

Transforming our justice system: assisted digital strategy, online conviction and statutory fixed fines

Mind's response to a Ministry of Justice consultation, November 2016

Question 1: Do you agree that the channels outlined (telephone, webchat, face-to-face and paper) are the right ones to enable people to interact with HMCTS in a meaningful and effective manner?

These channels cover a range of needs, preferences and circumstances.

However, the way assisted digital services are provided will affect the effectiveness of people's interaction with HMCTS. Mind is regularly contacted by people with mental health problems who come into contact with the Social Security Tribunal Service in order to appeal the outcome of their PIP assessment or WCA. Often these are people who have found navigating the initial processes around claiming the benefit stressful and confusing. The Department for Work and Pensions and assessment providers have started work to improve these processes through its review of Alternative Formats. It's crucial that when the Ministry of Justice thinks about how it makes its services more accessible, that it works across government to make sure that disabled people and people with mental health problems can expect high standards of accessibility and access to support regardless of which part of Government they are talking to and where they are with their claim.

It is helpful to people who are navigating benefits processes to receive support from the same organisation from the beginning of a benefit claim through to mandatory consideration and, where necessary, appeal. There are many specialist welfare rights and advocacy services who provide this support. These services are ideally placed to build a positive and trusting relationship with people with mental health problems and support them to access digital services. Therefore, when thinking about how to commission assisted digital services, we would encourage the Ministry of Justice to engage meaningfully with organisations who currently support people with mental health problems to access Social Security Tribunals. However as they focus on helping people to navigate the benefits and welfare system, they are unlikely to be able to deliver wide assisted digital services across different kinds of tribunals.

Similar issues would apply to mental health review tribunals. People detained in hospital are entitled to independent mental health advocacy in connection with their detention and may receive support from advocacy services about other aspects of their lives. Integrating HMCTS access into the support already provided would be much preferable to further fragmentation, and this would need to be commissioned accordingly.

Question 2: Do you believe that any channels are particularly well suited to certain types of HMCTS service?

On the whole we'd expect the suitability of channels to vary by individual needs, preferences and circumstances rather than the type of tribunal.

Face-to-face and paper channels will be particularly important for people who are detained in hospital. This will become critical if the new system is rolled out to mental health review tribunals, but is also relevant for other court and tribunal proceedings that a person detained in hospital may engage in.

Impacts and equalities impacts

Question 9: Do you agree that we have correctly identified the range of impacts, as set out in the accompanying Impact Assessments, resulting from these proposals?

Yes, with the addition of the impact on third sector organisations of people's expectations that they will provide support with digital access. Where people are receiving, for example, benefits or Mental Health Act advice and advocacy from a third sector organisation they are likely to expect the organisation to be able to help them access HMCTS as well. As stated above, we think it will be helpful to individuals if they can be supported through the whole process so we recommend looking at commissioning assisted digital services accordingly.

Question 10: What do you consider to be the equalities impacts on individuals with protected characteristics of each of the proposed options for reform?

Our main concern is that digitising HMCTS should not exclude or disadvantage anyone, specifically people with mental health problems. Not everyone is computer literate. Some people with mental health problems will not have access to a computer or will have difficulty in travelling on public transport in order to access assistance, and some live in remote areas, where help from the voluntary sector may not be easily accessible.

Clearly the proposed assisted digital services are being put in place to prevent this exclusion – the reforms should therefore be positive in their impact, and the question is whether they will be equally effective for all concerned.

As stated above we consider that assisted digital services will be more effective for disabled people and people with mental health problems if they link with existing work within government and existing support services.

Question 11: Do you agree that we have correctly identified the range of equalities impacts, as set out in the accompanying Equalities Impact Assessments, resulting from these proposals?

Mind is part of the Disability Benefits Consortium, a national coalition of over 60 different charities and organisations committed to working towards a fair benefits system and support the concerns raised in DBC's response to this consultation.