



# Number 24

IfJ COVID-19 Updates.

24/05/20-30/06/20

These notes are a summary of information shared with IfJ and organisations involved in the justice system and those working with users of the system. In sharing these comments and providing links to resources, IfJ provides this material but does not accept responsibility for its content which may not represent the opinions of IfJ.

## IfJ news

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The regular Zoom meeting for IfJ members on 30/06/20, which began at the start of the pandemic continues, providing an opportunity to discuss current issues, experiences and to gain support during ongoing and evolving situation. -Notes on the meeting will be on the web site.

IfJ survey number 5 has been responded to by 51 intermediaries – for summary of results see below

Sadly, we have said goodbye to Sharon Richardson who has been IfJ long serving secretary and person who did so much behind the scenes work to keep IfJ going and developing. And to Anne Marie Fallon trustee, who undertook the vital role of membership secretary as well as organising many successful events. We are very pleased that both are going to continue being members. IfJ is delighted to welcome intermediary and new trustee Francesca Castellano who has taken up the position of IfJ secretary.

Further good news is that two new trustees have been appointed Giuditta Meneghetti and Paul Redfern. Both have extensive experience working with the vulnerable in a variety of different settings as well as having been trustees for other charities. And by not being intermediaries they both bring a refreshing and new perspective to IfJ.

The Update notes are divided in to: Intermediary Discussion, Remote Process, Covid-19 Transmission, Other, Resources, Gov.UK Updates, Other , IfJ Survey 5 .

## Intermediary Discussions

*Intermediary Reports recommending no intermediary:* A question was raised by a barrister if there was any reporting system for the number of reports written by intermediaries recommending that no intermediary is required. Communicourt apparently records this information and it was

suggested that 27% of their reports recommend no intermediary (this has not been checked). It was noted that these reports are generally kept by solicitors and are not seen by judges. Importantly these figures consist of those who do not require an intermediary as well as those who are too low functioning to benefit.

It was also suggested that it would be of interest to know the numbers of time an intermediary is recommended; how many are opposed, and numbers turned down by a judge. Visiting Communicourt website was recommended as a useful resource on remote hearings.

*Attendance at PTH:* Intermediary requested to attend by skype phone link all other attendee's on video link. The intermediary was not included in any discussion not included when deciding date for trial.

*Use of hearing loop in court:* Advice has been sought with regards to an issue of how to communicate contemporaneously with a VP who needs to use a hearing loop whilst attending a hearing and who also has visual difficulties.

*Intermediary experience of working with a volatile VP:* An intermediary has described the difficulties and the need to assess risks of working with a vulnerable defendant who due to his verbally aggressive behaviours and language could not be present in court but attending in a room outside of the court room. There was a successful outcome, a security guard was posted outside of the room should the recommendations made not be effective.

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*Trials without intermediaries:* This BBC article <https://www.bbc.co.uk/news/uk-england-london-53177998> reporting on the trial of Jonty Bravery (teenager who throw a young boy over the balcony at Tate Modern produced the following comment :that Jonty Bravery did not have an intermediary for the trial and raising the question as to why he did not have an intermediary, how an intermediary may have helped and how can the role of the intermediary be made more apparent to a wider audience. One response was for intermediaries to engage in writing articles for publication on their role . another was to approach court reporters and ask them if they needed further information on the role of the intermediary. It was noted that even in cases where an intermediary has been appointed the fact is often not mentioned. IfJ has also drawn media attention to the fact that there was an intermediary involved in a particular case whilst retaining the anonymity of the intermediary. You can always drop ifj an email on admin@ or call one of the trustees if you are involved in one of these cases and we can think about how to promote this fact which otherwise goes unnoticed.

