

# COVID19 Video Remand Hearing Instructions for Defence Advocates Baseline V1.0 170420

## This document

This document provides an overview of instructions for participants to a Video Remand Hearing (VRH). The VRH will be done using Cloud Video Platform (CVP) which enables participants to appear in court remotely via video using Laptops, tablets etc. This document also refers to detailed guidance on relevant subjects in this regard and participants are advised that **the court will act in accordance with the Criminal Practice Directions as updated to reflect the COVID19 legislation.**

The document is divided into 4 sections as detailed below;

**Section 1** - Background and COVID19 VRH Operating Model

**Section 2** - General Instructions

**Section 3** - Technical Instructions - how to join via video for all participants.

**Section 4** – Specific instructions for Defence Advocates

## Section 1

### Background & C-19 VRH Operating Model

The COVID19 Video Remand Courts have been set up to enable courts to keep operating while maximising the use of video links to maintain social distancing and prevent court users from travelling to appear in person wherever possible.

The bench (magistrates and legal adviser/ DJ(MC) and court associate), Host/Court Video Operator (CVO) and some other essential court staff will be in the courtroom. In line with open justice requirements, the press and members of the public can still attend providing they observe the required social distancing rules.

Prosecutors, defence solicitors, probation, Liaison & Diversion (L&D), Youth Offending Teams (YOT) and interpreters are expected to join by video link, but the court retains the option to require their attendance if absolutely necessary. Solicitors may decide to join the defendant in police custody: this is a matter for them to decide.

The defendant will have been assessed in police custody for suitability to take part in their hearing by video link. Under the COVID19 emergency legislation it is only in exceptional circumstances that the police will produce a defendant to the court.

Courts will make a live link direction at the start of the day. Judicial discretion to rescind a live link direction is not affected by the emergency legislation.

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## Section 2 - General Instructions

No	Topic Area	Instructions
1	Suitable location for the Hearing (Participants joining remotely)	<p>As far as possible you must</p> <ul style="list-style-type: none"> <li>• Use a private room.</li> <li>• Ensure that during the hearing nobody else is in or enters the room you are in without the permission of the court.</li> <li>• Ensure there is no interruption or noise that may affect the hearing, such as desktop phones.</li> <li>• Use a simple white or pale blue background behind your chair as a good backdrop.</li> </ul>
2	What do I do to protect my privacy?	<ul style="list-style-type: none"> <li>• If you are appearing from home rather than an office give serious consideration to what can be seen in the background; remove pictures, photos and other identifiable objects and personal items.</li> </ul>
3	What to wear for Hearings	<ul style="list-style-type: none"> <li>• We expect you to dress appropriately, think about it, use common sense.</li> <li>• Be aware that striped shirts and blouses and busy check patterns will cause problems on video and therefore must be avoided.</li> </ul>
4	Do's & Don'ts during Hearings	<p>This is still a court hearing, and everyone must follow the same rules as if they were in the physical courtroom. This means:</p> <ul style="list-style-type: none"> <li>• only drink water</li> <li>• no eating</li> <li>• no smoking or e-cigarettes</li> <li>• only use your phone for contact with the Host/Court Video Operator where appropriate</li> <li>• follow the bench/judge's instructions</li> <li>• ask the bench/judge's permission to move away from the screen</li> <li>• Make sure the previous speaker has finished before you start to speak.</li> <li>• Pay extra attention if an interpreter is present, make sure you speak slowly and allow them the time to translate.</li> <li>• When you're not speaking mute your microphone and remember to unmute it when you're ready to speak.</li> </ul>
5	How will people know what my role is?	<ul style="list-style-type: none"> <li>• Enter this when entering onto the Video Platform (CVP) - <b>see the technical guidance</b> on how to do this. If you do this wrongly we can change this in the court.</li> </ul> <p>When joining, in the "your name" field please include <b>Your Name, Your role</b> and <b>Client Surname</b> in the box. e.g. <b>Mrs Alfie, Solicitor - Joe Bloggs</b></p>

