



Ministry
of Justice

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Ministry of Justice
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Mr Daniel Cloake
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25 January 2024

Dear Mr Cloake

Freedom of Information Act (FOIA) Request – 240102025 and 240112005

Thank you for your requests dated 2 January and 12 January 2024 in which you asked for the following information from the HM Courts and Tribunals Service (HMCTS):

FIRST REQUEST:

**Dear HM Courts and Tribunals Service,
On 29th December 2023 HMCTS published "How you can attend or access courts or tribunals - a guide for members of the public" at the following link:**

<https://www.gov.uk/government/publications/how-you-can-attend-or-access-court-and-tribunal-hearings>

- 1. Please confirm the total cost of producing the guidance**
 - 2. Please confirm which internal HMCTS department produced the guidance**
 - 3. If the guidance has been distributed to court centres please provide the cover letter/e-mail**
- Yours faithfully, Daniel Cloake**

SECOND REQUEST:

**Dear HM Courts and Tribunals Service,
Further to the previous request dated 2nd January I wish to ask further questions:**

- 4. I understand the guidance was sent out for consultation prior to release. Please tell me who the draft guidance was sent to, either by name or by reference to their department.**
- 5. Please provide any documentation or guidance which was sent to consultees to assist with their understanding of the draft guidance**
- 6. Please provide copies of all the responses received I understand these additional questions will reset the clock on my request.**

Yours faithfully, Daniel Cloake

Your request has been handled under the FOIA.

Where more than one request is received for the same or similar information, section 5(2) of the FOI and Data Protection (Appropriate Limit and Fees) Regulations 2004 allows public authorities to aggregate requests and respond to them together. We have therefore aggregated your requests.

We can confirm that the MoJ holds the information that you have requested, and we have provided it below.

1. Please confirm the total cost of producing the guidance

There are no costs associated with producing the main guide. The cost of producing an Easy Read version, which is being undertaken by an external supplier, is £106.30 plus VAT.

2. Please confirm which internal HMCTS department produced the guidance

HMCTS Communications Team compiled the document, which summarises existing policy, legislation, guidance and rules created by other parts of the justice system, including jurisdictional Procedure Rules committees.

3. If the guidance has been distributed to court centres please provide the cover letter/e-mail.

The guidance has been emailed to HMCTS staff along with this message:

Guidance on public attending or accessing court hearings

*Audience: All operational staff
Priority: Routine
Action: To be aware of the guide on public attending and access courts
Contact: hmcts.communications@justice.gov.uk*

We've [published a guide](#) which helps members of the public understand their rights when attending court or tribunal hearings. It provides advice on how the public can access information about a court or tribunal case.

The guide is uncontentious and does not create new or different rights and responsibilities but is a quick reference tool that signposts to detailed guidance already available across GOV.UK into one easy-to-read document for members of the public. The guide is available in Welsh and as an accessible format on GOV.UK, and we'll also be publishing an Easy Read version.

4. I understand the guidance was sent out for consultation prior to release. Please tell me who the draft guidance was sent to, either by name or by reference to their department.

The guide does not create any new policy and was not subject to a formal public consultation. We did, however, share a draft of the document with the following members of our Public User Engagement Group and invited them to provide comments:

- SupportThroughCourt
- LawForLife
- TransformJustice
- VictimSupport
- CassPlus
- CitizensAdvice

5. Please provide any documentation or guidance which was sent to consultees to assist with their understanding of the draft guidance

A draft version of the guide was sent to the above organisations. No further documentation was sent.

6. Please provide copies of all the responses received I understand these additional questions will reset the clock on my request.

We have anonymised the comments to avoid any organisation/individual from being identified:

- Are there separate guides for people attending as defendants or victims? if so would signpost up top - they will consider themselves members of the public too
- Think this first para could be clearer who this guide is for - This guide is for members of the public who want to attend a court or tribunal hearing. It explains your rights when..
- Could give a few examples of why members of the public might attend so people realise this is 'for them' - e.g. family and friends of participants, law students, any member of the public with an interest
- Intro - personally don't think you need all this - would remove and move up some of the text from 'before the hearing', see below
- CPS has a guide for victims/complainants, and is developing a guide for defendants too, both of which would be worth referring to when live
- If they want to attend remotely they need to take action before a hearing so that needs to be covered in this section
- Not sure about other jurisdictions but there is always a lot of chopping and changing to court lists for mags court criminal

hearings on the day. and hearings starting later than it says on the court lists. need to acknowledge that here otherwise people will worry they've read things wrongly. would say people can ask the helpdesk or usher if they need help finding particular cases (our ----- volunteers find the court lists quite unhelpful). also need maybe make clear that full criminal court lists are not available to the public - abbreviated lists available but I have never as a member of the public been given a full court list in hard copy

