



**SANKOFA  
EXCHANGE LTD.**  
Management Consultants  
&  
Business Psychologists



**Criminal Justice Board**  
Delivering London's criminal justice service

## **Virtual Courts Equality Impact Assessment September 2007**

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## **Executive Summary**

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### **1. EXECUTIVE SUMMARY**

- 1.1. This Equality Impact Assessment (EIA) considers the impact of the introduction of the Virtual Courts on communities in London. Virtual Courts are part of a three-pronged programme of reform of the Criminal Justice Service. The three strands are Virtual Courts, The Integrated Prosecution Team (IPT) and Simple Speedy Summary Justice (CJ: SSS).
- 1.2. The EIA represents the result of consultations with a range of community groups and individuals on how the Virtual Courts process might impact on their communities.
- 1.3. The overall finding was communities had a positive interest Virtual Courts. A number of positive impacts arising from Virtual Courts were identified by community groups. Some potential adverse impacts were also identified — these could be mitigated. Should Virtual Courts progress to the pilot stage, the community should be consulted on the proposals to mitigate the adverse impacts identified.
- 1.4. On the basis of the strong support for Virtual Courts expressed by respondents, we conclude that the Virtual Courts prototype should be progressed to the pilot stage in order to design and test processes

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which will mitigate the impacts. This will also be an opportunity to consult on the EIA action plan with a more comprehensive sample of respondents.

**Dr Bernard Horsford  
Chief Executive  
Sankofa Exchange Limited**

**11 September 2007**

## **Introduction**

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### **2. INTRODUCTION**

- 2.1. Virtual Courts aim to make the Criminal Justice Service more effective by dealing with cases more quickly and eliminating the need to transport defendants to several locations. London Criminal Justice Board (LCJB) has chosen the term Virtual Court because there will be a secure video link between the main court and a special court suite in the police station.
- 2.2. Virtual Courts are applicable to first case management hearings only and they will hear applications for bail and guilty pleas in simple cases that involve one or two defendants. Participation in the Virtual Court by defendants is entirely voluntary.
- 2.3. Cases involving young people under 16 and cases involving people with learning difficulties or mental health problems are currently excluded from Virtual Courts.

### ***Research sample***

- 2.4. In order to assess how the Virtual Courts process will impact on communities, a qualitative analysis of the views of 19 community groups and individuals in Criminal Justice Service (CJS) agencies was undertaken. The quantitative element of the impact assessment

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comprised an analysis of 69 questionnaires returned by community organisations, CJS staff and individuals.

- 2.5. Some 32% of the sample had professional CJS experience — this Equality Impact Assessment (EIA) therefore reflects the views of some key decision- makers in the community and the CJS (an important research group to consider). The sample represents the views of respondents from all seven equality strands (disability, ethnicity, gender, religion, age, transgender, religion and sexuality).
  
- 2.6. Staff working in health, Adult Services, Children’s Services, Community Safety, Victim Support, offender organisations and Youth Offending also participated in the EIA.

### Assessment of impact

- 2.7. The impact assessment found that the exclusion of people with mental health problems and learning disabilities could adversely impact on these communities and their confidence in the CJS. Indeed, there was evidence that some cases involving people with mental health problems may be more suitable for Virtual Court than traditional court.
  
- 2.8. The picture is complex and although the majority of respondents (55%) felt that people with learning disabilities and mental health problems should be included, there needs to be a process to screen out

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unsuitable cases. The high neutral score in response to the question relating to the inclusion of people with mental health problems (20%) suggests significant uncertainty on this matter.

- 2.9. There is also a requirement to offer interpreters so that the needs of deaf defendants are met. Comparatively quicker access to interpreters through Virtual Courts (VCs) will increase the participation of deaf defendants. Some 93% of respondents felt that a reasonable adjustment should be made by including subtitles for deaf respondents.
- 2.10. There was a concern that the process may adversely impact on Black and Minority Ethnic (BME) youth. BME communities were less positive about the introduction of Virtual Courts than their White counterparts. Consistent with the qualitative data, BME respondents were significantly more likely to state that a personal appearance in court is best for the young person ( $t = -2.10$ ;  $p < .0403$ ).
- 2.11. BME respondents were also significantly more likely to feel that a Virtual Court hearing will lead to a less fair hearing ( $t = -2.29$ ;  $p < .0256$ ). These findings are indicative of a low level of confidence in the CJS generally by BME communities. The confidence of these communities will need to be improved in order secure at least an equivalent level of

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participation in VC hearings as other demographic groups, and to help to ensure that defendants feel that the hearings are fair.

2.12. Allied to the issue of ethnicity is the ability of VCs to interpret hearings into community languages. Some 80% of respondents wanted the Virtual Court to have the ability to translate the hearing into a community language.

2.13. The majority of respondents (48%) wanted young people to have access to Virtual Courts. Young people were also positive about Virtual Courts. However, there was a great deal of uncertainty in the responses, as reflected in the high neutral score of (22%). There were also concerns that young people may be unable to get their point across and that the process must not move too quickly.

2.14. Young people were also significantly more likely to agree that a personal appearance in court is best for the young person ( $t = 2.02$ ;  $p < .0481$ ). They were also significantly more likely to agree that a personal appearance in court is best for people with mental health problems ( $t = 2.41$ ,  $p < .00192$ ). This suggests some apprehension from young people about the Virtual Courts process.

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- 2.15. A young woman who was interviewed considered one positive impact for families is that carers are more likely to be reunited quickly with their children as cases are processed faster in Virtual Courts.
- 2.16. The replies from a trans participant interviewed highlighted that a positive impact of Virtual Court technology is that applications for the court to be cleared under the Gender Recognition Act 2004 could be made without the defendant appearing in court by video link. She noted that the sound quality of the VC would need to be better than a normal telephone line and that a trans defendant may need additional time to prepare for the hearing.
- 2.17. Participants from lesbian, gay and bisexual communities felt that the technology could be used to enable victims of homophobic and transphobic crime to give their evidence by video link. They echoed the views of other communities that the scope of Virtual Courts should be extended to include victims and witnesses. However, they felt that the victim should have the opportunity to remain anonymous. They also felt that the defendant's sexuality should remain confidential.
- 2.18. Comments from those representing religious groups were positive; they did not feel that Virtual Courts would have any adverse impact on their communities. Nevertheless, consent to a VC hearing needs to

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remain in place as it is against the principles of one religious group (the Exclusive Brethren) to participate in Virtual Court hearings.

### ***Summary***

- 2.19. The overwhelming response from participants in the EIA was positive. There was a clear expectation from communities that the scope of the VC should be extended to include victims and witnesses. There is sufficient commitment from those groups surveyed to move the Virtual Courts process beyond the prototype stage.
- 2.20. Further work needs to be done to mitigate the potential impacts identified; more detailed consultation on the EIA is required through focus groups and questionnaires. Case monitoring will need to be undertaken on an on-going basis should the Virtual Courts prototype progress to pilot stage.

## **Responsibility and Ownership**

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### **3. OBJECTIVES OF VIRTUAL COURTS**

3.1. There are a number of key objectives driving the introduction of Virtual Courts. In summary these are to:

- (a) deliver speedier justice;
- (b) improve the efficiency of first hearing cases;
- (c) improve timeliness in magistrates' courts by enabling a faster throughput of cases;
- (d) reduce prisoner transportation costs by more efficient use of PECS staff/resources, less custody congestion, and more efficient custody management;
- (e) release police resources to the frontline due to speedier case completion;
- (f) provide quicker resolution for many victims and witnesses due to speedier first hearings;

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- (g) use new technology in an innovative way to benefit practitioners, defendants, victims, and the public in general;
- (h) increase courts' capacity, more efficient use of court time and resources, more effective handling and reduction in number of outstanding warrants;
- (i) enable more efficient use of remand courts and increased use of Designated Caseworkers, releasing prosecutor resources to implement charging and Higher Court Advocacy Strategy;
- (j) reduce delays caused by non-appearance of defendants, missing papers or personnel;
- (k) enable better use of case progression officers and probation staff;
- (l) improve the effectiveness of the collection of financial penalties;
- (m) increase public confidence in the effectiveness of the CJS in bringing offences to justice;

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(n) demonstrate the coordination and collaboration of agencies within the criminal justice system; and

(o) optimise use of resources across the CJS.

### **Main stakeholders**

3.2. A number of stakeholders were identified as part of the Virtual Courts programme. The main stakeholders are: the Courts Service London Area; Metropolitan Police Service; CPS London; London Probation Area; Ministry of Justice; the Legal Services Commission; the Prison Service; trade unions; staff support groups; defence solicitors, Victims, Community Safety Teams; Youth Offending Teams; Adult Services Departments and Children's Services Departments.

### **Strategic and operational accountability for the policies and practices**

3.3. Strategic accountability for Virtual Courts rests with London Criminal Justice Board. Operational responsibility for Virtual Courts rests with the Court Service London Area; Metropolitan Police Service; CPS London; the Legal Services Commission; the Ministry of Justice and London Probation Area.

## **Responsibility and Ownership**

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### *Literature review*

- 3.4. There is a paucity of research in the Area of Virtual Courts — some 52 academic databases were searched as part of the desk research, but no published studies were identified which assessed whether the Virtual Courts had an adverse impact on different demographic groups.
  
- 3.5. The available published research on the Virtual Court process suggests that they will bring significant advantages by reducing costs, reducing delay and improving security. However, the literature also points to potential bias arising out of Virtual Courts and the electronic presentation of evidence.
  
- 3.6. Widdison (1997) concluded that the law will be transformed by information technology generally and that in the next 25 years the majority of cases in the UK will be handled through video conferencing. This move would be consistent with the Woolf Report “Access to Justice”.
  
- 3.7. One study was found that suggested there could be bias in the Virtual Courts process, however this study was carried out in the United States. Lassiter, Rancliffe, Ware and Irvin (2006) reviewed a 20-year research programme on videotaped evidence.

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- 3.8. Lassiter et al's (2006) research demonstrated that judgements about videotaped confessions can be significantly affected by changes in the position of the camera when confessions are videotaped. Their research demonstrated that changes in camera position influenced the decisions of the court, making it more likely to conclude that confessions were made voluntarily. They conclude that video recording could actually increase rather than decrease the chance of false confessions being accepted.
- 3.9. Wiggins (2006), in her review of the evidence of Virtual Courts in the United States, concluded that video conferencing could amount to a denial of due process. She considered whether the perception of credibility, sincerity, comprehension and confidence are affected if the defendant appears on video link. Other concerns identified by Wiggins were the right to representation and the right to confront witnesses in person. Wiggins (2006) also concludes that defence lawyers may be disadvantaged as their resources may not match those of the prosecution.
- 3.10. Concerns about the objectivity of the process were also raised by Bailson, Blascovich, Beall, Beth and Noveck (2006) who argue that

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Virtual Courts will adversely impact on the objectivity of judges and jury.

### **Summary**

- 3.11. The introduction of Virtual Courts is driven by a comprehensive reform agenda which has value for money, organisational efficiency and more speedier resolutions of victims at the heart of it.
- 3.12. The VC programme has a number of stakeholders involved in the process, however the key stakeholders are the Court Service, the Metropolitan Police Service, CPS London and the Legal Services Commission.
- 3.13. To date there are now published research studies that assess the impact of Virtual Courts on communities in the UK; this re-affirms the need for LCJB to carry out its own impact assessment in order to meet the statutory requirements set out by the relevant equality legislation.

## **Scope of the Equality Impact Assessment**

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### **AIMS OF THE VIRTUAL COURTS PROCESS**

- 4.1. A detailed summary of the objectives of the Virtual Courts process has already been set out in the preceding sections. In summary, the process aims to make the CJS more efficient.

### **EQUALITY RELEVANCE**

- 4.2. The Virtual Courts process is considered to be highly relevant to a number of equality target groups generally; it is particularly relevant to disabled and Black and minority ethnic communities and young people.
- 4.3. This was rated as **highly relevant with high impact** after the completion of the initial screening for the EIA. The screening consisted of analysing the findings of the initial interviews with expert respondents.

