



POWELL
SPENCER
& PARTNERS
S O L I C I T O R S

Address

Your Ref:

Our Ref:

Date: 18/05/2020

Dear Sirs

Re: Health & Safety at Work Act 1974 and Subordinate Legislation

Is it safe for advocates to attend court?

To assist us in meeting our legal obligation we seek reassurance that a full and professional risk assessment for all stakeholders involved in the administration of justice in the Magistrates Court has been completed.

Our current view is that Covid 19 is a highly infectious virus and that in practical terms it is extremely difficult to make office and court spaces safe. Particularly at risk are those who are exposed to multiple interactions, door and security staff, ushers and defence advocates. We also bear in mind that there is no effective voice to represent the views of lay attendees, complainants, witnesses and defendants, many of whom will have been in self-isolation and are themselves vulnerable or living in vulnerable families.

We expect that the risk assessment takes into account that context and that many defendants are vulnerable people with poor health due to alcohol and drug abuse and are less likely to have been social distancing and self-isolating.

Many in the defence community are in the older age brackets for whom the risk threshold is low.

It is regrettable that there appears to have been no consultation process with court users and that court user groups generally do not function.

270 Kilburn High Road, London, NW6 2BY DX 123862 Kilburn 2

Tel: 020 7604 5600 Fax: 020 7328 1221 www.psplaw.co.uk

Police Station Emergencies after 5.30pm Tel: 020 7624 8888

Partners: Greg Powell, Zaman Legal Services Ltd (Directors: Sinead Zaman, Saloud Zaman)

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Face to face taking of instructions and physical appearance in the court are hugely important features of the criminal justice system.

However, during the pandemic remote working has proved invaluable in protecting advocates. There are great problems in the Magistrates Court which need addressing if a return to normal working is to be achieved.

Specifically, we ask if the risk assessment addresses:

- (i) Queuing spaces on entry;
- (ii) Search free access for solicitors with LCCSA identify cards. This was permitted for several months during a recent pilot without issue.
- (iii) How security search, observe social distance and will staff use new gloves for each person?
- (iv) Social distance in corridors and stairs;
- (v) One in and out of WC areas;
- (vi) Hand sanitiser supplies in WC areas;
- (vii) Sanitising of door handles; if it is not possible to leave doors open
- (viii) Spaces in court
- (ix) With bail trials in mind, the ability to take instructions both privately and at a distance, such as in an unused court room rather than an confined consultation room.

And most difficult

- (x) The facility to safely take instructions from defendants produced in custody.

Fundamentally we remain to be convinced, if the virus is alive in the community, and in this respect the rate of infection is crucial, that the risks of travel to court and attendance can be met by even comprehensive arrangements but the first step it appears to us is to share with all stakeholders the risk assessment so that we can consider if it will meet our legal obligations.

Yours faithfully

Powell Spencer & Partner Solicitors