- Members of the public don't need permission to enter the public gallery - at least in a adult criminal court
- Not sure this is right ...think legal commentators can post on social media without permission
- I have never been in a court building with free public wi-fi. Is this new? if so can it be publicised
- What about access to copies of the case papers? e.g. statement of the case, witness statements, information reports that are put before the judge etc...These are accessible to the public (sometimes with permission from the court). need to make clear here plus how to obtain and when (might be another thing to add to 'before a hearing')
- Great to see many of our comments taken on board, we do feel the guide would be even more useful with a few more items addressed:
 - clarifying that it's abbreviated court lists that are available to the public, not full court lists
 - mentioning that members of the public can access copies of case papers, and how
 - explain how a member of the public would know a hearing has reporting restrictions (in criminal courts it's literally just read out at the start of the hearing by the legal advisor)

- I have had a read through the attached document and only picked up one sentence which could do with a fine tune. In para 1, page 1, under 'criminal' you have written;

'All cases begin in a magistrates court, with more serious cases going to to the Crown Court'. It might be helpful to be a little more explicit about this with a minor amendment to '...with more serious cases progressing to the Crown Court' for clarity? The general public really don't always understand the tiered system for courts.

- Otherwise, I think there is much in this document that will be useful, but I hope there is an easy read version that will be made available for more vulnerable court users, for inclusivity,

please? Most of our clients would need us to explain this current version to them in 'normal language' or to help them pick out the areas that are most relevant to them.

Hope this helps and happy to look at other documents or offer some support on this if required.

- Overall we think the document is well presented and clear. There is a lot of information on there which may be a little overwhelming but we can see that it is all relevant and needed.
- Some more specific feedback:
- *"On the day of the hearing, you'll need to follow the instructions sent by the court or tribunal. This usually involves the court or tribunal sharing a link with you by email which allows you to observe the hearing online."* - this may vary by court, for example at the central criminal court they will only send a link to a police email address and it has to be viewed with police officer present (either at police station or at family home).
- **"Using phones and laptops: Mobile phones and other text-based devices such as laptops can be taken into the court or the tribunal room but cannot be used. If you do take a mobile device in with you, please turn it off or keep it on silent to avoid disrupting proceedings."** Again at CCC this is different and people are not permitted to bring phones (or smart watches) into the public gallery
- *"In some circumstances you can apply for a transcript of a court or tribunal hearing if it was recorded. The court can refuse to provide part or all of a transcript (for example, if details of the hearing are confidential). Magistrates' courts do not record their proceedings."* The charges for this can be very expensive, it might be useful to say that it may be possible to request specific parts of a trial of hearing rather than the whole thing to save on costs.

- I have reviewed the guidance and think it reads well and is clear in what information is being communicated. I like that it has links built in taking the reader to further information if more detail is required.
- I think it has covered the main points required for public users.

- On page 2 they might clarify or make clearer in the first sentence whether attending as a participant in court or Tribunal proceedings or as a member of the public?
- I know it is explained on page 3 but it might help to put it in the introduction that any attendance is at the Judge's/Tribunal Chairs discretion.

- Page 5 – ‘accessing information about Court and Tribunal proceedings’, make it clearer that this is available whether or not you were a participant in the hearing.
- The tone overall is formal which is understandable – this will be something for HMCTS to consider – would they add in to support the ‘open and transparent’ point that there will always be someone at court to help? Court staff?
- Do they need to consider how someone with a disability accesses the court? The document itself has a read aloud function but what about someone who attends court with a disability – do they need to include anything here?

Appeal Rights

If you are not satisfied with this response, you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice

You do have the right to ask the Information Commissioner’s Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

HMCTS Communications Directorate