup>th</sup> May, largely for case management hearings although some substantive hearings are now taking place. Socially-distanced face-to-face hearings began again in July in many hearing centres.<sup>11</sup> An online procedure to manage appeals was introduced across the First-tier Immigration and Asylum tribunal in response to the pandemic, which had been piloted on a small scale in 2019 although not formally evaluated.<sup>21</sup> The new system involved a digital platform to lodge and track appeals, and an adapted appeal process with more active case management and earlier engagement from parties.<sup>22</sup> Practitioners were supportive of the shift towards more digital ways of working, which was seen to have significant benefits in principal. However, research also revealed issues with the design and implementation of the new system.<sup>22</sup> Key concerns included legal aid funding arrangements, the nature of the Appeal Skeleton Argument, and poor Home Office engagement with the respondent review process. Delivering the HMCTS reform programme is at the core of the HMCTS strategy to improve productivity in the Immigration and Asylum chamber.<sup>11</sup>

### C4. Property chamber

The Property Tribunal has moved to a fully online way of working, including for conducting remote hearings and case management work. Although a backlog has developed as a result of the pandemic, there is now a good system in place to work without papers files and therefore cases can now proceed remotely.<sup>11</sup> The property chamber has continued their 'double hatting' project to streamline the service for users, providing a one-stop-shop for housing issues that require hearings in both the County Court and First-tier Property Tribunal.<sup>7</sup> The Agricultural Lands Tribunal has dealt with very few cases due to site inspections not being possible.<sup>7</sup> Inspections of land and property were suspended on March 19<sup>th</sup>, although use of photos, videos and external inspections is permitted where appropriate.<sup>5</sup>

### C5. Social Security and Child Support Tribunal

The Social Security and Child Support Tribunal has seen a fall in receipts since the start of the pandemic. Disposals have continued but at a lower rate than before, mainly through the use of telephone hearings and decisions on the papers, although some video hearings have also taken place.<sup>11</sup> The Social Security and Child Support Tribunal has been using a triage system to separate out cases that require face-to-face hearings and those that do not require hearings. Where possible, hearings have been taking place by telephone or on paper, although video hearings are also starting to take place.<sup>7</sup> After successful tests, arrangements are currently being made to introduce CVP for hearings across all Social Security and Child Support tribunal regions.<sup>23</sup> The rate of disposals in the Social Security and Child Support Tribunal is

expected to increase through greater use of telephone and video hearings, which have been tested and will be consolidated across the tribunal. A future increase in demand is expected as Universal Credit cases progress to appeal stage in 2021.<sup>11</sup>

#### C6. Tax Tribunals

In the Tax Tribunal, face-to-face hearings listed up to the end of June 2020 were suspended at the start of the pandemic. Up to mid-June, just under a third of these cases had been dealt with remotely, the majority of which have been through paper determinations; telephone hearings have also been used, and video to a lesser extent.<sup>24</sup> The First-tier Tax Tribunal used video technology to conduct remote hearings for the first time in March 2020 and the experience has proved successful, despite some technical limitations in the early stages such as restrictions on the numbers of participants.<sup>25</sup>

#### C7. Other tribunals

The Upper Tribunal and Employment Appeals Tribunal have been severely restricted by staff availability.<sup>11</sup>

#### D. Concerns over remote hearings

The coronavirus amendments have led to departures from the traditional norm of an oral hearing. While the changes are legitimate for health protection, they raise concerns in relation to justice and equality, particularly in disputes between citizens and state agencies.<sup>26</sup> The Immigration Bar has expressed concerns over the use of remote hearings for cases where live evidence is required to be taken for Immigration and Asylum cases, as this can rarely be done in a way that is fair and just: technological barriers were noted, as well as dangers for vulnerable witnesses, possible contamination of evidence and breaches of confidentiality.<sup>27</sup> HMCTS has acknowledged that more needs to be done to address this challenge.<sup>28</sup> Research into the shift towards digital working in the First-Tier Immigration and Asylum chamber revealed concerns about using remote hearings for substantive appeals, although they were generally desirable for Case Management Reviews where the appellant was represented.<sup>22</sup> Obstacles for appellants engaging with the online procedure included language barriers, poor digital literacy and lack of access to technology in a secure environment.<sup>22</sup>

