

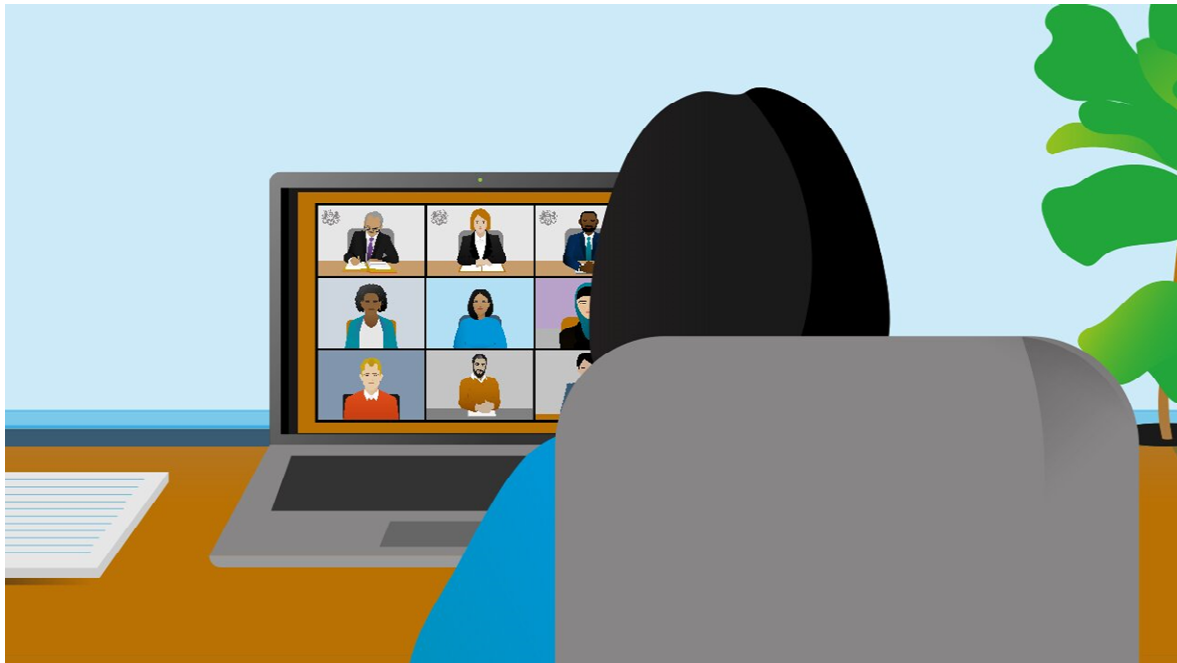


HM Courts &
Tribunals Service

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STUDIES



OXFORD
BROOKES
UNIVERSITY



Supporting Online Justice

Enhancing Accessibility, Participation and
Procedural Fairness

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March 2022



Economic
and Social
Research Council

Centre for Socio-Legal Studies:

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Judicial Leads

Special Educational Needs Disability Tribunal: Deputy Chamber President Tudur and Tribunal Judge McConnell; **Social Security and Child Support Tribunal:** Chamber President Markus and District Tribunal Judge Farrelly; **Employment Tribunal:** Regional Employment Judge Pirani and Regional Employment Judge Davies; **Family Court:** His Honour Judge Bedford and Her Honour Judge Owens.

Foreword



I was delighted to be asked to chair the advisory group for the Supporting Online Justice project and to watch this important work come to fruition. The research described in this report was undertaken at a difficult time for all of us. The pandemic and lockdown restrictions meant that unprecedented demands were placed on the judiciary and HMCTS to ensure that justice continued to be done. The conditions under which they did so were far from normal, with many judges and HMCTS staff having to acquaint themselves with unfamiliar online systems at the same time as having to reassure litigants appearing online for the first time and maintaining the gravitas of the occasion. As the

vaccination programme is rolled out and we can return to some sense of normality, the many lessons we have learnt during the pandemic will continue to support the improvement of online hearings.

This work was supported by the Economic and Social Research Council (Grant Number ES/V01580X/1) as part of a series of projects funded by the UKRI Ideas to Address COVID-19 initiative. This scheme supported academics in helping the government to find solutions to the unique set of problems they faced during the pandemic. Supporting Online Justice is an exemplar of how effective a partnership between the University sector, HMCTS and the Judiciary can be. I understand from the project team that they have a number of academic outputs in the pipeline but the primary output of this research has been the production of five evidence-based public information films. These are being made available to the public on the HMCTS YouTube channel at the same time as this report is launched. Working closely with HMCTS, eight judicial leads and stakeholders from the advice sector these films have been researched, designed, tested and re-designed with the needs of lay users of the justice system at the fore. This report outlines the research and consultation process behind the films and will be of use to anyone undertaking work of this kind in the future.

I recommend this accessible report to you in the highest possible terms and encourage you to watch, and tell others about, the films.

A handwritten signature in black ink, appearing to read 'Ernest Ryder'.

Sir Ernest Ryder,
Master Pembroke College, Oxford University
March 2022

Acknowledgements

The authors would like to thank the many people who supported this research project. Special thanks go to our official project partners, the Improvement and Service Excellence team in the Operations Directorate of HM Courts and Tribunals Service. Kerry Woolford undertook an enormous amount of work in championing the project and negotiating access to key stakeholders within HMCTS for us. We are also grateful to Alison Bergin at HMCTS who steered us towards completion and has acted as an ambassador for the project throughout. The judicial leads assigned to us for each of the four tribunal and court systems we worked with have provided invaluable input to the project and helped refine our outputs. The research team were also fortunate in being supported by an Advisory Committee chaired by Sir Ernest Ryder which offered sage advice over an eighteen-month project. Finally, we would like to extend our thanks to the many people who filled in questionnaires and took part in focus groups. We are especially grateful to the community leaders who helped us recruit people for the focus groups with the laity. Working with them was a humbling experience for the team.

Lucy Klippan (Graphic designer) produced the images for the project. Voiceovers were produced with the generous help of Dr Gethin Davison, James Campbell, Shona McNab and Evolution Recording Studio, Oxford. British Sign language was provided by Sign Language Direct and translations of subtitles were produced by Andiamo! Language Services. We would also like to thank the operations, support, and service managers and others from the various jurisdictions that provided us with feedback including Rebecca Cobbin, Doug Easton, Jason Greenwood, Mark Lewis, Michael Smith, and Sheona Whitten. Finally, Lara Maclachlan and Rowen Siemens supported the production of the final report and launch.

Please Note: The views expressed in this report as those of the research team and do not represent the views or policy of HMCTS

Table of Contents

List of Figures	6
List of Tables	6
Executive Summary.....	7
Section One: The Goals of the Research.....	8
Outputs.....	10
Section Two: The Consultation, Research and Design Cycle	12
Stakeholder Engagement	13
National Surveys.....	13
Focus Groups.....	14
Section Three: Evidence of Need and Responses to it?	15
Choice of Jurisdictions.....	18
Competing Goals	19
Section Four: What did our Research Reveal about Designing Resources for Lay Users?	20
Empathy	20
Language	23
Diversity.....	24
Accessibility	24
Intelligibility.....	26
Participation	28
Customised Advice	29
Section Five: Conclusion	30
Bibliography	31
Appendices.....	33
Appendix A: Groups Contacted for Survey Circulation	33
Appendix B: Further Information on Focus Groups	34
Appendix C: Accessibility Standards and Project Response.....	35
Appendix D: Flyer for Advice Services.....	36
Appendix E: Examples of Best Practice	37

List of Figures

Figure 1: The project's design cycle	12
Figure 2: Layout of the survey on a phone	13
Figure 3: Layout of a focus group	14
Figure 4: The factors which make online hearings particularly challenging (n=494) (multi-coded from 223 responses)	15
Figure 5: The project's competing goals	19
Figure 6: A sample of images that helped convey empathy within the films	21
Figure 7: The image showing items moved out of sight.....	22
Figure 8: An illustration of how text was used onscreen for difficult terms.....	23
Figure 9: Examples of the forms of diversity shown in the films.....	24
Figure 10: Key principles around accessibility	25
Figure 11: Screenshot showing the layout of the BSL versions of the film	25
Figure 12: Image testing to check accessibility for those with colour-blindness including, clockwise from top left original image, how it would look with deuteranopia (green-blind), tritanopia (blue-blind), and achromatopsia.	26
Figure 13: Example of a summary screen	27
Figure 14: A screenshot of the film showing an image of the section telling participants to raise their hands when required	28
Figure 15: Example of the differences between the two online hearings as they are presented in the SEND and the SSCS tribunal films	29

List of Tables

Table 1: Summary of the information needs that emerged during the focus groups	17
Table 2: Breakdown of the people recruited for online and in person focus groups	34
Table 3: Accessibility standards and how they were addressed	35
Table 4: Examples of good practice	37

Executive Summary

The Goals of the Research

- Perceptions of accessibility and fairness are central to the legitimacy of the legal system. This makes it imperative to ensure that all lay participants in legal hearings understand how to prepare, what will happen, and how best to present their case. This is increasingly important as the proliferation of online hearings risks disengagement with the justice system and access becomes more complex for the digitally disadvantaged.
- This research has focused on how we can best support lay users in online hearings by researching, testing and refining five public information films for their use. These films have been produced in partnership with HMCTS, members of the Judiciary and the advice sector.
- Our research demonstrates that there is high demand for resources of this kind which are evidence based, focus on human centred design and sensitive to a range of needs.

