



Guidance for intermediaries during the Covid-19 pandemic

This guidance has been prepared for the use of all intermediaries working in the justice system, and covers all the areas in which intermediaries currently work, in line with the general principles on social distancing and shielding of high risk individuals.

1. General guidelines

[Government guidance](#) for the general public includes the following principles:

- Follow [social distancing guidance](#) and, where possible, keep a 2 metre distance from others and avoid contact with anyone displaying symptoms of Coronavirus. These symptoms include:
 - a high temperature; and/or
 - a new and continuous cough.
- Please see section 3 below for instructions about how to check that you are not exposed to unnecessary risk in the course of your work, and what to do if you develop symptoms yourself.
- If you are at [very high risk](#) of severe illness from Covid-19 you must be particularly stringent in following social distancing measures to shield yourself from Coronavirus.
- If you fall into this category, or who have members of your household that do, you are strongly advised to stay at home. You should avoid any face-to-face contact outside of your immediate household for at least 12 weeks from the day you receive a letter from the government.
- If you are self-employed you should be eligible for the [measures](#) that the government has put in place to provide financial support to self-employed individuals. If you are employed you should liaise with your employer about what general and financial support they are able to provide.
- [Avoid non-essential use of public transport.](#)
- You should travel by car if possible and only use public transport if there is no other alternative. You should also avoid travelling excessive distances. You should focus work on your home area and ensure that you can travel to and from appointments within the same day.

Handwashing and respiratory hygiene:

- Wash your hands with soap and water for at least 20 seconds or use a hand sanitiser when you get home or arrive at work, as well as if you sneeze, cough, eat or handle food.
- Avoid touching your eyes, nose and mouth with unwashed hands.
- Avoid close contact with people who have symptoms
- If the vulnerable individual that you are assisting has symptoms, then the assessment, interview or hearing should be postponed. If you are concerned on the day of the assessment, interview or hearing that an individual is displaying symptoms not previously reported then you should raise this with the organisation or individual that commissioned your services. If you remain concerned then you should contact the organisation who made the referral (e.g. the NCA, CPS or your employer).
- Cover any coughs or sneezes with a tissue, then throw the tissue in a bin and wash your hands.
- Clean and disinfect frequently touched objects and surfaces. This includes communication aids.

2. Key worker status of intermediaries

The [list of key workers](#) includes those essential to the running of the justice system. Guidance was circulated to intermediaries by the Ministry of Justice on 23 March, setting out key workers within the justice system. Whilst not directly named, this guidance includes intermediaries where they are needed to work on imminent or ongoing court or tribunal hearings, as well as for the police.

3. When considering a referral

As well as the usual considerations that you undertake before accepting a referral you should speak to your key contact at the referring organisation about the measures that they have in place to prevent the transfer of Covid-19 (guidance is available from the NPCC and on the [CPS](#) and [HMCTS](#) websites). Ask them if there are specific issues that they are aware of that could affect the ability of the vulnerable individual to understand or comply with safety measures.

You should also arrange to speak with your key contact immediately prior to any meeting to ensure that checks have been made to ensure that no party, or member of the households of the parties involved, have Covid-19 symptoms such as a high temperature and new persistent cough.

In the event that a party, or member of their household, develops symptoms:

- (i) If the vulnerable party or a member of their household has symptoms or needs to be shielded due to risk of severe illness, the assessment/interview/hearing should be postponed. Normal cancellation fees apply.
- (ii) If you or a member of your household, have developed symptoms you should follow [self-isolation guidance](#) and immediately inform the NCA (RIs), your employer (intermediaries working for a private provider) or the organisation that made the

booking (free-lance intermediaries). Where possible, another intermediary should take the case. Cancellation fees do not apply in these circumstances.

- (iii) If the officer in charge, or a member of their household, has developed symptoms the police are responsible for informing you at the earliest opportunity and advising whether cover can be provided by another officer or whether it is necessary to postpone. Normal cancellation fees apply.
- (iv) For court hearings the end-user will be responsible for determining the way forward if the vulnerable party or their counsel (where relevant), or a member of their household displays symptoms. They will inform the intermediary at the earliest opportunity and normal cancellation fees apply.

It is the responsibility of the person commissioning the services of an intermediary to identify the need for an intermediary, the urgency, timescale and venue in which work should be carried out.

It is your responsibility to identify if you can safely assess the vulnerable person and facilitate best evidence and/or communication in a way that enables meaningful participation in the proceedings in line with the needs of the person requesting the service.

If you are unable to meet the needs of the individual requesting their service and those of the vulnerable individual then you should inform the end-user/NCA/employer as soon as possible and provide your reasons.