*Advice on obtaining photos of counsel to assist a child:* How do you obtain photographs of counsel to share with a child, does this raise privacy issues for court personnel, is it an issue that should be raised at the GRH. Some intermediaries obtain photographs from counsels' websites

Advise on young child giving evidence who did not do an ABE interview: A young child failed to be able to commence an ABE interview, but her elder sister did do so. The CPS advised that both children would be suitable to be considered for pre-recorded cross examination. Raising the question should the intermediary comment on the failed ABE interview. It was noted that procedural guidance states 5) 'The RI must not enter into discussion, give advice, or express opinions concerning the evidence that the witness is to present or any aspect of the case.'

## Remote Process

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## COURTS AND TRIBUNALS JUDICIARY

The Remote Access Family Court Mr Justice MacDonald

Version 5 is now available :

[www.judiciary.uk](http://www.judiciary.uk) › [wp-content](#) › [uploads](#) › 2020/04

## Covid-19 Transmission

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As the UK slowly recovers from the pandemic and emerges from the lockdown, it is crucial that the true impact of COVID-19 on the criminal justice system is better understood, so that appropriate measures can be taken to address the remaining challenges and the longer-term impact of the crisis.

<https://www.fairtrials.org/publication/justice-under-lockdown>

## Other

Seminar June 30<sup>th</sup> -Lay participation in criminal proceedings

<http://www.lse.ac.uk/law/events/lay-participation-in-criminal-trials/lay-participation-in-criminal-proceedings-seminar-2>

Family courts: 'Major overhaul' aims to protect domestic abuse victims  
<https://www.bbc.com/news/uk-53173266>

## Resources

This link might be helpful to anyone delivering training or otherwise needing breakout rooms on MS Teams

<https://www.youtube.com/watch?v=9sTYulamtPM&app=desktop>

## Gov.UK guidance

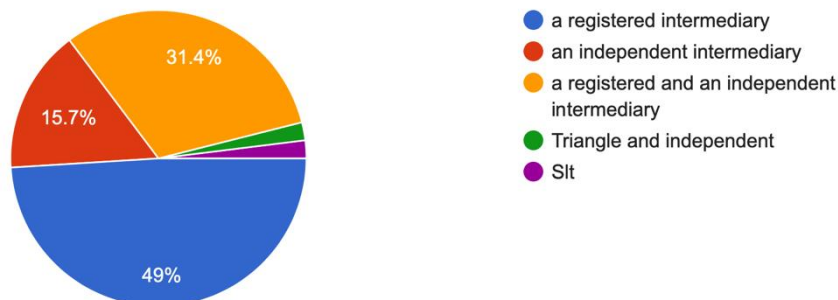
Guidance HMCTS telephone and video hearings during coronavirus outbreak  
<https://www.gov.uk/guidance/hmcts-telephone-and-video-hearings-during-coronavirus-outbreak>

Guidance HMCTS weekly operational summary on courts and tribunals during coronavirus (COVID-19) outbreak  
<https://www.gov.uk/guidance/hmcts-weekly-operational-summary-on-courts-and-tribunals-during-coronavirus-covid-19-outbreak>

## IfJ Survey Results-Summary

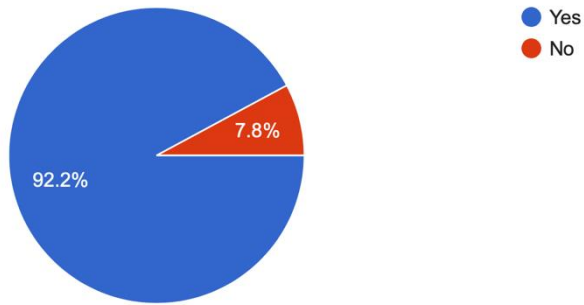
IfJ has now completed its fifth survey and is very pleased that Samantha Dine agreed to post it on RIO resulting in 7.8% response from non-IfJ members which we very much welcome. There was a total of 51 responses, the majority being RI's but representation from intermediaries from all areas of work. The graphs show Q3-6 where intermediaries receive referrals from and the nature of vulnerabilities they work with. Q7 shows that the majority of those who responded are working as intermediaries with approximately twenty percent not committed to work or not taking work.

