



Ministry
of Justice

Guidance for intermediaries during the Covid-19 pandemic

This guidance has been prepared for the use of all intermediaries working in the justice system of England and Wales. It covers all the areas in which intermediaries currently work, in line with the general principles on social distancing and protection 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 at least a [2 metre distance](#) (or, in England only, 1 metre with [extra precautions in place](#), such as wearing face coverings or increasing ventilation indoors). Avoid contact with anyone displaying symptoms of coronavirus. These symptoms include:
 - a high temperature; and/or
 - loss of, or change in, normal sense of taste or smell; and/or
 - a new and continuous cough.
- On 4 January the Prime Minister announced a [national lockdown](#) for all of England. You should ensure you are aware of [what you can and cannot do](#).
- There is different advice for [Scotland](#), [Wales](#) and [Northern Ireland](#).
- Intermediaries can continue to travel for work purposes where they cannot reasonably work from home.
- 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 self-employed you may be eligible for the [scheme](#) 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.
- You must follow government advice on [wearing face coverings](#) (see subsection below).
- When travelling, walk or cycle if you can.

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.

Shielding and protecting clinically extremely vulnerable people:

- If you fall into the '[clinically extremely vulnerable](#)' category (or have frequent contact with people that do), you must be particularly stringent in following social distancing measures.
- You should follow [government guidance on shielding and protecting people who are clinically extremely vulnerable from Covid-19](#).

Face coverings (general use):

- Unless you are [exempt](#), you must wear a face covering in a range of indoor settings, including public transport, transport hubs, and community centres.
- Rules on wearing face coverings vary in different parts of the UK. You can find out more about requirements for face coverings in Wales on the [Welsh Government website](#).

Face coverings in court buildings:

- You should wear a face covering [inside court and tribunal buildings](#) except in special circumstances where you are advised to not wear one.
- [Special circumstances](#) may include instances where you are speaking to or providing assistance to someone who relies on lip reading, clear sound or facial expressions to communicate.
- Face coverings are being made available to visitors and you can ask a member of staff for a face covering if you need one, though you are asked to bring your own.
- Individual court policies may vary throughout the UK, which will be made clear to visitors on arrival.

Face coverings in police stations:

- You should not need to wear a face covering inside police stations. However, judgements on this matter will be made on a case by case basis according to circumstances.
- You may wear a mask if you are clinically extremely vulnerable. Note that this should be explained in your report.

You do not need to wear a face covering if you have a practical reason not to. For example:

- You have a disability or health issue that makes it difficult.
- Wearing one will cause you severe distress.
- A deaf person you support needs to read your lips.
- You are eating, drinking or taking medicine.

Children under the age of 11 (in England and Wales) do not need to wear a face covering.

A [full list of exemptions](#) is available on GOV.UK.

If you have a reason why you cannot wear a face covering, you may find it helpful to wear a lanyard with an exemption card or to carry an exemption card with you (see the HMCTS example exemption card [here](#)).

2. Critical worker status of intermediaries

The [list of critical workers](#) includes those essential to the running of the justice system. Guidance was circulated to intermediaries by the Ministry of Justice on 23 March 2020, 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 (freelance 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

Important:

Please remember that it is the responsibility of the police to make the arrangements necessary to mitigate the impact of the Covid-19 pandemic on all participants of the assessment and interview processes, including Registered Intermediaries (RIs).

It is also the responsibility of the police to advise the witness or their carers about these arrangements, including the need for social distancing and the use of any protective clothing where appropriate.

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;

If the vulnerable person cannot adhere to protective measures, the intermediary may discontinue the assessment and report this finding to the end-user.

- (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 with 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/du

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 at least 2 metres apart (or, in England, 1 metre [with extra precautions](#)), 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 advised that interviews with victims and witnesses should go ahead provided that the circumstances of those involved and the facilities at the proposed location of the interview are such that government guidance in respect of social distancing can be complied with.

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 ensuring tables have been wiped down prior to interview, handwashing, and maintaining at least a 2 metre distance when this is possible (or, in England, 1 metre [with extra precautions](#)).

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 resumed [support for witnesses in court, as well as pre-trial visits](#) in most courts. Telephone and video support remains available for witnesses.

9. Hearings and trials

Courts are open for face to face hearings. HMCTS have [introduced measures](#) to make sure that judges, legal professionals, staff and all those attending hearings can maintain effective social distancing. Certain hearings may be conducted by telephone or video, or with certain parties joining in person with others on the telephone or video.

Some intermediaries are participating in [remote hearings](#), particularly those who work in the family courts. HMCTS have published a [list](#) of 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 weekly 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: Core advice](#)
- [Welsh Government: Core advice](#)
- [Travel and transport advice](#)
- [List of key workers](#)
- [HMCTS: Coronavirus \(COVID-19\): courts and tribunals planning and preparation](#)
- [HMCTS: Weekly Operational Summary](#)
- [HMCTS: Keeping court and tribunal buildings safe, secure and clean](#)
- [HMCTS: telephone and video hearings during coronavirus outbreak](#)
- [CPS: Coronavirus-related updates](#)
- [Joint CPS and NPCC custody protocol](#)

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 | Person's home or statutory location | |
| | Size of room - Can social distancing be achieved? At least 2 metres, where possible (or, in England, 1 metre with extra precautions , such as wearing face coverings or increasing indoor ventilation) | |
| | 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? E.g. 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-healthcare 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.