In the Social Security and Child Support Tribunals, there was concern about disabled people not having a choice in how their appeal would be heard: the suitability of remote hearings will depend on the needs and preferences of individuals, and the mode of hearing should therefore be chosen by the participant rather than dictated by the tribunal.<sup>23</sup> In Mental Health Tribunals, there was concern about decisions being made by a single judge rather than a panel (which includes medical and lay representatives) as this may compromise the fairness of the hearing.<sup>20</sup> Additionally, tele-conferences were felt to be an unsatisfactory alternative to face-to-face hearings where witnesses were involved, as it was harder to assess the quality of the evidence.<sup>20</sup>

### E. Recovery and future directions

Court and tribunal buildings began re-opening to the public in May following risk assessments and modifications<sup>1</sup>, and by the end of June the most buildings were open in line with public health advice.<sup>29</sup> However, while physical distancing restrictions remain, courts and tribunals cannot return to operations as normal.<sup>2,30</sup> Over the coming year, £105 million is being invested in the improvement of court and tribunal buildings.<sup>1</sup> HMCTS is working to increase physical capacity and to make modifications such as installation of screens.<sup>1</sup> Opening up buildings for essential face-to-face hearings, along with increased use of technology, will help to manage the growing caseload and surpass pre-lockdown throughput.<sup>15</sup> Use of remote hearings will be expanded, with venues receiving new IT equipment and video platform capability.<sup>6</sup> The Property and Tax Tribunals are piloting a new bespoke video system called ‘Fully Video Hearings’ which will take over from the CVP in due course. It is likely that face-to-face hearings will be reserved for the most complex cases only<sup>24</sup> and that remote hearings will become the norm in the short term.<sup>18</sup> Other efforts are being considered in order to increase capacity, such as extending and staggering operating hours,<sup>6</sup> making full use of space and supporting Alternative Dispute Resolution where appropriate,<sup>1</sup> cross-assignment of judges across the First-tier Tribunal and allowing more appeals to be heard on the papers.<sup>2</sup>

An increase in the cases coming before tribunals is likely in future. This is expected to happen as the lockdown restrictions are eased and the first-tier agencies become more active in areas such as welfare benefits and immigration.<sup>11</sup> However, there will also be direct impacts of the pandemic in relation to employment (e.g. redundancies and dismissals) and a spike in cases is anticipated for Employment Tribunals.<sup>12</sup> Employment Tribunals have already started to see cases related to Covid-19 regarding concerns about the furlough scheme and workplace health and safety, and claims are likely to flood in over the coming months.<sup>14,18</sup> The coronavirus has revolutionised the way that tribunals are operating, expediting the adoption of digital technology; this offers an opportunity to delivery much-needed improvements in efficiency as well as user experience.<sup>31</sup> The future for tribunals will see new and improved ways of working, resulting in many potential benefits to current practice.<sup>3</sup>

### F. Knowledge gaps

This review of the literature has identified the main changes in the tribunal system since the start of the Covid-19 pandemic. It describes how different chambers have been affected and the efforts that are being taken to respond. The available literature lacks evidence on the quality of remote hearings: there was little information on the experiences of either professionals or service users, and no data showing the effectiveness in terms of outcomes. Research is needed to establish what is working well, for whom and in what circumstances.



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## Appendix B: HMCTS Data Audit Template

1. Data about litigants	Is this data currently collected?	If yes, please confirm whether this data is held centrally or elsewhere	Comments on data format and coverage
Age (date of birth)	Yes/No		
Postcode	Yes/No		
Sex	Yes/No		
English as a foreign language?	Yes/No		
Protected characteristics data	Yes/No		
Consent to recontact for the purposes of research?	Yes/No		
Contact details for re-contact	Yes/No		
2. Data pre-hearing	Is this data currently collected?	If yes, please confirm whether this data is held centrally or elsewhere	Comments on data format and coverage
Has litigant accessed legal advice?	Yes/No		
Level of legal advice received (one off advice?)	Yes/No		
For litigants in detained settings- duration of consultation with legal adviser	Yes/No		
Has litigant been provided with process support to engage with hearing? If Yes:	Yes/ No		
- Support provided by HMCTS? Yes/No/Other if Other please specify	Yes/No		
- Extent of support provided (time spent supporting litigant, number of interactions)	Yes/No		
- Intermediary requested? Yes/No	Yes/No		
- Intermediary provided Yes/No	Yes/No		
Has litigant been provided with technical/IT support to access hearing? (if “Yes”)	Yes/No		
- Support provided by HMCTS? Yes/No/Other if Other please specify	Yes/No		
- Extent of support provided (time spent supporting litigant, number of interactions)	Yes/No		

