

Working with vulnerable court users: An accessibility and engagement strategy

May 2021

The Magistrates' Court of Victoria (MCV) has a proud history of working with vulnerable court users.

MCV has made changes to the way we work to ensure we can continue to safely deliver justice in the coronavirus (COVID-19) environment. We recognise the importance of identifying and understanding any impacts these changes may have on our vulnerable court users and their ability to access justice.

For some court users, online hearings can create barriers in accessing and participating in court process. We also know that COVID-19 has created new challenges for vulnerable court users and MCV is committed to working with these court users to maximise their engagement and ensure they have equal access to our courts.

We are conscious of the dangers of narrowly defining a vulnerable court user. Vulnerability may be enduring, or it may be situational. It may arise from cultural, economic, linguistic, social, educational, personal, or other factors. We do not seek to define vulnerability but rather to ensure we recognise and respond to it whenever it arises.

Our recovery from COVID

The MCV Strategic Priorities 2020-2022 outlines our approach to recovery from COVID-19. It identifies three priority areas for assisting vulnerable court users. They are –

- the safe resumption of hearings
- use of technology to enhance accessibility
- engagement with court users to promote accessibility and identify any actual or potential barriers for vulnerable court users.

Our progress to date

<p>The safe resumption of hearings</p>	<ul style="list-style-type: none"> Established an Online Magistrates' Court (OMC) Established a Triage Recovery Team to deliver active outreach, identify and prioritise at-risk court users and support vulnerable court users to access and participate in court hearings Ensured the option of in-person attendance was available for vulnerable courts users across all jurisdictions Created, with the endorsement of the Aboriginal Justice Caucus, Safe Online Operating Guidelines for Koori Court hearings 	<ul style="list-style-type: none"> Prioritised the return of unrepresented accused with criminal matters to appear physically at our court buildings Applied density quotients at every court building to promote the health and safety for all court users Prioritised the continued operation of Court Support Services and programs via expanded contact options Produced online safety guidance for our family violence staff and registry to help identify and respond to at-risk court users
<p>Use of technology to enhance accessibility</p>	<ul style="list-style-type: none"> Used web-conferencing tools, OMC and audio links to facilitate remote hearings involving vulnerable court users, across all jurisdictions, including the Assessment and Referral Court, Drug Court, Koori Court and the Victims of Crime Assistance Tribunal Used technology to communicate directly to court users important information about their case Introduced a range of web-based initiatives on the MCV website, which allowed court users and their lawyers to engage in new ways with the court 	<ul style="list-style-type: none"> Developed and delivered online training for Koori Court Elders and Respected Persons on the approach to online hearings in Koori Court Created new online Family Violence Intervention Order application forms Facilitated online MARAM training for judiciary, staff and registry Worked with external organisations to ensure online processes available for interpreters and intermediaries
<p>Engagement with court users</p>	<ul style="list-style-type: none"> Used our Triage Recovery Team to make sure court users understood changes in court services Ensured inclusive, plain language was used in all communications with court users Continued case management via telephone and online platforms 	<ul style="list-style-type: none"> Updated the MCV website to provide more information and to improve ease of navigation for court users Worked with relevant stakeholders to understand how other parts of the justice system were working to engage vulnerable court users

Next steps

Accessibility will inform our thinking as we progress our recovery. It is important that we set and test our goals and hold ourselves to account.

<p>Support for vulnerable court users to access and participate in hearings</p>	<ul style="list-style-type: none"> • Prioritise engagement and triage as a new focus within MCV • Return Koori Court to physical hearings upon endorsement of the Aboriginal Justice Caucus • Explore options for best use of interpreters and provision of further training regarding vulnerable cohorts 	<ul style="list-style-type: none"> • Continue expansion and integration of innovative therapeutic responses across all courts • Adopt hybrid hearing models where appropriate • Undertake further policy work on applicant safety in online hearings • Prioritise pre-court legal engagement projects
<p>Use of technology to enhance accessibility</p>	<ul style="list-style-type: none"> • Continuous improvement of our online hearing processes, including providing options for remote access • Explore how the OMC can improve accessibility • Advance technological solutions that help court users navigate a court system, not a building 	<ul style="list-style-type: none"> • Explore innovative data collection in the build of our new Case Management System • Seek court-wide feedback via the Court Excellence Self-Assessment Survey
<p>Engagement with court users</p>	<ul style="list-style-type: none"> • Pilot a navigation and triage function to provide effective and efficient referral pathways, with plans to implement across all headquarter courts • Consider options to further support unrepresented court users • Ongoing workforce development to better equip staff to identify and support vulnerable court users 	<ul style="list-style-type: none"> • Continue work to improve accessibility of court information • Engage in a “walk in my shoes” approach for ongoing reform in this area • Seek opportunities to further incorporate court users’ feedback as we strive for continual improvement

Looking ahead

Our **vision** is to be an innovative and accessible court delivering fair, transparent, and efficient justice for Victorians.

Our **values** will continue to drive our approach to recovery.

- **Excellence:** striving for excellence in performance of our work.
- **Transparency:** promote trust and confidence in the work of the Court by upholding principles of open justice, engaging with community and being accountable for our use of public resources.
- **Respect:** people are listened to and treated with courtesy and respect.
- **Accessibility:** ensuring the Court's practices and processes are clear, consistent, user-friendly and non-discriminatory. Making the Court physically available to all.
- **Innovation:** being a leader in innovative court practices and leveraging technology to increase our accessibility and support our reform agenda.
- **Fairness:** ensure due process and equal protection of the law.
- **Integrity:** honest, ethical and reasonable behaviour.
- **Inclusiveness:** a court for all Victorians that is respectful of culture and diversity.

This strategy is a living document. MCV is committed to continuing these conversations with the community and our stakeholders, to ensure that all court users can access high quality justice.

We welcome your feedback and suggestions, which can be submitted at mcvfeedback@courts.vic.gov.au.