### **METHODOLOGY**

- 4.4. This is a new area of research about which very little is known. Therefore, it was appropriate to begin with a qualitative approach through which to identify the range of variables that might be associated with the topic.
- 4.5. Questions for the study were formulated after a review of the literature on Virtual Courts, together with a number of in-depth interviews with relevant individuals with expertise in diversity and the Criminal Justice

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Service. This was supported by an initial small and fairly informal study, in which people from various groups with an interest in the Virtual Court project provided some pertinent areas for further investigation.

- 4.6. It was evident that the study would need to obtain information from a range of interested groups, some of which were likely to have differing experiences and views on the topic of Virtual Courts. A future study is required to more fully assess the impact of Virtual Courts on all relevant communities. The final target population of this project should include representatives of various age groups, ethnic groups, sexual orientation groups, people with and without disabilities, people with and without dependants. It should also include people who have experience of the Justice Service through professional association, having been a victim of crime, a defendant, a witness, jury member or through knowing people who have been through the system in some capacity.
- 4.7. However, it was clear that the full target population could not be accessed in the time available for the first stage of this project, thus it was decided that the first stage would entail a primarily quantitative exploration of key issues, the results of which could be further explored by subsequent qualitative interviews and focus groups.

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### **Use of the statistical significance model to monitor adverse impact**

- 4.8. In statistics, "significant" means probably true (not due to chance). A research finding may be true without being important. A "highly significant" result means that it is very probably true. This does not (necessarily) mean it is highly important.
- 4.9. Significance levels indicate how likely it is that a result is due to chance. The benchmark, used to mean something is good enough to be believed, is .95. That means that the finding has a 95% chance of being true. The finding, therefore, has a five per cent (.05) chance of not being true, the converse of a 95% chance of being true. (This is normally appears in reports as  $p < .05$ .)
- 4.10. In academic research, a finding/theory usually has to have at least a 95% chance of being true to be considered worth telling people about. It should be noted that a 95% chance of something being true means there is a 5% chance of it being false. This means that of every 100 tests that show results significant at the 95% level, the odds are that five of them do so falsely.

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- 4.11. The best approach from a statistical point of view is to repeat the study and see if the same results are found. If something is statistically significant in two separate studies, it is probably true.
- 4.12. Most significant tests assume the sample is a truly random one. If the sample is not truly random, a significance test may overstate the accuracy of the results, because it only considers random error. The test cannot consider biases resulting from non-random error (for example a badly selected sample).
- 4.13. The current study uses the following accepted benchmarks to refer to results to assess how confident one can be in accepting the results. Not significant means ( $p > .05$ ); significant is defined as ( $p < .01$  to  $p < .05$ ); a result is very significant at ( $p < .001$  to  $p < .01$ ) and a finding is extremely significant at ( $p < .001$ ).

### **The use of the adverse impact model to monitor discrimination**

- 4.14. The term adverse impact is used in the UK by many to denote different selection rates. However, those who use the term may or may not be aware of its technical meaning in the field of monitoring. In the context of ethnic and equality monitoring, the term adverse impact originates from the USA.

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- 4.15. Without a standard formula or rule or thumb for determining when intervention should take place, the US standard is frequently used. The Commission for Racial Equality appears to endorse the four-fifths rule as being helpful in drawing inferences from monitoring data. This US standard for determining adverse impact is drawn from guidelines issued in the US – The Uniform Guidelines for Employee Selection. The Uniform Guidelines include a basic statistical formula and a rule of thumb variously described as the “four-fifths rule”. This is based on a selection rate showing a 20 per cent difference between the most successful group and those that are not so successful. In our experience, adverse impact analysis is a very effective way of looking at general monitoring of data, especially in large organisations.
- 4.16. It is important to state that determination of adverse impact does not equate to determining that discrimination has necessarily taken place. It provides a basis for examining particular practices, processes or actions.

### **Need for uniformity**

- 4.17. The US Equal Employment Opportunity Commission, the Civil Service Commission, the Department of Labor, and the Department of Justice jointly adopted uniform guidelines to meet the US government’s need for a uniform set of principles on the question of the use of tests and

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other selection procedures. The guidelines were originally designed to provide a framework for determining the proper use of tests and other selection procedures.

### **Purpose of guidelines.**

- 4.18. These guidelines incorporate a single set of principles which are designed to assist employers, trade unions, employment agencies, licencing and certification boards to comply with the requirements of US law that prohibit employment practices which discriminate on grounds of ethnicity, religion, gender and national origin.

### **Assessing adverse impact**

- 4.19. A difference in outcomes (bail or sentencing) in any demographic group, which is less than four-fifths (or 80 per cent) of the rate for the group with the highest rate, will generally be regarded as evidence of adverse impact.
- 4.20. An example of the four-fifths rule is that an employer may have had 200 applicants over a six-month period — 100 BME and 100 White applicants. Out of these 200 applicants, 100 individuals were hired (80 Whites and 20 of BME origin). Thus the percentage of Whites hired is 80%, that is 80/100 and the percentage of BME applicants hired is 20% — that is 20/100. The pass rate for BME candidates is

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only one-fourth that of White candidates – 20/80 and would thus constitute an adverse impact.

4.21. Smaller differences in court outcomes may nevertheless constitute an adverse impact, where they are significant in both statistical and practical terms.

4.22. Where there is evidence of adverse impact, but it is based upon numbers which are too small to be reliable, evidence concerning the impact of the procedure over a longer period of time and/or evidence concerning the impact which the procedure had when used in the same manner in similar circumstances elsewhere, may be considered in determining adverse impact.

### **Data collection**

4.23. To make good comparisons it would be necessary to observe a sample of defendants charged with similar offences. One group of respondents — the experimental group — will go through Virtual Courts and the control group will go through the traditional courts.

4.24. It would be important to control as much as possible differences in offending history, so the study would aim to compare participants with similar offending histories.

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- 4.25. The impact assessment would look at whether there was a difference in sentencing or obtaining bail in Virtual Courts and traditional courts.
- 4.26. The impact assessment will also consider the qualitative experience (positive or negative) of the different groups. Is there any difference in how defendants experienced the two types of court process?
- 4.27. It is clear that the numbers of some equality target groups (for example transsexuals) are so small that they represent only one in a 1,000 per head of population. It will therefore be very expensive to achieve adequate numbers to make meaningful statistical comparisons.
- 4.28. For this reason there will be a number of focus groups and in-depth interviews to determine the research questions at the start of the study.
- 4.29. The study will be set up so that sufficient data can be collected. This means that the Virtual Courts processes will have to be rolled out to enable sufficient data to be collected in order to assess the impact of the process and to make recommendations for improvement.
- 4.30. There will be a combination of data collection techniques, including extraction of data from databases and gathering of information from files and by interview.

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4.31. It is unlikely, given the sensitivity of the questions, that simply distributing questionnaires for self-completion by respondents will yield sufficient responses. It will therefore be vital to use interviewers who are specially trained to elicit the required information from respondents.

### **Method**

4.32. The items identified for quantitative assessment from the original qualitative work, were incorporated into the questionnaire used in this first-stage study.

4.33. This stage of the project represented an initial investigation, designed to provide some important base data together with indications of refinements to be made to the questionnaire prior to wider distribution.

4.34. The sampling pool for this study included key organisations representing the seven equality strands of interest: (1) gender, (2) disability, (3) ethnicity, (4) sexuality, (5) trans, (6) age and (7) religion. The sampling pool also included all community safety teams, Children's Services Departments, and Adult Services. All respondents were based in London. These organisations were approached via telephone and/or email and asked to distribute the questionnaire to appropriate members of their organisations.

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- 4.35. Questionnaires were distributed and followed up between the 4<sup>th</sup> to the 25<sup>th</sup> August. The final number of completed questionnaires returned in time for this first stage study was 69, (20% were returned in response to the initial request, the rest required follow-up emails and telephone calls to secure participation).
- 4.36. Returned questionnaires were entered into the computer database for statistical analysis. Socio-demographic characteristics of the obtained sample were recorded, together with responses for each questionnaire item.
- 4.37. Due to the rather homogenous make-up of the sample, statistical analyses were limited. Frequencies of all item responses were calculated, together with collapsed percentages of overall levels of disagreement or agreement with each item. Neutral responses were also noted. In addition, comparisons were made between males and females for all key questionnaire items.
- 4.38. As there were not sufficient respondents in each ethnic group category to perform full ethnic group comparisons, respondents were crudely categorised into combined White and combined BME groups to be used as the basis for further comparisons of key questionnaire item

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responses. Further research is needed with a larger sample before more reliable conclusions can be drawn from the data.

4.39. Another arbitrary categorisation of respondents into two age groups (under 40 years and 40 years plus) was computed so that differences between younger and older respondents could be assessed.

4.40. Results of statistical analysis are presented in the results section and the interpretation of results includes consideration of qualitative comments provided by respondents.

### **Summary**

4.41. Following the initial screening of the Virtual Courts process with an expert sample of community members, the change to Virtual Courts was considered to have high equality relevance and a high impact on particular communities.

4.42. The methodology used in the EIA comprised of a qualitative and quantitative assessment of impact. A number of benchmarks for adverse impact were followed, being the accepted scientific benchmark of statistical significance, the four-fifths rule and a qualitative assessment of impact.

## **Initial Screening for Adverse Impact**

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### **5. FINDINGS FROM INTERVIEWS WITH EXPERT RESPONDENTS**

#### **Black and Ethnic Minorities**

- 5.1. A representative expert has yet to be interviewed in relation to Black and Minority Ethnic defendants. However, initial desk research suggests that this group is most likely to be disadvantaged because they are likely to have had less exposure and less familiarity with videoconferencing technology and how to present themselves during interview.
- 5.2. In addition to this, there is also a concern that differences in non-verbal communication in relation to eye contact and body language could adversely affect Black and Minority Ethnic defendants.
- 5.3. Some Black and Minority Ethnic defendants will require interpreters. To exclude people who require a language interpreter could adversely impact on this group.

#### **Disability**

- 5.4. Further work is required to obtain the views of organisations representing the needs of disabled defendants. Arrangements are in place to consult NACRO, Revolving Doors, and the Sainsbury Centre for Mental Health. However, from the desk research it is apparent that

## **Initial Screening for Adverse Impact**

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disabled people are likely to raise a wide range of issues relating to the definition of disability.

- 5.5. The Virtual Courts concept would create a significant challenge to British Sign Language users. They would need an at least one interpreter present. To exclude such groups could amount to an adverse impact.
- 5.6. It also seems possible that some individuals may not be aware of how to ask for an appropriate adult to sit in on interviews.
- 5.7. The speed of the Virtual Courts process means that mentally disordered offenders may not be identified. Currently there is no space on the MG3 to record whether the defendant has any mental health problems; there is a fear that quickly processing a defendant through the Virtual Courts means that it is less likely that any mental health problems will be identified.
- 5.8. On the other hand, is important that mentally disordered offenders are not detained longer than necessary; excluding them from the Virtual Courts could have an adverse impact.

## **Initial Screening for Adverse Impact**

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- 5.9. Often individuals may have multiple disabilities, which may mean that additional adjustments will have to be made.

### **Lesbian Gay and Bisexual Communities**

- 5.10. Interviews were held with Kevin Sinclair, Director of the National Gay Prisoners Advisory Group; Sue Sanders Co-Chair of Schools Out, and Dennis Carney Vice-Chair of the National Gay Men's Advisory Group.
- 5.11. The main concerns raised related to confidentiality being breached if sexuality is disclosed
- 5.12. Fears were also expressed about prisoner safety in that they could be attacked by others who might become aware of their sexuality.
- 5.13. If the defendant is a sex offender, they may find their time in custody even more difficult.
- 5.14. Custody officers would have to find ways of discreetly informing lesbian and gay prisoners what protection may be available whilst in custody.

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### **Trans communities**

- 5.15. Helen Dale, Chair of Inner Enigma and Co-Chair of Lesbians Gay Men, Bisexual and Transgendered Individuals in Probation and the Family Courts, raised a number of issues relating to trans communities.
- 5.16. Transgendered and transsexual defendants are likely to identify safety as their main concern.
- 5.17. There are significant issues about searching trans people who have not had an operation, but who might, for example, have breast growth. Should it be a man or woman who searches them?
- 5.18. Transsexual prisoners would also need to have permission to dilate; it would not be possible for them to dilate if they had to share a cell.
- 5.19. There is also an issue about which prison they will go to. Will they be placed in a prison with others of the gender they identify with, even if this is not a prison/cells catering for people of their biological sex?
- 5.20. Confidentiality was also an issue. The Gender Recognition Act 2004 generally prohibits disclosure of an individual's gender unless this is in relation to legal proceedings. Further clarification is required as to

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whether custody officers are entitled to disclose details of gender re-assignment whilst the person is in custody.