1 | work as....  
51 responses



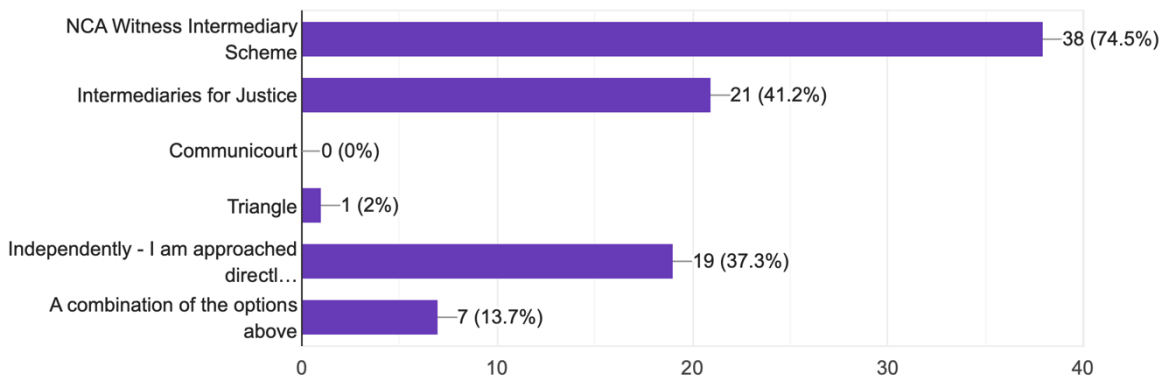
### 2 Are you a member of IFJ?

51 responses



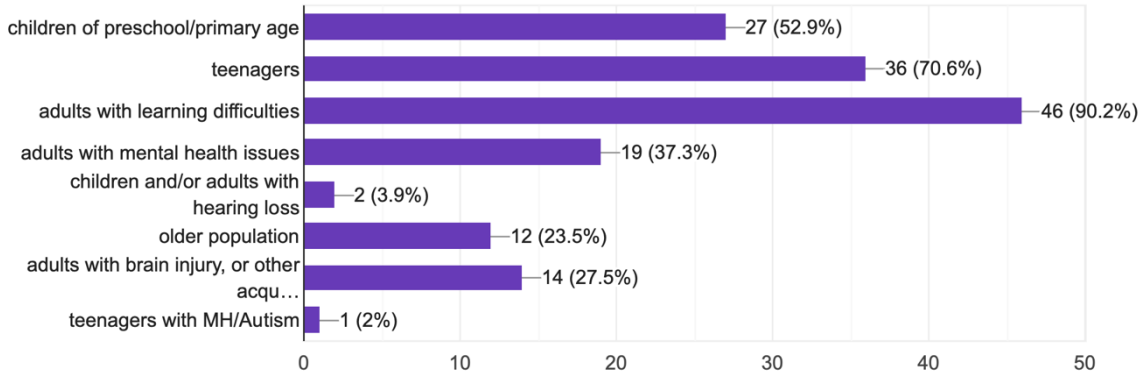
### 3 From which source(s) do you obtain work?