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6	Receiving hearing notification	<ul style="list-style-type: none"> <li>• HMCTS will send email notification of hearing which will include a contact email address / phone number.</li> <li>• The contact details of relevant participants (as known at that time) will be shared as part of the email invitation. - <b><i>We need each agency / participant to provide their own contact details to the court. This must be a monitored admin email address with phone number.</i></b></li> </ul>
7	Who will ensure people know when to appear and are connected?	<ul style="list-style-type: none"> <li>• The Host/Court Video Operator (CVO) will coordinate the connection of participants to the video hearing.</li> <li>• They will ensure all participants are able to join the hearing before it starts. When the hearing is ready to begin they will lock the video court room to prevent others joining and ensure the smooth running of the video service.</li> </ul>
8	Sharing Case materials	<ul style="list-style-type: none"> <li>• Normal processes will continue unless CPS are unable to comply with this.</li> <li>• Where normal process is not possible, case materials will be sent to relevant participants by secure email.</li> <li>• During the hearing documents can be shared with the Video hearing on screen.</li> </ul>
9	Professional Discussions	<ul style="list-style-type: none"> <li>• The contact details provided by professional participants will be shared with the HMCTS Host/Court Video Operator and will be shared with other professionals as part of the hearing invitation from HMCTS.</li> <li>• This will allow professionals to carry out any necessary professional conversations <b>before</b> the hearing.</li> </ul>
10	Defendant Consultations (For Solicitors, Probation, YOTs)	<ul style="list-style-type: none"> <li>• The Police will manage this process and due to the limitations on face to face contact we expect this will be carried out <b>by phone</b>.</li> </ul>
11	Parent or guardian or appropriate adult of young people who are defendants.	<ul style="list-style-type: none"> <li>• Physical court room will be open and parents, guardian and appropriate adults can attend the court house.</li> </ul>
12	Victims who want to attend hearing	<ul style="list-style-type: none"> <li>• The court house is open, victims wishing to attend court may do so.</li> </ul>
13	Readiness for Hearing	<ul style="list-style-type: none"> <li>• All participants should be ready and logged in to the video platform 10mins in advance of their hearing.</li> <li>• Participants must test their wi-fi, computer, audio and any other video equipment.</li> <li>• Participants should check the attached help guide if having problems.</li> </ul>
14	Notifying court of any	<ul style="list-style-type: none"> <li>• Participants are expected to join the court at the scheduled time to</li> </ul>



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	exceptional circumstances if you are <b>not</b> ready for hearing	<p>explain to the Bench/Judge their reasons for non-readiness.</p> <ul style="list-style-type: none"> <li>• <b>The Judiciary reserves the right to proceed with the hearing despite non-readiness.</b></li> </ul>
15	How do I make sure I can see everyone on screen?	<ul style="list-style-type: none"> <li>• If you have two devices available to use e.g. a laptop and a tablet then consider using one device for your notes and one for the video hearing.</li> <li>• If you have a spare screen or TV you can connect it to your computer, then use it for your video window. It will make it much easier to manage your video feed and documents.</li> <li>• The screen design in CVP will maintain focus on the defendant, and then the current speaker will appear in a video window the same size.</li> <li>• The other participants will be shown along the bottom of the screen. You don't need to do anything.</li> </ul>
16	What do I do if there is a lot of internet traffic?	<ul style="list-style-type: none"> <li>• Audio and video quality may be affected given high internet usage while the country is in lockdown. If you are having difficulty connecting you can call the Host/Court Video Operator to get assistance.</li> <li>• You may want to minimise other internet use at your location while you are working.</li> </ul>
17	If you experience any technical issues with using CVP or if you have problems logging in or your link fails.	<ul style="list-style-type: none"> <li>• Please look at the guidance on GOV.UK at <a href="http://www.gov.uk/guidance/how-to-join-telephone-and-video-hearings-during-coronavirus-covid-19-outbreak">www.gov.uk/guidance/how-to-join-telephone-and-video-hearings-during-coronavirus-covid-19-outbreak</a></li> <li>• If this does not answer your queries, please contact the <b>CVP helpline:</b> 0330 808 9405 (Monday to Thursday: 9am to 5pm, Friday: 9am to 4pm)</li> </ul>
18	How far in advance of the hearing should I log on?	<ul style="list-style-type: none"> <li>• Allow 10 minutes prior to your hearing time to get onto the video hearing. You will not be able to access a hearing until the Host/Court Video Operator lets you in.</li> </ul>
19	Hearing Expectations and changes you might experience	<ul style="list-style-type: none"> <li>• The court will expect the case to be progressed in accordance with the Criminal Procedure Rules.</li> <li>• This includes taking a plea, conducting case management and sentencing as appropriate.</li> <li>• Each participant in physical court room should remain seated behind the microphone during the hearing to ensure all participants can hear.</li> <li>• You may find that the hearing will need to be managed more formally. For example, each participant may need to be introduced as they speak and their role reiterated.</li> <li>• Each stage of the hearing might need to be identified as you progress through it.</li> <li>• Longer gaps may be introduced between each participant as they speak.</li> <li>• You will encounter some hearings where there are audio delays and bad feeling can creep into a hearing if participants think they are being interrupted.</li> </ul>