3. Data on hearing	Is this data currently collected?	If yes, please confirm whether this data is held centrally or elsewhere	Comments on data format and coverage
Date of hearing	Yes/No		
Case reference	Yes/No		
Court reference	Yes/No		
Detailed Description of case type	Yes/No		
Party location- home, court, office, other please specify	Yes/No		
Party configuration- individual, business, government department	Yes/No		
Mode of hearing- <ul style="list-style-type: none"> <li>○ Audio Hearing? Yes/No               <ul style="list-style-type: none"> <li>▪ Partly audio? Yes/No if yes please specify which parties connected by audio</li> <li>▪ Fully audio? Yes/No</li> </ul> </li> <li>○ Video Hearing               <ul style="list-style-type: none"> <li>▪ Partly video? Yes/No if yes please specify which parties connected by video</li> <li>▪ Fully video? Yes/No</li> </ul> </li> <li>○ Determination on the papers</li> </ul>	Yes/No		
Hearing start time	Yes/No		
Hearing end time	Yes/No		
Are all parties represented? Yes/No/Other if Other please state which parties are represented	Yes/No		
Intermediary present? Yes/No if Yes please state how the intermediary joined the hearing (e.g. remotely, in person with defendant)	Yes/No		
Interpreter present? Yes/No if Yes please state how the interpreter joined the hearing	Yes/No		
Other supporter present e.g. Support through Court volunteer Yes/No if Yes please state how supporter joined the hearing	Yes/No		
Reasonable adjustments requested? Yes/No. If Yes, please describe the nature of the adjustment made.	Yes/No		
Reasonable adjustments made? Yes/No. If Yes please describe the nature of the adjustment made	Yes/No		

Vulnerability identified by Judge/legal representative? <i>HMCTS should record where judges or legal representatives raise concerns about the vulnerability of one or more parties to a case in the context of being able to participate effectively in hearings.</i>	Yes/No		
Case outcome	Yes/No		
<b>4. Open Justice</b>	<b>Is this data currently collected?</b>	<b>If yes, please confirm whether this data is held centrally or elsewhere</b>	<b>Comments on data format and coverage</b>
Did observers join the hearing?	Yes/No		
If so, who (journalist, researcher, member of the public)	Yes/No		
How did observers they join the hearing? E.g. attended court building, joined by audio or video, hearing was broadcast	Yes/No		
If hearing broadcast- how was hearing broadcast?	Yes/No		
Consent to be re-contacted for the purposes of research.	Yes/No		
How many hearing transcripts were requested?	Yes/No		
How many hearing recordings were requested?	Yes/No		
Were these requests approved?	Yes/No		
<b>5. Data on the technology used and its performance</b>	<b>Is this data currently collected?</b>	<b>If yes, please confirm whether this data is held centrally or elsewhere</b>	<b>Comments on data format and coverage</b>
Type of technology used to conduct hearing and provider	Yes/No		
For video hearings- Skype/Zoom/Microsoft Teams/Kinly/HMCTS bespoke video hearings platform	Yes/No		
Technology used by participants to join hearing e.g. desktop computer/laptop/iPad/tablet/smartphone/other please specify	Yes/No		
Technical support provided by HMCTS? Yes/No. If No, please describe who provided support.	Yes/No		
Comments provided in judgement by judge on performance of the technology OR issued verbally at the end of a recorded hearing if recorded.	Yes/No		

## Appendix C: Questionnaire: Understanding the impact of COVID-19 on tribunal hearings

## Understanding the impact of COVID-19 on tribunal hearings

### About this survey

Measures introduced to address the spread of COVID-19 have resulted in significant changes in the way in which tribunal hearings are conducted. The Senior President of Tribunals has asked an independent researcher, Dr Natalie Byrom, Director of Research at The Legal Education Foundation, to gather feedback from tribunal judges about their experience of remote hearings since 19 March 2020. The survey will close on Friday 31 July 2020 and a report will be made available in September.

