

Summary of 'all members' zoom meeting 2 / 8.4.20

1. Update re engagements with stakeholders

- Letter sent via FLBA to family courts about the Remote Access to Justice paper v2
- Letter sent to MOJ and NCA re position of RI's being asked to work without any guidance/ safety measures in place. MOJ have said they are working on it. NCA sent useful supportive responses. Sam Dine asked to speak with IFJ but has not yet done so.
- Discussion with HMCTS people responsible for moving matters online in the longer run. Explaining the issues for the people we work with. Good level of engagement
- Contact with Abilitynet.org.uk who are a charity working with vulnerable people and their access to technology. The person at ability.org believes he could run a seminar for us online helping us to understand how best to work with vulnerable people remotely. He is also going to send some resources to fj which we will share with members if they are useful. He appreciates the difficulties with this work.

2. Information gathering and joined up thinking

IFJ hopes to share approaches to working with Communicourt and Triangle at this difficult time. Naomi (Communicourt) had no new thinking to offer since last week. She is still considering what next from the company's perspective. No representatives of Triangle were present. **IFJ to write to Triangle.**

3. Survey responses. See Covid 19 summary 9.4.20-11.4.20

We acknowledge that we are learning about how to compose a good survey and IFJ thanked all members who had managed to complete survey 2. Over slightly half of participants are looking at work on a case by case basis and the other half are either prioritising safety and/or they do not consider remote working away from the vulnerable client, is an option.

4. Working at a safe social distance: we discussed whether we should be asking MOJ to specify that we are to be provided with PPE if we are working in the same room as the vulnerable person. The point was made that, even if you distance from the others in the room, the virus can be airborne and you are at risk in an enclosed space. (There is some emerging evidence to say that the virus can remain suspended in the air in very tiny water droplets - smaller than the ones coughed or sneezed - long after larger droplets have fallen to surfaces or been breathed in.) Unanimous understanding that social distancing is very difficult (impossible?) with young children.

5. Remote assessments: there was a discussion around whether there is any point in doing the RI assessment where trials are adjourned. It was said that, at times it may be necessary, say in the family courts, to assess in order to provide the evidence to the courts of a person's inability to receive adequate communication support via a telephone meeting or an online meeting. There may occasionally be people who can adapt work in this way. A request was made to clarify to NCA that it would be helpful to ask officers to check on dates before contacting us further. A member had been in touch with NCA and was told that they are doing this but the OIC's are saying that they have been told to continue s per normal in many cases and they have no option but to continue. Again, it should be for the end user to take the decision about postponing work. Many felt this should not fall to the intermediary.

6. Conducting an assessment wearing PPE equipment? May be very difficult to see facial expressions and to build rapport, for example. (a suggestion was made in the 'chat' that for younger children, this could be made out to be part of a game/dressing up). It was noted that an RI went to work as requested and she contracted the virus and had pneumonia and passed it on to family members. She is not now working. The OIC was ill also even though no one was obviously carrying the virus at that stage.

7. Testing us and others for Corona virus pre-meeting? Not practical as the test would have to be done in advance and the person may contract the virus after testing but before we meet them.(Others said we are unlikely to get tested in any event.)

8. We reflected on the **technological issues of doing a remote assessment and the assessment itself.** One member had held an online SLT session that morning and explained that she had downloaded specific online material. It was generally accepted that the online offer did not enable an RI to observe non-verbal communication, and that this is particularly difficult with those who have mental health conditions or who are anxious or traumatised. It was also said that the technology is difficult initially for most people who are not familiar with it.

9. We shared possible approaches for example a structured approach suggested by one RI in response to survey, a 4 stage assessment: (1) information gathering (including info on tech available, capabilities of VP and who may be available to assist at their end), finding out what tech will be used in court if that is known, (2) speaking to the VP on phone to check tech is in place and to introduce yourself (in criminal cases with OIC on the line too.) Then once tech is in place, (3) assess to see if they can use the tech and if they can, conduct full assessment. (4) Finally specify that a face to face assessment will need to take place if the matter does not go forward whilst the Covid 9 situation is ongoing. Questions about 'why not wait and do the whole assessment when we can move around again safely?' Because courts may be trying to obtain evidence remotely sooner (S28's, family court) and it may be important to inform the court of the VP's inability to participate in this way.

10. Concern that where one RI rejects a case which they consider to be unsafe or not suitable for remote work etc that the cases are rematched. Others felt that it is up to each individual to decide when and in what situations they wish to work. **IFJ to contact NCA to ask them to confirm court dates/urgency of the work to be carried out.** (One RI had made enquiries and NCA said they were doing this already, but many police are being told 'business as usual.' So, they must proceed with RFS.

11. Union Information_
<https://www.uvwunion.org.uk/legalsectorworkers>

We were updated about steps being taken to highlight the differences in levels of protection from the virus where there are different rules for police when working on suspect interviews and witness work. PPE equipment is required for suspect interviews whereas safe

social distancing and 'the proportionate use of PPE should be considered if a risk assessment suggests it is appropriate'. The Union is considering how best to take this forward.

The Union is also working on the Limb B argument: A limb B worker can be understood as a dependent contractor. A worker is registered as self-employed but provides a service as part of someone else's business. They generally must carry out the work personally rather than being able to send someone else in their place. Their contract is not with their own client customer but with another party via a platform. A limb B worker is afforded certain employment rights derived from EU law for example rights to restrict their working hours, writes to annual leave, protection from discrimination and equal pay. Some intermediaries worry that limb B status could affect the current flexibility that they enjoy in their current work situation. This is not actually the case. The General Secretary of the independent Workers Union has been instrumental in achieving limb B status for many workers where there is nothing either logically or legally to suggest that workers can't work flexibly in fact he says, all of the evidence suggests the opposite. The court judgments have looked at the reality of the working relationships between workers and employers including a detailed review of the amount of flexibility allowed and nonetheless concluded that the City Sprint Courier and the Uber driver were workers. In the Uber case it was acknowledged that the drivers turned the app on and off when they liked: it is hard to imagine a more flexible working arrangement, and they were still found to be workers.

Call to join the Union (£10 a month maximum) and to contribute to the ongoing discussions with possible action being taken at some stage with the support and assistance of solicitors and barristers in the Union. <https://www.uvwunion.org.uk/legalsectorworkers>

Links shared in the meeting chat or discussed

Publicity re Zoom and security issues:

<https://www.theguardian.com/technology/2020/apr/02/zoom-technology-security-coronavirus-video-conferencing>

<https://www.gov.uk/guidance/hmcts-telephone-and-video-hearings-during-coronavirus-outbreak>

<http://www.transparencyproject.org.uk/remote-justice-a-judges-perspective/>

<https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Aascds%3AUS%3A456d3412-19c0-4753-ba75-cdc18a55e03f>

<https://www.intermediaries-for-justice.org/news/ifj-covid-19-ongoing-updates>