

IFJ COVID-19 Ongoing Updates

02/04/20-03/04/20

A great deal of conversation about new working practices has been taking place in the last 24 hours.

Intermediaries are now been asked to consider whether VP's are suitable candidates to undertake virtual hearing/court appearances. The issue as to whether it would be in a VP's best interest (assuming they could cope), should recommendations be for the intermediary and VP to be in the same room? How will an intermediary be able to monitor a VP in a different location?

Intermediaries are now being approached to undertake remote cases in the family courts and other hearings. Before an intermediary can agree to undertake a remote hearing, they will need to undertake an assessment with this process in mind. (the assessment being carried out in line with guidance) .

The issues of remote locations have become considerably more complex currently because it is not just the VP and intermediary who are in a remote location, but many other professionals will be involved using technology rather than being present in person.

A custody protocol has been released (available on IfJ website) which has implication for intermediary practice. It was reported that yesterday an Advocates Gateway (TAG) meeting has taken place with the aim of writing a remote practice toolkit. The TAG will be wanting to consult a wide range of professionals involved in the CJS to input in the production of the new toolkit.

Dilemma's arise if a VP expresses that they cannot manage or cope with technology due to emotional difficulties, but these difficulties cannot easily be assessed unless a face to face interview takes place .. An intermediary can make observation but only the judge can decide if a hearing/trial is adjourned until a later date.

It has been reported that Family Courts have stated Zoom is not to be used at hearings. M oJ has been working for some time to establish remote working and that SEND tribunals commenced remote hearings pre Covid-19.

Many intermediaries have expressed concern that a move towards remote hearings will undermine effective participating for many VP's. It raises issue of compromising quality of communication and evidence. others raised the potential impact of increased stress of taking part in remote hearings on VP's mental health. Others sited that there established ways of assessment would be impossible remotely and the dynamic nature of the assessment process will also be undermined. Several intermediaries have expressed the view that remote working should be limited to the time of the pandemic.

Several intermediaries noted that they had become infected with the virus and some have been exposed to others during their work who have developed the illness.