Outputs of the Project

- Four of the five accessible films have been produced for specific jurisdictions namely the Special Education Needs and Disability Tribunal, the Social Security and Child Support Tribunal, the Employment Tribunal and the Family Court (private business). A fifth film containing general advice about online hearings has also been made.
- Each of the films have optional English subtitles, which have also been translated into: Welsh, Polish, Urdu, Bengali, Gujarati and Punjabi. British Sign Language versions are also available.
- The films are platform agnostic to aid ‘future proofing.’ By using a bank of 450 customised digital illustrations rather than live actors, the films can also be easily updated and drawn upon in the future to make additional films at minimal cost.
- Additional outputs include the design guidance contained in this report, survey data deposited with the UK Data Service and a flyer advertising the films for use by the advice sector.
- The films have been placed on the HMCTS YouTube site and links to them will appear in correspondence with litigants in the four jurisdictions we have worked with.

The Consultation, Research and Design Cycle

- The production of the films involved a cyclical process including stakeholder engagement, a national survey, the production of a prototype film, testing the films with professional, lay and disadvantaged users in focus groups, refinement of the prototype, and production of customised films for the remaining four jurisdictions.

What did our research reveal about designing resources for lay users?

- Accessibility and the needs of disadvantaged users of the justice system have been at the heart of this project from the outset.
- This report identifies seven important issues for consideration in producing materials for lay users of the justice system and the challenges involved in them. These are empathy, language, diversity, accessibility, intelligibility, participation and customised advice.

Conclusion

- It is evident that there is considerable demand for more work in this vein, as well as an appetite within HMCTS and the judiciary to be involved in taking this initiative further.

Section One: The Goals of the Research

Perceptions of accessibility and fairness are central to the legitimacy of the legal system. Decades of research into lay experiences of the justice system have indicated that perceptions of satisfaction and legitimacy are closely linked to ‘procedural fairness.’ Critical considerations in this context include the ability of parties to: meaningfully participate and voice their concerns; feel that they are respected and treated with dignity; and the transparency of proceedings and a sense of trust in the professionals involved (Tyler, 2005). Conversely, research has shown that the rarefied language frequently employed by courts, unfamiliarity with legal procedure, and the formality of the courtroom can produce feelings of alienation and confusion (Mulcahy and Rowden, 2020). The gradual move towards online hearings has raised new challenges in this context (Mulcahy, 2008; Denvir and Selvarajah, 2022), which have escalated during the pandemic when there was often no alternative but to conduct hearings in which participants appeared in court from their homes (Ryan *et al*, 2021; Bannon and Adelstein, 2020; Tomlinson *et al*, 2020). On the one hand, there is a danger that the use of virtual or video-assisted hearings will further exacerbate disengagement with the justice system and detract from the gravity of the trial. On the other hand, recent research has suggested that when properly supported, video-mediated trials have the potential to enhance respect for the judge, create a greater sense equality of arms, and mitigate the stress involved in appearing in court (Rossner, 2019, 2021; Rossner, Tait and McCurdy, 2021; Mulcahy, Rowden and Teeder, 2020; Rowden, 2018, 2018a).

Box One: Aims of the research

- Enhancing the technical competence of lay users of the justice system;
- Improving understanding of court processes amongst the laity;
- Supporting court users in navigating the alternative geographies and sense of time in virtual space;
- Engendering a sense of journeys to and from civic space; and
- Promoting dignity and gravitas in virtual court proceedings.

Against this important backdrop, this research has focused on the narrower and more pragmatic issue of how we can best support lay users of the justice system in preparing for online hearings (see box one). It responded to an urgent need to provide support to prepare members of the public appearing in court from their own home or other place of their choice. Our review of guidance on online trials has shown that while HMCTS remains concerned about the accessibility of online systems (Clark, 2021), official advice tends to be geared towards regular users of the court system and has a tendency to lapse into legal or technical language. Unrepresented litigants often have little idea about how in-person proceedings are organised, let alone online hearings. This raises concerns about whether litigants are well placed to participate effectively in putting their case or challenging the case against them. There are particular issues about the ability of the digitally impoverished or the vulnerable to engage with this new way of doing justice. Serious concerns about the association between social disadvantage and the inability to access and use digital services (Helsper, 2008) has

prompted debate about the type of support services that need to be put in place to ensure equal access to government services, including the legal system (Hynes, 2021a, 2021b; Good Things Foundation & Yates, 2017). There is no doubt that the stakes are high in this debate which raises critical questions about access to justice and the right to a fair trial. As HMCTS acknowledged in 2021:

The pandemic has shone a light on courts and tribunals and highlighted that the most resilient services are those where there has been investment, where we have introduced digital options for users, and new technology to facilitate alternative ways of working. The antiquated systems that necessitated the need for reform in the first place have been exposed as fragile in the face of an extremely challenging environment (HMCTS, 2021).

The project team hope that the outputs of this project and the lessons for the future contained in this report will contribute to discussions about the sort of investments and processes for producing user friendly support that are needed in the future.

Outputs

The key goal of this project was to produce a series of accessible 15 minute films to support lay users in preparing for online hearings. In the course of production, the research team was particularly sensitive to the need to make information about online hearings accessible to those who lacked resources or support. The five films produced can be accessed by following the links below:



Special Educational Needs and Disability Tribunal Film

Link: <https://youtu.be/SPEMtWWYAZ8>

BSL Link: <https://youtu.be/PNrguwNen64>



Social Security and Child Support Tribunal Film

Link: <https://youtu.be/SdOldV2GKcY>

BSL Link: <https://youtu.be/a5QcPXtOMH4>



Employment Tribunal Film

Link: <https://youtu.be/OZwAiabxqvo>

BSL Link: https://youtu.be/YGBFYt_KOjA



Family Court (Private Matters) Film

Link: <https://youtu.be/ZXz4GtmKxZ4>

BSL Link: https://youtu.be/pGfW_X7chyc



General Film

Link: <https://youtu.be/ayw3Hazf-c8>

BSL Link: <https://youtu.be/ZsoOgCpJt54>

The issues raised in this report are relevant well beyond the pandemic as the shift to online and ‘hybrid’ hearings in some jurisdictions is increasingly likely to be the norm.

There is always a danger that films would quickly become outdated as platforms, software and the contact details of the support agencies mentioned changed. For this reason, the decision was made to ‘future proof’ the films as much as possible. As a result each film: (a) is platform agnostic in the sense that it does not refer to current operating systems used for online hearings, such as ‘Cloud Video Platform’ or ‘Video Hearing service’, as these may be replaced in the future; (b) gives indications of how participants in online courts *might* be organised in boxes on screen but does not specify any specific configuration; (c) places emphasis on how to seek out support from HMCTS rather than the details of particular HMCTS services, as these arrangements may be subject to change or differ in different regions.

The decision was also made to use drawn images rather than to film live actors. Updating the latter is expensive and time consuming while images can more easily and economically be altered or replaced when updating is required.

Box Two: Languages the films are available in

- Welsh,
- Polish,
- Urdu,
- Bengali,
- Gujarati,
- Punjabi and
- British Sign Language

Accessibility was at the heart of the project and the optional subtitles for each film were translated into the six languages outlined in box two. Detailed consideration has also been given to the needs of a range of possible users in designing the outputs, such as the neurodiverse, and the visually or hearing impaired.

Other outputs include:

- A poster which appears at Appendix D, which can be used by advice services and community groups to help people identify where they can access the films;
- A repository of over 450 images to be handed over to HMCTS so that they can amend existing films as changes occur, or use them to produce new films;
- A set of annotated scripts for handover to HMCTS which outline the rationale behind the text produced and the use of particular words and phrases;
- Survey data from two national surveys will be deposited with the UK Data Service;
- Finally, an application for an ESRC Impact Acceleration Award has been submitted to extend the team’s work on user-led design in the justice system with HMCTS, the Advice Services Alliance and the Law Centres Network as project partners.

In the remainder of this report we outline how the evidence base for the films was established, the production process adopted, and lessons that can be learnt about user-led design for the future.

Section Two: The Consultation, Research and Design Cycle

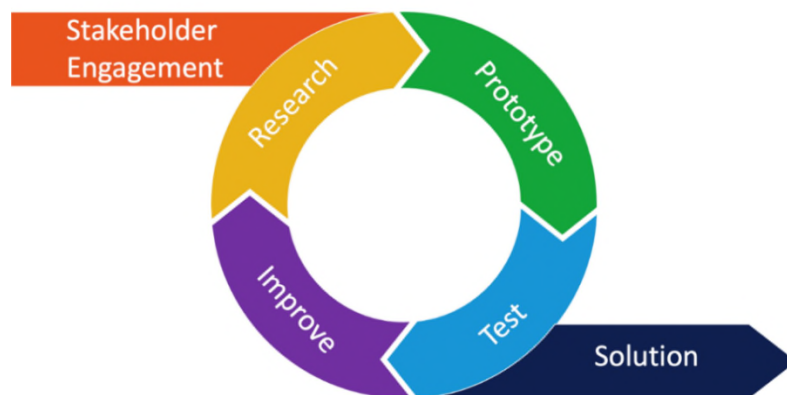












FIGURE 1: THE PROJECT'S DESIGN CYCLE

It was essential to the credibility of the films being produced that key stakeholders in the justice system had regular input into their production and considered them useful. This meant the process of researching, designing, testing and improving the films was more akin to an iterative cycle than a linear pathway (see Ringaert, 2001; Powell Lawton, 2001; Preiser, 2001).