51 responses



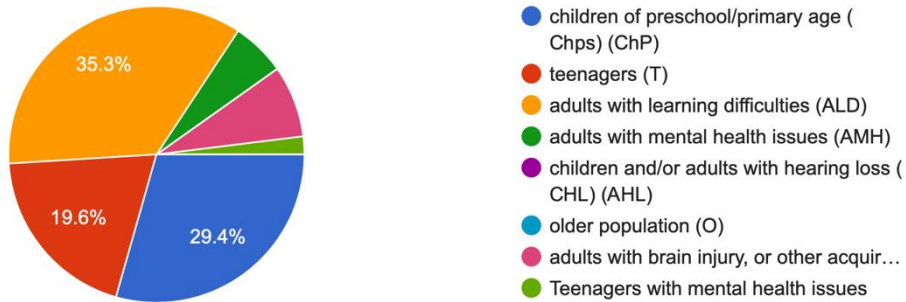
4 | assist

51 responses



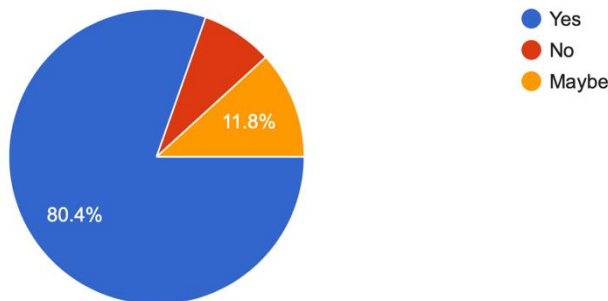
5 | mainly assist (choose one)

51 responses



6 Are you currently providing intermediary services (or are you willing to do so?)

51 responses

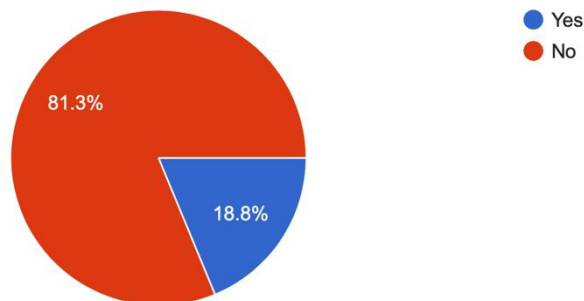


7 Please describe how work has been in terms of assessments you have undertaken.

46 responses indicating intermediaries are being offered less work than pre-pandemic, the majority being remote assessments, some having booked worked cancelled, when face to face using social distancing where possible and use of hand hygiene and cleaning surfaces. Several responded that adherence to guidelines vary considerable between police officers. one responder has attended remote evidence giving by a witness from their home.

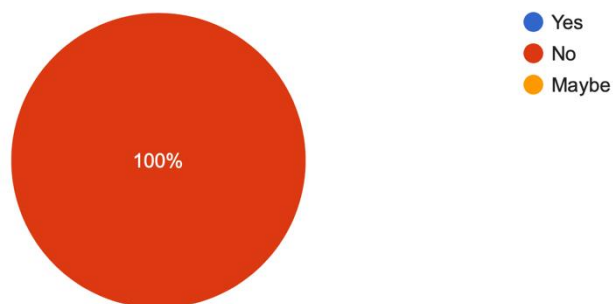
8 If you are working, have you had used the testing service offered by the NHS?

48 responses



9 Have you been contacted by the tracing team?

49 responses



10 If yes, what was the outcome?

3 responses all N/A

11 Please describe how work has been in terms of assessments you have undertaken.

Many intermediaries have undertaken remote assessments and generally significant reduction in referrals. Standard of applications of guidelines including social distance very variable. Intermediary needing to take lead on cleaning and one noted that there was poor hygiene practice in one interview suite. One responder noted that PPE available but not used and having to work in small spaces with three to four people present. Relaxed attitude by PO to make contact with witness to check if they are well

12 In your view was this a satisfactory way of working for the vulnerable person?

45 responses



13 Was this a satisfactory way of working for you (in terms of safety/professional integrity etc?)

46 responses

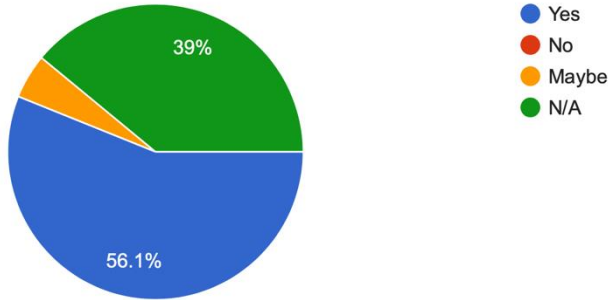


14 Please describe how ABE interviews have taken place  
 34 responses, many responded they have not yet undertaken an ABE interview. Issues mentioned were variation in standards of hygiene, room size varying even when large rooms requested, social distancing not being observed often because a child involved, other occasions PO did not seem concerned about doing it,



