



Chair: **Caroline Goodwin QC**

COURT VISITS

In the last week I have visited a number of court centres including:

Leeds, Newcastle, Minshull Street, Old Bailey, Bristol and Cardiff.

It is important to stress from the outset that there has been a significant improvement in the cleanliness in the buildings. There has clearly been an enormous amount of hard work and thought applied to the buildings. Many of us have in mind, worn out, dirty unkempt buildings, where it felt as if there was a lack of investment; torn and broken seats were par for the course with waste bins left full. This has coloured the attitude of many such that that embedded impression has left us with the challenge of reassuring our professional colleagues that the buildings are safe.

The advent of COVID-19 has meant that there has had to be an overhaul of the approach to the general cleanliness and maintenance of the buildings so that they meet relevant public standards.

We have a working template of the approach to be adopted at each building. It has to adapt because the shape and layout of each building is so very different. However, there are basic issues that need to be addressed so that a consistent standard is delivered across the court estate.

FIRST IMPRESSIONS

At the moment none of the courts visited are particularly busy and those court centres where counsel are going in or have been in, such as Leeds, have been provided with staggered listing times so that there is no bottleneck of counsel. When we move to a more regular listing of cases that is something which will need to be addressed. Certainly, it appeared to work at Leeds.

SIGNAGE ON APPROACH TO THE BUILDING

Each court centre I attended had different attitudes to signage on the approach to the building. Minshull Street had clear and particularly large stickers on the ground reminding individuals where to stand, Newcastle did not, nor did Cardiff. However, the direction of travel was clearly marked at each court centre save Newcastle, so I knew which way I had to go, not only on the way in but once I was in. This was done with either

gaffer tape or written signs. At the Bailey, there was no signage outside as to distance to be maintained and here there was a little queuing. People were sensible and kept a distance but some signage as to distance to be kept apart may need to be used at all courts in the future if people have to queue outside. That of course may be alleviated if start times are staggered.

On moving into the building at Leeds, Bristol and Minshull Street, I was asked if I was suffering from any of the symptoms of Covid 19. The security staff had masks and gloves on. I was also offered or rather told to use some sanitizer on going into the building. That was very good and without question made me feel safe. That did not occur at either Cardiff or Newcastle.

TRAYS AT SECURITY

I was asked to put any items I had into a tray at both Bristol and Leeds, those trays were then wiped out. The trays at Newcastle were just pushed back under the security screen for the next person to use and indeed the person behind used immediately the same tray. Cardiff was likewise with no questions asked as to symptoms. Sanitizer was on hand and the trays were also cleaned out at the Bailey. (These issues have now been addressed)

COUNSEL'S ID CARD

Counsel's id card is presently listed as an essential. In many court centres that can be adequately implemented, as the entrances are wide enough. If the use of the same creates a bottleneck because access to a building is limited, such as at the Bailey, then that ought to be communicated to counsel so that that situation is the exception rather than the rule. Indeed, as we move forward it might be a good idea for each court centre to have on its website what facilities can be expected, eg robing room. Some counsel have used court to robe. The approach simply needs to be clear.

SOCIAL DISTANCING- reminders

At the Bailey, there were a lot of staff congregating in the security area such that social distancing was impossible, at times the staff forgot the 2m rule.

As an aide Memoire, Leeds Crown Court and Bristol both had a tannoy that relayed the need for social distancing. If that can be used at all courts that would be excellent. In addition, at the Bailey there was a video from WHO on screen setting out the problems with Covid 19, the need for social distancing being reinforced. It was clear and easy to understand.

Within some buildings there was signage on the floor about distancing and it certainly reinforced the point. Not all buildings had that and after having had that experience it rather exposed those courts where it was not so used. An alternative may be to have more signs up on walls. This is a message that needs to be repeated. When trials are up running as at the Bailey what was apparent was that areas where people were congregating was

in the vicinity of the court and so reminders as to social distancing will be needed in those places. Counsel were actually the worst offenders.

MARSHALLS:

ONE WAY SYSTEM, SEATING, LIFTS, LAVATORIES

Marshalls need to be deployed carefully. At the Bailey, there was no marshall in the area outside court 16 where the jury was waiting to be selected and unfortunately one of my group just walked into that area by accident. Feedback from users at the Bailey has included that there was no signage or materials erected to prevent or assist with the movement of people around the building; Their deployment was excellent at Newcastle, Leeds, Minshull street, Bristol and Cardiff.