**Use of data:** The information that you provide will be used to create a data set. Your response will be treated as anonymous, unless you consent to it being treated otherwise. If you consent, The Legal Education Foundation may contact you for further information. Feedback provided via this survey will not be attributed to you in any report. The data set may be used in future research projects.

**Data protection:** Personal data disclosed to The Legal Education Foundation during the course of the research will be held by The Legal Education Foundation and processed in accordance with the General Data Protection Regulation 2016/679 (GDPR). You can request a copy of any information held about you by contacting The Legal Education Foundation.

If you would like any further information on this survey please email: [consultation@theLEF.org](mailto:consultation@theLEF.org)

1. I confirm that I understand the purpose and scope of this survey and agree to participate.

Yes

No



## Understanding the impact of COVID-19 on tribunal hearings

### About you

\* 2. I am

- A salaried judge
- A fee-paid judge
- A salaried specialist member
- A fee-paid non legal member

If you are a specialist or non-legal member please state your specialist qualification or non-legal expertise e.g. medical practitioner

\* 3. Which jurisdiction do you sit in? [please select from the following options]

- Administrative Appeals Chamber
- Tax and Chancery Chamber
- Immigration and Asylum Chamber
- Lands Chamber
- Employment Appeals Tribunal
- War Pensions and Armed Forces Compensation Chamber
- Social Entitlement Chamber
- Health, Education and Social Care Chamber
- General Regulatory Chamber
- Immigration and Asylum Chamber
- Property Chamber
- Employment Tribunals (England and Wales)
- Employment Tribunals (Scotland)

4. Approximately how many remote hearings have you completed since March 19 2020?

- 0-10
- 11-20
- 21-50
- 51-100
- 100 plus

5. Approximately how many remote **final** hearings have you completed since March 19 2020?

- 0-10
- 11-20
- 21-50
- 51-100
- 100 plus

6. Where have you joined hearings from? (please tick all that apply)

- My home
- My professional office (if fee paid)
- Courts and/or Tribunals Hearing Centre
- Other (please specify)

7. Please explain why you joined from this location or locations e.g. COVID-19 restrictions, better broadband access at this location, childcare responsibilities

8. Where is your base court/hearing centre located?

- |   |  |
|---|--|
| <input type="radio"/> North East England                    | <input type="radio"/> South West England |
| <input type="radio"/> North West England                    | <input type="radio"/> Wales              |
| <input type="radio"/> Midlands                              | <input type="radio"/> Scotland           |
| <input type="radio"/> London                                | <input type="radio"/> Northern Ireland   |
| <input type="radio"/> South East England (excluding London) |  |

## Understanding the impact of COVID-19 on tribunal hearings

### 9. What methods have you used to hear cases? (please tick all that apply)

- Fully audio- everyone joined the hearing by telephone
- Partly audio- some people joined the hearing by telephone
- Fully video- everyone joined the hearing by Skype/Microsoft Teams/Zoom/ Cloud Video Platform (Kinly)/Fully Video Hearings
- Partly video- some people joined the hearing by Skype/Microsoft Teams/Zoom/ Cloud Video Platform (Kinly)/Fully Video Hearings
- Paper

### 10. How useful have you found the guidance provided by HMCTS on the conduct of remote hearings during COVID-19?

- Extremely useful
- Very useful
- Somewhat useful
- Not so useful
- Not at all useful
- Not applicable- I haven't seen the guidance

### 11. How useful have you found the guidance provided by Chamber Presidents on the conduct of remote hearings during COVID-19?

- Not at all useful
- Not so useful
- Somewhat useful
- Very useful
- Extremely useful
- Not applicable, I haven't seen any guidance.

12. How could the guidance be improved?

## Understanding the impact of COVID-19 on tribunal hearings

### About your experience of remote hearings during COVID-19 continued: Technology

13. What platforms have you used to hear cases (please tick all that apply)

- BT MeetMe
- Skype for Business
- Microsoft Teams
- Zoom
- Cloud Video Platform (Kinly)
- Fully Video Hearings platform
- Other (please specify)

14. Please explain the why you have used the platform or platforms you have selected e.g. directed to use this platform, parties requested this platform be used. If you have not used a platform please leave the row blank.