There were ten main stages in the design and development process:

-  Identifying the needs of lay users and the jurisdictions best placed to work with the team. This involved extensive stakeholder consultation and a national survey.
-  Researching existing resources available for lay users of the justice system and best practice as regards human centred design and inclusivity.
-  Creation of scripts, colour palette, image suite, storyboards and soundtrack for the prototype film. Consultation with judicial leads and other stakeholders.
-  Producing a prototype film, testing it in focus groups, further review via a second national survey and consultation with judicial leads.
-  Re-design of prototype film drawing on focus group feedback and consultation with stakeholders. Rolling out prototype design to produce four additional films.
-  Creation of scripts, colour palette, image suite, storyboards and soundtrack for the remaining four films.
-  Testing the scripts and review of additional film with lead judges and HMCTS.
-  Re-design of films based on judicial input.
-  Production of final versions of films including British sign language versions and optional English subtitles translated into Welsh, Polish, Gujarati, Urdu, Punjabi, and Bengali.
-  Launch on HMCTS YouTube website

This cyclical process was more time consuming than was originally envisaged but reaped many benefits, not least of which was a sense of co-production with our project partner and those we consulted. The evidence-base for all the films drew in particular on: stakeholder engagement, national surveys and focus groups. Each of these are considered in turn below.

Stakeholder Engagement

The project team engaged with a number of key stakeholders:

- **HMCTS Liaison:** The team met with a wide variety of HMCTS staff including technical support staff, clerks and ushers; the User Experience and Insight Team; the Public User Engagement Group; Communications and Design staff; the Social Research and Evaluation leads; the Cloud Video Platform (CVP) team; the Video Hearings service (VH) and staff responsible for overseeing practice relating to the management of ‘bundles’ of evidence.
- **Engagement with the Judiciary:** The research team was fortunate in being granted access to two judges from each of the four jurisdictions they were working with. These judges helped identify the needs of users, review and refine draft scripts and gave detailed feedback on several versions of the films produced.
- **The Advice Sector:** The project team organised a series of meetings with representatives of the advice sector including Advice Now; The Access to Justice Foundation; and The Advice Services Alliance. It also involved presentations to the Justice and Innovation Group Meeting and the Employment Legal Advice Network.

National Surveys

Two national surveys provided opportunities to garner the views of a broader spectrum of interested parties beyond the nationally based organisations that took part in stakeholder engagement. The first of the national surveys was designed to collect data about the sort of information that was available for lay users of online trials, how effective current guidance was, and the types of people who are likely to find online hearings most challenging. It was circulated to a wide range of groups including law centres, advice agencies, members of the bar, solicitors, clerks, ushers, social workers, intermediaries and interpreters. We received a very good response rate of 499 respondents. Ninety-three per cent of respondents had had experience of full or hybrid video hearings between March 2020 and April 2021, and the majority (53 per cent) had attended 20 or more hearings during this period. Significantly, a large number of responses were from interpreters (66 per cent), followed by clerks and ushers (fourteen per cent). Both of these groups provided essential data from ‘the coalface’ of online hearings.

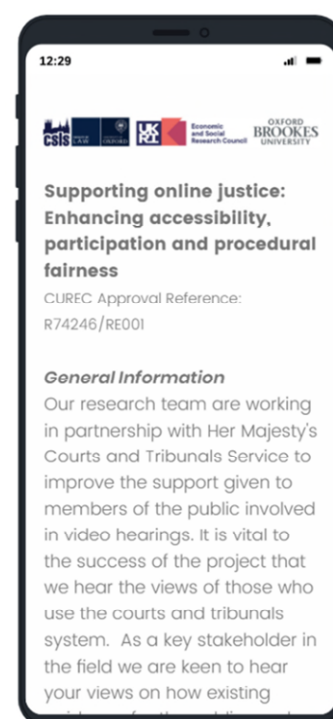


FIGURE 2: LAYOUT OF THE SURVEY ON A PHONE

The second national survey was used to gather additional comments from those who had not been involved in the consultation about the prototype

film with stakeholders or focus groups. Participants were asked to watch the first prototype film and to answer a series of questions in response to it. This survey received a much lower 84 responses, which generally confirmed the findings of our stakeholder engagement. Appendix A contains a full list of the stakeholder groups to whom the surveys were circulated.

Focus Groups

Focus groups with almost 150 members of the public and professional court users were undertaken between July and August 2021 with a view to testing out the effectiveness of the first prototype film. It was initially proposed that these would take place across the UK, but government rules relating to the pandemic limited the ability of the team to travel or hold focus groups indoors. As a result, focus groups were conducted in community gardens, food banks in London and Oxford (see figure 3) and, where they involved professional participants, online. By the end of the project 24 focus groups had been conducted involving 148 people. In addition to the 14 people who took part in the pilot, 67 of those who took part were members of the public, 36 represented organisations that provide support to lay users and 41 worked in the court service. In an effort to ensure that the research involved disadvantaged groups who might find it most challenging to attend hearings online, 42 of those who participated were volunteers at, or users of, food banks. Further details of the sample, organization and issues discussed in the focus groups can be found at Appendix B.



FIGURE 3: LAYOUT OF A FOCUS GROUP

Section Three: Evidence of Need and Responses to it?

A review of good practice materials to guide lay users through online hearings demonstrated that there was a dearth of resources in the UK and across the English-speaking world (but see Rowden et al, 2013). What existed tended to be in print format, was overly technical and frequently made assumptions about familiarity with the legal process or technology. The most useful exemplars for producing user friendly guides tended to be short films available to the public on YouTube about in-person hearings such as ‘Hearings at the Special Educational Needs and Disability Tribunal’ or ‘How to represent yourself in family court in England and Wales’ (see Appendix E).

This initial review of the resources available indicated a clear need to fill an information gap for lay users, and this was confirmed in Advisory group meetings and during our initial engagement with stakeholders. The first survey provided additional evidence of the sort of lay participants who were in particular need of support and assistance. Chart one below shows the results of a question inviting responses about the sorts of factors that might make an online hearing challenging.

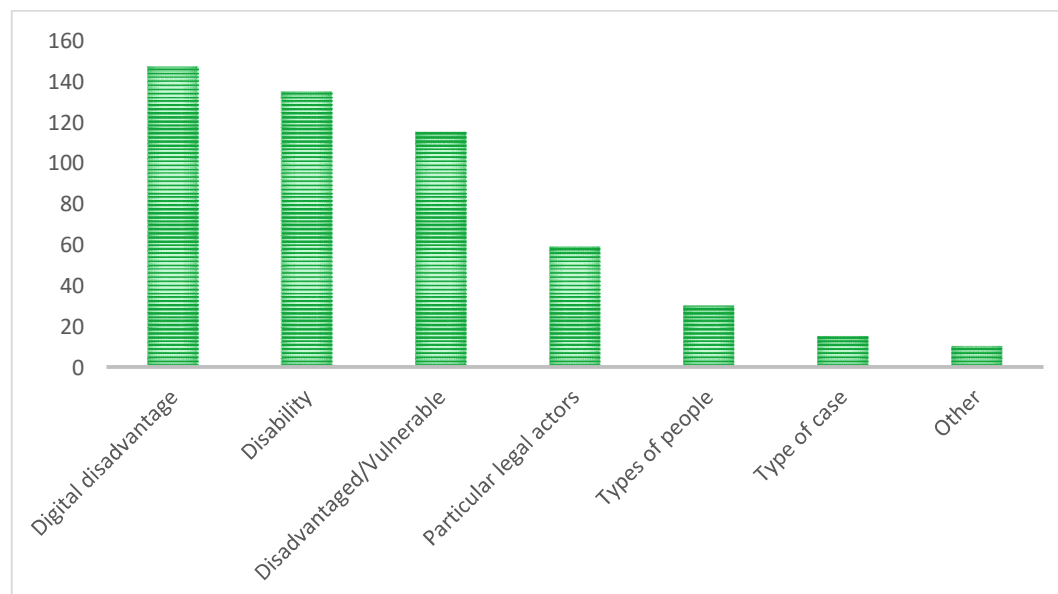


FIGURE 4: THE FACTORS WHICH MAKE ONLINE HEARINGS PARTICULARLY CHALLENGING (N=494) (MULTI-CODED FROM 223 RESPONSES)

Somewhat predictably, this shows that digital disadvantage, articulated by survey participants as a lack of appropriate equipment, access to broadband, poor digital skills or lack of confidence, are all reasons why online hearings might raise access to justice and due process issues. According to the Lloyds Bank Consumer Digital Index, 2.6 million people in the UK are offline and 11 million lack key digital skills (Lloyds Bank, 2021). Location also plays a role in creating and compounding disadvantage with average broadband speeds in rural areas generally slower than those in urban areas.

The connection between digital disadvantage and other forms of poverty was also highlighted in the survey. Numerous studies of digital poverty highlight its link to other forms of

deprivation. The digitally impoverished are more likely to be older, less well educated, unemployed, disabled and socially isolated than the norm (Helsper & Reisdorf, 2017).

The second most frequently cited category of people who might find online hearings difficult were 'the disabled'. This is clearly an extremely broad label which needs further unpacking. Of the 135 responses in this category the majority of comments related to people with learning difficulties and special educational needs (28%) such as autistic spectrum disorder, attention deficit disorder or attention deficit hyperactivity disorder. By way of example, reference was made to the ways in which the neurodiverse often rely on non-verbal cues that are more difficult to convey on a screen showing numerous faces. Participants in the survey also drew attention to the particular needs of those who are deaf or hard of hearing (24%). One interpreter noted that deaf people who use BSL interpreters might have problems with video hearings because sign language is a 3D language and video works in 2D. Others mentioned that it was particularly difficult for people who needed to lip read to do so efficiently when the screen was split into multiple small faces. Finally, respondents referred to people with mental health or psychiatric problems (20%) who might be more prone to becoming confused online. Subsequent sections of this report outline how the needs of these various groups were built into the design process of this project.

