



Courts and Tribunals Judiciary

Remote Participation

Judicial Principles

1. This document sets out the overarching judicial principles for remote participation and provides a common set of principles for determining whether remote participation is appropriate.
2. The principles will apply to any court or tribunal hearing which is fully remote or where there is any form of remote participation using any video platform.
3. The principles are intended to improve consistency in the use of remote hearings and remote participation. However, specific guidance will vary between jurisdictions and across case types.

Key Principles

4. Key principles of remote participation:
 - i. Whether to hold a hearing remotely or to enable participants to attend remotely is a judicial decision involving appropriate exercise of judicial discretion.
 - ii. The decision will always be based on the interests of justice.
 - iii. The decision will take into account the facilitation of fair access to justice for all.
 - iv. Court and tribunal users may be affected positively or negatively by remote participation. When considering remote participation, a court or tribunal should assess the likely impact on any participant, particularly one who is vulnerable.
 - v. It must be recognised that one size does not fit all and what works best may differ from jurisdiction to jurisdiction and from case to case.
 - vi. Decisions whether to hold a remote hearing may need to be taken on a case by case basis. However, it is generally in the interests of justice that there should be a broadly consistent approach within a jurisdiction.
 - vii. To aid consistency, courts and tribunals may formulate and publish general rules or policies for remote participation in their jurisdiction, provided always that discretion is retained to direct a different mode of hearing of the court/tribunal's own initiative or on application by a party.
 - viii. Decisions on remote participation should not be driven by the availability of resources. Proper resources should be provided according to the appropriate mode of hearing.
5. In order for the judiciary to adhere to the principles above, the judiciary must be provided with appropriate resources in order to undertake hearings involving remote participation, including (but not limited to) the following:
 - i. Suitable space in a court or tribunal building for conducting hearings.
 - ii. Proper equipment including sufficient screens and microphones etc.



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- iii. A fully functioning, fit-for-purpose video platform.
- iv. The appropriate level of administrative and clerking support before, during and after a hearing.
- v. Appropriate recording facilities (having regard to the requirements of the particular jurisdiction).