5.21. Further issues relate to the sound quality of video links. The sound quality would have to be better than a normal telephone because normal telephones are unable to modulate voices of transgendered people effectively.

5.22. Additional time may be required so that individuals are able to make themselves presentable for court if they have been held overnight or for long periods in a cell.

### **Gender**

5.23. Further consultative work is underway with organisations representing the needs of women, such as the Fawcett Society and the Equal Opportunities Commission. Initial desk research identifies issues relating to lack of contact with solicitors, higher levels of mental health problems, higher proportions of drugs use and a disproportionate number of women defendants from Black and Minority Ethnic backgrounds.

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5.24. Virtual Courts, if used effectively, could ensure women are released from custody as soon as possible. On the other hand, Virtual Courts could make matters worse if checks and balances are not in place.

### **Age**

5.25. It should be rare that young people are detained in police cells overnight. However, the rationale for excluding young people from Virtual Courts needs to be fully explored so that the advantages and disadvantages of the decision to exclude them are fully weighed. It might be that certain categories of offence can be dealt with by Virtual Courts. More detailed consultations are required.

5.26. Similarly, we will need to assess the impact of Virtual Courts on older defendants, many of whom may have limited experience of video conferencing technology.

### **Religion**

5.27. Initial consultations have taken place with the Prison Fellowship, a group representing the needs of Christian prisoners. These consultations will need to be widened to include other religious groups.

5.28. The obvious problems relate to ensuring defendants are allowed to worship whilst in custody and wear religious items. We would expect

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most police stations to have the necessary information to ensure that defendants from the main religious groups can worship whilst in custody. However, there is no provision to allow defendants from minority religions to worship.

- 5.29. There are a number of religious groups who are totally opposed to the use of technology and the internet. However, the numbers affected by the impact of these processes on religious groups opposed to technology needs to be assessed.

### Summary

- 5.30. Having considered the seven equality strands, there is a *prima facie* case at least that the Virtual Courts process could have an adverse impact on particular equality target groups. Further research is needed to examine these impacts in more detail.

## **Qualitative Community Impact Assessment – Phase 1**

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### **6. INTRODUCTION**

- 6.1. This section of the report considers qualitative information that was obtained from telephone interviews, questionnaires and an expert panel of Community Development and Involvement Specialists.
- 6.2. The responses include a cross-section of participants from the community and Criminal Justice Service (CJS) agencies. A full list of organisations that participated in the qualitative element of this community impact assessment can be found at the end of this section. In summary, the responses include representations from communities concerned with disability, religion, age, ethnicity and sexuality. Submissions were also received from Criminal Justice Service representatives, Victim Support organisations, an Adult Services Department, a Youth Offending Team and a Community Involvement Team.
- 6.3. Overall, the response to Virtual Courts has been positive; however, there appear to be aspects of the process that require further refinement.
- 6.4. The potential impact on people with disability was the most prevalent issue raised by respondents.

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- 6.5. Caution must be taken when inferring that this is the only issue that requires more detailed consideration, given the fact this content analysis is based on a very homogeneous sample. The sample will be improved in phase 2 of the research when evidence from Black and Ethnic Minority defence solicitors, Children’s Services representatives and organisations representing the views of trans people and offenders is considered.

### **SUMMARY OF THEMES RAISED BY ALL DEMOGRAPHIC GROUPS**

- 6.6. **Disabled People:** The majority of responses (10) related to disability issues. Two key themes relating to disability emerged from discussions with respondents. The first theme was whether defendants with mental health problems and learning disabilities should have access to Virtual Courts. The second theme relates to what reasonable adjustments, under the Disability Discrimination Act (1995), should be made to accommodate the needs of disabled people.
- 6.7. The four organisations requested that defendants with mental health problems should have access to Virtual Court hearings. However, 75 per cent of respondents also mentioned that access to Virtual Courts

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for people with mental health problems and learning disabilities depends on the individual's condition.

- 6.8. An important message emanating from the qualitative data is whether the officer in the case is the appropriate person to decide whether people with mental health problems or learning disabilities should have access to the Virtual Court.
- 6.9. The custody sergeant or officer in charge of the case are perceived by the community to be the most likely decision-makers in cases involving mentally ill offenders. The police officer is also perceived by the community to be the decision-maker under Section 136 of the Mental Health Act (1983). Under Section 136, if the officer considers that a person in a public place is suffering from a mental illness and is in need of care or control, they can be removed to a place of safety, including a police station.
- 6.10. Although the next steps under the place of safety procedures involve relatives or an approved social worker and doctors, there is a need to develop a screening process, which can be administered by independent specialists, to determine whether it is in the defendant's best interests to progress their case through the Virtual Court.

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- 6.11. There is a concern that if the police are the decision-makers in relation to allowing mentally ill defendants access to Virtual Courts, they may find this duty is incompatible with their responsibilities under the Mental Capacity Act 2005 and its code of practice.
- 6.12. One senior adult social services manager gave evidence that courts generally have difficulty in identifying people with mental health problems. She considered that not setting targets for the number of people who use the Virtual Court system could help mitigate any adverse impact that the Virtual Courts process could have on mentally ill defendants.
- 6.13. Two participants stated that the need to make reasonable adjustments to the Virtual Court Process was a statutory requirement under the Disability Discrimination Act. They want to see the Virtual Courts process refined to take account of people's disabilities.
- 6.14. Three refinements to the Virtual Court process were suggested for deaf respondents. Firstly, there should be a sign language interpreter or lip-speaker in the same room as the defendant. Secondly, deaf awareness training should be provided for Virtual Courts' officers. Thirdly, there should be rapid access to interpreters and subtitles.

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- 6.15. **Victims and Witnesses:** Eight of the comments made by participants related to the issue of victims and witnesses. One of the key issues raised by participants was whether the scope of Virtual Courts could be widened to improve the participation of victims and witnesses in court hearings by allowing them to give their evidence by video link.
- 6.16. Four participants stressed the benefits that Virtual Courts could have for victims. These participants believed that Virtual Courts could be introduced into the criminal justice process to protect vulnerable witnesses from harm. All four respondents advised that vulnerable witnesses and victims will feel more secure and would feel better able to communicate if they had the ability to give their evidence by video link.
- 6.17. Two participants suggested that there should be the facility to ensure images of witnesses are not seen by defendants.
- 6.18. Two respondents felt that the victims and witnesses strand of the Equality Impact Assessment should be considered in more detail.
- 6.19. **Young People:** One issue identified by a young person was whether a young person would be able to get their point across in a Virtual Court. A senior youth offending manager felt that there should be more choice in the use of Virtual Courts and a greater degree of flexibility in the

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sites used for Virtual Court hearings. In cases where the defendant is held in custody overnight, the respondent believed the defendant might prefer an appearance in person, as opposed to a Virtual Court hearing. In cases where the defendant is on remand in a prison, they may be more likely to opt for a Virtual Court hearing.

- 6.20. One participant in the study felt that there was a deterrent effect offered by traditional courts that Virtual Courts might not be able to capture. They considered that this deterrent effect was an important consideration in determining whether Virtual Courts should accept cases involving juveniles.
- 6.21. The following sections of the report consider the key issues raised by each category of participating organisation.

### **A DETAILED ANALYSIS OF RESPONSE BY ORGANISATIONAL GROUPING**

- 6.22. **BME organisations**: The full range of responses (positive, negative and neutral) to Virtual Courts was evidenced by Black and Minority Ethnic respondents. The response of one of the organisations suggests that there is a perception that justice might be undermined by changes in judicial processes that are driven by a cost reduction agenda.

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6.23. Value for money has always been a consideration in the CJS as far as the public sector is concerned. However, the financial savings from Virtual Courts might be minimal. The major benefits of Virtual Courts will be in reducing the delay before cases are heard, reducing travel time and minimising inconvenience.

6.24. Communications about Virtual Courts might re-emphasise that cost reduction was not the primary reason for developing Virtual Courts. The community will need to be reassured that there are safeguards in place to prevent the process adversely impacting on particular communities.

*“Administering public justice is an expensive and indispensable duty of any Government in any community/society and so the cost should never be an issue. Virtual Courts in my view will over time undermine and possibly erode public confidence. The corrupting influence of Hollywood films and so called Reality TV have done enough damage as it is. It should be made optional and not compulsory at best.”*

6.25. The response also suggests that further promotional work will have to be done in respect of the title Virtual Courts, to emphasise that they are the equivalent of traditional courts. It will be necessary to develop further the confidence of some Black and Minority Ethnic communities in Virtual Courts.

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6.26. Another Black and Minority Ethnic organisation would like to see Virtual Courts used to improve participation and communication with victims. The opportunity to engage witnesses and victims more successfully through Virtual Court video conferencing technology was a recurring theme raised by most demographic groups.

*“Virtual Courts provide an opportunity to communicate victims’ messages to the offender and the community through the principles of restorative justice. The adversarial criminal justice system sees court hearings as a contest between the state and the offender and therefore excluding the victim. Virtual Courts hearings could be adapted to communicate victims’ messages.”*

6.27. Overall, the written submissions made by BME respondents suggested some degree of neutrality to Virtual Courts.

6.28. However, when the results of the qualitative analysis are considered with the quantitative data, BME respondents are generally positive about Virtual Courts, but less positive than their White counterparts.

6.29. Confidence in the CJS appears to impact on whether a defendant will choose to use the Virtual Courts. The task ahead for LCJBs is therefore to continue to work with communities to improve confidence in the Virtual Courts process specifically and in the CJS overall.

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*“Virtual Courts could be beneficial for some people and inhibiting for others.”*

- 6.30. **Lesbian, gay and bisexual organisations**: One written reply was received on behalf of lesbian, gay and bi-sexual organisations; this submission also focuses on witness and victim issues in that it suggests that they would like to see witnesses involved in Virtual Courts hearings.

*“I would ask that witnesses be given anonymity at all times.”*

- 6.31. The response of this organisation reflects the on-going concern for LGBT communities that victims and witnesses do not report crime because of the fear of being identified.

- 6.32. **Organisations focusing on the issue of age**: Responses from young people and those who represent them were varied. They were positive about Virtual Courts but felt there were risks that the process could adversely impact on BME youth. There was also some recognition that the technology could be used to reduce witness attrition and that the process may save time and money:

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*“I think that it could be introduced into further stages for witnesses only, to protect them from harm.”*

- 6.33. One theme that emerged was that young people may find it difficult to get their point across when giving video evidence due the lack of familiarity with the situation. As one 19-year-old Black youth put it:

*“I think Virtual Courts are a good thing as it saves time and money, however, I am not sure about how well you could get your evidence or your point across on a recorded camera rather than in person in a traditional court”*

- 6.34. Another group of hard-to-reach BME young people saw the positive benefits of Virtual Courts in terms of more speedy release from the police station. A young mother felt that the process would be beneficial because it has the prospect of reuniting mothers with their children more quickly than a conventional hearing does.

- 6.35. This participant also felt that defendants with mental health problems could benefit from Virtual Courts if their condition were mild enough.

- 6.36. These participants, some of whom had personal experiences of being disadvantaged by the CJS, felt that there was risk of abuse if the process moved too quickly.

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- 6.37. The group expressed a need to develop a deeper understanding of the Virtual Court process through a focus group so that they could consider how Virtual Courts will impact on young Black people.
- 6.38. We also received a submission from a professional working with young BME prolific priority offenders. He felt that Virtual Courts would be used more by those on remand in prison as opposed to those in police stations.

*”I am very interested in the concept of Virtual Courts. I suspect that you have chosen 17 as the ‘cut off’ age, as below 17 young people must have an appropriate adult.*

*“My suspicion is that in the majority of those cases where an adult or young person was being held overnight for a court hearing, they would prefer to appear in court rather than through a video link. It is more likely, especially with young people who are in custody on remand, that they might prefer to stay in the institution and be dealt with by video link rather than have the (often significant) journey from the institution to the court. So the Virtual Court process might need to be revised in the light of this.”*

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6.39. This respondent's reply, suggesting that BME young people may prefer to appear in court in person, is related to the lower level of confidence that group has in the Criminal Justice System. The confidence of this group is lower than other ethnic groups because of the disproportionate impact that the system has on them.