15 In your view, did it work well for the vulnerable person?

41 responses



16 Was this a satisfactory way of working for you (in terms of safety/professional integrity etc?)

40 responses

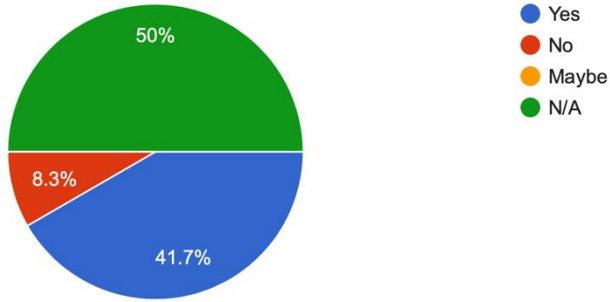


17 How about in court? Please describe which court you were in (Criminal/Family/Other), what you did and what you saw, both good and bad.

34 responses Relatively few have attended court as trials postponed. Those who have reported good adherence to guidelines and court responding positively to accommodate witnesses need i.e. Giving evidence remotely from home. One intermediary seeking advice on particularly vulnerable witness frustrated by failure to get a response and guidance.

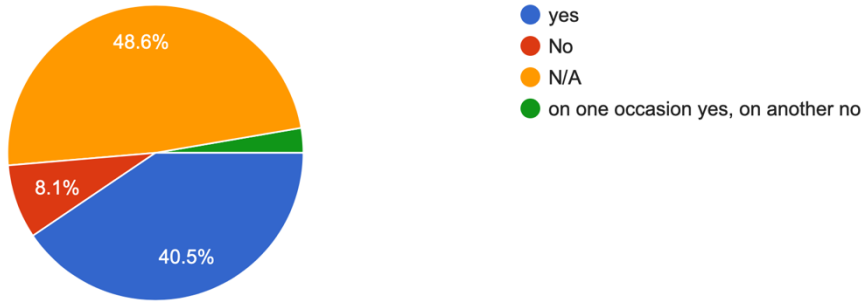
18 Was it a good piece of work from your perspective?

36 responses



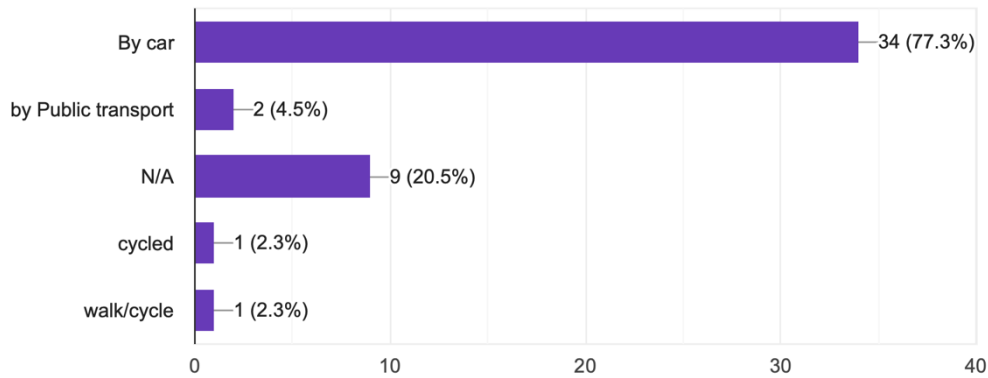
19 Was it effective for the vulnerable person?

37 responses



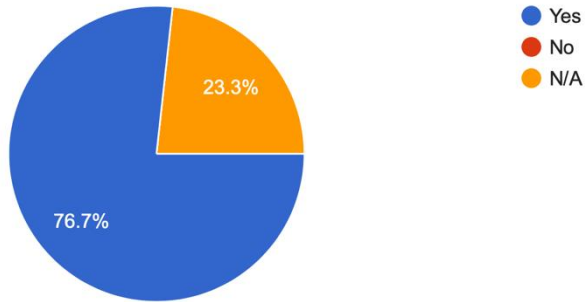
20 How did you travel to work?