Data from focus groups was also helpful in identifying the sort of information that people would value in advance of a hearing. Table one provides a summary of responses to a question about what people would like included in the public information film. The needs identified range from questions about how online hearings are distinctive to queries that might be relevant to all trials, whether in person or online. Despite being funded to produce films about online hearings, the research team took the view that failing to address questions that might arise in the context of any hearing would be frustrating for those for whom the films were designed to help. As a result the films produced addressed a number of generic questions about issues such as who would be at the hearing, the role of each participant, the order that things were likely to happen in, and informal rules that ensured more effective participation such as not interrupting others or raising your hand if you wanted to speak.

TABLE 1: SUMMARY OF THE INFORMATION NEEDS THAT EMERGED DURING THE FOCUS GROUPS

Category	The sort of information that lay users wanted
<i>Prior to hearing</i>	What information will the tribunal send to me in advance? Will the information have contact details for people who I can contact for help? What evidence would I need to prepare? What paperwork will I need? Will there be someone there to meet and greet me? Will I get a toilet break? What should I wear? I want the video to calm me down.
<i>Order/Format</i>	Are there standard formats for the hearing? What will happen on the day? What is the purpose of the hearing? When will I speak? Is it only an oral hearing? How long will it take? Will I get a break? Will I be kept waiting? Will I get a decision on the day? What might the outcomes be? What happens after the hearing?
<i>Technology</i>	How do I access the online platforms? Is it easy? What technical things do I need to prepare? What is the video etiquette? Will being online change anything/will I get the same result? What will the screen look like? What can I do if technical problems arise? Who can I see and who can see me? What control will I have over who can see me? Will I be able to message anyone? How will I do that? Will I be disturbed by messages from others? Will I be muted? What background, lighting and audio equipment are required? Will I need a camera on my computer? Can I use my smartphone? What happens if you don't have the technology? What if I am not any good at IT? Is there somewhere I can go to get equipment?
<i>Place</i>	What will the environment be like? Will my lawyer be in the same room as me?
<i>People</i>	Who else will be there? How many people will be there? What does everyone at the hearing do? Will I have a lawyer by my side? Will there be witnesses? Will the hearing be recorded? What should I wear? SEND specific issues: Does the child have to be there in SEND tribunals? Do they give testimony? Is there an organization that will protect the interests of the child? How would the tribunal keep a SEN child engaged?
<i>Putting their case</i>	What is expected of me? What do I need to say? Do I need to rehearse? Will I be able to speak? How much speaking time will I get? How will I be able to help them understand my point of view? Will I be asked any questions? Can I see the questions that other people will ask me in advance? What do I need to prepare in advance? Do I need to produce evidence? What information will the tribunal need from me? Will they be fair to me and my child?
<i>Accessibility</i>	Will people speak in plain English? Will they avoid jargon? What euphemisms might be used? Can I have a simple description of what will happen? What practical tips are available for dealing with an online hearing? What accessibility issues have been taken into account e.g., cognition, hearing, translators? How would it be made accessible to children with autism?
<i>The Child</i>	How will difficult concepts be explained to a child? How much work would I have to do translating for them? Will it be child friendly? What if I don't want my child on screen?
<i>Other</i>	Is the hearing confidential? Will I be disadvantaged if I go online?

Choice of Jurisdictions

The four jurisdictions the research team worked with were chosen in consultation with HMCTS and members of the project advisory group. The final choices provided us with the opportunity to engage with some of the different cultural factors, jurisdictional rules and practices that exist across HM Courts and Tribunals Service.

- **The Special Educational Needs Disability Tribunal (SEND)** was an attractive choice because it had been using video facilities to conduct hearings for some time. This meant that we could draw on their considerable experience of the problems that lay users might experience and need to be reassured about. It was also anticipated that working with this tribunal would raise important issues about how to communicate effectively with neuro-divergent users of the legal system.
- **The Social Security and Child Support Tribunal (SSCS)** provided a different set of challenges. These tribunals have experience of dealing with some of the most vulnerable people in society and judicial leads in this jurisdiction were especially interested in keeping advice as simple and informal as possible to encourage attendance and participation.
- **The Employment Tribunal** was more formal than SEND and SSCS and most like a civil trial in terms of process and formality. This made it a good case study to experiment with ways of conveying more complex procedural information. We were also advised that users of the tribunal tended to be relatively competent users of technology, which gave us an opportunity to test whether the advice given was too simplistic for some.
- **The Family Court** (private business) provided an excellent opportunity for the research team to experiment with how to convey messages about hybrid hearings which are likely to be more common in this jurisdiction once the challenges of the pandemic have been met. It is also a jurisdiction where special measures, designed to protect those who are frightened of others in the proceedings, are more likely to be used.

As a result, while there are common themes in each of the four jurisdiction-specific films, there is also information and advice which is specific to each. For example, different levels of resourcing across jurisdictions meant that we could allude to additional help for lay users in some jurisdictions and not others. This was a particular issue in the Family courts where our judicial leads were keen not to raise high expectations about the level of support that was possible from hard pressed court staff. Differences in procedure were also evident across jurisdictions including how the bundle is received and managed, whether oaths are taken or not, who attends the hearing and the extent of preparation that litigants are expected to undertake in advance. Differences in the level of formality also came to the fore when preparing the SSCS film, where the lead judges thought that any references to the bundle, looking smart or avoiding distracting backdrops would be stress inducing for lay participants and might dissuade them from attending.

Competing Goals

Early engagement with stakeholders made it clear that a number of competing goals underpinned the production of each of the films. This was one of the most difficult aspects of the design and production process to manage, as the research team was forced to find a balance between a series of tensions. These are summarised in

Figure 5 below.

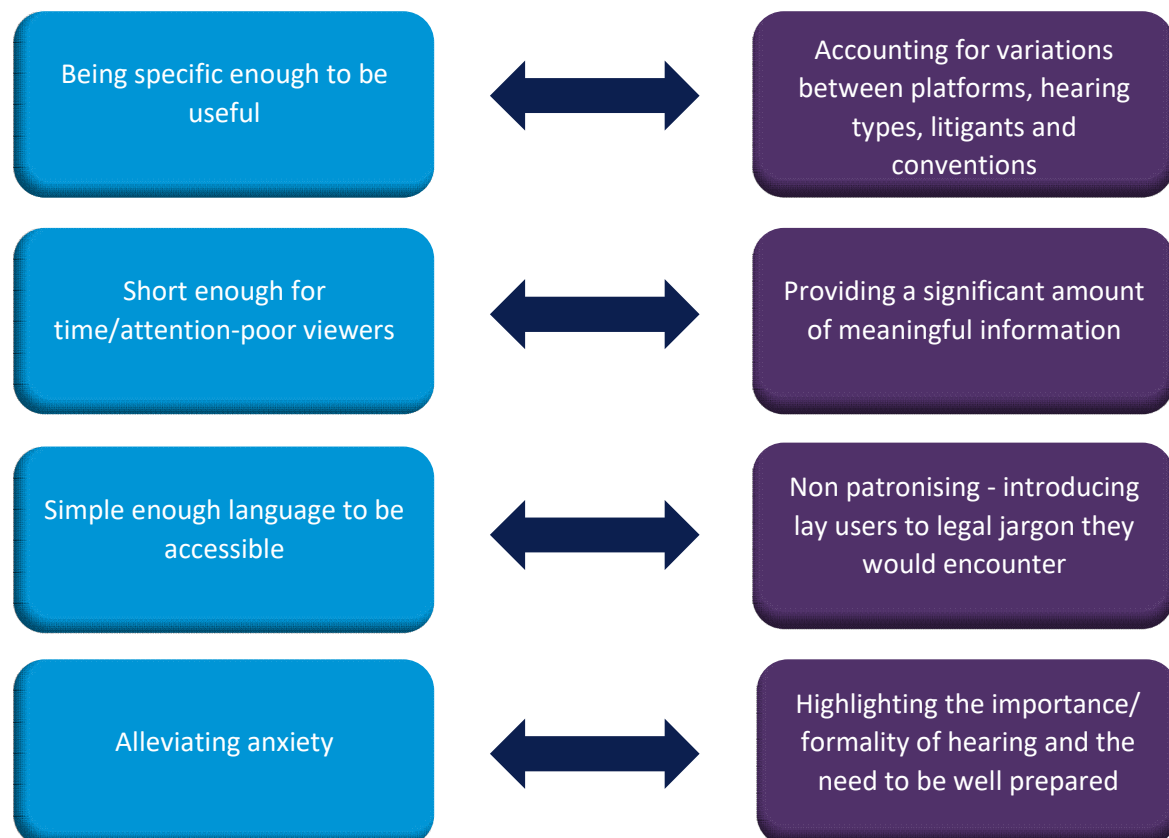


FIGURE 5: THE PROJECT'S COMPETING GOALS

These competing goals meant that there were often fine lines to tread during the production process, and some of the tensions outlined were the subject of extensive discussion in focus groups. These challenges are discussed in greater detail in the section which follows.

Section Four: What did our Research Reveal about Designing Resources for Lay Users?

