

IFJ COVID-19 Ongoing Updates

Intermediaries and others continue to discuss the significant implications of Covid -19 and its impact on hearings/trials/tribunals. The notes are divided in to: 'Remote process', covid-19 transmission, and survey No.3 results

Remote Process

Intermediaries continue to share experiences of assessing remotely. The issue is one of significant concern to intermediaries and one shared by Key Ring and other organisations.

Intermediaries continue to raise issues for VP at remote hearings. It is often assumed that individuals can manage via phone but without visuals this method can be very challenging for those with cognitive and or communication difficulties. Remote processes may significantly increase anxiety levels for VP unfamiliar with remote access. It may also be a challenge for VP to feel able/confident to join in a discussion. A major challenge for professionals involved, particularly intermediaries, is being able to observe non-verbal communication. As remote working becomes more familiar professionals involved are becoming more aware of the complex issues involved.

An issue that has been raised several times is that some individuals involved in remote hearings dislike to see their own image on a screen. It is possible to arrange when using Zoom for participants to see others but not their own image : https://support.zoom.us/hc/en-us/articles/115001077226-Hide-or-Show-My-Video-in-My-Own-Display?mobile_site=true

The 4th version of 'The Remote Access Family Court' is now available :

<https://documentcloud.adobe.com/link/track/?uri=urn%3Aaaid%3Ascds%3AUS%3A2980f7db-6065-488c-8aa3-24174f5bcbfa>

Jack Harrison has produced an article for Transparency project which covers the decision from the President of the Family Division about remote hearings:

P (A Child: Remote Hearing) (Rev 3) [2020] EWFC 32: When is 'remote justice not justice?'
@jackharrison
transparencyproject.org.uk/p-a-child-remo...

10:44 - 23/04/2020 - Twitter Web App

The Nuffield Foundation consulting on the experiences of remote hearings (those involving being conducted by telephone, skype or other remote platforms) . IfJ will be responding on members behalf but individuals are invited to respond as well.

The Nuffield Foundation want the following information: type of hearing?, which court centre was involved?,

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what remote method was used?, what was your role?, what factors worked well?, Did you have any concerns? do you consider that this way of working was justifiable in the short term?, how could the experience be improved in dealing with the current crises, have you had any direct feedback from clients or third parties (intermediaries/interpreters/experts)as to their experience of the remote hearings? These questions relate to both Public and Private Children Act cases and finical cases and include all ranges of hearings from interim to final.

Consultation responses should be sent to consultationfjo@nuffieldfoundation.org

Or alternatively please contact the Nuffield FJO office on +44 (0)20 7323 6242

Covid-19 transmission

A question has been raised as to whether intermediaries are entitled to coronavirus testing for essential workers as outlined in the Guardian : <https://www.gov.uk/guidance/coronavirus-covid-19-getting-tested>

Intermediaries discussed whether intermediaries as a key worker (as indicated by MoJ) was the same as an essential worker (see reference in link below)and should an intermediary wish to have a test who could confirm their status.

<https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision/guidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision>

The issue continued to be unclear with an updated list reported to be from the Government

- prisons, probation, courts and tribunals staff, judiciary
- religious staff
- charities and workers delivering critical frontline services
- those responsible for the management of the deceased
- journalists and broadcasters covering coronavirus or providing public service broadcasting
- public safety and national security staff, including:
 - police and support staff
 - Ministry of Defence civilians, contractors and armed forces personnel (those critical to the delivery of critical defence and national security outputs and critical to the response to the coronavirus pandemic)
 - fire and rescue service employees (includes support staff)
 - National Crime Agency staff, those maintaining border security, prison and probation staff and other national security roles, including those overseas

However the Guardian reported that there is no requirement for proof of being an essential worker to apply for a Covid-19 test: <https://www.theguardian.com/world/2020/apr/24/no-checks-to-be-made-on-essential-worker-status-for-uk-covid-19-tests>

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Survey No.3 results.

The third IFJ survey was responded to by 48 intermediaries giving their views and experiences of working during the pandemic.

Asked what type of intermediary role they undertook: nearly fifty percent RI, just over 6 % independent intermediary and the remainder both RI and independent.

What source do you obtain your work: The majority (85.4%) from WIS, IFJ(43.8%), Triangle (2.1%), directly approached (independent) 43.3%, SALT work 2.1%.

I mainly assist: The majority 31.3 % adults with LD, 27.1% preschool and primary school children. The remainder included older adults, MH, addiction, adolescence and hearing loss.

Now that guidelines have been issues for intermediaries: 4.2% I feel safe, 16.7% felt valued, 18.8% unsafe, 41.7% felt reassured, 29.2% confused. The remainder sited a mixture of reassured to confused and concerns how easy it would be to follow.

In light of this guidance: 25% reported would not be undertaking further work, 29.1 % will be undertaking remote work, and 20.8% will only undertake essential face to face work. Other responders listed reasons why unable to work, that they were still considering working on a case by case basis.

Your view about social distancing: 52% not confident it can be maintained with a client, 52% felt it would compromise the role.

Your views about guidelines issues in relation to remote working: 25% reported guidelines clear, 64.6 % not clear.

Perceptions of your own ability to work remotely. If remote working with a vulnerable person was required: 31.3% would decline, 33.3 would feel their working practice would be compromised but would accept due to present circumstances.

Earlier in the survey you identified the main client group you work with -what are your perceptions of that client groups ability to work remotely?: 89.6 % don't feel their main client group would be able to communicate effectively using remote means, 10.4% felt confident their client group would be able to use remote means.

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Responders made additional comments that the guidelines failed in a variety of ways to acknowledge the very diverse client groups and situations intermediaries work with as well as 'client' own increased stress in the present situation.

Concerns were raised as to the lack of direct reference to working with traumatised victims. The increase use of remote means could result in an increase communication problem for all users in the justice system with a potential risk of miscarriage of justice. Remote means could accentuate inherent inequalities within the justice system. Examples were provided as to the challenges that remote means present.

Intermediaries noted the issue of following guidelines when other professionals they are working with fail to adhere to them. It was suggested that WIT could establish how urgent a case was prior to offering work to a RI.

Issues regarding newly qualified intermediaries not being eligible for self employed grants may feel pressure to continue working.

Positive comments were made as to guidelines being written and the inclusion of intermediaries working in other areas other than crown courts.