*“Finally, in this borough, we have a disproportionately high number of young Black offenders: there is already some national evidence of a CJ system that militates against them. I believe that they would far prefer to appear ‘live’ in front of magistrates than appear on a TV monitor, especially in the limited circumstances in which you envisage their use.”*

6.40. **Organisations focusing on religion or belief:** No adverse impacts were identified in the submissions provided by any of the organisations focusing on religion or belief. The responses from the Hindu and Jewish communities were positive.

*“It will help in [the] Fast Track Judgement of trivial cases and civil offences – saves time and travel.”*

6.41. Another respondent mentioned that he did not think Virtual Courts would adversely affect his community. He observed that there were very few people from the Jewish community in prison in any event.

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*“I was however at the meeting where Dru Sharpling, the Chief Crown Prosecutor for London, talked us through the process and generally I see no problems for members of the Jewish community, although you should be aware that there have never been more than 100 Jews in HM prisons or detention centres at any one time and therefore we are the one community least likely to be affected.”*

- 6.42. **Disability organisations:** A number of submissions were made by disabled people and organisations representing their needs. In summary, the organisations representing the needs of disabled people felt that all disabled people should be able to access Virtual Courts. These participants would like to see reasonable adjustments made to the Virtual Courts’ process so that disabled people can fully participate in Virtual Courts’ hearings.
- 6.43. One organisation that represents the interests of people with mental health problems and learning disabilities believed the Virtual Courts’ process could be developed so that vulnerable witnesses and victims are able to give evidence by video link.

*“Is the process of Virtual Courts mainly focused on defendants?”*

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*“We are looking at focusing our work in this area on the issue of victims and witnesses. Those in charge of Video Courts need to consider whether victims and witnesses will be giving evidence in Virtual Courts.*

*“We are looking at how video evidence can be used more in court for vulnerable victims. We are currently organising a campaign to find out what people’s experience of the CJS is, what crimes have been committed against them and whether they reported the offences to the police. There will be policy recommendations following this research, which will focus on supporting people to give evidence and more special measures. There may be recommendations about third party reporting, we don’t know yet because we do not know what people are telling us.*

*“It is important that we are kept in the loop and when we have more information we will feed it in to the impact assessment.*

*“Our research is part of a campaign that is called ‘Access to Justice.’ The Access to Justice campaign will be launched around winter 2007. We are currently conducting research which will be published in November.”*

- 6.44. This organisation went on to stress the need to include defendants with mental health problems in the Virtual Courts’ process and the community impact assessment. Involving users with mental health

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problems in the impact assessment will ensure that LCJBs develop the concept sensitively and make the necessary reasonable adjustments over time.

*“It is a bit of an anomaly that people with mental health problems are excluded from Virtual Courts.*

*“People with mental health problems have to be included in the research because if this is not done, Virtual Courts will not be rolled out so as to include these groups. We currently do not know whether Virtual Courts work for people with mental health problems or not.”*

- 6.45. The issues raised by sign language users and the deaf relate to the range and quality of interpreting services available in Virtual Courts, how those resources will be managed and the need to provide deaf awareness training for Virtual Courts’ staff. One organisation preferred the use of sign language interpreters/lipspeakers as opposed to on-screen sub-titles.

*“Questions 7 and 21 are about sign language and subtitles on screen. However, it is likely to be more appropriate to have a sign language interpreter or lipspeaker or speech-to-text reporter (whatever the communication preference of the deaf/hard of hearing person is) in the room*

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*with the defendant. That is because the communication support provider must be able to adapt to the deaf person and that is not possible if they are not in the same room. BSL-English interpreting – and sometimes lipspeakers — also work both ways so they need to access both the ‘real’ court and the Virtual Court. Currently there is ‘remote interpreting’ available (see: <http://www.signvideo.me.uk/>) and I’d advise you to talk to that company to explore that option.”*

- 6.46. Booking signers could cause a slight delay for Virtual Court hearings; however, the ability to use remote signers could reduce the delay which a deaf person may experience in traditional courts.

*“It usually takes some time to book communication support and so it may not be the case that case management hearings can be done more quickly. However, we can imagine that it may be easier to book communication support without the need to arrange transport and the like.”*

- 6.47. The need to provide deaf awareness training for police officers was recommended by one community group; this training might be extended to other key people involved on a day-to-day basis with Virtual Courts.

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*“It is vital that the police officer operating the equipment has had deaf awareness training, including basic communication skills, so that they can have some communication with the deaf person and they understand the role of the communication support provider.”*

- 6.48. Another important on-going issue is to ensure that all communication providers are fully qualified. Using only qualified interpreters will help to reduce errors in interpretation. There is a fear that errors in interpretation in criminal proceedings might lead to miscarriages of justice.

*“All communication support providers must be fully qualified – see national agreement on the arrangements for the use of interpreters and translators in investigations and proceedings within the criminal justice system, as revised 2007.”*

- 6.49. There is a need to ensure that organisations are informed that Video Court proceedings cannot be recorded, even if it is good practice to video interviews with defendants whilst evidence is being gathered.

*“I would like to give into consideration how the hearings should be recorded; there is some guidance that interviews with deaf people should*

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*be filmed, and some police stations have as good practice filmed the interpreter/lipspeaker and the deaf person.”*

- 6.50. The need to make reasonable adjustments for disabled people by using signers, lipspeakers and subtitles was the principal issue raised by deaf communities. This is consistent with the quantitative data which demonstrates that 93% of respondents believed that Virtual Courts should have access to interpreters and subtitles.

*“As a deaf person, I would encourage a Virtual Court if it meant quicker access to interpreters and subtitles. Otherwise, I see no real benefit except financial ones. The resources for interpreting and subtitling would need to be centrally managed and would take considerable resources to do so.”*

- 6.51. The reasonable adjustment theme was also echoed by a major umbrella group that represents disabled organisations.

*“Thank you for the questionnaire. On looking at it, except for the question on making adjustments so that the system can be used by all disabled people, with which I strongly agree (and is required by the Disability Discrimination Act anyway), I would only be able to enter neutral.”*

- 6.52. Although a number of submissions from organisations representing the needs of disabled people were made, there is still a need to collect

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further evidence by running focus groups as some individuals will find this a more accessible vehicle than a questionnaire to express their views about Virtual Courts.

*“I have a condition on the Autistic Spectrum and the questionnaire was too general and required me to make too many inferences from your non-specific questions to provide very reliable responses. As a victim of crime (and a sufferer of mental illness) I was pleased to see your special section but then realised that, for some unknown reason, it assumed involvement in the court process had been as an accused party. You appear not to have considered the need to consider justice to the victims of crime in the preparation of your survey.*

*“I would be very concerned if decisions are made on the strength of responses to a questionnaire of this type and quality.”*

- 6.53. **Adult Services departments:** Adult Services departments were formed following the re-organisation of Social Services departments. These departments have specialist teams which deal with mental health. They also provide approved social workers (ASWs) who are jointly responsible for assessing whether a person is mentally ill and whether the provisions of Section 136 of Mental Health Act 1983 should apply.

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6.54. This respondent points out that there is a need to improve the ability of the courts to identify people with mental health problems effectively in any event. It follows that there is therefore an inherent risk that someone with a mental illness might consent to a Virtual Court hearing when it is not in their best interest to do so.

*“Unless they have committed offences they may loose more. The broader question is, are the Courts an appropriate screening tool? Are more people picked up in the court process? It is difficult to have a clear view of this.*

*“The issue where people will be most at risk is where people have mental illness and it’s not picked up, so the system of identifying people with mental illness is poor anyway.”*

6.55. The respondent goes on to recommend the introduction of a standardised screening tool to determine whether a defendant should be referred to a traditional court that has a specialist psychiatric team.

6.56. A number of standardised screening tools are available; the information generated by these tools needs to be interpreted by a psychologist or psychiatrist qualified use these instruments.

*“There should be no targets and a standardised screening tool.”*

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6.57. Another important point made by this participant was that there are certain categories of cases involving people with mental health problems which might be more appropriate to dispose of in a Virtual Court. These might, for example, involve cases where the mentally ill person is in hospital and commits an offence which is serious enough to warrant a charge.

*“There is another important issue, which is whether people with mental illness should be charged at all. Should people in mental health hospitals have access to Virtual Courts?”*

*“In some cases people lack the mental capacity so they should not be charged. However, there is a place for charging people with mental health problems. The CPS has underwritten a policy which will address violence against health service staff by patients.”*

6.58. Part of the Mental Health Act 1983 (section 136) details removing a mentally ill person from a public place to a place of safety. It details police powers and the rights of someone in this position.

6.59. In some cases, a person who is taken to a place of safety under Section 136 of the Mental Health Act might also be charged with a

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criminal offence and might therefore be potentially eligible for a Virtual Court hearing.

6.60. A place of safety could be a hospital or a police station. Taking someone to a place of safety will allow that person to be assessed by a doctor and interviewed by an “approved social worker”.

6.61. Approved social workers are specially trained in both mental health and the law relating to it. They are appointed by local authorities to interview people and assess their well-being.

6.62. The police should not interview a mentally ill defendant until an appropriate adult is present, unless delay would result in a risk of injury or harm to property or people.

*“The police are not too bad at picking things up when it comes to S136 of the Mental Health Act 1983.*

*“However this responsibilities of the S136 of the Mental Act does not fit entirely well with the Mental Capacity Act.”*

6.63. The Mental Capacity Act 2005 provides a statutory framework to empower and protect vulnerable people who may not be able to make

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their own decisions. It makes it clear who can take decisions, in which situations, and how they should go about this.

- 6.64. In this respondent’s opinion, when someone is detained under the Mental Health Act, the police officer is the decision-maker in relation to whether that mentally ill person should have access to a Virtual Court hearing.

*“The police officer must be the decision-maker here and they have the duty to assess capacity if the police officer does not weigh up the decision. Does the police officer make the decision about whether someone can use a Virtual Court or does the accused have the capacity to make the decision?”*

*“Virtual Courts could be very useful but it must have safeguards.”*

- 6.65. The decision-maker has a duty of care to the mentally ill person and the new code details the sanctions that can be imposed if that decision-maker does not discharge their duties effectively.

- 6.66. **Victim Support organisations**: In summary, the majority of organisations consulted wanted to allow people with mental health problems and learning disabilities access to Virtual Courts. Whether a case involving someone with mental health problems or learning

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disabilities is, in fact, heard by a Virtual Court will depend on the particular circumstances of the case.

*“In regards to people with Mental Health issues, I feel every person should be dealt with as an individual, as [some?] should go to court as there are other services to offer the defendant, whilst others may be too ill to attend court and they may be too violent to attend court thus protecting those staff at the courts.”*

6.67. This finding is consistent with the quantitative data which indicates that the majority of participants would like people with mental health problems and learning disabilities to have access to Virtual Court hearings.

6.68. Consistent with the opinions expressed by other groups, there was strong support for the view that Virtual Courts could be used for lower level offences.

*“I do believe that Virtual Courts are a real benefit for the lower type of crime i.e. Theft/Shoplifting and Drink drive.”*

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- 6.69. Training and guidance developed for those involved in Virtual Courts could help to address how users should tackle the issue of less non-verbal information being available in Virtual Courts.

*“It is harder for the Judge or Magistrate to read body language over video conferencing appearances. By using video evidence you can lessen the impact of someone’s evidence.”*

- 6.70. If the remit of Virtual Courts is extended to include witnesses, community organisations should be reassured if there is the facility for witnesses to give their evidence confidentially and anonymously.

*“Witnesses often don’t want their image to be seen by the defendant in court. Video conferencing does not prevent this, whereas other special measures such as screens can. However, they often feel more secure giving evidence by video link.”*

- 6.71. **Expert panel**: If young people and defendants with mental health problems and learning disabilities have access to Virtual Court hearings, a programme of staff engagement would be needed to promote Virtual Courts and include these groups in the process. There is currently considerable variation in the views of CJS staff as to

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whether the aforementioned categories of defendants should have access to Virtual Court hearings.

