



Number 26

IFJ Updates.

08/07/20-15/07/20

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

IfJ invites members to a free workshop on Saturday 18th July at 11am to 1pm on the topic of:

Intermediary practice since Covid 19: the technology and how to use it to best effect in our working practices

If you would like to join us please respond to this email by completing this short form, [click here](#).

Intermediary Discussions

Coronavirus asymptomatic testing becoming available: People in "high-contact" professions, such as taxi drivers, pharmacists and cleaners will be tested for coronavirus even if they don't have symptoms, as part of a pilot in England.

<https://www.bbc.co.uk/news/amp/health-53347303>. Raised the question does this apply to intermediaries and if so how?

Children under a set age being offered access to registered intermediaries: From the Victim Commissioners report (page 6), unclear in the report what the 'set' age is considered to be. Some intermediaries expressing the opinion that a set age was not a positive move and a 'step backwards'. It was felt by making an arbitrary age there would be a risk of not treating children as

individuals and those in need could be missed. Others expressed disappointment that other vulnerable categories – adults with LD and autism for example were not mentioned.

Making an official response from IfJ was suggested and a request for a member to take this forward. (if you are interested please message me on WhatsApp).

MoJ cleaners to receive full sick pay: Cleaners to get full sick pay back dated to start of pandemic, this has been a result of a campaign by the union International United Voices of Workers (Uvw). It was noted that this campaign started due to the death of MoJ cleaner Emanuel Gomes, who could not afford to stop working when he was sick.

https://www.theguardian.com/global-development/2020/jul/08/moj-cleaners-to-get-full-sick-pay-backdated-to-start-of-covid-19-pandemic?CMP=Share_iOSApp_Other

Union membership availability to intermediaries: Some intermediaries have joined Uvw under the section Legal Section Workers. Issues of to what extent intermediaries have any workers rights being self-employed professionals (in particular in the time of a pandemic and with the potential of being exposed to transmission whilst at work) such as sickness pay responses indicated that intermediaries do feel vulnerable at this particular time

The union has been seeking advice on Limb B status see

<https://www.thersa.org/globalassets/images/infographics/rsa-qig-economy-chart.pdf>, the union having sought advice feels there is a case to be answered on this question.

More information on the union see <https://www.uvwunion.org.uk/legalsectorworkers>

A question was raised regarding Uvw as to whether it was recognised as a union by the NHS?

Victims Commission Letter to Justice Minister :

[VC-letter-to-Justice-Secretary-Dec-2019.pdf](#)

Different courts responses to coronavirus risks: Intermediaries have noted different courts requirements on entering a court vary considerably. An intermediary reported having to completely empty bag and remove jacket resulting in long delays to enter court.

Youth Justice Courts What are they like? An intermediary with an opportunity to work in the YJC has asked for advice on how these courts differ from working with adults in a crown court. The following points were made:

Less formal, all on same level, no jury, intermediaries able to sit next to defendant, no dock, YJC not always aware of role of intermediary, proceeded over by a district judge or magistrates, relatively few custodial sentences, can be chaotic. During Covid-19 outbreak SD required and fewer magistrates present.

Use of an Interpreter in the Family Court; a question was asked as to should interpreters be given advice on the manner that they should interpret prior to or during a GRH? And is it acceptable for both parties involved to share the same interpreter?

Responses to the questions advised the following:

It is variable as to whether or when a GRH takes place in the FCs.

In criminal courts practice often involves the legal team meeting with the interpreter to discuss matters.



Practice and quality of interpreters can be very variable due to having a different interpreter each day.

Involvement and consent of VP with regards how the interpreter is used.

Issue may need to be raised for consideration at GRH particularly if concerns occur as to approach of an interpreter.

Funding court communication assessment in a private law case? What is the process? Is it HMCTS or legal aid? An example was given in which the judge asked to see evidence that the individual was unable to finance it themselves.

Remote Process

On- line training 15th 13.00 -14.00 hrs

Audio and video technology has long played a part in our justice system, and has become crucial to maintaining justice during the coronavirus pandemic.

In this webinar, we will discuss how we have swiftly expanded our use of technology so that we can hold more video and audio hearings across all jurisdictions, subject to judicial discretion. We will also cover forthcoming plans for the use of new technology. The panel will show a demonstration of how it works and offer an opportunity for you to ask any questions. <https://www.eventbrite.co.uk/e/use-of-remote-hearings-to-maintain-justice-during-the-coronavirus-outbreak-registration-109784707014>

Covid-19 Transmission

<https://insidehmcts.blog.gov.uk/2020/07/09/recovery-in-the-crown-court/>: This blog is going to focus on the Crown Court – which is where we have some of our most significant challenges, because of the difficulty of doing jury trials with social distancing; there'll be future blogs on other parts of the system, and some of what I say below applies more widely.

Extended court hours, Blackstone courts and 1-metre social distancing will still not be enough to get the Crown court backlog to pre-pandemic levels, the chief executive of HM Courts & Tribunals Service has admitted. <https://www.lawgazette.co.uk/news/hmcts-chief-justifies-extended-court-hours-to-clear-backlog/5104961.article>

Other



Rape has effectively been decriminalised as a result of a collapse in prosecutions that has allowed many offenders to escape justice, according to the victims' commissioner for England and Wales. In her first annual report since taking up the role, Dame Vera Baird QC says there has been a "catastrophic" decline in rape prosecutions, with no measures put in place to reverse it. Endorsing criticisms raised by campaigners against sexual violence, Baird writes: "In effect, what we are witnessing is the decriminalisation of rape. In doing so, we are failing to give justice to thousands of complainants. <https://www.theguardian.com/society/2020/jul/14/we-are-facing-the-decriminalisation-of-warns-victims-commissioner>

Gov.UK guidance

<https://www.gov.uk/guidance/coronavirus-covid-19-courts-and-tribunals-planning-and-preparation>

<https://www.gov.uk/guidance/online-court-and-tribunal-services-for-professional-users-and-the-public>