Accessibility and the needs of disadvantaged users of the justice system has been at the heart of this project from the outset. Three key principles underpinned the approach adopted. Firstly, that best design practice should lead production. Secondly, that user needs should be tested and responded to (IDRC, 1993-2021; Ringaert, 2001; Patrick and Hollenbeck, 2021; Powell Lawton 2001). Thirdly, that our project should pay particular attention to the fact that for many litigants, hearings are exceptional or life-changing events and are extremely stressful. Anxiety might be invoked by fears about the outcome, unfamiliarity with the legal rules, rituals, language and procedures, or uncertainty around where best to seek support.

Concerns about technology can compound anxiety further. Much existing research on digital disadvantage has focused on social networking, banking, consumer and leisure activities, and focuses on the availability of computers and the skills to use them. While this research provided a useful backdrop to this project, interacting with state services, and the legal system in particular, can engender a particular form of ‘situational’ disadvantage. This may lead to a heightened level of anxiety in all court users, including people who would not normally identify themselves as prone to feeling anxious (Gilbert, 2019) or digitally challenged.

The following sections of the report identify seven important topics for consideration in producing materials for lay users of the justice system and the challenges involved in addressing each. These are empathy, language, diversity, accessibility, intelligibility, participation and customised advice.

Empathy

A key goal of the films was to imagine the experience of attending an online hearing from the perspective of someone with little or no familiarity with the legal system. Each film aimed to be reassuring and to invoke calm, while also providing a helpful amount of information about the legal process. Stakeholder engagement and focus groups with members of the public repeatedly reinforced that litigants often misunderstood or did not take in vital information because they were distracted by concerns about the hearing and its outcomes. Seeing all court users who watch the film as potentially doing so in a state of moderate to high anxiety was a key insight that helped drive design decisions.

Those suffering anxiety can find it difficult to determine how to assess and prioritise what is important from what is insignificant. This meant ensuring sufficient information was included in the films to increase lay users’ confidence while paying equal attention to the need for messages to be clear and for ensuring that items of particular importance were adequately highlighted. Close attention was paid to identifying design decisions that trigger or exacerbate anxiety. For example, it became clear when testing the prototype in focus groups that the use of clocks counting down the minutes before the hearing started were likely to heighten stress. We were also made aware that people became concerned if they were given too much new information, as it might be difficult for them to absorb it all in one sitting.

Techniques used to calm people included:

- not rushing the pace of the voice over,
- reducing the script to just three main sections,
- having adequate pauses between sections and recapping key points at the end of each section,
- using a careful colour palette selection with an emphasis on blue tones which research suggests is calming (Stone, 2003; Pressly and Heesacker, 2001),
- reducing onscreen busyness e.g., having more than one character move at one time,
- ensuring transitions between frames were not abrupt, and
- choosing a peaceful, lilting background music soundtrack to open and close the films.

Keeping a slower pace throughout was felt to be particularly important in this regard. A calm, steady rhythm for the film could potentially help mimic the deep breathing exercise anxiety sufferers use to address an elevated heartrate by moving the body out of ‘fight or flight’ mode and into a calmer state.

An effort was also made to produce images that showed supportive and friendly characters (see Figure 6). By way of example, one of the alternating poses of the judge showed her smiling and opening her hands in a welcoming gesture. HMCTS support staff were represented by a character the research team called “Wendy” in an effort to humanise those providing assistance. Wendy appears three times throughout the films at points where the guidance could be stress inducing such as discussion of losing an internet connection.



FIGURE 6: A SAMPLE OF IMAGES THAT HELPED CONVEY EMPATHY WITHIN THE FILMS

We were also keen to highlight the various types of support that lay users could receive from the advice sector to help prepare for their court or tribunal hearing. Focus groups revealed that viewers would prefer to have this information near the beginning of the film so that they were immediately made aware that there was additional help available beyond the film. Details of advice services who specialised in giving jurisdiction-specific advice was researched for each film and reference to them was repeated, alongside details for exploring the potential for accessing Legal Aid. Another device used was encouraging people to watch, rewind and replay the film as often as they wanted to in the course of preparing for their hearing. The ability to pause the film was repeated when details of advice agencies appeared.

One particularly important insight from focus groups was the strength of feeling that was aroused by advice about how people should dress for the hearing or organise the surroundings in which they appeared online. Research on the tax tribunal conducted by Rossner and McCurdy (2021) suggested that disadvantaged users who were not supported by advocates or friends, were not always aware of how disorganised surroundings might impact on their credibility.

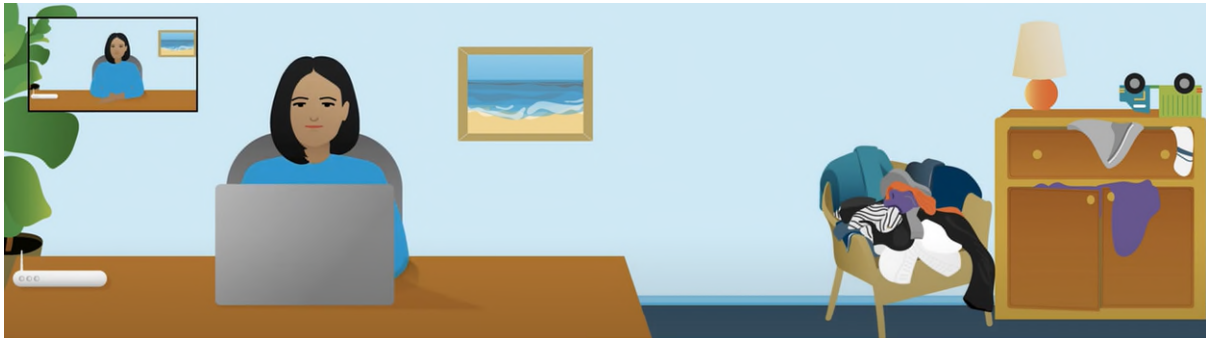


FIGURE 7: THE IMAGE SHOWING ITEMS MOVED OUT OF SIGHT

This view was reinforced by some of our judicial leads who reported people appearing on screen with obscene images and words on their clothes or with a backdrop which included an offensive poster. But suggestions that people might tidy up their immediate surroundings or appear in neat clothes was often met with opposition. Several focus group participants felt that this advice was patronising or failed to take into the fact that the disadvantaged might live in cramped surroundings or be unable to afford smart clothes. As a result, the following section of the script was revisited more often than any other in the course of production:

You can connect to the hearing from any room. If possible, you should choose a place that is quiet and private. Tell others not to interrupt or disturb you during the hearing. This will help you to focus on what is being said. Think about what's in the part of the room you will be in for the hearing. Try to make sure that what you're wearing and what's behind you, won't distract other people.

In addition, we provided some visual cues about how a plain background might look in comparison with an untidy backdrop (see Figure 7).

A core principle adopted, and reflected in this quotation, was that the films needed to be clear about *why* certain types of preparation or behaviours were important. It was hoped that this would help people understand that justice was not just done to them, but with their interests in mind. By way of example when discussing behaviours that were not allowed during the hearing, it was explained that by not eating in tribunals or answering the doorbell during a hearing *everyone* demonstrates respect for the tribunal/court and litigants.

Elsewhere, the SSCS film explained that by turning up to their hearing litigants could help the judges understand their case.

Language

The research team were keen to ensure that the films used plain English wherever possible. Current UK government guidance suggests that content for members of the public should be written for those with a reading age of nine in mind (UK Government, 2022). This meant avoiding complex words or sentence construction and explaining things in as straight forward a way as possible. An initial attempt was made to adhere to the principles of 'Easyread'. This involved limiting sentences to no more than 15 words, using an active voice, and having only one idea or verb in each sentence. However, it was not always straightforward to comply with this guidance, and future projects could usefully employ specialists to aid with this task. Moreover, the fact that information was conveyed by images and a voiceover meant that formal sentence construction was not always as relevant as when producing written text. There were also particular challenges in the context of providing advice about legal proceedings which Easyread principles did not address.

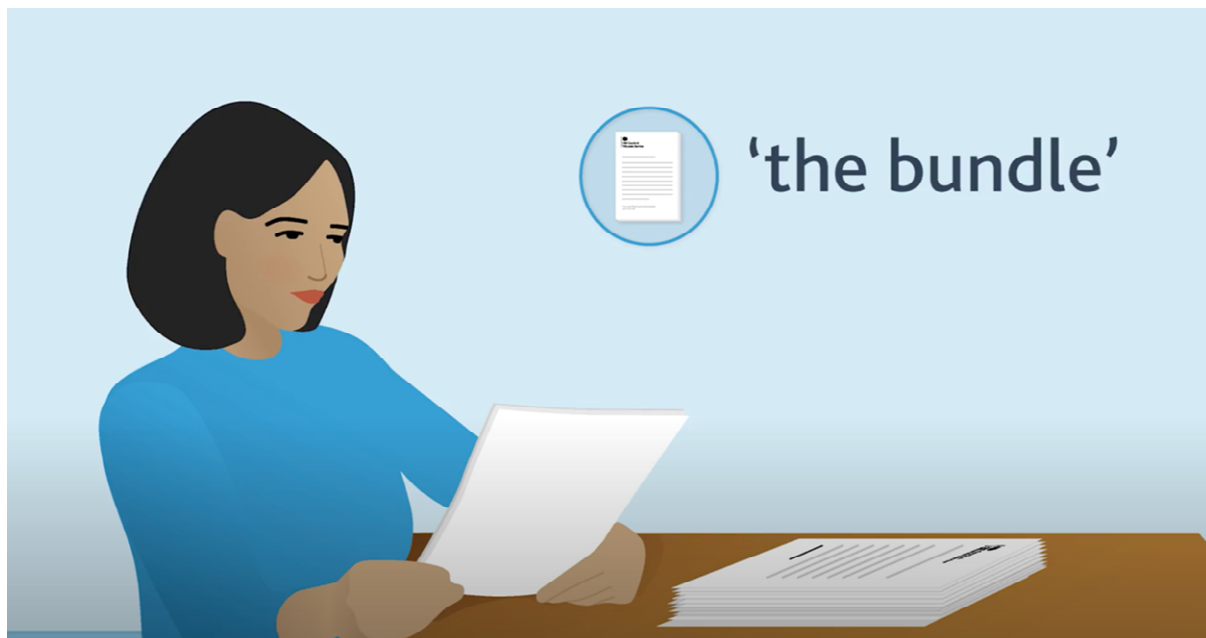


FIGURE 8: AN ILLUSTRATION OF HOW TEXT WAS USED ONSCREEN FOR DIFFICULT TERMS

Producing information about legal proceedings meant that technical terms, that would inevitably be used by the court, did need to be explained in advance. This was necessary when referring to the names of people involved in the hearing such as 'panel members'; when talking about 'the bundle' which contains all the documents being relied on by the parties; or mentioning 'oaths' and 'affirmations'. When this was unavoidable these terms were spelt out on screen as shown in Figure 8. This gave people the opportunity to use a dictionary or search engine to help understand these terms using the correct spelling. Pauses were also introduced when technical terms were explained to help viewers absorb the information. As figure two illustrates, difficult words were also accompanied by visual clues as to their meaning.