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20	What happens if the hearing becomes unworkable due to technology issues?	<ul style="list-style-type: none"> <li>If the hearing becomes unworkable then the Court will make a decision on how to proceed and you will be kept informed.</li> <li>Call the Host/Court Video Operator on the phone. They will advise you on what happens next.</li> </ul>
21	What do I do if there is an interruption e.g. a delivery, dogs barking or children playing during my hearing?	<ul style="list-style-type: none"> <li>It is accepted that it may not be possible to avoid all interruptions in the current situation, but this must be kept to a minimum.</li> <li>If you have a known delivery of essential items e.g. medical supplies, then do not make yourself available for a video hearing at that time.</li> </ul>
22	What happens if we start talking over each other?	<ul style="list-style-type: none"> <li>If more than one person is speaking at the same time in a video hearing then no one can be heard.</li> <li>Expect the Bench or DJ to reinforce existing court etiquette. They will ordinarily invite each participant to speak.</li> <li>Be sure the previous speaker has finished before you start to speak.</li> <li>Pay extra attention to this if an interpreter is present.</li> </ul>

### Section 3 - Technical Guidance (how to join courtroom via video)

No	Topic Area	Instructions
1	<p>Joining via <b>Web Browser</b></p> <p>Any participants using an internet enable laptop e.g.</p> <ul style="list-style-type: none"> <li>CPS Prosecutor,</li> <li>Solicitors</li> <li>Interpreter</li> <li>Probation</li> <li>YOT</li> </ul>	<p>Follow attached instructions, we recommend you print this off</p> <p> Joining via Browser.pdf</p> <p><b>Note</b> When joining, in the “your name” field please include <b>Your Name, Your role</b> and <b>Client Surname</b> in the box. e.g. <b>Mrs Alfie, Solicitor - Joe Bloggs</b></p>
2	<p>Joining via skype</p> <p>Any participants using an internet enable laptop e.g.</p> <ul style="list-style-type: none"> <li>CPS Prosecutor,</li> <li>Solicitors</li> <li>Interpreter</li> <li>Probation</li> <li>YOT</li> </ul>	<p>Follow attached instructions below to join via Skype, we recommend you print this off</p> <p> Joining via Skype .pdf</p> <p><b>Note</b> When joining, in the “your name” field please include <b>Your Name, Your role</b> and <b>Client Surname</b> in the box. e.g. <b>Mrs Alfie, Solicitor - Joe Bloggs</b></p>

