

The Baroness Taylor of Bolton

Constitution Committee

By email only

Transform Justice

Transform Justice is a national
charity working for a fair, humane,
open and effective justice system

31 March 2021

Dear Lady Taylor

Congratulations on the publication of your report on the impact of Covid-19 on courts and tribunals in England and Wales. I am writing to suggest that what is written in the report about "video remand" courts does not quite reflect the reality. The report suggests that "video remand" courts are court hearings where remand decisions are made. In fact, "video remand" is a misnomer. "Video remand" hearings are in fact all hearings which are the first court appearances of those who have been remanded in police custody. The majority of these hearings, however important, are not about remand. Most of the defendants plead guilty or are appearing having breached bail or missed a previous court appointment. Many of those who plead guilty are sentenced on the spot. The negative justice outcomes for video hearings quoted in your report (para 284) are, in fact, as a result of so called "video remand" hearings. The increase in prison sentences, lower levels of legal representation and more guilty pleas are findings (see footnote 307) made in relation to so called "video remand" hearings, which are in fact video first appearances.

Given that the committee expresses grave concerns about hearings which may prejudice outcomes, there is an inherent contradiction between recommendations 286 and 287 and recommendation 76. The very same hearings you are recommending wholeheartedly and the ones which research suggests may prejudice outcomes. I am also concerned that the report calls for better HMCTS evidence gathering but quotes no evidence to back up the statement "Video remand hearings reduce the delay between defendants being detained and appearing in court". My conversations with court staff suggest that the throughput of so-called "remand" hearings is less if such first appearances are held remotely. In fact the Minister Lucy Frazer admitted that "video remand" hearings had overrun such that detainees had to spend an extra night in police custody <https://www.theyworkforyou.com/wrans/?id=2020-08-28.81886.h&s=%22prison%22#g81886.q0> - something that never happens when defendants are brought to court. I would be grateful to discuss these issues with you.

Yours sincerely



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