Diversity

Representing diversity was also critical in the production of the films in order to make all viewers feel that this film had been produced for people like them (see Figure 9). The focus on diversity involved the inclusion of a varied range of images in terms of gender, ethnicity, religion, body size, and individuals who are differently abled. The team also ensured that those from communities that have traditionally been marginalised were represented in authority positions. This approach stands in direct opposition to some public information films



FIGURE 9: EXAMPLES OF THE FORMS OF DIVERSITY SHOWN IN THE FILMS

we viewed which showed people of colour as litigants and authority figures as white. The voice overs were also produced using a male and a female voice which alternated between the different sections of the films.

Our success in representing a diverse range of users was regularly applauded in focus groups. However, a smaller number of those we tested the films with indicated that there was demand for even greater diversity, including the inclusion of characters with piercings, tattoos, baldness and colourful hair. These suggestions could usefully be taken into account in future work.

Accessibility

The research team paid particular attention to the need for the films to be accessible to a wide range of differently abled users. Drawing on the valuable advice provided by the Cabinet Office (2021), HMCTS and other specialist organisations, the chart below outlines the principles that have driven design and the particular conditions the films have been designed to meet. Detailed information about how the team considered the needs of a variety of users can be found in Appendix C. In the course of our research we also communicated with several neurodiverse individuals in our focus groups and experts on conditions such as dyslexia, dyspraxia and restricted sight.

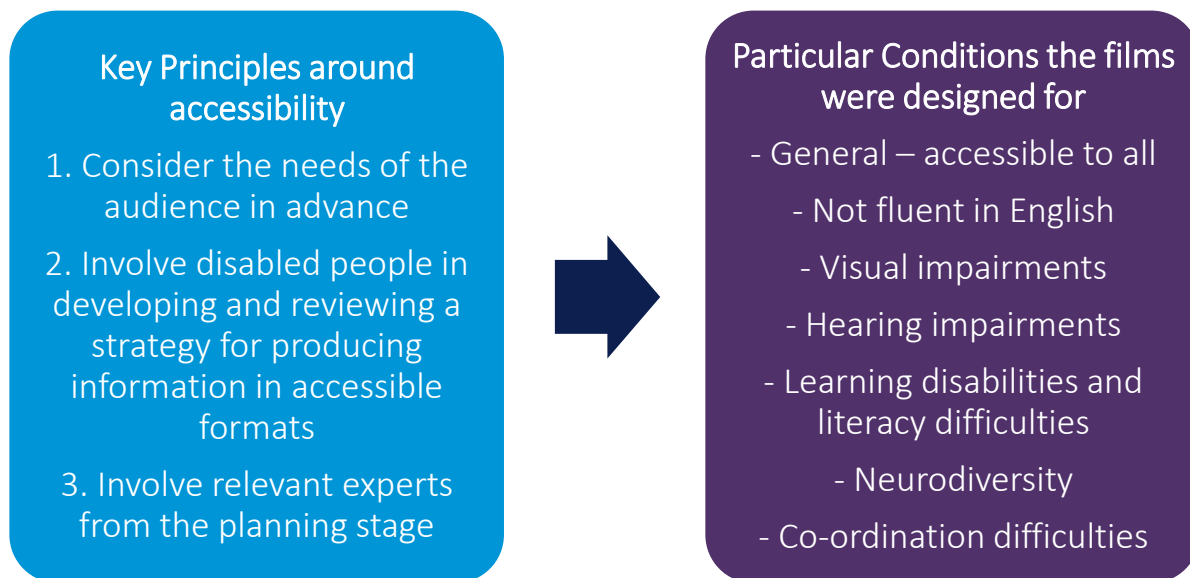


FIGURE 10: KEY PRINCIPLES AROUND ACCESSIBILITY

In recognition of the fact that many of the users of the justice system may not have English as their first language, each of the films have also been produced in a variety of languages shown in Box two in Section one. There is also an option of English language closed captions for those who have a hearing impairment or those who prefer to read rather than to listen to what is being said. Once the films were finalised, we also commissioned a sign language interpreter who was recorded in front of a green screen. Her image was then superimposed onto the films, following the standard screen layout used by the BBC (see Figure 11). During this process it was brought to our attention by the signer that, because of the slight delay in BSL interpreting, it would have been valuable to have left slightly longer breaks at the end of



FIGURE 11: SCREENSHOT SHOWING THE LAYOUT OF THE BSL VERSIONS OF THE FILM

each of the scenes. This is something that could usefully be factored into other projects in the future.

Sensitive to the needs of users who suffer from the different forms of colour blindness, the team were careful to select a colour palette to make sure there was enough contrast so that the images were legible. A final selection of stills were then passed through a series of colour blindness checks to make sure that the images were still clear for the majority of viewers (see Figure 12).



FIGURE 12: IMAGE TESTING TO CHECK ACCESSIBILITY FOR THOSE WITH COLOUR-BLINDNESS INCLUDING, CLOCKWISE FROM TOP LEFT ORIGINAL IMAGE, HOW IT WOULD LOOK WITH DEUTERANOPIA (GREEN-BLIND), TRITANOPIA (BLUE-BLIND), AND ACHROMATOPSIA.

While every effort was made to remain sensitive to the different ways in which people might interact with the films, the latest government advice on producing accessible formats accepts that it is not always cost effective to produce communication materials in every suggested format and language (Cabinet Office, 2021). As a result, certain other accessible formats were researched but rejected in the course of this project due to limited resources. These included Makaton, Moon and audio-description versions. However, the SEND tribunal remains keen to produce a Makaton version of the film that was produced for them, and we hope that the image bank handed over to HMCTS will facilitate their efforts in this regard.

Intelligibility

A significant amount of research has been done into the way people learn, and existing evidence suggests that different people have a wide variety of learning styles (Pashler et al., 2009). Some gain greater comprehension from images and others from listening or reading. The research team attempted to make sure that the films produced reflect this range of

learning styles. More particularly we were keen to avoid sensory complexity and unnecessary distractions in the films. This was a response to research that shows that people with certain neurodiverse conditions find it difficult to process too many forms of information at once. Experts in the various forms of neurodiversity we consulted also confirmed that images that are not clearly related to the subject at hand or which flash or move too rapidly can be very especially distracting for some viewers and leave them confused. The importance of remaining attuned to different ways of digesting information was made evident in focus groups where we detected that some people were only picking up information conveyed in the voiceover or in the images. This suggests that rather than thinking of voiceovers, images and subtitles as separate ways of conveying information each needs to be thought of as part of a unified and co-ordinated system.

The decision not to have background music other than in the opening and closing sections was one attempt to respond to existing best practice. It is common for films, including some produced by HMCTS, to use music in the background. This is often used in an attempt to cover small glitches in the voiceover recording. Attempts were also made to ensure that only the character on screen who was being discussed moved. This was particularly important in 'Brady bunch' sequences which showed multiple figures online in boxes. It is also the reason why subtitles were added to the film on YouTube as optional. Feedback from focus groups also encouraged the team to simplify the structure of the films considerably; reducing the number of sections from seven to three and adding a brief summary at the end of each (see Figure 13).

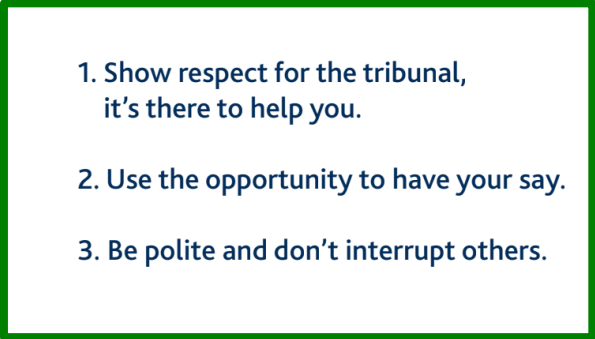
- 
1. Show respect for the tribunal,
it's there to help you.
 2. Use the opportunity to have your say.
 3. Be polite and don't interrupt others.