*“I do not believe the Virtual Court is appropriate for those with mental illnesses, learning disabilities or for young people. One of the aims of the Virtual Court is speedy justice thereby reducing delay. I do not believe this would be achieved with those with mental health problems or learning disabilities. People falling under those categories sometimes require more time to fully understand what is going on and should not be rushed or wrong decisions could be made. For youth, a court appearance is necessary as this could, for some, have the effect of preventing re-offending.”*

- 6.72. The divergence of views of the central issues of the inclusion of young people and people with mental health problems and/or learning disabilities is also reflected in the high neutral scores in the quantitative data.
- 6.73. As recommended by other participants in the study, focus groups and in-depth interviews are needed because these data collection techniques allow the respondent to be presented with more focused information on Virtual Courts, thus enabling them to make more informed responses.

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*“The questionnaire assumes that the respondent has a good knowledge of the subject and so is able to make an informed response.*

*“Will people with language problems understand the technology?*

*“We need to show images of how the process works in practice to communities so that they understand how the process works and what they are getting into.”*

- 6.74. In line with the submissions from community organisations, there was an expectation from the members of the expert panel that reasonable adjustments would be made so that disabled people have full access to Virtual Courts.

*“Questions relating to ‘reasonable adjustments’ as reasonable adjustments are law under the DDA, they should simply be made as a matter of course.”*

- 6.75. There is little prospect of changing the title of Virtual Courts to something else at this stage. However, the following comment suggests that there should be more explanation of what a Virtual Court is, including a clear statement that Virtual Courts are simply court hearings that take place over video link. These hearings have exactly

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the same status as traditional court hearings, there is no difference in the quality of decision making; the defendant's access to justice is not undermined.

*“I have some concerns about the title ‘Virtual Courts’. I think the operative word, virtual, suggests something that’s less than real, something that’s ‘almost but not the quite the real thing’. I am concerned that justice may suffer by association, and that the Virtual Court will be perceived as offering a modified form of justice. It also carries connotations of gaming, because of a media-reinforced image in popular culture.*

*“I am not sure what to offer by way of a different title, but perhaps something along the lines of ‘video-linked court hearings’, as people are already well familiar with the reality of court testimonies and evidence given by video link. Or simply call it by its usual name a ‘court appearance’, with the choice of this happening in a police station or a designated building.”*

- 6.76. It will be useful to reassure community organisations that all the necessary checks and balances are in place so that individual rights are protected.

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*“There is a risk of speeding up the process so fast that people’s rights may be put at risk.”*

- 6.77. Another positive finding identified as part of this impact assessment was that consultation with community groups had the positive effect of raising community confidence in London’s Criminal Justice Service.

*“We are pleased that the community is being consulted on this initiative, unfortunately people were not consulted on other CJS processes such as the ability to arrest young people who are joined together on the streets. The CJS should look at such processes together with the community before they are implemented.”*

- 6.78. There has always been an expectation that the community should be consulted on major changes in CJS policies and practices. The statutory requirement to carry out equality impact assessment formalises that expectation and leads to more effective development of CJS services.

### **SUMMARY**

- 6.79. Overall ,the opinions of communities about Virtual Courts were positive. A number of community groups wanted to see the use of Virtual Courts extended to include victims and witnesses. The main concern raised was that communities felt that Virtual Courts should be

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extended to people with mental health problems and learning disabilities. It is accepted that this is a complex matter which will require someone to make an objective assessment with the assistance of a screening tool. It was noted that some cases involving mentally ill defendants may be more effectively disposed of in a Virtual Court.

6.80. Responses from BME respondents to some extent reflect the low level of confidence that these communities have in the CJS. The full impact will not be able to be assessed without more data.

6.81. The issue of inclusion of young people is complex one needs to consider issues relating to appropriate adults, whether young people will feel able to get their point across and the deterrent effects of a traditional court hearing.

### **LIST OF ORGANISATIONS SUBMITTING EVIDENCE**

6.82. We would like to thank everyone who participated in telephone interviews, questionnaire feedback and the community expert participants' focus group individually or on behalf of the following organisations:

- The Beaumont Society
- Board of Deputies of British Jews
- Brent Adult Social Services Department
- Brent Youth Offending Service
- Community Security Trust
- The Crown Prosecution Service London

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- The Cypriot Community Centre
- Metropolitan Police Witness Care Service
- MIND
- Mosaic LGBT Youth Organisation
- National Autistic Society
- National Black Crown Prosecutors Association
- National Council of Hindu Temples UK
- NW10/Way Out Dreams Foundation
- Race on the Agenda
- Radar
- RIND
- Southwark Community Involvement and Development Unit
- Victim Support

# Quantitative Community Impact Assessment – Phase 1

## 7. VIRTUAL COURTS QUESTIONNAIRE RESULTS

7.1. The following findings are based on the sample of respondents (69) available on 28<sup>th</sup> August 2007. More questionnaire responses are expected and, if received, will be added to the current data, which will then be re-analysed. The majority of respondents in this sample are people who have professional roles within the Criminal Justice Service, so this might be considered a specific sub-group of the wider population of interest to this study. The limited nature of the sample profile prohibits anything but the most basic frequency counts and gender comparisons, although some very tentative explorations have also been made between the two very wide groups of combined White respondents and combined BME respondents and between those aged under 40 and those aged 40 plus.

### SUMMARY OF SAMPLE PROFILE<sup>1</sup>

7.2. The sample had an even number of men (32) and women (32)<sup>2</sup>, plus one respondent who identified themselves as transgender. The average age of the sample was 44 years, with a wide variation around the mean (standard deviation of 12.3 years). The range of ages is illustrated in table 1 below:

**Table 1, Summary of Age Categories of Respondents**

Teens	20s	30s	40s	50s	60s	70s	MD
1	6	11	21	12	3	2	13

<sup>1</sup> Full frequencies of all responses are provided on the attached questionnaire

<sup>2</sup> Sample profile percentages are based on the entire sample and may not add up to 100% because of missing data).

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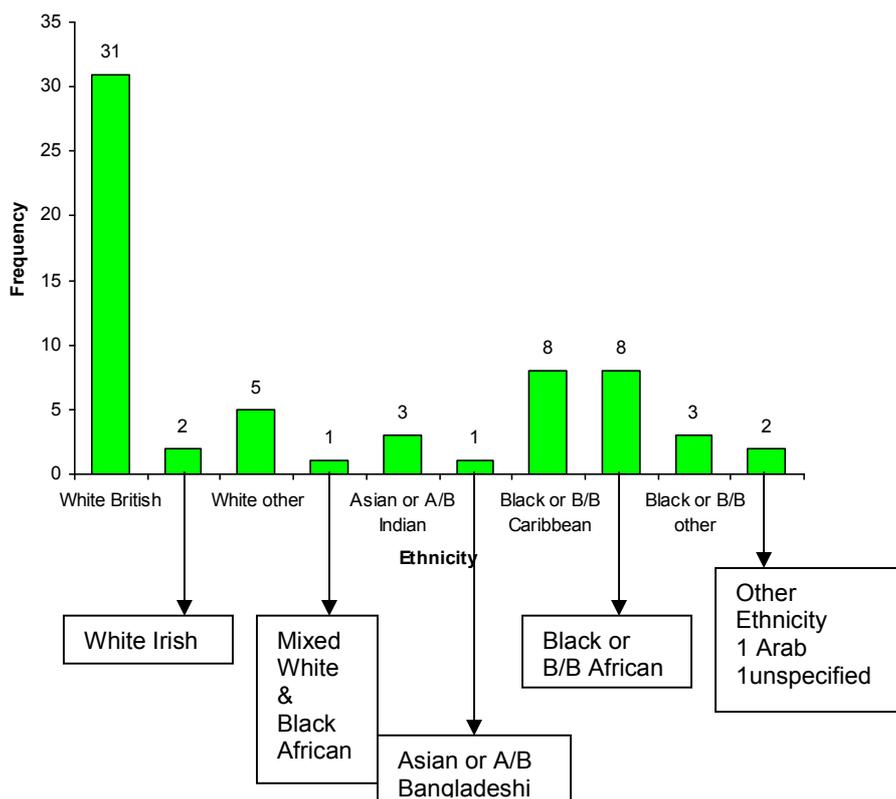
- 7.3. **Dependants**: The majority of respondents (62%) did not report any dependants. Of those who did, most (20) reported having children under 18; one declared a disabled child, four declared dependant partners and one reported a dependant elderly relative. Some respondents marked more than one category of dependant.
- 7.4. **Disability**: The vast majority of respondents (91%) declared no disability. Disabilities declared were: one mobility problem; three other physical problems (two deafness and one diabetes); one learning difficulties and one “on the autism spectrum”. All those who declared disabilities were male, except for the person who reported herself to be on the autistic spectrum.
- 7.5. **Sexual Orientation**: Eighty-one per cent of the sample who reported their sexual orientation declared themselves to be heterosexual; five out of 54 (9%) reported themselves to be gay men; and two out of 54 (4%) declared themselves to be gay women or lesbians. One person stated that they were bisexual and one ticked the “other” box, but did not specify. Twenty per cent of the sample (14 out of 68) declined to report their sexual orientation.
- 7.6. **Religion**: Fifty-two per cent of the sample declared themselves to be Christian, and there were three Muslim, two Buddhist, one Jewish, one Hindu and one “other” (not specified) respondent. Thirty-one per cent stated that they had no religion and 15% did not respond to this question or preferred not to state their religion.

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7.7. **First language:** Ninety-one per cent of the sample (54 people) declared spoken English to be their first language; 96% (55 people) stated that it was their preferred language for communication. One person indicated signing as their preferred form of communication and one stated another European language.

7.8. **Employment Status:** Eighty-four per cent of the sample were employed full time.

**Table 2:** Frequencies of Respondents' Reported Ethnicity



7.9. **Ethnicity:** Fifty-one per cent of the sample who gave their ethnicity were White British; 13% reported their ethnicity as Black or Black British Caribbean and another 13% as Black or Black British African. Other

## Quantitative Community Impact Assessment – Phase 1

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reported ethnicities were: two White Irish; five White other; one Mixed White and Black Africa; three Asian or Asian British Indian; one Asian or Asian British Bangladeshi; three Black or Black British Other (not specified). Seven people declined to report their ethnicity.

- 7.10. **Experience of the Criminal Justice Service**: Fifty-three per cent of the respondents had not had any experience of the CJS; 32% had had experience due to having such occupations as police officer, social worker, witness protection officer, lawyer, etc. Three people described their experience as that of a defendant (although two of these also described themselves as victims and one of these two as defendant, victim and witness); five as a victim; two as witness and two as having done jury service.

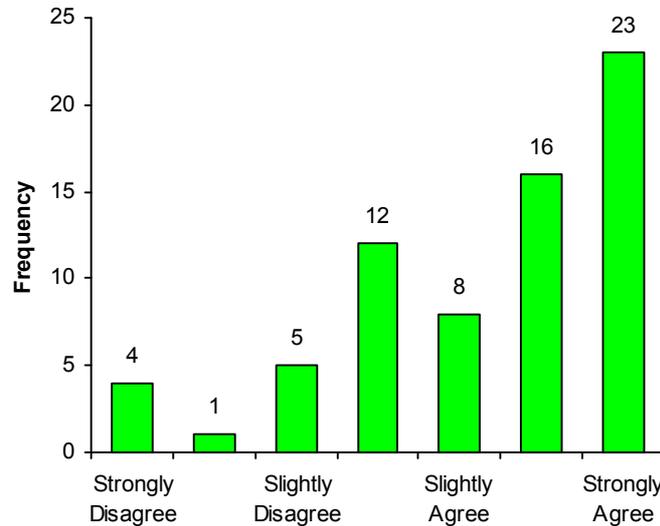
### **QUESTIONNAIRE ITEMS**

- 7.11. **Q1 & 3**: Approximately half the respondents (49%)<sup>3</sup> had had some experience of video conferencing, and the majority (64%) did not find the prospect of using video conferencing frightening.

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<sup>3</sup>Unless specified otherwise, disagreement percentages are based on the sum of responses in options 1,2 and 3; agreement percentages are based on the sum of responses in options 5,6, and 7; and, where neutral responses are relatively large they are identified as neutral (response option 4). Percentages in these instances are valid percentages – i.e. percentages based on the number of responses to a given question, rather than the entire number of cases in the sample.

