



JOINT STATEMENT ON THE IMPACT OF VIDEO AND AUDIO LINKS IN CRIMINAL PROCEEDINGS ON DEFENDANTS WITH LEARNING DIFFICULTIES, NEURODIVERSITY OR MENTAL HEALTH ISSUES

We are extremely concerned by the wholesale expansion of 'remote' video and audio link criminal proceedings proposed in the Police, Crime, Sentencing and Courts Bill and believe this substantial change will significantly impact fundamental rights and equality in the criminal justice system for defendants, particularly those with learning difficulties, neurodiversity or mental distress.

Video and audio link hearings are an inadequate substitute for in-person hearings, and disabled defendants are especially susceptible to unfair trials where trial proceedings are conducted remotely. Multiple studies, including by the [Equality and Human Rights Commission](#) and [Criminal Justice Joint Inspectorates](#), have evidenced this.

There is currently no reliable system in current 'remote' criminal proceedings to identify people with learning difficulties, neurodiversity or mental distress, particularly considering that these are often not always immediately apparent, and a defendant may be reluctant to share these personal details.

Currently, defendants are expected to rely on judicial 'discretion' – the judge's own assessment of them – which is a completely insufficient protection. Judicial discretion cannot be exercised properly if the judge is not able to properly assess an individual – an ability which is significantly restricted during video and audio link proceedings.

We support an amendment to the PCSC Bill which would require that all defendants who might appear on a video or audio link from a location outside court should be subject to a health needs screening by qualified NHS medical practitioners, and that such screening information be made available to the judge responsible.

In July 2021, the Justice Secretary [said](#) that screening is "absolutely essential" and promised that there "will be action".

We call upon the Government to fulfil its promise.

Signed by:

Fair Trials

Crime in Mind

Disability Rights UK

Down's Syndrome Association

Disabled People Against Cuts (DPAC)

Greater Manchester Coalition of Disabled People (GMCDP)

Inclusion London

Just for Kids Law

Mencap

National Survivor User Network (NSUN)

Neurodivergence in Criminal Justice Network

Transform Justice