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3	<p>Joining using <b>Pexip Infinity Connect app</b> for Smartphone &amp; Tablet connection.</p> <p>Any participant using the connect app e.g.</p> <ul style="list-style-type: none"> <li>• CPS Prosecutor</li> <li>• Solicitors</li> <li>• Interpreter</li> <li>• Probation</li> <li>• YOT</li> </ul>	<p>Follow attached instructions, we recommend you print this off</p> <p align="center"> Joining via Pexip Infinity Connect app</p> <p><b>Note</b> When joining, in the “your name” field please include <b>Your Name, Your role</b> and <b>Client Surname</b> in the box. e.g. <b>Mrs Alfie, Solicitor - Joe Bloggs</b></p>
4	<p>Joining via <b>Justice Video Service (JVS)</b></p> <p>Any participant that is using a JVS endpoint e.g.</p> <ul style="list-style-type: none"> <li>• Police Custody</li> <li>• The Courtroom</li> </ul>	<p>Follow attached instructions, we recommend you print this off</p> <p align="center"> Joining via JVS Endpoint.pdf</p> <p><b>Note</b> We need to restrict the number of JVS endpoints being used to only the Courtroom and Police Custody, we are asking others to join in via their work or where approved, personal laptops via a web browser or using Skype.</p>
5	<p>Cloud Video Platform frequently asked questions</p>	<p>See attached instructions</p> <p align="center"> CVP Frequently Asked Questions V0.</p>

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### Section 4 - Specific instructions for Defence Advocates

No	Topic Area	Instructions
1	Notification of Defence Representation	<ul style="list-style-type: none"> <li>• We expect that the Defendant will have told the Police their solicitor's details or if they don't have a specific solicitor whether they wish to be represented by the court duty solicitor for the VRH</li> <li>• We will be asking Police Custody to tell the Court the defendant's Solicitor Firm's details, or alternatively which defendants wish to see the court duty solicitor. <i>This is a new process that we have had to introduce as we move to centralised 'Open Courts' where the staff will not be familiar with those solicitor firms.</i></li> <li>• We expect Solicitors, including the allocated court duty solicitor, to email the court by 8am in the morning to provide the representative's contact details.</li> <li>• HMCTS will provide generic email address for each court that Solicitors can email.</li> </ul>
2	How will I know if the judge/magistrate approves use of the video and what are the expectations if they don't?	<ul style="list-style-type: none"> <li>• The default position is that attending court is the exception. You can contact the court (via the nominated CVP mailbox) for any exceptions for the day.</li> </ul>
3	Will I be able to see my client in the police station? How do I deal with the police interview?	<ul style="list-style-type: none"> <li>• We expect you will still be able to visit your client in custody if you wish.</li> <li>• If CV-19 conditions worsen and you choose not to do this then you will have options to:               <ol style="list-style-type: none"> <li>1. Use video interview rooms if the custody suite is suitably equipped.</li> <li>2. In the absence of video interview rooms, or if one is not available, talk to your client by phone.</li> </ol> </li> <li>• You could use a police laptop for police interview but you may not wish to use it for confidential discussion with your client.</li> </ul>
4	How do I speak with my client in a police station?	<ul style="list-style-type: none"> <li>• You will be given time prior to the hearing to consult with your client, this will have to be a phone call to the custody suite.</li> <li>• You will have emailed the nominated CVP mailbox to introduce yourself, who you are representing and your contact details.</li> <li>• The Video Host will share these details with the police custody suite who will then contact you directly to make the arrangements for you to have your consultation via telephone.</li> </ul>
5	How do I access unrepresented defendants in police station when I am the court duty	<ul style="list-style-type: none"> <li>• You will have emailed the nominated CVP mailbox to introduce yourself, who you are representing and your contact details.</li> <li>• The Video Host will share these details with the police custody suite</li> </ul>