FIGURE 13: EXAMPLE OF A SUMMARY SCREEN

The question of what constituted a suitable length for each film was an especially important point of discussion. Several commentators suggested that it might be more suitable to break the sections of the films up into a series of shorter films. On reflection, it was decided to keep all the information and guidance in one film for each jurisdiction. In making this decision the team were sensitive to the needs of those who

might not find it easy to navigate the internet in order to find the different components, who might not be familiar with how YouTube organises content or might not know how to search for particular films within it. Each film will however have 'chapters' or 'markers' that can be skipped over when watching the film on YouTube.

The general guidance received from stakeholders and focus groups was that 15 minutes, while reasonably long, was an acceptable length for a film that explained legal proceedings. Justifications for this included the fact that length did not matter so much if the content was well presented, along with several comments to the effect that length would not be so much of an issue if a hearing was imminent. Indeed, several focus group participants acknowledged that if they were due to attend a hearing they would watch the film several times to prepare. In the end the balance struck by the team was guided by the three principles that: it was

necessary to provide the viewer with sufficient information to make them feel prepared, but not so much information that users will feel overwhelmed or confused; the information provided should not induce stress; and viewers should be encouraged to take a break and return to the film if necessary.

Participation

The research team was sensitive to concerns that online proceedings might cause litigants to feel both physically and psychologically remote or disengaged from a hearing in which they are key participants. Issues around alienation are not unique to online hearings and this concern was reinforced in focus groups with food bank users who frequently alluded to the fact that they did not know they could intervene in hearings or put up their hand to speak. The films produced tried to encourage viewers to see themselves as active participants in the legal system rather than passive subjects of it. In addition to alerting them to where they could find support to help them prepare or strengthen the presentation of their case, frequent reference was made to ‘your’ trial or to the fact that it was acceptable for litigants to raise their hand when they had a question, did not understand something, or they thought that someone had got something wrong (see Figure 14).



FIGURE 14: A SCREENSHOT OF THE FILM SHOWING AN IMAGE OF THE SECTION TELLING PARTICIPANTS TO RAISE THEIR HAND WHEN REQUIRED

The fact that a significant number of people do not have access to adequate equipment to fully engage in an online hearing was a matter of concern to the research team. HMCTS technical staff reported to us that it was not uncommon for people to join a hearing on their phone. The research team were not in a position to address this lack of resources but at the same time were uncomfortable about normalizing the use of phones in online hearings. For this reason, it was felt important to alert viewers’ attention to the benefits of having a large screen. For this reason we draw the attention of viewers to the fact that it would benefit them if they could borrow a laptop and other equipment from a friend and that using a mobile phone to attend would use up a lot of credit. In some films, such as the one about SEND tribunals, it was also possible to alert people to the fact that tribunal staff might be able to arrange for them to attend a physical hearing centre where they could access a computer. All

films also include the advice that if the viewer for any reason feels that they are not equipped to take part in an online hearing they should contact staff with a view to arranging an in-person hearing. Despite these efforts, it remains clear that providing people with adequate technology to participate effectively in trials is a critical access to justice issue which needs to be addressed.

Customised Advice

The research conducted for this project brought to the fore the importance of providing customised advice about online hearings. A key finding from the outset of the project was the presence of significant variation in procedure and culture across tribunals and courts. Most notably, there is considerable disparity in who is responsible for preparing the bundle, whether litigants are allowed to write on the bundle and indeed whether all the parties get a copy of the bundle. It was also evident in the course of our stakeholder engagement that there is no clear policy as to whether litigants have a right to ask for a printed copy of the bundle to be sent to them by HMCTS. Elsewhere there were differences about how litigants were let into the online hearing and whether a chat function or breakout rooms were available. Some of these differences may well be addressed as HMCTS rolls out its new Video Hearings system, but jurisdictional difference seems set to continue as courts and tribunals try to respond to the needs of their particular system and set of users.

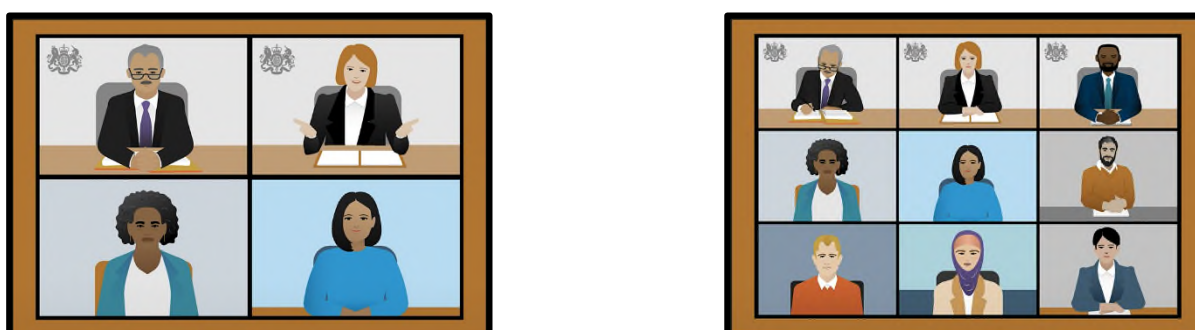


FIGURE 15: EXAMPLE OF THE DIFFERENCES BETWEEN THE TWO ONLINE HEARINGS AS THEY ARE PRESENTED IN THE SEND AND THE SSCS TRIBUNAL FILMS

These factors mean that not only is generic advice about online hearings extremely difficult to produce but that it might also induce stress by alerting lay users to procedures or ways of doing things that are not applicable to the online hearing they will find themselves in. As support for online hearings moves forward, it is important to take into account that rather than putting people at ease, inaccurate or inappropriate advice can actually bemuse and disorientate them. This suggests that although it is more costly, there is a strong case for customised information being produced. One particularly rewarding aspect of producing jurisdiction-specific films with judges working in those jurisdictions was that they were able to play a vital role in making them work for a particular setting. Nowhere was this more important than in the Social Security and Child Support tribunal where there is a problem with appellants not turning up for hearings or being poorly prepared when they do. The lead judges in this jurisdiction were keen to ensure that nothing was said in the films that discouraged people from attending.

Section Five: Conclusion

The research team have been delighted by the generous and positive feedback they have received from the many people who have now viewed our films during the production process. We are particularly pleased that HMCTS have made all five films publicly available on their YouTube channel. Each of the jurisdictions we have worked with also plan to embed the links to their jurisdiction specific film in the 'Notices of Hearing'. This means that the attention of thousands of litigants a year will be drawn to the resource we have created.

It has become evident to us that there is considerable demand for more work of the kind we have undertaken in this sector. We have been fortunate to be able to meet some of this demand before the close of this project. The research team were approached by the Judge Simon who is the President of the Employment Tribunals in Scotland to ask

whether a version of the film could be created that was tailored to Scotland. With her help, the script was adapted, and male and female Scottish voices were hired to record jurisdiction-appropriate voiceovers. We are delighted to report that this final film, which will be completed in March 2022, will also appear subtitled in the same six languages as the original films.



Discussion with the various stakeholders and judicial leads at the close of the project has also provided evidence of further demand. Several people consulted suggested that there was a need for similar films to be produced about in-person hearings; for a broader suite of films about how to prepare your case, make an appeal or defend and appeal; and films which explain disability discrimination or extended appeals. Others suggested that a simplified version of films could be made for minors in cases involving children. We hope that the suite of images and scripts which we will be handing over to HMCTS will be of value in addressing these needs in the future.

As this project comes to an end the research team have entered into a second partnership with HMCTS, which also involves the Advice Services Alliance and the Law Centres Network. The goal of this new project, which draws on lessons learnt in this one, is to provide a suite of templates and guidance on how to produce user centred and accessible materials for disadvantaged users of the legal system. The project team remain committed to working with others who are interested in building on this initiative. If you would like to hear more about this project please contact the Principal Investigator, Professor Linda Mulcahy, Oxford University at: linda.mulcahy@csls.ox.ac.uk.

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Appendices

Appendix A: Groups Contacted for Survey Circulation

Public Law Project
Citizens' Advice Bureau
AIRE (Advice on Individual Rights in Europe)
Advice Services Alliance
Litigants in Person Network
Advice Now
Advice Local Directory
Law Works
Legal Aid
Legal Choices
Support through Court
Association of Women Barristers
Bar Council
Criminal Bar Association
Disability Law Service
Family Law Bar Association
JUSTICE
Joint Council for the Welfare of Immigrants
Legal Action Group
Liberty
Legal Aid Practitioners Group
National Pro Bono Centre
The Law Society
Young Legal Aid Lawyers
Intermediaries for Justice
Law Centres Network
Social Workers Network
British Association of Social Workers
Disability Rights UK
Children and Family Court Advisory and Support Service (CAFCASS)

Appendix B: Further Information on Focus Groups

Focus group participants were recruited by the research team in consultation with the support of community groups and HMCTS.

TABLE 2: BREAKDOWN OF THE PEOPLE RECRUITED FOR ONLINE AND IN PERSON FOCUS GROUPS

Location and type	Sessions	People
<i>Pilot focus groups</i>		
Oxford in person -students	1	6
Oxford online - students	1	8
<i>Lay user focus groups</i>		
Oxford food bank users	4	37
Oxford food bank service providers	1	5
Inner city London	3	9
North Oxford Church Hall	5	9
North London suburb	1	7
<i>Expert focus groups</i>		
SEND	1	5
HMCTS staff include. technical support, clerks and ushers	3	21
HMCTS Engagement Groups	2	36
Oxford Headington design experts	2	5
Totals	24	148

The decision was made to undertake our own recruiting for the focus groups with the laity rather than use market research companies. This was because we were concerned that the most vulnerable users of the legal system often lead complex lives of the sort that might not make them attractive to market research companies. In order to capture this group within our sample we worked with local food banks. The focus groups with foodbank users presented a number of challenges which two of the authors have written a blog about: <https://frontiers.csls.ox.ac.uk/putting-us-in-our-place/>

Each focus group was conducted with one facilitator and one observer. Lay participants were given a 'High Street' voucher worth £25 for taking part in a one hour focus groups.

