

IFJ Summary of all members Zoom Meeting

3: Covid 19 response 23.4.20

Agenda:

How we are

Survey Review

Discussion on MOJ Guidance for intermediaries

Experiences of intermediaries (social distancing and remote work)

Working Group for multi-party remote hearing and multiparty telephone conference

AOB

1 We shared our concern about the pressure some RI's are under who are either unwell themselves or who have family members affected by Covid 19. They are in everyone's thoughts.

2 Survey Review

Review of Survey Number 3 (Please see the notes in the summary of activity in the What's App groups [Link to notes](#) .)

One very clear outcome:

Earlier in the survey you identified the main client group you work with - what are your perceptions of that client group's ability to work remotely?

48 responses



We scrolled through the main findings of the survey and it was notable that many people felt that the guidance had been helpful but that there are still some concerns that have not been addressed in it.

3 Guidance

Points raised: NPC guidance recently issued on the wearing of PPE- is it being followed by Police?

Why is there no requirement for PPE in face to face work for RI's?

The guidance needs to evolve as learning develops, as is the case with a lot of other guidance published

Limited time for the RI's (2) to contribute

Others involved NPCC, NCA, HMCTS, Triangle, and Communicourt.

Some of those asked did not consider that their points were given enough weight in the MOJ document perhaps.

Only 1 IFJ trustee consulted the day before publication with a 10 am deadline to respond so IFJ could not get meaningful input from members or trustees.

Both IFJ and the Union are likely to write further to the MOJ about the Guidance.

it is understood that one of the reasons PPE was not included is because there is insufficient PPE presently. How the view was expressed that this is not a reason for not providing that it should be used in certain situations. One RI suggested that RI's may need to provide their own PPE but currently, this is hard to source.

Another intermediary commented that the guidance should have had a version number on it and there was no indication as to who contributed. it was also agreed that the guidance should be updated and adapted in light of continuing experience on the ground. in order to enhance the confidence in the guidance, it would be useful to know who had advised in its development.

IFJ will write to the MOJ accordingly and the Union is also likely to be taking some steps raising points made by members about the Guidance.

A point was raised about getting information to all RI's where possible who are not benefiting from the discussions we are having via IFJ. IFJ to consider how best to do this.

Re P (family court case)

A member of the group helpfully raised the case of re P. This is a judgment from Sir Andrew Macfarlane, head of the family court, indicating clearly to the family court judiciary that not all cases are suitable for remote hearings and that remote hearings should only be scheduled where it will not compromise fair access to justice. This is being cited by other judges when they are making their decisions.

Article on Re P: [Family Law week summary Re P](#)

Link to case: <https://www.bailii.org/ew/cases/EWFC/HCJ/2020/32.html>

In addition, many lawyers are also contributing and saying that remote hearings are not going well in every case. People are speaking up.

ECHR Interim report

There have also been interim findings released by ECHR where IFJ and members contributed by being interviewed. This report is also saying many defendants may struggle to communicate and to have a fair hearing if they are involved remotely. A recommendation is that these defendants' communication is supported by an RI.

[EHRC summary](#) containing a link to the interim report.

[NB we have clarified that the ECHR is aware that defendants don't currently have access to RI's. ECHR website summary However the ECHR believes that they should do presently.]

4 Experiences

Some intermediaries contributed about their experiences during remote assessments.

One member had come from a remote assessment that morning and felt that it had actually gone well. Initially, they wanted to have the assessment in the person's house but the intermediary made it clear that this was not suitable. She used the checklist in the guidance and it worked really well with a police officer.

The vulnerable person wore a mask and the intermediary did not touch a thing in the police station. This particular vulnerable person was hearing impaired, elderly, and had a speech defect. (intermediary may write a brief case summary and it will be included via WhatsApp summary notes.)

5 Working Group

A discussion took place about having a working group to set up a recorded example of an online hearing. One intermediary has made a start by developing scripts and hopes to show what it is like having several people on a multi-party meeting. The hope is that this can be recorded and intermediaries could use it for assessment purposes. Another intermediary felt that we should not be giving 'expert' advice on technology. Other intermediaries felt that it is appropriate and within the role to assess whether the person can communicate remotely or not. based on an assessment and directly experiencing the abilities of the vulnerable person in question. The issues will be explored in the working group who we hope will share whatever evolves from their discussions.

Request

IFJ asked for everyone to keep posting examples of good and bad days' work. Someone asked if anyone has had a remote hearing that has gone well. No positive responses came back. A request was made of those involved with agencies/companies to share any experiences that may assist members to deliver the services required at present. [Triangle asked in writing after the meeting]. IFJ's aim is the equality of access to justice for all. It is also to provide a professional platform for intermediaries to discuss, develop, and collaborate on all aspects of their work. We welcome everyone's involvement in the meetings and hope that everyone will continue to work towards equal access to justice by pooling experiences and information.

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