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	solicitor?	who will then contact you directly to make the arrangements for you to have your consultation via telephone.
6	Will I still need to attend court as the duty solicitor for overnight custody cases if all are to appear virtually?	<ul style="list-style-type: none"> <li>• No, you can attend by video like any other participant - Once you have introduced yourself to the nominated CVP mailbox you will be emailed instructions on how to do this.</li> </ul>
7	How will I know who is in the cells needing a solicitor?	<ul style="list-style-type: none"> <li>• The expectation is that during the interview a Duty Solicitor or a personal solicitor will have been involved. This means that the Police Custody suite will have filled in your details on a spreadsheet together with the defendant details and will have sent this to the Court video host.</li> <li>• The Video Host will then contact you if you have not already made contact via the CVP mailbox.</li> </ul>
8	How do I contact my client in a court cell?	<ul style="list-style-type: none"> <li>• If your client has been produced in court follow previous guidance on speaking to your client in court cell.</li> </ul>
9	What do I do if my client wants to talk to me in confidence during the hearing?	<ul style="list-style-type: none"> <li>• Take as full as instructions from your client as possible prior to the hearing. On the rare occasion that it is necessary to take further instructions, the hearing will be suspended while you talk to your client in private.</li> </ul>
10	How do I talk with CPS in private?	<ul style="list-style-type: none"> <li>• We will make sure you have the CPS prosecutor's phone number or email.</li> <li>• If you want to talk to them privately before the case call them. Make sure both your connections to the video hearing are on mute if your discussion with CPS is confidential.</li> </ul>
11	Which courts are offering video link remand hearings?	<ul style="list-style-type: none"> <li>• There will be a publish list of courts on gov.uk with details the nominated CVP email box for each court.</li> </ul>
12	How will I know the time my case is being heard?	<ul style="list-style-type: none"> <li>• The host/court video operator will give you an indication of the time by email</li> <li>• You will need to contact the court administrator to let them know you are ready.</li> </ul>
13	What happens if my client needs an interpreter?	<ul style="list-style-type: none"> <li>• The Interpreter will be booked by the Police.</li> <li>• The expectation is that the interpreter will appear by video, but may attend the police custody suite or court house.</li> <li>• Participants will need to speak in short sentences. Wait for interpreter to finish before starting your next point.</li> <li>• Following booking with Translation services HMCTS will receive an email notification that a booking has been made and will be able to</li> </ul>



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		access the email address and phone number for the translator so that the Host/Court Video Operator can send the CVP room link to them.
14	How do I manage screens and my notes if they are on the computer?	<ul style="list-style-type: none"> <li>• If you find you don't have enough space on your screen connecting your computer using an HDMI lead to a TV, or another computer screen. Depending on where this screen is, you will want to give some consideration to your background, and privacy.</li> <li>• If you only have one laptop sized screen available you may find it easier to have your notes on paper or a second device such as an iPad.</li> </ul>
15	What do I do if new information from CPS or Probation comes to light mid hearing?	<ul style="list-style-type: none"> <li>• This will be the same as in any other hearing. If the hearing circumstances change significantly, then you can ask for a pause in the hearing, or an adjournment. You can then talk to CPS or Probation on the phone in private.</li> </ul>
16	How can my client's family attend the hearing?	<ul style="list-style-type: none"> <li>• The DJ or Bench will be in an Open Court to which the public will have access. They will be able to attend court as normal, subject to social distancing.</li> </ul>
17	What do I do if I need to talk to my client after the hearing?	<ul style="list-style-type: none"> <li>• If released – this is a matter for you and your client. If you need to talk to your client make sure your client is aware of this before they are released.</li> <li>• If remanded to custody, please alert the Detention Office whilst they are appearing over the link before your client is taken to the custody cells. They will arrange to call you back over the phone so that you can hold the consultation.</li> </ul>
18	What will happen with subsequent hearings if my client enters a Not Guilty plea but is remanded?	<ul style="list-style-type: none"> <li>• The Court will be expecting to do a full first hearing including case management where a Not Guilty plea is entered. At present, although trial dates are being set, these will be subject to change as we expand our capability to undertake hearings while respecting social distancing. Subsequent interlocutory hearings may be on video.</li> </ul>

### Defence Advocate Summary Checklist on the Day of the Hearing

1. If attending court, please see the usher at the earliest convenient time stating the defendant you are representing and give them your contact telephone number and email address.
2. If working remotely, please email <designated mailbox> with details of defendant you are representing together with your contact telephone number, this will be shared with the police so that they can call you to arrange your consultation with your client.

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3. In return you will receive details by email of how to join the video hearing (if working remotely).
4. The Video Host will contact you regarding your client telephone conference and also the start of the video hearing.