BT Meet Me

Other conference call  
platform

Skype for Business

Microsoft Teams

Zoom

Cloud Video Platform  
(Kinly)

Fully Video Hearings  
platform

Other please specify

15. How satisfied have you been with each of the platforms you have used?

	Very dissatisfied	Dissatisfied	Neither satisfied nor dissatisfied	Satisfied	Very satisfied	Not applicable- I have not used this platform
BT Meet Me	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other conference call platform	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Skype for Business	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Microsoft Teams	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Zoom	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cloud Video Platform (Kinly)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fully Video Hearings Platform	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

16. Please explain why you are satisfied or dissatisfied with each of the platforms you have used e.g. high failure rate, difficult to set up, platform not compatible with my computer etc.

BT Meet Me

Other conference call platform

Skype for Business

Microsoft Teams

Zoom

Cloud Video Platform (Kinly)

Fully Video Hearings platform

Other please specify

17. What equipment have you used to join hearings? Tick all that apply

- A mobile phone
- A landline
- My desktop computer
- My laptop
- My tablet
- Other (please specify)

18. Who provided this equipment?

- HMCTS
- I bought the equipment myself
- Another employer
- A combination of the above (please specify)

19. How satisfied have you been with the equipment you have been provided with by HMCTS?

- Very dissatisfied
- Dissatisfied
- Neither satisfied nor dissatisfied
- Satisfied
- Very satisfied
- Not applicable had to use my own

Please explain your answer

20. Who has provided technical support with the IT for remote hearings?

- HMCTS
- Someone else
- There was no technical support

If you selected "someone else" please specify

21. How satisfied have you been with the IT support provided for your remote hearings?

- Very satisfied
- Satisfied
- Neither satisfied nor dissatisfied
- Dissatisfied
- Very dissatisfied
- Not applicable - there was no IT support

Please explain your answer

22. How could the IT support have been improved?

23. How have you accessed the papers for your hearings?

- Online
- Emailed to me
- Couriered to my address
- Other (please specify)

24. Have you experienced any difficulties accessing the papers for your hearings?

- Yes- frequent problems
- Yes- occasional problems
- No- no problems

If you answered "yes" please provide details of the problems you have experienced.



25. How satisfied have you been with the administrative support provided for your remote hearings?

- Very satisfied
- Satisfied
- Neither satisfied nor dissatisfied
- Dissatisfied
- Very dissatisfied
- Not applicable - there was no administrative support

Please explain your answer

26. How could the administrative support have been improved?

## Understanding the impact of COVID-19 on tribunal hearings

### About your experience of remote hearings during COVID-19 continued: Conducting hearings remotely

\* 27. Thinking back on your overall experience of audio (telephone) hearings, how easy have you found it to communicate with parties during the hearing?

- Very easy
- Easy
- Neither easy nor difficult
- Difficult
- Very difficult
- Not applicable- I haven't conducted any audio (telephone) hearings

Please explain your answer

\* 28. Thinking back on your overall experience of audio (telephone) hearings, how easy have you found it to identify when parties are vulnerable and may require reasonable adjustments to participate?

- Very easy
- Easy
- Neither easy nor difficult
- Difficult
- Very difficult
- Not applicable- I haven't conducted any audio (telephone) hearings

Please explain your answer

\* 29. In your view, how has proceeding with hearings by telephone impacted on the number of parties who are represented e.g. by a lawyer or advice worker?

- More parties are represented by a lawyer or advice worker
- The same number of parties are represented by a lawyer or advice worker
- Fewer parties are represented by a lawyer or advice worker

Please explain your answer

\* 30. Based on your overall experience of audio (telephone) hearings, would you say that telephone hearings are worse or better than physical hearings for the judge?

- Better
- Slightly better
- Neither better nor worse
- Slightly worse
- Worse
- Not applicable- I haven't participated in any audio (telephone) hearings

Please explain your answer

\* 31. Thinking back on your overall experience of audio (telephone) hearings, would you say that telephone hearings are effective or ineffective in terms of allowing parties to participate and put their case?

