



## HARROW CROWN COURT

# COVID 19

## SOCIAL DISTANCING

**We are endeavouring to put in place measures to ensure that the requirement for attendance at court is minimised for all. There is significant scope to do this under our present powers.**

**The Coronavirus Bill contains extensive new powers to hold remote hearings. When the Bill is passed, we will update this guidance and will endeavour to review all cases and make live link directions decisions where appropriate.**

**Where attendance at court is unavoidable, a distance of 6ft/2m from others should be maintained in accordance with government guidance.**

**We urge those who are vulnerable to contact us in advance of any hearing listed for personal attendance to discuss an alternative to attendance at court.**

We will try the measures set out below:

1. We will hold as many pre-trial hearings as possible by telephone or by Skype. We have 3 spider phones and we are still new to Skype. ( Our focus for now is on the spider phones whilst we work to achieve Skype).
2. We will review all forthcoming pre-trial hearings and assess them for suitability for hearing by telephone or video link.
3. Pre-trial hearings which are potentially suitable for remote hearing (audio or video) include:
  - PTPHs
  - FCMHs
  - Compliance hearings
  - Preparatory hearings
  - Applications to stay for abuse of process
  - Applications for joinder or severance

- Applications for indication of sentence
  - Intermediary applications
  - Ground rules hearings
  - Uncontested bail applications
  - Defendant's contested bail applications
    - if D has waived his right to attend, or
    - if D attends via video link, or
    - if D was present when bail was previously withheld and has been in custody continuously since then
  - Prosecution contested appeal against grant of bail
    - if D has waived his right to attend, or
    - if D attends via video link, or
    - if the court is satisfied that it would be just to proceed even though the defendant is absent
  - Custody time limit extension applications
    - if D has waived his right to attend, or
    - if D attends via video link, or
    - if the court is satisfied that it would be just to proceed even though the defendant is absent
4. Pre-trial hearings held by telephone or Skype will be administered by a clerk, in a courtroom, and will be recorded on DARTS or on the Spiderphone system. Judges will not necessarily be present in Court.
  5. Where a direction is made for a pre-trial hearing to be heard by telephone or video link we will ensure that dial-in or Skype details are at the top of the widely shared comments section of the DCS. Please use these details and ensure that you attend the hearing promptly.
  6. Advocates should make a special effort to liaise in advance to cover the issues that would otherwise have been addressed at court before the hearing and to ensure that any documents are uploaded in good time. The list will need to run to time.
  7. Hearings will continue to operate in "open court" and public access will be available. The following guidance does not prohibit anyone from attending a hearing in person.
  8. Advocates who are in the building may come into a courtroom for a telephone hearing, rather than dialing-in, but are encouraged not to do so unless it is necessary.

9. Advocates who are in the building may come into a courtroom for a Skype hearing (although they will need their own Skype facility), but are encouraged not to do so unless it is necessary.
10. There may be circumstances where a defence advocate needs to be in the courtroom with the defendant for a pre-trial hearing. If others are attending the hearing by Skype hearing, the advocate should make their own Skype facility available, as the Court's facility will be used for the defendant.
11. We will review all forthcoming sentencing hearings for defendants in custody and assess whether it would be appropriate for D to attend via video link. In the event that the Court decides that D's attendance via PVL is appropriate, we will endeavour to secure a PVL slot rather than having D brought to court, to reduce the exposure of our staff and of the prison population, even if this necessitates an adjournment. At present, all other participants will be required to attend in person.
12. Trials at Harrow are currently suspended. We will identify the trials that we are going to list first when jury service resumes, and list them for a PTR to consider giving further directions in relation to participation by live link.
13. We will review all other listed hearings, including appeals and sentencing hearings for defendants on bail, to decide whether the hearing should be adjourned to a date after the anticipated amendments to the Crime and Disorder Act 1998 and the Criminal Justice Act 2003 come into force. It may be appropriate to adjourn rather than to hold an attended hearing before that date if the hearing is one for which the Court would have the power to make live link directions with the objective of reducing attendance at court.
14. Anyone who wishes to wear a mask during court proceedings is welcome to do so. We will endeavour to deal sensitively with any issue as to security, identification, or people making themselves heard.
15. In courts with more than one case listed advocates and defendants are not expected to be in court before the case is called on. Please be available in the general vicinity of the court when your case is due to be called on.
16. The lists will have additional time markers to separate cases and to reduce waiting time at court for all participants. When you have finished a case please leave the courtroom promptly so that the following case can be called on.
17. Advocates should generally avoid the front row of benches to maintain separation from the clerk. Advocates are invited to spread out to any appropriate position so as to achieve distance between participants in a hearing. If you are further from a microphone than usual, please be aware that you will

need to speak up to ensure that recording and amplification into the dock are effective.

18. No paper documents should be passed around at any hearing. In light of the Bar Council guidance on litigation, I formally give my permission to any advocate to upload materials required for their case to DCS.
19. Officers in the case will not be required to attend for non-trial hearings: the default position when an officer is required will be for them to be available by telephone.
20. Interpreters are encouraged to sit further from the person for whom they are interpreting than would be normal.
21. In hearings where a defendant is on bail, and there is no immediate prospect of bail being withdrawn, defendants will not be required to surrender to the dock, to reduce the exposure of our dock officers.
22. Witness Support is not operating at the moment, so our court staff are having to look after any witnesses who attend.

**What you can do to help:**

23. Please review your cases listed for trial, and communicate with the other party, to explore any possibility of resolution without trial.
24. Please be pro-active in alerting the court if you think it is appropriate for any hearing to be heard remotely.
25. If there is information known to you which would assist the court, please let us know: for instance, if the defendant does not wish to attend a contested bail hearing or a custody time limit extension application, we would be able to list those applications as a remote hearing.
26. Your duty to actively assist the court in fulfilling its duty to actively manage the case includes under CPR 3.3(2)(e), a duty to alert the court to any reason why a live link direction in relation to a pre-trial hearing should not be made, or should be varied or revoked.
27. Please assist our staff where you can, and in particular help them to maintain their distance.
28. If members of the public attend in support of a defendant and you have the opportunity, please ask them to sit apart from each other in the public gallery.

If you have any further suggestions as to how we might improve these proposals, please email the Harrow Crown Court, and mark your email for the attention of HHJ Dean.

**HHJ Rosa Dean**  
**Harrow Crown Court 23<sup>rd</sup> March 2020**