Having watched the film, participants were initially encouraged to give any feedback about the film they wanted to, after which the session took the form of a series of prompts around the following issues:

- the information participants would like to have included in a public education film of the kind produced;
- how useful the film was in satisfying the informational needs they have identified;
- how comprehensible the film was in terms of such things as language and vocabulary;
- the visual aspects of the film including colours and characterisation;
- the audio aspects of the film such as the voiceover, music and tone;
- the length of the film and pacing; and
- whether the terminology used was accessible and the images inclusive.

Appendix C: Accessibility Standards and Project Response

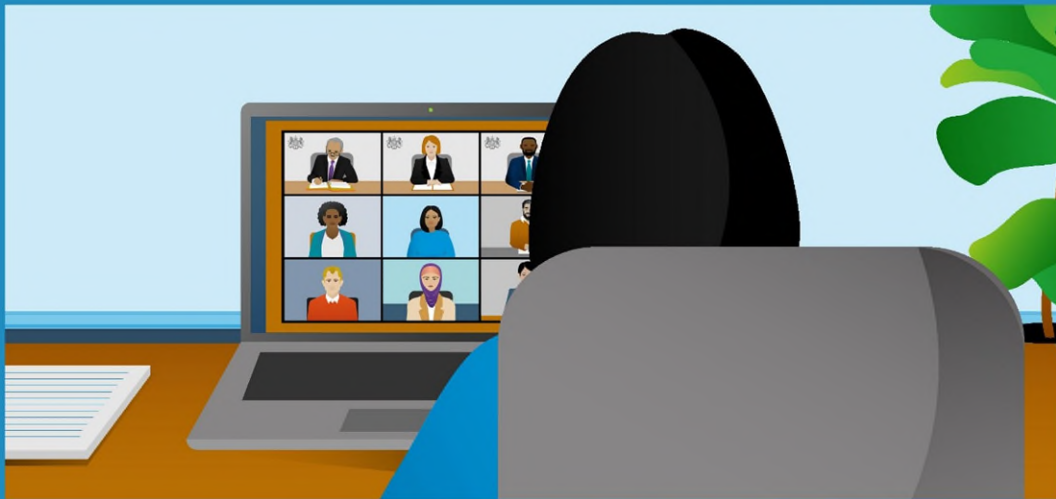
TABLE 3: ACCESSIBILITY STANDARDS AND HOW THEY WERE ADDRESSED

Principle	Project Response and goals
Consider the needs of the audience in advance	Review of literature on the needs of physically and mentally disabled users including, visual, hearing or vocal impairments and neurodiversity
Involve disabled people in developing and reviewing a strategy for producing information in accessible formats	Focus groups with HMCTS Equalities and Inclusion User Group, people with neuro-diverse needs, and people who had worked closely with SEN children. Consultation with one neuro-diversity expert. Survey sent to various specialist NGOs working in the field.
Involve relevant experts, e.g., communications, from the planning stage	Consultation with HMCTS about design package and colour palettes. Follow up conversation with Equalities and Inclusion Engagement Group.
Particular Conditions	Project Response
General – accessible to all	Ethnic and body diversity in the images. Use of gender neutral text and symbols. Information arranged in a logical order. Background noise and music avoided except in opening and closing clips. Testing of voice and tone with different audiences. Audio not rushed. Emphasis on being able to re-wind and re-watch the films. Short sentences. Each sentence - one idea and one verb. 14 point font size. Avoidance of italics, underlining, simulated handwriting, unusual shaped letters and decorative typefaces. Sentences active not passive. Deletion of words that are not essential. Explanation of jargon. Strong contrast between words and background. Avoidance of certain colours e.g., red and green. Use of pictures to support the meaning of the voiceover. Films kept to less than 15 minutes where possible
Not fluent in English	Translation into Welsh, Polish, Urdu, Bengali, Gujarati, Punjabi and BSL
Visual impairments	Audio track. Transcript made available for use with text to voice software. Text can be enlarged when using tablet and laptop. Alignment of text and visuals checked for ensuring there are no visuals that have not been explained in the audio.
Hearing impairments	Optional subtitles. British Sign Language. Images used to represent key messages.
Learning disabilities and literacy difficulties	Audio track. Optional subtitles. Use of plain and simple language. Text broken down into short sentences. Images used to represent key messages. Avoidance of complex fonts and italics. Description of specialist words where unavoidable e.g., ‘bundle’ and ‘evidence’. Summary of key points. Distracting design elements avoided
Co-ordination difficulties	Audio track. Text can be enlarged when using tablet and laptop

Appendix D: Flyer for Advice Services

Full A4 version can be downloaded at: <https://www.law.ox.ac.uk/supporting-online-justice>

Help with Online Hearings



*Do you have an online hearing?
Would you like to find out more about what to expect on the
day and how you can prepare?*

Five short films have been made to help you. These offer general advice and help with:

- The Social Security and Child Child Support Tribunal
- The Special Educational Needs and Disability Tribunal
- The Employment Tribunal
- The Family Court (Private Matters)

**To access the films scan the barcode,
or follow this link:**

<https://bit.ly/37dZzhY>

These films have been developed by the Centre for Socio-Legal Studies at the University of Oxford, and Oxford Brookes University in partnership with the Courts Service and Judges.



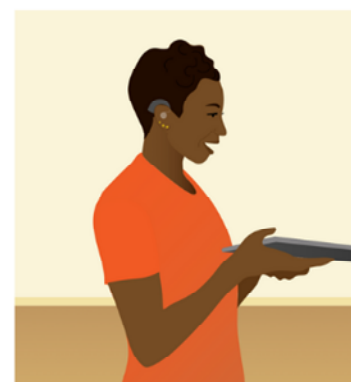
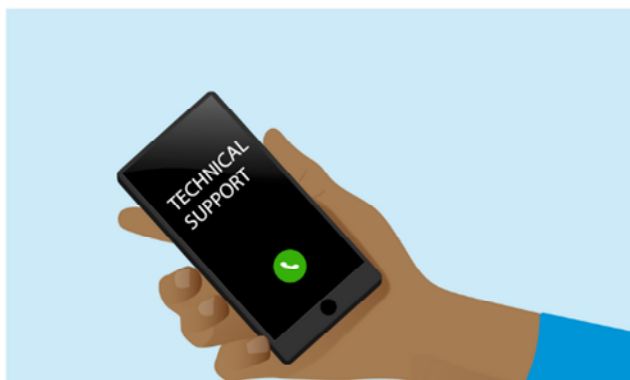
Appendix E: Examples of Best Practice

As part of the research we conducted, we collected a large range of materials that had been produced to help lay users of the justice system. We initially focused only on those materials that were available to help public users access hearings online, but given how few these were in number, the scope was later expanded to a more general search of resources that had been produced for lay users.

Below we have included a short list of some of the better examples, along which examples that fed into the development of the films. The elements of good practice included in these examples are things like using simple language, being accessible, being empathetic and trying to help users manage situational anxiety, having good pacing, approaching the information from the perspective of the user and that are intelligible to a vast range of users. Not all these examples do all of the above, and while some contained elements, such as background music, that aren't ideal, they are however good starting points for the development of resources for lay users.

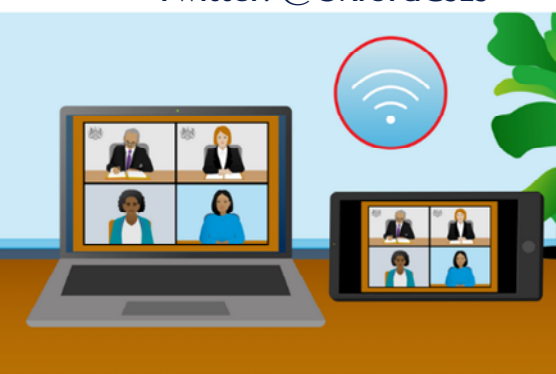
TABLE 4: EXAMPLES OF GOOD PRACTICE

Title	Link
Hearings at the Special Educational Needs and Disability Tribunal (Ministry of Justice, 2012)	https://youtu.be/E1oYkhjUszc (HMCTS YouTube Page) https://youtu.be/ExNEpi-E4XI (MoJ YouTube Page)
How to represent yourself in family court in England and Wales (Advice Now, 2015)	https://youtu.be/mwrA3Is27fg
Court and tribunal hearings by video or phone call (Advice Now, 2020- 2022)	https://www.advicenow.org.uk/know-hows/court-and-tribunal-hearings-and-coronavirus-covid-19 (This is a written text but contains the good practice as it relates to written sources)
Going to Appeal: What to expect at your asylum appeal tribunal (Migrants Resource Centre, Asylum Aid, University of Exeter, 2018)	https://youtu.be/5cmjZK0akhc (English) https://youtu.be/rD5CS8rYhI4 (Arabic) https://youtu.be/8efzT1ALq3k (French) https://youtu.be/Ka8ifYatmU8 (Farsi) https://youtu.be/nAeBTNQsGm4 (Hindi) https://youtu.be/rm38ltmfFpg (Urdu)
VH Going to court (HMCTS, 2019)	https://youtu.be/yoNjFHAMkts
Going to court - a step by step guide to being a witness (HMCTS, 2012)	https://youtu.be/aUOc0Sa1WMM



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