**Table 3:** Frequencies for Q4 (Like the prospect of quicker hearings)

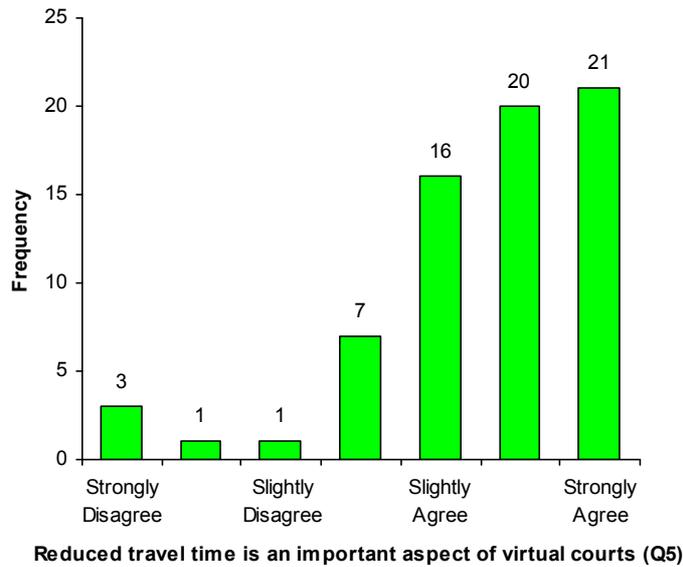


**Prospect of quicker hearing important aspect of virtual courts (Q4)**

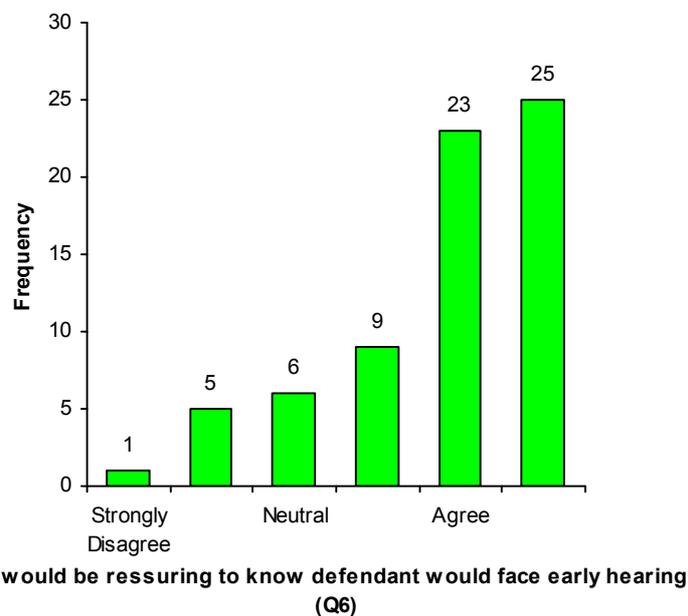
7.12. **Q 4, 5 & 6:** Most people reported that the prospect of quicker hearings (70%) and reduced travel (83%) would be important to them. Most (85%) also found it reassuring to know that defendants would face an early hearing in a Virtual Court (see tables 3-5 below).

# Quantitative Community Impact Assessment – Phase 1

**Table 4:** Frequencies for Q5 (Like prospect of reduced travel)



**Table 5:** Frequencies for Q6 (Like the idea of early hearings for defendants)



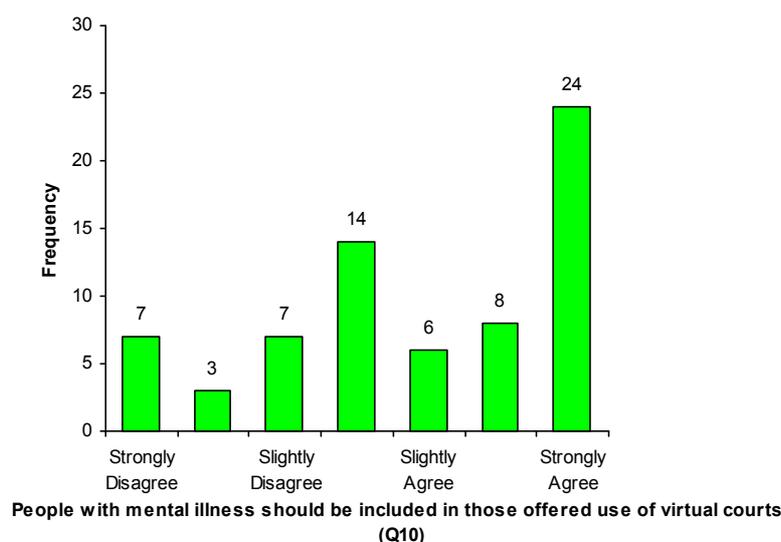
7.13. **Q 7 & 8:** There was general agreement with the proposals to include sign language/subtitles (93%) or community languages (80%) on screen for those who

## Quantitative Community Impact Assessment – Phase 1

need them in a Virtual Court. Fifteen per cent gave neutral responses to the community language question.

- 7.14. **Q9:** Eighty-four per cent of respondents thought Virtual Courts would be safer than traditional courts for some people; 10% were neutral and the remaining six per cent disagreed with the proposition that issues of safety and security that arise in traditional courts do not arise in Virtual Courts.

**Table 6:** Frequencies for Q 10 (Virtual Courts should include people with mental illness)

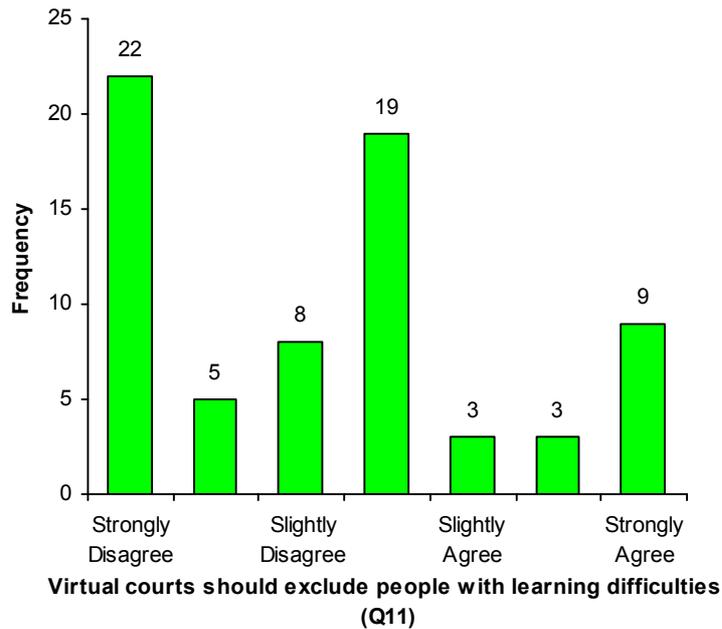


- 7.15. **Q10,11 & 12:** There was less cohesion of opinion in relation to the inclusion of young people or those with mental illness or learning disabilities in Virtual Courts. Most (55%) thought that people with mental illness should be included (see table 6); whilst 51% disagreed with the proposal to exclude people with learning difficulties (see table 7); and 48% thought Virtual Courts would be appropriate for young people (see table 8). However, it is interesting to note that 20% of respondents gave a neutral response to Q10 — the item regarding

## Quantitative Community Impact Assessment – Phase 1

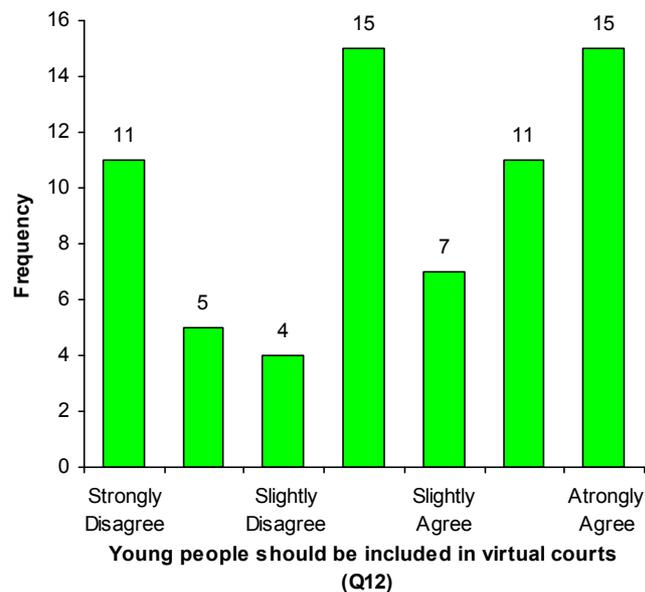
inclusion of people with mental illness; 27% gave neutral responses to Q11 – exclusion of people with learning difficulties; and 22% gave neutral responses to the inclusion of young people.

**Table 7:** Frequencies for Q11 (Virtual Courts should exclude people with learning difficulties)



## Quantitative Community Impact Assessment – Phase 1

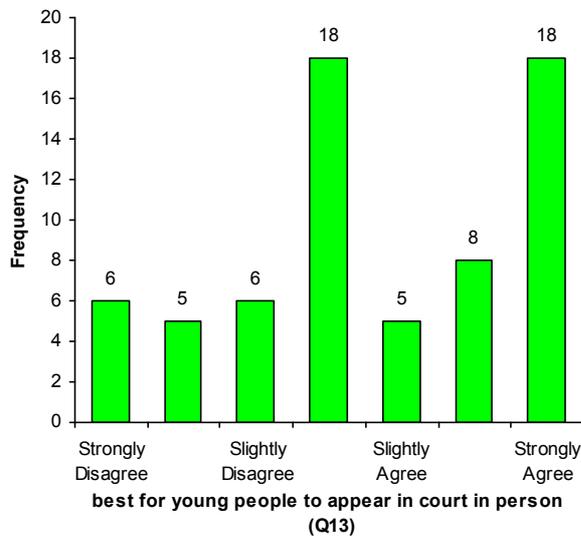
**Table 8:** Frequencies for Q12 (Virtual Courts should include juveniles)



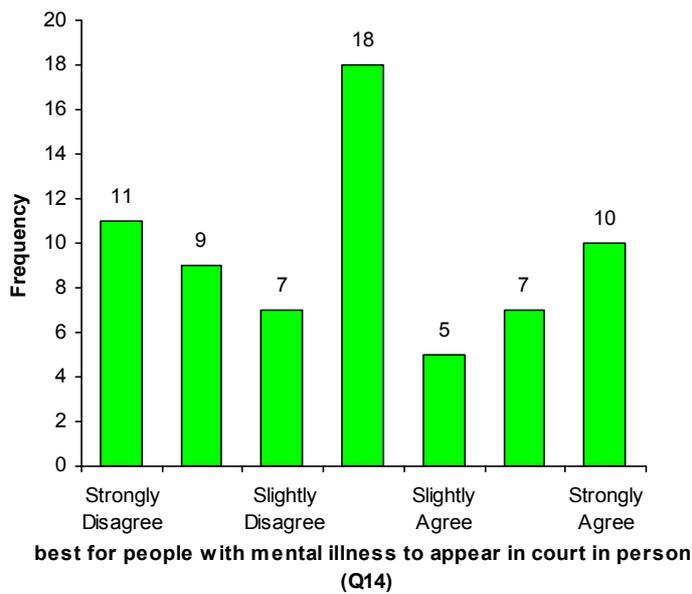
- 7.16. **Q13 & 14:** There was evidence of considerable variation on these items. Whilst 47% of people thought it best for young people to appear in court in person, 26% disagreed with this statement and 27% recorded neutral responses (see table 9 below). Similarly, in relation to people with mental health problems, 33% agreed that it's generally best for them to appear in court in person; 40% disagreed and 27% recorded neutral responses (see table 10 below).