4. Preparing for assessment

You should contact relevant professionals (e.g. medical or support workers) entirely by phone or email rather than via face to face visits. This preparation may also include enquiring about the vulnerable person's ability to use technology, their access to hardware and the type of media/software they are familiar with. The directions in section 3 should be followed.

During the pandemic assessments should not take place in a person's home unless there are exceptional circumstances.

Before doing the assessment, you should undertake careful planning with the person commissioning your service, ensuring that a risk assessment has taken place and discussing the details of this.

You are responsible for considering the potential risks prior to an assessment taking place (see **Annex A** for a checklist), and exploring what necessary adjustments can be made to the assessment process, and assessment materials, and discuss these with the person that has requested your services.

Your risk assessment should cover:

- (i) Social distancing during the assessment;
- (ii) Type of assessment and whether this can be conducted face to face or remotely;

- (iii) The third party that will be present for transparency during the assessment;
- (iv) The ability of the vulnerable person to understand and comply with protective measures.
- (v) Any other factors relevant to the specific circumstances.

5. Assessment

National police guidance does not recommend the use of remote technology for interviewing victims and witnesses during the Covid-19 pandemic because there has been no independent assessment of the integrity of the software programmes currently available for this purpose. There are, however, important differences between intermediary assessments and interviews in terms of their intended content and the use to which any recording is to be put. For this reason, where a police force is satisfied about the integrity of any given software, its use can be considered if the witness' circumstances are such that a remote assessment is appropriate. Where a remote assessment is proposed you should, therefore, ask the person who commissioned you to discuss their organisation's position on which technology should be used.

In determining whether it is appropriate to conduct an assessment remotely, the following points should be considered:

- The welfare needs of the victim, witness or defendant in terms of:
 - their current health;
 - the support immediately available to them during the assessment (regardless of the fact that the assessment is not intended to refer to the matter under investigation/due for trial, people will sometimes get distressed and need support during the assessment).
- The need to build rapport (psychological research suggests that rapport is central to the management of trauma, opportunities for building rapport may be limited over a remote link);
- Based on what is known about the victim/witness/defendant before the assessment, the practicality of conducting it remotely in terms of:
 - Their ability to settle in front of a camera;
 - Their ability to make sense of being spoken to by a visual image on a computer monitor;
 - Whether the use of augmentative/ alternative forms of communication (sign and symbol use) might be compromised over a remote link;
 - Whether the use of props (drawings, artists mannequin dolls etc.) is necessary and the extent to which their use might be compromised over a remote link.

Where an assessment is conducted over a remote link a supporter should always be available at the premises (either in the room or nearby) in which the victim/witness/participant/defendant is located.

If an assessment is to be conducted face to face you should allow additional time at the beginning of the assessment to explain protective measures to the vulnerable individual and to ensure that they have sufficient understanding to abide by these. It may help to have prepared aids to assist with keeping two metres apart, such as a white board or chalk board.

Community toys should not be used.

You will need to ensure that the responsible third party can be engaged in a remote solution to ensure transparency.

Where a face to face assessment is the only option social distancing should be maintained.

6. Achieving Best Evidence interview

Police have been advised that interviews with victims and witnesses can be delayed wherever possible during the Covid-19 pandemic.

Prior to the ABE interview you should assist the officer in charge with the careful planning and structure of the interview. This includes identifying the key issues as well as ways to facilitate communication during the interview, which will be as short and to the point as possible. This planning is best carried out over the phone and should include confirmation of protective measures.

On the morning of the interview/afternoon before if the interview is first thing, the officer in charge should make contact to confirm that all parties involved are able to attend and not required to self-isolate for any reason.

You should arrive slightly earlier than the interview time and familiarise yourself with the layout of the interview suite. If the interview is scheduled for 9am you should check with the officer in charge that the room will be accessible. Attention should be given to maintaining at least a 2-metre distance, hand washing and that tables have been wiped down prior to the interview.

Where you may not be visible on camera during the video interview due to the need for appropriate distancing then this should be discussed with the officer in charge and covered in the introduction.

You should discuss the use of communication aids and will be responsible for the safe use and cleansing/disposal of these.

7. Report for the court

Reports should contain an assessment of how well the vulnerable individual is likely to cope with measures to prevent transmission of Covid-19 and, where possible, recommendations to overcome any difficulties identified. You should expand on any adjustments that have been made to accommodate protective measures and the impact that these may have on the ability of the vulnerable individual to communicate. If the individual is unlikely to be able to communicate due to the restrictions currently in place, then you should advise accordingly and invite the end-user to consider whether it is advisable to postpone the hearing.