In all centres, save the Bailey, the one-way system was clearly marked. Feedback from the Bailey further included that there was no signage directing people where to go and it was not obvious.

As to seating at all court centres this was taped in the corridors, such that two metres social distancing was maintained. Signage was also clear as to one person into the lift. Some centres utilised going up in the lift and down the stairs.

ROBING ROOMS

The robing room at Minshull street was still full of paper from the last trial, it concluded just at the point of lockdown, but more importantly in the robing there were belongings that had been left from some time ago. Robing rooms generally will need to be cleared out. There may need to be something said or done about that as an issue. We would suggest more sanitizer available in those robing rooms that are going to be used. There was one sanitizer in Minshull Street and *none* of any description at the Bailey.

Computer terminal: Keyboards are to be removed. This was not the case at the Bailey. As a reminder re social distancing, there was only one sign in each of the Bailey robing room's and counsel has commented that it ought to be clearer with more signage. Apparently, counsel has been told they have the use of a shared kettle as there are no catering facilities. Counsel should make provision by way of using a flask, unless the kettle provided has wipes available. All counsel are to provide their own in court refreshments.

CPS ROOM

Some rooms have been tidied.

CLEANING SERVICES

In all court centres I visited I saw cleaners, cleaning chairs and wiping the contact points. I witnessed this at Leeds being done in court, between each hearing where counsel had attended and also cleaners going into to wipe surfaces during lunch in the trial courts.

Cleaners were visible at all court centres dealing with contact points. The visibility of that was reassuring and one would hope affective.

THE COURT ROOM EXPERIENCE

JURY TRIAL

Minshull street

Minshull street was a “in the round”. A three-court model. The jury were sitting in and around the court, including the public gallery and Counsel were using the benches in a socially distanced way. Chairs were clearly marked so that people did not sit on them. Prosecution counsel will make their address to the jury from the witness box. There is the spill over court next door for the public and press and then of course a court for the jury in which to break out. It will be interesting to see that working in practice and from my notes below you will see I do think it can work. At Minshull street, when the jury is sworn some cps staff and solicitors will go out just to accommodate space and will then come back in. This set up does mean that the judge and jury have to keep an eye on the line of sight when a witness is giving evidence, but it can be done.

I also attended the Bailey, Cardiff and Bristol, all trial court centres.

Bailey:

I went to the Bailey Monday. The Bailey of course has two physical trials already running which are leftovers from pre-COVID-19. One is a six hander where all the defendants are appearing remotely. That trial is utilising the three-court model. In the main court with the judge, are the jury and relevant counsel, with the spill over court absorbing some members of the public, press and counsel invariably junior counsel who have access to the proceedings by way of live streaming. It appears to be working and I spoke to Leading Counsel who was in that trial, who commented that it was just taking a long time!

As to the main post covid 19 trial – death by careless, Court 16; what was interesting was that the jury assembly area was a large section of the public thoroughfare which had been cordoned off by the use of screens. I think this approach is one that can be adopted in many more court buildings as people begin to understand the 2 m rule and what they can or cannot achieve. Once in court, the jury did rather look as if they were sitting at school looking forward towards the judge as they were sitting in counsel’s benches and counsel was occupying the jury box. The only drawback to this approach was that for some jurors the far side of the witness’s face was obscured and so counsel will need to be reminded about that.

The spill over court was not used as there were not so many interested parties, they were able to come into the side of the well of the court (deceased family) as well as reporters. I am sure that with some imagination there may be other areas of our buildings that can be cordoned off as spill over areas for streaming, rather than using a whole court. I am sure that there is a lot of office space within the buildings which could be utilised in this

way. The spill over court could easily be accommodated in another building, freeing up those courts where security is required and of course if they fit social distancing.

The use of live streaming has changed everything. We can see that because Southwark is being streamed to the Bailey.

Prosecuting Counsel, is sending me a note of his experience and thoughts. I can feed that into the group where necessary.

Leeds:

Excellent

Newcastle:

I have also seen Newcastle and that needed a little improvement on entry, no sanitizer, no defined system as comparison to other courts and some cleaning issues but that has been addressed as I mentioned it when there. This is a learning process.