# Quantitative Community Impact Assessment – Phase 1

**Table 9:** Frequencies for Q13 (Best for youths to appear in court in person)



**Table 10:** Frequencies for Q14 (Best for people with mental illness to appear in court in person)



## Quantitative Community Impact Assessment – Phase 1

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- 7.17. **Q15, 16 & 17:** Interestingly, whilst very few people disagreed with the proposition that it is appropriate to make reasonable adjustments for people with learning disabilities (7% disagreed), mental health issues (12% disagreed) and other disabilities (10% disagreed); neutral responses for the three groups were 19%, 18% and 19% respectively.
- 7.18. **Q18 & 19:** These were essentially hypothetical questions, asking people to imagine what they would prefer, and although the majority agreed they would prefer Virtual Courts (earlier hearing 62% and reduced travel 61%), these questions also attracted neutral responses of 26% and 23% respectively.
- 7.19. **Q20:** Seventy-nine per cent of respondents agreed that, as victims, they would appreciate knowing the defendant would face a speedy trial.
- 7.20. **Q21, 22 & 23:** These questions referred to preferring a Virtual Court over a traditional court if subtitles or signing could be seen on the screen; if what was said could be translated into community languages shown on the screen; and if Virtual Courts fitted better with caring responsibilities. Within this sample, these items were essentially hypothetical questions, as the respondents had little experience of being defendants or victims, and this was reflected in the relatively high levels of neutral responses that they attracted, i.e. 36%, 39% and 34% respectively.
- 7.21. **Q24, 25 & 26:** (Questions relating to eye contact restrictions and religious constraints on the use of Virtual Courts) — similarly, within this preliminary study sample, these questions were not really applicable to the vast majority of respondents and need to be tested on a sample containing larger numbers of Black and Minority Ethnic respondents. Of the five people who expressed some

## Quantitative Community Impact Assessment – Phase 1

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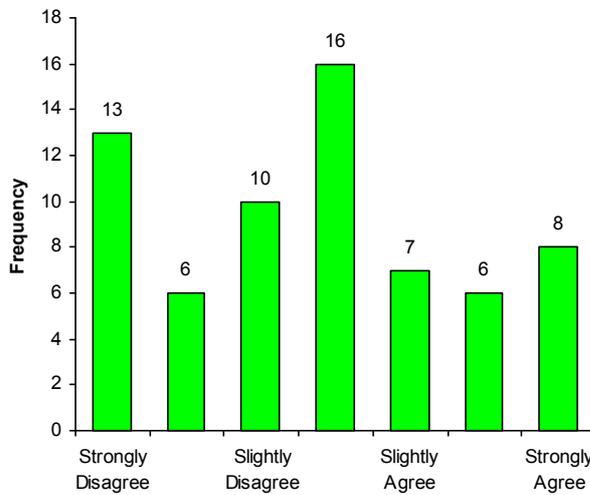
level of agreement with the question regarding eye contact avoidance between men and women, three were White British, one Black or Black British African and one Asian or Asian British Bangladeshi. Of the eight people who expressed some agreement with the item regarding avoidance of eye contact between young and older people, three were White British, two Black or Black British African and one Black or Black British Caribbean. Of the three people who reported some level of agreement with the proposition that their religion would prevent participation in Virtual Courts, two were White British and one Black or Black British African.

7.22. **Q27 to 32:** Items 27 to 29 refer to defendants' preferences for the way they are seen and were designed especially for people within the transgender community. Again within this particular sample, these items are largely hypothetical or immaterial to respondents at this stage – hence they all attracted a large number of neutral responses: Q27 37%; Q28 46%; Q29 61%; Q30 34%; Q31 35%; Q32 24%.

7.23. **Q33 & 34:** Respondents were roughly evenly split in their responses to the proposition that Virtual Courts will minimise re-offending by speedy action. Forty-four per cent disagreed with the proposition, 30% agreed with it and 24% were neutral in their responses to this item (see table 11 below).

## Quantitative Community Impact Assessment – Phase 1

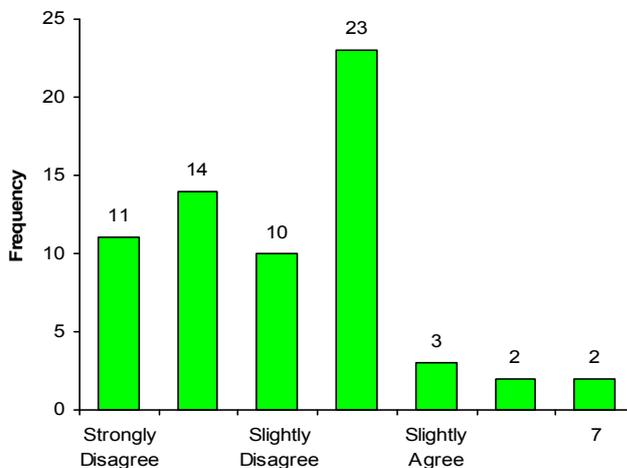
**Table 11:** Frequencies for Q 33 (Virtual Courts will minimise re-offending by speedy action)



**Virtual courts will minimise re-offending by dealing with offenders more quickly (Q33)**

7.24. However, whilst there was very little agreement with the statement that Virtual Courts would put offenders back on the streets too quickly (11% — seven respondents), and 54% disagreed with the statement, 35% of respondents gave a neutral response to this item indicating some degree of uncertainty (see table 12 below).

**Table 12:** Frequencies for Q 34 (Virtual Courts will put offenders back on streets too quickly)



**Virtual courts will put offenders back on the streets too quickly (Q34)**

## Quantitative Community Impact Assessment – Phase 1

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### SUB-GROUP COMPARISONS

- 7.25. This was a fairly homogenous sample, but it did contain an equal number of males (32) and females (32) which made exploration of gender differences quite valid.
- 7.26. However, the age characteristics of the sample were not so evenly spread and a rather arbitrary categorisation of ages into two groups – up to age 40 and 40 plus – was performed to allow some very basic exploration of differences by age group. There were 18 respondents in the under 40 group and 38 respondents in the 40 plus group.
- 7.27. Similarly, the number of respondents in each ethnic group was insufficient to allow a full comparison of responses by each ethnic group. Therefore, to allow an initial exploration of differences, respondents were categorised into Combined White (White British, White Irish and White other) and Combined BME (all other ethnic groups). This gave group numbers of White = 38 and BME = 24.
- 7.28. **Gender Comparisons:** No statistically significant differences were found between the responses of males and females in this sample.

## Quantitative Community Impact Assessment – Phase 1

Table 12					
Q10 (inclusion of people with mental illness) by Age Group	n	Mean	SD	T statistic	2-tailed p
under 40	18	4.333	2.169	-2.11	0.0399
40 plus	38	5.474	1.751		

Although neither group shows strong agreement, older respondents were more likely than younger respondents to agree with the inclusion of people with mental illness.

- 7.29. **Age Group Comparisons:** Young and older people showed statistically significant differences in their responses to questions 10, 13 and 14.

Table 13					
Q13:( best for young people to appear in court in person) by Age Group	n	Mean	SD	t statistic	2-tailed p
under 40	18	5.333	1.910	2.02	0.0481
40 plus	36	4.250	1.826		

Although neither group shows strong agreement, younger respondents are more likely than older respondents to agree that a personal appearance in court is best for young people.

Table 14					
Q14 Best for people with mental health issues to appear in court in person) by Age Group	n	Mean	SD	t statistic	2-tailed p
under 40	18	4.611	1.787	2.41	0.0192
40 plus	37	3.351	1.829		

Although neither group shows strong agreement, younger respondents are more likely than older respondents to agree that a personal appearance in court is best for people with mental health issues.

## Quantitative Community Impact Assessment – Phase 1

### Broad Ethnic Group Comparisons:

<b>Table 15</b>					
<b>Q13 (best for young people to appear in court in person) by Ethnic Groups</b>	<b>n</b>	<b>Mean</b>	<b>SD</b>	<b>t statistic</b>	<b>2-tailed p</b>
<b>combined White</b>	36	4.083	1.962	-2.10	0.0403
<b>combined BME</b>	23	5.174	1.922		

Although neither group shows strong agreement, BME respondents are more likely than White respondents to agree that a personal appearance in court is best for young people.

<b>Table 16</b>					
<b>Q32 (video link would lead to less fair hearing) by Ethnic Group</b>	<b>n</b>	<b>Mean</b>	<b>SD</b>	<b>t statistic</b>	<b>2-tailed p</b>
<b>combined White</b>	35	2.657	1.924	-2.29	0.0256
<b>combined BME</b>	24	3.750	1.595		

Although both groups are inclined to some level of disagreement, BME respondents are more likely than White respondents to agree that a video link would lead to a less fair hearing.

<b>Table 17</b>					
<b>Q33 (Virtual Courts minimise re-offending by speedy action) by Ethnic Group</b>	<b>n</b>	<b>Mean</b>	<b>SD</b>	<b>t statistic</b>	<b>2-tailed p</b>
<b>combined White</b>	35	4.257	1.975	2.17	0.0338
<b>combined BME</b>	24	3.167	1.761		

Although neither group shows strong agreement, White respondents are more likely than BME respondents to agree that Virtual Courts would minimise re-offending by speedy action.

<b>Table 18</b>					
<b>Q34 (Virtual Courts will put offenders back on streets too quickly) by Ethnic Group</b>	<b>n</b>	<b>Mean</b>	<b>SD</b>	<b>t statistic</b>	<b>2-tailed p</b>
<b>combined White</b>	35	2.600	1.288	-2.49	0.0156
<b>combined BME</b>	23	3.522	1.504		

Although both groups are inclined to show some level of disagreement, BME respondents are more likely than White respondents to agree that Virtual Courts will put offenders back on the streets too quickly.

## **Quantitative Community Impact Assessment – Phase 1**

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### **SUMMARY AND CONCLUSION**

- 7.30. The results are based on a small amount of data that is biased towards working, middle-aged White people. Almost a third (32%) had had professional experience of the CJS. This represents an important sub-group of the population of interest and, hopefully, is the first of several sub-samples that can be used to provide a robust general understanding of how people feel about the use of Virtual Courts.
- 7.31. Overall, the responses given indicate quite positive opinions regarding Virtual Courts; but clearly some of the more specific items regarding the use of signing, sub-titles, community languages and cultural and religious issues were not really applicable to this particular sub-sample. Similarly, several items were difficult to answer as they were, necessarily, for this sample, hypothetical questions. Rather these results provide a useful indication of the views of people who have professional associations with the CJS.
- 7.32. A more representative picture of opinion would include wider perspectives of defendants and victims, as well as CJS professional associates represented in this preliminary study. A full study would require the inclusion of many more people of varying ethnicities and a wider age range. Ideally, there would also be adequate representation of people with disabilities. Not only would such a sample allow a more comprehensive picture of opinions to be drawn, it would also provide a

## **Quantitative Community Impact Assessment – Phase 1**

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more robust basis for statistical analysis and allow for sub-group comparisons.

- 7.33. Some of the information required to help understand people’s opinions regarding Virtual Courts needs to be obtained from qualitative work that will not only help reach hard-to-access participants, but also provide information regarding participants’ perspectives of key aspects of concern and potential benefits. Such data would greatly enrich the interpretation of any further statistical analysis that may be possible if sufficient appropriate questionnaire responses are achieved.