8. Pre-trial visit

The Witness Service [has temporarily ceased](#) to provide in-court support for victims, witnesses and bereaved family members from Monday 23 March 2020. Pre-court visits are no longer taking place but the witness services can still provide support over the telephone.

Intermediaries can use a range of visual materials, such as personalised story boards or online resources such as www.youandco.org.uk to familiarise the vulnerable person with the court environment.

9. Hearings and trials

Some intermediaries are participating in [remote hearings](#), particularly those who work in the family courts. HMCTS have published a [list](#) of those courts which are open during the Covid-19 outbreak.

Different technology solutions for remote hearings are emerging in different parts of the country. It is your responsibility to identify what is being used. The vulnerable person's communication needs will determine the effectiveness and use of technology, which will vary from person to person and hearing to hearing.

It is essential that a Ground Rules Hearing occurs at the start of every hearing and even more so when the hearing is remote. You should give enough time so that the rules around effective communication involving technology involving that person can be discussed at the start of each hearing.

10. Restoration of normal service

Changes to this guidance as the restrictions in place due to Covid-19 are lifted will be communicated via email to all parties. If you have not been receiving daily updates from the Ministry of Justice then please contact registered.interme@justice.gov.uk so that you can be added to our circulation list.

Annex A Related Guidance

Gov.uk advice

<https://www.gov.uk/coronavirus>

Travel and transport advice

<https://www.gov.uk/guidance/coronavirus-covid-19-uk-transport-and-travel-advice>

List of key workers

<https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision/guidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision>

HMCTS Coronavirus (COVID-19): courts and tribunals planning and preparation

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

HMCTS Daily Operational Summary

<https://www.gov.uk/guidance/hmcts-daily-operational-summary-on-courts-and-tribunals-during-coronavirus-covid-19-outbreak>

Keeping court and tribunal buildings safe, secure and clean

<https://www.gov.uk/guidance/keeping-court-and-tribunal-buildings-safe-secure-and-clean>

HMCTS telephone and video hearings during coronavirus outbreak

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

CPS Coronavirus-related updates

<https://www.cps.gov.uk/coronavirus-related-updates>

Joint CPS and NPCC custody protocol

<https://www.lccsa.org.uk/wp-content/uploads/2020/04/KH-2020.04.02-Joint-CPS-and-NPCC-letter-Custody-Protocol-Covid-19-response.pdf>

NPCC guidance on interviews

<http://www.regint-online.co.uk/forums/attachment.php?aid=667>

Annex B Risk assessment checklist

Risk Checklist during Covid-19 Pandemic		
Key areas	Additional consideration	
Type of work	Assessment, ABE, Ground Rules Hearing, court, hearing, S28, solicitors	
	Urgency of intervention	
	Timescale	
	Duration of intervention	
	Others involved	
	Knowledge and experience	
Location	Travel to location	
Environment	Persons Home or statutory location	
	Size of room - Can Social distancing be achieved (2 metres)	
	Ventilation in room	
	Cleanliness of surfaces, have I got surface wipes if required	
Personal safety	Good practice: Handwashing, hand gel, gloves, plastic envelopes etc	
	Is anyone involved unwell eg. high temperature or cough.	
Group safety	Can I achieve Social distancing	
	Is everyone well before we start	
Planning	Can phone planning take place	
	Possible length of intervention	
	Is Ground Rules Hearing scheduled can this take place remotely	
During intervention - Use of visual aids	Is there a risk of infection being spread by touching the visuals	
	Can they be cleaned after use	
	What is the method of disposal if not able to clean	
Use of remote technology	Social distancing	
	Experience of the technology	
Leaving the room	Clean surfaces, wash hands	
	Social distancing	

Annex C Tips for staying safe

Cleaning in non-healthcare settings

Guidance on cleaning in non-health care settings after a person with suspected Covid-19 has left can be found at: <https://www.gov.uk/government/publications/covid-19-decontamination-in-non-healthcare-settings/covid-19-decontamination-in-non-healthcare-settings>.

Tips for personal protection whilst working as an intermediary include:

- Only take with you what is essential. Leave your coat in the car. Keep jewellery to a minimum.
- Consider laminating body maps or other visual support so that you can wipe them down with cleaning wipes before and after use. Use toys that can be cleaned thoroughly.
- Have cleaning wipes with you and don't forget to explain to the vulnerable person why you are using them.
- Cleanse hands regularly (before, during and after the appointment).
- Keep communication aids and assessment materials to a minimum and transport in a wipeable folder or bag if possible.
- Consider the use of disposable gloves to handle assessment materials and/or communication aids.
- Take a pen and paper that can be left with the vulnerable person or disposed of after use.
- Place the written assessment materials into plastic envelopes and consider using disposable gloves for transportation.
- Change your clothes and shower on returning home.