

IFJ COVID-19 Ongoing Updates

31/03/20-02/04/20

Over the last few days a great many professional organisations have been producing their own guidance for practitioners. The terms 'urgent and essential' are used which prompted comments on who defines these terms. An interesting point was raised that perhaps a reason the MoJ has not specifically given intermediaries guidance for practice is that we are self-employed. MoJ providing guidance could be argued to undermine RI's self-employment status.

There are still many significant issues of safety being raised from members one in particular working with an OIC was advised a police risk assessment had been undertaken via a phone call but in reality the those involved were expected to work in a room that did not facilitate being 2 meters distance from one another. Fortunately, the intermediary asked what size was the room before the meeting took place. Another very important aspect of undertaking risk assessment prior to meetings concerns residential care facilities. It is not possible to ascertain if all those in contact with the VP have not been in contact with another person who may have Covid-19. It would be highly likely that members of staff or patients in these settings are asymptotically (as yet they do not know they have the infection) infected.

Intermediaries noted that guidance for crown court judges is recommending no sharing of equipment and or papers, and that this would seem to be in conflict with RI's continuing to undertake their normal work.

A reminder was given during discussions that intermediaries need to feel that practice proposed is safe and that they face minimal risks but it was also noted that any face to face practice (How ever safely undertaken) could be described as being in conflict with government guidance 'to stay home'.

Increasing amount of attention in discussions is now focusing on 'virtual' assessments and attendance at court/hearings. The issue as to whether 'virtual' assessment will be considered as valid as a face to face one. A significant issue being raised is how would an intermediary communicate to the defendant during hearing/trial without interrupting the proceedings and or others being privy to their discussion. Similarly, an intermediary would not be able to ask a witness a question. Alternative suggestions were made as to using written notes, mobile phone messaging -but such methods are likely to be distracting for some VP. An alternative would be to request regular breaks and use the time to discuss issues with VP. Use of technology with a 'back channel' or the 'interpreters feature' would also require a VP to be competent in managing such means of communication.

It was noted that MoJ has stated it is the responsibility of a judge or magistrate to how best to uphold the interests of justice which would incorporate what type of technology was to be used.

Important points raised have concerned what the experience of those using the system are- do they feel heard? And do they understand? Is it a satisfactory way for significant questions to be answered?

The question of whether reports written for criminal courts could be utilised by family courts was raised, a subject that has been asked not infrequently on RIO. The question has been answered on RIO previously with a firm no.

On-line assessment was a major topic of discussion (and no doubt will continue to be so) The important point being made that the first question is can the VP engage meaningfully in this approach. It is important that those practicing now note and share their experiences in this fast-developing area of practice. An intermediary has reported that they are receiving requests as to the viability of practicing remotely. A significant issue is how to practice self-isolating with a client who may not be capable of operating technology independently.