Bristol:

I attended Bristol on Tuesday, the trial of a 15-year-old. The only trial active in that building. Again, the three court model was being used. The public gallery in court one is on a separate floor and so they had the defendant's family in that area in a socially distance way. In the main court, the jury was again dotted around including sitting in what is normally the public gallery and press box. It's again a very imaginative use of the space. In the breakout court there were the solicitors press, and generally interested parties. At the commencement of proceedings in the trial court, the judge enquired about the health of the jurors and in the breakout court a similar document was read, with the added invitation only to leave the court at a break.

There were in reality no more than 9 people in that court and this to my mind is a lot of space being devoted to a small handful of people. A better consideration of space can be applied, eg a cordoned off section of a large walkway such as we have in Newcastle. Those proceedings can all be recorded.

I spoke with both Counsel in the case again, and they were entirely satisfied as to arrangements.

Cardiff:

I then went onto Cardiff and spoke to the trial Judge, who was hearing at that case and also spoke to defence Counsel. The three- court model again and looked to work well.

There is a vast space in that building where perhaps a jury could assemble safely or could be diverted for when they come to consider their deliberations. Defence counsel has sent me a note and it is helpful and encouraging. The defendant felt engaged.

Jury:

What struck me, was that each jury I saw, looked incredibly relaxed and had bought into the process. They had with them their own hand sanitiser, tissues et cetera. They need access to their own bins; I thought the most expedient thing to use would be in fact for

them to bring a small freezer bag in which they could place their own tissue and dispose of their own rubbish, thus limiting the spread of any disease. The staggering of times for attendance would help where the use of public transport is a must. The payment of the congestion charge and parking I believe may be being done and if it is, it ought to be carried out universally.

I thought that the individual use of jury bundles was excellent, and they had monitors which just alleviates another area of worry. Some cases are better suited to certain types of court layout and that can soon be identified.

I also thought that the removal of some of the fixed seating and being replaced by chairs would make the space more flexible.

I very much felt that the jury wanted to be there.

I came away with a positive feeling. Slow for sure at this stage but fair yes.

THE FUTURE

- The one area which was of concern was the approach in respect of counsel and perhaps counsel's facilities. Some have felt that not as much attention has been paid to the needs of counsel at this particular juncture. Those doing trials will need facilities to use during breaks which are clean and adequately provided for by way of sanitizer.
- In more general terms, the Edis protocol must not only be circulated everywhere but adhered to. If an item is described as an "essential" as opposed to "desirable" then it must be there. If it cannot be provided, then they will need to be some explanation.
- There needs to be a common door policy, e.g. consistent questions asked at the point of entry to a building and the consistent administration of sanitiser upon entry. It is not to be underestimated as to the psychological boost that that provides when coming into a building.
- Each court should produce a short PDF as to what facilities counsel can expect. Some Robing rooms will be closed some will be open.
- Given the change in our operational set up, many have been watching the TV news bulletins with interest so that they can understand the layout of the court. That is not going to be available for every single court because as the issue becomes less newsworthy, we need our own short video as do members of the public, so that all parties are not taken by surprise. We are all fixed in our minds as to what we understand to be the position. It does not need to be MGM. Every building has a different physical space that it can offer and so the use of the same will be different.

- Further, there was a lot of superfluous signage up and that rather obscured the important COVID 19 material.

AIR FLOW

Many thanks to Sam Bolton and the rest of the team for the explanation. The Building management systems needed to be understood.

I fully hope it will deal with the concerns that have been raised.

METHODOLOGY

It would assist if HMCTS could make clear in plain English which courts have been visited by PHE or PHW and how it is that those which have not enjoyed a visit have been signed off. Even though there is material published, questions are still being raised as to whether each building is officially checked by PHE or PHW or is it the applicable checklist that is being utilised which is signed off with its application being undertaken by a third but qualified party. It just needs to be in words of one syllable.

RISK ASSESSMENTS

The risk assessments for each building ought to be published on line as well as the Method statement for each court.

The above would alleviate a number of concerns.

GENERAL

None of this is perfect but the reinvigorated approach to cleanliness in the buildings was very much appreciated and it is hoped that irrespective of COVID-19 that that approach remains. I would like to thank all staff and Judges who helped. It was a great collective effort. It actually was a pleasure walking into some of the buildings.

Overall this new approach really needs to be adopted and taken forward. I personally would like to see imaginative thinking and a greater use in any event of the space in the buildings we have.

I am attending Warwick on Friday.

Caroline Goodwin QC
Chair CBA