

Number 30

IFJ Updates.

05/08/20-12/08/20

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

MoJ Procurement plans: are now available. IfJ is strongly encouraging every member to respond in writing (details below) to express their views on their proposed plans (please send your views to MoJProcurementLang@Justice.gov.uk) which will have a very significant impact on the intermediary service.)

IfJ Discussions

Remote assessment of a someone in custody: An intermediary has sought advice on other's experiences. Responses indicate a range of challenges and positive outcomes

Challenges:

- Defendant not entirely happy to attend.
- Prison guards talking outside door, distraction to defendant.
- Difficulties gaining an appointment as prisons have limited time slots available
- Not enough time to undertake a full assessment
- Not being able to use screen share which had impacts on using assessment material/sharing documents.
- Poor internet connection.
- Courts accepting intermediary reports with caveats included due to issues over assessment.
- An assessment of a non-verbal defendant was not a success , he had to write responses and hold up answers to the camera resulting in experiencing muscle spasms.

Positives:

- Intermediary had opportunity to speak with prison staff regarding defendant's ability to communicate.
- Courts have accommodated intermediary meeting defendant at the PTH.

Problems with on-line training: last week HMCTS provided on -line training as part of their response to the Coronavirus outbreak (COVID-19), are offering CVP demonstration sessions for all staff; this is to help you understand how CVP works and your role within the CVP hearing. Unfortunately, one intermediary dialled in on their laptop to then hear a conversation between a prisoner and a solicitor. The same issues occurred when they re-dialled in.

When and where do you as an intermediary wear a mask: An intermediary raised the question as to what situations are other intermediaries wearing masks? The following points were raised

- Masks should be worn at any indoor place (in addition to those places where it is mandatory) where SD may be difficult, or you are with people you do not normally meet.
- One intermediary described difficulty they experience wearing a mask, it makes them feel light-headed.
- Others described not wearing a mask and the actions they take to reduce risks: bringing their own cleaning materials and wiping services etc., frequent handwashing for all involved in a meeting, use well ventilated rooms.
- Issues raised often windows cannot be opened, young witnesses do not respect SD, if an intermediary wear a mask it is very difficult to communicate to a child.
- Requirements vary an intermediary report attending court and being asked to wear a mask and sit 4 m away from witness.
- An intermediary asks those they are working with if they would prefer, they wore a mask.
- Debate continues as to the benefit and disadvantages of wearing a clear visor and working behind a Perspex screen.
- Is it now OK for intermediaries to undertake work in family homes?

Case discussion and truth and lies in the case of young children: following on from last week's outline of a case (see below), the intermediary involved reports about concerns arising as to whether the child would cope truth and lies assessment. 'How young is too Young' by Ruth Marchant was shared with the OIC. The OIC stated regardless of whether the child could demonstrate understanding the interview would go ahead. The child indicated non-verbally that they had understood the difference whilst watching Triangle App video. Kev Smith has responded to a question asked on this subject and is happy for this to be shared

https://docs.google.com/document/d/1H4Q2ejartHotio_0Nne0_TNb2SOQpZ5mNeRWJuy1IYk/edit?usp=sharing

A question was raised as to whether practice of demonstrating T and L may not be necessary. It was explained that it is not essential, but that very clearly documented reasons must be given for not undertaking it. An intermediary made the point that with young children it is counterproductive to spend long on this aspect of the ABE. And also noted it is not the intermediary's role to assess T and Ls.

(a child aged 6 with linguistically and cognitively skills much lower than her chronological age possibly functioning at a 2/3-year-old level. The OIC is concerned she will not be able to respond to simple questions; she also becomes bored very quickly and leaves the room. Challenges she will not appreciate why she is at an ABE, would not be able to respond to 'tell me what happened'. She has been hospitalized suspected non-accidental injury and report x did this -pointing to injury.

Suggestions included Who are we here to talk about, reminding the witness that they told What did you tell them? ,a more direct question might be 'You told x about (suspects name), Or lastly you said x did y and hope this produces a response, provide visual response-photographs of key people/places ,creating figures to represent key people', gingerbread figures, Ask how injury happened/why did you go to hospital?)(

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- **Remote hearings**
- This is an appeal from a case management decision in care proceedings refusing an application by a parent with a learning disability for an **intermediary** assessment and the appointment of an **intermediary**. It particularly concerns the position of vulnerable individuals taking part in remote or semi-remote ('hybrid') hearings.
- [https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWCA/Civ/2020/763.html&query=\(Intermediary\)](https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWCA/Civ/2020/763.html&query=(Intermediary))

Covid-19 Transmission

Face covering use expanded in England and Scotland

<https://www.bbc.co.uk/news/uk-53702291>

Cases of Covid-19 at Manchester Crown Court

https://twitter.com/eleanor_gleeson/status/1292724758182854657?s=21

Three people had a positive results of testing and the court was closed.

<https://twitter.com/hmctsgovuk/status/1292746208956620800?s=21>

<https://twitter.com/kirrkorner/status/1292789966637072384?s=21>

Today 12/08/20 Manchester Crown Court remains closed as further members of the court and security staff have tested positive to Covid-19.



<https://www.manchestereveningnews.co.uk/news/greater-manchester-news/manchester-crown-court-remain-closed-18748827>

Sheffield Crown Court was also closed after a cleaner tested positive.

Rape survivors say they are stigmatised for not wearing masks

<https://www.theguardian.com/society/2020/aug/10/survivors-say-they-are-being-stigmatised-for-not-wearing-masks>

Other

The Punch: Aged 18, Jacob Dunne was convicted of manslaughter for killing a man with a single punch. This is the story of Jacob's transformation, with help from the unlikeliest of places.

Very interesting series - well worth a listen x

<https://www.bbc.co.uk/sounds/series/m000l0jr>

Watch dog exposes 'unacceptable' treatment of children in English court cells

<https://www.theguardian.com/law/2020/aug/07/watchdog-exposes-unacceptable-treatment-of-children-in-english-court-cells>

A man sexually abused as a schoolboy has been awarded more than £1m from his teacher's employer. Haringey Council's insurers argued unsuccessfully the assaults by Andrew Adams had caused no long-term trauma. <https://www.bbc.co.uk/news/uk-53475927>