44 responses



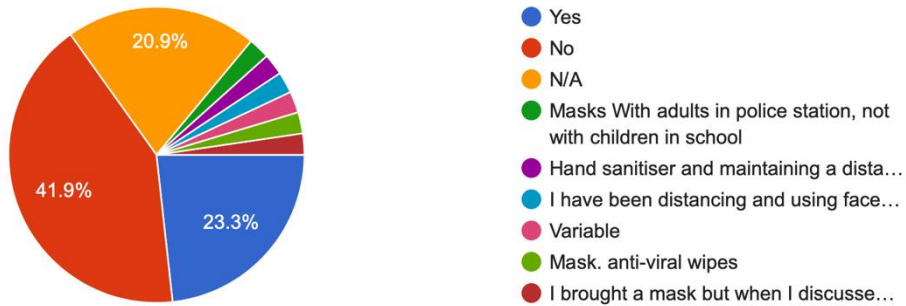
21 Did the mode of transport feel safe?

43 responses



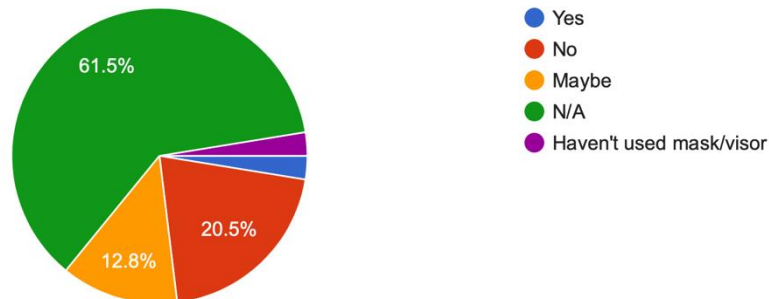
22 When working other than remotely, did you use PPE? (Masks,gloves, visor?)

43 responses



23 Did PPE impede your work?

39 responses



24 If yes, why?

6 responses

'When face coverings have to be worn it impedes the flow of natural communication i.e. facial expression, intelligibility and volume. It severely affects witnesses with hearing loss.'

25 Do you have any information such as assessment materials or ABE/court resources which worked well, and which may help us all to work in these times? If yes, can you share your thoughts here, please? (or email separately to nicolalewisifj@gmail.com if easier)

Examples given laminated materials, generally using fewer items being used, asking family to provide toys etc.

*'Using VW's phone as an external keyboard linked to a word document (very large font) on RI's laptop which was on view to VW, IO and RI. IO read aloud verbatim what VW typed and clarified where necessary.'*

26 If you have not taken any of this work but would like to comment generally on the questions in this section, please do so here

7 responses

Intermediaries commented on the mixed messages received, and the apparent lack of clarity compared to other non-justice work organisations. Disquiet by failure to address the use of PPE which reflecting a lack of understanding of the role of the intermediary that requires at times, close face to face contact. One responder felt unable to risk working and potentially passing infection onto her family.

An intermediary example indicated how much is having to be learnt in the current situation

*'In retrospect I wish I had asked how evidence would be shown to the witness and to have asked for 2 copies as social distancing made it hard for both the witness and officer to see it jointly when they needed to'*

'27 Any other thoughts you'd like to share?

Intermediaries shared a wide range of thoughts : I feeling although worried there was a need to work due to serious nature of cases, and to reduce significant and worrying backlog of cases, all involved need to accept that the Covid outbreak is a long term issue and that there is a need for insistence on all reasonable measures being taken, important to involve VP in decisions as to what , how and when things take place so that informed decisions can be taken, need for more specific guidance on use of PPE, positive feedback from working remotely and thanks to IfJ for support and advice being made available during the pandemic .