### **List of organisations submitting questionnaires**

- 7.34. We would like to thank everyone who has participated in the research by submitting individual questionnaires. We would also like to thank those who submitted questionnaires on behalf of the following organisations:

#### **BME Organisations**

- Tower Hamlets Community Empowerment Network
- Searchlight Magazine
- Ethnic Minority Foundation
- Joint Council for the Welfare of Immigrants
- Refugee Action
- The Cypriot Community Centre
- Race On The Agenda
- National Black Police Association
- National Black Crown Prosecution Association

#### **Lesbian, Gay & Bisexual Organisations**

- Mosaic
- Beaumont Society

#### **Trans Organisations**

## **Quantitative Community Impact Assessment – Phase 1**

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- Gender Trust

### **Age Issue Organisations**

- National Council for Voluntary Youth Services

### **Religion/ Belief Organisations**

- National Council of Hindu Temples UK
- The Buddhist Society

### **Disability Organisations**

- National Autistic Society
- MIND

### **Children Services Departments**

- London Borough of Lewisham
- London Borough of Ealing

### **Adult Services Departments**

- London Borough of Tower Hamlets
- London Borough of City of London
- London Borough of Newham

### **Health Authorities**

- Camden and Islington Mental Health and Social Care Trust

### **Victims' organisations**

- Havering Victim Support
- Greenwich Victim Support
- Camden Victim Support
- West London Witness Service
- Bromley Witness Service
- Nuffield Foundation

### **Community Safety Units**

- London Borough of Enfield
- London Borough of Southwark

### **CJS**

- Metropolitan Police
- Crown Prosecution Service
- Fraud Prosecution Service (CPS)

## **Conclusions and Overall Assessment of Impact**

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### **8. INTERPRETATION OF RESULTS**

- 8.1. The majority of respondents (54%) reported no direct experience with the Criminal Justice Service (CJS), although just over 30% had experience of the CJS through some type of professional association. The sampling frame of the data obtained included a list of key organisations representing the seven equality strands of interest: (1) gender, (2) disability, (3) ethnicity, (4) sexuality, (5) trans, (6) age and (7) religion. The sampling pool also included all community safety teams, Children's Services Departments, and Adult Services. All respondents were based in London. The majority of this sample had some professional interest in the CJS and the introduction of Virtual Courts.
- 8.2. This sample therefore mainly represents the community and CJS policy-makers, an interesting and important sub-group of the target population.
- 8.3. The socio-demographic profile of the sample shows a sample biased towards White, middle-aged, able-bodied people who are mainly heterosexual. Almost 55% of respondents stated that they were Christian, 32% reported no religion and the remaining respondents included minimal representation of other key faiths (Islam, Judaism,

## **Conclusions and Overall Assessment of Impact**

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Hinduism, Sikhism, Buddhism). The vast majority of respondents reported spoken English to be their preferred language of communication.

- 8.4. Although there were a few statistically significant differences between some comparison groups, these differences were a matter of degree rather than direction, and respondents generally indicated a positive view of Virtual Courts.
- 8.5. Key areas of uncertainty and sub-group differences related to the inclusion in Virtual Courts of people with mental health issues or learning difficulties and of young people who would normally be seen in juvenile courts.
- 8.6. The general feeling regarding the inclusion of people with mental illness or learning difficulties was positive, although a substantial proportion of respondents — 20% for mental illness and 27% for learning difficulties — recorded neutral responses to these items, indicating some level of uncertainty. This is in accordance with some of the qualitative data that indicates a tendency to believe that people with mental health issues should be included in Virtual Courts, tempered by some expressed concern that inclusion must consider the severity of the individual's condition.

## **Conclusions and Overall Assessment of Impact**

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- 8.7. In terms of young people, the quantitative results suggest a majority of respondents are in favour of Virtual Court use, but a substantial proportion remain uncertain. This finding is repeated in the qualitative data, which shows varying perspectives of the advantages and disadvantages of Virtual Courts for young people, and the need to differentiate between those held for a court hearing and those held in custody on remand.
- 8.8. It was interesting to note that sub-group comparisons of the quantitative data showed that younger people and people from the combined BME group were more likely than older people or those from the combined White group to agree that it's generally better for young people to appear in court in person<sup>1</sup>. Again, this fits with qualitative data that raise particular concerns about the extent to which young people – especially those from BME groups – doubt the true fairness of the justice system and feel they are better able to put their point across in a traditional court setting. These qualitative data also help explain the quantitative finding that the combined BME group was more likely than the combined White group to agree with the statement that use of a video link would lead to a less fair hearing.

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<sup>1</sup> There was no statistically significant association between age group and ethnic group.

## **Conclusions and Overall Assessment of Impact**

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- 8.9. Younger people were also more likely than older people to agree that it is best for people with mental illness to appear in person before a court and correspondingly less likely than older people to agree that people with mental illness issues should be included in Virtual Courts. The reason for this difference – presumably based on differing beliefs about the benefit of people with mental illness issues appearing in court in person – is unclear and worthy of further qualitative investigation.
- 8.10. Another point worth considering is that respondents from the combined BME group are less likely than those from the combined White group to believe that Virtual Courts will minimise re-offending due to speedy action. Respondents from the combined BME group are also more likely than their combined White counterparts to agree that Virtual Courts will put offenders back on the streets too quickly.
- 8.11. Of course, although statistically significant, these differences are small in terms of actual response averages and all are similar in terms of agreement or disagreement. However, it is interesting to note that such differences emerge from a relatively small and homogenous sample, indicating perhaps that this is an area worthy of considerably more exploration – in both quantitative and qualitative ways.

## **Conclusions and Overall Assessment of Impact**

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8.12. In summary, the results of this study provide an encouraging picture of a generally positive approach to Virtual Courts by the respondents, with clear indications of areas of concern and uncertainty. The need to explore such areas further and to obtain a much wider sample of respondents is obvious, not only to provide a better understanding of how people feel about virtual court issues, but also to identify areas in need of consideration — and possibly refinement — that may apply generally or to particular identified groups.

## Confidential Research Questionnaire

Please use the scale from 1-7 in which: 1= Strongly Disagree; 4 = Neutral; 7 = Strongly Agree

		SD			N			SA
		1	2	3	4	5	6	7
1	I have had experience of video conferencing	34	3	1	5	7	3	16
2	I think I would feel quite comfortable if I had to use video conferencing technology as part of a Virtual Court	2	2	4	18	9	12	20
3	I find the prospect of using video conferencing technology a bit scary	22	19	3	10	8	4	3
4	The prospect of a quicker hearing that goes with a Virtual Court is important to me	4	1	5	12	8	16	23
5	The reduced travel that goes with a Virtual Court hearing is an important part of the benefits of virtual hearings	3	1	1	7	16	20	21
6	I would find it reassuring to know that defendants would face an early hearing	1	5	0	6	9	23	25
7	It is important to include sign language or sub-titles on the video screen in a virtual court for people who have hearing impairments	1	0	1	3	7	10	47
8	It is important to have what is said in a Virtual Court translated into community languages that are shown on the screen for people whose English isn't very good	2	1	1	10	6	10	39
19	Virtual Courts would be safer for some people than traditional courts as there are issues of safety and security that arise in a traditional court that do not arise in Virtual Courts	2	1	1	7	14	13	31
10	People with mental illness should be included among people offered use of Virtual Courts	7	3	7	14	6	8	24
11	People with learning difficulties should be excluded from the people offered use of Virtual Courts	11	5	8	19	3	3	9
12	Young people who would normally be seen in a juvenile court should be included among people offered use of Virtual Courts	11	5	4	15	7	11	15
13	Overall, it's most often beneficial for young people to appear before courts in person	6	5	6	18	5	8	18
14	Overall, it's most often beneficial for people with mental health issues to appear before courts in person	11	9	7	18	5	7	10
15	It would be appropriate to make reasonable adjustments to allow people with learning disabilities to use Virtual Courts	2	2	1	13	6	14	30
16	It would be appropriate to make reasonable adjustments to allow people with mental illness to use Virtual Courts	4	3	1	12	8	13	26
17	It would be appropriate to make reasonable adjustments to allow people with any disability to use Virtual Courts	2	3	2	13	5	11	32
18	Given the option, I would probably prefer to have a Virtual Court hearing rather than a traditional hearing if it meant an earlier hearing	4	2	2	18	5	12	25

## Confidential Research Questionnaire

19	Given the option, I would probably prefer a Virtual Court hearing over a traditional court hearing because of the reduced travel	5	4	2	15	7	13	20
20	As a victim, I would prefer to know that the defendant was heard more quickly by Virtual Court than having to wait for a traditional court hearing	3	1	1	9	9	15	30
21	I would be more likely to choose a Virtual Court hearing over a traditional court if subtitles or sign language could be shown on the video screen	4	6	3	24	6	9	15
22	I would be more likely to choose a Virtual Court hearing than a traditional court hearing if it was possible to have what was said translated into community languages shown on the video screen	6	3	3	26	6	10	13
23	I would be more likely to choose a Virtual Court hearing than a traditional court hearing to fit better with my caring responsibilities	4	2	3	23	10	9	16
24	In my culture it is expected that women and men who do not know each other should avoid eye contact after the first initial contact	40	5	1	14	1	1	3
25	In my culture it is expected that younger people should avoid eye contact with older people after the first initial contact	36	5	3	14	2	3	3
26	My religion would prevent me from participating in a Virtual Court	50	2	3	9	1	2	0
27	I would prefer a virtual video court appearance over a traditional court because only a judge and legal advisor are likely to see me in a Virtual Court	1	18	3	25	5	4	12
28	I would prefer the camera to show just my head and shoulders	11	2	5	31	2	6	10
29	I would prefer the camera to show my whole body, not just my head and shoulders	9	4	3	35	4	2	11
30	It would be very helpful to have a list of solicitors who are participating in the Virtual Courts scheme at the police station	3	0	0	23	4	8	28
31	It would be inappropriate to have a list of solicitors participating in the video courts scheme at the police station	22	3	1	23	2	4	10
32	A video link approach would lead to less of a fair hearing than a traditional court approach	20	9	7	16	5	5	4
33	The Virtual Court will minimise re-offending by dealing with offenders more quickly than traditional courts	13	6	10	16	7	6	8
34	The Virtual Court will put offenders back on the streets too quickly	11	14	10	23	3	2	2



## Confidential Research Questionnaire

35	Survivors on mental illness only <b>N= 6</b>							
36	I would have probably taken the opportunity to have a video court to get an earlier hearing				2	1	1	2
37	I would rather wait in custody to see a judge in person than have a quicker virtual hearing	3			1	1		1
38	When I was ill, I could not really understand what was happening when I was in court	1	1		4			1
39	When I was ill, I could still understand what was happening when I was in court				2		1	2
40	I think I would have had a better chance of getting bail if my case had been heard in a Virtual Court	1		1	2			1

Please make any other comments you would like to make about virtual courts in the box below

**19 comments made**

### Personal Background Information

**Age:** mean age: **men 44yrs; women 41 years** –difference not statistically significant

**Gender:** Male **32** Female **32** Trans **1** Prefer not to say **1 Missing 3**

#### Dependants:

Children under 18 **20**

Disabled children (any age) **1**

Dependant spouse/partner **4**

Dependant elderly relative **1 None/Missing 43**

Other (please specify) *Some ticked more than 1 box – noted as 1<sup>st</sup> entry – usually children under 18*

#### Disability Status:

**Physical Disability:** Mobility **1** Other (please specify) **3** (those specified = deafness)

**Mental Disability:** Learning Difficulties **1** Mental Health problems

Other (please specify) **None/missing = 63**

#### Ethnicity:

White British **28**

White Irish **2**

White Other **5** (please specify) (**EU**)

Mixed White & Black Caribbean

Mixed White & Black African **1**

Mixed White & Black Asian

Mixed Other  (please specify)

Asian or Asian British Indian **3**

Asian or Asian British Pakistani

Asian or Asian British Bangladeshi **1**

Asian or Asian British Other

Black or Black British Caribbean **8**

Black or Black British African **8**

Black or Black British Other **3** (please specify)

Chinese

Any other Ethnic Group  (please specify)

Prefer not to say **2**



## Confidential Research Questionnaire

### Sexual orientation:

Heterosexual/straight **45** Gay man **5** Gay woman/lesbian **2** Bisexual **1**  
Other (please specify) **1** \_\_\_\_\_ Prefer not to say **1** *Missing = 14*

### Religion:

Christian **31** Muslim **3** Jewish **1** Hindu **1** Sikh  Buddhist **2** No Religion **18**  
Other (please specify) **2** \_\_\_\_\_ Prefer not to say **2** *Missing = 10*

### First Language:

Spoken English **55** Sign Language **1** Other (please specify) **4** (European) *Missing = 9*

### Preferred language for communication:

Spoken English **56** Sign Language **1** Other (please specify) **1** *Missing = 11*

### Employment Status:

Employed full-time **51** Employed part-time **5** Self-employed **2**  
Economically inactive (e.g. carer/retired) **2** Student **2**  
Unemployed  For how long? (please specify) *missing = 7*

### Experience of the Justice Service

Type of previous experience of Justice Service:

None **37** Defendant **1** Victim **5** Witness **2** Jury Service **2**  
Other (please specify ) **22**

Please return this form by e-mail to: [research@sankofa.co.uk](mailto:research@sankofa.co.uk)

Or by post to: Sankofa Exchange Ltd, Africa House, 21 Shorwell Road, Nottingham NG3 7HG