- Effective
- Mostly effective
- Neither effective nor ineffective
- Slightly ineffective
- Ineffective
- Not applicable- I haven't I haven't participated in any audio (telephone) hearings

Please explain your answer

\* 32. Comparing your experience of audio (telephone) hearings to physical hearings, to what extent do you agree with the statement: "telephone hearings are more tiring than physical hearings"

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Not applicable- I haven't participated in any audio (telephone) hearings

Please explain your answer

\* 33. Thinking back on your overall experience of video hearings (using Skype/Kinly/Microsoft Teams/Zoom etc), how easy have you found it to communicate with parties during the hearing?

- Very difficult
- Difficult
- Neither easy nor difficult
- Easy
- Very easy
- Not applicable- I haven't conducted any video hearings

Please explain your answer

\* 34. Thinking back on your overall experience of video hearings (using Skype/Kinly/Microsoft Teams etc), how easy have you found it to identify when parties are vulnerable and may require reasonable adjustments to participate?

- Very easy
- Easy
- Neither easy nor difficult
- Difficult
- Very difficult
- Not applicable- I haven't conducted any video hearings

Please explain your answer

\* 35. In your view, how has proceeding with hearings by video impacted on the number of parties who are represented e.g. by a lawyer or advice worker?

- More parties are represented by a lawyer or advice worker
- The same number of parties are represented by a lawyer or advice worker
- Fewer parties are represented by a lawyer or advice worker

Please explain your answer

\* 36. Based on your overall experience of video hearings (using Skype/Kinly/Microsoft Teams etc), would you say that video hearings are worse or better than physical hearings for the judge?

- Better
- Slightly better
- Neither better nor worse
- Slightly worse
- Worse
- Not applicable- I haven't conducted any video hearings

Please explain your answer

\* 37. Thinking back on your overall experience of video hearings (using Skype/Kinly/Microsoft Teams etc), would you say that video hearings are effective or ineffective in terms of allowing parties to participate and put their case?

- Effective
- Mostly effective
- Neither effective nor ineffective
- Slightly ineffective
- Ineffective
- Not applicable- I haven't I haven't conducted any video hearings

Please explain your answer

\* 38. Comparing your experience of video hearings (using Skype/Kinly/Microsoft Teams etc), to physical hearings, to what extent do you agree with the statement: "video hearings are more tiring than physical hearings"

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Not applicable- I haven't conducted any video hearings

Please explain your answer



## Understanding the impact of COVID-19 on tribunal hearings

### About your experience of remote hearings during COVID-19 continued: Open Justice

\* 39. Have the hearings you have presided over since March 19 2020 been recorded?

- Yes- all my hearings have been recorded
- Yes - some of my hearings have been recorded
- No – none of my hearings have been recorded
- Don't know

If you answered "No" or "Yes- some of my hearings have been recorded" please explain why your hearings have not been recorded.

40. Who recorded the hearings you have conducted?

- HMCTS
- Other

If you selected "Other" please specify who has recorded the hearings

41. How has proceeding with hearings remotely impacted on attendance by the press and members of the public?

- More observers have attended
- The same number of observers have attended
- Fewer observers have attended

Please explain your answer

Understanding the impact of COVID-19 on tribunal hearings

Any other comments

42. Please provide any further comments or feedback on your experience of remote hearings since the 19 March 2020

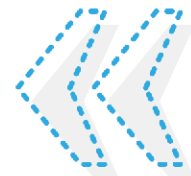
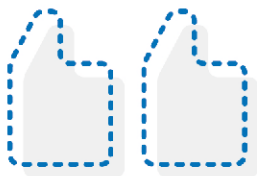
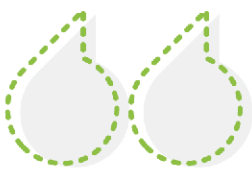
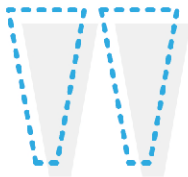
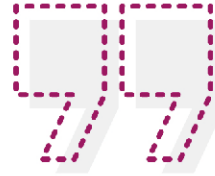
43. Are you happy to be contacted about the responses you have provided in this survey? [tick one]

Yes

No

44. If you are happy to be contacted, please provide your name here

45. If you are happy to be contacted, please provide your email address



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